

From: [REDACTED]
To: [Meredith Matthews](#); [Kimberley White](#); [Sarah Schaefer](#); [Alex Stillman](#); [Stacy Atkins-Salazar](#); [Karen Diemer](#); [Scott Davies](#); [Dan Tangney](#); [Matthew Simmons](#); [Peter Lehman](#); [Joe Mateer](#); [David Loya](#); [Millisa Smith](#); [Joel Yodowitz](#); [Abigail Strickland](#)
Subject: Re: Neighbors deserve a say in the zoning/ planning for their neighborhoods!
Date: Tuesday, May 14, 2024 4:30:12 PM

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Sorry, I inadvertently left out a couple of names from the planco. (Click on three dots below to view my letter.) Thanks.

On Tue, May 14, 2024, 4:17 PM Lisa Pelletier <[REDACTED]> wrote:

Dear Arcata City Council members and members of the Planning Commission,

Regarding the Gateway Plan and General Plan 2045 updates, I have a few areas of concern: Zoning; Failure to include the full-width L Street linear park in the GAP code; Building heights and lack of a plan for fire safety; Preservation of open space and greenways; Lack of a fair and thorough process due the rushed nature of the proceedings at PlanCo and City Council meetings.

Additionally, local resident Fred Weis pointed out a great many errors in the GAP and General Plan 2044 documents that have **not** been corrected. In his words:

'The Planning Commission cannot possibly provide a "recommendation" for the General Plan, Gateway Area Plan, and the Gateway Code, for a very simple reason: These documents are not ready. The documents are filled with errors. Dozens of errors, big and small. Zoning mistakes, Low- and moderate-income housing Inclusionary Zoning mistakes, policy mistakes, and just plain ordinary mistakes.'

Zoning:

So far, many of the decisions concerning the proposed zoning and planning for various neighborhoods has been top down, without having first consulted with the community members affected. A few months ago, former Councilmember Dave Meserve complained that his neighborhood was combined with the Craftsmans Mall area and rezoned before planners had consulted with any of the neighbors in his area. In fact, they weren't even notified. As Fred Weis points out:

"The General Plan still contains the "implementation measure" to **rezone the Bayview, Northtown, Arcata Heights (Upper I & J Streets), and Sunset neighborhoods for four-story apartments** and "local-serving commercial uses" throughout the residential and historic neighborhoods. (With the State density bonus law, these can be six story buildings -- and the bonus can be triggered by subsidized student housing.) "Local" or "Neighborhood -serving commercial uses" includes such as convenience stores, hair salons, coffee shops, small retail stores, sandwich shops and restaurants, and so forth."

Do you plan to get buy-in from these residents (or of other neighborhoods) to see if they want their neighborhoods rezoned? Neighbors deserve a say in the zoning and planning of their neighborhoods! Please add language in the General Plan to reflect that.

The Omission of the Full-Width Linear Park:

One of the most glaring errors is that "the planning for the future L Street corridor linear park and Woonerf is still not in the Gateway Code." The community fought a long, hard battle to see that the full-width linear park and Woonerf be included in the GAP plans for L Street. The city council directed the planners to take the necessary steps to see that it's done. Yet, the city's Development Director David Loya sat on this for eight months, and still hasn't done anything to follow the council's directive. This is disrespectful to the council and the community. Please correct this egregious omission a.s.a.p.

Also, we don't want the L Street corridor linear park to be overshadowed by tall buildings on either side of the path. This doesn't square with the community's vision for the park to have the sunlight shut out by a canyon of tall buildings looming over it.

So please, as Fred Weis suggests,

"Reduce the height and scale of buildings that are directly adjacent to the new L Street corridor linear park. Currently can be 5, 6, and 7-stories."

Building Heights and Fire Safety

I have concerns in general about imposing taller buildings on neighborhoods throughout Arcata, and not just the Gateway Area. It's not just the fire safety issue, although that is of paramount concern. But the residents of the various neighborhoods in Arcata **deserve a say** in the zoning of their little pockets of the City. We don't need or want Gateway policies, especially concerning building heights, imposed on us cookie-cutter style to resemble the Gateway Area. Our neighborhoods are distinct and we would like a say in how they look and feel.

As for the fire safety issue, if there was a fire today at the four story Sorrel Place apartment complex, the Arcata Fire District would **not** have the means (staff, equipment, training, a laddered fire truck or the funding) to fight the fire or evacuate the building, as the fire chief has made clear. And the City would be liable for it's failure to have a fire safety plan in place in advance of building this structure. This underscores the need to have a safety plan firmly in place BEFORE you start planning to build higher structures (above 3 stories).

Fred Weis says it best:

"..the Arcata Fire District has formally sent a letter to the City Council, stating "**we believe it would be imprudent to approve building permits and begin occupancy in the envisioned residential buildings**" -- the buildings envisioned in the Gateway Area Plan, that is.

"For any building above three stories, the Arcata Fire District (AFD) cannot provide the level of emergency services that by firefighter's standards (it's not the AFD's opinion) is necessary. This is an on-going situation that **will likely take three to five years to resolve**.

"It's being studied, which is good, but **a study is not a solution**. Getting the funding for facilities, equipment, personnel, and training is not expected to be easy.

"A recent increase in drama comes from the AFD Board President requesting that this letter "be included as written public comment to be provided to the Planning Commissioners."

"Community Development Director David Loya did not do this. Instead he put in a minimalized, watered-down, and fairly meaningless four sentences on this issue. I've been encouraging the Planning Commissioners to read the original letter..."

"What the AFD's letter means in terms of legalities, responsibilities, and liability, we don't know. As to how the Arcata Fire District is dealing with the taller buildings in downtown Arcata (Sorrel Place, Plaza Point) or the Behavioral & Social Sciences building at Cal Poly: '**We've basically been lucky,**' the Commission was told."

I fully concur with Fred Weis' remarks in this regard.

Preservation of Open Space and Greenways:

As Lisa Brown, former member of the Open Space Committee, stated during public comment on January 3, 2024, she had sent you a letter with the original language of the General Plan policy from twenty years ago concerning the management of Arcata's diversity of resources, including interpretation and recreational use. In her comments, Ms. Brown said:

The following language has been added to the end of this policy, "allows for development of open space lands" contrary to the original policy. The added language reads, "Allow for the development of existing vacant and underutilized properties with low natural resource value as a strategy to permanently protect high resource value open space and provide high quality open space." '

"I am strongly opposed to this policy addition. This is a departure from past and current directives and policies to preserve and protect our open space lands by utilizing infill development as opposed to resource land development. We do not have to look too hard to see where the City is taking underutilized and damaged resource lands and transformed them into the treasured jewels of our community they are: the Arcata Community Forest, Arcata Marsh, etc."

"One important purpose of the Gateway policies and the proposed General Plan 2045 is to continue to protect Arcata's resource lands. If we begin to pit our natural resource lands against each other for their presumed value, at any given moment in time, we depart radically from the community's strong commitment to protect our natural resource and open space lands both inside and outside of city limits."

I fully agree with Ms. Brown's comments and I urge you to commit to protecting our natural resource and open space lands in Arcata, as well as outside its boundaries. I also urge you to be consistent in this and please don't make exceptions for developers to exploit wetlands, such as those bordering the Lazy J Mobile Home Park near Mad River Hospital. According to Ms. Brown, this is some of the most fertile agricultural land in Humboldt County. It could be preserved for community gardens, at the very least.

We would like to keep at least 50% open space of these wetlands and open space that was protected by the language in the previous General Plan, and 100% of existing Greenways and agricultural lands throughout the City. This is a vital part of our eco-systems and open space that Arcatans have fought hard to preserve over the years. It helps the eco-system and adds to the distinct character of our city (the fact that we still have an

abundance of green space).

Finally, Fred Weis suggests the following language be added to the GAP plan: "If Gateway developers don't include parks and instead pay the "in-lieu" fees, that money should go to purchase and create parks **in the Gateway area** -- not to maintain a park that is a mile or two miles away."

Again, I agree with Fred Weis and Lisa Brown in this regard.

Lack of a fair and thorough process due the rushed nature of the proceedings:

Until fairly recently, all the focus has been on the Gateway Area Plan, so we haven't had much discussion of the General Plan and what we (residents) want to see in our individual neighborhoods. The community deserved more of an opportunity to weigh in on the General Plan. Please note that the previous General Plan was debated over a period of several years with ample opportunities for the public to weigh in.

That wasn't the case with the current General Plan update for 2024. For several months last Spring, just as you got around to discussing the General Plan, the process for public comment was curtailed at the Planco meetings so that people's right to speak out on agenda items was severely limited. And, as Fred Weis notes, the agendas for meetings were too confusing, as staff was constantly conflating the Gateway Plan with the General Plan, confusing everyone. The public deserved clear language about what was up for discussion.

Also, as Fred Weis mentioned recently, there are numerous errors in both documents that need to be corrected. The GP 2045 and GAP documents are simply **not** ready for a final vote up or down. We need several more sessions, whether it takes several weeks or months, to iron out the problems and come up with the best or even just well-thought out GP and GAP plans possible.

I appreciate everyone's efforts and hard work. But thus far, the process has been overly rushed, often unfair and poorly conceived. Consequently, I don't think you will have widespread buy-in from the community that you're hoping for. Please take the time to get this right! Your community will love you for it. Thanks.

Respectfully,
Lisa Pelletier
Arcata resident

From: [REDACTED]
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Subject: Final EIR: Consider delaying a recommendation
Date: Tuesday, May 14, 2024 10:40:33 AM

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To: Honorable Mayor Matthews, Arcata City Council, Arcata Planning Commission
City Manager Karn Diemer, Community Development Director David Loya

Some points I wanted to bring up regarding the Commission's meeting on Tuesday.
With **topics in bold** and **important comments in red** so the reader can skim.

Final EIR: Please consider delaying the discussion of a recommendation.

I believe that by bringing up the EIR documents for recommendation tat this evening's Planning Commission meeting, the City is unnecessarily exposing itself to a substantial legal liability.

Draft Environmental Impact Report -- referred to as DEIR
Final Environmental Impact Report -- referred to as FEIR

- 1. Can the FEIR recommendation be delayed?** The Planning Commission recommendation for the Final Environmental Impact Report (FEIR) is on the Commission's agenda for May 14, 2024. What is the downside to delaying this review and vote on recommendation?
- 2. Unreasonable to have read and reviewed this document.** The Final Environmental Impact Report with its responses to comments was released to the public on May 10th -- just 4 days prior to the May 14th Public Hearing and Planning Commission meeting. The comments that I submitted amounted to 89 pages. The FEIR has 86 responses to my comments in 25 pages. There are about 95 pages of other public submissions and responses.

I propose that it is unreasonable to provide only 4 days' time to read a 253-page document of the density of information as this is -- for the Planning Commissioners and for the public.

- 3. Resolution PC-24-03 attests to the review of the DEIR and FEIR.**
 - "The Planning Commission reviewed and evaluated the Final EIR on May 14, 2024"**
 - "Certify that the General Plan Draft and Final Environmental Impact Report dated January 26, 2024, and May 10, 2024, respectively, incorporated herein by reference... the information contained in the Final EIR **was reviewed and****

considered by the Planning Commission and City Council prior to approving the project (Guidelines § 15089(a)(2)); and c. the Final EIR reflects the City Council's independent judgement and analysis (Guidelines § 15089(a)(3))

The Planning Commissioners are being asked to recommend a document that it is extremely unlikely that a sufficient majority have read. If the Commission votes to recommend this FEIR document, each member who votes yes is testifying that he or she has read this document.

4. **I looked at the FEIR for 15 minutes and found two errors of fact in the responses.** And I greatly suspect there are more. The responses relate to the requirements of an EIR, of course. But the information in the response does need to be factual.
5. **Many of the FEIR responses are disrespectful, impertinent, and perhaps wrong.** The commenters are not trained engineers or EIR specialists. **They cannot be expected to construct their comments in only a specific expected manner. Plain English should suffice.** In many cases, the response to a comment has a mischaracterization of the commenter's original wording. In other cases, portions of a commenter's paragraph are responded to and other portions are ignored.
6. **Examples of inappropriate responses:**
 1. The comment pointed out that the EIR should not say (bold added): "See Image 2-2 for **the** Gateway-Barrel District illustrative plan." but rather it should be "See Image 2-2 for **a** Gateway-Barrel District illustrative plan." Response: "Semantical matters that do not affect the interpretive and communicative value of the EIR are not addressed further." My reply: This semantic matter does indeed affect the "the interpretive and communicative value of the EIR." Any person versed in planning, business, or law knows that there is a major difference between "the" and "a."
 2. Within one of my comments is a list of six items that indicates this "illustrative plan" would be impossible to exist in the Arcata Gateway Area Plan. Or impossible to exist in reality, anywhere. For the Barrel district, it showed 1,500 dwelling units plus commercial space comparable to the size of the Eureka Mall, along with a requirement for over 2,600 parking spaces, which is about 18 or 20 acres of parking. (The entire Bayshore Mall has 3,150 parking spaces, and the Barrel district is about 35 acres.) I suggested that this illustration be deleted -- a simple solution. The response said "the Illustrative plan is illustrative. This is a potential build out scenario showing building mix." My point is that this is not illustrative. The illustration is not valid. It does not show a potential build-out.
7. **Legally vulnerable.** If the Planning Commission votes and says that they reviewed and evaluated the Final EIR on May 14, 2024, **this represents a very vulnerable situation, in my opinion.** I propose also that it is in the City's interest to lessen opportunities for a lawsuit against the City based on

procedural matters. Unless there is a compelling reason to vote on the recommendation for the FEIR on May 14th, I propose the Planning Commission Chair considers delaying that vote until a subsequent meeting.

As it is now, any observer would know with hardly any doubt that the Commissioners had not actually read this document.

For the Commissioners to be required to vote and say that they had read and reviewed it puts them in a difficult ethical position.

8. **Some of the suggested mitigations are odd or not appropriate.** The Commissioners and the Council should be aware of that some of mitigation measures that are considered acceptable in this DEIR and FEIR. This EIR considers requiring a developer to install central air conditioning -- so the windows can be kept closed, to keep the road noise out.

Is this what we want as a mitigation measure?

How about: Slow the cars on the offending streets -- and reduce the noise.

That mitigation measure is not brought up or discussed.

From the DEIR, and then in the FEIR:

"Mitigation Measure NOI-1: Noise Study for Planned Sensitive Uses within Roadway Setbacks

For any planned sensitive uses within the corresponding roadway setbacks identified in Table 3.8-8, where the City has determined

that **noise attenuating standards in building design are not likely to effectively comply with noise performance standards**, the

developer shall undertake a noise study to determine noise control requirements. Dependent on the proximity to the roads,

noise control measures may include central air conditioning, acoustic barriers for outdoor activity areas, and/or upgraded building exterior construction."

Thank you.

-- Fred Weis