

From: [REDACTED]
To: [Meredith Matthews](#); [Stacy Atkins-Salazar](#); [Alex Stillman](#); [Kimberley White](#); [Sarah Schaefer](#); [Scott Davies](#); [Dan Tangney](#); [Matthew Simmons](#); [Peter Lehman](#); [Joel Yodowitz](#); [Abigail Strickland](#); [Millisa Smith](#); [David Loya](#); [Karen Diemer](#)
Subject: Fwd: Initial issues with the revised May 14, 2023
Date: Sunday, May 05, 2024 8:49:42 AM

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 Councilmembers and Commissioners --

The release of the General Plan 2045 draft and the Gateway Area Plan draft for the May 14, 2024, public hearing was announced in an e-mail to the listserv recipients on Wednesday, May 1, at 4:53 PM.

My comments in this memo are based on a **brief initial viewing** of the General Plan 2045 draft. **I believe there are matters that the Council and Commission should be made aware of immediately**, prior to a further larger review of this document.

(Page numbers here are the PDF page number.)

1. What ever happened with the conversation with Tribal elders about possibly **having Wiyot name or names for Gateway areas**? Or perhaps this is an on-going topic, but just has not been discussed openly. My preference is to see a Wiyot name for what is called the Barrel district. To honor the California Barrel Company seems odd to me (in existence from 1902 or 1906 to 1952), given the heritage of the Tribes.

Over the past two years, there have been several dozen ideas and notions that have "fallen through the cracks." If there are results from discussions with the Tribes on this, incorporating the name or names now rather than changing a name later seems to me to be the more appropriate level of honoring the heritage.

2. **This General Plan 2045 draft is dated May 14, 2024.** This is based on the date the Planning Commission takes up a formal recommendation to the Council. **There have been (so far) two "May 14, 2024" drafts:** The May 1st "May 14, 2024" draft and the May 3rd "May 14, 2024" draft. They should be differentiated in the document, but they are not.
3. This May 14 draft has "tracked changes" marked by a vertical line in the right margin and the use of **underlined-red text**. These would be changes from the "12/13/2023" version. (There is no date written on that document. Actual PDF date is 12/21/2023.)
It would have been considerate if we were given a list of the changes, with their page numbers, but that was not done. (I may supply this.)

Question for David Loya: Are these underlined red text passages **supposed to be ALL of the changes?**

Important: Not all the changes from the 12/13/2024 version are properly marked in this "May 14, 2024" version. That is, there are changes to the document that are not marked as changes. For someone who is looking at this new version to see what has changed, **this is bad.**

4. **There are changes in this General Plan document that were not brought to or discussed by the Planning Commission.**

Examples: Page 46: "**Tenement housing shall be allowed in zoning districts where applicable.**"

Page 41: "Allow buildings with residential uses to increase building height on a portion of the building."

There are more.

Aren't potential changes supposed to be discussed at a meeting **before being introduced into a document?**

[Aside: The word "tenement" is given a definition in this document. In legal terms, a tenement can be any multi-occupancy residential rental building. Typically a tenement has just a few apartments on each floor, sharing a staircase and hallway. I have not found an urban-planning definition of a tenement that distinguishes it from an apartment. In the view of most readers, however, a tenement refers to low-quality lower-income housing.]

5. **Table LU-1, "Land-Use Plan Categories and Acreages,"** which shows the acres for each type of land use designation (e.g. Agriculture - Exclusive, Residential - High Density, Residential - Medium Density, Residential - Low Density, etc.) **appears to have some figures that are not correct.** This is on page 42. This table was incorrectly referred to as "the Land Use summary table" in a City e-mail.

6. **Important: "The Land Use Updates" map on page 37 shows zoning changes that are contrary to what the Planning Commission approved.**

This is a strange situation. The Planning Commission worked on this. This map does not include at least one of the Planning Commission's recommendations for the zoning changes. **Instead, this map substituted a different zoning.**

This map shows the entire Craftsman Mall opportunity zone as Residential High Density. The Commission's recommendation was to "decouple" the north from the south areas, and to zone the south area as Residential Medium. All Commissioners wanted this Craftsman's Mall Opportunity Zone to be split. The vote was 4 to 2 on having the south part be Residential Medium, supported by Davies, Figueroa, Lehman, and Yodowitz. The two "senior" Commissioners,

with more experience with how the zoning works in practice, polled for having that area in the southern part (along Eye Street, near Larson Park) being kept as Residential Low. One reason for keeping it R-L along Eye Street has to do with limited vehicle travel available on the narrower-than-typical lanes of Grant and Jay Streets.

Note: The map is labelled "Figure X" -- its correct title is LU-a.

7. **As a reminder to the Councilmembers and Commissioners**, and as a bit of history to the newer Commissioners:

At the June 27, 2023, Planning Commission meeting, Community Development Director David Loya said (this is a quote):

"And what we've done here at the staff level, as we had mentioned in the staff report, is that, **based on conversations that you've had previously, we've inserted what we expect you're going to say, as a Commission** -- that you concur with staff on this issue, for example."

[Note: David Loya spoke "...as we had mentioned in the staff report" but in reality this was **not** mentioned in the staff report.]

The concern is that **what Director Loya has done here** with the General Plan is part of that pattern. It seems that he has inserted language that **he "expects" the Commission to agree with**.

8. The Table of Contents (page 10) shows "Gateway Area Plan - Bound in separate document." In the "12/13/2023" General Plan 2045 draft document, the Gateway Area Plan was indeed a separate document. **This May 14, 2024, document includes the Gateway Area Plan.**

Why the Gateway Area Plan was included in this single document, rather than being kept separate as has previously been the case, is not known.

As we all know, there are two Councilmembers who are prohibited by California Fair Political Practice rulings from discussing or voting on the full General Plan. They can discuss and vote on the General Plan without the Gateway Area Plan. At such time as when the Planning Commission approves this current single document, **that document will not be able to be forwarded to the City Council.**

It seems to be a decision that only adds complexity to an already complex situation. In my view, this single document should be re-issued as two documents. Why would it be made into a single document now, prior to it going to the City Council?

9. Among my aims is to **reduce the City's potential liability in the event of future lawsuits**. If the General Plan says that Arcata "shall" do something that is impossible for to accomplish, this leaves the City vulnerable. In this General Plan document, such instances do exist.

10. **The list of names in the Acknowledgements** (pages 3-7) **contains six**

misspelled names, including the names of one current Councilmember, two current Planning Commissioners, and one former Councilmember. (At least six misspellings -- there could be more.) I appreciate the inclusion, at my suggestion, of the recent former Commissioners whose work was instrumental in the creation of the General Plan 2045 updates. In my view, recent former Committee members who were present at least since January 1, 2022, should also be included. Walt Geist, on the Economic Development Committee is one example, as he certainly contributed to this General Plan.

In addition, in my view the public would be better served if "Alexandra Stillman" would be spelled out in full.

11. As a minor example of the editing that is missing: The description of the Craftsman Mall Opportunity Zone (page 34) **does not acknowledge the existence of the Craftsman Mall dorm project** that is being built right now. It says " ... the Craftsman's Mall property, which has **the highest immediate potential** for redevelopment..." This description has not changed in at least 1-1/2 years, even though the site is no longer a "potential" for development. It is being developed.
12. As examples of very small items, the word "Barrel" is misspelled as "Barrell" in five locations. U.S. Highway 101 is called State Route 101 (or as a plural) in ten instances. (There is no such road as "State Route 101.)

As another aside, I have heard from community members that some **letters sent to the Planning Commission are not showing up** in the SIRP Public Comments section. For me, the extensive "comments and suggestions" on the Gateway Code has the letter there, but not the 125-page PDF document. **Without the PDF attachment, my introductory letter has very little value** -- the "meat" of the communication is absent. **To David Loya: Please correct this.** In addition, there've been times in the past when the level of redaction was overboard. Now it's the opposite. **The e-mail addresses of members of the public are there, out in the open when clicked on.** For me, I don't mind, as I openly publish my e-mail. For other citizens, this is very wrong.

The system for including letters from the public is broken, again.

Thank you.

-- Fred Weis

From: [REDACTED]
To: [David Loya](#)
Cc: [Karen Diemer](#); [Meredith Matthews](#); [Sarah Schaefer](#); [Kimberley White](#)
Subject: Error on link to new version of the draft Gateway Form-Based Code
Date: Tuesday, May 07, 2024 5:35:10 PM

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- A suggestion to the Community Development Director: **Slow down** a notch or two, and take the time to get things right.
Perhaps someone else is making these mistakes, but the Director is responsible.
- No need to read after the line, below.

Thank you.

-- Fred

David --

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There is an error to the link on that page. It shows Version 4 with the same link as Version 3. See the link info below, highlighted in red.

**Questions: Is there indeed a new Version 4 of the Draft Gateway Code?
Will the changes be marked as tracked-changes... or a list of the changes be available?**

Observation: In the past three messages sent out to the listserv recipients, **there has been a problem in all three**. There were errors with the title of the referenced item or, as in this case, an incorrect link.

I believe the public appreciates these updates very much. But as you might acknowledge there can be difficulty when the messages or links have invalid information. Dozens of people have communicated to me that they've "given up" on trying to follow the Gateway Area Plan.

I look forward to seeing what the changes are in Version 4. As you are aware, other than the inclusion of the long-awaited 3D potential buildout images in Version 3, there were no changes between Version 2 and Version 3

-- Fred

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Cc: [Karen Diemer](#); [Meredith Matthews](#); [Sarah Schaefer](#); [Kimberley White](#)
Subject: Re: Error on link to new version of the draft Gateway Form-Based Code
Date: Wednesday, May 08, 2024 10:14:06 AM
Attachments: [image.png](#)

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David --

Thank you for the revision and explanation.

You wrote:

>> Fred, the large link at the top of the other versions linked to the current version. This is the same format the webpage has had since the first release with the older versions listed below the very large hyperlink at the top. **But I can see why someone would be confused.**

I will say this: **I did not know that those headlines were links.** I have been on this website a very large number of times, and I did not know that what you call the "large link at the top" -- that's in underline green print -- is a link. Underline green print is not a standard design for a link. If it is a link on the City pages, there should always be a link that looks like links usually look -- which is what is now the case.

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See my article here for suggestions on this.

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The versions do not show dates. This is bad practice, and very easily corrected.

It is my experience that MANY important documents are issued by the Community Development Department with **NO DATES** on them.

Realistically perhaps not many people are following this stuff, but for me I find the

new design of the website more confusing than before.

All that was needed was to add that one link for Version 5.

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now has over 700 views. I consider this material to be very dry reading. But people are reading it. Some visitors are staying on the page for 10 or 15 minutes or longer

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-- Fred

image.png



On Wed, May 8, 2024 at 8:37 AM David Loya <dloya@cityofarcata.org> wrote:

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But I can see why someone would be confused. We are revising the page to make it more clear how to access the materials.

Thank you,

David Loya (him)

Community Development Director

City of Arcata

p. 707-825-2045

c. 707-834-5013

From: Fred [REDACTED]

Sent: Tuesday, May 7, 2024 5:35 PM

To: David Loya <dloya@cityofarcata.org>

Cc: Karen Diemer <kdiemer@cityofarcata.org>; Meredith Matthews <mmatthews@cityofarcata.org>; Sarah Schaefer <sschaefer@cityofarcata.org>; Kimberley White <kwhite@cityofarcata.org>

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- No need to read after the line, below.

Thank you.

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To: [David Loya](#)
Cc: [Karen Diemer](#); [Meredith Matthews](#); [Sarah Schaefer](#); [Kimberley White](#); [Stacy Atkins-Salazar](#); [Alex Stillman](#)
Subject: Re: Error on link to new version of the draft Gateway Form-Based Code
Date: Wednesday, May 08, 2024 11:52:51 AM
Attachments: [image001.png](#)

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**Councilmembers, if you want:
Read the large print red and blue lines, and then go to "Summing Up" at the end.**

David --

I do not have further time this morning to go back and forth on these issues. I am including the full Council on this e-mail thread now. I will write more later on the actual problems still in this Gateway Code -- and how the updates that are there still do not fix all the issues.

In my view, you are defying the stated wishes of the City Council and the Planning Commission.

This is of major importance. The current Gateway Code is inadequate. If a person such as myself can see how developers can take advantage of the City's regulations, then who knows what will happen.

I am going to be very blunt. From my point of view, your actions indicate you are missing a huge opportunity with the linear park and woonerf. Your response seems deliberately dishonest to me. I believe you are a very smart person. I have a difficult time believing you are as oblivious to this issue as you are indicating.

You wrote:

"As for L-street, the Code regulates private development. L-Street is a public asset and will be a public project. You'll find reference to it in the Gateway Code."

And I say:

If that is going to be your final word on the L Street linear park and woonerf, then in my opinion the City Council should remove you from this project.

You are supposed to be doing planning. If you choose instead to be obstinate about what Arcata's reality is, then you should leave.

The buildings that are built alongside the L Street corridor future linear park and woonerf should have active storefronts on the ground floors that face the L Street corridor. This is basic, basic planning. As the Code is now, an apartment building could be built with its back side on L

Street -- both in the woonerf area and the linear park area. There could be sheds for trash containers there. There could be a vertical wall of the back of an apartment building that is 5, 6, or 7 stories tall. There is nothing in this Code to prevent this.

The Code has a figure that shows where Active Building Frontage is required. (Figure 2-36, Page 25.)

L Street is not on this map as an Active Building Frontage area **except for the one block between 8th and 9th Streets** -- where the Creamery and The Pub are on the west side and Thom Payne / Pacific Builders and Barsanti Dentistry are on the east side.

And what "reference to it in the Gateway Code" are you talking about? Sure, "L Street" is there in the Code in connection with setbacks and stepbacks and access to parking. **Not in connection to the linear park and woonerf.**

In my comments and suggestions on the Gateway Code, I show a silly example of what could be built under the current Code. Essentially it is the new Strombeck Westwood Garden Apartments style of building, plopped down on the AmeriGas site. This can be seen at this link, and then scroll down: <https://arcata1.com/gateway-code-comments-suggestions/#Toc164371885>

- [A form-based code does not prevent bad design. If the Planning Commission wants or does not want certain styles of design, the Gateway Code has to be more specific.](#)

Other cities have successful form-based codes. What Ben Noble has supplied to us is NOT complete. It is not well thought-through.

Small quibbles about your response. It does not seem that you understood what I wrote -- or that you are purposefully being argumentative.

- The dates of the Code releases should be on the **webpage**. This is extremely simple to add.
- The documents for Versions 1 and 2 of the Code had no dates on the documents.
- "Version 4" is the same document as "Version 3." There are not five versions of this Code. Actually, in my view, Version 3 was so little changed from Version 2, it should be called Version 2.1. And "Version 5" is so little changed from Version 2.1, it should be called Version 2.2

The idea that there are "5" versions of this Gateway Code is a myth.

Summing up

David, you have done so much work on trying to make this Gateway Area Plan a success. Why you should be so obstinate now about the issue of the woonerf and the linear park is something I do not understand.

With your help, the woonerf and linear park will be, as I've said many times, an absolute jewel for Arcata.

With your defiance, there is the possibility that the woonerf and linear park area will be lifeless and of substantially lower value.

Arcata needs proper planning. Not just for housing, but also for people's needs. I say that if you are not willing to provide this, then get out of the way and let someone else do it.

-- Fred

On Wed, May 8, 2024 at 10:22 AM David Loya <dloya@cityofarcata.org> wrote:

Thanks, Fred.

Yes. I understand the confusion. Unfortunately, we do not have a web developer, and the incremental changes just resulted in more confusion than clarity. I had not reviewed the pages in detail in some time. I hope the current version clears things up. Now you can click on just about anything related to the object and get there (the heading, the picture, or the text).

As for version 5, there are dates on each page in the footer and on the cover. This is the May 14, 2024, date.

As for L-street, the Code regulates private development. L-Street is a public asset and will be a public project. You'll find reference to it in the Gateway Code.

Thanks again.

David Loya (him)

Community Development Director

City of Arcata

p. 707-825-2045

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Cc: Karen Diemer <kdiemer@cityofarcata.org>; Meredith Matthews <mmatthews@cityofarcata.org>; Sarah Schaefer <sschaefer@cityofarcata.org>; Kimberley White <kwhite@cityofarcata.org>
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The Draft Gateway Form-Based Code (version 2) can be viewed [here](#).

The Draft Gateway Form-Based Code (version 1) can be viewed [here](#).

The May 14, 2024, Draft Gateway Code incorporates revisions based on public comment and Planning Commission direction. The Code can be viewed at <https://www.cityofarcata.org/065/Arcata-Gateway-Area-Plan>. The Planning Commission will consider the Gateway Code at their May 14, 2024, meeting. The City Council will consider the documents at their May 29, 2024, meeting.

From: [REDACTED]
To: [Peter Lehman](#); [Scott Davies](#); [Abigail Strickland](#); [Millisa Smith](#); [Dan Tangney](#); [Joel Yodowitz](#); [Matthew Simmons](#)
Cc: [David Loya](#)
Subject: Final Gateway & General Plan Comments
Date: Thursday, May 09, 2024 3:43:13 PM

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Planning Commissioners,

Thank you so much for all of your hard work over the last two and a half years reviewing and refining the General Plan, Gateway Plan and Gateway zoning code. It has been a long and at times contentious process, and I deeply appreciate your efforts to stay on course, and to defend these documents from misguided attacks while at the same time responding openly to productive feedback.

As you know, CRTP strongly supports the General Plan updates (including the Gateway Plan) and the Gateway zoning code. From the first draft of the Gateway Plan published back in 2021, this planning process has represented a huge step forward for healthy, equitable and sustainable transportation in Humboldt County, with explicit policies to support car-free living and a focus on the higher density residential development needed to support greater walkability, bikeability and high-quality public transit. Since then, the Gateway Plan has been strengthened even more through an extensive public process; the zoning code to implement it has been developed and refined; and many of its best policies have been moved to the General Plan to apply citywide.

The policies CRTP supports in these documents are too numerous to list here, but we are particularly excited about the streamlining of higher density housing, the explicit prioritization of safety over speed on all city streets, and the parking reforms and other policies to reduce inequitable subsidies for driving while increasing support for walking, biking, and transit.

I hope and believe that, when you consider your recommendations to the City Council next Tuesday, you will take clear and decisive action and recommend approval of each of these documents.

Thanks again,
Colin

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

From: [REDACTED]
To: [Meredith Matthews](#); [Sarah Schaefer](#); [Kimberley White](#)
Cc: [Karen Diemer](#); [David Loya](#)
Subject: Inclusionary Zoning is incorrect in the Gateway Code
Date: Thursday, May 09, 2024 12:35:52 PM

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To: Honorable Mayor Meredith Matthews, Councilmembers Sarah Schaefer, Kimberely White
CC to: City Manager Karen Diemer, Community Development Director
David Loya
From: Fred Weis
Subject: **Inclusionary Zoning is incorrect in the Gateway Code**
The "May 14, 2024" draft of the Gateway Code is counter to the Council's and Commission's direction

Dear Meredith, Sarah, and Kimberley --

Highlighting included so you can skim. Thank you.

I am sorry for this situation, and for taking your time to continue to hammer on this. **There is no way that this Gateway Code is anywhere near ready** for either Planning Commission recommendation or the Council's approval.

Please look at the section on **Inclusionary Zoning**, below.

What is in the Code is incorrect. It ignores what the Planning Commission came up with and what the Council decided. This might be explained as an "oversight" -- but there have been too many oversights. The Code is not ready.

When I write to you, this is not about what I may or may not want. This is about what the Council and Planning Commission have said that they want.

You discussed Inclusionary Zoning at your January 17, 2024, meeting -- almost four months ago.

The new "May 14, 2024" Gateway Code is here -- with changes that are not documented. I requested from the Community Development Director a list of the changes, and he was unresponsive. **I made my own "tracked changes" document.** I have been going through the "May 14, 2024" Gateway Code. There are some things that are improved from the previous Code, some things that are not changed, and new errors introduced.

This "May 14, 2024" version contains changes that the Commission never saw

or discussed; it contains changes where the Commission said not to change; it contains inadequate changes for things that the Commission wanted changed; and is still missing many things that the Commission brought up and did not fully resolve.

It also contains changes -- as does the draft General Plan -- that the Director took upon himself to make changes to. If this were a normal draft, then the draft is presented to the Commission along with a staff report, and then they discuss it or change it. But when a draft is changed and no one is aware of what the changes are, **and this is presented as a draft for recommendation to the Council A procedure like this is flat-out wrong.**

I tend to regard Director Loya's actions and inactions in several ways.

- **There is more work here and more to keep track of than one person can do.** I observed this from the very beginning and in a friendly way pointed this out to David. As a result things are not done.
- All too frequently, things are done apparently too hastily, and many times incorrectly.
- From my observation, when the Director does not know what he is doing, he fakes it. He says things that it seems he just makes up. The struggle that we saw with the Commission during 2022 occurred to a great degree because of the floundering of the Director. (The development of the form-based code was delayed because he said the Council had not given him direction on it. To my memory, **everyone wanted the form-based code.**)
- Often when he is at the meetings, he is taking notes and, I feel, not fully listening. He may say "That's correct" to a Commissioner's question when it was not correct.
- **The Director seems to have his own agenda about what outcome he wants to see.**
- As I have already pointed out, it seems that to accomplish a desired outcome, he will say things that are not valid.

As a reminder, at that January 17, 2024, meeting where the Council discussed Inclusionary Zoning, **the Director misinterpreted a State law** that had passed in October 2023. The staff report showed thresholds of 15% very-low income and 24% low income before the density bonus law would come into play. He proposed that the Gateway Inclusionary Zoning figures could also be changed, from 4% Very Low to 10% Very Low, and from 9% Low to 15% Low. I wrote to the Director and the Council on this. **His understanding of Inclusionary Zoning in the Gateway Plan was completely incorrect.** If you had acted on the original information, you would have had to revise it.

I will continue to work on my message to the Planning Commission, regarding changes to this "May 14, 2024" Gateway Code.

Among what drives me is that **I do not want developers taking advantage of things that are vague or inaccurate in this Gateway Code.** And i want the Code to include what the Council and Commissioners have said they want.

Chair Davies and others speak to the "diminishing returns" of trying to improve the Gateway Code further. This is a false narrative, in my view. First, the Gateway Code does not yet include the policies that the Commission has discussed. And, importantly, the policies in the Gateway Code are very different from, to use a recent example, a policy of not having cars around the Plaza on Farmers' Market days. That's something you can try, and if it doesn't work out then you can change it. A future City Council might change it. **But when a building is built that is it. That building is not going to change.** Whatever can be done to get a cohesive Gateway Code is worth it.

I mentioned this to the Mayor -- I have not brought it up with Commission Chair Davies or other Commissioners. My "Comments and Suggestions" on the Gateway Code took me a week to research and write. **But the list of what needed to be included** -- my assessment of the Gateway Code -- **took only a few hours. My inspection of the "May 14, 2024" draft took only a half hour to see what was wrong with it.**

I can propose a sub-committee of the Planning Commission of Commissioner Matt Simmons and Joel Yodowitz, plus myself. I think we can make an annotated revision of the draft of the Gateway Code **in a few weeks**, if we worked at it. And then present that to the full Commission for their input and revision.

I apologize if I sound like I am "lecturing" -- that is not my intent. You know me by now -- smiles.

And as you know, I say: If the Gateway Code does not provide planning for a vital, exciting "jewel" for the woonef and linear park -- then put a pause on it until it does.

THANK YOU.

-- Fred

From my email to the Planning Commission:

Inclusionary Zoning requirements are not what the Commission and the City Council decided.

This is what is there currently. Page 31 in the "May 14, 2024" Gateway Code. "For projects with 30 dwelling units or more, the project provides a minimum of 4 percent of the units affordable to very low income households or 9 percent of the units affordable to low or moderate income households as defined in Chapter 9.100 (Definitions). Moderate income units shall be for sale units consistent with State Density Bonus Law."

This is incorrect on three levels.

1) The Commission's proposal was for 4% very-low or **6% low plus 10% Median.**

- 2) The Council specified buildings with **15** dwelling units or more.
- 3) The City's Inclusionary Zoning requirements have nothing to do with moderate income units being for sale. That is indeed in the State Density Bonus Law, but it's not applicable to the Gateway inclusionary zoning.

From: [REDACTED]
To: Scott Davies; Dan Tangney; Matthew Simmons; Peter Lehman; Joel Yodowitz; Abigail Strickland; Millisa Smith; Meredith Matthews; Kimberley White; Sarah Schaefer
Cc: David Loya
Subject: Gateway comments on-line / New tracked-change version / more
Date: Friday, May 10, 2024 10:09:32 AM

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Commissioners and Gateway Councilmembers --

1. **The letter that I sent to the Commissioners last night is now on-line.** The on-line version has a table of contents, so you can find topics more easily. There is also additional background and comments. The article is titled: Gateway Code: What is new -- and wrong -- in the "May 14, 2024, Version 5" version. It can be found at:
<https://arcata1.com/the-gateway-code-specific-issues/>

There is no sign-in to [Arcata1.com](https://arcata1.com), and I cannot view or track who comes to the website. It is anonymous.

2. **This "May 14, 2024" version is incorrect in at least a dozen places -- or more.**
As I have written about this "May 14, 2024" version, **it contains changes that the Planning Commission has never seen or discussed**. It contains changes where the Commission said not to change. It contains inadequate changes for things that the Commission wanted changed. It's still missing many things that the Commission brought up and did not fully resolve. **It has Inclusionary Zoning wrong. And still no planning for the L Street woonerf and linear park.**
3. **The Community Development Director has released a tracked-change version** as a second edition of the "May 14, 2024" Gateway Code. As is his style, **there is no indication that this is a revised edition**. I had requested a list of the changes from the Community Development Director -- twice --and got no response on that. So I made my own tracked-changes document, so I could see what's changed.

This tracked-change version is what should have come out in the first place. Without it, how could you -- the Commissioners, or anyone -- know what had changed? It is still inadequate, as it should be accompanied with a list of the important changes.

4. **I post what I consider most important for you** on your portal page, at arcata1.com/cc and arcata1.com/pc -- CC and PC go to the same portal.

5. **To see what 4-story ministerial review looks like, see [Four-story hotel approved by David Loya and not approved by the Planning Commission? It's possible. arcata1.com/ministerial-review-hotel-not-approved-by-pc](#)**
6. **Page 35 of the Gateway code is missing a little chunk of text.** These two lines are unchanged from the very first edition of the Gateway Code. The lines are: Balconies. At least 20 percent of the linear frontage of the building wall contains at least one-above-ground balcony that is at least 4 feet in depth. [This is not a requirement -- it's among a list of options for façade articulation.]
7. As I have stated again and again: **There is no way in the world that this document is ready for the Commissioner's approval.**
My view, of course. But (again my view) it would be irresponsible and a subversion of months of work if this were to be approved.

I have my opinions, certainly. **But here I'm talking about facts. The Inclusionary Zoning requirements section is just plain wrong.** The greenways map was changed -- that change introduced a new error and the map continues to be incorrect. It isolates five acres of developable property (Reid & Wright) -- because the code says "Greenways **are required** in the approximate locations shown in Figure 2-56." **There is no EV charging, no secure bicycle storage.**

Changing words here and there is not a big problem, but it has to be done. And it has not been done.

I hope I've been helpful here.

-- Fred Weis

From: [David Loya](#)
To: [Mads Odom](#)
Subject: Fwd: Gateway Code -- what is new in the "May 14, 2024, Version 5" document
Date: Friday, May 10, 2024 7:30:50 AM

Begin forwarded message:

From: Fred [REDACTED]
Date: May 9, 2024 at 11:02:03 PM PDT
To: Scott Davies <sdavies@cityofarcata.org>, Dan Tangney <dtangney@cityofarcata.org>, Matthew Simmons <msimmons@cityofarcata.org>, Peter Lehman <plehman@cityofarcata.org>, Joel Yodowitz <jyodowitz@cityofarcata.org>, Abigail Strickland <astrickland@cityofarcata.org>, Millisa Smith <msmith@cityofarcata.org>, David Loya <dloya@cityofarcata.org>
Subject: Gateway Code -- what is new in the "May 14, 2024, Version 5" document

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Commissioners --

The so-called "Version 5" of the Gateway Code is now out. This version has "DRAFT - May 14, 204" on the cover, and "May 14, 2024" on each page of text.

As typical with my writings, please feel free to skip around to the areas that are of interest to you. If there are errors here, please tell me. **I'll use highlighting** to mark the more important points.

One thing I want to make very clear to all the Commissioners: I have said this before, and it is worth repeating. I do not think that I am smarter than you, and I do not want to ever give the impression that I am "telling" you what to do. If that is how it appears to you sometimes, I very much apologize. I have read the current and past versions of the Gateway Code thoroughly. I have more time than most people to go over this material, and I can spot things that may be hidden or obscure. I have transcriptions of the meetings, so I can see what was actually said. I have my opinions, obviously. But overall we're all trying to do the same thing: Make a better Arcata.

- First off, **I find it inappropriate to have scheduled a "final" review of the Gateway Code for a Planning Commission meeting date when both Commissioners Tangney and Simmons had previously said they would be absent from that meeting.** Both Commissioners contributed strongly to various parts of the Gateway Code. For a one-minute-read article on this, see Commissioners Dan Tangney and Matt Simmons were absent from the Gateway Code review -- <https://arcata1.com/commissioners-tangney-simmons-absent-gateway-code-review/>
- **This "May 14, 2024" version contains changes that you've never seen or discussed;** it contains changes where you've said not to change; it contains inadequate changes for things that you wanted changed; and is still missing many things that you have brought up and did not fully resolve.
- **Ordinarily, a draft is just a draft -- but this draft is for a final recommendation.** A normal draft is presented for you to work from and respond and modify. But since the May 14 Planning Commission is scheduled as a Public Hearing and as a date for the Commission's recommendation to the Council, I ask: How in the world can you recommend something that you have not discussed? Is the expectation that the Commission will modify this "May 14" document and that the Code, with any proposed modifications, will be what's recommended?

It is my opinion that the Community Development Director gets in the Commission's way -- regularly and strongly.

You saw what happened with the "750-foot bike storage" discussion, and the degree to which the Director attempted to defend an indefensible position. That conversation took five minutes to work through -- and it shouldn't have been worded so improperly in the Gateway Code to begin with. It was resolved in a matter of seconds by Commissioners Joel Yodowitz and Millissa Smith. (If you want to watch the video or read the transcription of that portion of the meeting see: "Secured" bike parking within 750 feet <https://arcata1.com/loya-fallacy-secure-bike-parking-750-ft/>)

In several instances at the meeting on April 23, 2024, Commissioner Yodowitz made attempts to bring up items that were important to him. At times, the Director has a style of responding whereby he mischaracterizes the request -- that is, changes it enough so that it does not have the same meaning -- and then trivializes it -- that is, lessens its value. A topic that may have been important is then reduced. By then re-stating the issue as a minor matter, there is buy-in from other Planning Commissioners to

accept that this is of little importance, and the Commission can move on.

Over the past 28 months, I have watched this pattern occur many times. When someone "stands their ground," as Commissioner Peter Lehman did in the "750-feet bike storage discussion," the Director and the Commission are more or less forced to view the issue. At other times, the issue disappears from the current conversation. The downside is that the Commission has lost an opportunity to improve the Gateway Code.

Another opinion

In my opinion, there is no way that the City Council will accept this Gateway Code. For one thing, it has the Inclusionary Zoning all wrong. (See below for more on this.)

In my opinion, your job is to get this Gateway Code to a point where the Council is likely to pass it.

What are the changes in this new Gateway Code ?

There is no tracked-change copy of this document. That is, we cannot tell at a glance what is new and changed. I requested this information from David Loya and he was unresponsive. I asked: "What is new in this Version 5 of the Draft Gateway Code? Is a list of the changes available?"

I have made a tracked changes version so we can see what is new or different. **I am including what I regard as the major changes here in this email, below.**

I call it a "so-called" Version 5 because:

- "Version 4" is the same PDF file as "Version 3" -- that's the "PUBLIC REVIEW DRAFT - January, 2024" on the cover, and a PDF date of 1/31/2024.
In other words, "Version 4" is the identical document as "Version 3" -- completely identical.
- As you know, the only difference between Version 2 (September 22, 2023) and Version 3 (January 31, 2024 -- four months later) is the addition of the four 3D Gateway build-out images, and what appears to be two sentences of text that reference these documents.

In the normal world, Version 3 would be called Version 2.1. What we have here, the "May 14, 2024" version would be called Version 3.

As to those 3D images that were added in the January 31, 2024 version -- the text says " Figure 2-26-A shows potential new development consistent with the Gateway district standards." **But the 3D images are not consistent with the Gateway Code that is in these documents.**

Changes to the "May 14, 2024" version

I am listing these here somewhat in order of importance, but not completely in order of importance.

This is not a complete list, but it's most of the changes.

I will give page numbers of the "May 14, 2024" version for reference. Some commentary from me is included.

1. **The chapter number of the Code has changed.** Previous version was 9.29 and now is 9.110 -- perhaps we can get an explanation for the reason for this change.
2. **Long-Term Bicycle Parking** Standards, Location. Page 55. **The absolutely silly 750-foot distance is gone.** Thank you, Commissioners, for insisting on this. It was a poorly-written policy. Now reads: " Long-term bicycle parking shall be located on the site of the use that it is intended to serve."
3. **Long-Term bicycle parking security: The definitions of security have not changed. This needs to be changed.** Page 55. As it is, there is no requirement that long-term (over two hours) bike storage be inside, or that it even be behind a locked fence. "In an area that is monitored by a security camera" is sufficient. There is also no definition of what a "weather-protected place" would be. For images of what would be allowed under this current code, see: What does the Gateway Code say about Tenant and Employee bicycle parking? -- <https://arcata1.com/gateway-code-tenant-employee-bicycle-parking/>
4. **The front-facing garage door situation has not been resolved.** This was discussed at the April 23, 2024, Planning Commission meeting. This is on Page 43.

For garages facing a street, it says "Garage opening facing a street shall be 25 feet side or less."

That's an error in the sentence -- some word or words are missing. What does "25 feet side or less" mean?

This does not specify how many garages or the percentage of sizes of garage doors that can be on a parcel. **The Planning Commission was specific on this, and this is not in this code.**

It does not say "a single garage door" -- just that the size of a garage door is 25 feet or less.

This is not what the Planning Commission said.

There is this on curb cut frequency - Page 53. There could be, according to the code, on a block-long parcel, two front-facing garage doors, each 25

feet wide, with a driveway entrance of 12 feet. Is a driveway "one-way" if a vehicle pulls in and then backs out? I think that would be "one-way traffic."

From the Code, page 53:

3. Curb Cut Frequency. On a single lot, A maximum of **two curb cuts** for one-way traffic and one curb cut for two-way traffic are permitted per street frontage per 250 feet of lineal street frontage.
4. Curb Cut and Access Drive Dimensions. The maximum width of a new access drive crossing a public sidewalk is 12 feet for a one-way access drive and 20 feet for a two-way access drive.

We can note how this curb cut frequency policy is written. "On a single lot, A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per street frontage per 250 feet of lineal street frontage." So on a parcel that is 100 feet wide -- how many curb cuts are allowed? At two per 250 feet of lineal street frontage -- is it zero? Is it one? Do we round up? There are buildable parcels in the Gate area that are 62.5' wide. How many cuts do they get? One, I would guess. The language of the code is not defined properly. Two cuts per 250 lineal feet could be interpreted as zero cuts on 100 lineal feet. **It's poorly written.**

5. The Code still says "**Greenways are required in the approximate locations** shown in Figure 2-56." Page 50. This is unchanged from the previous version. Director Loya told us that the locations shown are to indicate intentions of greenway locations, and that some will be used and some will not. The Code says that they are required in the locations shown. **This must be clarified.**

6. **The Gateway Ministerial Permit Requirements table has been changed.** Table 2-19, Page 5. The table previously had it be that projects went to the Planning Commission if they were above 40 feet in height. To put this in perspective, Plaza Point is a tall 3-story building. Sorrel Place is a flat-roofed 4-story building. Both are above 40 feet in height.

In all other versions of the Gateway Code, this table would have those buildings come before the Planning Commission. The wording was: " New floor area over 40,000 sq. ft and/or **building height over 40 ft.**"

At the April 23, 2024, meeting Chair Davies said that this table was not going to be discussed or altered. "Early on in this process, the issue of the Height of Buildings was really important to the community. And part of the position that we took to address and incorporate these concerns was this table and the sort of staggered review authority, so I would definitely be uneasy to make that change myself."

The Director has made a change here that is counter to what the Planning Commission said.

I am in favor of changes to this table -- I believe there is value to the

Planning Commission to have all (or close to all) projects come through the Commission. How else would the Commission learn how the development community views the Gateway Plan and the Gateway Code? As we know, good projects will sail right through.

If this discussion is going to be opened up then I feel obligated to inform the Planning Commission that **parts of what the Director said at the April 23 meeting are not correct. They are his opinions -- not facts.** For the first six months of 2022, at the start of the Gateway conversation, the Director said things that were similar. The current Chair, Julie Vasissade-Elcock, former Commissioner Judith Mayer, and myself all knew that what he was saying was incorrect, and made attempts to correct his speaking. At the first workshop with the Code consultant Ben Noble on June 29, 2022, he discussed this issue. What Ben Noble told us was not what the Director had been saying.

You can view the Ben Noble presentation at: Ben Noble: Form-Based Code presentation June 29, 2022 - <https://arcata1.com/ben-noble-fbc-june-29/> At the time, **I considered this to be a "must watch" presentation.**

It is a 1-1/2-hour audio plus PowerPoint slides. All the slides from his presentation are in the article. There is a full transcription of his presentation, with a table of contents so you can jump to sections that interest you.

7. **Inclusionary Zoning requirements are not what the City Council decided.**

This is what is there currently. Page 31 in the "May 14, 2024" Gateway Code.

"For projects with 30 dwelling units or more, the project provides a minimum of 4 percent of the units affordable to very low income households or 9 percent of the units affordable to low or moderate income households as defined in Chapter 9.100 (Definitions). Moderate income units shall be for sale units consistent with State Density Bonus Law."

This is incorrect on three levels.

- 1) The Commission's proposal was for 4% very-low or **6% low plus 10% Median.**
- 2) The Council specified buildings with **15** dwelling units or more.
- 3) The City's Inclusionary Zoning requirements have nothing to do with moderate income units being for sale. That is indeed in the State Density Bonus Law, but it's not applicable to the Gateway inclusionary zoning.

8. **The Greenway Location map has been updated**, a bit. Page 49. **But it is incorrect as shown -- in a new way.** The wrong location of the greenway on 7th Street that would block the Devlin cottages is marked "End at L St." and it is promised to have the map updated. This had been there unchanged since the first version,

eleven months ago.

What has been added that is incorrect is "Figure to be replaced with update adding 6th between L and K Streets."

The space on 6th between K and L has to be a woonerf -- to provide access to the Bud's and AmeriGas sites so that they don't have entrances on K Street. A woonerf can have vehicle traffic -- a greenway does not.

9. Under "Greenways Required" (Page 50) sentences a. and b. were added.

Under "Standards" (Page 50) sentence a. was modified. The modification has the one sentence be identical in meaning to the two sentences (a. and b.) above.

I believe sentences a. and b. under "Greenways Required" are in the wrong section. They belong in "Standards" which is where it is. **I believe a. and b. in "Greenways Required" are there as an error, and should be removed.**

The net result of "Standards a." is that under Table 2-31, there is a 15 foot building frontage zone -- if the Greenway is built not on an existing or proposed street. If the greenway is built on an existing or proposed street, then the building frontage zone would be based on the district standards, typically 10 feet minimum, 20 feet maximum.

This is a very odd addition to the Gateway Code and should be looked at.

What is its purpose? It differentiates between a greenway that is built on an existing or proposed road, and greenways that are not.

Looking at the map of conceptual greenway locations, **where are there greenways that are built on existing or proposed roads? There are none.**

N Street north of 11th will be a greenway or linear park. There is no road there.

L Street will have portions that are linear parks and portions that are woonerfs. Neither a linear park nor a woonerf is a greenway. They have different standards.

10. The Conceptual Greenway Location map (page 49) shows greenways on N Street north of 11th, and on 12th, 13th, and 14th Streets for one block each between M and N Streets.

As a result, there is no vehicle access for the parcels at the top left corner of the Gateway area -- the parcels to the west of N Street and

from a half-block north of 13th Street. This is the former Reid & Wright mill location. (Parcels to the west of N Street and up to the half-block north of 13th Street have access from O Street.)

Greenways are not woonerfs. They have no vehicle access, except as required the Arcata Fire District for emergency vehicle access.

The Conceptual Greenway Location map shows these parcels as isolated -- with no vehicle access. This needs to be looked at and fixed.

11. **Mirrored Glass.** Page 43. Commissioner Yodowitz brought this up at the April 23 meeting. I don't think this is resolved. The Code now reads: "Windows shall provide a clear and transparent view into ground floor uses of nonresidential buildings. Mirrored glass is not allowed."

First, to avoid any ambiguity, the two sentences should be switched, so that a reader does not think that the " Mirrored glass is not allowed" refers only to nonresidential buildings.

"Mirrored glass is not allowed. Windows shall provide a clear and transparent view into ground floor uses of nonresidential buildings."

Second, do we mean "ground floor uses of nonresidential buildings" or do we mean non-residential uses of ground-floor spaces?
"Ground floor uses of nonresidential buildings" applies only to a complete building that is non-residential -- which we won't have many of in the Gateway buildings.

I think what is meant is "on-residential uses of ground-floor spaces"

12. **Privately Owned Publicly Accessible Open Space.** 8. Active Uses. Page 60. The second sentence was added -- highlighted here.
"Active uses are permitted to spill out into open space if they provide seating and shading. **Such seating areas may occupy no more than 30 percent of the total open space area.**"

Commissioner Joel Yodowitz tried to bring this up at the April 23 meeting. It has to do with privately owned publicly accessible open space, where the developer has given an easement for **public** use. It may be desirable for an active use, such as a restaurant, to "spill out" into the open space. But it is not private space -- it is a public space. There needed to be some limit on how much space the restaurant could use. The figure of 30 percent is reasonable. The Commission will understand that this 30% is a total -- it is not the case that one restaurant can use 25% and other use 20%, etc.

It also may be necessary to point out to the business that the placement of their chairs does not create an exclusive area. The entire area is public open space. If a person wants to sit at one of "their" seats and not be a patron of that restaurant, they may do so.

A possible change might be to remove "and shading" from the first sentence requirement. In some locations shading is necessary and in others it is not.

13. Rooftop solar energy facilities may project above the maximum building height -- changed from 5 feet to 8 feet. Page 30.
14. Figure 2-46 remains unchanged. Page 34-35. This shows a Vertical Façade break that is a minimum of 8 feet wide, a minimum of 4 feet deep, and a minimum area of greater than 64 square feet. (The figure shows greater or equal to 64; the text shows greater than 64.)
As Commissioner Lehman pointed out at the April 23 meeting, these numbers don't make sense.

This section, "C. Long Building Division," appears to have its policies covered by "B. Building Modulation" above. If so, then "C" would be superfluous. If not, "C" should be re-written. The Code author would have to advise on this.

I think this may be a case of where the author copy-and-pasted this section from somewhere else, and did not actually read or think about how this works.

15. The depth of weather-protection awnings is not changed. The Commissioners discussed this possibility.

Still missing

**1. There is still no mention and no accommodation for the Linear Park and L Street Woonerf.
This is not good planning.**

I will cover this situation separately.

In correspondence with Director Loya, he has presented the view that the Gateway Code does not actually need to address the linear park and woonerf, as they are public rather than private projects. That is not the issue. What is noticeably missing from the Gateway Code are standards for buildings that are constructed on parcels adjacent to the linear park and the woonerf.

The L Street corridor linear park and the woonerfs is going to happen. Not planning for this is, to me, a real head-in-the-sand attitude of denial.

From my point of view, for buildings adjacent to the southern section of the woonerf section of the L Street corridor (7th to 11th Streets, most likely), there should be a requirement for ground-floor commercial spaces facing the woonerf. As the code is written now, the back side of an apartment building could be

adjacent to the woonerf, with parking, trash sheds, etc. This is very poor planning. The woonerf can be a jewel.

See my article here for suggestions on this.

"A successful woonerf and linear park in the L Street corridor needs Gateway Code policies"

<https://arcata1.com/a-successful-woonerf-and-linear-park-in-the-l-street-corridor-needs-gateway-code-policies/>

2. Electric Vehicle Chargers

Commissioner Peter Lehman asked:

"There is no provision for electric vehicle charging in parking spaces. Do we want to require some? It seems to me that going forward, it's going to be important to the way we want transportation to evolve in Arcata."

Community Development Director David Loya's response:

"The minimum number of electric vehicle chargers is set in Building Code. And I think that the Building Code is going to be more adaptable and change more quickly than our zoning ordinance likely will. So I would offer that you can defer to building Code for that."

Fact Check: The Director's statement is false. There is nothing in the Building Code remotely related to the "minimum number of electric vehicle chargers." There is a section on streamlining the permitting of EV chargers, and standards related to the wiring meeting the provisions of the California Electrical Code.

Further, this type of standards -- the minimum number of EV chargers -- is not something that would even be in the Building Code. For the Gateway area, this would be in the Gateway Code -- just as Commissioner Lehman proposed.

UPDATE -- Scroll down for more information on EV Chargers in the Gateway area.

Message to Commissioner Lehman: Please continue to pursue this.

3. Short Term Bicycle Parking

The conversation started by Commissioner Joel Yodowitz got "hijacked" by the Community Development Director, David Loya.

Director Loya gave great praise to the large number of required bike storage spaces for tenants -- one per bedroom. That is not the matter at hand. The question is the overly-small requirements for short-term bike storage.

This is explained in my "Comments and Suggestions" -- you can read this section at:

<https://arcata1.com/gateway-code-comments-suggestions/#Toc164371871>

From the article -- and there is more. In essence, this paltry number of required short-term bike parking spaces sends the wrong message to the community.

1. Let's say we've got a "neighborhood-serving commercial use" -- a restaurant. The space is 1,000 square feet -- about 25 feet by 40 feet, the size of a Sunny Brae three-bedroom house. It's got tables that will hold about 30 diners at a time, and there's a staff of five people. The diners stay for less than two hours, and the staff stays for 6 or 8 or 10 hours.

By this chart, the required number of bicycle spaces for staff is shown as a required minimum of 1 per 2,500 square feet. So those **5 staffers get one space**.

For the short-term bike spaces, the chart shows 1 per 500 sq. ft. for first 5,000 sq. ft, then 1 per 1,000 square feet. We've got 1,000 sq.ft., so the required minimum number of bike parking spaces is 2. Our **30 diners have two bike parking spaces** -- total.

At 2,500 square feet -- the size of the D Street Neighborhood Center -- those **140 diners will see just five bike parking spaces**. The **15 staffers get one space** -- a single bike parking space.

4. No discussion or accommodation for bus stops or a mini-transit hub

See: Gateway planning for Bus stops and a transit center — A missing opportunity

<https://arcata1.com/bus-stop-planning-opportunity/>

With the original plans for the Gateway Code so deficient, much of the overview of good planning got lost.

Among what was neglected is: Where are the bus stops? Where is the transit center?

Where is the planning?

5. Community Benefits - Timing

See the very last page -- Page 64.

Currently is:

"4. Timing. Community benefits must be provided:

- a. Prior to issuance of building permit for the payment of fees; and
- b. Prior to final inspection for the construction of improvements."

I'm not sure what this means. Does it mean the selection of the Community Benefits is provided? It cannot be the actual benefit that is provided -- those benefits do not yet exist at those times, such as prior to issuance of a building permit.

There is also the question of how the community benefits will be monitored, and

if there are penalties for non-compliance.

Smaller Changes and non-changes

1. Maximum building length is **unchanged at 300 feet**. A building length of 300 feet is theoretically possible in the Barrel district. A building length of 300 feet is theoretically possible in the Neighborhood district, in the Reid & Wright parcels (far north). In the Hub district, it's theoretically possible if two parcels west of N Street merged. In the Corridor district I do not see how it is possible.
2. Height for the Base Tier in the Barrel, Hub, Corridor, and Neighborhood districts is **unchanged at 2 stories**.
3. For the Corridor and Hub Districts, for properties abutting 8th, 9th, and L Street between 8th Street and 9th Street, **for Non-Active setbacks, the maximum was changed from "N/A" to 20 feet**.
Since the Code specifies that those areas must be Active Frontage Required (Figure 2-36, page 25) it is unclear why this was changed. As I read it, there are no non-active uses there, so the original "N/A" was appropriate.
4. Non-Active Maximum setbacks had been "No Maximum" and now is **20 feet**.
5. The Code's misuse of the term "podium parking" has been changed. (Page 54)
6. Property Line location. Added to Figure 2-54: Pedestrian Realm Dimensions:
"Note: The property line in Figure 2-54 is shown for illustrative purposes only. The actual location of the property line will depend on the street design, required setbacks and private frontage design."
7. Removed from the previous version, from the Greenways section. This sentence had been under "1. Conceptual Configuration."
"Note: The contents of this figure will be incorporated into the Gateway Plan and removed from the code."
This sentence has been removed. In the current version, if it were there it would have appeared at the bottom of page 48.

Update on electric vehicle charger requirements

At some point after the presentation of the “December 12, 2023” draft version of the General Plan, a new “Implementation Measure” was tacked on at the very end of the Resource Conservation and Management Element.

This is on PDF page 280 of the “May 14, 2024” draft version. (Highlighting added.)

Note that this is an Implementation Measure. It is not an immediate policy. The time-frame is shown as Year 1.

AQ-6 EV Charging Infrastructure Ordinance

The City shall include a policy in the General Plan 2045 to prepare and pass electric vehicle (EV) charging infrastructure ordinance **requiring, at a minimum**, implementation of 2022 Title 24 Part 11 (CALGreen Code) **Voluntary Tier 2 EV Charging Infrastructure** for residential and non-residential development. The City shall review and update ordinance on a triennial basis, consistent with the CALGreen Code’s update schedule, to reflect updates to the CALGreen Code Voluntary Tier 2 measures.

For more on the CALGreen standards, definitions, and other information, please see: 2022 CALGreen Electric Vehicle Charging Requirements <https://arcata1.com/2022-calgreen-ev-charging-requirements/>

The requirements are for EV Capable parking locations — meaning the electrical conduit must be in place, and the electrical circuitry must be large enough to take on the electrical load. The circuitry in the building must reserve 40 amps at 208/240 volts per required space.

The quantity needed is based on the number of parking spaces. The EV Capable requirements are 10% as a mandatory minimum, and 35% as a voluntary minimum, for those volunteers who want to really go green. Numbers seem to be rounded down to the nearest whole number.

For us here in Arcata, with the Gateway Area Plan, how does this play out?
In the Gateway area, there is no minimum requirement for parking. **So there could also be zero EV chargers.**

For non-residential buildings with less than 10 parking spaces, zero (none) EV capable spaces are required.

Resolving what the 2022 CALGreen standards means is not simple. There are two levels of Tier 2 EV Charging Infrastructure -- Mandatory and Voluntary.

Tier 2 Voluntary requires as much as 40% of the spaces are either EV Ready or have low-power chargers.

The Mandatory requirements are less.

This implementation measure appears to be just added on with little thought as to what it would actually require from the developer.

Commissioner Peter Lehman brought up the requirement for a certain number of required EV chargers.

Message to Commissioner Lehman: Please continue to pursue this.

Historical note:

The McKay Tract subdivision came before the County Board of Supervisors in March 2022. This is a 320-unit project plus 22,000 sq.ft. of commercial space, located on 81 acres in Cutten.

The Board of Supervisors requested **an increased number of bike storage lockers and charging infrastructure for EVs**. The developer, Kurt Kramer, refused.

Third District Supervisor Mike Wilson pushed for modifications for full electrification (no natural gas) and for underground conduits to make all parking spaces EV-ready. He also wanted one bike storage locker for each upstairs apartment unit.

The developer refused it all, including just putting in the conduits for future chargers.

For more on the McKay tract sub-division, see the Lost Coast Outpost article, <https://lostcoastoutpost.com/2022/mar/24/supervisors-approve-320-unit-mckay-ranch-subdivisi/>
