

Mads Odom

From: Fred [REDACTED]
Sent: Sunday, November 26, 2023 4:01 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; Abigail Strickland; Karen Diemer; David Loya
Subject: Request for clarity on the agenda for the November 28 joint study session

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To: Councilmembers, Commissioners, City Manager, Community Development Director
Subject: **Questions on Process:**
A request for clarity on the agenda for the November 28 joint study session.
I believe you cannot engage in discussion on the Inclusionary Zoning agenda item.

Estimated reading time: 6 minutes. Less if you skim.

Note: For clarity, I will have a message to you as being comments on either:

- **Process**. The way things are done. Typically, these days, transgressions by the Community Development Director.
-- or --
- **Contents**: The discussion on actual policies and the issues.

This way, if you are not concerned about my views on the process we're seeing here, then you can choose to not read the message.

To the Councilmembers and Commissioners:

I find these discussions on "process" to ultimately be boring, and you may find them boring too. As I have said, it is my belief that if this Gateway Plan and the General Plan update were done in a straightforward and honest manner, then we may have been done by now, and with far greater community buy-in. But that is not what's gone on, or what is going on.

There are issues with the agenda and material for Tuesday's joint study session that I am bringing to your attention.

A. Requests / Conclusions

1. Inclusionary Zoning was not discussed by the Planning Commission as a General Plan item -- and yet it is presented in this staff report as though it were.
2. Mischaracterization of the content of the previous joint study session discussions.

A. Requests / Conclusions

1. **"Inclusionary Zoning" should be removed as a discussion topic for this meeting.** The staff report contains references to Planning Commission "recommendations" which do not exist. The staff report is misleading. A different approach might have been appropriate. The existing staff report section on Inclusionary Zoning is not acceptable, in my view.

2. The agenda description and the "Introduction" paragraph are false and need to be re-written.

As the Council well knows, there are legal consequences of what is called a Gateway Area Plan discussion and what is called a General Plan discussion.

The agenda description and the "Introduction" paragraph need to be re-written and entered into the public record, based on actual fact. A suggestion for a re-write is below. If you agree, this can be done, posted and sent to the listserv subscribers on Monday. (Because the meeting is a special meeting, the agenda can be altered with 24-hour notice.) If you do not agree with me, then, in my opinion, the Council would be perpetuating a falsehood.

1. Inclusionary Zoning was not discussed by the Planning Commission as a General Plan item -- and yet it is presented in the staff report as though it were.

In my opinion, you cannot legally engage in a discussion on Inclusionary Zoning at your joint study session on November 28, 2023. The staff report refers to a recommendation from the Planning Commission on Inclusionary Zoning -- **as part of the General Plan**. The Commission does not have a recommendation on a General Plan or city-wide Inclusionary Zoning. They have never made a recommendation about Inclusionary Zoning except as it would apply to the Gateway area.

To refer to the work that the Commission has done on Inclusionary Zoning in the Gateway plan as recommendations for a discussion on potential city-wide Inclusionary Zoning -- to be included in the General Plan -- is 100% inappropriate. What the Commission has done is Gateway-oriented and should not be discussed by the five-person Council, unless it were to be introduced as a new issue, and not in reference to the Commission's Gateway recommendations.

References in the November 28 joint study session agenda packet to Planning Commission Gateway recommendations on Inclusionary Zoning -- and implying that these recommendations are intended for a city-wide basis -- **is misleading and false**.

What we see in the Nov. 28 staff report are:

- "The Commission recommended modifying the percentage of affordable units required...."
- "The Commission recommended reducing the percentage"
- "Table 1. Planning Commission Recommended Inclusionary Zoning Nov. 14, 2023."
- "This recommendation was based on Council's direction to evaluate a workforce program." (This was from the September 26 Gateway-only study session.)
- "The Commission recommended this approach."
- "The Council should review the Planning Commission staff report and the November 14, 2023, meeting for background on the inclusionary zoning recommendation."

There's a major problem here. The Planning Commission has never discussed an Inclusionary Zoning program to be used throughout the City. They have only discussed Inclusionary Zoning for the Gateway Area Plan. That is what the Commission discussed at their November 14 meeting.

Indeed, the staff report for that November 14 meeting states:

"The Commission has been refining its recommendation to Council based on **input from the Council at two Joint Study Sessions held August 22 and September 26, 2023**. Specifically, the Council requested additional input on the Community Benefits program and the proposal for Inclusionary Zoning."

The staff report is mischaracterizing the discussions and recommendations of the Planning Commission. Those discussions and recommendations were for the Gateway area only.

The staff report could have introduced a new discussion of a new policy for city-wide Inclusionary Zoning, and **could have introduced** the discussions from the Planning Commission on what they've done as part of the Gateway plan

process -- but that's not what the staff report is here. It refers to this as something the Commission has recommended -- and they most distinctly have not done that.

The agenda item "Recommendations" states:

"Staff recommends the Council and Commission discuss the Vision Statement, **updates to an inclusionary zoning policy that can be applied citywide, and the Circulation Element and provide direction as necessary **regarding these or other General Plan update topics.**"**

Strictly speaking, there cannot be "updates" to a city-wide inclusionary zoning policy that does not exist.

If the Community Development Director believes that the Commission's discussion on November 14 was actually a General Plan city-wide discussion -- because the title of the agenda says "General Plan" -- then he should tell us that is what he believes did occur on November 14. And if that is what he maintains then I will make the case that there was then a complete misrepresentation of the discussion to the entire Planning Commission. That verbal staff report had numerous references to Gateway discussions. There was no indication that it may have been a city-wide discussion.

2. Mischaracterization of the content of the previous joint study session discussions.

From the agenda description and the staff report introduction:

"The Council and Commission have held three study sessions to discuss various aspects of the General Plan."

As of this date, the City Council has not held **"three study sessions to discuss various aspects of the General Plan"** as the agenda description and staff report state.

The Council and Commission have had **two study sessions on the Gateway Area Plan** and **one study session on the General Plan**. We can be assured of what the study sessions were by their titles of the agenda items and the contents of the staff reports for those dates.

August 22, 2023: "Consider the **Gateway Area Plan** Planning Commission Recommendation."

September 26, 2023: "Consider the **Gateway Area Plan** Planning Commission Recommendation"

October 24, 2023: "Consider the Planning Commission's Recommendation on the **General Plan 2045.**"

For almost two years -- prior to the November 14, 2023, Staff Report to the Planning Commission -- Gateway-related discussions were given a title and description that indicated the connection to the Gateway Area Plan. **But now it seems that Gateway-related discussions are "aspects" of the General Plan.** This is a misleading designation.

Why this matters: As the Council well knows, there are legal consequences of what is called a Gateway Area Plan discussion and what is called a General Plan discussion. The input from the Council from August 22 and September 26 was input on Gateway-oriented matters. Those sessions cannot be now termed a discussion on "aspects of the General Plan."

Is this nitpicking? Hardly. Words are important. The meaning of what is conveyed is important. To say that there've been three General Plan study sessions where there has been one is just false. Similarly, to imply that a Gateway area recommendation could also be a General Plan recommendation is false. And to say that we called them Gateway discussions then and General Plan discussions now really is a bit outrageous.

If Staff has taken the approach that Gateway Area Plan discussions are now considered as "aspects" of the General Plan, then we need to know this immediately, for at least to request a clarification by the Fair Political Practices Commission.

Request: The agenda description and the "Introduction" paragraph are false. They need to be re-written and entered into the public record, based on actual fact. As a possibility:

Currently: "The Council and Commission have held three study sessions to discuss various aspects of the General Plan. This fourth Study Session provides additional opportunity to discuss the policies and programs in the General Plan 2045 update."

Could be: "Since the Planning Commission submitted their working drafts of the General Plan 2045 update and the Gateway Area Plan, in June, 2023, the Council and Commission have held two study sessions to discuss Gateway Area Plan items and one study session to discuss General Plan items. This study session provides additional opportunity to discuss the policies and programs in the General Plan 2045 update."

Note: The Tuesday, November 14, Planning Commission agenda item "Consider a Recommendation to the City Council on the **General Plan Updates**." This was a false title, as the ensuing discussion was strictly on Gateway Area Plan items, as the agenda description completely indicated. To that point in time, Gateway discussions were not referred to as General Plan updates in an agenda title or description. I pointed this out in oral communications -- politely referring to this as a typo. But it may not have been a typo. It may have been done on purpose.

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Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, November 28, 2023 8:20 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; Abigail Strickland; Karen Diemer; David Loya
Subject: Larger issues for the Council and Commission to consider

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To: Council, Commissioners, City Manager, Community Development Director
From: Fred Weis
Subject: Some larger issues for the Council and Commission to consider

Hello --

As part of the joint study session conversation, it's possible that you will want to look at items that are larger and more broad in scope. At your next study session, you could agendize a general discussion, and quickly go over the larger planning issues. Discussing details and policies is good, but not if larger issues are ignored.

Here are some. Each of you may have others.

1. **The Housing Element.** Is there an intention to have even minor updates to the 2019-2027 Housing Element? Can minor edits be made without it having to be recertified? To note, from the Housing Element that would be a part of the General Plan 2045 update:
 - o "Population growth estimates vary by method, but the City is planning on annual growth of between 0.25% and 0.5%, resulting in a population **between 18,900 and 20,000 by 2027.**"
(The current estimate is 27,000 by 2027.)
 - o "

The City commits to allowing owner-occupied or rental multifamily housing "by right" without discretionary review if **20 percent or more of the units in a project proposed on the site are affordable** to those with lower incomes."

 - o **Arcata Gateway:** "Ultimately, this is estimated to generate between 2,500 and 5,000 new units of housing, **of which 20 percent will be deed restricted for residents with income below 80 percent of the area median income.** The project has also received HOME funding in order to provide rental assistance to low-income tenants." (Appendix, page 86)
2. **Affordable housing.** As noted above, the Housing Element states that 20 percent of the Gateway housing units will be deed restricted for residents with income below 80 percent of the area median income. **Will policy be put in place as a good-faith attempt to achieve that, or should the Housing Element be modified?** If the City is not planning on pursuing a 20-percent lower-income policy, then this should be removed from the Housing Element.
3. **When will the General Plan and the Gateway Plan be completed?**
What would be the current iteration of the projected date for the General Plan to be completed, when it would

be sent to the City Council for deliberation and potential adoption? We've seen the projected delivery date be extended many times. What's the current projection?

A clue as to the new completion date can be seen on the Local Coastal Program Update page, updated November 22, 2023. (www.cityofarcata.org/549/Local-Coastal-Program-Update)

It shows that "the City creates a final draft" of the Local Coastal Program update in **September 2024** for submittal to the Coastal Commission. **The Local Coastal Program is an Element of the General Plan.** If it's not going to be ready until September 2024, neither is the General Plan. And to remind all of us, the Local Coastal Program, the General Plan, and the Gateway Area Plan -- with its plans for a build-out of about 1,800 within the coastal zone -- all have to be approved by the Coastal Commission.

It has been two years now since the draft plan came out. The completion date on any calendar that the Community Development Director has provided just gets pushed farther and farther out. **Currently the City's SIRP webpage shows the draft EIR release on July 31, 2023**, and shows "Adoption of EIR and revised Form-Based Code, General Plan, Gateway Plan" as occurring by March 30, 2024 -- four months from now.

I get the impression that we are now looking at the end of 2024 for the General Plan and the Gateway Plan to be ready for discussion as completed documents. This would be after the November 2024 election and potentially after the swearing in of new Council members.

4. In connection with the above --

What's the schedule for the draft EIR ?

What's the schedule for the Local Coastal Program document ?

5. **Terner Center data.** Any update on when something useful might be available? This was pitched to us, with much hoopla, about how useful the information would be for these General Plan and Gateway processes. This was discussed at the February 11, 2023, and the August 22, 2023, joint study sessions; in August we were told that the Terner Center was "still working on developing the models." When can we see something that could be useful?
6. **3D Modeling.** Is what we've seen the extent of what we're going to get? What happened to the money that was spent on this?
It is my belief that the City and its consultants have the capability of creating very useful and informative 3D imagery -- and that we have not been presented with this because the images would be unpopular.

Images of the potential build-out of the section on K Street between Samoa and 11th or on M Street between 12th and 15th or for the Amerigas site would be very revealing. The images would incorporate the Commission's current draft recommendations on height, street setbacks, upper floor stepbacks, and property line setbacks.

As an example of what these 3D images would show: These images would show that the stated requirement for minimizing the impacts on existing adjacent single-family homes (Gateway Design Policy GA-9q) is not being met. Throughout the long Gateway process, in in-person conversations, public meetings, presentations, building-height discussions, illustrations, videos, and statements, an acknowledgement of the importance of the transition to existing neighborhoods is what has been presented. In the current Gateway code this has been disregarded.

I'm not requesting that the five-person City Council discuss Gateway issues. I am requesting that there be a discussion and investigation into something that the City of Arcata has paid for and not received, and which can be viewed as a necessary component of the decision-making process.

7. **Monitoring of the Planwest Contract deliverables.** The Planwest proposal to provide planning services shows the scope of work that was contracted for. A large portion of this work has either yet to be completed or else

seems that it is unlikely that it will ever be done.

An easy place to view the documents associated with this contract is on [Arcata1.com](https://arcata1.com/planwest-schedule-completely-off/) in the article [Planwest's schedule: We're completely off-course](https://arcata1.com/planwest-schedule-completely-off/) (<https://arcata1.com/planwest-schedule-completely-off/>)

This article dates from June 1, 2022 -- 18 months ago and has been viewed over 800 times.

There has been no update to the original Planwest schedule, nor any public monitoring of the work or lack of results. We need to see which tasks of those contracted for by Planwest are still on the table, and which have been abandoned.

8. **Is there any clue if there are intentions for owner-occupied housing**, either in the Gateway infill opportunity zone or anywhere in Arcata? The Humboldt Association of Realtors asked for a 10% minimum, and that request was dispersed with no discussion. **In many surveys, home-ownership comes up as a top concern of the public** (alongside affordable rental housing).
9. **State Bill SB9** allows for lot splits and greater housing density on existing single-family lots. Throughout the state it is not being used as much as was anticipated. Because of how homes typically sit on their parcels here in Arcata, it is possible that SB9 will result in only a very small increase in housing stock. Could a City survey be done (via GIS) to provide an estimate of just how many parcels might be eligible for increased density through SB9 ?
10. From my perspective, the interconnected issues of affordable housing / inclusionary zoning / State density bonus law / not creating barriers to development has stalled. The Community Development Director is not offering solutions that (in my view) have a chance of working on a practical basis. The Planning Commission's requests a year ago to bring in outside experts was discarded unilaterally by the Community Development Director.

Would the Council and Commission consider seeking outside expert help to assist the City on this and other major issues, on a retainer basis?

This would be from a consultant that is not Planwest. The consultant would need some funding to "get up to speed" on the issues and would subsequently have an hourly fee. To avoid the kind of stalled impasse we're currently seeing and to give the consultant a real chance for successful suggestions, I propose a task team of three persons -- a City Councilmember, a Planning Commissioner, and a citizen -- to be the liaison to the consultant, to be present on Zoom meetings, etc. (Ideal candidates might be Councilmember Matthews, Commissioner Mayer, and myself -- and, no, I have not previously approached those two officials on this.)

The City uses the services of a lawyer for legal issues; the services of a pension fund expert for pension fund issues; the services of recruitment specialists for recruitment needs. Why not utilize the services of a professional urban planning company for our planning issues?

The issues of affordable housing / inclusionary zoning / State density bonus law / not creating barriers to development are complex. Other communities in California have achieved success in this arena. Why not consult with a firm that is aware of how this can be done?

To be clear, I am not suggesting a report. A report wouldn't work. **I am proposing having a planning consulting firm on retainer.**

Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, November 28, 2023 10:19 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; Abigail Strickland; David Loya; Karen Diemer
Subject: Poor advance notice of this November 28 joint study session meeting

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To: Council, Commissioners, City Manager, Community Development Director
From: Fred Weis
Subject: Poor advance notice of this November 28 joint study session meeting.
When was notice of this meeting released to the public? Why was it not done at the same time as the Council and Commission?
Why is the public not being noticed via the City's listserv e-mail noticing?

(Note: This is a "process" message.)

Councilmembers and Commissioners:

I trust everyone had a great Thanksgiving with family and friends.

At some point over the Thanksgiving weekend the City's meeting calendar was updated to show there would be a joint study session meeting scheduled for Tuesday, November 28. I do not know on what day the calendar was updated; likely it was Friday, the day after Thanksgiving. (I know someone who checks the calendar every day.) Friday was a holiday for State government employees and for the City of Arcata offices and for the majority of U.S. businesses.

1. It seems that the Councilmembers and Commissioners were informed of this meeting on Wednesday, November 22, the day before Thanksgiving, at about noon. The public was not informed on Wednesday, to my knowledge. This is wrong.
2. In the past, the Council, Commission, and the public have had ample advanced notice of upcoming meetings. That was not true in this case.

How is the Council and Commission and the public supposed to prepare for a meeting that is announced on Thanksgiving weekend -- just two business working days in advance of the meeting? Thanksgiving Weekend is a family time, not a study time.

3. In the past, there have been delay issues with the City's listserv e-mail noticing of meetings. As members of the public have pointed out, the e-mail noticing of some public meetings is either later -- in at least three cases after the meeting had started -- or non-existent. At this time, 9:00 AM on the day of the meeting, there has been no listserv e-mail notice of this meeting.

June 13, 2023, Planning Commission meeting:

"Hi, Peggy Martinez here. **I think it is important that when this body is going to meet, that information about the meetings is shared with the public in a timely way.** For the last couple of meetings that the Planning Commission has had, where they start at 5:30, I have gotten an email about those meetings actually after 5:30. I just got one tonight while sitting here. [It came in at 5:36 PM.] And I think that's a very bad precedent. So I don't know how it is that meeting information is shared with the community. **But I am honestly concerned that the information about them not being shared in a timely way, is potentially problematic** and possibly dangerous for the Commission. Because it's not fair. I mean, that people don't know that the meetings are happening -- people that are on your e-mail list that are, you know, interested in attending. So I would ask that whoever is responsible for informing the public to please look into this and to **please put notices forward far earlier**. Anyway, thank you guys for everything. I know, this isn't an easy job. **And I just think more people would come if they knew that the meetings were happening.**"

4. Consider this timeline:

Tuesday, November 14. Planning Commission meeting.

Discussion included inclusionary zoning and the proposal to dissolve the Gateway Area Plan.

Commissioner Peter Lehman: "**David, has the session with the City Council been scheduled yet?**"

Community Development Director David Loya: "**The next study session has not yet been scheduled.**"

That is a factual statement, but it appears to be

Wednesday, November 15. City Council meeting.

Discussion included the Gaza cease-fire resolution and the proposal to dissolve the Gateway Area Plan.

No mention of any upcoming study session.

Friday, November 24. The day after Thanksgiving. The November 28 joint study session is put on the City's meeting calendar. No e-mail notice has been sent as of 9:30 AM, November 28. The Facebook announcement of this November 28 meeting came out at about 4:00 PM (exact time not known) on Monday, November 27 -- the first day after the Thanksgiving weekend.

The staff report to the Council and Commission is dated Monday, **November 20**. It is three pages plus attachments. Is the implication that on Wednesday, November 15, the Community Development Director had no clue about there being a joint study session in less than two weeks (including a holiday weekend) -- and that his staff report was completed just three business days later?

Are we in an adversarial discussion here, in which the Commissioners have to be 100% precise in their questions? Commissioner Lehman asked if the next joint study session had been scheduled, and the answer to that question on that date was No, it had not been scheduled. That is factually true -- it indeed had not been scheduled.

If Commissioner Lehman had worded his question a bit differently, and instead asked "**David, do you know when the next joint study session is being planned for?**" -- would Mr. Loya's answer have been "I'm looking at two weeks from today" ... or would his answer have been "It has not yet been scheduled"?

On Tuesday, November 14, perhaps the Community Development Director have been more forthcoming about an upcoming joint study session -- whether it was officially scheduled or not. I have a difficult time believing that he was not aware of plans for an upcoming study session, and had a staff report for it completed just three working days (five calendar days) later.

Even to say "At our next study session we will likely cover Inclusionary Zoning, the Vision Statement, and the Circulation Element." -- that would have been immensely helpful.

My request: Could the Mayor and the City Manager please remind our Community Development Director that we are here to get some work done, and not to operate in a manner in which information is withheld?

A discussion on potential city-wide Inclusionary Zoning, the General Plan Vision Statement, and the General Plan Circulation and Mobility Element -- that's a lot for the short notice that was given.

It also has the appearance of keeping a discussion away from the public. **This in itself is a violation of the intention of the Brown Act** public meeting transparency laws. And a big violation of the public trust. To have a study session with this little advance notice, and with notice done so improperly, is counter to the spirit of public engagement.

What I find particularly upsetting is that things do not have to be this way. It would not take very much effort (if any) to notice the meetings properly, to schedule meetings with ample advance time, and to keep the public informed.

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Mads Odom

From: Fred [REDACTED]
Sent: Tuesday, November 28, 2023 8:33 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; Abigail Strickland; Karen Diemer; David Loya
Subject: Problem with Attachment E - Staff Report, Nov 28 study session

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: Council, Commissioners, City Manager, Community Development Director
From: Fred Weis
Subject: Problem with Attachment E - Staff Report, November 28, 2023, joint study session.
This is a Gateway document, and cannot be discussed at this meeting with the full Council present.

(Note: This is a "process" issue, not a "content" issue. My input on the content of the Circulation and Mobility Element discussion will be in a separate message.)

The staff report for the November 28 joint study session has this statement, in the "Circulation and Mobility Element" section:

"The Commission and Council may also wish to consider the circulation policy originally proposed for the Gateway Plan that would be applicable citywide (Attachment E)."

The contents of Attachment E are a direct copy of the "Mobility Policies" of the Gateway Area Plan.

The full Council cannot "consider" a document that was "originally proposed for the Gateway Plan."

Let's note the following:

1. **The Council already has given direction to staff and the Planning Commission, at the Council's November 15 meeting, two weeks ago.** We haven't yet seen the wording of the motion -- it will be along the lines of "to keep the Gateway Area Plan separate while **directing the Planning Commission to look through these things and see which ones could be applicable to the General Plan.**"
2. **The Community Development Director has not followed that direction from the Council.** In Attachment E he has presented all the policies -- every single policy -- that the Planning Commission developed for the current draft of the Gateway Area Plan.
3. The contents of Attachment E is a subset of what was submitted to the Council in the agenda packet for the November 15 meeting -- and that was denied to be accepted at that meeting.
4. The Planning Commission did not go through these Gateway policies on an item-by-item basis and select those that could be applicable for the General Plan, as was the direction of the Council. Instead, the Community Development Director took it upon himself to submit the Gateway Mobility policies **in totality** for this November 28 joint study session meeting, in opposition of the Council's direction.

5. The Planning Commission likely wants to see **some** policies that were developed for the Gateway Area Plan be incorporated into the General Plan. Those specific policies can be selected, discussed, and included as a proposal for inclusion in the General Plan. That is not what Attachment E is.
6. The Planning Commission has not discussed putting certain Gateway Mobility policies into the General Plan. In contradiction of the Council's direction, Attachment E did not come from the Planning Commission.
7. There is a column that says "Specific to Gateway" for those policies that are indeed specific to the Gateway area. If the Community Development Director had wanted, he could have separated and removed the "Specific to Gateway" policies in Attachment E. But he did not.
8. The contents of Attachment E are a direct copy of the "Mobility Policies" of the Gateway Area Plan. (The letters "GA" which would indicate "Gateway Area" were removed from each policy's designation, and in lists on sub-policies the designations "a" through "o" were changed to "1" through "15" and "a" through "g" were changed to "1" through "7" -- the content is the same.)
9. **Because this Attachment E is an in-total copy of a section of the Gateway Area Plan, there are two Councilmembers who must recuse themselves from any discussion related to the contents of Attachment E.** This attachment consists of Gateway Plan policies.

If the City Council wishes to look at newly proposed policies for the Circulation and Mobility Element of the General Plan, they can do this at another meeting, **after** the Planning Commission has provided their recommendations for city-wide policies. **During the discussion at the joint study session on November 28, it would be improper for anyone present to discuss anything related to the contents of Attachment E** while the two specified Councilmembers are in the room.

10. **I regard this inclusion of the totality of the Gateway Area Plan mobility policies into the staff report, for the Council's discussion, as an attempt of the Community Development Director to bypass the City Council's express direction from November 15.** I also regard it as an attempt to bypass the Fair Political Practices Commission's rulings on this matter.

11. **I request that the Council or the City Manager instruct the Community Development Director:**

1. That the Community Development Director make a better effort to **follow direction from the City Council** -- particularly when he wrote the staff report requesting the direction.
2. On all documents and attachments submitted to the City Council, to the Planning Commission, or to the public, that there be in the beginning section of the document a minimum of the following:
 1. The date
 2. The author or source
 3. **A title and brief description of what the document refers to.**

Putting a date, source, title, and brief description on a document are basic requirements. This is pretty much universally required, at all levels from grade school on up. Attachment E has none of the above. As such we don't know what it is, where it came from, or what it is intended for.

If "Specific to Gateway" policies had been removed from the Attachment, and if the attachment had a proper title and **description of its intent**, and if it came from the Planning Commission rather than from the Community Development Director, then it might be admissible. In its current form, it is not.