

From: [REDACTED]
To: [Meredith Matthews](#); [Stacy Atkins-Salazar](#); [Kimberley White](#); [Alex Stillman](#); [Sarah Schaefer](#)
Cc: [David Loya](#); [City Manager's Office](#)
Subject: Save the Linear Park
Date: Monday, May 20, 2024 2:59:48 PM

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Hello Arcata City Council,

I stand with the thousands of Arcata residents who insist on the preservation of the City of Arcata-designed Linear Park at L Street, in the Gateway Planning documents. As such I am including here my endorsement and reiteration of the analysis provided by Linear Park proponents, to be included in the Gateway record.

All best wishes,

Greg King
President/Executive Director
Siskiyou Land Conservancy
[REDACTED]

<https://siskiyouland.org/>
<https://gregkingwriter.com/>

Author, *[The Ghost Forest: Racists, Radicals, and Real Estate in the California Redwoods](#)* (PublicAffairs, June 6, 2023)

“Groundbreaking ... an epic tale of corruption and deception, perpetrated on a mass scale for nearly a century.” —[The Atlantic](#)

“The book triumphs. ... Greg King is an authoritative guide for this journey.” —[Science](#)



I request of City Council to identify the future L Street Linear Park within Gateway Form Based Codes, through GAP Draft figures and specific Form Based Code details as follows:

Gateway Drafts figures:

https://www.cityofarcata.org/DocumentCenter/View/14150/25_Gateway20240514

5. Existing Parks (include a place holder for the future Linear Park) page 64
7. Conceptual Open space page 67

8. Proposed Vehicular Circulation (to delineate the L Street Woonef from the open space at the north and south end of the Corridor) page 73
9. Proposed Active Transportation page 74

Since the Corridor runs through numerous Gateway Districts, *identify cohesive form-based codes for the entire corridor.*

Preserving existing green spaces on the L street Rails with Trail Corridor:

- From Alliance Road south to 11th Street &
- From 7th Street south to Samoa Blvd.
- Preserve the entire L Street Rail with Trail Path and Corridor as the Linear Park that was promised at the August 22, 2023, City Council joint study session with the Planning Commission.
- Identify the footprint of the L Street Rails with Trail Corridor from Alliance Road to Samoa Blvd within the Gateway Form Codes, addressing dedicated frontages/easements along the pathway.
This footprint, which includes the Rails with Trail easement will help to define the boundaries of the Linear Park.
Additional consideration would be the pedestrian realm. (C figure 2-53: Pedestrian Realm (page 45) Gateway FBC)
Finally, the potential inclusion of privately own public space
[Microsoft Word - Gateway FBC.2024.05.14 \(cityofarcata.org\)](#)

Gateway Draft Policies Page 81 of the Gateway Draft Plan

https://www.cityofarcata.org/DocumentCenter/View/14150/25_Gateway20240514

Policy Chapter 9: Design and Architectural Standards lend themselves to planning for a Linear Park that can be the communal gathering, recreational, active transportation centerpiece of the future Gateway infill and include:

Design Policies

D-6b Human Scale and pedestrian friendly

D-6g Building Placement

D-6b Use of Setback areas

D-1c Human Scale Massing

D-1f Transition to Lower Intensity Uses

D-1a Pedestrian Friendly Design

LU-1d Car- Free Lifestyle

Guidance for development or designation of a Linear Park within the Gateway area start on page 57

[Microsoft Word - Gateway FBC.2024.05.14 \(cityofarcata.org\)](#)

C. Linear Park 1. Definition.

A linear park is a linear space for community gathering, strolling and access to nature that provides a green connector between destinations. See Figure 2-60. Linear parks may include Class I trails, Class IV Bikeways, recreational or fitness equipment, and other amenities available for public use.

2. Location

b. Linear parks may also be provided in other locations, such railroad rights-of-way, unused City-owned public rights-of-way, and parcels dedicated and floodways.

3. Standards.

Linear parks shall confirm with the following standards:

a. Minimum Width: The right-of-way width within which the park is located or 15 feet from the edge of riparian setback, whichever is greater.

b. Natural Resource Protection. The development and maintenance of a linear park shall comply with all applicable City riparian habitat and natural resource protection regulations.

c. Lighting. Bollards with integral lights or pedestrian scaled lights shall be placed along the linear park for visibility and security.

d. Amenities. Seating, bike racks, trash receptacles, and other pedestrian amenities shall be placed along the linear park.

e. Special Uses and Accent Elements. Special uses or accent elements should be placed along the length of the linear park such as public art, umbrellas and overhead structures, bike/scooter parking, recreation/activity elements, and group seating.

f. Easements. For linear parks on private property, public access easements are required to ensure permanent public access.

g. Maintenance. For linear parks on private property, all improvements shall be maintained by the property owner.

h. Landscaping. Linear park landscaping shall consist of unobstructed lawns, planting

beds, trees and/or drought tolerant landscape as follows:

- 1. Trees shall be arranged naturalistically and provide shade for trails that pass through.
- 2. Hardscape shall be minimal and only in support of providing access with sidewalks and peripheral connections.

- i. Visibility. Entrances shall be clearly marked and provided on both sides of the linear park.
- j. Street Crossings. Where a linear park crosses over streets, Crosswalks, signage, and other traffic-calming features shall be provided at those locations as required the City.

I recommend to council to exclude the L Street rail with Trail Corridor from the actions granted by:

4. Barrel District Master Plan. Page 15 [Microsoft Word - Gateway FBC.2024.05.14 \(cityofarcata.org\)](https://cityofarcata.org)

: c. Circulation.

2) The City may approve a Master Plan circulation system that deviates from Gateway Area Plan Figure 8 (Proposed Vehicular Circulation) and Figure 9 (Proposed Active Transportation Circulation) upon finding that the deviation allows for superior circulation consistent with Gateway Area Plan goals.

This approval process actuates Circulation Mobility Element CM-5e 7 [Microsoft Word - Circulation and Mobility.2023.12.12 \(cityofarcata.org\)](https://cityofarcata.org) page 2-64

CM-5e

7. In general, retain the current total linear feet of Class I trails within the City, even if current facilities must be realigned or relocated to other routes.

In limited circumstances, the City shall retain the discretion to allow an applicant to demonstrate removal or relocation of Class I Trail sections would improve active transportation access and connectivity.

This Policy will allow a developer through the sole discretion of the Zoning administrator to move part or all the L Street Rails with Trail Pathway. Doing so would counter the promise from staff that L Street Pathway would not be *removed* from the L Street Rails with Trail Corridor.

From: [REDACTED]
To: [Meredith Matthews](#); [Stacy Atkins-Salazar](#); [Alex Stillman](#); [Kimberley White](#); [Sarah Schaefer](#); [Karen Diemer](#)
Cc: [David Loya](#)
Subject: Incorrect changes to the General Plan / Community Development Director making unauthorized changes
Date: Monday, May 20, 2024 4:11:47 PM

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

To: Honorable Mayor Meredith Matthews, Vice Mayor Alex Stillman, Councilmembers Sarah Schaefer, Stacy Atkins-Salazar, and Kimberley White
City Manager Karen Diemer
CC: Community Development Director David Loya

Subject: The Community Development Director has made changes to the General Plan -- NOT what you said to do.

Please instruct the Community Development Director to STOP making unauthorized changes to the General Plan.

How the "track changes" are done is not working well. It is not conducive to proper document creation.

There are standard ways to track changes to documents that should be utilized.

Suggestions for a solution are included here.

Summary

- The Council met with the Community Development Director to discuss the General Plan on May 15th.
- There were three explicit directions for changes to the General Plan:
 - Wood-burning stove replacement.
 - "Tenement housing."
 - Mid-block alleys and "green streets" as green open space.
- Certain changes were put into a new version of the General Plan, labeled "as amended by City Council May 15, 2024."
- **Two of the three changes were altered in their wording when they were put into the General Plan. They do not show what the Council said.**
- In my opinion, if the process is not changed immediately, these levels of errors will get worse.
- Suggestions and a possible solution are included here.

Dear Honorable Mayor, Councilmembers, and City Manager --

The Community Development Director is not doing what the Council is telling him to do -- in small and large areas.

You can read the several paragraphs up to the blue "-----" line and get a sense of what is going on.

Or use the **bold** or **red** words to skim, and skip to the **Bold Headlines** to see what's here.

There are suggested solutions and helpful techniques. You can skip to "**A Solution that will help.**"

And, at the end, a **Conclusion**.

I tried to make this short, but could not. **There are too many instances** in which the General Plan and Gateway Code do not show what the Commissioners said, and where the actions of the Community Development Director are impeding this General Plan process.

And now here, in the Council's first review of the General Plan recommended draft, the Council was explicit on three issues, and **two were "interpreted" incorrectly**. These two items are relatively small but are a part of the policies, and it all adds up.

This is a reenactment of what we've been seeing for two years. You can phrase this any way you want. Such as:

- The Community Development Director is trying to do too much. He has too much on his plate. Some things get lost.
- We want to get this done so we can start the creation of housing. Perhaps we are moving too quickly and need to slow down.
- Or: The Community Development Director is not listening to what he is told to do, or not willing to do it.

This process does not have to be **clumsy or error-prone**. There are solutions, as shown below.

I will also remind the Council:

- The City-wide **Inclusionary Zoning specifics** that the Council determined at the January 17, 2024, meeting have to be put into the Land Use Code before the General Plan is approved. If not, a project could be approved without it.
When will this be done?
- The Mayor will be meeting with an Arcata Fire District representative this week, so we will know more soon. Director Loya has talked about modifications to the Building Code with **more stringent fire and safety regulations** added. There may also be requirements for structural and materials changes suggested by the AFD. This also would need to be **in place prior to approving a project** (so the developer knows what the requirements are).

Decisions still needed

There were many areas in which the Planning Commissioners were not directed to make a decision. Some that come to mind are: Location and security of tenant and employee bike parking; charging for e-bikes; number of short-term bike parking spots (restaurants, shops, office visits, friends); the number of electric vehicle chargers. Larger ones include: a bus mini-transit hub; bus pullouts; public restrooms; what happens if the "privately-owned publicly access" open space experiment does not work out.

Largest of all is the complete lack of actual planning and code requirements for the L Street Corridor linear park and woonerf. For two years I've been calling this the potential jewel of Arcata. But it will not be unless the planning is in place for it.

Thank you.

-- Fred Weis

Tenement housing discussion / General Plan incorrectly changed

At the Council's meeting on May 15th, Councilmember Atkins-Salazar brought up the topic shown with General Plan policy LU-2B of "**tenement housing**." Thank you, Councilmember Atkins-Salazar, for bringing this up. It was definitely on my list of "odd" topics also.

The four Councilmembers present -- Atkins-Salazar, Matthews, White, and Stillman - - all spoke on this item. The line is: "Tenement housing shall be allowed in zoning districts where applicable."

I will discuss the actual "Tenement housing" policy in a separate message. It actually is a very good concept (in my opinion) that the Planning Commission approved on a 6-0 vote -- **but not as it is worded here**. Staff was opposed to this item.

- "Tenement housing" appeared **for the first time** in the General Plan in the "May 14, 2024" version (PDF date 5/3/2024).
Even though the Planning Commission had approved it, it was not added to the General Plan.
- At the meeting, the Mayor said "**We can strike that.**"
- Following the Council's May 15 meeting, the Community Development Director updated the General Plan document.

The cover says "May 29, 2024 Draft Per Resolution PC-24-05 as amended by City Council May 15, 2024."

The PDF date is 5/16/24, 4:11:01 PM

- The "Tenement housing" line was changed to: "**Tenement Co-housing shall be allowed in zoning districts where applicable.**"

We can note:

1. **What the Director wrote is not what the City Council said and expressed.**
2. **The term "Co-housing" is used incorrectly.** The description of this topic is "allow alternative developments that provide multiple, independent bedrooms that share kitchen or bathroom facilities." **The standard definition of co-housing is not this -- not at all.** Co-housing typically involves private, self-contained purchased units, each with their own kitchens and bathrooms, with other facilities shared.
3. **The Director is putting in (it seems) what he wants.** If he reads "multiple, independent bedrooms that share kitchen or bathroom facilities" as being the same as Co-op housing, then we have a problem.
4. As a small item, the strike-through is not correct -- it should be "**Tenement housing Co-housing shall be allowed....**"

"Require green streets in midblock alleys" discussion / General Plan incorrectly changed

On the "require green streets in midblock alleys" discussion:

- While this was approved by the Planning Commission, it never made it into a General Plan document.
- It was not in the document that was recommended by the Planning Commission on May 14. It is not in the "adopted" General Plan document.
- In the "May 29" (5/16/2024) document, this is there as a strike-out, as "**Require mid-block green streets/woonerfs.**" D-4a, page 5-10, PDF page 205. But it was never in there to begin with.
- The item never was "green streets / woonerfs." It was just "green streets." **Director Loya inserted "woonerfs" on his own.**
- **Director Loya regularly mixes up his use of "green streets" with "woonerfs."** They are vastly different. Woonerfs have motor vehicle access, and are designed to have cars and trucks on them. Greenways are not designed to have cars and trucks on them (except possibly for emergency use).
- We can note the previous item in D-4a: "Mid-Block Passageways. **For blocks longer than 300 feet**, provide for passageways mid-block through new development...." This was a carry-over from the Gateway policies transferred to the General Plan. We do not want blocks longer than 300 feet in Arcata -- and yet here this is. (And this 300 feet figure is in other places too.)
- **It is possible that this "require green streets in midblock alleys" discussion is not what the Planning Commission was talking about -- at all.** I haven't been able to find the discussion, and the date given in a previous "Tracking Decisions" table is incorrect. What the Planning Commission did discuss and decide on was to have "**On a development site that occupies a complete block face, a new alley must be established to provide vehicle access.**" This was in the Gateway Code, for the Gateway area. By my count, it

would apply to four existing blocks , plus any new blocks in the Barrel district. The requirement that a full block parcel requires an alley **was removed**. **This was done without any discussion by the Planning Commission.** It is not in the "May 14, 2024" version.

For details see:

arcata1.com/gateway-code-may-14-2024-new-and-wrong/#addendum

arcata1.com/gateway-code-comments-suggestions/#Toc164371870

Changes to General Plan made without Planning Commission discussion or approval / Wording and intent changed

As I have previously brought up:

- The Community Development Director has included material in these documents that was **never brought with or discussed by the Planning Commission.**
- He has **changed the wording and the intent and meaning** of decisions the Planning Commission has made.
- He has omitted things that were stated and/or decided.
- He has made changes that are not tracked or documented.
- He has ignored errors. Things that were supposed to be changed were not.
- He has mischaracterized and/or trivialized what Commissioners, Committee members, and respected members of the community have written or said -- including the words and intent of the letter from the Arcata Fire District Board President.
- Director Loya regularly presents his opinions as though they were facts.
- **He regularly makes false or misleading statements to the Commissioners and to the Council.**
- **It is unfortunately often the case that where there are Planning Commission or Council decisions that the Director apparently disagrees with -- he does not put that decision in writing into a General Plan update.** As we have been seeing with the Council's L Street corridor "woonerf" and linear park decision, the Director seems to resist the process of supporting and enacting a policy that was not what he originally wanted.

False and misleading statements

Here are a few recent examples of **false or misleading statements**. I could supply you with dozens -- or hundreds. Most are not significant in themselves, but they do often have the effect of **shutting down the conversation** with the person who is asking a question or making a point at that time -- **which often does change**

the outcome. Some misstatements very definitely were significant.

- May 15 City Council meeting: "**It's expensive to make these changes, to have our consultants go in and change the underlying documents** -- to change the maps, in particular."
- **It is not expensive to change the documents.** The Director changes the documents all the time. As to the maps, they have been changed many times. Also, it is a simple matter to place text over the map or in a space below the map to indicate -- clearly -- the change that will be coming. This way, there is a notation that a change will be made. **This has been done in these maps and figures in the past.**
- The "Decision Tracking" attachment that the Council received in the packet for the May 15 meeting **did not contain all the decision tracking.** On at least three occasions the Director pointed to changes that were not on that table. (Director Loya: "In fact, as we were going through them with Councilmember Atkins-Salazar, we realized there were maybe a couple that were missed, and so I'll point those out to you as well.")

There are summary descriptions in that table that are inaccurate.

The dates that the Commission made these decisions is not there, so that Councilmembers cannot look up that discussion. The Planning Commission received other "Decision Tracking" tables at previous Commission meetings that show the "Hearing Date" -- however **I have found the dates shown to be incorrect.** I would imagine that the Director has careful notes of all the dates. It would be good to have that information. ALL of it, for all the policy changes -- not just for the changes since the December 2023 General Plan version.

- April 23, 2024, speaking to Commissioner Lehman, who wants to see a minimum number of EV chargers. Director Loya: "The minimum number of electric vehicle chargers is set in building code." There is nothing in the building code about a minimum number of EV chargers -- the building code wouldn't be the right place for it anyway. There is nothing about a minimum number of EV chargers anywhere. **Subsequent to that conversation**, Director Loya took it upon himself to insert an implementation measure on EV chargers into the General Plan, **without informing the Planning Commission.** I spoke with Commissioner Lehman -- he did not know about this. (And, in my opinion, what was inserted would not be a good policy to follow. It is an implementation measure and can be discussed in the future, so there's time to correct or change it.)
- He told the Planning Commissioners four times, in different words, that the Gateway Code requires indoor bicycle parking for exclusive use of the tenants. This is not true. The Gateway Code does not require indoor bicycle parking.
- He said months ago that "woonerf" had been added to the General Plan -- past tense. This was a false statement. "Woonerf" was not added as the text of a

policy until just last week, in the May 16, 2024, version -- after the Council's May 15 meeting. There still is no definition of what a woonerf is, and, as we have seen, the Director mixes "woonerf" up with "greenway" regularly.

- Director Loya, at the May 15 Council meeting: "Here we get into a couple of PC recommendations that were made **that for one reason or another did not make it into the track-changes version of the General Plan**. They are listed in your table and should have been incorporated in the track-changes version."
 - This means that what the Planning Commission voted on as a recommendation that the Council approve -- that "May 14" version did not contain all the individual recommendations that the Planning Commission indeed had approved for inclusion into the General Plan.
 - The Decision Tracking table in the May 15, 2024, Council packet does not contain the entirety of the changes that the Planning Commission recently recommended.

The Director modifies Ministerial Review to be what he wants

An example of **a significant change that was not discussed at the Planning Commission level** -- in the Gateway Code is "Gateway Ministerial Permit Requirements."

Previously, projects for buildings above 40 feet were intended to go to the Planning Commission.

Projects for buildings at 40 feet and under would go to the Zoning Administrator.

- The review authority for projects with a height above 40 feet was shown as the Planning Commission. These would be shorter three-story buildings. (likely flat roofed). Sorrel Place is 4-stories and is 45 feet. Plaza Point is a tall 3-story building, and is above 40 feet.
- It had been "building height over **40 ft.**" from the first version of the Gateway Code through to the January 31, 2024, version.
- It was changed to "building height over **47 ft.**" in the "DRAFT - May 14, 2024" version (5/7/2024 and 5/9/2024 sub-versions).
- **This would mean the Zoning Administrator would see and approve projects that were 4 stories.**
- **This was not marked as a track-change.** There was no track-change document offered.
- This was changed by the Community Development Director -- without any discussion with the Planning Commission -- to show Zoning Administrator review (David Loya) of four-story buildings.
- At the April 23, 2024, meeting **Chair Davies said that this table was not going to be discussed or altered.**
- This is discussed in my April 10, 2024 article: Gateway Code: What is new -- and wrong -- in the "May 14, 2024, Version 5" version.
arcata1.com/gateway-code-may-14-2024-new-and-wrong/#ministerial

To be fair and honest, this table in the Gateway Code was not designed properly by the form-based code consultant, Ben Noble. It is an example of dozens of instances where he apparently did not give enough thought to what he was giving us for our Gateway Code. Also, to be fair, if it were brought up with the Planning Commission, it is likely that a majority would approve it -- partly because the Director has convinced them of a definition of "ministerial review" that, in my view, is not a true story. The previous "older" Planning Commission -- with Julie Vaissade-Elcock, John Barstow, and Judith Mayer -- rejected Director Loya's notion of what ministerial review is. And, by the way, the **form-based code consultant Ben Noble also rejected Director Loya's views on what the Director says is ministerial review.**

A solution that will help

Using only "track changes" to indicate changes on these documents is completely insufficient.

- The **standard procedure** is to have the person who is making changes to a document / information to **also note that change on a separate list** -- independent of the document. This list will have **every change** that is made, no matter how small (i.e. including typographical errors). This list is kept in consecutive date order.
- This is absolutely standard for architects, engineers, planners, scientists, publishers, software programmers, etc etc. In the "real" world, **a person who refused to abide by this would be fired** -- on the first day.
- It should not be necessary for a reader -- Councilmember, Commissioner, public -- **to scroll through these documents to look for what was changed**. Further, if something is marked as changed, we don't know if it is a recent change or an older change. To this point there have been changes that are not shown as track-changes. That makes the full document suspect. A **list of all changes** is mandatory to keep things straight.
- A defined color-code needs to be determined and used. At this point, I have seen changes to the documents in red, blue, purple, and green. Back when the Commission was doing its "Framework" discussions, there were other colors too (some of them causing the words to become unreadable). When the Committees were providing input, there was a color-coding arrangement for that. But all that is over. An explanation of what the colors mean now is needed.
- The information on this Change List would include at a minimum:
 - Name of the person making the change. Date that the change is noted.
 - Date that the change is incorporated into the document.
 - Short description or summary.
 - The document name, version (plus, in our cases, the last PDF date).
 - The chapter, page number and PDF page number.
 - Staff recommendation.
 - The body and the date the decision was made. (Ex: CC 5/15/2024)
 - The decision straw vote, if applicable.

- o Council discussion and decision.
- o Notes, if applicable.
- o **Important:** If a change was discussed and not made, a summation of the reasoning behind not making the change.

Conclusion

- At this stage in the evaluation of the General Plan, Gateway Area Plan, and Gateway Code documents, the manner in which changes and decisions were tracked (and not tracked) is even more inadequate -- **and wrong**.
- There needs to be one version as a starting point. All changes are made to that version. The Change List assists the reader with understanding what has been changed and what has been scheduled to have been changed.
- I suggest that the "May 14 - Approved" General Plan be the starting point. That is what the Planning Commission recommended for review by the Council. All changes from that point need to be on the Change List.
- In addition, changes that were included in the "May 14 - Approved" version may need to be substantiated. This information would go on a separate Change List. The Director may be asked to determine the date of the decision. It is my belief that there are many changes that were not discussed by the Planning Commission, and which they may have no idea that they are in the document they approved.
- The day following the Council's May 15, 2024, meeting the Director provided a new version of the General Plan. This one has "as amended by City Council May 15, 2024" on the cover. **There were three versions of the General Plan presented in three days.** This is ridiculous and must stop. There should not be a new version each time several items are altered.
- **Certain decisions on larger policies and directions will need to be revisited.**

PS:

As I had noted previously, the names of one City Councilmember (Kimberley White) and two Planning Commissioners (Abbie Strickland and Millisa Smith) were misspelled. **There is no track changes on these typo repairs.** If there are no track changes on typos, how will we know that they were taken care of?

The names of former Mayor and Councilmember **Paul Pitino** and General Plan 2020 task force member **Arthur Bettini** remained misspelled. While the person who made this page is unlikely to know this, the name of the consultant is "Ben Noble

Consulting" and is correct as shown. **The logo for "BN Consulting" should be removed.** "BN Consulting" is not a registered business name for Ben Noble. He uses that logo, but there is no planning consulting business with the name "BN Consulting."

Small error:

Top of PDF page 5, in the acknowledgements.

It is not "the original 2020 General Plan" but rather is "the original General Plan 2020"

A new error introduced:

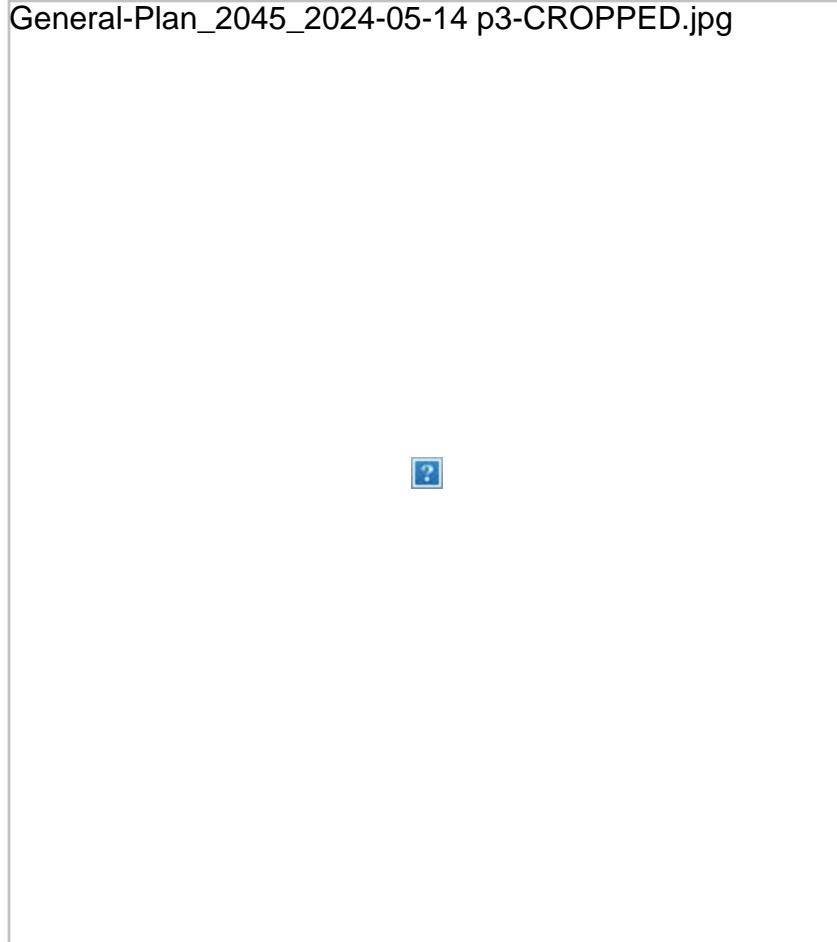
The "Former Commissioners" line was lost.

There are not 11 members of the Planning Commission.

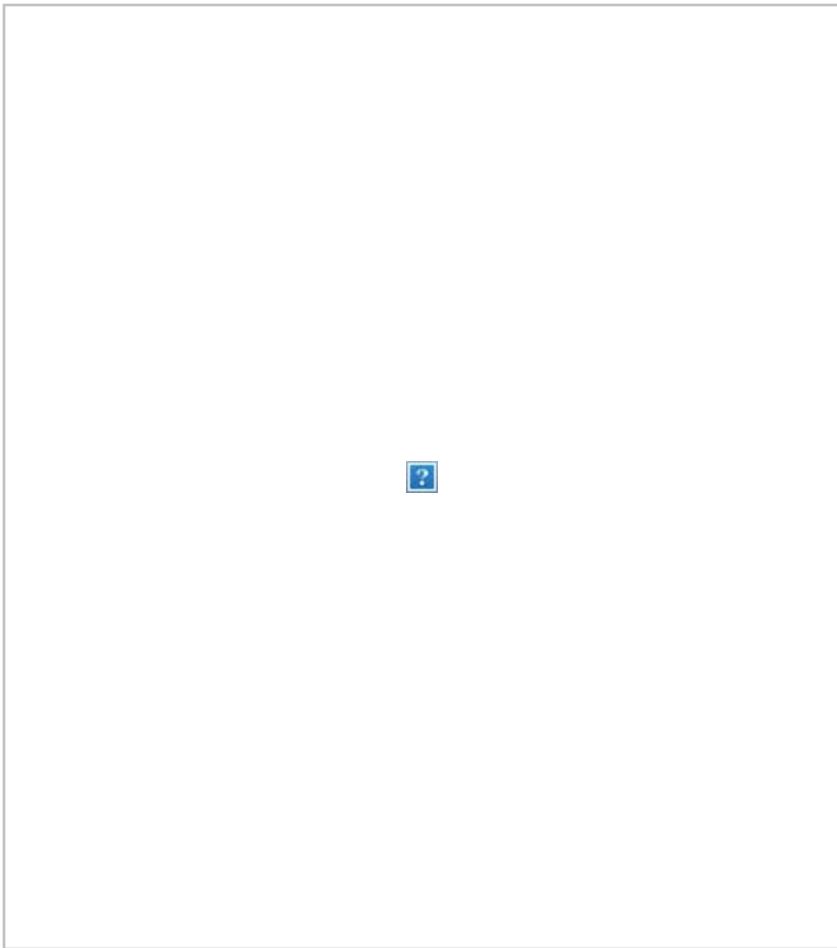
In the process of making changes from the "May 14" General Plan version that the Planning Commission recommended to the "Resolution No. PC-24-05" this change occurred:

May 14 version:

General-Plan_2045_2024-05-14 p3-CROPPED.jpg



May 14 - Adopted version -- and subsequent.



From: [REDACTED]
To: [Meredith Matthews](#); [Kimberley White](#); [Alex Stillman](#); [Sarah Schaefer](#); [Stacy Atkins-Salazar](#); [Karen Diemer](#); [David Loya](#)
Subject: Please agendize tall buildings and fire safety
Date: Tuesday, May 21, 2024 11:00:21 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 Mayor Matthews and City Council Members,

As city leaders, you have a duty of care to ensure the safety and well being of your constituents. AFD Board President Eric Loudenslager has alerted you to "the critical importance of incorporating adequate fire protection measures into the final drafting of Arcata's 2045 General Plan, particularly concerning zoning and form code permitting for residential and mixed-use buildings taller than 40 feet in designated opportunity zones such as the Gateway Area Plan" in letters dated April 9 and April 18.

As Mr. Loudenslager said to the Lost Coast Outpost recently, "The Fire District does not have the staffing, equipment or training to suppress fires or deal with a major emergency in those taller buildings."

"What we're asking the City to do is actually get out their typewriter and type in, either in policy or in the codes, that they **won't implement the four through seven story floors in the Gateway Area until such time that the City and the District come to consensus.**"

I urge you to agendize this as soon as possible to ensure that such language is included in the policy or in the codes, as Mr. Loudenslager has requested.

I would remind you that the four-story Sorrel Place structure is already at risk. It has had a couple of close calls, and we have just been very fortunate thus far. If a fire were to break out in this tall structure today or in the near future, AFD would not have the means to fight it, as you well know. The City was clearly negligent to put up a tall structure like this without having a fire safety plan in place. I fear you are going down that path again, and that would be a disservice to the residents of Arcata, to say the least.

So I hope you will take this seriously and put this on the agenda without delay. As our representatives, you should care more about protecting

the lives of the future residents who will live in these tall buildings (over 40 feet or 3 stories) than you appear to be. It would also save the City and future taxpayers from any lawsuits that arise through your negligence.

If that seems harsh, it is **not** my intent to be critical, just to light a fire under you to act without haste! I have raised this issue previously in emails to you and at council meetings to no avail. And AFD Board President Loudenslager said he feels disappointed with the City's response to AFD's concerns.

"I don't think the City Planning Commission and the City Council have actually heard us. We've spoken, but I don't think we've been heard," Loudenslager said. "I don't think they've come to grips with the scale of what they're proposing and how that will affect the District, how it will be funded and how that will be put in place." I'm sorry, but this is unacceptable!

I hope you can see that this is a matter of the utmost urgency. Please put this item on the agenda without delay. Thank you.

Respectfully,
Lisa Pelletier
Arcata resident

From: [REDACTED]
To: [Meredith Matthews](#); [Stacy Atkins-Salazar](#); [Alex Stillman](#); [Kimberley White](#); [Sarah Schaefer](#)
Cc: [David Loya](#)
Subject: 10: Inclusionary Zoning specifications are missing (Submitted pursuant to §1094.5)
Date: Friday, May 24, 2024 1:02:36 PM

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Inclusionary Zoning

Level of importance (scale 1-10): **10**

- Inclusionary Zoning (that the Council decided on) needs to be added to Arcata's codes -- somewhere. Not just as a policy -- but with the real numbers.
- Because the Council wants the Inclusionary Zoning specifications to be City-wide, this was removed from the Gateway Code.
- There are a number of ways that Inclusionary Zoning specifications can be added, including as an Implementation Measure in the General Plan. Any way that is **effective** is okay.
- The Council has already decided what the Inclusionary Zoning specifications are, so further discussion should not be necessary.
- Questions:
 - With no Inclusionary Zoning specifications currently in place, could a project (of 15 units or larger) come in and be approved without Inclusionary Zoning?
 - **What has to happen for Inclusionary Zoning to be in place immediately upon adopting the General Plan?**

Please establish this with the Community Development Director so that the Inclusionary Zoning specifications are spelled out and in place.

Thank you !

-- Fred Weis

Appendices:

1. Inclusionary Zoning specifications, per the City Council
2. Current mentions of Inclusionary Zoning
3. From my letter to the Council, February 6, 2024.
Questions about the possibility of developers attempting to avoid the Inclusionary Housing minimums.

Pursuant to §1094.5 of the California Code of Civil Procedure, I am submitting this email and its attachment(s). This is being submitted prior to the May 29, 2024, Public Hearing.

1. Inclusionary Zoning specifications -- per the City Council.

- 1) 4% very-low income **or** 6% low-income households, **plus** 10% median-income households.
- 2) The Council specified Inclusionary Zoning be required for projects with **15** dwelling units or more.

2. Current mentions of Inclusionary Zoning

General Plan:

Policy LU-2b. Page 2-15, PDF page 42.

"Inclusionary measures shall be provided for affordable housing.... To encourage this, **the City will implement inclusionary zoning** in higher density developments and provide incentives to developers to include low- and moderate-income housing units in their proposals."

Policy D-8f. Page 5-16, PDF page 211.

"Incentivize affordable housing as a community amenity. Through the community benefit program, allow increased development intensity and simplified development processes for projects that provide deed-restricted affordable units **above established inclusionary zoning minimums.**"

Note: There are no inclusionary zoning minimums in writing at this time.

3. From my letter to the Council, February 6, 2024.

Questions about the possibility of developers attempting to avoid the Inclusionary Housing minimums.

This brings up the following issue:

Suppose a developer envisions a total of 42 units on a particular parcel. Could the developer get approval for a 14-unit building... and then a second 14-unit building... and then a third 14-unit building? And so avoid hitting that 15-unit threshold, and thus incur no inclusionary zoning. Keep in mind that in the future approval of buildings of this size might be a very quick, simple, single-person Zoning Administrator procedure.

And how about this:

The Westwood Garden Apartments project is 102 units, in 11 separate buildings. One of the buildings has 16 apartments, but that quantity could be modified. The other 10 buildings have 14 apartments or fewer.

Let's pretend this project was constructed after the General Plan's inclusionary zoning was enacted.

With inclusionary zoning and 102 total units, 10 or 11 would be moderate-income and, say 6 or 7 be low-income units.

Could a project of that size be built in sections, to avoid the inclusionary zoning requirements?

Is there anything in our code to prevent this? I don't believe that there is -- and I believe there should be.

Council, thank you for the 15-unit threshold. It will help.

Thank you.

-- Fred Weis

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