

Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, February 28, 2023 7:00 PM
To: Julie Vaissade-Elcock; Scott Davies; Judith Mayer; Christian Figueroa; Dan Tangney; Matthew Simmons; Peter Lehman; David Loya; Jennifer Dart; Delo Freitas; Karen Diemer
Subject: from Fred Weis - Starting the conversation: What is Affordable Housing ?
Attachments: 2023-02-28 to PC - What is Affordable Housing.pdf

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To the Planning Commissioners and Staff:

The report that is attached here is **a starting point for a conversation** on "What is Affordable Housing?"

- At the Planning Commission study session on February 11, 2023, David Loya said "We're going to have an agenda item on affordable housing."
- Vice-Chair Scott Davies said "I think I think that is the piece where the rubber meets the road for the things we want as a Planning Commission and the things that everyone in the audience thinks they want. Because I think there's a disconnect between our collective stated goals about building affordable housing."
- One concern at this time, with the discussions about Community Benefits – both options and requirements -- is to what extent these may add to the cost of the project, and have the effect of increasing the rents.

Thank you for your work on helping to maintain and create a great Arcata.

-- Fred Weis

What is Affordable Housing?

At the Planning Commission study session on February 11, 2023, David Loya said “We’re going to have an agenda item on affordable housing.” Vice-Chair Scott Davies said “I think I think that is the piece where the rubber meets the road for the things we want as a Planning Commission and the things that everyone in the audience thinks they want. **Because I think there’s a disconnect between our collective stated goals about building affordable housing.**”

One concern at this time, with the discussions about Community Benefits – both options and requirements -- is to what extent these may add to the cost of the project, and have the effect of increasing the rents.

This document can serve as starting point -- to get your input and continue this conversation.

Definitions of the word “Affordable”

First, we need to define what we are talking about.

The word has been used to mean four different things by Staff, Commissioners, and speakers at the Planning Commission and Council level. I think it’s a complete misrepresentation to call an apartment “affordable” – when what is meant is that it is less expensive than other apartments. That does not make it actually affordable.

To get the conversation going, here are four definitions (at least four) of the word “affordable” – as I’ve heard the word used by Staff and the Planning Commissioners. The Commissioners may want to modify or add to this list.

1. **Deed-restricted affordable.**

There are strict guidelines on this. Often set at 50% (very low) or 60% of median income levels. An example is the Sorrel Place apartments on 7th Street.

2. **Affordable by federal guidelines.**

Rent + utilities not more than 30% of gross (pre-tax) income.

We can also call this “**Workforce Affordable**” or “**Affordable for the Missing Middle.**”

We can base this level of affordability on the notion that someone with a job who is earning \$20 or \$25 an hour should be able to be able to find and have housing.

As an example, \$25 per hour is \$4325 per month and \$52,000 per year, pre-tax. Taking 30% of that is **\$1270 for rent and utilities**, for one person. That \$1270 might translate to \$1150 for rent and \$120 for PG&E (if the landlord pays for water) or \$1050 for rent (if the landlord does not). (We can note that on an after-tax basis, this is **44% of the take-home salary.**) At a **\$20 per hour** salary, the 30% guideline **becomes \$1015 for rent and utilities** – or about **\$900 for rent**.

A medical administrative assistant, or a vocational nurse (not a registered nurse), might earn \$19-\$25 per hour. So while there are plenty of people who make less than \$25/hour, it can be a starting point for the discussion.

In conjunction with this is using the HUD guideline of **80% of median income** as a basis for that 30% figure. The State has set the 2022 income limits for Humboldt County of "Low Income 80%" as:

1 person in the household:	\$43,650	= \$1,090 for rent and utilities
2 persons in the household:	\$49,850	= \$1,250 for rent and utilities
3 persons in the household:	\$56,100	= \$1,400 for rent and utilities
4 persons in the household:	\$62,300	= \$1,560 for rent and utilities

If the landlord is not paying for water/sewage, the minimum water bill in Arcata is now \$88. A "reasonable" gas/electric bill might be \$100/month on a year-average basis.

3. "Market Price" affordable.

This, of course, is somewhat subjective, but can be agreed upon within a range based on direct and anecdotal experience. What is considered as "affordable" might be at the lower end of the market rate. As an example, a 400 sq.ft. one-bedroom apartment, in today's climate, might be \$1250 plus PG&E, or about \$1350-\$1400 total. So this is currently a bit higher than the 30% guideline. This figure can be used as a point of reference, to gauge a rent that is higher than that point. Example: A 1-bedroom apartment at a rental price of \$1500 **would not be considered reasonably affordable** by a typical working person. [Estimated costs as of February-March, 2023.]

4. "Affordable by Design."

To me, this is a terrible phrase and should be removed from our use entirely. To say that something is "affordable by design" -- because it is smaller than an apartment that is larger, and therefore the larger one would cost more and the smaller one would cost less -- is a misleading argument. That it is "less expensive" than if it were larger does not impart actual affordability. Also, **what we are talking about is the cost to the developer being lower.** There is no guarantee that the developer will pass that lower cost on to the renter. We can agree that developers are in business to earn a profit, not to be nice necessarily.

There are two differing definitions of "affordable by design." One, as has been used by David Loya and in the draft Gateway Plan, is that a smaller unit, by definition, costs less to construct than a larger unit.

But also there is this: “Affordable by Design” occurs when the developer **uses innovative design or innovative construction techniques** – and that by using that technique a lower cost is achieved. Examples would be modular factory-built kitchens or bathrooms, or lower-cost materials, or quicker construction methods (stacked modular units).

In my view, true affordable by design (by the first definition) comes from shared housing. A 3- or 4-bedroom, 1 or 2 bath is both 50-60% of the cost to build and 50-60% cost for rent and utilities, on a per-person basis when compared with one-bedroom or studio housing.

What does the City of Arcata mean by “Affordable” ?

From the City’s SIRP Frequently Asked Questions page, in the SIRP section. (Highlighting added.)

Q: WHAT DOES THE CITY MEAN WHEN IT SAYS AFFORDABLE HOUSING?

A: Affordable housing means one of three things depending on the context. We use the term

- 1) in relation to what is affordable at the household level,
- 2) to describe state mandated policy objectives, and
- 3) within the context of our affordable housing regulatory programs.

Affordable housing at the household level means the household is not overpaying for housing costs. Generally, housing is considered affordable if the household is paying 30% or less of its income towards rent or less than 38% of its income towards a mortgage.

From a policy perspective, affordability is defined at the population level. The City’s Housing Element goes into greater detail, but in short, **the City must plan for housing that is affordable to all economic segments of its population.** Housing affordability categories are based on Area Median Income (AMI), and **the City is responsible for providing sufficient land to accommodate housing for all income levels.**

Commissioners:

Is what is stated here being done?

Is the City planning for housing that is affordable to all economic segments of our population?

Is the City providing sufficient land to accommodate housing for all income levels?

Mads Odom

From: Fred [REDACTED]
Sent: Monday, July 24, 2023 2:01 PM
To: Scott Davies; Dan Tangney; Judith Mayer; Matthew Simmons; Peter Lehman; Joel Yodowitz; Sarah Schaefer; Meredith Matthews; Stacy Atkins-Salazar; Alex Stillman; Kimberley White; David Loya; Karen Diemer
Subject: Brown Act Violations - the July 25th Planning Commission Packet

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Date: Monday, July 24, 2023
To: Council, Commissioners, City Manager, Staff, City Attorney (forwarded to)
From: Fred Weis

Please be aware of the multiple Brown Act Violations committed in connection with material in the July 25, 2023, Planning Commission agenda packet.

Summary:

The July 25, 2023, PC agenda packet contains a version of the "Other Considerations" table that was made available to the Commissioners and not to the public. This is a distinct violation of California's Brown Act. There have been other Brown Act violations connected with this "Other Considerations" table as well.

Details:

Pages 162-169 contain a new version of the "Other Considerations" table. (As is typically the case, there is no date on this document.) The document has new items on it, relative to the July 11 or June 27 versions.

Until the Planning Commission packet came out, on Friday, July 1, the public had not seen this document. But clearly the Commissioners had seen the contents of it, as their comments on the contents were already included in this document. As you are aware, the Brown Act requires that documents sent to Commission members be made available to the public **at the same time**.

In other words, the Planning Commissioners were privy to a document that was not available to the public. In addition, the Commissioners took action on it outside of a public meeting.

Furthermore, **two columns of information have been removed** from this July 25 table. The columns for the "Source" of the recommendation, as well as the column showing "Policy Implications / Staff recommendation" -- which were present in all previous versions of the "Other Considerations" table -- have both been removed. **Without these columns, the public does not know where this recommendation came from, and the public does not even know what the Staff recommendation is that the PC is concurring with.**

That is to say, the public cannot tell from this document what it is that the Planning Commissioners are saying "Concur with staff" to. The table says "Concur with staff" but what does that mean? Not only is this absurd in itself, it is also a further violation of California's Brown Act transparency laws.

As the Commissioners and Staff know, I have been highly critical of this "Other Considerations" document from the start. At the beginning, the table was said to include the proposed changes that were in conflict with the draft plan. "Recommendations for changes to the Plan that are either in conflict with the draft or have competing recommendations are available for review here." The implication describes an intentions that this be all-inclusive. But that is far from true.

At the June 27, 2023, meeting, the Community Development Directory finally acknowledged: "There absolutely, I will acknowledge, there absolutely are things that folks have said that are not included in this table that they've recommended. We have not captured everything. That was not the intent to capture everything. The Gateway Plan, **we tried to do our best to capture what, you know, public members wrote**, and what Committees decided in their formal decisions." And what I say is: "We tried to do our best" -- really? This table does not look like the results of someone trying to do their best. All those months of public comment and detailed letters to the Planning Commission -- and this table purports to include that? That is hardly true.

Even the Chair of the Planning Commission is ignored

As I have brought up before, the Recommendation that is summarized as "Create new zone type surrounding Creamery District" is shown as coming from a "Public Member." In actuality this came from **the former Chair of the Planning Commission** Julie Vaissade-Elcock, as well as a letter signed by 23 members of the community.

I ask the Mayor; I ask the Planning Commission Chair, Scott Davies; I ask the City Manager: How would you feel if you had brought up a recommendation, and your words were mischaracterized as coming from a "public member"?

The fourth sentence of California's Brown Act: "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

Other Brown Act Violations, and a request for a remedy

While we are here, I request the City Manager arrange to provide some education to the Community Development Director on the elements of the Brown Act and specifically what constitutes putting a document into the public record. As he should know, any document that is made available to the Planning Commission or is made available during a meeting **MUST** be made available to the people who may be watching that meeting but who are not physically present -- at the same time.

A memo submitted by Commissioner Lehman was available in public at the March 14 PC meeting. But it was not available to the non-present viewing public. Mr. Loya seems to feel that something is part of the public record just because he says so. "Commissioner Lehman's comments are part of the public record" he said -- even though no action was taken to put into the public record. Four months after the fact, Commissioner Lehman's comments are still not in the public record.

I have given the Director an easy way to partially make up for the original error, by attaching Commissioner Lehman's memo to the minutes. That does not solve the issue of the comments not being available to the viewing public at the March 14 meeting, but is a partial remedy. This suggestion has been ignored. The accurate minutes for that March 14 meeting have still not been approved -- over four months later. It shows under "Correspondence / Communications" the draft minutes show **"None."**

Partial remedy: Include mention of Commissioner Lehman's comments in the "Correspondence" on the minutes. Include and note Commissioner Lehman's comments as an attachment with the minutes of the March 14 meeting. Or: Include Commissioner Lehman's comments as an attachment for a future PC meeting, with an explanation that this should have been included with the March 14 meeting.

Some other history about this "Other Considerations" table

In the June 27, 2023, version of this table, the Community Development Director took it upon himself to enter "Concur with Staff" in 13 places, even though the Commission had not discussed the contents of this table. When I asked about this at the June 27 meeting, the Director said: **"We've inserted what we expect you're going to say"**, as a Commission — that you concur with staff on this issue, for example." That is a direct quote.

Councilmembers, I sincerely hope you find this cavalier approach to the truth to be disturbing. The Director has inserted, as fact, statements attributed to the Planning Commissioners that had not occurred. Because this table would be part of the material offered to the City Council as part of the PC's interim draft working documents, I requested that a separate properly-labeled column be put utilized, labeled as: "How Staff expects the Commissioners will view this recommendation." To do otherwise would be factually invalid.

Why this is bothersome

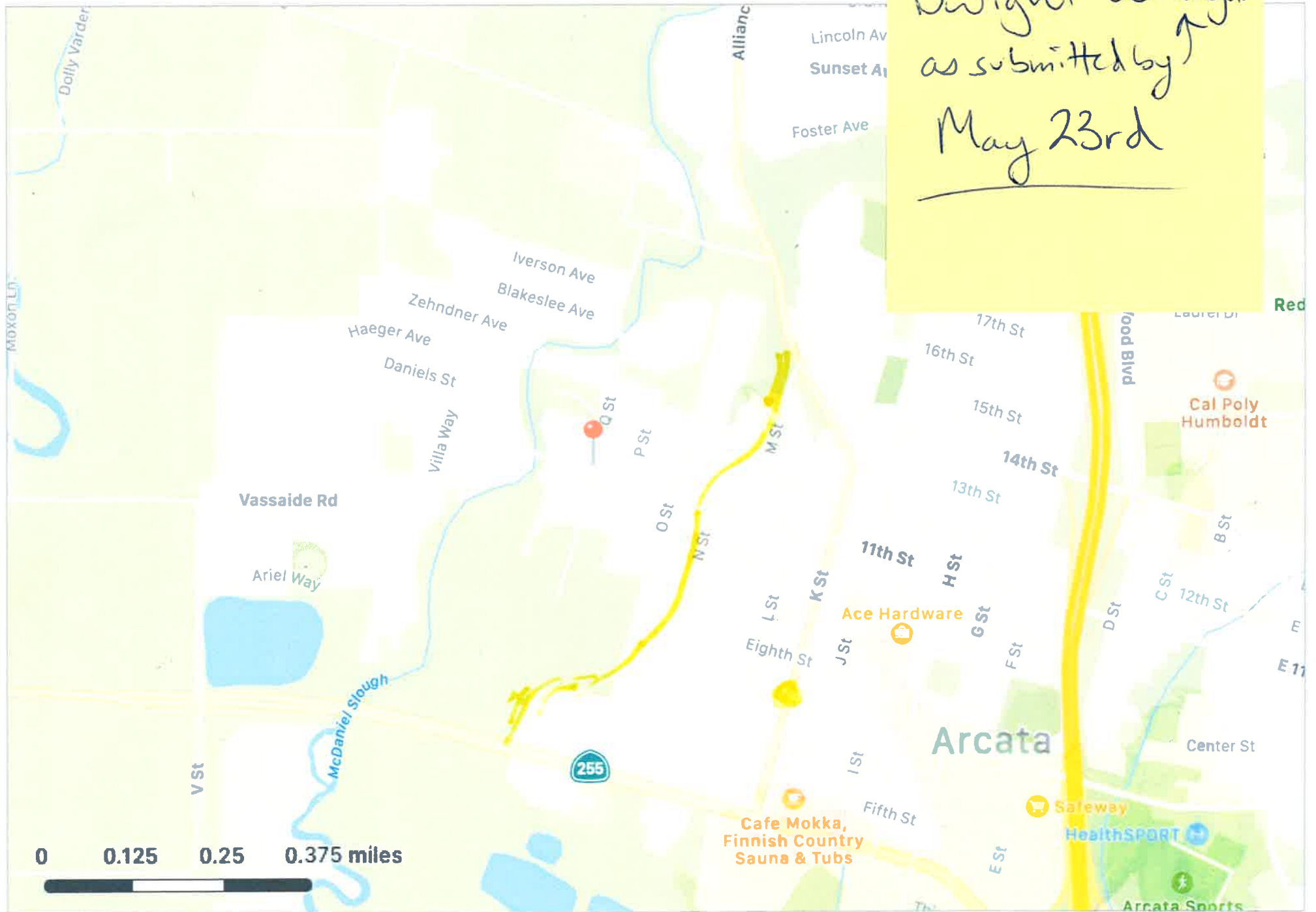
The Community Development Director has shown disregard for the California open meetings and transparency laws on many occasions. Perhaps he knows the law and acts in disregard of the law anyway, or perhaps he does not know the law. Either situation is disturbing.

There was an instance where there was a technical glitch resulting in people watching the meeting by video not having any sound. At the meeting Mr. Loya said that was not a problem, that what went on in the room was sufficient, and wanted to continue with the meeting. That response indicates a misunderstanding of the law.

What is bothersome is that with just a small amount of effort, the Brown Act conditions could be followed. But our Director refuses, again and again, to abide by the simple and clear directives of existing laws.

=====

Dwight Winnegar
as submitted by
May 23rd



Mads Odom

From: janepwoodward [REDACTED]
Sent: Tuesday, June 27, 2023 4:26 PM
To: David Loya; Scott Davies; Judith Mayer; Dan Tangney; Matthew Simmons; Joel Yodowitz; Peter Lehman
Cc: Kimberley White; Sarah Schaefer; Meredith Matthews; Stacy Atkins-Salazar; Alex Stillman; Karen Diemer
Subject: 6/27/2023 Planning Commission meeting comments
Attachments: 6_26 2023 Planco CommentsR.doc

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June 27 2023 PUBLIC COMMENT TO PLANNING COMMISSION

This packet exceeds 600 pages, an enormous slog for you and the public. On the other hand, it includes almost all possible items you might address and we don't have to search for them elsewhere, which I appreciate. In response, however, I think it would be useful for the Commission to try to carve out in advance what you actually think you'll be able to tackle in this particular session, so we the public know what to emphasize in our comments and which chunks to try to review in-depth.

I've attached my comments from the last Commission meeting below, since they remain to be addressed. In addition, the following:

- 1) I read a recommendation in the packet that the Barrel District be broken into two sections: the portion in the Coastal Zone and the northern/non-Coastal zone portion. A similar recommendation was made months ago regarding the Gateway Hub, or basically anything south of 8th Street. Please consider these suggestions, as they would help address sea level rise and Coastal Zone issues.
- 2) Staff appears to believe that the issue of L Street as a one-way street has been voted on as a final vote. That was not my impression, and given the public response, I would appreciate if you would revisit it and hear directly from the Transportation Safety Committee. You clearly agreed upon the need to work on traffic calming on K Street right away. Is that work being planned?
- 3) We need to have more discussion of the scope of the projects allocated to the Zoning Administrator vs. the Planning Commission, to allow for public input to the extent feasible. All proposed projects should be required to be published in the local media so the public is on notice and sent to the public via the City's listserv of citizens wanting to be kept informed.
- 4) We need to have more discussion of the economic viability and wisdom of building up to 7 story buildings in an area that is subject to sea level rise within 20 to 80 years, and what kind of construction we should be recommending due to sea level rise and geological/earthquake issues. We should not be building in areas from which we know we'll need to retreat.
- 5) Staff has never agreed to conduct a survey of Arcata residents to determine their interest in having high-rise buildings, and patently ignored the results of the January 2022 town hall where approximately 200 attendees overwhelmingly were against buildings over 4 stories. One has to conclude staff doesn't want to know the answer because it would not "comport" with the draft Gateway plan.

Thank you for your attention.
Jane Woodward, Arcata resident

June 13 2023 PUBLIC COMMENT TO PLANNING COMMISSION

In reading the extensive packet for this meeting, I have several questions:

- 1) How do you plan to proceed in discussing/approving the Form Based Code (FBC)? Are you going to go through it section by section, or topic by topic? How can the public comment in 3 minutes at the beginning on such a wide array of provisions? If the FBC were addressed doing a regular meeting, we could comment on it separately.**
- 2) I continue to be concerned that you aren't taking the recommendations of the Transportation Safety Committee and the opinion of the public into account regarding the L/K Street Couplet. Are you going to do so, and if so, when? Are you willing to reconsider your initial vote in light of widely expressed public concerns?**
- 3) I appreciate Staff's attachment of the "Bike Rack" issues and Attachment E, non-comporting items presented as "Other Considerations." The considerations do not include addressing the impact of sea level rise or other constraints imposed by proposing high density building in the Coastal Zone. Is that ever going to be discussed, if so when, and where does it come in your schedule and agenda?**
- 4) I think you are not taking the need for parking seriously enough. There are not even any diagrams showing parking locations associated with buildings presented in the code. And if you have buildings that are going to be in coastal zone, perhaps you should consider requiring underground parking, which would also serve as a buffer if sea level/groundwater upwelling does begin to affect the areas of concern (most specifically, the barrel district).**

Thank you for all your work. I hope you allow sufficient time for thorough consideration of the issues of public concern, and adequately address the recommendations of Judith Mayer.

**Thank you for your attention,
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Thank you for all your work. I hope you allow sufficient time for thorough consideration of the issues of public concern, and adequately address the recommendations of Judith Mayer.

Thank you for your attention,
Jane Woodward, Arcata resident

Mads Odom

From: Colin Fiske [REDACTED]
Sent: Sunday, July 09, 2023 5:53 PM
To: Scott Davies; Peter Lehman; Judith Mayer; Dan Tangney; Matthew Simmons; Joel Yodowitz
Cc: David Loya
Subject: Upcoming Vote on Gateway & General Plan

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Commissioners,

As you may know, CRTP represents nearly 700 individual members and supporters, as well as a number of organizational members in the local environmental and social services sectors. You have heard from us frequently throughout your review of the Gateway Area Plan, Gateway Zoning Code, and General Plan updates. I won't rehash all of our past comments here, but I want to reiterate our strong support for the Gateway plan & code generally, and for most of the General Plan updates as well.

Overall, this is a very strong package of land use reforms which will update the city's plans and codes to reflect modern best practices, stimulate much-needed walkable housing development, and help position the city to mitigate future climate chaos. We urge you to vote to recommend approval to the City Council.

Regarding specific topics which you may discuss on Tuesday, I will briefly remind you of CRTP's positions:

- We support streamlined ministerial permitting for projects which meet the objective standards in the Gateway code.
- We support allowing a broad mixture of land uses, except where those uses are clearly incompatible with a walkable neighborhood, such as many automobile-serving uses.
- We support a minimum building height of 3 stories without unduly restrictive stepback requirements.
- We support requiring building to the back of the pedestrian zone (build-to lines).
- We support eliminating parking mandates in the Gateway Area and citywide.
- We support the higher minimum residential density proposed at your June 17th meeting.
- We support prohibiting new garage doors from facing street frontages and endangering pedestrians.

Thank you for all of your hard work. I look forward to seeing this plan move forward.

Colin

--

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

Mads Odom

From: Fred [REDACTED]
Sent: Sunday, July 09, 2023 9:44 PM
To: Scott Davies; Dan Tangney; Judith Mayer; Matthew Simmons; Peter Lehman; Joel Yodowitz; David Loya
Subject: Issues with the Urban Field Studio - Gateway Test Site document
Attachments: 2023-07-11_Planning-Commission_Urban-Field-Studio-4-Test-Sites-pp76-86.pdf

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Issues with the Urban Field Studio - Gateway Test Site document
Pages 76-86 in the July 11, 2023, Planning Commission Packet

from: Fred Weis July 9, 2023

Commissioners: The following includes a Summary, major general points, and a discussion on each of the four sites chosen for the Urban Field Studio studies.
I've used **highlights** and **bold red** so you can skim.

Summary:

I found this study to be disappointing. Yes, the study does conclude that the Gateway Plan will "facilitate high-density residential development" -- but we already knew that. What does this study tell us?

(The quotes shown in this Summary are from the study's "Conclusions" section.) The study's Conclusion further states that there will be "development that is human-scaled, pedestrian-friendly, and sensitive to existing lower-intensity uses." **But there is nothing in this study to back that up.**

The study's conclusion states: "The Gateway Code also contains upper story step back requirements to reduce the appearance of tall buildings at the street, reduce shadow impacts, and provide context-sensitive massing adjacent to lower-intensity residential uses" -- **and then proceeds to argue for the elimination or strong reduction of the upper story step-back requirements.**

"The public benefits achieved with these standards should be weighed against their associated costs." As Commissioner Lehman pointed out, we don't know the costs. We know it costs more to have step-backs than it would to not have them. But how much more? We don't know. And -- to put this bluntly -- everything that we ask for has a cost associated with it. Do we give up necessary community needs because they cost money? Enclosed bike storage, bike and car electric charging stations, passive solar design, higher-quality materials.... Do we give that up?

The study proposes: "Allow up to 5 stories with no step backs" as a means of reducing costs. Here in Arcata, we need as much of a view of the sky as we can get. Step-backs reduce the "canyon feeling" of being on a street with taller buildings. On the one hand we want pedestrian

foot-traffic and extensive walking and biking. But a sheer vertical wall of five stories from the sidewalk does not help that. Go to Sorrel Place on 7th Street, and see if anyone walks on the south side of the street, the sidewalk that is on the north side of the building. Even in July that sidewalk is in shade.

"Consider eliminating the requirement for ground floor active frontages (retail uses) except in well-established retail districts." I think the authors of this study are missing a major point of what we're trying to achieve here. We want this to be a walkable, bikeable high-density closed-in section of Arcata, with mini-neighborhoods anchored by restaurants, food shops, retail stores, places to meet and gather, offices and workplaces -- a clustered tiny-urban environment. Removing a portion of ground-floor commercial designation substantially changes that.

We have the examples of Sorrel Place (on 7th Street) versus Plaza Pointe (on 8th). Not an entirely fair comparison, as Plaza Pointe is across the street from the Co-op and is one block from the Plaza. But Sorrel Place will never be a location that offers an enlivened sense of community. A building with a storefront, such as where the Dead Reckoning Tavern is, behind the Co-op at 8th & J, brings people to the neighborhood. Sorrel Place, with no reason to go there except to visit a resident, repels people.

The study does tell us that we'll be able to achieve higher-density housing with the Gateway Plan, but, as I said, we knew that. In the four Opportunity Sites that are part of this study, many of the ideas proposed come with large caveats. The Tomas site shows a two-story parking structure. As we know, a multi-story parking structure is almost certainly financially infeasible. The car wash site shows Jolly Giant Creek as being half-daylighted. A proper study would show it completely daylighted -- because that's what we'll be doing, should that parcel be developed.

But most upsetting of all: The study shows what could happen, if a developer is, as the City is promoting, seeking a higher density. **But what if a developer designs a project that is cost-effective (for the developer) at a far lower density?** Are we willing to accept a block or two of the Gateway Area built up with the type of housing that we now see on the Foster Avenue Extension, or, worse, similar to the recently-approved Arcata Garden Apartments?

This study did not have the intention of addressing this lower-end density and it was not tasked with that. I know this. But, to me, **it should have**. To me, the question is not "Can we achieve a high density?" The answer to that is easy: Sure we can. The question should be: **What can we do to ensure that we do not have too low of a density.**

As it stands, the code allows apartment buildings that are two stories. That can even partially be one level for parking and one level of residential use, as much of Arcata Garden Apartments is. The **Kramer "Sunset Terrace" apartments** on Foster Avenue are 142 units on 3.55 acres. (It is 2.10 acres of development, and 1.14 acres of "open space" including the space between the buildings, the emergency vehicle turnaround space, those piles of rocks along Foster that can't be walked on, and so forth.) Those 142 apartments on 3.55 acres makes for a **40 unit per acre density**. It also has 142 parking spaces, a rate of one per apartment.

A block-size development of that medium density is not enough to create a neighborhood. How would you like it if the 1.42 acres of the AmeriGas site was covered with rows of two-story apartments, a total of 50 or 60, for a density of 35 or 42 units per acre. Would that be in keeping with the aims and goals of the Gateway Area Plan? No, it would not.

From my point of view, **if that were to occur, we would have failed**. That is the opposite of what we want to create. And yet the current Form-Based Code and Gateway Area Plan would allow it.

The people at Urban Field Studio are architects. I am not an architect. **It does seem that they did not give much time or thought to this study.** Or, possibly, not have much thought to what makes Arcata special, and to what we're trying to achieve.

-- Fred Weis

General Discussion

1. The document as shown has no title, no author's name, no date, no version number. It could say "Study conducted by Jane Lin of Urban Field Studio for the Gateway Area Plan, City of Arcata, July 1, 2023." Instead, there is nothing.

2. The purpose of the study is to "to confirm that the proposed Gateway Code standards can physically accommodate the type and intensity of development envisioned by the Gateway Plan." **That's all?** That the Form-Based Code will accommodate high-density development? I think we already knew that.

The study has nothing to do with the "human" aspects of the architecture and urban planning of the Gateway Code. The study shows nothing about what it would be to have a 7-story building on the south (blocking the sun) side of the Creamery building, or to have a five-story building on the south side (again, blocking the sun), across the street from the historic Devlin Cottages on 7th Street. Those factors were not a part of the concerns of this study.

I am extremely disappointed by the very limited scope of this study -- and by the simplistic outcomes that it portrays. And by the multiple caveats that would affect actual density. Such as: "This site is large enough for an efficient structured parking solution [i.e. a two-story parking structure]. However, this still may not be financially feasible. With smaller setbacks **it may be possible to create** enough surface parking to support **a three story apartment** structure. [That is, three stories **versus a seven story apartment, which is what the study shows**].

3. I expected far more. I want to know: **How much did this study cost?**

4. When you read this message to you in full, you may object to my quibbling about architectural design. After all, this is a feasibility study about possible housing density in the Gateway Area. But I do this for a very simple reason: **If it's not feasible, then it won't get built. If it's not going to get built, it is a poor choice to use as an example of what we can do in the Gateway Area.** If, as an example given as part of this study, it takes a two-story garage structure in order to have enough parking and site space to build a seven-story building, and if a two-story garage structure is not likely to be built because of the cost, then **what is this study telling us?** That the seven-story building will not get built. In other words, that study -- one of four offered here -- is of no value to us.

Similarly, the design calculations for the car wash site are based on half of Jolly Giant Creek being daylighted, and the achieved density is based on that. If instead we daylight the full creek on that block, what good is the density calculation in this study?

5. The density is shown in terms of dwelling units per acre. While this is indeed an industry standard, dwelling units per acre is a poor way to quantitatively illustrate just what we'd be

getting. You can see my articles on Arcata1.com on this subject: "**Dwelling Units per Acre**" – **Another terrible way of measuring housing**" at arcata1.com/dwelling-units-per-acre-another-terrible-way-of-measuring-housing/ and "**Housing Units**" and "**Housing Density**" – **Why these are terrible ways to measure housing success** at arcata1.com/housing-units-and-housing-density-why-these-are-terrible-ways-to-measure-housing-success/

A far better way to measure density is by number of bedrooms per acre -- often called "doors." That has its limits also, as a studio, a 1-bedroom, and one bedroom in a family home are all considered as "1 bedroom."

All four of the studies shown have on-site parking, and they show an average apartment unit size of 946 to 973 square feet. The images show lots of two-bedroom units (they are just for illustrative purposed), and we can take that 946 to 973 sq.ft. average as coming from a blend of studios, 1, 2, 3 bedroom units in some proportion. As a means of comparison, the "Sorrel Place" 44-unit apartment has 1, 2, and 3-bedroom units, with an average size of 824 sq.ft., and a density of 64 units per acre.

Here's a very simple way **this study could have given us any number we want to see.**

1. Make the parking in each plan be zero. That will give more land to build on.
2. Make the setbacks from the property line be zero.
3. Eliminate all upper-story step-backs for buildings that are five stories or under.
4. Since step-backs aren't required on the full perimeter of the building, the building's design can have a sheer five-story wall on the property line, even when next to a single-family home. That will also give more land to build on.
5. Have all the units be under-400 sq.ft. one-bedrooms. That will about double the number of "units per acre." Or, make all the units in an entire building be under-300 sq.ft. studio units. That will almost triple the number of units per acre.

Clearly I am being silly on this. The point is: **It is very easy to manipulate these "units per acre" figures.** You can almost pick what you want, and then establish a way to theoretically achieve it.

That said, I can direct the Commissioners to the article "Visualizing Compatible Density" at arcata1.com/visualizing-compatible-density where you can see a building of 41 units, averaging 430 sq.ft., built on a site that is 1/5th of an acre, 8700 sq. ft. (two residential lots put together). It has only 8 parking spaces, as it is walking distance from light-rail transit, and it has a roof garden for open space. **It achieves a density of 205 units per acre.**

6. "Site tests were prepared for Gateway Plan opportunity sites G, I, L N as shown in the figure below."

Since we live here in Arcata, let's call these Test Sites by what they are, rather than "G, I, L, N."

- **G is the car wash site at 10th and K Streets** that has Jolly Giant Creek, expected to be fully daylighted. (Although the Gateway Plan, as written, only "encourages" daylighting.) One city block, 1.44 acres minus the open space for daylighting. **Gateway Corridor District.** Shown as 1.42 acres.
- **I is the Tomas site at 8th & L Streets**, directly behind (south of) the Creamery block. Gateway **Barrel District.** **In the Coastal Zone.** Owned by Tom Perrett. This site has an architect-designed office/light-manufacturing building (**incorrectly described in**

the draft Gateway Plan as "a one-story metal industrial building") and a large (about 1/2 acre) permanent garden space. This study does not show this, but it is two APN parcels, of 0.71 acres (30,800 sq.ft.) and 1.97 acres (85,800 sq.ft.), in total 2.68 acres. Shown as 2.65 acres.

- **L is the current AmeriGas site**, between K & L Streets, between 6th & 7th Streets. Actually two APN parcels of 1.30 acres and 0.23 acres. Gateway **Corridor District**. **In the Coastal Zone**.
- **N is the old St. Vinnie's thrift store site** at 5th and K Streets. Gateway **Corridor District**. **Incorrectly shown in this study as being in the Neighborhood District**. **In the Coastal Zone**. 0.43 acres, 18,750 sq.ft.

7. Glossary

- "Structured Parking" means a multi-story structure designed for automobile parking with multiple levels for parking vehicles. Includes parking garages, parking ramps, and parking decks. As opposed to a single level of parking, typically at grade or slightly below grade, and with residential or commercial occupied space above it.

8. General Notes

Three of the four selected sites border on L Street. If the Gateway FBC Code were to accommodate and plan for a linear park on L Street, rather than a major arterial road there, then building heights would be lowered and densities would by necessity be lessened.

If Jolly Giant Creek were to be fully daylighted, Site G, the car wash, would see a reduction in the density. Shown in the study as 61 dwelling units per acre, that is based on about half of the creek being daylighted. If the entire creek flowing through that parcel were daylighted, the density would be lower. (With the design shown. There can be better designs, also.)

9. Notes on specific sites

1. Site I, the Tomas site.

The study shows the existing Tomas building as being entirely torn down, and the beautiful garden run by the Montessori School as being bulldozed. Clearly only Tom Perrett can speak for Tom Perrett, but I will venture to say that there is a very, very small chance that Tom would tear down the existing Tomas building so he can build a 7-story commercial / residential tower. I would put the chance of this happening to be Zero.

So why do a study on a site that is unlikely to see this development? Isn't there another Opportunity Zone site that would make more sense to do a study on?

The site is over 116,000 square feet (2.67 acres). **The building design in this study shows no publicly accessible open space**. Per the Publicly Accessible Open Space Requirement table on page 54 of the Form-Based Code section (Page 71 in the July 11 agenda packet), a 7-story building on a site area of greater than 30,000 sq.ft. requires 15% of publicly accessible open space in order to be a part of the community benefits

program, or pay an in lieu fee of 1.5% of construction costs. **That's a requirement of 0.40 acres of public open space** (over 17,500 sq.ft.) -- close to 30% of an Arcata city block. **I don't see that happening in this study.** An in-lieu fee might be in the neighborhood of \$500-800,000. The result would be a better city park somewhere else, and no public open space here.

The study shows 300 dwelling units and 7,800 sq.ft. of ground floor commercial space. The study says: "The existing commercial uses along 8th street in this particular area are more industrial in nature and may not generate the rent to cover the expense of vertical mixed-use retail. This retail requires expensive mechanical, electrical and plumbing and fire separation systems to be provided creating very high construction costs."

This is the case with every potential Gateway project. The issue is not specific to this site. It is a major question with regard to the feasibility of the Gateway Plan.

The driveway for the **2-story 150-space parking structure** goes out to L Street and crosses the L Street Pathway.

The study says: "This site is large enough for an efficient structured parking solution. However, this still may not be financially feasible. With smaller setbacks it may be possible to create **enough surface parking to support a three story apartment structure.**"

In other words, **this building as shown is not economically feasible.** In theory, a 7-story building with a separate 2-story parking garage is "possible." In practical terms, it is not possible. **Rather than the 113 dwelling units per acre as the study shows, in practical terms this site would 40% to 50% of that, or 45 to 55 dwelling units per acre.**

Or: Theoretically there could be Zero parking for the 300 apartment unit and the 7,800 sq.ft. of retail or restaurant space. Of course, when considering that there will likely be lessened parking on 7th Street and 8th Street, and possibly no parking at all on K Street and, if L Street indeed becomes a Linear Park then no parking on the L Street Corridor... then **no parking for 300 apartments becomes a problem.** Or, to put it another way, it becomes a problem for everyone else.

Tomas site

Site I: Ground Floor Plan



Upper Floor Plan



The study comments on step-backs: "Step-backs require that units at upper levels are custom and few in number. **This presents a substantial premium in the cost per unit,** negatively impacting the return and **potentially leading to cost-cutting on the quality of construction to offset the costs** or financial feasibility. These step-backs are especially difficult if they do not occur at the building type height limits set by the building code."

In this design, yes. The step-backs could lead to an increase in the cost of construction. With a different architectural design, this problem may not be an issue. As to whether a possible increase in cost or complexity **could lead to "cost-cutting on the quality of construction"** -- well, that depends on the developer and the contractor, now, doesn't it. This is mere speculation on the part of the authors of the study. And -- a different architect might have a more creative and more cost-efficient design.

2. Site G, the car wash site. 10th & K Streets.

As noted above, if Jolly Giant Creek were to be fully daylighted -- which is what we are expecting at this site, and what has been previously shown in Julian Berg's design (see: arcata1.com/3d-images-and-aerial-views), then Site G, the car wash, would see a reduction in the density. It is shown in the study as 61 dwelling units per acre, based on about half of the creek being daylighted.

If all the creek was daylighted, that 61 dwelling units per acre would drop. But this, again, is based on the design shown. Julian Berg's design shows more units per acre, with full creek daylighting (although with zero parking).

3. Site L, the AmeriGas site. The block between K and L Streets, between 6th & 7th Streets

Perhaps has publicly accessible open space. The 72 parking-place lot has its driveway on L Street.

AmeriGas site - the block of K-L and 6th-7th Streets

Site L: Ground Floor Plan



Upper Floor Plan



Site N: The former St. Vinnie's thrift store, at 5th and K Streets.

As previously noted, this site is shown as being in the Gateway Neighborhood district. **The study is incorrect -- it is in the Gateway Corridor District.** The study has a design of four stories. Based on the district, it could be five stories, and the rear of the building could be a sheer vertical wall with no step-back whatsoever, even though the parcel is adjacent to two-story and one-story residences.

The study: "Conclusions"

The Urban Field Studio study ends with a page under the heading of "Conclusions." See the opening Summary section of this message for my comments on these conclusions.

=====

Attached:

The Urban Field Studio - Gateway Test Site document

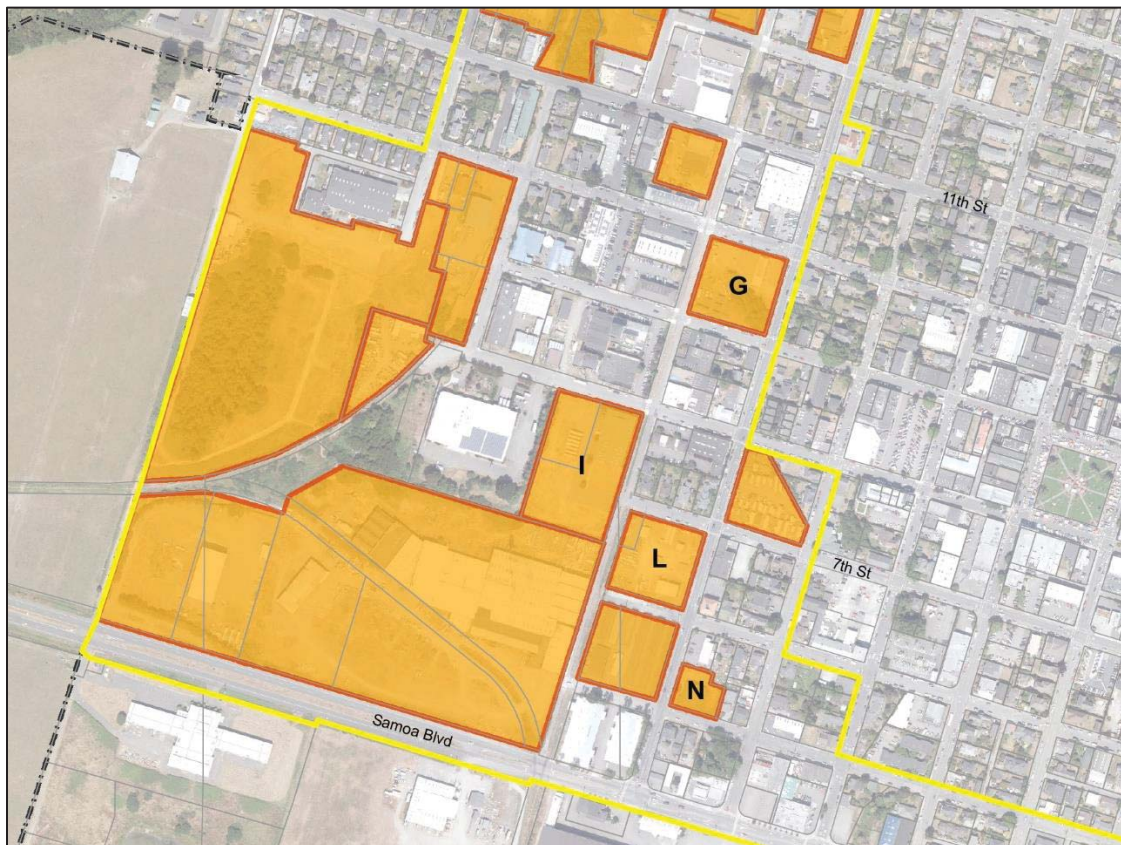
11 pages in length

Pages 76-86 in the July 11, 2023, Planning Commission Packet

Introduction

This document contains site tests of development standards in the Draft Gateway Code. Architects at Urban Field Studio prepared these tests to confirm that the proposed Gateway Code standards can physically accommodate the type and intensity of development envisioned by the Gateway Plan. The results of these site tests can help identify refinements to the Draft Gateway Code that may be desirable given community priorities and Gateway Plan objectives.

Site tests were prepared for Gateway Plan opportunity sites G, I, L, N as shown in the figure below. These sites were selected to consider a range of existing conditions on sites with high development potential. Site tests were consistent with building placement, height, massing, parking, open space, and other relevant standards in the Draft Gateway Code.



For each site, the following test information contains a graphic showing the site boundary and context, a ground floor plan, and an upper floor plan. A table contains site information, test inputs and assumptions, and test outputs (number of units and density). Important observations from the testing exercise for each site are also provided. Summary observations and recommendations for the Gateway Code are provided in the Conclusion section of this document following the site test information.

SITE G



Site Information	
Zoning District	Gateway Corridor
Parcel Dimensions	250' x 250'
Parcel Area	1.42 acres
Inputs/Assumptions	
Building Height	5 stories and 60 feet
Average Unit Size	946 sq. ft.
Ground Floor Commercial	4,500 sq. ft.
Open Space	25,000 sq. ft.
Parking	45 garage spaces
Test Outputs	
Dwelling Units	87
Density	61 du/ac

Site G: Ground Floor Plan



Upper Floor Plan



Observations:

- The area for ground level commercial space is limited facing 9th street due to the creek. This would result in perhaps one small isolated tenant space, presenting a very high risk location for a potential tenant.
- A large creek setback reduces the available land for development, reducing the unit yield and area for any onsite parking.
- Daylighting the creek is possible, though it would require dividing the building into two very small buildings with possibly an upper-level connection. If this is mandated, individual townhomes or walk-up apartments (max 3 story) might be a more viable solution. Adding structured parking and an elevator may make financial feasibility impossible.
- Large setbacks reduce the buildable area and ability to have onsite parking. This can create challenges to obtaining funding for the project and financial feasibility.
- Current economics likely won't work for structured parking. This means housing typologies that utilize street parking, surface parking, or townhomes with built-in parking may need to be considered.

Site I



Site Information	
Zoning District	Gateway Barrell
Parcel Dimensions	270' x 423'
Parcel Area	2.65 acres
Inputs/Assumptions	
Building Height	7 stories and 80 feet
Average Unit Size	973 sq. ft.
Ground Floor Commercial	7,800 sq. ft.
Open Space	43,573 sq. ft.
Parking	150 garage spaces
Test Outputs	
Dwelling Units	300
Density	113 du/ac

Site I: Ground Floor Plan



Upper Floor Plan



Observations:

- Step-backs require that units at upper levels are custom and few in number. This presents a substantial premium in the cost per unit, negatively impacting the return and potentially leading to cost-cutting on the quality of construction to offset the costs or financial feasibility. These step-backs are especially difficult if they do not occur at the building type height limits set by the building code.
- Arcata has a uniquely intimate commercial streets and sidewalks. 20-foot sidewalks are not typical here and more appropriate where there are both a high concentration of pedestrians and outdoor seating for restaurants. In smaller communities, large sidewalks can feel empty due to their size. Consider 15-foot dimension to face of curb from building for both retail and residential uses. Retail may be hard scape, and residential may be a combination of landscape with minimum 6-foot sidewalks.
- This site is large enough for an efficient structured parking solution. However, this still may not be financially feasible. With smaller setbacks it may be possible to create enough surface parking to support a three story apartment structure.

- The existing commercial uses along 8th street in this particular area are more industrial in nature and may not generate the rent to cover the expense of vertical mixed-use retail. This retail requires expensive mechanical, electrical and plumbing and fire separation systems to be provided creating very high construction costs.
- There are costs associated with the demolition and lost income caused by the replacement of the Health Center.

Site L



Site Information	
Zoning District	Gateway Corridor
Parcel Dimensions	250' x 250'
Parcel Area	1.44 acres
Inputs/Assumptions	
Building Height	5 stories and 60 feet
Average Unit Size	949 sq. ft.
Ground Floor Commercial	5,800 sq. ft.
Open Space	25,839 sq. ft.
Parking	72 garage spaces
Test Outputs	
Dwelling Units	122
Density	84 du/ac

Site L: Ground Floor Plan



Upper Floor Plan



Observations:

- Step-back requirements would result in too many unit types for a small building. If step-backs are necessary they should be coordinated with building code criteria for building types. For example, if four stories are allowed without step-backs, it increases the feasibility of a type V apartment building which allows a four-story wood framed building.
- Large setbacks reduce the possibility for parking on-site or different housing typologies. Consider 15-foot dimension from face of building to face of curb to create a larger developable area allowing the site flexibility to respond to a variety of solutions.
- Current economics likely won't work for structured parking. Means either less parking or reduced units with surface and tuck under parking.

Site N



Site Information	
Zoning District	Gateway Neighborhood
Parcel Dimensions	135' x 150' with 40' x 60' notch
Parcel Area	0.43 acres
Inputs/Assumptions	
Building Height	4 stories and 50 feet
Average Unit Size	962 sq. ft.
Ground Floor Commercial	3,500 sq. ft.
Open Space	5,618 sq. ft.
Parking	12 garage spaces
Test Outputs	
Dwelling Units	27
Density	62 du/ac

Site N: Ground Floor Plan



Upper Floor Plan



Observations:

- Consider utilizing street parking on small sites to reserve limited real estate for units and allow a higher yield for a lower height, lower-cost housing typology.
- The retail will need parking as will the residential. The combined demand for parking may impact the feasibility of both uses.
- Current economics likely won't work for structured parking. This means either less parking or reduced units with surface and tuck under parking.

Conclusions

The table below summarizes the number of units and resulting density for the tests on each of the sites. Site testing found an achievable density ranging from 61 units per acre (Site G) to 113 units per acre (Site I).

	Site G	Site I	Site L	Site N
Zoning District	G-C	G-B	G-C	G-N
Building Height	5 stories	6 stories	5 stories	4 stories
Dwelling Units	87 units	300 units	122 units	27 units
Density	61 du/ac	113 du/ac	84 du/ac	62 du/ac

The Gateway Code aims to implement Gateway Plan goals to facilitate high-density residential development that is human-scaled, pedestrian-friendly, and sensitive to existing lower-intensity uses. With this goal in mind, the Gateway Code includes minimum setback standards of between 10 and 20 feet to accommodate a wide pedestrian realm between the building and street curb. The Gateway Code also contains upper story step back requirements to reduce the appearance of tall buildings at the street, reduce shadow impacts, and provide context-sensitive massing adjacent to lower-intensity residential uses.

The site testing found that these setback and stepback standards, while advancing Plan design goals, would also increase development costs and reduce achievable densities in certain cases. The public benefits achieved with these standards should be weighed against their associated costs. With this in mind, the City may wish to consider the following modifications to the Gateway Code standards to reduce development costs and increase unit production:

- **Combined sidewalk and Property Line Setbacks:** 15 feet from the face of curb to the building facade is an adequate dimension for commercial and apartment uses up to 60 feet in building height. This is commonly found in many historic American Cities. 15 feet allows the flexibility to design the streetscape appropriately for residential and commercial land uses in different ways including stoops and yards for residential uses and outdoor seating and display areas for commercial uses. Larger setbacks may be electively applied if desired by the developer.
- **Upper Story Step Backs:** Allow up to 5 stories with no step backs. This will permit both Type III and Type V building construction maximums.
- **Active Ground Floor Frontages.** Consider eliminating the requirement for ground floor active frontages (retail uses) except in well-established retail districts. The cost of this square footage is much higher than rent can justify and can deter smaller local developers from building housing.

Mads Odom

From: Maria C Bartlett [REDACTED]
Sent: Monday, July 10, 2023 1:31 PM
To: Peter Lehman; Scott Davies; Judith Mayer; Dan Tangney; Joel Yodowitz; Matthew Simmons; David Loya
Subject: Comments for Planning Commission on Gateway Plan and Code

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 strongly support the Gateway Plan, the Gateway Zoning Code, and the General Plan Amendments. These all move Arcata toward a more transit friendly community. I encourage the City Council to approve these documents as soon as possible. Although I reside in Trinidad, I am a frequent visitor to Arcata, and full disclosure, a proud member of CRTTP.

Thank you for all your hard work on these issues over the last year and a half!

Maria Bartlett
Trinidad, CA

Mads Odom

From: Rudy and Vicky [REDACTED]
Sent: Monday, July 10, 2023 9:30 AM
To: Peter Lehman; Scott Davies; Judith Mayer; Dan Tangney; Joel Yodowitz; Matthew Simmons; David Loya
Subject: Comments for Planning Commission on Gateway Plan and Code

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.

Dear Planning Commissioners,

I want you to know that I strongly support the Gateway Plan, Gateway Zoning Code, and General Plan amendments, which will move Arcata toward more walkable, bikeable, transit-friendly neighborhoods. I, therefore, encourage you to recommend that the City Council approve these documents as soon as possible.

I also want to thank you all, as our Planning Commissioners, for your hard work over the last year and a half reviewing and fine-tuning these important plans.

Sincerely,
Rudy Ramp
[REDACTED]

Mads Odom

From: Aaron de Bruyn [REDACTED]
Sent: Tuesday, July 11, 2023 9:02 AM
To: David Loya; Karen Diemer; Delo Freitas; Joe Mateer
Subject: Planco Commissioner troubles

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I'm not crazy about the fact that the Co-Director of RCCER, Matt Simmons, issued an email drive for his people to deliver his talking points through public input on an official board meeting he resides on, and will be making an adjudicatory decision on.

Mads Odom

From: Joanne [REDACTED]
Sent: Tuesday, July 11, 2023 2:26 PM
To: Scott Davies
Cc: David Loya
Subject: Can I have this video played as my public comment tonight?

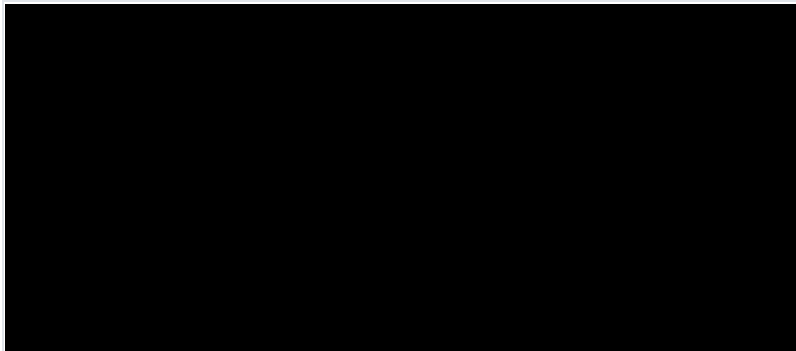
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commissioner Davies,

Would it be possible to have staff play this video as my public comment at tonight's important Planning Commission meeting? It is 2 minutes and 50 seconds. It is a visual and lyrical way I want to communicate my feelings about the Gateway and General Plan to the Commission.

[A Short History of America by R. Crumb and Joni Mitchell](#)

Thanks for letting me know if this would be possible.



**A Short History of America by R. Crumb and
Joni Mitchell**

Sincerely for OUR Town and the Planet Earth,

Joanne McGarry
[REDACTED]

Mads Odom

From: Jerome Qiriaz [REDACTED]
Sent: Tuesday, July 11, 2023 7:39 AM
To: Peter Lehman; Scott Davies; Judith Mayer; Dan Tangney; Joel Yodowitz; Matthew Simmons; David Loya
Subject: In Support of the Gateway Plan, Gateway Zoning Code, and General Plan Amendments

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.

Dear Commissioners,

I'm writing to express my support of the Gateway Plan, Gateway Zoning Code, and General Plan amendments being considered for recommendation to the City Council. The extremely hard work by City Staff and Commissioners over the last 18 months is commendable, and will have a long lasting positive impact, not just on Arcata residents, but to all residents of Humboldt County.

I support a recommendation to the City Council to approve the proposed Gateway Plan, Gateway Zoning Code, and General Plan amendments. If possible, I also encourage recommendations that:

- Increase allowable density to help ensure the full benefits that come from high density infill development are realized, to the benefit of all Arcata residents
- Explicitly remove minimum parking requirements
- Support streamlined permitting of high density infill development that meets the requirements of the Gateway Plan and Zoning Code
- Encourage permitting requirements, costs, and timelines be made as clear and transparent as possible to ensure successful development projects

Respectfully,
Jerome Qiriaz

[REDACTED]

Mads Odom

From: diane ryerson [REDACTED]
Sent: Tuesday, July 11, 2023 11:19 AM
To: Peter Lehman; Scott Davies; Judith Mayer; dtangrey@cityofarcata.org; Matthew Simmons
Cc: David Loya; Karen Diemer; Colin Fiske
Subject: General Plan Update Recommendations

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July 11, 2023

Communication via email

RE: Agenda Item VI, Business Item B: Recommendation to City Council on General Plan Update

Dear Planning Commission Members,

Please give serious consideration to the following comments.

Transportation: K and L streets couplet

As a resident and property owner in Arcata, my partner and I enjoy roundtrip walking from our North Town I street home to the Arcata Marsh using the existing pedestrian/bike trail (Humboldt Bay Trail) along L street. No cars/trucks zoom by near us and we are free from the noise and air pollution they create. We also use this portion of the Humboldt Bay Trail for our dental visits (Barsanti Dental Group) and to attend events/performances at Arcata Playhouse. We have only two street crossings that are dangerous for pedestrians: (1) the HBT crossing of Alliance (from 11th to Foster Ave. on K/Alliance there are no stop signs, just one speed lump and most drivers exceed 25 mph), and (2) the HBT crossing of 11th (no stop signs west of K street). One-way streets and streets without stop signs encourage speeding. I urge you to reconsider the K and L streets couplet and recommend to city staff and city council: (1) designation of the L street corridor as a full-width linear park, and (2) consideration of the full range of alternatives to increase K street safety as a two-way street. Stop signs at each intersection would be the easiest and least costly to implement. Parking elimination or relocation can increase biking safety.

Housing

I urge you to recommend calculation of the number of housing units available if building heights are limited to 4 stories. Arcata needs to cooperate with Cal Poly Humboldt but does not need to assume responsibility for more than the city's proportional share of housing. I doubt that anyone knows with certainty how many students will be enrolled and/or retained in the future.

I urge you to recommend specific language directing the process to make at least 50% of the housing available for combined very low, low, and low to moderate income residents, 35% for potential home ownership, and restrict market rate to 15%. We need this mix of housing available for people who have to relocate over the next 20-40 years due to sea level rise.

Thank you for giving serious consideration to my input.

Diane Ryerson



Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, July 11, 2023 3:04 PM
To: Delo Freitas
Subject: Fwd: 3,500 housing units in the Gateway Area?
Attachments: Gateway-Neighborhood-Map-with-numbers.jpg

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.

Commissioners:

In my message to you "Issues with the Urban Field Studio - Gateway Test Site document" sent on Sunday, July 9th, I refer to the parking shown for the test building at the Tomas site as a "parking structure." That is incorrect. It is "structured parking." As shown, it is a 7-story building composed of two levels of parking and five stories of residential apartments above it.

As the authors of the study state, this design is not financially feasible to construct. The authors suggest as an alternative a 3-story structure with surface parking (i.e. a parking lot). This takes the theoretical 113 dwelling units per acre of the authors' study **down to the 45-55 range**.

It does not seem that density of 45-55 units per acre is going to provide the yield of housing that the Gateway Plan is promising.

My question is:

Disregarding the decades it might take for the buildings to be developed, is that figure of 3,500 still a workable number? Or should it be decreased to, say, 2,500? Or, to 1,200?

Is this something that the Commission can look at, in the next month or two?

We can keep in mind, on a simplistic but real basis:

Sorrel Place is a blend of 1, 2, and 3-bedroom units. Average size is 864 sq.ft. It is 4-stories, 44 units. (Or it could be built as a 5-story building with commercial space on the ground floor.) It has a density of 64 units per acre. It takes up the entire block in length, and approximately a half-block in depth. It has a shared driveway, and so has some economy of acreage there. It also has a deeper front setback -- so it could be considered a wash on the shared driveway.

To build 3,500 units along the average density of Sorrel Place **would take 80 buildings of the size of Sorrel Place**. If the average size of the units were half as big -- 3,500 units of 432 sq.ft. average size -- it would take 40 "Sorrel Place size" buildings.

There does not appear to be enough room in the Gateway Area for 80 "Sorrel Place size" buildings. And that is a density of **64 units per acre**.

The Gateway Area is declared as 138 acres. That figure includes the road rights of way -- removing that gets to about 109 acres. Wetlands and open space reduces that further. The City's GIS could give us accurate figures. I look at about 80-85 actual acres in the Gateway Area

that would conceivably be available. And that 80-85 acres would be available for redevelopment **if every single building in the Gateway Area were to be torn down and removed.**

Please consider a realistic re-evaluation of the potential sites of the Gateway Area.

Thank you.

-- Fred Weis

At your previous meeting on June 27, Commissioner Lehman asked if the stated figure of 3,500 apartments in the Gateway Area could be reached if there was a minimum density of 25 units per acre.

Community Development Director David Loya's response:

"It would require basically **maximizing the build-out on every single parcel**. And I haven't done an analysis recently, excuse me to look at the unit count for you know, for the reduced building heights that the Planning Commission is working off of right now. So that would probably affect it to some extent.

And then again, because we're not regulating unit sizes, I guess the other thing I would say is that, you know, if the market really drove towards, you know, 3500 one-bedroom units, you could probably still get there. I don't think the market is going to sustain one bedroom units, or, you know, for 3500 units that are projecting.

Commissioner Yodowitz pointed out that there is currently no limitation on size or number of bedrooms per unit -- that it is not regulated.

David Loya's response:

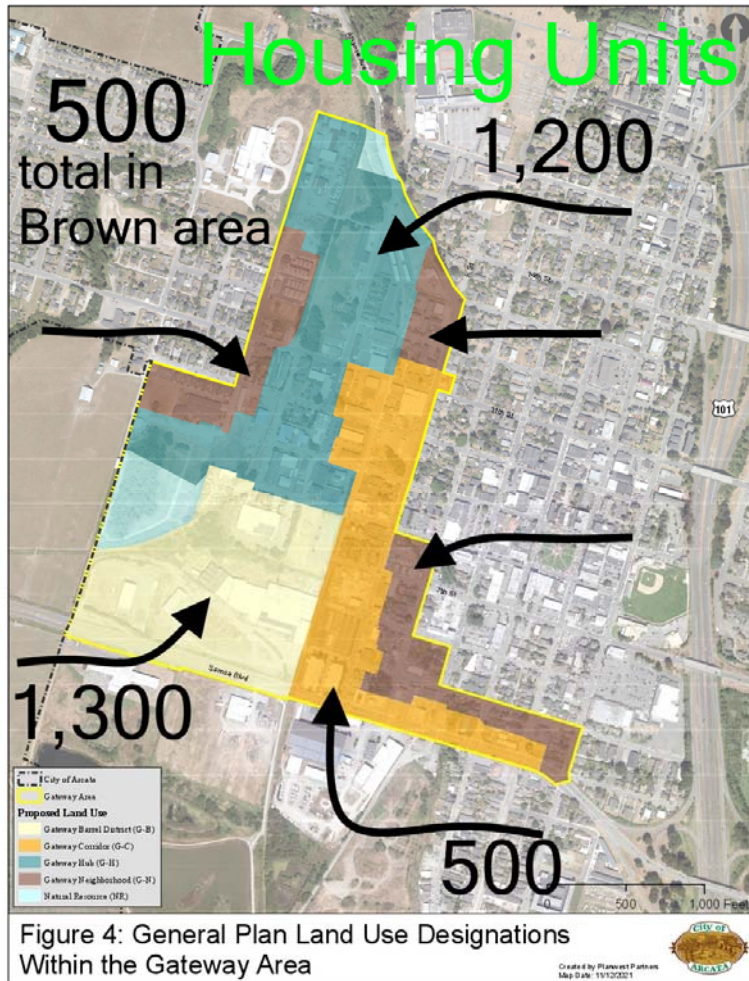
Currently, we don't have that regulated. It's left up to the market. There are certainly some jurisdictions that do regulate. We used to have a code that would strongly incentivize having larger bedrooms. So it's certainly something to discuss. But the philosophy to date has been to let the market decide when it's time to build one- bedrooms and when it's time to build three-bedrooms.

The proposal was to increase the minimum to 32 units per acre, which the Commission accepted.

Below (and attached) is a modified map of the Gateway Districts, from page 45 of the October 2022 draft. It shows the target numbers of units for the four districts. Together, it adds up to 3,500.

The Arcata Trailer Court parcel at 7th and K is in the Neighborhood District. It is 1.04 acres. Other than that site, other Neighborhood redevelopment opportunities involve, for the most part, tearing down a 2-story building in order to build a 3- or 4-story building, which may not be what an owner wants to do. It is difficult to see how 500 units can be achieved in the Neighborhood District.

The Hub District includes the Reid & Wright mill site at the far north (14th & N) and some other larger parcels along M Street near Bug Press. It also contains buildings that are unlikely to be torn down over the next, say, 30 or 40 years. In other words, it seems unlikely that this area will yield anything close to the 1,200 units shown. **There just are not enough likely buildable acres there for that yield.**



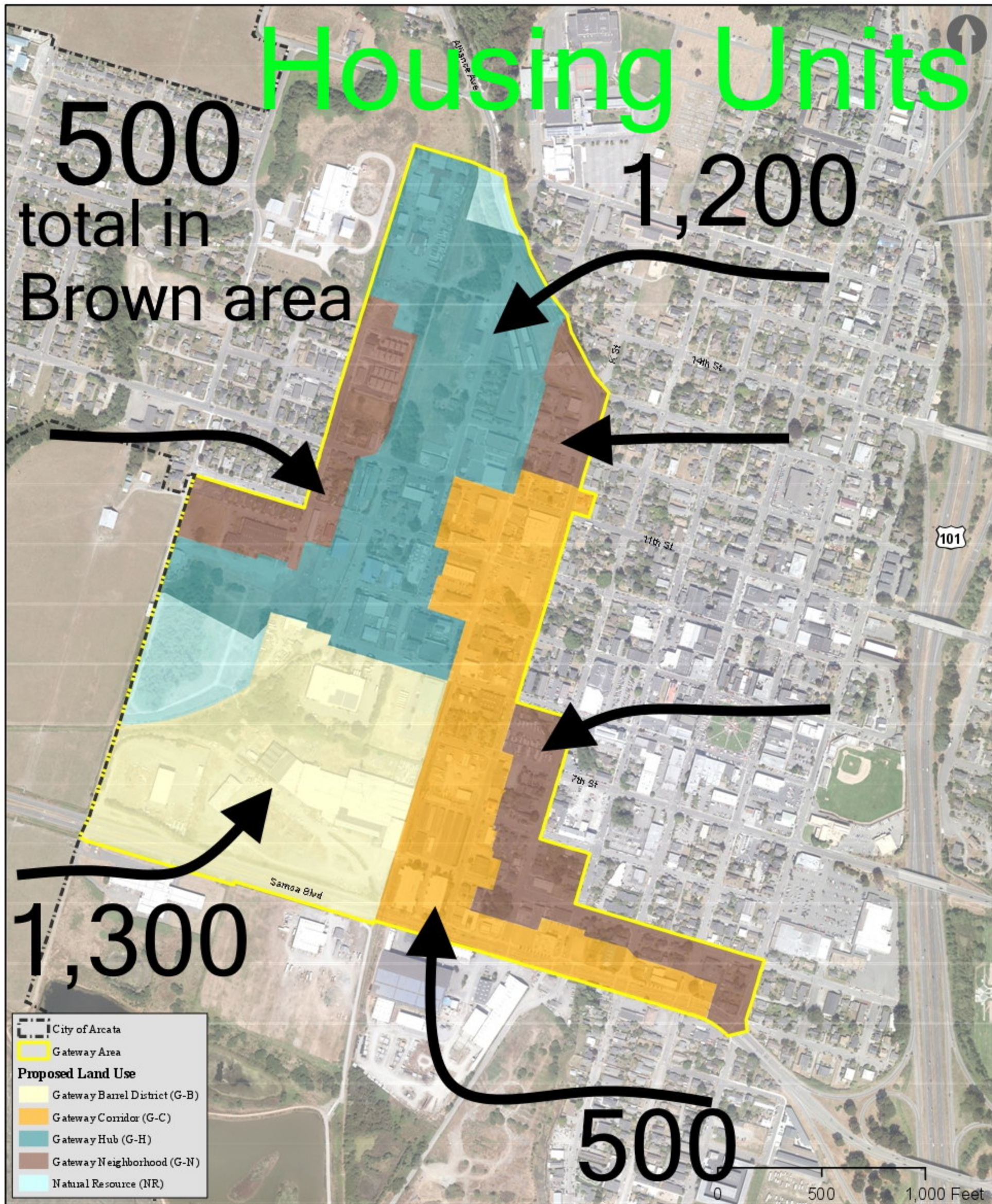


Figure 4: General Plan Land Use Designations Within the Gateway Area

Mads Odom

From: Lisa Pelletier [REDACTED]
Sent: Monday, July 17, 2023 8:44 PM
To: Sarah Schaefer; Kimberley White; Stacy Atkins-Salazar; Alex Stillman; Meredith Matthews
Cc: Karen Diemer; David Loya
Subject: Yes to a car-free linear park! No to K-L couplet

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.

Dear Arcata City Councilmembers,

To date, over 950 people have signed the petition to create a **car-free** linear park along L Street, yet our voices aren't being heard. The Planning Commission went ahead with a vote to make the K-L couplet a goal, despite strong opposition from Arcata residents. That demonstrates that they are not listening to the community.

My mom and I attended a meeting at the Arcata Playhouse on July 10 concerning the L Street linear park, and it was jam packed with every seat taken and more folks in the aisles. The people there were pretty darned upset that the City leaders are ignoring us by continuing to talk about the K-L couplet as if it were already decided. It appears more and more that we aren't being listened to nor well represented by those we have elected, and people are taking notice.

As I wrote to you last October, the

Gateway Plan touts "community benefits" like parks as an amenity to the community. We already have a beautiful linear park along the L-Street corridor that just needs a bit of enhancement as to landscaping. My mom and I walk it regularly, and it's such a peaceful oasis. Why on earth would you want to destroy a "community benefit" that already exists just to create a noisy, soul-destroying truck route that would fundamentally change the character of this beautiful arts/park district?

Please rethink this! If you truly want an arts district that attracts people, best not to turn it into a noisy, congested corridor, don't you think? A council member responded to my October letter on this topic by suggesting that we could have both a linear park and a truck route running next to it. So let's be clear: Those of us advocating for the linear park want it to be **car-free** linear park with **no** truck route running alongside it, as that would destroy the tranquility and beauty of this park and arts district beloved by so many.

We love this peaceful oasis with the L Street linear path running through it - perfect for walking, biking, skating - and want to preserve it for future generations to enjoy. Please preserve what we already have in terms of "community benefits" - the beautiful L Street linear park - and don't go about destroying it by placing a truck route next to it.

Thank you for your attention to our concerns.

Lisa Pelletier
Arcata resident

Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, July 18, 2023 8:15 PM
To: Sarah Schaefer; Meredith Matthews; Stacy Atkins-Salazar; Alex Stillman; Kimberley White; Scott Davies; Dan Tangney; Judith Mayer; Matthew Simmons; Peter Lehman; Joel Yodowitz; Karen Diemer; David Loya; Delo Freitas
Subject: [QUAR] Some large issues here: The Density and Feasibility site tests study
Importance: Low

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.

To: Honorable Mayor Schaefer, Vice-Mayor Matthews, Councilmembers Atkins-Salazar, Stillman, and White
Planning Commission Chair Davies, Vice-Chair Tangney, Commissioners Mayer, Simmons, Lehman, and Yodowitz
City Manager Diemer, Community Development Director Loya, Senior Planner Freitas

Dear Councilmembers and Commissioners, and All:

On July 11 the Planning Commission heard a presentation from Ryan Call, architect and planner from the Gateway Plan consultant, Urban Field Studio. There was much of value in this report, and at the same time much was missing or deficient. Overall, I found the presentation to be both sobering and disappointing.

Sobering in the sense that, as I heard things, **the indications from Urban Field Studio is that the Gateway Plan will not really produce the results that we want.** (See summary, below.) Disappointing in that the report has an urban-oriented basis and provided unfeasible examples from which the report's findings were based. The report does not appear to be sensitive to Arcata's needs. The goal of the Gateway Plan is to create a dense, vibrant community containing housing for a wide income range of Arcatans. This Urban Field Studio report seems to have missed the point of the Gateway Plan, in very many ways.

For the Councilmembers, I consider this to be a "must view" (or read) presentation. It can take about 30 minutes of reading or listening.

On [Arcata1.com](https://arcata1.com) I have an article on the Urban Field Studio report. You can read it and listen to it or watch it. The article includes the 20 slides of the presentation and a **transcription of the presentation**, as well as transcriptions of the Commissioners' questions and the responses and my 3-minutes of comment. Also there are the segments of the video (cued up to the starting spot so you can easily watch them) of the presentation and the public comment. Also there is the 11-page written report from the agenda packet. There is an audio track of the presentation and questions, so that you can listen while you read. (**You can download the audio as an MP3 to listen to it separately.**) Below is the **table of contents** for this article, with direct links to the article.

I wrote this lengthy article and am sending this message because this report is important. The full article is set up so that you can watch sections, read, listen to it, skim, skip around, and so forth.

I will also say this: The report has so many caveats and statements along the lines of "Well, in theory this would work, but because of cost considerations it will not" that **there is insufficient solid, conclusive evidence presented**. While in theory the intention of the report was only to see if we could we achieve the level of density required for our housing goals, based on what's in the Gateway Code. I say: We already knew that was the case. **This report should tell us more**. And it does not.

From the Council's point of view (and mine), I'd like to know how much this report cost. I would request a second version, based on what is so sorely lacking in this report and its clueless attitude on what the Gateway Plan is. What I say is: **Urban Field Studio did not do their homework**. There should be a re-write -- **or a refund**.

In the Summary (below), I wrote on just some of how this report could be improved. I am glad to discuss this with any Councilmembers or Commissioners or with the consultant, **so we can get a meaningful report and move forward**.

In terms of the question "Why am I so critical?" there is an easy answer. **It is not a very good report**. It needs to be improved if it's going to be of value to us.

Thank you.

-- Fred Weis

Summary

- This report **does not take into account many important issues** that are in the Gateway Plan or the draft Form-Based Code, that the Planning Commission has discussed. **Examples of this include a lack of understanding displayed of:** Maximum parking requirements; Daylighting Jolly Giant Creek; Our intentions for privately owned publicly accessed open space; The proposed removal of parking on K Street; The necessity of ground-floor commercial space as a means of helping to create a lively, interesting, valuable neighborhood.

Density and vitality in the newly-formed neighborhoods is what we're seeking. The report shows a misunderstanding of the locales of Arcata. As an example, there's a discussion regarding the wisdom of requiring commercial space in the ground floor of a hypothetical building located on the Tomas site at 8th & L. Quote:

"The ground level retail I think, is just a little too far from your city core. It's a real stretch. One of the challenges if the retail is not successful is that the street can be a little less safe, if those are vacant storefronts."

The consultant does not seem to realize that this retail/commercial space is across the street from the activity of the Creamery -- The Pub, Redwood Raks, the retail businesses, the Playhouse, etc. It is already a ready-made neighborhood. More commercial space would expand on what's already there.

The same error is made in the consultant's analysis of the AmeriGas site ("Shops and restaurants in this area, it's a little more industrial on this side of town. And there's probably not a regular pattern of robust foot traffic to support an urban format of retail."), the car wash site ("The surrounding neighborhood has a low density of walkable shops and may be difficult to set up a business.") and the St. Vinnie's site ("Difficult location for urban retail.")

- **Effectively tells us that it's far more likely we'll see two-story or three-story construction, and we are unlikely to see buildings above four stories.** And that it's likely we'll need more parking. Why? More parking because the lenders (banks) will want the assurance, from their analyses, that the apartments will not have vacancies because prospective tenants want parking.
- Three of the four examples include economically unviable **multi-story parking**, while the report acknowledges that multi-level parking will unlikely never be part of housing development here. (The cost is \$40,000-\$50,000 per space, and our rents won't support that.) "The structured parking is expensive, **which may require higher rents or luxury units** to help cover those costs, **if it's feasible at all.**"
- At the same time, the consultant's examples called for about **one parking space for two** apartments (Studio, 1, 2, or 3-bedroom apts), and the current Gateway Code calls for just **one parking space for every four apartments.**
- Commissioner Tangney asked about five stories being feasible. **Ryan Call said probably not.**
- More than once the consultant called for three-story buildings and surface parking as being a likely feasible design. **In my view, this defeats the point of the Gateway Plan.**

There are a dozen equally large issues with this report -- and more. You can read further at [E-mail from Fred Weis to the Planning Commission](#) and [Video of comments by Fred Weis specifically on the presentation](#).

Outside of this presentation, as I wrote to the Commissioners on July 9, there is this: **What can we do to ensure that we do not have too low of a density?**

As it stands, there could be a block-size development of "Foster Avenue Sunset Terrace"-style apartments. That medium density is not enough to create a neighborhood. How would you like it if the AmeriGas site was covered with rows of two-story buildings, a total of 50 or 60 apartments? **Would that be in keeping with the aims and goals of the Gateway Area Plan? No, it would not.**

From my point of view, **if that were to occur, we would have failed.** That is the opposite of what we want to create. And yet the current Form-Based Code and Gateway Area Plan would allow it.

The people at Urban Field Studio are architects. I am not an architect. **It does seem that they did not give enough quality time or thought to this study.** Or, possibly, not have considered much to what makes Arcata special, and to what we're trying to achieve.

Thank you.
-- Fred Weis

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arcata1.com/density-and-feasibility-urban-field-studio-7-11-2023

1. [Introduction](#)
2. [The Presentation](#) ~ 25 minutes
3. [Questions from the Commissioners](#) ~ 23 minutes
4. [Video of comments from the public](#) ~ 34 minutes
Comments related to the presentation, and general comments on the Gateway Area Plan.
5. [Video of comments by Fred Weis specifically on the presentation](#) 3 minutes
6. [E-mail from Fred Weis to the Planning Commission](#) July 9, 2023
Written after seeing the Urban Field Studio report, in the Planning Commission agenda packet, **before** seeing this presentation.

Appendix

- A. [The written Urban Field Studio report](#)
From the Planning Commission agenda packet for the July 11, 2023, meeting. 11 pages.
- B. [Ryan Call's presentation to the Planning Commission](#), July 11, 2023
If you prefer to watch the video rather than read and listen.
Cued up to the start of his presentation.

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Mads Odom

From: Melanie Bright [REDACTED]
Sent: Thursday, July 20, 2023 5:15 PM
To: Stacy Atkins-Salazar; Sarah Schaefer; Meredith Matthews; Alex Stillman; David Loya; Joe Mateer; Delo Freitas; Jennifer Dart; COM DEV
Subject: Recusal Violation

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.

Greetings all!

I appreciate that the council, particularly Sarah, asked Alex to refrain from commenting on the GAP during the active discussion around GAP, however after the GAP section of the meeting had ended and the Council went on to other business, Alex still voiced her support of high rises (clearly referencing the GAP). While Sarah was quick to admonish members of the public from commenting out of turn/order on GAP commenting, she neglected to mention anything to Alex. Alex needs to understand what recusal actually means and refrain from voicing opinions about the GAP during formal meetings.

Sincerely,
Melanie Bright

Mads Odom

From: John Mahon [REDACTED]
Sent: Monday, July 24, 2023 6:09 AM
To: COM DEV
Subject: Worth a quick discussion, Maggie?

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Hi Maggie,

Imagine improving City Of Arcata's cash flow by 30%, making collections something you no longer worry about, closing your books in minutes, instead of weeks, or cutting the cost of managing AR and AP by as much as 80 percent.

I'm John with Project First Software. That's not only what we do for professional service clients, it's what we can quickly and inexpensively do for you.

Engineered exclusively for the many challenges unique to the hourly world of professional service firms, particularly at a time of soaring inflation, our solution delivers more value than any accounting solution on the market today.

In other words, Project First will not only permit you to streamline your receivables and payables, the solution also provides:

- Automated tasks and workflows, simplified to the way you work today
- Real-time reports and full visibility of the business through connected data and detailed analytics
- Flexibility to address your business needs on a low-cost, per-user, month-to-month license
- Faster time-to-value than any comparable professional services business solution on the market today

Maggie, we work with many 100's of organizations across the country and can help City Of Arcata, as well. Just let me know when you're free and I'll get the time on your calendar. Conversely, if there's someone else you can direct me to, I'd appreciate it.

Sincerely,

John Mahon
Director Sales and Marketing
Project First Software
[REDACTED]

175 Capital Blvd, Rocky Hill, CT 06067

If you would prefer comdev@cityofarcata.org be excluded from our next outreach, please [click here](#).



Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, July 25, 2023 11:40 AM
To: Sarah Schaefer; Meredith Matthews; Stacy Atkins-Salazar; Alex Stillman; Kimberley White; Scott Davies; Dan Tangney; Judith Mayer; Matthew Simmons; Peter Lehman; Joel Yodowitz; Karen Diemer; David Loya; Jennifer Dart; Delo Freitas
Subject: The Community Development Director is wasting our time

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Tuesday, July 25, 2023

To the Commissioners and Councilmembers:

I am asked at times why I object so strongly to many of the actions of our Community Development Director. There is a very simple answer.

He wastes our time.

He wastes the Council's time. He wastes the Commissioners' time. And he has wasted the precious time of the people of Arcata. I don't mean me. I mean the people who are waiting for some feasible, realistic results to come out of this Gateway Plan.

The Gateway Plan is still a long way away from being adopted -- and whether or not it will provide an actual pathway toward the creation of housing remains to be seen.

One of the precepts of the Plan is that developers would have a streamlined, assured approval process -- in exchange for providing some community benefits. State laws give developers pretty much of a streamlined approval process anyway, completely outside of what the Gateway plan provides. And as the Planning Commission has seen, a well-designed project will sail through Arcata's approval process. Approval of the Will Adams / Julian Berg "Valley East Lofts" took a total of 31 minutes -- including staff report, public comment, and the Commissioners' questions and discussions.

Will developers select the complex route of the community benefits program? Or will they select a non-streamlined process -- that gets their project approved almost just as quickly? We are expected to believe that the larger developers are willing to give up 17% of their land as "privately owned publicly-accessible open space" to be in alignment with the Gateway Plan. I don't think they will.

There have been so many convolutions and twists and turns in this Gateway process. I have said and I'll say it again: **The Community Development Director is good at a great many things.** But managing a large project like these proceedings is something that he is not good at.

It is my belief that had this Gateway Plan process been done in a straightforward fashion, we'd be done or near done by now.

I'm not referring to these Brown Act violations. I'm referring to:

- The numerous updates on when-we're-expected-to-be-done schedules. 13 months, 18 months, 24 months, 28 months -- and I expect more new schedules ahead.
- The proposal that the Gateway Plan and the General Plan could be completed and adopted before us even seeing the Form-Based Code -- Commissioners, do you remember that wasted two hours?
- The flow-chart of how the Council could receive the Gateway documents, review them, accept public comment, and pass it in just one or two Council sessions. One or two City Council meetings? Ludicrous.
- The promotion that the Commission could review the entire Form-Based Code in two sessions. Ridiculous.
- The Director told the consultant to "tap the brakes" on the development of the Form-Based Code, and set us back a year -- and told us that it was not clear whether we wanted a Form-Based Code here in Arcata. There was never an inkling or hint of anything to the contrary of us wanting a Form-Based Code. That was **an excuse that the Director fabricated.**
- **There has been no substantial use of the 3D modeling**, even though that is crucial to the Commission's, the Council's, and the public's understanding of the look and feel of these changes to the Form-Based Code.
- How the experts (including financial and building-cost experts) that the Commission asked for a year ago were just ignored until it all went away. The Director simply removed that column titled "Expert" from the spreadsheet, and then called it "Final" -- even though the Planning Commissioners were not done with it.
- The amount of time that the Director speaks at the Planning Commission meetings. Typically over 30%; often 45%. Don't you think it's an odd form of management for someone who is purporting to be organizing input from other people to himself talk for 45% of the meeting? I find that very odd.

And there's more. Some -- certainly not all -- examples:

- Do you remember when we had to have all this done by the end of December, 2022, because of grant deadlines, and how much time we spent **talking about that**, and what we'd have to get done to see this finished by December 2022?
- Do the longer-term Planning Commissioners remember how many times the Director was asked for a sample of the Form-Based Code -- until finally he told us that it had not yet even been started? And then said that he had already told us this. The Commissioners and especially the Chair were all asking and expecting to see a sample of the Form-Based Code at any time soon. Why did the Director not let them know months earlier that they wouldn't be seeing it?
- **Will the items in the back-burnered "Bike Rack" ever come up to be discussed?**
- The points assigned by the Director -- not by the Commissioners -- to the Community Benefits program: For building owner-occupied housing, only 2 to 4 points. How can only 2 or 4 points possibly translate to "the current plan supports home ownership" as the Director has written? A developer can get 2 or 4 points for supplying wi-fi, or building with wood, or making student rental housing -- or, for that matter, designating more units as "moderate income" 120% income above-market price housing.
- Would the citizens who came to the Planning Commission meetings to comment on ag land rezoning and other proposed zoning changes ever have been listened to -- if it were not for the insistence of one Planning Commissioner? (And that process led to yet another Brown Act violation, unfortunately.)
- And when will our **Local Coastal Plan document** be completed? (The current Coastal Plan was initially prepared in **1979** and was updated several times, most recently in **1989**. The current draft was started in November 2021, and March 2022 was the last

update of this draft.) This is required to be in place before this Gateway Plan goes out for Coastal Commission approval.

There has been little substantial input on **Home Ownership and workforce affordability**. The 2-1/2 pages that the Director wrote for the Planning Commission May 23, 2023, packet has yet to be discussed. And what the Director wrote is largely nonsense and gobbledygook. You can read it and try to make sense of what he wrote [here on Arcata1.com](https://www.arcata1.com)

"First, as the unit count in the area increases to meet the housing needs of the rental sector, new units with comparable rents to bedrooms in single-family homes that are older will attract the current market sector renting single-family homes. The single-family housing stock currently in the student housing market will become less attractive as an investment asset, and those homes will open to the for-sale market."

The Director has stated "The Gateway Area Plan may realistically result in an additional 500 new residential units (and less than 1,000 new Arcata residents) over the next 20 years." In other words, **we are going through all this work for 500 units of housing?** For an estimated population increase of 8,500. Is there no overview as to the inadequacy of this plan? Who here reading this does not think that 500 units over 20 years will just get swallowed up in an instant. We need to do better.

What is particularly upsetting is that with just a bit different effort on the part of the Community Development Director, there would be no Brown Act violations, the public would be involved, and the citizens of Arcata would not feel so disenfranchised. **And there'd be many citizens contributing to the real issues at hand.**

It's going to be up to the newly-engaged non-recused three City Council members to rescue the Gateway Plan, with clear thinking, horse-before-the cart orientation, and attention to the overall goals. We're trying to create housing here -- housing that people can afford to rent and can have the opportunity to buy. The concentrated efforts of you three Councilmembers, plus a renewed and directed effort on the part of the Planning Commissioners. To get away from the rush-rush orientation of the past four months, and tackle the important issues head-on.

My other main issue with how our Community Development Director has been running this show has to do with the extent to which he presents misleading and false information to the City Council, to the Planning Commission, and to the public. For anyone who wants to ask, I can give example after example. Dozens or hundreds of examples. **I can let much of that pass if we can get a good plan out of this Gateway plan process.**

To repeat: **If this process had been done in a straightforward fashion, we'd be done by now**, or very close to it.

And that is my primary issue with our Community Development Director. From my viewpoint, he doesn't know what he is doing in managing a project of this scope and size. As a result, **the Director has wasted our time and continues to waste our time.**

Thank you.

-- Fred Weis

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Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, July 25, 2023 2:31 PM
To: David Loya
Cc: Scott Davies; Sarah Schaefer; Karen Diemer; Jennifer Dart; Delo Freitas
Subject: Re: Brown Act Violations - the July 25th Planning Commission Packet

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.

David:

It appears that you are refusing to respond to even the simplest of questions.
At the close of my earlier message I wrote:

David, if you are unwilling to reply individually to the nine items above, at least answer this: The Staff Recommendations are not in this table. How could the Commissioners say "concur with staff" unless they received different information from what the public has received here?

I'll repeat: The Staff Recommendations are not in the table in this July 25 packet. That's what the public is seeing. Yet the Commissioners are clearly responding to something when their entry reads "Concur with staff." **What were they responding to?**

And can you **please, please change the source** of the topic "Zone Boundaries - Create new zone type surrounding Creamery District" from "Public Member" to be the former Chair of the Planning Commission, Julie Vaissade-Elcock, as she discussed at the September 13, 2022, Planning Commission meeting. The topic is shown on the spreadsheet from which this table is derived as being from me on 9/14/2022. That's not correct. **It was not me. It was the Chair**, on 9/13. Yes, it makes a difference to be misrepresenting the input from the Chair of the Planning Commission. Thanks.

On a more personal level -- and I don't expect you to reply on this -- why is it so difficult for you to say "I made a mistake"? Why is it that you feel the need to bluff and attempt to deceive when you don't know the answer to something, or when a truthful answer would result in something you don't want to say?

As stated, I feel that the Gateway Plan would be much farther advanced, and with results more likely feasible for the production of housing, if the process were occurring in a more straightforward fashion.

Cheers,
-- Fred

On Tue, Jul 25, 2023 at 1:01 PM David Loya <dloya@cityofarcata.org> wrote:

Thank you, Fred.

As you are no doubt aware, email communications with a majority of the members of a Brown Act body is a Brown Act violation, which is why I did not perpetuate the violation by including the other members in my response then and now.

Thank you for your input and please note that it is included in the record. If any decision makers wish to explore the questions you've raised in more detail, I am certain they will inquire.

Regards,

David Loya (him)

Community Development Director

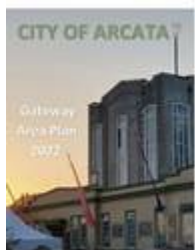
City of Arcata

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](#)

[Learn More About Public Meetings and Planning](#)

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



From: Fred [REDACTED]
Sent: Tuesday, July 25, 2023 11:57 AM
To: Scott Davies <sdavies@cityofarcata.org>; Dan Tangney <dtangney@cityofarcata.org>; Judith Mayer <jmayer@cityofarcata.org>; Matthew Simmons <msimmons@cityofarcata.org>; Peter Lehman <plehman@cityofarcata.org>; Joel Yodowitz <jyodowitz@cityofarcata.org>; Sarah Schaefer <sschaefer@cityofarcata.org>; Meredith Matthews <mmatthews@cityofarcata.org>; Stacy Atkins-Salazar <satkinssalazar@cityofarcata.org>; Alex Stillman <astillman@cityofarcata.org>; Kimberley White <kwhite@cityofarcata.org>; David Loya <dloya@cityofarcata.org>; Karen Diemer <kdiemer@cityofarcata.org>; Jennifer Dart <jdart@cityofarcata.org>; Delo Freitas <dfreitas@cityofarcata.org>
Subject: Re: Brown Act Violations - the July 25th Planning Commission Packet

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, David --

Thank you for writing. Much of what you wrote as an initial response is factually correct. However what you wrote is not pertinent to my original message. I'll spell it out here again, so you might understand.

To the Commissioners and Councilmembers: If this does not concern you, please feel free to not read further. The Community Development Director removed the e-mail addresses of all but the City Manager, the Mayor, and the Planning Commission Chair. **I believe it should be your choice if you want to read this or not.**

To the Director: **Your response does not indicate that you comprehend what I wrote.** Perhaps you may wish to read the original message again, read what's below, and respond again.

If I am incorrect, I will gladly issue an apology. As it stands, **there is information missing** in the new "Other Considerations" table **that any normal person would require in order to understand the decisions of the Planning Commissioners.** And some of that missing information must have been provided to the Planning Commissioners -- otherwise they could not have responded as they did.

Putting this more strongly, there is necessary information missing from this table -- and there is information in the table that is incorrect or falsely portrayed.

To make reading and referencing easier, I have used numbers for each section.

1. The Director's response included: "And the new information that was included is being released to the public and the Commission simultaneously."

Regarding the first two items on the table (the two new items): How can the Commissioners have said "Concur with staff" unless they had some knowledge of what the "Staff Recommendation" was? And where did these two new items come from? That information is missing on this table.

The "Other Considerations" table that is in the July 25 PC packet **is missing the column** for "Source" and, more critically, **is missing the column** for "Policy Implications / Staff recommendation." Thus, when a member of the public looks at this table and reads "Concur with staff" **it is impossible to know what that Commissioner is concurring with.** Because the staff recommendation is not there.

2. Simple item: Commissioner Lehman's March 14th memo. Is this considered to be in the public record or not?
To the Director: Just say -- Yes, I consider this memo to be in the public record. Or -- No, it's not there yet.
3. Simple question: **Is the Director not aware** that if there is a technical problem so that viewers not at the meeting are deprived of audio or video, then the meeting must stop? The viewers at home are just as important as the viewers in the room. This is a recent part of the Brown Act, enacted as a result of the onset of the pandemic.

Here are the Director's words at the July 26, 2022, Planning Commission meeting:
"Chair, if I may, just a point of order. I think what I understand you're attempting to do is to allow people to be recorded on to the record. I believe they're in the record. It may be a little muffled. But we've, you've taken the public comment. So certainly up to your discretion, but there's no requirement that you, that people are actually recorded on

YouTube into the record to satisfy the public comment requirements."

A) The sound was not "a little muffled." According to a call-in speaker, there was no sound. At the time when he spoke, the Director would have absolutely no idea whether the sound was muffled or absent, or whether the sound was recorded at all. (As the call-in user had told us, the sound was 100% absent -- and indeed there is a gap in the audio at that point.) In other words, **the Director had no direct knowledge, and was bluffing.**

B) There is indeed a requirement that people's comments be heard -- **to satisfy the Brown Act.**

4. Simple item: There were 8 topics missing in the July 11 version of the "Other Considerations." They just vanished. The July 25 version has those 8 topics restored, and also has 2 new topics, with no explanation.
5. As mentioned, the June 27 version had "Concur with staff" inserted in 13 places even though the Commission had not discussed the contents of this table. "We've inserted **what we expect you're going to say**, as a Commission -- that you concur with staff on this issue, for example" is what the Director said. That table cannot be regarded as a true depiction of the facts. That is a violation of the Brown Act.

Councilmembers: Does it not bother you that the Director would insert that the Commission "concurs with staff" -- even when the table hadn't been discussed? Do you think this behavior is okay?

6. Certainly the Commissioners knew what they were responding to. Therefore, I am assuming that the Commissioners received this material in some form that is different from what is shown. Regardless, those missing columns make this table useless to the public, **because of information that is withheld.** That is a violation of the Brown Act.
7. The three more recent members of the Planning Commission cannot be expected to know this, but Chair Davies, Vice-Chair Tangney, and Commissioner Mayer will. (As will former Commissioner, current Councilmember Kimberley White.) The topic "Zone Boundaries - Create new zone type surrounding Creamery District" **was not suggested by a "Public Member."** It is a topic **brought up by the former Chair of the Planning Commission**, Julie Vaissade-Elcock, and discussed at the September 13, 2022, PC meeting (about 1:55 on the video).

This key information has been withheld in every version of this "Other Consideration" table since the first one, February 1. I have brought this matter up to the Director for correction, many times. For the Director to **withhold information from the public** is a violation of the Brown Act.

8. Not mentioned in my first message: On the spreadsheet that was used to make up this table, **there is another column which has been kept hidden from the public.** It shows the name of the person or persons as the source of the comment and the date. From this information it seems to be the case that where the public was involved these comments came from letters only, and not from oral comments, and specifically not from the January 2022 Open House, nor from other public engagement. Only from letters -- and not from all of the letters; **just from some** of the letters.

1. From looking at the name and the date of the Source, we can see even more errors of fact contained in this "Other Solutions" table. For example "Circulation -

Decrease driving speed on K and 11th" from HCAOG is shown as from Oona Smith on July 19, 2022.

The response from Staff is "Speed on K and 11th is currently 25 mph. Staff recommends no change." **This is a mischaracterization of what Oona Smith wrote.** Her letter on that date says much, but does not say that the speed on K or 11th should be reduced below 25 mph. In fact, 11th Street is not mentioned at all in her letter.

2. We learned from this table that the "Architects Stakeholder Group" had a recommendation of "Limit to 6-stories." **Who is in the "Architects Stakeholder Group"** and when did they meet or submit this recommendation? The public does not know.

9. A small item, but worth pointing out. Not mentioned in my first message: The column heading for the number of Commissioners who **disagreed** with the staff recommendation is titled "PC Recommendation." **This is misleading.** It should be called "Commissioners against the Staff Recommendation" or such.

The Director's reply was:

"This is not a brown act violation. It is literally in the packet under the agenda topic, which was released to all interested parties at the same time last Friday. The information in the table was collected prior to the last meeting by staff and released to the Commission and public in the public meeting (i.e., at the same time). No Commissioners had prior knowledge of any other commissioner's vote before its release. And the new information that was included is being released to the public and the Commission simultaneously. I hope this helps clear up your confusion."

David, if you are unwilling to reply individually to the nine items above, at least answer this: The Staff Recommendations are not in this table. How could the Commissioners say "concur with staff" unless they received different information from what the public has received here?

-- Fred Weis

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On Mon, Jul 24, 2023 at 4:04 PM David Loya <dloya@cityofarcata.org> wrote:

Fred,

This is not a brown act violation. It is literally in the packet under the agenda topic, which was released to all interested parties at the same time last Friday. The information in the table was collected prior to the last meeting by staff and released to the Commission and public in the public meeting (i.e., at the same time). No Commissioners had prior knowledge of any other commissioner's vote before its release. And the new information that was included is being released to the public and the Commission simultaneously. I hope this helps clear up your confusion.

Sincerely,

David Loya (him)

Community Development Director

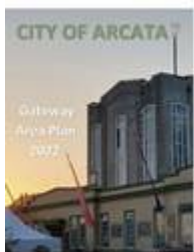
City of Arcata

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>

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.

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[Learn More About Public Meetings and Planning](#)

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



From: Fred [REDACTED]
Sent: Monday, July 24, 2023 2:01 PM
To: Scott Davies <sdavies@cityofarcata.org>; Dan Tangney <dtangney@cityofarcata.org>; Judith Mayer <jmayer@cityofarcata.org>; Matthew Simmons <msimmons@cityofarcata.org>; Peter Lehman <plehman@cityofarcata.org>; Joel Yodowitz <jyodowitz@cityofarcata.org>; Sarah Schaefer <sschaefer@cityofarcata.org>; Meredith Matthews <mmatthews@cityofarcata.org>; Stacy Atkins-Salazar <satkinssalazar@cityofarcata.org>; Alex Stillman <astillman@cityofarcata.org>; Kimberley White <kwhite@cityofarcata.org>; David Loya <dloya@cityofarcata.org>; Karen Diemer <kdiemer@cityofarcata.org>
Subject: Brown Act Violations - the July 25th Planning Commission Packet

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.

Date: Monday, July 24, 2023
To: Council, Commissioners, City Manager, Staff, City Attorney (forwarded to)
From: Fred Weis

Please be aware of the multiple Brown Act Violations committed in connection with material in the July 25, 2023, Planning Commission agenda packet.

Summary:

The July 25, 2023, PC agenda packet contains a version of the "Other Considerations" table that was made available to the Commissioners and not to the public. This is a distinct violation of California's Brown Act. There have been other Brown Act violations connected with this "Other Considerations" table as well.

Details:

Pages 162-169 contain a new version of the "Other Considerations" table. (As is typically the case, there is no date on this document.) The document has new items on it, relative to the July 11 or June 27 versions.

Until the Planning Commission packet came out, on Friday, July 1, the public had not seen this document. But clearly the Commissioners had seen the contents of it, as their comments on the contents were already included in this document. As you are aware, the Brown Act requires that documents sent to Commission members be made available to the public **at the same time**.

In other words, the Planning Commissioners were privy to a document that was not available to the public. In addition, the Commissioners took action on it outside of a public meeting.

Furthermore, **two columns of information have been removed** from this July 25 table. The columns for the "Source" of the recommendation, as well as the column showing "Policy Implications / Staff recommendation" -- which were present in all previous versions of the "Other Considerations" table -- have both been removed. **Without these columns, the public does not know where this recommendation came from, and the public does not even know what the Staff recommendation is that the PC is concurring with.** That is to say, the public cannot tell from this document what it is that the Planning Commissioners are saying "Concur with staff" to. The table says "Concur with staff" but what does that mean? Not only is this absurd in itself, it is also a further violation of California's Brown Act transparency laws.

As the Commissioners and Staff know, I have been highly critical of this "Other Considerations" document from the start. At the beginning, the table was said to include the proposed changes that were in conflict with the draft plan. "Recommendations for changes to the Plan that are either in conflict with the draft or have competing recommendations are available for review here." The implication describes an intentions that this be all-inclusive. But that is far from true.

At the June 27, 2023, meeting, the Community Development Directory finally acknowledged: "There absolutely, I will acknowledge, there absolutely are things that folks have said that are not included in this table that they've recommended. We have not captured everything. That was not the intent to capture everything. The Gateway Plan, **we tried to do our best to capture what, you know, public members wrote**, and what Committees decided in their formal decisions." And what I say is: "We tried to do our best" -- really? This

table does not look like the results of someone trying to do their best. All those months of public comment and detailed letters to the Planning Commission -- and this table purports to include that? That is hardly true.

Even the Chair of the Planning Commission is ignored

As I have brought up before, the Recommendation that is summarized as "Create new zone type surrounding Creamery District" is shown as coming from a "Public Member." In actuality this came from **the former Chair of the Planning Commission** Julie Vaissade-Elcock, as well as a letter signed by 23 members of the community.

I ask the Mayor; I ask the Planning Commission Chair, Scott Davies; I ask the City Manager: How would you feel if you had brought up a recommendation, and your words were mischaracterized as coming from a "public member"?

The fourth sentence of California's Brown Act: "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

Other Brown Act Violations, and a request for a remedy

While we are here, I request the City Manager arrange to provide some education to the Community Development Director on the elements of the Brown Act and specifically what constitutes putting a document into the public record. As he should know, any document that is made available to the Planning Commission or is made available during a meeting **MUST** be made available to the people who may be watching that meeting but who are not physically present -- at the same time.

A memo submitted by Commissioner Lehman was available in public at the March 14 PC meeting. But it was not available to the non-present viewing public. Mr. Loya seems to feel that something is part of the public record just because he says so. "Commissioner Lehman's comments are part of the public record" he said -- even though no action was taken to put into the public record. Four months after the fact, Commissioner Lehman's comments are still not in the public record.

I have given the Director an easy way to partially make up for the original error, by attaching Commissioner Lehman's memo to the minutes. That does not solve the issue of the comments not being available to the viewing public at the March 14 meeting, but is a partial remedy. This suggestion has been ignored. The accurate minutes for that March 14 meeting have still not

been approved -- over four months later. It shows under "Correspondence / Communications" the draft minutes show "**None**."

Partial remedy: Include mention of Commissioner Lehman's comments in the "Correspondence" on the minutes. Include and note Commissioner Lehman's comments as an attachment with the minutes of the March 14 meeting. Or: Include Commissioner Lehman's comments as an attachment for a future PC meeting, with an explanation that this should have been included with the March 14 meeting.

Some other history about this "Other Considerations" table

In the June 27, 2023, version of this table, the Community Development Director took it upon himself to enter "Concur with Staff" in 13 places, even though the Commission had not discussed the contents of this table. When I asked about this at the June 27 meeting, the Director said: "**We've inserted what we expect you're going to say**, as a Commission — that you concur with staff on this issue, for example." That is a direct quote.

Councilmembers, I sincerely hope you find this cavalier approach to the truth to be disturbing. The Director has inserted, as fact, statements attributed to the Planning Commissioners that had not occurred. Because this table would be part of the material offered to the City Council as part of the PC's interim draft working documents, I requested that a separate properly-labeled column be put utilized, labeled as: "How Staff expects the Commissioners will view this recommendation." To do otherwise would be factually invalid.

Why this is bothersome

The Community Development Director has shown disregard for the California open meetings and transparency laws on many occasions. Perhaps he knows the law and acts in disregard of the law anyway, or perhaps he does not know the law. Either situation is disturbing.

There was an instance where there was a technical glitch resulting in people watching the meeting by video not having any sound. At the meeting Mr. Loya said that was not a problem, that what went on in the room was sufficient, and wanted to continue with the meeting. That response indicates a misunderstanding of the law.

What is bothersome is that with just a small amount of effort, the Brown Act conditions could be followed. But our Director refuses, again and again, to abide by the simple and clear directives of existing laws.

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Mads Odom

From: christine perry [REDACTED]
Sent: Thursday, July 27, 2023 5:42 PM
To: COM DEV
Subject: Fwd: Development of Greenview Complex

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.

Sent from my iPad

Begin forwarded message:

From: christine perry [REDACTED]
Date: July 27, 2023 at 4:28:53 PM PDT
To: dloya@cityofarcata.org
Subject: Fwd: Development of Greenview Complex

Sent from my iPad

Begin forwarded message:

From: christine perry [REDACTED]
Date: July 27, 2023 at 3:55:37 PM PDT
To: kwhite@cityofarcata.org
Subject: Development of Greenview Complex

To Arcata City Council-

I am a 38yr homeowner on the Northwest side of Daniels St who is opposed to the proposed design of the Greenview complex directly behind my home. I will send you a copy of my letter to the planning commission.

What I want to address is the obvious blatant favoritism the planning department and commission showed towards the developer, Kyle Boughton and his Greenview complex before the meeting even started Tuesday night July 25, 2023. First is the fact that they all got everything formalized and approved well before the meeting, then gave us, the community, only two weeks notice to prepare a fight. I don't think it's a coincidence that the meeting was scheduled during the summer when many of the families affected are away for vacations. Once I was seated waiting for the meeting to start, there were employees of the city, planning dept and commission laughing about the fact that the project is a done deal. It was absolutely appalling! When I spoke up telling them it was offensive, they quickly realized they were overheard and apologized but the damage was done. We were being humored by thinking our voices mattered. Mind you, not one of us asked for the development not to happen, we all understand the need for housing.

We were asking for it to be in harmony with the surrounding one story homes and for the safety of all of us, mostly the many children in our neighborhood. Their conspired behavior was beyond shady.

After the commission listened to our valid concerns and started asking questions about redesigning the formation of the build so we don't have strangers in two story units looking directly into our one story homes TEN FEET away, David Loya quickly steered them "back on track" to what was a preplanned approval process. The only person who ultimately showed any concern was Judith Mayer, who questioned the developer on not being forthright about his future plans on the east side of the single parcel. Kyle Boughton responded with a veiled threat of building three story units instead of two story on the east side of the property should we continue to protest his design. There is not a single one of you or them that would be okay with this happening to your/their families privacy and safety, I guarantee it. As I spoke about in the meeting, being a survivor of sexual assault, I am absolutely terrified about strangers being able to look at me so closely (ten feet away) at all times. I wish for everyone involved to know of the lifelong fear a woman has after being violently raped. Being disabled and not able to physically fight back anymore makes me even more terrified. Instead of sincerely listening to our concerns, the planning department and commission spent the majority of the meeting discussing the welfare of bicycles in the complex. It was a slap in the face to those of us who've lived here for decades, pay our taxes and sink a lot of money into our local community!

Our concern now is would it even be worth appealing this decision since the powers that be are obviously in each other's pockets? Are we speaking to deaf ears? It feels very crooked to us all. High density housing is appropriate around the university, downtown and areas that are being looked at in the Gateway project. Our neighborhood is at the very west end of the city where it is strictly quiet family homes. I am literally begging the council to please step in to help find a compromise that will benefit everyone. Prove to us that all community members matter. I look forward to your response regarding the legitimacy of an appeal and I appreciate your time.

Sincerely,

Christine Perry



Sent from my iPad