


From: 
To: [Meredith Matthews](#); [Stacy Atkins-Salazar](#); [Alex Stillman](#); [Kimberley White](#); [Sarah Schaefer](#)
Cc: [Karen Diemer](#); [David Loya](#)
Subject: Adding a Public Hearing meeting to the Gateway Area Plan process / Incorrect Public Hearing noticing
Date: Friday, May 31, 2024 4:35:32 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: Mayor Meredith Matthews, Vice Mayor Alex Stillman, Councilmembers Stacy Atkins-Salazar, Sarah Schaefer, Kimberley White

City Manager Karen Diemer, Community Development Director David Loya

From: Fred Weis

Date: Friday, May 31, 2024

Subjects: See list below. Four items.

Note: This email is submitted pursuant to §1094.5 for the June 5, 2024, public hearing as well as other dates as may be the case.

Dear Honorable Mayor and all --

Subjects:

1. Adding a Public Hearing meeting to the Gateway Area Plan process.
2. The adoption dates for the General Plan, Final EIR, and Gateway Area Plan / Gateway Code are spoken of as fixed dates. Is this how the Council sees things?
3. The Community Development Director mentioned adding special meetings. When would these take place?
4. **IMPORTANT:** Yet another Public Hearing noticing was incorrect. The notice for the June 5, 2024, meeting was wrong. This is the FOURTH time that this has occurred.
Legalities: Probably not significant, IMO.
On May 7, I wrote: The last three communication messages from the Community Development Department have all had errors.
And now it is four for four of the messages.

Thank you !

-- Fred

1. Adding a Public Hearing meeting to the Gateway Area Plan process

When the June 5, 2024, Public Hearing was added to the agenda, the written notice stated that this public hearing would be for an update to the General Plan (which of course includes the Gateway Area Plan) and the Gateway Zoning Code.

Now that any discussion of the Gateway Area Plan and the Gateway Zoning Code has been excluded from that June 5th meeting, as a result of an anticipated lack of a quorum of Councilmembers present for those items, **would it be desirable, appropriate, and beneficial to add another public hearing meeting -- for the Gateway Area Plan and the Gateway Zoning Code matters?**

Putting this another way -- as a question: When will the three-person City Council have the opportunity for a detailed discussion of updates and changes to the Gateway Area Plan and the Gateway Zoning Code issues? At the July 17, 2024 meeting?

If changes are suggested at that July 17 meeting, **doesn't the Council need to see those changes in place before the Council approves that version for adoption?** I believe that the Council needs to see a tracked-change document that includes every change they've made. To adopt a document that you have not seen -- based on promises of this or that being included or changed -- seems irresponsible to a very large degree.

2. The adoption dates for the General Plan, Final EIR, and Gateway Area Plan / Gateway Code are spoken of as fixed dates. Is this how the Council sees things?

At the May 29 meeting, the date of July 17 is referred to as the date when adoption is considered. "The ordinance that was introduced on the 17th will have to be adopted on August 7th. That'll be on consent." was said.

Is this truly the time period that the three-person and the four-person City Council is allotting to review and make their changes to these important documents?

3. The Community Development Director mentioned adding special meetings. When would these take place?

Seeing as the meeting on Gateway-related and EIR topics will not take place on June 5, because of the lack of a quorum, when would the three-person City Council be available prior to July 17th in order to discuss the issues and suggest changes?

4. IMPORTANT: Yet another incorrect Public Hearing noticing. The notice for the June 5, 2024, meeting was incorrect.

The noticing for the June 5, 2024, public hearing was unfortunately once again issued incorrectly. This is the same error as was made for the first notice of the May 29 public hearing -- it's the wording for the Planning Commission hearing, which is about the Planning Commission making a formal recommendation to the City Council. When that was pointed out, an updated notice was sent out. For this June 5 public meeting hearing, there is not adequate time (10 days) to send out an updated notice.

Realistically, probably no one actually reads these messages other than myself. **But they should be correct.**

Legalities: I am not a lawyer -- What I am presenting is what I've learned and read. Court cases have **ruled in favor of the municipality** where a party brought suit against the municipality on an improperly noticed hearing. The aggrieved party has to show actual harm -- that they suffered something because they did not attend the meeting as a result of improper wording of the notice.

But it is possible that someone could be harmed by the passage of the General Plan, and didn't understand that the Council would be passing it ... because that's not what the Public Hearing notice said.

However: In cases where a judge determines a regular, continuous, consistent pattern of a lessening or abuse of the rights of the public, **the Court has ruled in favor of the aggrieved party.** In this case, the past FOUR notices were sent out with what could be considered minor but meaningful errors -- things that could make it difficult for a member of the public to know what is going on.

A single error might be disregarded. But there have been four of them recently, four in a row -- all connected with the passage of the General Plan and other documents. I believe this is what we've seen throughout this Gateway process -- a regular, continuous, consistent pattern of a lessening or abuse of the rights of the public.

Summary: It is unlikely anyone will bring a suit on this basis. And it's too late to change the notice now anyway, if you want to keep on-track for an August or September adoption.

Details are below.

The notice says (highlighting added):

Notice of Public Hearing of the City of Arcata City Council - Arcata General Plan Comprehensive Update and Gateway Code

City of Arcata - Community Development Dept. <listserv@civicplus.com>

Fri, May 17, 2:05 PM

View this in your browser

NOTICE IS HEREBY GIVEN that the City Council of the City of Arcata will conduct a Public Hearing on Wednesday **June 5, 2024**, at 5:30 p.m. in the Arcata City Council Chambers, at 736 F Street, Arcata **to consider a formal recommendation to the City Council** to adopt a comprehensive update to the General Plan and a new Gateway Zoning Code. The City Council is holding hybrid meetings that allow attendance in person or via Zoom (see information below for zoom attendance).

This notice should say:

NOTICE IS HEREBY GIVEN that the City Council of the City of Arcata will conduct a Public Hearing on Wednesday May 29, 2024, at 5:30 p.m. in the Arcata City Council Chambers, at 736 F Street, Arcata to consider adopting a comprehensive update to the General Plan and a new Gateway Zoning Code. The City Council is holding hybrid meetings that allow attendance in person or via Zoom (see information below for zoom attendance).

The notice is incorrect in both the version sent out by e-mail and in the print and on-line version in the Mad River Union.

From: [REDACTED]
To: [Meredith Matthews](#); [Kimberley White](#); [Alex Stillman](#); [Sarah Schaefer](#); [Stacy Atkins-Salazar](#); [Karen Diemer](#); [David Loya](#)
Subject: LISTEN to AFD Chief McDonald and AFD Board President Loudenslager!!
Date: Tuesday, June 04, 2024 11:51:03 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.

Dear City Council members,

Arcata Fire District Chief Justin McDonald and Board President Eric Loudenslager have been sounding the alarm over fire safety in tall buildings for two years now. They did so again in a recent letter to the City and in public statements to local media. As Mr. Loudenslager told the *Lost Coast Outpost*, "The Fire District does not have the staffing, equipment or training to suppress fires or deal with a major emergency in those taller buildings."

Apparently, you're **not** listening, because he has expressed disappointment with the City's response to AFD's concerns. As he said to the *Outpost*, "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. 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."

How else do I know you're not listening? Board President Loudenslager had a very reasonable request which you completely ignored. He asked you to either slow down the process for approving the Gateway Area Plan and General Plan 2045 until the study on "Standards of Coverage" is completed, or else put some language in the final draft of the plans to say that the City won't approve building permits and begin occupancy in the envisioned residential buildings until you've come to a consensus with the Arcata Fire District.

I called Mayor Matthews to request that this be put on the agenda -- that is, just what Mr. Loudenslager requested of you and nothing more than that. She said she wouldn't do it. So it doesn't surprise me that AFD Board President said he doesn't feel their concerns are being heard.

Also, you seem to want to gaslight the public into believing you have this great relationship with the chiefs from the Arcata Fire District? Please. You refuse to even agendize their very reasonable request, which is disrespectful of them and of your constituents who share their concerns.

As Fred Weis said, "When someone of the stature and importance to the Arcata Community as a director of the Arcata Fire District can talk about the views, concerns, and input of the Fire District as being ignored, then I'd say we have a problem."

Yes, we certainly do have a problem, which lies in your failure to listen to the AFD professionals, as if you know better. You seem to just want to hear what you're hoping to hear, as you rush these plans through, while deluding yourselves that this will all be miraculously resolved in the end. I'm sorry, but there's no guarantee that either the funding or staffing problems will be resolved, and you've got to face that. Both the State and the County are broke, and staffing is a perennial problem across all departments. And you can't expect

taxpayers to pony up either. (I certainly won't if you've been irresponsible enough to erect tall buildings everywhere.)

Now I understand how it was that four-story buildings like Sorrel Place and Plaza Point got built without a fire safety plan in place. It was through similar negligence. If a fire were to break out in those buildings today or tomorrow, those poor residents are entirely at the mercy of the fates, because you, or whoever was on the council at the time, failed to plan for emergencies. That's inexcusable.

Mr. Loudenslager and Chief McDonald have just asked you to slow the process down for a couple of months until the study is complete. They are telling you that the study should inform the GAP plan and the GP 2045, not the other way around. They've done their best to warn you, but you're not willing to listen. So **that's on you**. If you're fishing for lawsuits, you couldn't do a better job!

I also think it's disgraceful how you tried to keep the letter from AFD Chief Loudenslager and Chief McDonald hidden from the public. The AFD Chiefs had requested that David Loya read their letter aloud at a previous meeting, but he chose to summarize it instead, while putting his own spin on it. Then when Councilmember White was about to read it aloud, she was interrupted by Councilmember Stillman, who said that you had all seen it, as if to discourage her. I had the distinct feeling that you really didn't want the public to know what was in that letter. So I am grateful to Council member White for reading it and getting that information out to the public. I don't know what the rest of you have to say for yourselves, but I found the lack of transparency disgraceful.

We deserve full transparency and accountability from our representatives, especially in matters concerning our safety. If you feel you can't provide that kind of leadership, please consider stepping aside. At the very least, listen to your fire chiefs, and please do better. Thank you.

Respectfully,
Lisa Pelletier
Arcata resident

California Department of Transportation

DISTRICT 1
P.O. BOX 3700 | EUREKA, CA 95502-3700
(707) 445-6600 | FAX (707) 441-6314 TTY 711
www.dot.ca.gov



June 5, 2024

1-HUM-Arcata- General
Gateway Area Districts
Zoning Code

David Loya, Director
Community Development
City of Arcata
736 F St.
Arcata, CA 95521

Dear Mr. Loya:

Thank you for giving Caltrans the opportunity to review the Draft Municipal Code for the Gateway Area Districts, which establishes zoning code requirements for the Gateway Area Plan and the proposed four new Gateway Districts in Arcata (Barrell District, Gateway Hub, Gateway Corridor, and Gateway Neighborhood). We have reviewed the proposed codes and have the following comments:

The Caltrans Strategic Plan for 2021-2024 calls us to “push California toward a more socially responsible transportation network. Our energies will be focused on actions woven throughout our Strategic Plan that promote sustainability and equity.” Towards this end, we have set goals to enhance and connect the multimodal transportation network, lead in climate action, and advance equity and livability in all communities.

Caltrans supports the City's proposed modifications to building standards within the Gateway Area. The codes support an increase in residential land use densities, promote walkable/bikeable streets and greenways, and provide a mixture of land uses in close proximity that we anticipate will help to reduce vehicle miles traveled.

The compatibility of State goals with the City's codes will help to foster a greater potential for collaboration between our agencies for projects of mutual interest.

We appreciate the City's leadership within the north coast region in role-modeling the way towards building a more equitable and sustainable future and in enhancing the quality of life for Arcata residents.

We applaud the City for its efforts and offer to provide assistance as you work to implement the Gateway Area Plan and its attendant transportation facilities.

David Loya
6/5/2024
Page 2

Please contact me with questions or for further assistance with the comments provided at (707) 684-6879 or by email: <jesse.robertson@dot.ca.gov>.

Sincerely,

Jesse G. Robertson

JESSE ROBERTSON
System Planning Branch Chief
Caltrans District 1

C: Netra Khatri, Arcata City Engineer