

## Delo Freitas

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**From:** Colin Fiske <[REDACTED]>  
**Sent:** Monday, March 13, 2023 3:51 PM  
**To:** Peter Lehman; Scott Davies; Christian Figueroa; Judith Mayer; Dan Tangney; Matthew Simmons  
**Cc:** David Loya  
**Subject:** Gateway & General Plan Review Process

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners,

The City Council has wisely chosen to set a deadline of June for finalizing a draft of the Gateway Plan, Gateway form-based code, and other General Plan updates. This is a very reasonable deadline. Following this timeline, final adoption is still a year away (and more than 2 years from when the first draft of the Gateway Plan was publicly released). But meeting this deadline will require the Planning Commission to complete the remainder of its review in a more efficient and disciplined manner. The [process proposed by Vice Chair Davies and Director Loya](#) to accomplish this task is a reasonable one, and we encourage you to take it up at your meeting on Tuesday.

We remind you once again that the Gateway Plan is the most bike and pedestrian-friendly, and the most climate-friendly, land use plan yet proposed in our region, and we strongly support it. Adoption of the Plan and its form-based code are a necessary step toward meeting the city's housing, climate, and transportation goals, all of which require significant and urgent changes to the status quo.

Thank you.

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Colin Fiske (he/him)  
Executive Director  
Coalition for Responsible Transportation Priorities  
[www.transportationpriorities.org](http://www.transportationpriorities.org)

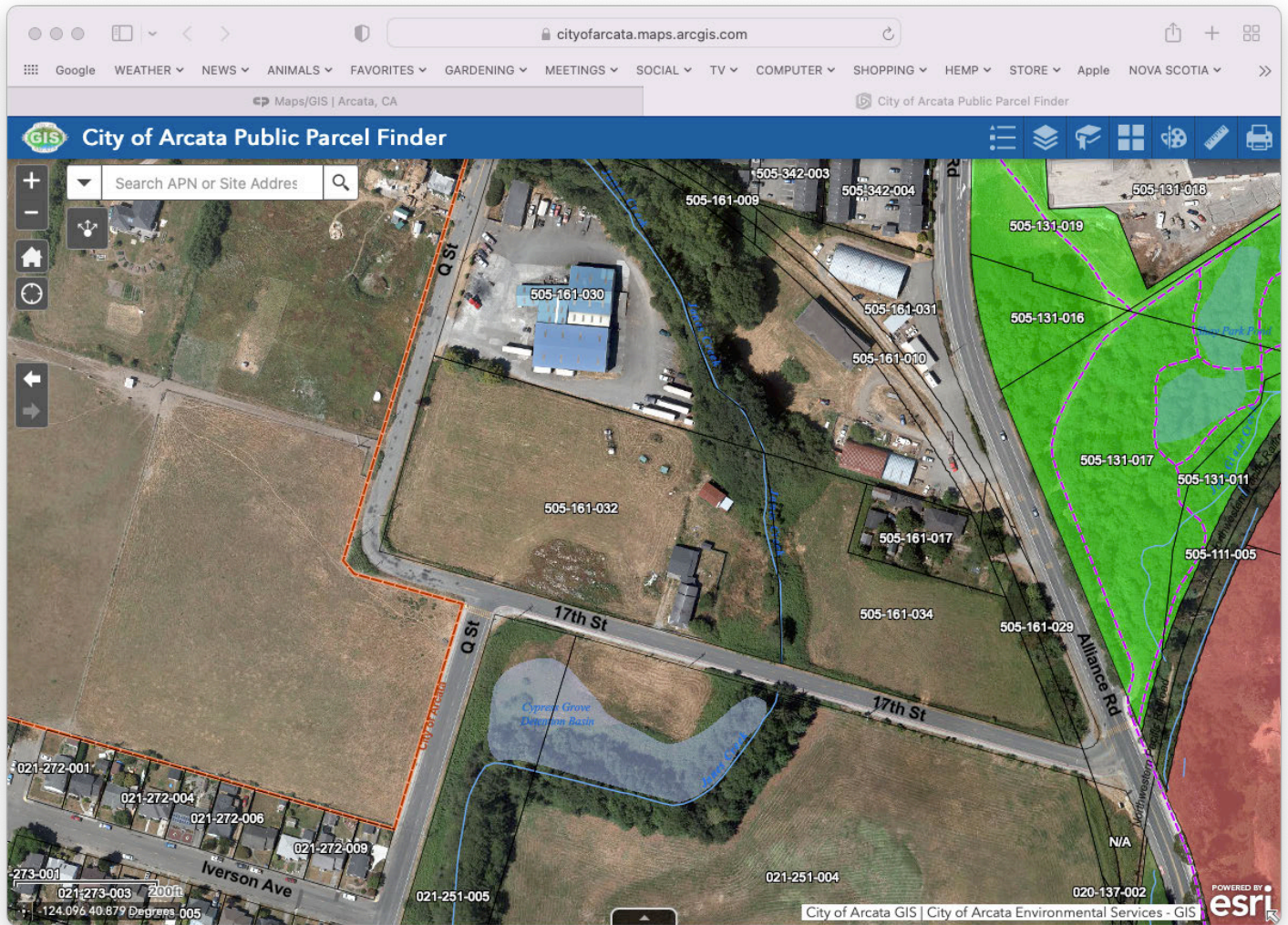
**Delo Freitas**

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**From:** lisab <[REDACTED]>  
**Sent:** Tuesday, March 14, 2023 5:04 PM  
**To:** julieve@cityofarcata.org; Judith Mayer; Dan Tangney; Scott Davies; Christian Figueroa; Peter Lehman; Matthew Simmons  
**Cc:** David Loya  
**Subject:** Re: Comment on Growth Management and Land Use  
**Attachments:** Letter to Commission 31423.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached my comments for your meeting this evening.



Dear Arcata Planning Commissioners,

Please orient yourself to the three parcels identified in the map shown above located north of 27<sup>th</sup> Street and east of Foster Avenue just off of Alliance. To help identify the location, note that the Cypress Grove conservation easement is across the street to the south.

Parcels #505-161-032 #505-161-034 and Parcel #505-161-017

The two large parcels total 5.15 acres and are currently zoned Agriculture Residential which is an Agricultural and Resource Zoning District as per our General Plan and Land Use code.

Janes Creek essentially bisects the two parcels, currently in the same ownership. The properties are in a AE-Floodway FEMA mapping zone as well as a Moderate to High Liquefaction area.

The soil in this area is considered prime agricultural soil as per Arcata's Land Use code and is by all means protected by policies in our General Plan 2020 as a valuable, scenic and prime agricultural parcel within our city limits. The properties flank our western edge (as denoted by the red line on the map).

At your last hearing, these parcels were included with several other parcels to the north for consideration by the Commission for a zone change to RM, Residential Medium. I am very opposed to this recommended change as it violates our own policies designed to protect agricultural resources, both within and to the west of our city limits. These parcels combined with surrounding resource lands form an important "Gateway" or transition to the rural setting of the Arcata Bottom and our Greenbelt. They are flanked on all sides excepting the north by resource lands including a park and a conservation easement.

The importance of small agricultural parcels hosting suitable soils for small scale agricultural pursuits are an unusual commodity and extremely valuable to retain in our community. Please retain the agricultural zoning (AR) for these parcels in keeping with our General Plan policies and intent.

Thank you for your attention.

Lisa Brown

Arcata

## Delo Freitas

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**From:** Richard Engel [REDACTED]  
**Sent:** Monday, March 13, 2023 9:36 PM  
**To:** Peter Lehman; Scott Davies; Christian Figueroa; Judith Mayer; Dan Tangney; julieve@cityofarcata.org; Matthew Simmons  
**Cc:** David Loya  
**Subject:** I support the Gateway Area Plan

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Dear Arcata Planning Commissioners,

I am writing in support of the planned Gateway Area Plan. Housing in Arcata is already in short supply, and Humboldt County's population is likely to grow considerably, with the expansion of the university, development of offshore wind, the Nordic Aquafarms project, and expansion of broadband internet allowing more remote workers to choose to live in Humboldt County. Providing affordable housing options in Arcata is critical, in order to reduce the traffic and carbon emissions that would result from Cal Poly students having to commute in from more distant communities like Eureka and McKinleyville.

Given the likelihood of population growth in Arcata, it makes sense for Arcata to preserve open space and minimize travel-related carbon emissions by densifying housing within walking distance of downtown and the university. For environmental quality, it is much better for whatever growth Arcata chooses or accepts to be within the community's existing developed footprint, and the best way to densify is by growing upward with multi-story housing, rather than growing outward as Arcata did during the 20<sup>th</sup> century. The Gateway area, with its proximity to downtown and its extensive lands that are previously developed but currently under-used, is the ideal candidate to absorb most of this needed densification.

The vision of Gateway described in the draft Gateway Area Plan is a good direction to move in from the area's current condition land uses. I endorse adoption of the plan essentially in its current form.

In addition to the ongoing discussion on building heights, setbacks, and other dimensional characteristics, I would also like to see the City adopt standards on color as part of the Gateway Area Plan. In recent new housing and commercial developments I have seen in Humboldt County and other locations I have recently visited, it seems to be the current fashion to use outdoor building finishes in dismal colors like gray, charcoal, putty, and black. Think of the finishes you see on recent model Subaru Outbacks. Bleah. These are not colors to inspire a sense of joy and wonder in the people who inhabit such buildings. Arcata has plenty of good examples of bright, vibrant color schemes in its buildings that do transmit joy. I hope that the City will adopt guidelines that steer clear of the current, hopefully short-lived fad of painting buildings in drab, goth-fan color schemes.

Thanks for considering my comments.

Sincerely,

Richard Engel

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## Delo Freitas

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**From:** Lulu Mickelson [REDACTED]  
**Sent:** Tuesday, March 14, 2023 2:14 PM  
**To:** Peter Lehman; Scott Davies; Christian Figueroa; Judith Mayer; Dan Tangney; Matthew Simmons  
**Cc:** David Loya  
**Subject:** Comment for Arcata Planning Commission

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Dear Arcata Planning Commission,

I wanted to express my support for the [process proposed by Vice Chair Davies and Director Loya](#) and encourage you to adopt this approach as a Commission. I believe this approach will be key to meeting the City Council's deadline of June for finalizing a draft of the Gateway Plan, Gateway form-based code, and General Plan updates.

It will also help encourage public trust and participation. Over the summer, I attended numerous Planning Commission meetings to express my enthusiastic support for the Gateway Area Plan. But each meeting I attended resulted in analysis paralysis. The Commission was not able to move decisions forward. Confused and frustrated by the process, I stopped attending meetings. I am hopeful that the June 2023 deadline and the proposed meeting protocols will help provide more clarity, transparency, and momentum for the process.

I would also like to restate my support for the Gateway Area Plan. As an Arcata resident who has struggled to find quality and affordable rental housing in the city, I believe the Gateway area plan will help open important new opportunities for housing by creating thoughtful density that benefits the community and the environment.

And, as someone who has worked professionally in housing and planning policy, I am impressed with the comprehensive and creative approach of this plan. It will help our community thoughtfully and proactively accommodate the growth this region is experiencing through strategic infill rather than sprawl that robs us of our beautiful wild and cultivated lands. I am particularly impressed by the commitment to centering equity; to creating a walkable and bike-able area that prioritizes people over cars; and creating new opportunities for local businesses and housing that includes community assets for all new development.

As a small community, this plan will be critical to ensuring that we manage the current and coming changes in population in a way that aligns with our values and ensures the greatest benefit for our community.

Thank you,  
Lulu Mickelson  
Arcata renter

## Delo Freitas

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**From:** Jenifer Pace [REDACTED]  
**Sent:** Tuesday, March 14, 2023 1:48 PM  
**To:** Peter Lehman; Scott Davies; Christian Figueroa; Judith Mayer; Dan Tangney  
**Cc:** David Loya  
**Subject:** Gateway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello!

I wish to express my full support of the Gateway Plan once again. I urge you to complete the review process in due course, and avoid any unnecessary delays. Time is of the essence.

Many thanks for all your work on this. I wish you forward movement!

Jenifer Pace  
Arcata CA



## DeLo Freitas

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**From:** Dave Meserve [REDACTED]  
**Sent:** Wednesday, March 15, 2023 1:07 PM  
**To:** David Loya; DeLo Freitas  
**Subject:** Grant and Eye Sts. Zoning

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Dave Meserve here. I am writing as a long time resident and land owner at 910 and 922 Grant Ave. From your recent postcard, it appears that you have incorporated our area into what you are calling the " Craftsman's Mall/St. Louis Opportunity Zone".

In fact, Craftsman's Mall is an industrial area to our north that is going to be developed for housing by Cal Poly Humboldt.

Our neighborhood, which includes Eye St., Grant Ave.,and Todd Court, is currently zoned Residential Low Density, and is apparently set up to be changed to Residential High Density. There are approximately 60-70 housing units in this area, and the change that has been proposed will allow Strombeck to develop his 1.7 acres by the tennis courts into a 70 unit apartment complex, doubling the neighborhood population. Other than that, the zoning change will have minimal effect on the ability of other landowners to add second units or subdivide under SB-9.

Doubling the number of residents, and vehicles, will have huge negative effects on our neighborhood. As it is today, there is no room for two vehicles from opposite directions to pass on the south end of Jay St. That is not a huge problem for us now. Everybody is used to politely pulling over to let the other car pass. That would not work with double the number of cars.

Today, people and their kids and pets walk casually, either on the sidewalk or not, knowing that everybody who lives here drives safely and with respect. With 70 new rental units at the corner of Grant and Eye, that would not be the case.

Before moving ahead with catering to Strombeck's rental greed, please consider how it would destroy a sweet Arcata neighborhood. If he wants to build however many units will fit on 1.7 acres of low density residential, let him go ahead and do it. But please do not sacrifice our neighborhood by allowing high density development.

Also, please consider not including the Eye/Grant residential area in the "Craftsman's Mall Opportunity Zone".

Thank you for considering these issues.

Dave Meserve  
[REDACTED]

## Delo Freitas

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**From:** Josef Krause <[REDACTED]>  
**Sent:** Friday, March 17, 2023 3:26 PM  
**To:** Delo Freitas  
**Subject:** Re: tree removal permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Delo

Yes, that would be great if you could share the message. I will get back in contact with you when I get the arborists report.

Thanks

Joe

On Fri, Mar 17, 2023, 8:54 AM Delo Freitas <[dfreitas@cityofarcata.org](mailto:dfreitas@cityofarcata.org)> wrote:

Thank you Josef, I appreciate your feedback on this issue. Would you like us to forward it on to the decision makers as they review this policy in the next few months?

Sincerely,

Delo

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**From:** Josef Krause <[REDACTED]>  
**Sent:** Thursday, March 16, 2023 1:10 PM  
**To:** Delo Freitas <[dfreitas@cityofarcata.org](mailto:dfreitas@cityofarcata.org)>  
**Subject:** Re: tree removal permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Delo

I met with Tom from Coastal Tree at the 535 Bayside Rd property yesterday. There are quite a few small to medium sized trees that should be removed and a half dozen or so massive trees along Bayside Rd that aren't in the budget for now. The more I learn about Eucalyptus trees the greater my concern and desire to remove them becomes. I spoke with Andy Waxman from Treeworks Arborist Service who is a certified arborist and in many words he basically said it's not a matter of if the trees cause damage but when. I'm hiring him to do a detailed site visit, report and plot map. Should have that for you in a couple weeks but I need to get some things off my chest before then.

By coincidence, last night I was watching the nightly news of flooding in California and came across a clip that was disturbing from just yesterday. Please watch the first video between 0:52 to 1:08 closely. Notice a trend? That prompted me to do a quick search through various California news channels and it shows the same trend over and over again. Like I said, the more I learn about eucalyptus the greater my concern. Lots of issues caused by them right here in Northern California just in the last couple months. Pretty close to home. Literally, pretty close to my homes, neighboring homes and apartment buildings. I'm not trying to give anyone a hard time, not my intention at all. Just want to bring attention to a potential issue. Seems the city may want to encourage the removal of eucalyptus rather than discourage it. Scenic grove or not.

Thanks

Joe Krause

Ps.

Here are some clips I'd encourage you and your colleagues to watch. Feel free to do your own search as well. There's plenty more unfortunately.

<https://www.youtube.com/watch?v=JdYTYWtSA68>

<https://www.youtube.com/watch?v=nLeKpzgIRek>

<https://www.youtube.com/watch?v=6BCQmVKg03s>

<https://www.youtube.com/watch?v=Y9aYBif6zqw>

# FINNISH COUNTRY SAUNA AND TUBS



*Cafe Mokka*  
COFFEEHOUSE

495 J STREET  
CORNER 5TH AND J  
ARCATA, CA 95521

March 17, 2023

To: David Loya, City of Arcata Community Development Director  
Re: Continuing the current use of our site, as affected by the General Plan Update

Dear Mr. Loya,

We received your public notice of March 2023, inviting community comment on the City's proposed General Plan Update. Your pamphlet states the changes in the Plan Update "would not constrain (y)our ability to continue current use of (y)our site."

On that specific topic, we feel it is necessary to point out that the business operated at this address since 1982 provides private outdoor hot tubs. The 'continued current use of our site' absolutely requires privacy from neighbors peering over the fences of our property. Our current fences are designed to provide privacy from neighboring residence windows' line of sight. It would be impossible for us to provide privacy to our customers, many of whom naturally prefer to bathe naked, if a neighboring property owner were to build an apartment building over two stories tall. We will not hesitate to take legal action against the City of Arcata if the proposed General Plan Update infringes on our longstanding way of operating this business.

Please make note of this consideration in the public record pertaining to this proposal, and hold to your promise of not constraining our ability to continue current use of our site.

With respect,

Stan Henerson, owner

Petra Taylor-Vandormael, manager

Finnish Country Sauna and Tubs  
495 J Street  
Arcata, CA 95521  
office phone 707- [REDACTED]

## Delo Freitas

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**From:** Mitchell Monge <[REDACTED]>  
**Sent:** Friday, March 17, 2023 9:45 AM  
**To:** Delo Freitas  
**Cc:** Burt Nordstrom  
**Subject:** Re: Re-Zoning General Plan Update

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I believe Burt is on the planning listserv, but if you could check that we are both on that we would appreciate it. Other than that, we just expressed our support for the re-zoning, especially exhibit 12. Thanks.

Mitchell Monge  
[REDACTED]

Wolfe Property Management  
[REDACTED]  
Arcata, CA 95521  
[REDACTED]

On Wed, Mar 15, 2023 at 6:09 PM Delo Freitas <[dfreitas@cityofarcata.org](mailto:dfreitas@cityofarcata.org)> wrote:

Thanks Mitchell and Burt,

I believe we discussed adding the two of you to our planning listserv to keep you in the loop, were there other items we discussed specifically? Trying to keep on top of it all!

Thank you,

Delo

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**From:** Mitchell Monge <[REDACTED]>  
**Sent:** Wednesday, March 15, 2023 11:54 AM  
**To:** Delo Freitas <[dfreitas@cityofarcata.org](mailto:dfreitas@cityofarcata.org)>

**Cc:** Burt Nordstrom [REDACTED]  
**Subject:** Re-Zoning General Plan Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Delo,

Thank you for taking the time to speak with Burt and myself yesterday evening. I have copied Burt on this email as well. Please feel free to contact either of us with questions or information. I have listed our contact information below. Anything you can share that would be pertinent to this project would be greatly appreciated. We look forward to working with you on this and seeing it through.

Best,

Mitchell Monge and Burt Nordstrom

Burt: [REDACTED]

Mitchell: [REDACTED]

Mitchell Monge

[REDACTED]

Wolfe Property Management

[REDACTED]

Arcata, CA 95521

[REDACTED]

[REDACTED]

[REDACTED]

## Delo Freitas

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**From:** Timothy Howard [REDACTED]  
**Sent:** Tuesday, March 21, 2023 11:46 PM  
**To:** Delo Freitas  
**Subject:** Proposed changes to land use

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am contacting you regarding the recent proposal of the City's General Plan Update. I did not receive your recent flier but I have heard of it, and as a nearly lifelong resident of Arcata, I wanted to speak out. Your goal of "spurring investment and redevelopment within Arcata's existing city boundary" concerns me. Looking at the maps of the proposed changes, I conclude you want to fundamentally change the look and character of Arcata. I of course have seen more open space in the city limits turned into residential and commercial use in the last 50 years than I could list here, and while I understand growth is almost inevitable, I think we have grown sufficiently. I do not want to see more open space built upon, especially in the northwestern part of the city, as you are encouraging. I know the planned growth in Cal-Poly Humboldt is part of what is driving you, but CPH should not be making our planning policies. The city should have tried to stop them from going in the direction they have now gone in the first place, instead of trying to build up our city to accommodate all their new students. We can still say no. I do not believe the administration of CPH, nor frankly many of its students, care much about Arcata. I am certain that all the big real estate developers in the area will love your plan, but like CPH, they only represent their own self-interest, not the city as a whole nor it's residents. They probably dream of an Arcata filled with strip malls with giant corporate chains. I want Arcata to retain what little rural and small-town feel it has left. We should instead have a plan for not growing in population and manage the population we have now to the benefit of all. Do not think I am some kind of NIMBY conservative. I like much of the urban progressive attitude of Arcata, much of which has resulted from people coming to live here from other places over the last 2-3 generations. I do not want more urban infrastructure and growth. Your plan terms what you want as "development", but it only seems like growth. There is an old saying: We need smart development, not dumb growth.



## Delo Freitas

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**From:** David Loya  
**Sent:** Wednesday, March 22, 2023 4:56 PM  
**To:** Jennifer Dart; Joe Mateer; Delo Freitas  
**Subject:** Policy Pitch Tool  
**Attachments:** Policy Pitch Tool.docx

Dear Commissioners,

I said at our last meeting that I would provide support for policy pitches. I've enclosed a format that you may find useful along with an example from our last meeting. I timed myself reading the example, and I came in at 43 seconds at a pretty leisurely pace. For decisions such as this that the other commissioners are readily compelled by the central argument, we can complete discussion and make a decision in under two minutes. I would offer that we'd have little to gain by spending more time.

Even if Commissioner B in this example just wanted to clarify a point that was made, I think we could address those follow up questions quickly and move to decision.

It may be hard and clunky at the start, but I think we'll find our rhythm and get better as we use and modify it.

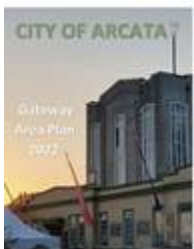
Cheers,

David Loya (him)  
Community Development Director  
City of Arcata  
p. 707-825-2045

I acknowledge my residence in Goudi'ni (Arcata), part of the ancestral territory of the Wiyot peoples. I offer my reconciliation and respect to their elders past and present.

<https://www.wiyot.us/162/Wiyot-Placename-Video>

To grow opportunity and build community equitably.



Exciting work is happening in the **Arcata Gateway** – 138 acres once used for mostly industrial purposes. The **Arcata Gateway Plan** allows innovative residential development, using streamlined permitting while protecting working forests, ag lands, open space and natural resources.

You are encouraged to take part in the public process that will affect the City for years to come.

### **READ THE GATEWAY PLAN**

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Some services, such as water bills and police services, are available on-call. Please check our website [www.cityofarcata.org](http://www.cityofarcata.org) for the latest information on accessing City services.



## Policy Pitch Tool

The following structure could be used to succinctly pitch your ideas for policy change.

### Pitch format

I propose changing Policy [cite policy number] to reflect/incorporate [state the major concept].

This is important because X, Y, and Z.

As currently drafted, the policy doesn't address A, B, and C.

If we make this change, positive outcomes will include Q, R, and S.

In practice, this might look like:

Commissioner A:

"I propose changing the Objective under Policy LU-2 to read: "compatible with established and planned neighborhood design elements." The full language is shown on the screen.

As currently drafted, the policy does not appear to allow changes to neighborhoods we would like to see, it focuses on "character", which has historically racial undertones we do not wish to perpetuate, and the policy establishes a vague, subjective standard that cannot truly be communicated – each person probably has their own view of what the neighborhood character is.

The proposed change focuses on existing and future desired design elements, which we can convey explicitly through zoning and design regulations. The proposed language will strengthen compatibility between the form-based codes we develop for the Gateway, and other Infill Opportunity Zones, and the General Plan."

**Objective.** Allow for a mix of housing types and densities to ensure residents at all ages and abilities have safe, healthy, and affordable homes that meet their physical, social, and economic needs through housing production, preservation, and conversion that is compatible with established **and planned** neighborhood ~~character~~ **design elements**.

Chair:

"Are there any opposed to this change? Seeing none, consider it amended."

or

"Are there any opposed to this change? Commissioner B, please provide your counter proposal" [and the cycle repeats.]

## Delo Freitas

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**From:** David Loya  
**Sent:** Wednesday, March 22, 2023 1:39 PM  
**To:** Jennifer Dart; Joe Mateer; Delo Freitas; Susan Diehl McCarthy  
**Subject:** Special Meeting Monday  
**Attachments:** Mini-Packet.pdf; A. PC Meeting Framework v2.pdf; Framework Presentation.pdf

Good afternoon, Commissioners.

I wanted to give a bit of lead time on the materials for next Monday's meeting. These will be included in the packets that will come out on Friday. But I wanted you to have time to digest them.

First, attached is the Framework that was adopted last meeting. I made the revisions adopted as we worked through the material based on my, Joe's, and Delo's notes. We'll check in briefly at the beginning of the meeting to make sure we've captured the framework and to get Christian's and Peter's reflections/consent. Reach out if you have questions. I've also attached the presentation that shows a graphic of the framework.

The framework also has the current schedule of topics.

Second, I've attached the staff report. You will note that we are basically picking up where we left off with Land Use and Vision. Please bring your packet materials from March 14 if you picked up a printed version.

We will use this opportunity to 'test run' our framework. To that end, **please provide me any Land Use Element policies or Vision Statement components you wish to change/discuss by Sunday Morning at 10 a.m.** I will work on compiling them and get them back out to you Sunday by 5. We'll post them on Monday to our webpage.

Lastly, the Circulation Element is included, but you will not get to that material on Monday. The intent is for you to have the element with plenty of time to review it. We will be taking up the Circulation Element and the Mobility chapter of the Gateway, including the K/L couplet, on April 11.

Thank you all for your commitment and added efforts to this work! I appreciate each of you.

Sincerely,

David Loya (him)  
Community Development Director  
City of Arcata  
p. 707-825-2045

I acknowledge my residence in Goudi'ni (Arcata), part of the ancestral territory of the Wiyot peoples. I offer my reconciliation and respect to their elders past and present.

<https://www.wiyot.us/162/Wiyot-Placename-Video>

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# STAFF REPORT

## PLANNING COMMISSION MEETING

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March 27, 2023

**TO:** Honorable Chair and Commissioners

**FROM:** David Loya, Director of Community Development

**PREPARER:** David Loya, Director of Community Development

**DATE:** March 22, 2023

**TITLE:** Consider a Recommendation to the City Council on the General Plan Updates

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### RECOMMENDATION:

Staff recommends the Planning Commission establish a meeting framework that will satisfy the Councils directive to provide a recommendation on the General Plan Updates, including the Gateway Area Plan, and the Form-Based Code for the Gateway Area by July. Once the framework is developed, Staff recommends the Commission apply it to the remainder of the Land Use Element to complete its review.

### INTRODUCTION:

At the March 1, 2023, meeting, the City Council received an update on the Form-Based Code (Code) engagement, as well as the engagement process for the overall General Plan planning effort. At that meeting, they directed staff to stop the remaining planned Code engagements; to prepare a draft of the Code for public review as soon as possible; and to receive a Commission recommendation on the General Plan and Code amendments in July of 2023. This meeting will focus on organizing the outstanding reviews to provide the recommendations in the timeframes established by the Council. In addition, this meeting will be an opportunity to complete a review on the Land Use Element, and potentially start on review of the Circulation Element.

### DISCUSSION:

*Council Direction, Timeline, and Framework* – The Council has directed staff and the Commission to make a recommendation on the General Plan, the Gateway Area Plan, and the Gateway Regulatory Plan (the Form-Based Code) by its first meeting in July. The Council affirmed this decision during discussions of its minutes at its March 15, 2023, regular meeting.

To meet this timeline, the Commission considered a framework for deliberations at its March 14, 2023, meeting and agreed to the framework with amendments (Attachment A). This Framework also includes the updated timeline and topics leading up to the July 11 meeting.

*Land Use Element & Vision Statement* - The Commission is currently reviewing the Land Use Element (Attachment B). There were several points raised at the last meeting, some of which had follow-up. Policy LU-2 Objective was updated to reflect “established and planned neighborhood

design elements” instead of established neighborhood character. Policy LU-2a was updated to reflect that most Residential Low-density parcels could have up to four units in most cases. LU-1c was modified based on the discussion. Policy LU-1d was not modified to amend the term Infill Opportunity Zone because the change lacked majority interest, but the term was changed throughout the document to reflect the current adopted term in the Housing Element. LU-1i was amended to reflect the discussion that the Plaza is historic. LU-1j was modified. There were several other items discussed that staff did not note majority support for amendments.

The Commission also asked for a discussion of maximum densities given the various state laws related to housing. While there are myriad laws that taken together may have multiplying effects on density, staff has focused on three areas. Density bonus law and accessory dwelling unit (ADU) law are the two most likely to affect base density in the City. It is also possible that the Affordable Housing and High Road Jobs Act (AB 2011) may affect housing density. The following provide a summary of impacts related to these laws. These are not comprehensive. These laws are constantly changing, and the Commission should consider keeping any discussion of them in the General Plan at a surficial level.

*Density Bonus* – The state has had a density bonus law since 1979. In 2020, the law was amended, and court cases in 2021 and 2022 resolved some outstanding questions about how the law works in practice. In summary, if a project reserves a percentage of units for low, very-low, or moderate income households, or if it reserves units for certain demographics (senior, foster youth, student), it is entitled to up to an 80% bonus in units above base density. In addition, the projects are entitled to up to four incentives or concessions. These could be exceptions from development standards, including an increase in building height, reduction in setbacks, or any other incentive that results in a cost reduction for the project. These concessions or incentives are decided by the developer, not the city.

Furthermore, projects that qualify for a density bonus receive waivers or reductions in specific development standards, including reduced parking, or any other standard that would prevent the development from being built at the density the developer is proposing. The developer decides which standards these may be, and the threshold for granting them is whether they can show that the development could not be built at the proposed density given the regulatory constraint. The project can require any number of waivers necessary to build at the given density. The City cannot refuse these unless they can demonstrate health and safety, property damage, cause significant environmental harm, or other equally difficult findings. The courts have ruled consistently with developers in these challenges.

The law is complex and showing the range of densities that would be allowed in each land use designation would be problematic. The example below shows the impact of eight possible density bonus unit counts on any on a single parcel, but the parameters that could be applied are shown in Attachment C. A more detailed discussion of density bonus law is provided at [https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law\\_2021.pdf](https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf).

**Table 1.** Density Bonus Effect on Base Density four levels of percent restricted units for Very-Low Income at three levels of percent restricted units for Low Income. Low-income units do not receive a bonus at 5%.

Parcel	Zoning	Acres	Units/Acre	Base Density	% Affordable	Very Low	Low
1	RM	0.5	25	13	5%	16	-
1	RM	0.5	25	13	10%	18	13
1	RM	0.5	25	13	15%	20	17



In short, if a developer invokes density bonus law, they can exceed any development standard, they can ask for concessions, and they can develop at densities of up to 80% higher than base density. There are modest streamlining requirements for density bonus projects, and the jurisdiction cannot require a reduction in units as a condition of approval.

*ADUs* – Accessory dwelling unit law has changed multiple times since 2017. At this point, ADUs are ministerial, are not used in determining base density, and are exempt from several development standards if certain conditions are met. The ADU law is exceedingly complex and convoluted. The state Housing and Community Development Department (Department) has published updated guidance (<https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>). This review is very superficial.

In short, at least one ADU is ministerially permitted on any property that is zoned for residential use. On any lot with an existing or proposed development, a combination of one primary unit, a junior ADU, and an ADU may be built by-right (ministerially). On any property with a duplex, two additional ADUs are ministerial by-right. On any parcel with a multifamily existing or proposed development, at least two additional ADUs may be build by-right.

ADU law has had a significant impact on ADU production. The City has seen an doubling in ADU production with 2017 as the transition year. While SB 9 (small lot subdivision) could have similar density impacts, the City has not seen much interest in SB 9.

*AB 2011* – AB 2011 establishes that any property where retail, commercial, or parking are permitted uses, housing can be built ministerially with few limitations. There are requirements for prevailing wage, and a few limitations. The density allowed under AB 2011 ranges from 20-70 units per acre depending on parcel size, distance from transit, and width of commercial corridor. AB 2011 projects can only be held to objective design standards.

AB 2011 is a sign of desperation. The state has been frustrated with the pace of development in meeting its housing need. In effect, the state is removing the ability of local jurisdictions to plan their communities and handing the reigns over to developers to find markets that the developers believe will pencil for housing. They are removing all the procedural steps, including public hearings, that slow, stall, or stop housing development. And, they are effectively making almost every zoning district a mixed use zone.

Staff does not recommend amending the Land Use Element to include this information. Instead, the Commission could consider a statement acknowledging the impact of current and future state laws on the City's ability to estimate density on a given parcel. The steps the state has taken over the last several years to boost housing production is a developing body of law. Anything specific encoded in policy will be outdated before long.

The Commission could consider the following:

**LU-1q State mandated housing production.** The City recognizes that the state's housing goals have resulted in laws that increase density above City established base density, removed discretion in housing development, required streamlining in approval processes, established by-right development for certain housing types, and has reduced local control over many land use decisions related to housing production. The City shall monitor and comment on state actions to advocate for reasonable solutions to housing production that meet both state objectives and City need for housing development that produces high-density, infill housing in mixed-use or residential projects in appropriately zoned and designated areas.

*Vision Statement* – The City’s Vision Statement was developed through significant community outreach (Attachment D). Related engagement to date includes:

- Engagement in the last several years relevant to the SIRP includes the 2019 Climate Resilience Forum; and the 2019 Housing Element/Infill Market Study Engagement Report.
- Engagement in 2020 and 2021, including the December 2020 and February 2021 goal setting; the presentation to the HSU Associated Students Board; the Council Annual Goal Setting interviews; Council canvassing report-outs on themes from campaigning.

Community visioning at the beginning of this long-range planning effort aligned with feedback received on draft planning documents, which suggests that people who live in Arcata love Arcata for the community and amenities this place offers, but there was an interest in speaking to the need for more support to ensure a stable and healthy future here for all. Some small tweaks to the content of the vision statement have been identified, including focusing more energy on Valley West, investing in the arts, and continuing to invest in both the mental and physical health of the community.

Common themes in the visioning engagement included:

1. Prioritizing Sustainability, efficient use of resources/land/energy.
2. Climate change/sea level rise, preparation and armoring, reducing GHGs.
3. Re-connecting with local indigenous communities.
4. Civic engagement and building power within community, including more diverse representation; Arcata connections/collaborations/communications.
5. Focusing investment beyond the core downtown into areas like Valley West-need to increase safety, address nuisances, provide services, address racial inequities.
6. Art as community beautifier and tool for healing and creative expression
7. Racial equity/Arcata for all including accessibility needs.
8. Youth/child support, care, representation, engagement
9. Sustaining/strengthening relationship with HSU
10. Thoughtful city growth-both infill and protection of greenspace, growth management.
11. Mobility and multi-modal investment (bike/ped/bus)
12. Health-mental, physical, spiritual, including youth health and homeless services.
13. Economic development, including HSU student pipeline, housing affordability, job support and training.
14. Human-centered design, including safe streets, edible landscaping, gathering spaces, art, greenspace.
15. Access to housing, affordable housing for rent and homeownership, including housing for CalPoly students, housing for seniors, housing for families.

The updates to the community vision statement are therefore minor and reflects some of the key themes that staff heard during the two visioning sessions we held in late 2020 and early 2021, as well as the results of the visioning survey, which was taken by roughly 500 participants and was open for one full calendar year.

Arcata residents and workforce that participated prioritize the environment and natural resources, as well as both living well and living sustainably. Thoughtful growth that prioritizes infill and enhancement of existing activity centers was also generally supported. Modifications to the vision statement are therefore minor and include: 1) enhancing language around infill development and activity centers; 2) creating language regarding tribal lands acknowledgment and racial equity within the City, and 3) identifying healthy communities and healthy behaviors as key to Arcata’s success.

A second option drafted by Change Lab Solutions is available for review (Attachment D.2). The content is similar but reorganized.

**ATTACHMENTS:**

- A. PC Meeting Framework v2 (PDF)
- B. Draft Land Use Element (PDF)
- C. California Density Bonus Law 2021 (PDF)
- D. Revised Vision Statement (DOCX)
- D2. Vision Reorganized (DOC)
- E. Circulation Element (PDF)

## Meeting Framework

Adopted March 14, 2023

On March 1, 2023, the City Council provided direction to: 1) stop the scope planned for the Form-Based Code; 2) produce a draft of the Code as soon as possible for public review and comment; 3) complete review of the General Plan updates, including the Gateway Area Plan, and the Code by June 2023, and 4) provide a recommendation to Council on these drafts by the Commission's first meeting in July. This memo provides a proactive response to the Council's direction.

To satisfy the Council's direction, the Commission adopted this meeting framework, which is designed to produce conclusions and recommendations efficiently. The following elements are included in the framework: ground rules, a well-defined purpose, the objectives of the meeting, the explicit outcomes the meeting will result in, and an agenda with estimated timeframes for each discussion. These elements will help the Commission stay focused on results, will provide a shared understanding of the work, and will provide accountability among the members.

The following framework was adopted on March 14, 2023. It may be amended from time to time to better accomplish the goal set by the Council.

**Ground Rules** –These ground rules will be posted in the room, and members or staff can refer to them as necessary. The draft ground rules include:

- 1) Come prepared to take action.
- 2) Review the material and prepare cogent positions on any changes you feel are necessary ahead of the meeting.
- 3) Be prepared to state your position concretely and succinctly.
- 4) Be willing to accept the majority position and move on.
- 5) Share the air; we want equitable contributions among Commissioners.

**Purpose** – Our purpose is to develop a recommendation to the Council supported by the majority, if not consensus, on the drafts of each of the General Plan Elements, the Gateway Area Plan, and the Form-Based Code by July 11, 2023.

**Objective** – Our objectives are:

- 1) to complete review and provide recommendation on priority issues within a particular Element at each meeting, holding over minor concerns to later revision;
- 2) to provide concise changes in policy referring explicitly to the draft provided by staff;
- 3) to work to build consensus efficiently; and
- 4) if consensus cannot be reached to advance to a vote, to work towards a recommendation that the majority can support.

**Outcome** – The outcome of this work will be revised drafts of each Element and FBC that will receive a consensus, or lacking consensus a majority, recommendation.

**Agenda** – Each meeting will have an Agenda posted in physical form in the room that describes the process and objectives for that meeting. It will reflect the purpose, objective, and outcomes listed above with detail on the work we are doing that day. The Commission will form explicit agreements to abide by the agenda and ground rules for the meeting. This agreement will be the basis of the discipline

necessary to complete the work in the time allowed. The agendas will include timeframes for presentation, discussion, a brief break, a regroup for decision for each topic. We'll end the agenda with a brief introspection/retrospective to look for process improvements.

**Meeting Method** – To ensure the meetings are disciplined and efficient, we propose the following methods to get through the materials timely.

- 1) Staff will send the Planning Commission relevant meeting materials requiring their comment one week in advance of the meeting. Any materials sent to the Commission will be posted on the City's website for public review.
- 2) Commissioners will provide a ranked priority list of the policies they wish to discuss by 10 a.m. the morning the day before the meeting. Generally, this will be Monday, 10 a.m.
- 3) Staff will collate the responses to facilitate discussion and send the compiled list out to Commissioners by 5 p.m. of that same day.
- 4) In the meeting discussion, priority will be given in descending order to: 1) policies provided in advance with explicit recommendations for changes, 2) policies provided in advance with a succinct description of the type of change desired, 3) policies without explanation provided in advance, 4) policies brought up at the meeting. Policies that may have an impact on the environment and will, therefore, affect the Environmental Impact Report will be prioritized first. Where ranking does not resolve few enough policies to address within the agenda timeframe, equally prioritized changes will be randomly assigned to the agenda.
- 5) Commissioners will form agreement on which items to consider. This will be done through a mix of polling techniques (negative voting, straw polls, Gradients of Agreement, etc.)
- 6) Items that do not make the list for discussion will go into the "bike rack", which will hold ideas for later discussion. Bike rack items will be considered in subsequent rounds as time allows, during special meetings the Commission may schedule, or during the June meetings.
- 7) The Bike Rack items will be included in each meeting agenda as a running list. A section of the Bike Rack will be reserved for items that have been submitted with complete recording of the policy, which may be adopted as a consent item without discussion if desired by the Commission. Items that have been flagged by Commissioners but do not include a fully developed proposal for alternate language will be housed in a separate section for discussion by the Commission.
- 8) Each item is taken in turn for polling. A simple majority in each vote sways the decision.
- 9) Policies that have no counter proposal are voted on in the following way:
  - a. Proposal is shown on the screen.
  - b. Proposer is allotted 45 seconds to succinctly provide an argument for the change.
  - c. Staff conducts a negative vote: Does anyone have concerns about this change?
  - d. If no, the change is made, if yes, go to e.
  - e. Allow debate rules deliberations: any commissioner provides their counter proposal or argument, the proponent provides an up to 2-minute response, the counter proposal is allowed a 1-minute rebuttal.
  - f. Consider whether there are other points of view that need to be considered. If no, move to g, if yes, move to e with alternative point of view.
  - g. Show of hands vote for each of the various proposals on the table. Simple majority resolves the matter.
- 10) Policies that have a counter proposal: show both proposals and move to debate rules 7e.
- 11) Staff will track the votes and changes in real time on the screen.

**Visual Aids** – Visual aids will help the Commission, staff, and the community track the progress of the discussion. At a minimum, staff recommends the following be posted in the room at each meeting:

- 1) The agenda with meeting timeframes;
- 2) Ground rules;
- 3) Gradients of Agreement;
- 4) The “bike rack”; and
- 5) Overall timeline with milestones.

**Polling Options** – There are several polling techniques that the Commission can use to efficiently resolve policy changes and/or disagreements. Staff will help facilitate when each is best used, but the Commission should consider the options to ensure they concur with the process. Among the polling options, staff recommends at a minimum, the Commission use simple straw polling, negative polling, and gradients of agreement.

Straw polling is familiar to the Commission. This is a show of hands for or against when the question is called. Straw polling can be used in combination with negative polling to quickly resolve matters in an equitable and efficient way. Negative polling is essentially asking whether there are any in opposition to a proposal.

Negative polling and straw polling result in binary (for or against) decisions. Often, decision makers feel that they land along a continuum. That is, they do not feel completely for or against, or they have mild objections but would not necessarily vote for or against.

Gradients of agreement is a polling technique that allows non-binary consensus building. The range of polling responses in a gradients of agreement are: 1) I fully support this and will vote for it; 2) I have some reservations, but I will vote for it; 3) I am neither for nor against it, and will go with the consensus; 4) I have concerns about passing it, but will not block it; and 5) I have serious concerns and will vote against it. Polls are conducted by each participant holding up their hand with the number of fingers showing that corresponds to their position along the gradient.

**Attachment A. Schedule of Meeting Dates and Topics**

<b>Specific Concern</b>	<b>Followup</b>	<b>Date</b>
Form Based Code	requested broader scope - nov 16 cc	1/4/2023
Fire and police service and adequate staffing/equipment	Presentations	1/24/2023
Sea Level rise	study session with pesenters	3/28/2023
Lack of multi-modal infrastructure	L/K Street Agenda Item	4/11/2023
Infrastructure Impacts	List/discussion on infrastructure financing	4/11/2023
Accessibility	review recommendations	In FBC
Construction impacts	presenation by Netra/Engineering	4/11/2023
Height and Shading, Views	examples from other cities	4/25/2023
Fiscal Impacts	will bring back as a business item	4/25/2023
Ownership Opportunities	joint study session	5/9/2023
Gentrification/Housing Affordability	subset of the homeownership subcommittee	5/9/2023
Impacts on Creamery District/building	Send notice of PC regular meeting to Creamery District businesses and owners	5/23/2023
Effect on businesses	move to creamery district discussion as well	5/23/2023
Tsunami/Storm Surge	Removed	

<b>Element</b>	<b>Date</b>
Land Use	3/27/2023
Infrastructure, Circulation, Mobility Gateway	4/11/2023
Infrastructure, Public Safety	4/25/2023
Historic Preservation	5/9/2023
Health, Design	5/23/2023
"Bike Rack" issues	6/13/2023
"Bike Rack" issues	6/27/2023



# Planning Commission

Framework to Meet Milestones

## **Council's Direction**

- 1) stop the scope planned for the Form-Based Code;
- 2) produce a draft of the Code as soon as possible for public review and comment;
- 3) complete review of the General Plan updates, including the Gateway Area Plan, and the Code by June 2023, and
- 4) provide a recommendation to Council on these drafts by the Commission's first meeting in July. This memo provides a proactive response to the Council's direction.

# Deliberations Framework

## Ground Rules

- 1) Come prepared to take action.
- 2) Review the material and prepare cogent positions on any changes you feel are necessary ahead of the meeting.
- 3) Be prepared to state your position concretely and succinctly.
- 4) Be willing to accept the majority position and move on.
- 5) Share the air; we want equitable contributions among Commissioners.

# **Deliberations Framework**

## **Purpose**

Our purpose is to develop a recommendation to the Council supported by the majority, if not consensus, on the drafts of each of the General Plan Elements, the Gateway Area Plan, and the Form-Based Code by July 11, 2023.

# Deliberations Framework

## Objectives

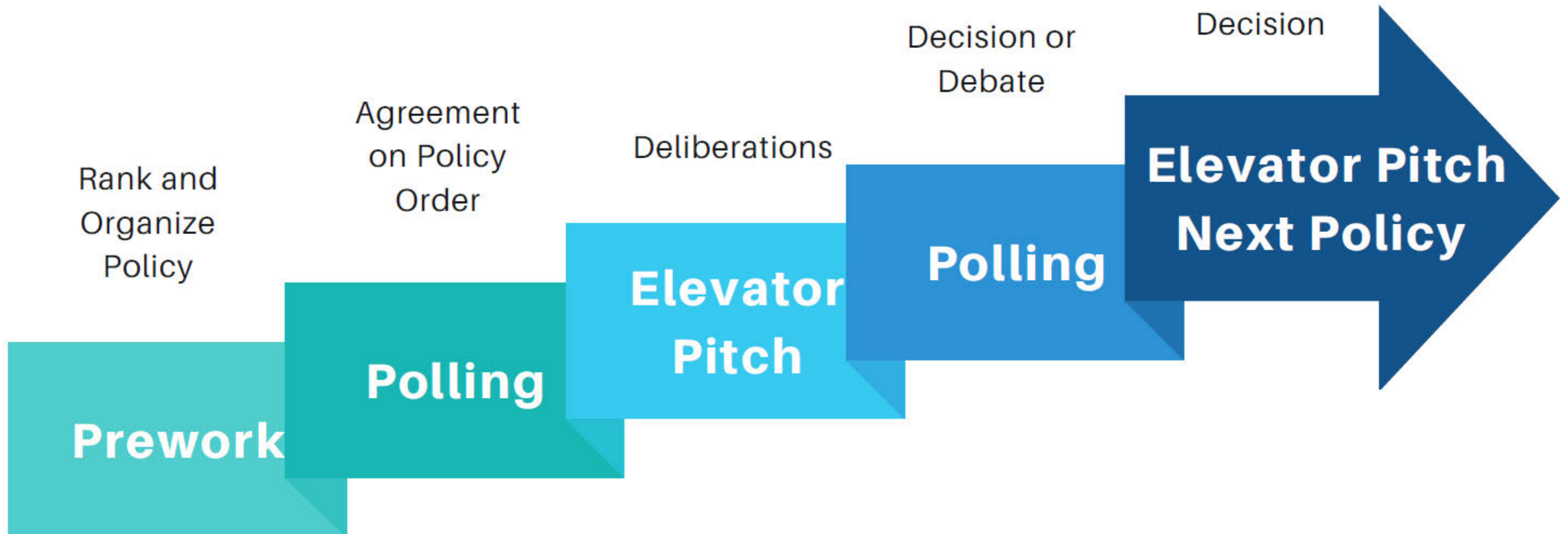
- 1) to complete review and provide recommendation on priority issues within a particular Element at each meeting, holding over minor concerns to later revision;
- 2) to provide concise changes in policy referring explicitly to the draft provided by staff;
- 3) to work to build consensus efficiently; and
- 4) if consensus cannot be reached to advance to a vote, to work towards a recommendation that the majority can support.

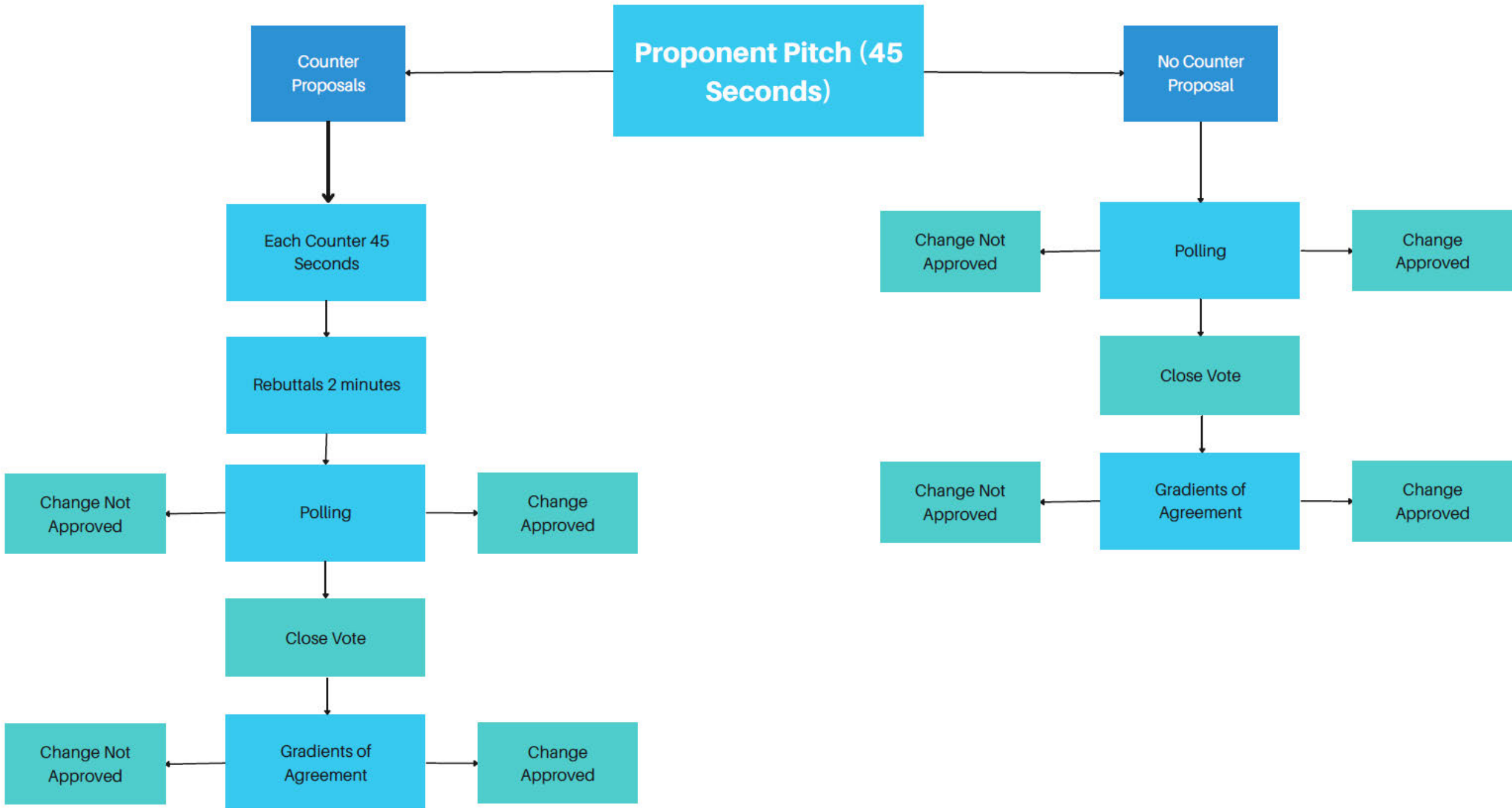
# **Deliberations Framework**

## **Outcome**

The outcome of this work will be revised drafts of each Element and FBC that will receive a consensus, or lacking consensus a majority, recommendation.

# POLICY DELIBERATIONS PROCESS







**Proponent Pitch (45  
Seconds)**

No Counter  
Proposal

Change Not  
Approved

Polling

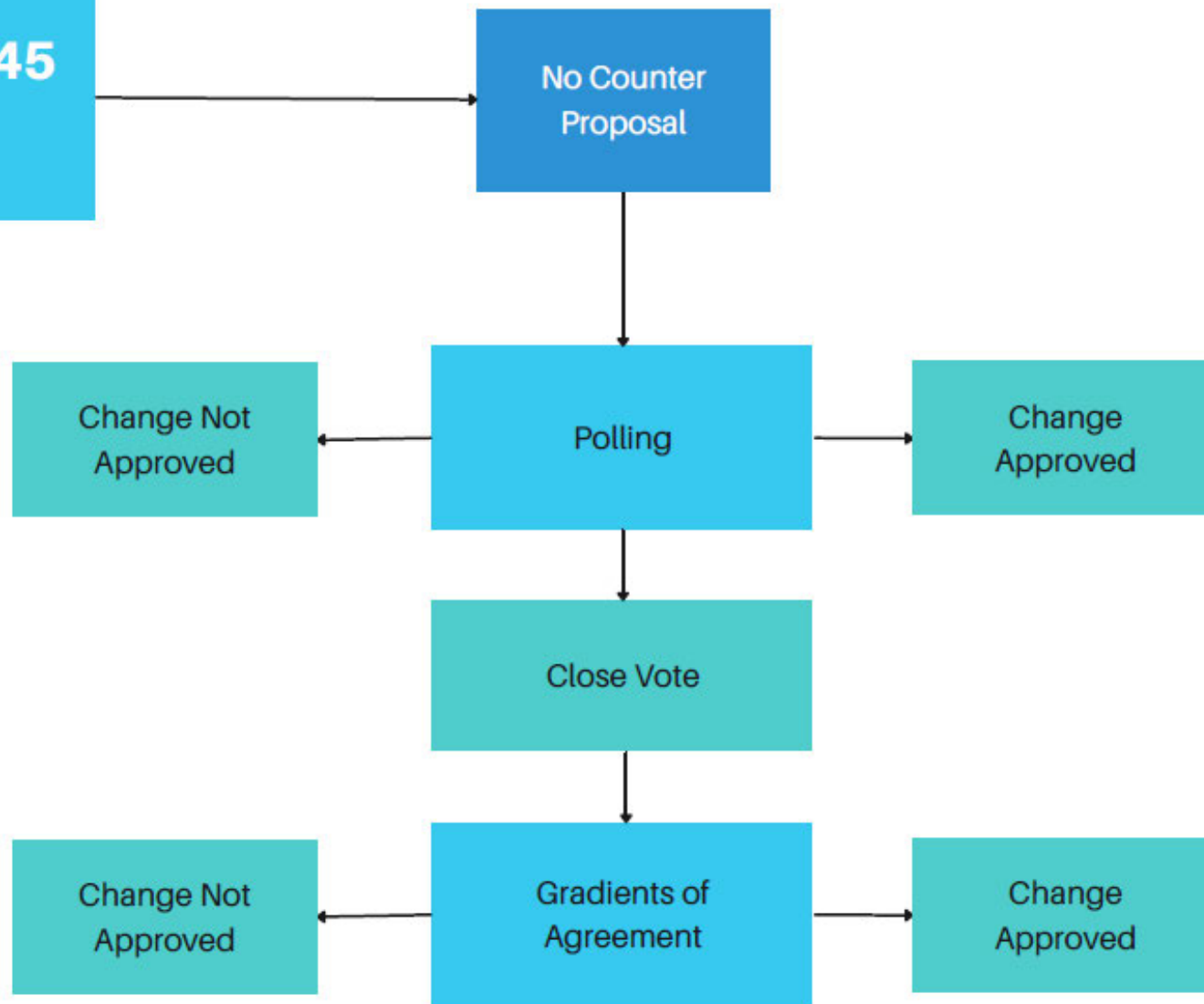
Change  
Approved

Close Vote

Change Not  
Approved

Gradients of  
Agreement

Change  
Approved



# Gradients of Agreement - a decision-making tool

## Gradientes de Acuerdo - una herramienta para tomar decisiones

1

I agree completely with no concerns

Estoy completamente de acuerdo, sin problemas



2

I am supportive, with minor concerns

Estoy de apoyo, con preocupaciones menores



3

I am neutral, or have no opinion

Tengo sentimientos neutrales o no tengo ninguna opinión



4

I have strong objections, but will stand aside

Tengo fuertes objeciones pero permitirá que otros procedan

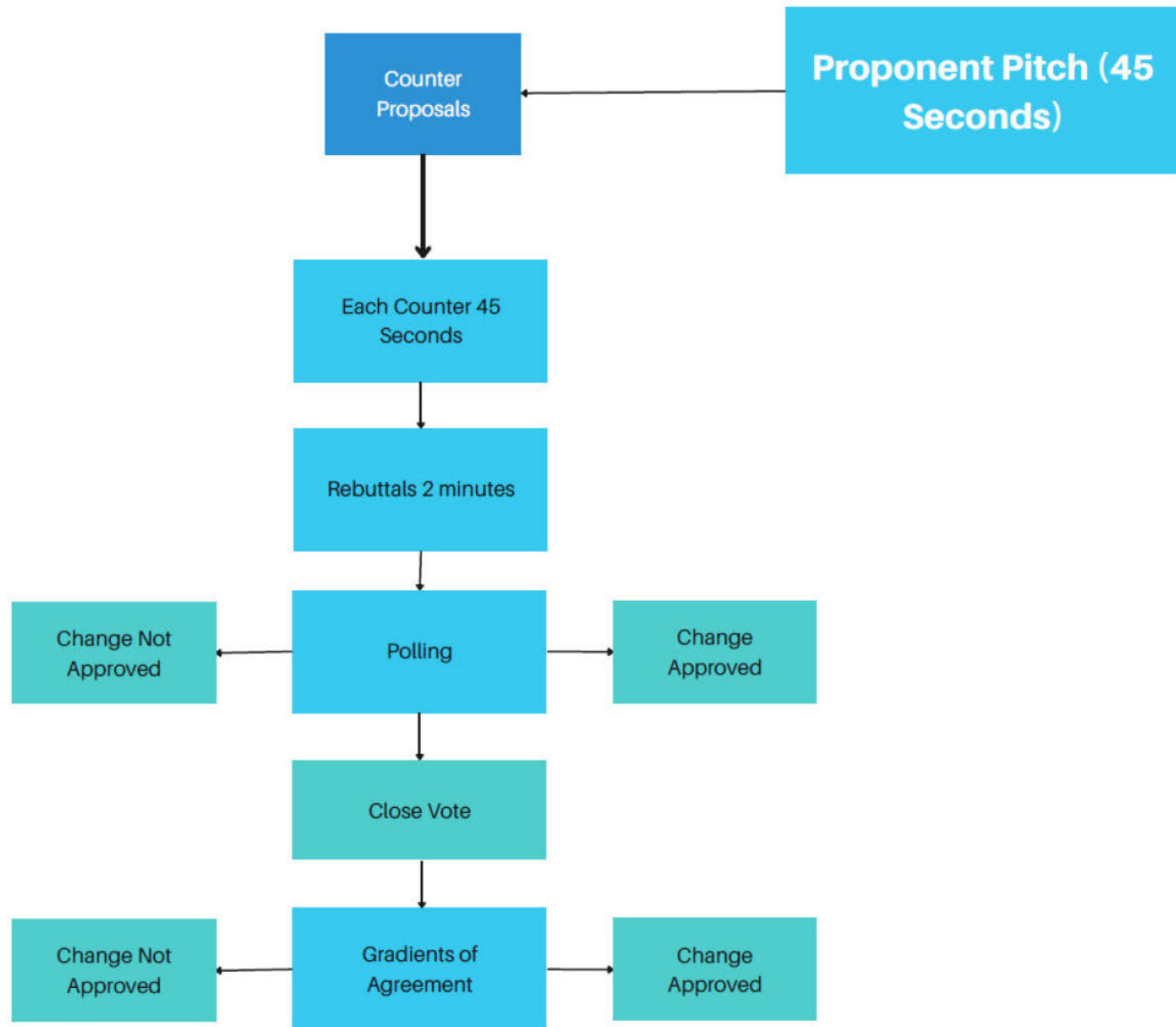


5

I cannot support this!

No puedo soportar esto





# GENERAL PLAN REVIEW TIMELINE



General Plan



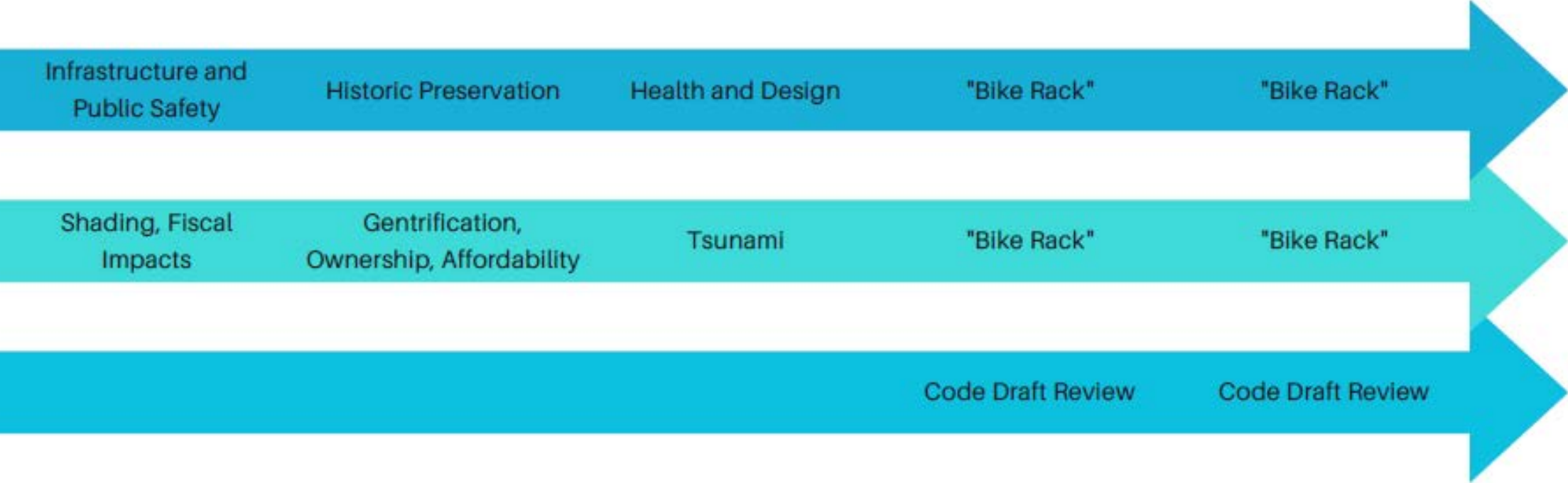
Gateway Plan



Code



	March 14	March 28	April 11	April 22
General Plan	Land Use and Circulation	CC/PC Study Session Sea Level Rise	Circulation and Infrastructure	
Gateway Plan			Circulation, and Infrastructure	Accessibility, Construction Impacts,
Code				Form-Based Code



## Delo Freitas

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**From:** Fred [REDACTED]  
**Sent:** Wednesday, March 22, 2023 4:48 PM  
**To:** Karen Diemer; David Loya; Scott Davies; Judith Mayer; Dan Tangney; Christian Figueroa; Matthew Simmons; Peter Lehman; Sarah Schaefer; Meredith Matthews; Alex Stillman; Kimberley White; Stacy Atkins-Salazar; David Caisse  
**Subject:** Transportation Safety Commission Meeting cancellation / Upcoming Sea Level Rise Meeting recording / Brown Act violations

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Note: This e-mail is being sent to all the members of the City Council, all members of the Planning Commission, to City Manager Karen Diemer, Community Director David Loya, and other Committee members and staff as outlined below.

As these are Gateway-related issues, this and other memos should appear as Submitted Comments. There is nothing of a private nature in this memo that, in my view, needs to be redacted.

**I will see to have the Subject Line indicate what the e-mail is about. If this e-mail does not concern you, then feel free to ignore it.** I apologize if this is burdensome to you individually.

**Recent circumstances indicate that I should be sending my memos to all persons involved in the Gateway Plan.** The amount of non-transparency in the Gateway process seems to have increased as time has gone on.

**If this was not important to the public good, then I would not be sending this. Highlights are utilized so you can skim, to save your time.**  
Thank you.

To: Honorable Mayor, City Councilmembers, Planning Commissioners, Transportation Safety Committee members

City Manager Karen Diemer, Community Director David Loya, Assistant City Engineer David Caisse (for forwarding to the TSC)

From: Fred Weis                      Wednesday, March 22, 2023

### 1. Transportation Safety Commission Meeting cancellation - Tuesday, March 21, 2023

#### **Can someone please tell me what happened here?**

It seems that the TSC agenda listing was removed from the City's Meeting Calendar webpage for a small number of hours on Monday, and this was the impetus for the cancellation on Tuesday. (The Brown Act requiring 72 hours of notice for a meeting.)



**The cancellation seems to have occurred around 20 or 30 minutes prior to the meeting. This is inconsiderate to the public.**

**Question: When was the Transportation Safety Committee informed of this cancellation?**

There was no e-mail notification sent. Just the word "Cancelled" appeared on the City's Meeting Calendar page.

Could City Staff have issued this notification at some point earlier? Perhaps 24 hours earlier. The City does have an email list that could be used for notification.

## 2. Sea Level Rise Joint Study Session, Tuesday, March 28, 6:00 p.m.

**Can someone please tell me if it is the intent of the City to create an audio or video recording of this meeting?**

I have asked this many times. And, if not, then could the amount of \$175 can be provided to hire the videographer Eric Black for this task?

It seems to me that the Community Development Department was given \$118,000 in funds to allocate on a discretionary basis for such things as public engagement and community outreach.

**If a meeting on Sea Level Rise does not qualify as a topic that the public wishes to know more about, then I don't know what would.**

In a related question, there has been no official response about a reimbursement of the amount of \$194 for the video recording of the Planning Commission February 11 (Saturday) Study Session. Could that be reimbursed from the discretionary funds, or from another source?

There is expected to be at least two further Saturday Planning Commission study sessions.

**The City Council members are prohibited from attending these study sessions. Would it not be important to have an audio or video recording of the study sessions?** (The February 11, 2023, session has 55 views on [Arcata1.com](https://www.arcata1.com))

## 3. Brown Act Violations

The Brown Act requires that material provided to a majority of an agency be also made available to the public **at the same time they are distributed to the governing body**. This can mean having copies available to the members of the public who are in physical attendance, and also online on the agency's website, at an easy-to-find location that is identified in the agendas of all meetings.

**This is specified explicitly in the 2nd paragraph of each and every City Agenda** -- that these materials are to be placed in the agenda binder **and** on the City's website.

A key element here is the phrase "at the same time they are distributed to the governing body."

I have been attending City meetings for over a year now -- mostly in person and sometimes via Zoom. I am going on record as saying that **I have not once seen this done**. I check the binder frequently. I have not once seen the specified material in this binder. And if it is on-line it certainly is not in a place where it can be found.

A recent example is the 1-1/2 page memo from Commissioner Peter Lehman that was distributed to the Commissioners at the March 14, 2023, meeting. Paper copies of this memo were made available to the public in attendance at that meeting. But, by law, the memo should have been available on-line, at the time it was distributed to the Commissioners. By law, if a member of the governing body or staff of the local agency



prepared the materials, and the governing body received the materials during the meeting, **the public must have access to the materials during the meeting.**

If members of the Transportation Safety Committee were notified of the March 21 cancellation, and the public was not, this would also qualify as an infraction.

By my estimate, there have been dozens of infractions over this past year.

### **A possible solution:**

Designate a specific webpage for this purpose, and specify this webpage on the agenda listings. Anything that staff has even a small suspicion of being required per Code § 54957.5, AB 2647, and other pertinent legislation should be simultaneously posted to that webpage, as soon as it is received or distributed. It should have a recognizable, useful, date-oriented title such as "2023-03-14 Planning Commission - Peter Lehman memo.pdf" and would just be added in the list, so to be in close-to chronological order. **And anything added to this page during or prior to the meeting must be mentioned at the beginning of the meeting or at such time as appropriate, and also specifically included in the minutes.**

This, I think, will allow the City to comply with these State laws in a thorough and complete manner -- and in a simple, easy-to-accomplish manner.

**I will note that letters sent to the agency from the public are included by definition** of "a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to discussion or consideration at an open meeting."

**Thus, I regard the removal of letters from the public from the Agenda Packets**, as has been done after May, 2022, and placing them away from the agenda packet at a later time, ranging from 2 weeks to 3-1/2 months later, to be against the wishes and interests of the public, and a continuous, gross violation of State law -- and one which, since it can be remedied with only a small amount of effort on the part of Staff, **represents a clear, obvious, and evident disregard for applicable law and for recognition of public engagement.**

### **As I have said to the City Manager, to the City Council, and to the Planning Commission:**

This process of developing a Gateway Plan is difficult enough. Why augment a legal risk when to do things in accordance with State law involves such a relatively minor amount of effort?

**On a risk / reward basis, current City actions make no sense to me.**

-- Fred Weis

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See:

Requirements when materials are provided less than 72 hours prior to a regular meeting

Board members should note a new ruling regarding timing and document access

<https://publications.csba.org/california-school-news/july-2022/requirements-when-materials-are-provided-less-than-72-hours-prior-to-a-regular-meeting/>

and many other sources.

There are three timeframes that may apply:

1. If board members receive the materials more than 72 hours before the scheduled meeting, then the materials are deemed public records and **must be made available upon request and without delay.**  
**The location where the documents can be publicly inspected must be included in the posted agenda.** (Gov. Code, §§ 54954.1 and 54957.5, subd. (a).)
2. If a member of the governing body or staff of the local agency prepared the materials, and **the governing body received the materials during the meeting, the public must have access to the materials during the meeting.** (Gov. Code, § 54957.5, subd. (c).) If someone outside of the local agency prepared the materials and gave them to the governing body during the meeting, the public must receive access to the materials after the meeting. (Gov. Code, § 54957.5, subd. (c).)
3. **If governing body members receive the materials less than 72 hours before a regular meeting, then the materials must be made available for public inspection at the same time they are distributed to the governing body.** (Gov. Code, § 54957.5, subd. (b)(1) and (2).)

## Delo Freitas

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**From:** janepwoodward [REDACTED]  
**Sent:** Wednesday, March 22, 2023 4:44 PM  
**To:** David Loya; Karen Diemer  
**Subject:** Public Comment for March 28 Joint Session  
**Attachments:** 3\_22 2023 PUBLIC COMMENT JOINT SESSION SLR.docx

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Karen and David,

Attached are my pubic comment questions for the March 28 Joint session. I would appreciate if you would send them to the City Council and Planning Commission members as well as including them in the pubic engagement area, at your earliest convenience.

Thank you very much!! Please confirm receipt.

Jane

March 22, 2023 PUBLIC COMMENT/QUESTIONS FOR MARCH 28, 2023 JOINT SESSION ON SEA LEVEL RISE

1. How much of Arcata (if any) will be flooded if the dikes break along the 41-mile stretch of dikes that are privately maintained over the next 20-40 years? Are there any requirements for dike maintenance? Who is responsible for that? What are the repercussions of such a breach?
2. How much of Arcata will be flooded if sea level rises as projected by 2045, 2060 or subsequently? Can we see precisely how that applies to the Gateway Plan districts as well as other areas of Arcata such as the Bottoms?
3. At what point of sea level rise will the current waste treatment plant become non-functional and need to be moved? And where are possible locations for moving it that will not be vulnerable to sea level rise until at least 2100?
4. What level of ground water incursion can be expected as sea level rises, and how will that affect the Gateway area? Does it rise at the same pace as sea level rises? What happens when groundwater rises within already developed areas?
5. Is it reasonable to plan for buildings of any type to be built in areas that will be affected by sea level rise for a projected life of only, say, 40 years? Are there areas in Arcata where high density residential buildings can be built on higher elevations not subject to sea level rise, such as Happy Valley?
6. The State Agency for Sea Level Rise Action Plan for California issued in February 2022 indicates that coastal jurisdictions should plan for 3.5 feet of sea level rise by 2050, and 6 feet by 2100. Given that the ground level in Humboldt Bay is sinking due to seismic activity, resulting in possible doubling of the rate of sea level rise locally, are we taking sea level rise seriously? Or are we basically encouraging development in soon-to-become flood zones? Can Arcata be sued for that by either developers or future residents?
7. Is the Coastal Commission likely to authorize high density new building up to 7 stories in its Coastal Zone or in light of the Sea Level Rise Action Plan for California?
8. How does the Gateway Plan fit in with the 2018 Arcata Sea Level Rise Vulnerability Assessment? Is this report available to the public, and if so, how can we access it?
9. How is the City planning to move its current residents from low-lying areas over the next 20-40 years?

Respectfully submitted,

Jane P. Woodward [REDACTED]