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CITY OF ARCATA
CITY MANAGER'S OFFICE

June 1, 2025

To the Arcata City Council,

As a nearby resident of the proposed housing project—just one block away—I'm writing to share my concerns, as I'm unable to attend the upcoming council meeting. I respectfully ask that this letter be submitted for consideration as part of the public record.

I understand the need for growth, but I urge the Council to vote **no** on this development due to several issues that directly affect the Bayside neighborhood and its homeowners. Here are the concerns I'd like you to take into account:

1. Loss of Parking and Road Conditions:

Recent road work on Old Arcata Road (near the school garden section) has significantly reduced parking availability. This has already impacted nearby streets like Highland and Golf Course Road, both of which are in poor condition and in need of resurfacing and clear striping. Traffic is becoming more congested and less safe.

2. Lack of Public Transportation:

There is currently no city bus service into Bayside. The closest stop is in Sunny Brae. Without cars, future residents of the proposed development will have limited access to essential services unless they walk or bike on already unsafe roads.

3. Traffic Speed and Safety:

There's a serious lack of traffic enforcement in our neighborhood. Cars often exceed 50 mph on Old Arcata Road, which is marked as a 25 mph zone. There are no stoplights or speed controls for long stretches—from Highland to the Post Office—making it hazardous for drivers, cyclists, and pedestrians alike.

4. Increased Congestion Near the School:

Highland and the city portion of Golf Course Road are already overwhelmed during school pick-up and drop-off times, especially during events at Jacoby Creek School. Parked cars often narrow the road to a single lane, creating dangerous bottlenecks.

5. Impact on Property Values and Environmental Quality:

Construction will bring noise, dust, and heavy traffic to our quiet, semi-rural neighborhood. This not only disrupts daily life but may also decrease property values and hurt the area's environmental quality.

6. Loss of Rural Character:

Bayside is valued for its open views and agricultural surroundings. Adding dense housing will increase traffic, strain local infrastructure (especially at Jacoby Creek

School), and create a visual mismatch with the existing neighborhood.

7. Environmental and Health Concerns:

The development site may be affected by contamination from the old Roger's Garage. Disturbing this land could release harmful pollutants into the air or groundwater. This raises serious questions about long-term health and liability, including the potential for rising homeowner insurance costs.

8. Quality of Life and Community Identity:

Increased density brings more cars, more noise, and more stress on schools, emergency services, and utilities. Bayside risks losing its unique identity as a semi-rural, quiet, family-oriented community if this development moves forward without proper planning and infrastructure.

I care deeply about this neighborhood, as do many of my neighbors. We're not opposed to all development, but we believe that any project should reflect the existing character, infrastructure capacity, and environmental realities of Bayside.

Thank you for considering my concerns, and please vote **no** on this project.

Sincerely,



Bayside Resident

June 1, 2025

From: [REDACTED]
To: [David Loya](#)
Subject: Rogers Garage proposal
Date: Wednesday, May 21, 2025 1:23:47 PM

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Hi David,

My wife and I remember the chaotic closing of Roger's Garage which contained multiple piles of dead cars. A large amount of toxic material was left on site and of course it's still there.

This morning at 8 am we were unable to complete a left turn from Hyland St onto Old Arcata Road due to the heavy traffic whenever Jacoby Creek School is in session. Bayside simply can't accommodate more traffic.

Additionally, the Rogers Garage site would have to undergo very significant remediation and I don't see how that can be done safely.

Sincerely,

Gordon Inkeles
Bayside

From: [Lulu Mickelson](#)
To: [Alex Stillman](#); [Meredith Matthews](#); [Sarah Schaefer](#); [Stacy Atkins-Salazar](#); [Kimberley White](#)
Cc: [David Loya](#)
Subject: Support – Roger's Garage Affordable Housing Development
Date: Wednesday, June 18, 2025 2:21:26 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 Mayor and Councilmembers,

I am writing in regards to the Roger's Garage Affordable Housing Development. As a renter in Arcata and the Co-Director of the Redwood Coalition for Climate and Environmental Responsibility (RCCER), I am excited to see this project moving forward. Our region has a housing crisis and the construction of new affordable housing is critical to making our city and neighborhoods more inclusive.

This project is located in Bayside near a high-performing school and within a short bike ride of the center of Arcata. Hopefully, as the plans for the project develop, new public transit opportunities can also be added to the area to better serve new and longtime residents. In addition, the development provides the opportunity to responsibly mitigate long standing contamination of the project site, which has been unaddressed for decades.

Looking at some of the comments from the May 21st meeting, it feels important to address misleading claims that affordable housing increases crime or negatively impacts the character of a neighborhood. Research on affordable housing shows that the development of affordable housing can actually decrease crime and increase surrounding property values:

- [UC Irvine: Affordable housing decreases crime, increases property values](#)
- [CA Housing Partnership: Examining the Argument that Building Affordable Housing Increases Crime](#)
- [Bell Policy Center: Dispelling Common Myths About Affordable Housing](#)

Furthermore, the families moving into the housing are likely working people from our community that we interact with everyday – medical assistants, artists, cashiers, and teachers – many of whom currently struggle to find affordable housing in Arcata.

I encourage the City to continue to move forward with this project, which would help make a highly desirable neighborhood accessible for more deserving families in our community.

Thanks,
Lulu



From: [Colin Fiske](#)
To: [Alex Stillman](#); [Meredith Matthews](#); [Sarah Schaefer](#); [Stacy Atkins-Salazar](#); [Kimberley White](#)
Cc: [David Loya](#)
Subject: Roger's Garage Affordable Housing Development
Date: Wednesday, June 18, 2025 11:12:55 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.

Mayor and Councilmembers,

As you know, CRTP supports infill development to meet our housing needs. The Roger's Garage Affordable Housing Development qualifies as infill development, and we support it. However, since the project is about 2 miles from the center of town and separated by the dangerous Highway 101/255 interchange, we strongly feel that this project should be coordinated with significant bike and pedestrian safety improvements, such as those contemplated in the current SAMSIP planning process.

We also strongly encourage coordination with HTA as soon as possible to explore the viability of transit service options in Bayside. On-demand microtransit is currently contemplated for this area, but previous attempts to serve the neighborhood with transit have met major challenges, and we should be clear-eyed about the possibilities. While this project will add new potential riders to the neighborhood, it will not by itself be enough to generate sufficient demand for high-quality fixed-route service.

The main reason for this message, however, is to address certain public comments that opponents of the project have made regarding parking and traffic. As you all are aware, the city's new General Plan calls for the elimination of parking mandates citywide, and for good reason. When developing housing, there is a direct tradeoff between parking and housing. The more parking is provided, the less housing can be built, and the more expensive that housing is. For that reason alone, given the region's dire need for more affordable housing, we should take every opportunity to build more housing and less parking. It is also worth remembering that many people make car ownership and driving decisions based in part on residential parking availability, so a housing development with less parking will almost certainly result in fewer residents with cars. And if there did end up being a real parking "shortage," there are fairly straightforward management tools to address that situation, like a residential parking permit system.

Nevertheless, it is undeniable that a project which brings more housing may result in more cars in the neighborhood. To be clear, this does not necessarily make the streets less safe. In general, higher traffic volumes are a safety problem if the traffic is fast-moving, or if there are not adequate bike and pedestrian facilities. The city has done a fairly good job of traffic calming in Bayside, and providing reasonable bike and pedestrian infrastructure, so we do not anticipate any added safety issues with this project. In addition, the number of new trips resulting from the project will likely be relatively small compared to the existing traffic levels on Old Arcata Road, likely not even noticeable to the average observer under most conditions.

Thanks for your consideration.

Colin

--

Colin Fiske (he/him)

Executive Director

CRTP - Coalition for Responsible Transportation Priorities

[REDACTED]

6/8/25

Dear Meredith Mathews, Alexandra Stillman, Sarah Schaefer, Stacy Adkins- Salizar, Kimberly White and David Loya,

I am writing in concern over DanCo's proposed 50+ unit development on 1622 Old Arcata Road. This neighborhood has two elementary schools nearby, one directly across the street and another just down the road.

Rogers Garage occupied this site, doing auto demolition for over 75 years. They crushed and buried vehicles; tires, engines and batteries. All the fluids were dumped onto much of the ground, giving it a black sheen.

We know the toxicity of used vehicular fluids. The soil core report of 2009 which tested only portions of the property, listed many toxic chemicals; cadmium, arsenic, benzene, lead and many others. Lead is one of the more concerning with concentrations of over 200% the safety level.

Danco has only done a fraction of the required "remediation". There have been tarps covering portions of the land in a number of areas. Those covers remain to this day due to the risks they would impose if uncovered.

As a health care provider (at Open Door) for over 30 years, I have grave concerns about disrupting the soil on this site.

Remediation itself is complicated and risky. Anything that disturbs the soil will spread these heavy metals as dust, to settle on the neighborhood gardens, schools, playground, sidewalks and roads. Cars, pedestrians and pets will continue to aerate and spread them into the greater community and waterways, creating permanent contamination.

Even minimal lead exposure especially to children can have irreversible effects: brain damage, seizures, decreased mental and learning capacity, behavior, hearing, speech and other nervous system and developmental damage in addition to kidney and other organ injury.

We have all heard about environmental carelessness, where improper oversight led to surges in cancers and other serious health impacts in a community. This is too high a risk to take, especially in an area that would impact so many children.

Sincerely,

[Redacted Signature]

[Redacted Address]

524

Frank
om



June 6, 2025

RE: Roger's Garage Property

Dear David Loya, Meredith Mathews, Alexandra Stillman, Sarah Schaefer,
Stacy Atkins-Salazar, Kimberly White

As a longtime Bayside resident, of over 33 years, I am aware of the polluted history of the Roger's Garage site. I am equally conscious of the lack of safety in regard to lead abatement by DanCo a few years ago.

It makes no sense that the City of Arcata would invest so heavily in a proposed housing project on a site so toxic that no one should live there nor be exposed to the heavy metal fallout that can be predicted if the soil is stirred and displaced by heavy equipment.

Moving forward on this undertaking is beyond a mistake. It is taking a flagrant risk with people's health.

Please be responsible and cancel these efforts immediately.

Sincerely,


Nicole Barchilon Frank

From: [Alex Stillman](#)
To: [Merritt Perry](#); [David Loya](#)
Subject: Fwd: Rogers Garage
Date: Tuesday, June 3, 2025 5:22:27 PM

Alex Stillman
707-845-3900
iPhone

Begin forwarded message:

From: [REDACTED] >
Date: June 3, 2025 at 12:06:29 PM PDT
To: [REDACTED]
Subject: Rogers Garage

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Councilmembers-

I was much surprised and disappointed to read of the Roger's Garage project.

My major concern is that it would have too great a negative impact on the Jacoby Creek School in terms of crime and traffic. This would be an unacceptable consequence for JCS or any school. I live in Sunnybrae, so while I don't see it impacting me directly, my spouse teaches there and my 2 children have attended there. I am sympathetic to Bayside residents' concerns and would like to see other kids have the same opportunity my kids had.

I also have grave concerns about liability City of Arcata may be unwittingly assuming given the toxicity of the site. There are bound to

be surprises. Anyone remember the Marsh Commons project? This could be worse, a lot worse, given its history.

While I've always seen government subsidized housing as a vastly imperfect solution, given the problem I have always supported it as being far better than doing nothing at all. That support included voting for more of it in Arcata when it was on the ballot recently. The City's backing of this badly-flawed project will leave me regretting this vote.

Arcata has done a lot of low-income housing. While we've done our share, I could support more, but not this horrible project in this location.

On a broader note, I've seen better plans for this site. I do recall a plan that included a mixed use of offices, retail, residential, and open space. **WONDERFUL!!** For this site and the community! We do need housing for the rest of us. A recent report showed Arcata deficient in providing housing for those who can afford it. Let us remember that we do need a tax base to fund government functions, such as providing low income housing.

Thank you for your consideration of my thoughts and your service to the City.

[REDACTED]

From: Kelsey Fletterick
To: [REDACTED]
Cc:
Subject: RE: Roger's Garage Inquiry
Date: Wednesday, May 28, 2025 8:42:00 AM
Attachments: [image001.png](#)

Good morning, Anne,

Thank you for reaching out to the Community Development Department regarding the Rogers Garage site.

If you weren't able to attend the recent City Council meeting where they discussed the Community Block Grant allocation for Rogers Garage, you can view the recording [\[here\]](#).

Regarding your question about site contamination: Rogers Garage is classified as a Brownfield site and is managed by the Regional Water Quality Board (RWQB). Detailed information about the site's environmental status is available on the State Water Resource Control Board's [GeoTracker](#) database.

The city is fully aware of the site's historical use and existing contamination. We are actively coordinating with the RWQB to ensure that any proposed development meets all required remediation standards before moving forward.

If you have additional questions or would like more specific information, please don't hesitate to reach out.

Kelsey Fletterick (She/Her)

Community Development- Planner I
City of Arcata- www.cityofarcata.org
736 F Street, Arcata Ca, CA 95521
(707)825-2135| kfletterick@cityofarcata.org



The City of Arcata acknowledges that the lands we are located on are the unceded ancestral lands of the Wiyot tribe. The land that Arcata rests on is known in the Wiyot language as Goudi'ni, meaning "over in the woods" or "among the redwoods." Past actions by local, State and Federal governments removed the Wiyot and other Indigenous peoples from the land and threatened to destroy their cultural practices. The City of Arcata acknowledges the Wiyot community, their elders both past and present, as well as future generations. This Acknowledgment seeks to aid in dismantling the legacy narratives of settler colonialism.

Fro [REDACTED]

Sent: Saturday, May 24, 2025 8:17 AM
To: COM DEV <comdev@cityofarcata.org>
Subject: Roger's Garage Inquiry

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Good morning,

I understand this was discussed at this week's Council meeting; I did not attend, though.

I've heard from many neighbors that the site is a Superfund site. I also saw an article in the [Mad River Union](#) that it is a Brownfield site. I checked the [epa.gov site](#) and 1622/1632 are not listed as either Superfund or Brownfield. Might you know which EPA classification, if any classification, the City of Arcata is considering this site?

Thank you!

Anne

From: [REDACTED]
To: [David Loya](#)
Subject: Rogers Garage proposal
Date: Wednesday, May 21, 2025 1:23:47 PM

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Hi David,

My wife and I remember the chaotic closing of Roger's Garage which contained multiple piles of dead cars. A large amount of toxic material was left on site and of course it's still there.

This morning at 8 am we were unable to complete a left turn from Hyland St onto Old Arcata Road due to the heavy traffic whenever Jacoby Creek School is in session. Bayside simply can't accommodate more traffic.

Additionally, the Rogers Garage site would have to undergo very significant remediation and I don't see how that can be done safely.

Sincerely,

Gordon Inkeles
Bayside

From: [Kathleen Stanton](#)
To: [David Loya](#)
Subject: Rogers Garage Comments for Public Hearing on 5/21/25
Date: Wednesday, May 21, 2025 9:50:06 PM

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Hi David,
Please include this in the public record for the hearing tonight.

Good Evening Council Members and Staff,

I would like to say that FIRSTLY, I agree with Attorney, Jason Holder, that this proposed housing development at the former Rogers Garage site is NOT exempt from CEQA and therefore, the City should do an Initial Study to determine possible adverse impacts to the residents and school children nearby. Also, I have followed the various proposed developments for this property over the past 25 years, read the soil and water studies and communicated with the Regional Water Quality Control Board and followed their requirements to remediate the site. There is much documented PUBLIC CONTROVERSY surrounding this property that makes any future development there subject to CEQA.

SECONDLY, the proposed 45 units with only 43 parking spaces is insufficient in a neighborhood that shares street parking with Jacoby Creek Elementary School. Throughout the school year, parents and students and staff attend evening meetings, sports events and school programs that require parking that would be taken by apartment residents. Generally families have two working parents who each have a car and therefore, 45 units requires 90 on site parking spaces, not 43 as planned. We have no mass transit in Bayside. Without sufficient off street parking, we will have serious neighborhood impacts with traffic and access to the school.

LASTLY, I would like to mention that the .36 acre property next door to Rogers Garage is for sale for \$495,000 and should be purchased by Dan Johnson for his housing project. He could build on clean soil rather than contaminated soil and simply Cap his 1.6 acre site and provide plenty of parking for his apartments and possibly a dog park like the Little Lake Housing Development will have and maybe even a Solar Field. I would like to see the CDBG loan go towards this acquisition and make a much better project with far less impacts and clean up costs and exposure to toxic soils.

There are better Alternatives to the currently proposed dense housing development with 45 apartments, three stories high that I hope the City will seriously consider. For instance. The Bayside Housing Project could be reduced in size and the Little Lake Housing Project where there is no parking or traffic problems could be increased in size if the multi-Acre Dog Park was smaller.

Thank you,
Kathleen Stanton
Bayside Resident

From: [David Johnson](#)
To: [Alex Stillman](#); [Kimberley White](#); [Sarah Schaefer](#); [Stacy Atkins-Salazar](#); [Meredith Matthews](#)
Cc: [Rhea Varley](#); [City Manager's Office](#); [Netra Khatri](#); [David Loya](#); [Jennifer Dart](#); [Kelsey Fletterick](#); heidi.m.bauer@waterboards.ca.gov; heaven.moore@waterboards.ca.gov; tom.magney@waterboards.ca.gov; [Building Bayside Better](#); jason@holderecolaw.com; [Kari Samlaska](#)
Subject: 1622 Old Arcata Road - Roger's Garage Site
Date: Tuesday, May 20, 2025 8:24:53 AM

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To Mayor Stillman and members of the Arcata City Council,

Many residents and voters, ourselves included, applaud the City and Danco for developing infill housing in Arcata. We are writing specifically regarding the proposed development at 1622 Old Arcata Road, aka Roger's Garage.

We have owned [REDACTED], so more than 30 years. Our single family home is located directly adjacent to the former Roger's Garage site (on the southeast side of Roger's).

In our opinion, we are the family MOST IMPACTED by this proposed project. We sit immediately upslope and in the path of prevailing winds. As a major stakeholder in this project, we would like to be acknowledged.

Just this week we retrieved and read the documents attached to the upcoming City Council meeting agenda including the letters from the Holder Law Group.

While we recognize the City of Arcata faces specific regulatory and legal hurdles before moving forward, we believe an equal focus needs to be placed on the tone and overall impact to Bayside and Jacoby Creek Elementary school.

Why is the City of Arcata considering appropriating City funds for this project and for "property acquisition", all without public engagement? That's outrageous. We respectfully request you immediately and actively elicit input from all concerned parties.

As far as we know these are the FIRST descriptive documents released to the public. Now it appears this "proposed" project has a name, number of units proposed, and architectural drawings!!! We request that we, and the public, be thoroughly engaged before the project gains irreversible momentum.

We will happily avail ourselves to open discussion with City Council members, City officials, or other stakeholders, at any time. With over 30 years of history involving

the former Roger's Garage site and the mitigating conditions around the property, we believe we have an invaluable perspective to offer.

David Johnson & Kari Samlaska

From: [Patrick Cudahy](#)
To: [David Loya](#)
Cc: [Joe Mateer](#); [Kelsey Fletterick](#)
Subject: Follow-up Questions on Rogers Garage CPLHA Application Determination
Date: Monday, April 21, 2025 12:43:15 PM
Attachments: [image001.png](#)

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Hi David, you probably saw that Kelsey bounced my inquiry to you. I'm trying to better understand where things stand with this project.

As you can see from my original email below, I'm seeking clarification on several specific aspects of the application, especially in light of recent regulatory changes and the 2005 mitigation plan references.

While I understand the upcoming hearing will address aspects of the project, my questions relate to publicly available information about an application process that has already occurred. Since the CPLHA application involves public funds and documents already submitted to state agencies, I believe my questions fall within the scope of information that should be available to the public prior to any hearing.

Could you please respond to these questions at your earliest convenience, or let me know if you need any clarification about what I'm asking?

Thank you for your assistance.

Regards,
Patrick

Since the CPLHA application was submitted nearly a year ago, I'm curious about the current status:

- Has HCD provided any update on when a funding determination will be issued?
- Has the City received any preliminary feedback or requests for additional information from HCD?
- Is there a specific timeline for when the City expects to receive the actual funding decision/award?

I recently heard from the Water Board that there was some issue with a 2005 mitigation plan for the site. They mentioned something about Rogers Garage

proposal being rejected because it "only referred to a 2005 work plan" but I'm trying to understand what this means for the project. Could you help clarify:

- Was the entire Design Review Permit Application rejected, or just put on hold pending additional documentation?
- What specific information did the City request from Danco regarding this 2005 plan?
- What is the official name/title of this 2005 document that's being referenced?
- Does this documentation issue prevent the City from continuing work on other aspects of the proposal?
- What specific corrections or additional information are needed to move forward?

Also, regarding the environmental documentation requirements you mentioned earlier:

- Is the City currently waiting for specific new documentation from Danco? i.e. what specific environmental documents are needed beyond what has already been submitted?
- How does this additional documentation requirement affect the CPLHA application that's already been submitted?

Thanks again

Patrick

On 4/21/25 12:05 PM, Kelsey Fletterick wrote:

- >
- > Good afternoon, Patrick.
- >
- >
- >
- > Thank you for your interest in the CPHLA planning process. While I appreciate your thorough review of the materials, the specific questions you've raised fall outside my area of responsibility. These inquiries would be more appropriately directed to David Loya, who oversaw this aspect of the project. Please note that as required by our public process guidelines, all pertinent information will be addressed during the official project hearing, which is the designated forum for such detailed discussions.
- >
- > Regards,
- >
- > Kelsey Fletterick (She/Her)

>
> Community Development- Planner I
>
> City of Arcata- www.cityofarcata.org
>
> 736 F Street, Arcata Ca, CA 95521
>
> (707)825-2135| kfletterick@cityofarcata.org

On 4/2/25 12:38 PM, Kelsey Fletterick wrote:

Hello Patrick,

Thank you for stopping by yesterday regarding your concerns for the proposed Affordable Housing Community at 1622 Old Arcata Road. As we discussed, no final plans have been presented to or approved by the City for this project. The applicant has been notified that additional environmental documents will be required for us to review their Design Review Permit Application. While we are aware of the resources and studies you've provided for this project, I appreciate your diligence in maintaining a clear record. I've attached the CPHLA Grant resources you were interested in to this email.

Please feel free to reach out if you have any further questions or need additional clarification.

Kelsey Fletterick (She/Her)

Community Development- Planner I

City of Arcata- www.cityofarcata.org

736 F Street, Arcata Ca, CA 95521

(707)825-2135| kfletterick@cityofarcata.org



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“among the redwoods.” Past actions by local, State and Federal governments removed the Wiyot and other Indigenous peoples from the land and threatened to destroy their cultural practices. The City of Arcata acknowledges the Wiyot community, their elders both past and present, as well as future generations. This Acknowledgment seeks to aid in dismantling the legacy narratives of settler colonialism.

From: Patrick Cudahy [REDACTED]
Sent: Thursday, March 27, 2025 4:33 PM
To: Kelsey Fletterick <kfletterick@cityofarcata.org>
Cc: Joe Mateer <jmateer@cityofarcata.org>; David Loya <dloya@cityofarcata.org>
Subject: RE: Rogers Garage Site (1622 Old Arcata Road) - Environmental Status Information

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Kelsey Fletterick

Community Development - Planner I

City of Arcata
736 F Street
Arcata, CA 95521

**RE: Rogers Garage Site (1622 Old Arcata Road) -
Environmental Status Information**

Hi Kelsey, It was a pleasure to meet last week and having a second to say hi the veritable Nepali :-)

I am writing to provide you with information regarding the former Rogers Garage site at 1622 Old Arcata Road that may assist you in your planning duties. I recently became aware of your email exchange with Alan Cook (March 20, 2025) regarding the site's environmental status and remediation requirements. As a longtime resident familiar with this site's regulatory history, I want to ensure you have access to complete

and accurate information as you evaluate this project.

Current Regulatory Status Information

I have recently confirmed with Tom Magney, the current case manager at the North Coast Regional Water Quality Control Board (NCRWQCB), that:

- No new work plan for the removal of heavy metals has been submitted to the NCRWQCB within the past year
- No new environmental testing results or data have been submitted to the agency in 2024
- The monitoring wells at the site are "present, needing re-furbishment" and have not been tested since 2009
- The site remains under active regulatory oversight with an open case (Case No. 1NHU804)

This information directly contradicts statements made by Chris Dart at the May 29, 2024, City Council meeting (see minutes, page 11), where he claimed that environmental testing had been conducted in May 2024 and that a work plan had been submitted to the regional board.

Concerns About Information in Recent Communications

In your March 20, 2025 email to Mr. Cook, you indicated that:

"The North Coast Regional Water Quality Control Board has stipulated that the site owner conduct remediation prior to any development. These conditions were made with an understanding of the concentrations of contamination present on site. When those remediation plans are finalized, they will be made available for the public to review."

Based on my recent confirmation with the NCRWQCB, no remediation plans have been submitted for finalization. Additionally, the remediation requirements pre-date and are independent of any development plans - they are existing obligations under the California Water Code, **not conditions tied to development approval.**

Resources for Verification

To assist you in independently verifying this information, I am providing:

1. A timeline of key regulatory events for the Rogers Garage site (attached)
2. Instructions for accessing the GeoTracker database, which contains the complete regulatory history (attached)
3. A copy of the 2011 violation letter issued by the NCRWQCB for failure to submit required reports (attached)
4. A summary of the most recent regulatory requirements and site conditions (attached)

The City can verify this information through any of the following methods:

- Directly contacting Tom Magney, NCRWQCB (707-543-7128)
- Examining the GeoTracker system for any recent submissions
- Making a Public Records Act request to the Water Board for the complete file

Public Health Considerations

The site's proximity to Jacoby Creek School creates elevated public health considerations that warrant thorough investigation. Historical contamination with heavy metals (including lead, copper, and zinc) has been documented in groundwater and stormwater runoff from the site. Several additional concerns merit particular attention:

1. **Groundwater Migration Pathway:** The natural topography and drainage patterns suggest groundwater from the site likely flows in the direction of Jacoby Creek School. I have personally observed water daylighting on school grounds during wet seasons, indicating a potential hydrological connection that has never been adequately studied.
2. **Municipal Infrastructure Concerns:** The contaminated groundwater may also be infiltrating city infrastructure trenches beneath Old Arcata Road. While comprehensive studies confirming this migration have not been conducted, the historical site assessments indicate groundwater movement patterns consistent with this pathway. I have verified over the course of several weeks that the DI on rodger garage side was receiving ground water (no recent rain during my observation) from a inlet pipe which drains the property while observing the that DI inlet on the direct other

side of the street is bone dry, this is the logical gravitation direction of water and also verified since both the DI outlet pipe on garage side and DI inlet on school side is of an old cement type.

3. **Long-Term Exposure Risk:** The site has been under regulatory oversight for approximately 20 years, meaning that if these pathways exist, exposure to potentially contaminated groundwater could have been occurring throughout this time, without monitoring or mitigation.

These potential exposure pathways should be thoroughly investigated before any decisions regarding site development are made, particularly given the sensitivity of the receptor (a school) and the persistent nature of heavy metal contamination.

Purpose of This Communication

I am sharing this information to ensure the City has complete and accurate data as it evaluates this project. As you mentioned in your email, the City has "regulatory authority to ensure the provisions outlined in Chapter 9.78 Environmental Impact Assessment of the Land Use Code are enforced." However, this enforcement requires access to accurate information about the site's current compliance status.

I appreciate your commitment to the planning process and understand the challenges of evaluating complex projects, especially those with environmental compliance components. Please feel free to contact me if you have any questions or would like additional information.

Sincerely,

Patrick Cudahy

Attachments:

1. Rogers Garage Regulatory Timeline (2000-2025)
2. GeoTracker Access Instructions
3. 2011 NCRWQCB Violation Letter
4. Current Site Status Summary

cc: David Loya, Community Development Director
Joe Mateer, Senior Planner

From: [Patrick Cudahy](#)
To: [Kelsey Fletterick](#)
Cc: [Joe Mateer](#); [David Loya](#)
Subject: RE: Rogers Garage Site (1622 Old Arcata Road) - Environmental Status Information
Date: Thursday, March 27, 2025 4:31:57 PM
Attachments: [1NHU804Current_Site_Status_Summary.pdf](#)
[1NHU804 Timeline of Key Regulatory Events.pdf](#)
[110302_RBD_Rogers_Garage.pdf](#)
[1NHU804GeoTracker_Instructions.pdf](#)

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Kelsey Fletterick

Community Development - Planner I

City of Arcata
736 F Street
Arcata, CA 95521

RE: Rogers Garage Site (1622 Old Arcata Road) - Environmental Status Information

Hi Kelsey, It was a pleasure to meet last week and having a second to say hi the veritable Nepali :-)

I am writing to provide you with information regarding the former Rogers Garage site at 1622 Old Arcata Road that may assist you in your planning duties. I recently became aware of your email exchange with Alan Cook (March 20, 2025) regarding the site's environmental status and remediation requirements. As a longtime resident familiar with this site's regulatory history, I want to ensure you have access to complete and accurate information as you evaluate this project.

Current Regulatory Status Information

I have recently confirmed with Tom Magney, the current case manager at the North Coast Regional Water Quality Control Board (NCRWQCB), that:

- No new work plan for the removal of heavy metals has been submitted to the NCRWQCB within the past year
- No new environmental testing results or data have been submitted to the agency in 2024
- The monitoring wells at the site are "present, needing re-furbishment" and have not been tested since 2009
- The site remains under active regulatory oversight with an open case (Case No. 1NHU804)

This information directly contradicts statements made by Chris Dart at the May 29, 2024, City Council meeting (see minutes, page 11), where he claimed that environmental testing had been conducted in May 2024 and that a work plan had been submitted to the regional board.

Concerns About Information in Recent Communications

In your March 20, 2025 email to Mr. Cook, you indicated that:

"The North Coast Regional Water Quality Control Board has stipulated that the site owner conduct remediation prior to any development. These conditions were made with an understanding of the concentrations of contamination present on site. When those remediation plans are finalized, they will be made available for the public to review."

Based on my recent confirmation with the NCRWQCB, no remediation plans have been submitted for finalization. Additionally, the remediation requirements pre-date and are independent of any development plans - they are existing obligations under the California Water Code, **not conditions tied to development approval.**

Resources for Verification

To assist you in independently verifying this information, I am providing:

1. A timeline of key regulatory events for the Rogers Garage site (attached)
2. Instructions for accessing the GeoTracker database, which contains the complete regulatory history (attached)
3. A copy of the 2011 violation letter issued by the NCRWQCB for failure to submit required reports (attached)
4. A summary of the most recent regulatory requirements and site conditions (attached)

The City can verify this information through any of the following methods:

- Directly contacting Tom Magney, NCRWQCB (707-543-7128)
- Examining the GeoTracker system for any recent submissions
- Making a Public Records Act request to the Water Board for the complete file

Public Health Considerations

The site's proximity to Jacoby Creek School creates elevated public health considerations that warrant thorough investigation. Historical contamination with heavy metals (including lead, copper, and zinc) has been documented in groundwater and stormwater runoff from the site. Several additional concerns merit particular attention:

1. **Groundwater Migration Pathway:** The natural topography and drainage patterns suggest groundwater from the site likely flows in the direction of Jacoby Creek School. I have personally observed water daylighting on school grounds during wet seasons, indicating a potential hydrological connection that has never been adequately studied.
2. **Municipal Infrastructure Concerns:** The contaminated groundwater may also be

infiltrating city infrastructure trenches beneath Old Arcata Road. While comprehensive studies confirming this migration have not been conducted, the historical site assessments indicate groundwater movement patterns consistent with this pathway. I have verified over the course of several weeks that the DI on rodger garage side was receiving ground water (no recent rain during my observation) from a inlet pipe which drains the property while observing the that DI inlet on the direct other side of the street is bone dry, this is the logical gravitation direction of water and also verified since both the DI outlet pipe on garage side and DI inlet on school side is of an old cement type.

3. **Long-Term Exposure Risk:** The site has been under regulatory oversight for approximately 20 years, meaning that if these pathways exist, exposure to potentially contaminated groundwater could have been occurring throughout this time, without monitoring or mitigation.

These potential exposure pathways should be thoroughly investigated before any decisions regarding site development are made, particularly given the sensitivity of the receptor (a school) and the persistent nature of heavy metal contamination.

Purpose of This Communication

I am sharing this information to ensure the City has complete and accurate data as it evaluates this project. As you mentioned in your email, the City has "regulatory authority to ensure the provisions outlined in Chapter 9.78 Environmental Impact Assessment of the Land Use Code are enforced." However, this enforcement requires access to accurate information about the site's current compliance status.

I appreciate your commitment to the planning process and understand the challenges of evaluating complex projects, especially those with environmental compliance components. Please feel free to contact me if you have any questions or would like additional information.

Sincerely,

Patrick Cudahy

Attachments:

1. Rogers Garage Regulatory Timeline (2000-2025)
2. GeoTracker Access Instructions
3. 2011 NCRWQCB Violation Letter
4. Current Site Status Summary

cc: David Loya, Community Development Director
Joe Mateer, Senior Planner

References with annotation:

"Children have been repeatedly reported to be at higher risk for lead poisoning because their bodies are in a state of growth and development. Moreover, the absorption of lead occurs more quickly in children than in adults. Children, due to their childish behavior, are more prone to ingest and inhale dust contaminated with lead." Wani AL, Ara A, Usmani JA. Lead Toxicity: A Review. *Interdiscip Toxicol* 2015;8:55-64.

"Lead toxicity increases oxidative stress, neurological abnormalities, affects the sodium ion concentration, other severe health complications, and even death. Children are more prone to lead toxicity due to certain habits such as putting hands that might be contaminated in their mouth." Debnath B, Singh WS, Manna K. Sources and Toxicological Effects of Lead on Human Health. *Indian J Med Spec* 2019;10:66-71.

"Lead is a prevalent heavy metal that pollutes the environment and accumulates in the human body via absorption, bioavailability, bioconcentration, and biomagnification disrupts the neurological, skeletal, reproductive, hematopoietic, renal, and cardiovascular systems." Kanimozhi V, Arbaaz SM, Stacey RGS, et al. Bioaccumulation of Lead and its Effects on Human: A Review. *J Hazard Mat Adv* 2022;100094.

"Disorders of various body systems and the role of inflammation due to lead exposure has been proven by various studies. These studies indicate that lead exposure may cause respiratory, neurologic, digestive, cardiovascular and urinary diseases. The results were also indicated the increased inflammatory cells and mediators due to lead exposure including cytokines and chemokines due to lead exposure which suggested to be the cause various organ disorders." Boskabady M, Marefati N, Farkhondeh T, et al. The Effect of Environmental Lead Exposure on Human Health and the Contribution of Inflammatory Mechanisms, A Review. *Enviro Int* 2018;120:404-420.

"Cadmium (Cd) affects both male and female reproduction, impairs hormone synthesis/regulation and deteriorates pregnancy rate or its outcome even at lower doses." Kumar, Sunil and Sharma, Anupama. "Cadmium toxicity: effects on human reproduction and fertility" *Reviews on Environmental Health*, vol. 34, no. 4, 2019, pp. 327-338. <https://doi.org/10.1515/reveh-2019-0016>

"Cadmium is one of the most toxic elements that human beings can be exposed to at work or in the environment and has no known physiological role in mammals. Human exposure to Cd can occur through food, water, and the inhalation of cigarettes. Once absorbed, Cd is efficiently retained in the human body, where it accumulates throughout life..." "Several epidemiological and experimental data indicate that chronic exposure to cadmium in human beings can be associated with carcinogenesis, primarily in the lung, but also in the prostate, kidneys, breast,

urinary bladder, nasopharynx, pancreas, and hematopoietic system.” Genchi G, Sinicropi MS, Lauria G, et al. The Effects of Cadmium Toxicity. *Int J Envir Res Public Health* 2020;17:3782-3796.

“The reported health effects include cardiovascular and kidney diseases, metabolic, neurological, and mental disorders.” (Barium)

Kravchenko, J., Darrah, T.H., Miller, R.K. *et al.* A review of the health impacts of barium from natural and anthropogenic exposure. *Environ Geochem Health* 36, 797–814 (2014).

<https://doi.org/10.1007/s10653-014-9622-7>

“Heavy metals like nickel can produce free radicals from diatomic molecule through the double step process and generate superoxide anion. Further, these superoxide anions come together with protons and facilitate dismutation to form hydrogen peroxide, which is the most important reason behind the nickel-induced pathophysiological changes in living systems.” “...also discussed nickel-induced genotoxicity, carcinogenicity, immunotoxicity and toxicity in various other metabolically active tissues...”

Das, Kusal K., Reddy, R. Chandramouli, Bagoji, Ishwar B, et al. "Primary concept of nickel toxicity – an overview" *Journal of Basic and Clinical Physiology and Pharmacology*, 2019;30:141-152. <https://doi.org/10.1515/jbcpp-2017-0171>

CC: Sarah Schaefer, Meredith Matthews, Stacy Atkins-Salazar, Alexandra Stillman, Kimberly White, Arcata City Council

North Coast Journal, Mad River Union, Eureka Times Standard

Tom Magney, North Coast Regional Water Quality Control Board

Melanie Nannizzi, Jacoby Creek Elementary School Principal



Alpha Analytical, Inc.

255 Glendale Ave. • Suite 21 • Sparks, Nevada 89431-5778
(775) 355-1044 • (775) 355-0406 FAX • 1-800-283-1183

ANALYTICAL REPORT

Northcoast Laboratories
5680 West End Road
Arcata, CA 95521

Attn: Laura Miller
Phone: (707) 822-4649
Fax: (707) 822-6831
Date Received : 10/08/09

Job: 0910129

Metals by ICPMS
EPA Method SW6020 / SW6020A

Parameter	Concentration	Reporting Limit	Date Extracted	Date Analyzed
Client ID: 0910129-1A/Rogers-Drums				
Lab ID: NOC09100824-01A	Beryllium (Be)	ND	1.0 mg/Kg	10/09/09 15:49
Date Sampled 10/02/09 12:00	Vanadium (V)	54	1.0 mg/Kg	10/09/09 15:49
	Chromium (Cr)	63	1.0 mg/Kg	10/09/09 15:49
	Cobalt (Co)	8.6	1.0 mg/Kg	10/09/09 15:49
	Nickel (Ni)	150	2.0 mg/Kg	10/09/09 15:49
	Copper (Cu)	200	2.0 mg/Kg	10/09/09 15:49
	Zinc (Zn)	580	20 mg/Kg	10/09/09 15:49
	Arsenic (As)	3.7	1.0 mg/Kg	10/09/09 15:49
	Selenium (Se)	ND	1.0 mg/Kg	10/09/09 15:49
	Molybdenum (Mo)	ND	1.0 mg/Kg	10/09/09 15:49
	Silver (Ag)	ND	1.0 mg/Kg	10/09/09 15:49
	Cadmium (Cd)	2.3	1.0 mg/Kg	10/09/09 15:49
	Antimony (Sb)	4.7	1.0 mg/Kg	10/09/09 15:49
	Barium (Ba)	160	1.0 mg/Kg	10/09/09 15:49
	Mercury (Hg)	ND	0.20 mg/Kg	10/09/09 15:49
	Thallium (Tl)	ND	1.0 mg/Kg	10/09/09 15:49
	Lead (Pb)	210	1.0 mg/Kg	10/09/09 15:49

Sample results were calculated on a wet weight basis.
ND = Not Detected

Roger L. Scholl

Randy Gardner

Walter Hinchman

Roger L. Scholl, Ph.D., Laboratory Director • Randy Gardner, Laboratory Manager • Walter Hinchman, Quality Assurance Officer
Sacramento, CA • (916) 366-9089 Las Vegas, NV • (702) 736-7522 info@alpha-analytical.com

Alpha certifies that the test results meet all requirements of NELAP unless footnoted otherwise.

Alpha Analytical, Inc. currently holds appropriate and available California (#2019) and NELAP (01154CA) certifications for the data reported. Test results relate only to reported samples.

10/21/09

Report Date

November 18, 2023

Planning Dept.
City of Arcata

RE: Roger's Garage property
1622 Old Arcata Road, Bayside

I am aware of the housing pressure in Arcata and am in support of many of the projects. The proposed development on 1622 Old Arcata Road, Bayside has significant deep soil contamination of heavy metals and benzene, a risk that cannot be overlooked.

As per a 10/21/2009 report from Alpha Analytical, Inc. the following metals were detected (listed highest to lowest levels of toxicity). Zinc, lead, copper, barium, nickel, chromium, vanadium, cobalt, antimony, arsenic, cadmium. Many with concentrations as much as 100-fold the safety limit. Benzene was also detected.

The above listed contaminations are only what is known. The sampling did not include the entirety of the toxic areas nor the depth of some known pollutants meaning that many more contaminants are likely present, but as yet undetected and therefore, not listed.

The health effects of these metals are well known. The following are bullet points from the many articles published in the medical literature on a few of the metals (citations included below).

Lead

Miscarriage, premature birth, lower birth weight,
Lower IQ, depression, anxiety,
Attention deficit hyperactivity disorder (ADHD)
Anemia, blood vessel damage, high blood pressure, heart attack
Kidney damage, Osteoporosis

Cadmium

Kidney damage/failure
Birth defects, premature birth
Cancer of: Lung, breast, prostate, bladder,
Osteoporosis, increased bone fractures

Barium

High blood pressure
Heart disease, blood vessel damage

Nickel

Blindness
Stunted growth
Emphysema
Asthma
Liver and kidney disease

June 23, 2024

RE: Roger's Garage Property

Dear Meredith Mathews, Alexandra Stillman, Sarah Schaefer, Stacy Atkins-Salazar, Kimberly White, David Loya,

Rarely is a property entirely unsuited for excavation as the Roger's Garage site. The known, and unknown, heavy metal toxicity that contaminates the property, if disturbed, will create a genuine health hazard. The harm is not theoretical as the damages of heavy metal intoxication have been known for decades.

The proposed housing project will necessitate a substantial excavation effort which would spread the contamination from the property to the surrounding neighbors, one of which is Jacoby Creek Elementary School. As harmful as heavy metals are to adults, it is far worse for children and would have lifelong implications.

One of the suggestions for the property is a cap. This is naïve. Every multistory building requires a substantial foundation. If there is an asphalt cap, it will be pierced for the entirety of the building footprint in order to excavate to the depth needed for the foundation. This is exactly what should not be done.

The bottom line is that any site preparation will ensure that the large volume of contaminants will become airborne, creating an avoidable health hazard.

I offer no opposition to housing. The Roger's Garage site is not a housing debate, it's a health issue.

As an alternative, the site could be minimally excavated to accommodate a solar field thereby producing electricity for many current and future households. Clean energy is a need that compliments the efforts to expand housing.

I, and many neighbors, ask that the current momentum to excavate and build on the Roger's Garage property be stopped and the solar field, or some other sane land use, be pursued.

Respectfully,

Alan Cook

CC: Times Standard, Mad River Union, North Coast Journal, Northcoast Environmental Center

From: [Alan Cook](#)
To: [Kelsey Fletterick](#); [Joe Mateer](#)
Subject: Rogers Garage
Date: Thursday, March 20, 2025 10:58:57 AM
Attachments: [rogers garage 06.23.2024.docx](#)
[alpha analytical.pdf](#)
[Rogers garage 11.18.2023.docx](#)

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Dear Kelsey and Joe,
Please see the attached letters and soil analysis in regard to the Rogers Garage property. Approximately 15 years ago, a project was proposed for this parcel and was rejected based upon heavy metal toxicities and water quality. In fact, the situation on the ground is essentially unchanged.
I look forward to your thoughts.

Respectfully,
Alan Cook

From: Kelsey Fletterick
To: ["Alan Cook"; Joe Mateer](#)
Subject: RE: Rogers Garage
Date: Thursday, March 20, 2025 11:22:00 AM
Attachments: [image001.png](#)

Good morning, Alan.

Thank you for following up with the supporting documents for our conversation yesterday. The City is aware of the contamination left on site from the historic use. We will use our regulatory authority to ensure the provisions outlined in [Chapter 9.78 Environmental Impact Assessment of the Land Use Code](#) are enforced when reviewing the proposed development at Rogers Garage.

When we have a more comprehensive understanding of the scope of work proposed and have received finalized environmental documentation, staff will develop a notice that will be posted on site and mailed to the surrounding residents. That notice will include more specific information about the development plans and provide the relevant environmental documents that you may review on file at the City.

I appreciate your dedication to participating in the public process and your advocacy for appropriate mitigation measures to ensure the safety and health of the future residents in this development.

Please feel free to reach out if you have any further questions or need additional clarification.

Kelsey Fletterick (She/Her)

Community Development- Planner I
City of Arcata- www.cityofarcata.org
736 F Street, Arcata Ca, CA 95521
(707)825-2135 | kfletterick@cityofarcata.org



The City of Arcata acknowledges that the lands we are located on are the unceded ancestral lands of the Wiyot tribe. The land that Arcata rests on is known in the Wiyot language as Goudi'ni, meaning "over in the woods" or "among the redwoods." Past actions by local, State and Federal governments removed the Wiyot and other Indigenous peoples from the land and threatened to destroy their cultural practices. The City of Arcata acknowledges the Wiyot community, their elders both past and present, as well as future generations. This Acknowledgment seeks to aid in dismantling the legacy narratives of settler colonialism.

From: Alan Cook [REDACTED]
Sent: Thursday, March 20, 2025 10:58 AM

To: Kelsey Fletterick <kfletterick@cityofarcata.org>; Joe Mateer <jmateer@cityofarcata.org>

Subject: Rogers Garage

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Dear Kelsey and Joe,

Please see the attached letters and soil analysis in regard to the Rogers Garage property.

Approximately 15 years ago, a project was proposed for this parcel and was rejected based upon heavy metal toxicities and water quality. In fact, the situation on the ground is essentially unchanged.

I look forward to your thoughts.

Respectfully,
Alan Cook

From: [David Johnson](#)
To: [Alex Stillman](#); [Kimberley White](#); [Sarah Schaefer](#); [Stacy Atkins-Salazar](#); [Meredith Matthews](#)
Cc: [Rhea Varley](#); [City Manager's Office](#); [Netra Khatri](#); [David Loya](#); [Jennifer Dart](#); [Kelsey Fletterick](#); heidi.m.bauer@waterboards.ca.gov; heaven.moore@waterboards.ca.gov; tom.magney@waterboards.ca.gov; [Building Bayside Better](#); jason@holderecolaw.com; [Kari Samlaska](#)
Subject: History of dumping at Roger's Garage
Date: Tuesday, June 3, 2025 2:41:23 PM

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Dear Council members and fellow residents,

Many constituents and voters, ourselves included, applaud the City of Arcata and Danco for developing infill housing in Arcata. We look forward to a time when the neglected Roger's Garage site is a source of community pride, not a source of contamination and controversy.

As you review plans for developing the former Roger's Garage site, please keep in mind the 50+ years of vehicle repair, dismantling, and car crushing, from 1945 to 1998.

At the site (and currently visible) are corroding auto parts, car bodies, and car tires. Many were recently exposed by a Danco crew moving brush and soil.

For many years Pete Demassa (who sold to Danco) allowed his friends and associates to dump construction debris, appliances, sheet rock, solvents, asphalt, mattresses, paint, auto parts and batteries, brake pads, lumber, wiring, windshields etc. onto nearby parcels. This activity directly impacts APNs 509-191-20, 500-191-34, 500-191-27 and marginally parcels 500-191-38 and 500-191-41. The most egregious dumping took place at a huge, wet depression now hidden under blackberries and alders, behind parcel #500-191-41. We witnessed this dumping on repeated occasions in the 1990's.

At the time the City of Arcata enforced against Roger's Garage to end this practice. To our knowledge the City implemented no follow-up or clean-up. In our view this de facto dump site (extending well beyond the Danco property) must be considered when evaluating contamination of surface and ground waters. The waters arrive ineluctably at the drainage inlet (low point) on Danco property.

As described in Terry Clark's letter to Kelsey Fletterick (May 9, 2024) this neighborhood is permeated by prolific groundwaters. Once they cross underneath Old Arcata Road via the storm water system they arrive into the Coastal Zone, finally transiting Jacoby Creek Elementary School, and ending up in the bottomlands and Humboldt Bay.

During the process of remediating site contamination, we believe Danco and therefore the City of Arcata, should be required to discover and clear away the entire plume of surface wreckage. This would involve the parcels named above. Our understanding is that the City of Arcata (public) is entwined with Danco (privately held) utilizing public funds. To reach the

very best outcome the City of Arcata must partner in a full clean-up. All for one and one for all.

Before approving more loans or promoting this project, you owe it to yourselves to 'tour' this long ignored environmental wound and to investigate the scope of dumping.

Thank you for your consideration.

David Johnson & Kari Samlaska

From: [Alex Stillman](#)
To: [David Loya](#)
Subject: Fwd: Rogers Garage public hearing
Date: Monday, June 16, 2025 1:03:00 PM

Alex Stillman
707-845-3900
iPhone

Begin forwarded message:

From: Lee Dedini [REDACTED]
Date: June 15, 2025 at 10:15:46 PM PDT
To: Alex Stillman <astillman@cityofarcata.org>
Subject: Rogers Garage public hearing

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Dear Alex,

We have lived in Bayside for the last 42 years, with our boys going to Jacoby Creek School. We remember well the operation of Roger's Garage.

My main concerns have been what are the plans for remediation on the site of Roger's Garage. It is important that the records of contamination be accessible to the public. I am glad to know that the project is not exempt from CEQA and environmental review and also glad the City is working closely with the North Coast Regional Water Quality Control Board, which is the responsible agency for clearing contaminated sites for development.

Since studies show heavy metals exist, I do have concerns of any carving into the sloping grade of the property, which will expose these heavy metals to the surface and dust into the air. This is a problem with Jacoby Creek School children and teachers, in the immediate area.

I also think the proposed project has too many apartments for the space. Since there is zero street parking, the project space needs to hold adequate parking.

The City has the responsibility for considering all these issues on the proposed project.

Thank you,



From: [Alex Stillman](#)
To: [David Loya](#); [Merritt Perry](#)
Subject: Fwd: Roger's Garage Affordable Housing Project
Date: Tuesday, June 17, 2025 9:03:12 PM

Alex Stillman
707-845-3900
iPhone

Begin forwarded message:

From: Kristi Colbert [REDACTED]
Date: June 17, 2025 at 4:44:01 PM PDT
To: Alex Stillman <astillman@cityofarcata.org>, Kimberley White <kwwhite@cityofarcata.org>, Meredith Matthews <mmatthews@cityofarcata.org>, Stacy Atkins-Salazar <satkinssalazar@cityofarcata.org>, Sarah Schaefer <ssschaefer@cityofarcata.org>
Subject: Roger's Garage Affordable Housing Project

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Dear Mayor and City of Arcata Council Members,

I want to make it clear I am against the city's major housing project, Valley View Commons, proposed at 1622 Old Arcata Rd. Not only is this across from Jacoby Creek elementary school where traffic backs up multiple times daily, this will only increase congestion.

While I appreciate the Old Arcata Rd improvements, unfortunately, there is not enough parking. When there is a school event the bike lanes are entirely taken up, and garbage cans are left in bike lanes forcing bicyclists to ride in traffic.

We have responded to many accidents while living along this road. Car speeds are unfortunately incredibly fast, and there is A LOT of passing.

Bayside is not a suburban, high density zone. Nevertheless, Old Arcata Rd encounters an incredible amount of traffic. EMS response time is delayed related to distance and traffic congestion as well. The extra burden on City Fire Fighters and EMS responders must be considered. Our home insurance is already at risk related to this. This could make our neighborhood more uninsurable.

The units built downtown by the Co-op are much more appropriate use of space for this type of development. There are several more spaces that would be more appropriate for such a development.

My last concern is, why weren't we notified of this earlier?

Thank you for your time.

Best always,

Kristi Colbert

The scope of the development does not fit the suburban, low density zoning of the surrounding neighborhood where insufficient parking and school traffic create road congestion in the morning and afternoon and during frequent school events. The scale of this project with insufficient parking will only exacerbate these issues which are well known problems for the neighborhood.

Meaningful public participation has been completely lacking for this proposed development and adjacent property owners have never even been contacted

From: [Alex Stillman](#)
To: [David Loya](#)
Subject: Fwd: Comment on Roger's Garage Proposal
Date: Wednesday, June 18, 2025 7:07:41 AM

Alex Stillman
707-845-3900
iPhone

Begin forwarded message:

From: Rachael Smith [REDACTED] >
Date: June 17, 2025 at 10:26:32 PM PDT
To: Sarah Schaefer <sschaefer@cityofarcata.org>, Kimberley White <kwhite@cityofarcata.org>, Meredith Matthews <mmatthews@cityofarcata.org>, Stacy Atkins-Salazar <satkinssalazar@cityofarcata.org>, Alex Stillman <astillman@cityofarcata.org>, City Manager's Office <citymgr@cityofarcata.org>
Subject: Comment on Roger's Garage Proposal

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Good evening Arcata City Council,

My name is Rachael Smith. I grew up in Arcata and live in the Jacoby Creek School district. I attended Jacoby Creek School from K to 8th.

I have been very disappointed with the discussion I have heard so far about the proposed affordable housing project at Roger's Garage. I have heard a lot of fear and negative comments about the project due to environmental hazards. I understand that there is clean up necessary at the site, but the framing is flawed.

When brownfield sites are developed, they are cleaned up. If the concerns were made in good faith, they would be asking- how will it be cleaned up safely? What are the risks of *not* cleaning up the site?

I'm afraid the real reason for opposition is prejudice coming from one of the wealthiest neighborhoods in Arcata against multi- family affordable housing. There are very few, if any, multi family properties in the Jacoby Creek School

From: [Kathleen Stanton](#)
To: [Matt Bab](#)
Cc: [David Loya](#)
Subject: Fwd: Rogers Garage
Date: Tuesday, May 20, 2025 9:06:45 AM

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Hi Matt,
Here is the City Council Mtg. Agenda for TONIGHT.
IF YOU CAN BELIEVE IT, The City is proposing to BUY the 1.6 acre BROWNFIELD from Dan Johnson that was the former Rogers Garage!
Remediate the toxic soil and build 53 apts. with INADEQUATE PARKING across the street from Jacoby Creek School which is really going to negatively effect the neighborhood.

Would you please reach out to Mayor, Alex Stillman and Community Development Director, David Loya and call them and let them know about this parcel you have for sale and that it could make PERFECT PARKING for their housing development. Email them the MLS listing too!!

A Bayside neighbor is friends with the owners of Kambucha and says that they WILL NOT MOVE until their lease is up. So maybe there will have to be a substantial buyout and let them know that there will be tremendous construction activity next door with toxic soils being disturbed and so they might have second thoughts about staying.

I'm advocating tonight that they City buy this parcel and BUILD Housing on IT and CAP the Toxic Site and provide Parking there and a Dog Park and Solar Field so that the soils are NOT disturbed in this residential/school neighborhood.

Thanks Matt!
Kathleen Stanton

P.S. I have a personal email address for Alex, [REDACTED]
David Loya's email is, Dloya@cityofarcata.org

Begin forwarded message:

From: lisab [REDACTED]
Subject: Rogers
Date: May 19, 2025 at 3:36:45 PM PDT

To: Kathleen Stanton [REDACTED]

Hey. I want to make comments tomorrow evening, but I want to be in concert with those who have been working on this. Are there talking points that they have created?

Thx. Lisa

From: [Arcata](#) [REDACTED]
To: [David Loya](#)
Subject: Rogers Garage proposal
Date: Wednesday, May 21, 2025 1:23:47 PM

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Hi David,

My wife and I remember the chaotic closing of Roger's Garage which contained multiple piles of dead cars. A large amount of toxic material was left on site and of course it's still there.

This morning at 8 am we were unable to complete a left turn from Hyland St onto Old Arcata Road due to the heavy traffic whenever Jacoby Creek School is in session. Bayside simply can't accommodate more traffic.

Additionally, the Rogers Garage site would have to undergo very significant remediation and I don't see how that can be done safely.

Sincerely,

Gordon Inkeles
Bayside

District. Which means, by design, the district does not serve many lower income families and students because there is nowhere for them to live in the district.

I cannot attend the council meeting tomorrow so I am writing instead. I would like to comment on the nature of opposition to affordable housing in Arcata. Many people in this community claim to be pro low income housing but find reasons to oppose every project proposal. Let's not let the perfect be the enemy of the good.

I received an excellent education at Jacoby Creek, but it would have been improved by a more diverse educational environment in many ways including socio-economically. There is an abundance of research that supports that children are better educated and prepared for the world and realities outside of school when they receive a quality education among diverse students and families rather than in environments condensed with students and families from similar backgrounds.

The neighborhood and City of Arcata should be proud and supportive of the opportunity to welcome residents to Bayside who otherwise would not be able to afford to live in the neighborhood and attend JCS. It makes us all stronger.

I encourage the City to focus on what is important, which is bringing necessary and high-quality affordable housing to Arcata. Thank you.

Rachael Smith

RECEIVED
JUN 09 2025
CITY OF ARCATA
CITY MANAGER'S OFFICE



DaySide, CA 95521

June 6, 2025

RE: Roger's Garage Property

Dear Stacy Atkins-Salazar, Meredith Mathews, Sarah Schaefer, Alexandra Stillman, & Kimberly White

The Roger's Garage property is not an issue of housing. The more important concern is the health and safety of the community. Soil samples from the parcel were analyzed in 2009 demonstrating toxic levels of several heavy metals; lead, zinc, copper barium, and nickel. These pollutants are still there in quantities known to be health hazards. Excavation of the site in preparation for a building site will release the metals to the surrounding area, most importantly, to the Jacoby Creek Elementary School.

The government's job is to do the most good for the most people. A housing project requiring substantial excavation will unavoidably expose many to compounds known to damage people. The health and safety of the community should be the first and highest priority. Period.

Kevin Frank



cc: David Loya

From: [David Loya](#)
To: [Rhea Varley](#)
Subject: FW: 1622 Old Arcata Road - Roger's Garage Site
Date: Tuesday, May 20, 2025 8:52:43 AM

From: David Johnson [REDACTED]
Sent: Tuesday, May 20, 2025 8:25 AM
To: Alex Stillman <astillman@cityofarcata.org>; Kimberley White <kwhite@cityofarcata.org>; Sarah Schaefer <:sschaefer@cityofarcata.org>; Stacy Atkins-Salazar <satkinssalazar@cityofarcata.org>; Meredith Matthews <mmatthews@cityofarcata.org>
Cc: Rhea Varley <rvarley@cityofarcata.org>; City Manager's Office <citymgr@cityofarcata.org>; Netra Khatri <nkhatri@cityofarcata.org>; David Loya <dloya@cityofarcata.org>; Jennifer Dart <jdart@cityofarcata.org>; Kelsey Fletterick <kfletterick@cityofarcata.org>; heidi.m.bauer@waterboards.ca.gov; heaven.moore@waterboards.ca.gov; tom.magney@waterboards.ca.gov; Building Bayside Better <95524bbb@gmail.com>; jason@holderecolaw.com; Kari Samlaska <[REDACTED]>
Subject: 1622 Old Arcata Road - Roger's Garage Site

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To Mayor Stillman and members of the Arcata City Council,

Many residents and voters, ourselves included, applaud the City and Danco for developing infill housing in Arcata. We are writing specifically regarding the proposed development at 1622 Old Arcata Road, aka Roger's Garage.

We have owned our residence at [REDACTED] since 1994, so more than 30 years. Our single family home is located [REDACTED]

In our opinion, we are the family MOST IMPACTED by this proposed project. We sit immediately upslope and in the path of prevailing winds. As a major stakeholder in this project, we would like to be acknowledged.

Just this week we retrieved and read the documents attached to the upcoming City Council meeting agenda including the letters from the Holder Law Group.

While we recognize the City of Arcata faces specific regulatory and legal hurdles before moving forward, we believe an equal focus needs to be placed on the tone and

overall impact to Bayside and Jacoby Creek Elementary school.

Why is the City of Arcata considering appropriating City funds for this project and for "property acquisition", all without public engagement? That's outrageous. We respectfully request you immediately and actively elicit input from all concerned parties.

As far as we know these are the FIRST descriptive documents released to the public. Now it appears this "proposed" project has a name, number of units proposed, and architectural drawings!!! We request that we, and the public, be thoroughly engaged before the project gains irreversible momentum.

We will happily avail ourselves to open discussion with City Council members, City officials, or other stakeholders, at any time. With over 30 years of history involving the former Roger's Garage site and the mitigating conditions around the property, we believe we have an invaluable perspective to offer.

David Johnson & Kari Samlaska

From: [Jason Holder](#)
To: [David Loya](#); [Rhea Varley](#)
Cc: [Building Bayside Better](#); [City Manager's Office](#); Heidi.M.Bauer@waterboards.ca.gov; [REDACTED]
Subject: City Council Agenda Item 11.a.: Roger's Garage -- BBB Follow Up Comments
Date: Tuesday, May 20, 2025 1:00:19 PM
Attachments: [Follow Up Letter to City re Roger's Garage Project 052025.pdf](#)

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Dear Mr. Loya and Madam Clerk,

Attached, please find follow up comments submitted on behalf of Building Bayside Better. In a nutshell, and as illuminated in the comments, the letter raises the following substantive issues:

1. Defective CEQA Exemption Claim – Staff urges a Class 32 exemption without an unbiased analysis of contamination, wetlands, or air-quality risks and offers no substantial supporting evidence.
2. Brown Act Violations – The agenda omits any mention of the CEQA action (adoption of the Class 32 exemption), and the staff report misstates agency status, omits contamination history, does not mention the implications of the City purchasing the Project site, and withholds key documents, thwarting public participation (Gov. Code §§ 54950.1, 54954.2, 54957.5).
3. Missing Findings – Neither the staff report nor the resolution contains the explicit, evidence-based findings the California Environmental Quality Act (“CEQA”) demands, despite evidence of significant impacts caused by “unusual circumstances” that preclude the exemption.
4. Outstanding Environmental Issues – Lead and heavy metal contamination, hydrocarbons, shallow groundwater, and potential on-site wetlands remain unaddressed; traffic, air quality, noise, and cumulative analyses are still absent.
5. Timing Violations – Proceeding before the application is complete conflicts with AMC §§ 9.78.030 & 9.78.110 and CEQA Guidelines § 15004(b)(2)(A).
6. Premature Pre-Commitment – The City twice invoked the common sense exemption and now asserts the in-fill exemption while key studies and agency consultations are ongoing, contrary to *Save Tara v. City of West Hollywood*.
7. Improper Delegation – Critical environmental assessments were left to the developer without independent agency consultation and review, compromising the objectivity required under CEQA.
8. Needed Corrective Action – The Council should deny the exemption, direct preparation of an Initial Study that delineates contamination, defines remediation scope and cost,

and presents full fiscal and environmental implications before any further action.

The attached comments are being sent via email only, please confirm receipt.

Thank you in advance for your attention and consideration.

Regards,
-Jason

--

Jason W. Holder
Holder Law Group

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(510) 338-3759
jason@holderecolaw.com

May 20, 2025

VIA EMAIL ONLY

City of Arcata
City Council
Alexandra Stillman, Mayor
Kimberley White, Vice-Mayor
Meredith Matthews, Councilmember
Stacy Atkins-Salazar, Councilmember
Sarah Schaefer, Councilmember
C/O City Clerk:
Email: RVarley@CityofArcata.org

City of Arcata Planning Department
ATTN: David Loya, Community Dev. Director
736 F Street
Arcata, CA 95521
Email: dloya@cityofarcata.org

Re: **Follow Up Comments Regarding Proposed Project at the Roger's Garage site
(1622 & 1632 Old Arcata Road; File No. 242-020; Agenda Item 11.a.)**

Dear Mr. Loya and Honorable Members of the Arcata City Council:

On behalf of Building Bayside Better (“BBB”) we submit the following comments reiterating BBB’s objections to the City’s proposed reliance on the CEQA Class 32 infill exemption for the Valley View Commons (Roger’s Garage) project (the “Project”). We submit these comments on (1) the incomplete May 21, 2025 agenda reference to Item 11.a, (2) the non-objective and internally inconsistent staff report and attachments, and (3) draft Resolution No. 245-46. For clarity, the core deficiencies are summarized below:

1. Defective CEQA Exemption Claim – Staff urges a Class 32 exemption without an unbiased analysis of contamination, wetlands, or air-quality risks and offers no substantial supporting evidence.
2. Brown Act Violations – The agenda omits any mention of the CEQA action (adoption of the Class 32 exemption), and the staff report misstates agency status, omits contamination history, does not mention the implications of the City purchasing the Project site, and withholds key documents, thwarting public participation (Gov. Code §§ 54950.1, 54954.2, 54957.5).

3. Missing Findings – Neither the staff report nor the resolution contains the explicit, evidence-based findings the California Environmental Quality Act (“CEQA”) demands, despite evidence of significant impacts caused by “unusual circumstances” that preclude the exemption.
4. Outstanding Environmental Issues – Lead and heavy metal contamination, hydrocarbons, shallow groundwater, and potential on-site wetlands remain unaddressed; traffic, air quality, noise, and cumulative analyses are still absent.
5. Timing Violations – Proceeding before the application is complete conflicts with AMC §§ 9.78.030 & 9.78.110 and CEQA Guidelines § 15004(b)(2)(A).
6. Premature Pre-Commitment – The City twice invoked the common sense exemption and now asserts the in-fill exemption while key studies and agency consultations are ongoing, contrary to *Save Tara v. City of West Hollywood*.
7. Improper Delegation – Critical environmental assessments were left to the developer without independent agency consultation and review, compromising the objectivity required under CEQA.
8. Needed Corrective Action – The Council should deny the exemption, direct preparation of an Initial Study that delineates contamination, defines remediation scope and cost, and presents full fiscal and environmental implications before any further action.

Each issue is detailed in the sections that follow.

I. Brown Act Compliance: Agenda and Staff Report Are Incomplete and Biased.

A. Agenda Description Is Inadequate; Staff Report Lacks Objective, Complete Information.

The Brown Act declares that local agencies “exist to aid in the conduct of the people’s business” and that their deliberations must be open and informative. (Government Code, § 54950.1.) To help ensure that promise is fulfilled, Government Code § 54954.2(a)(1) requires that an agenda “briefly” yet clearly describe every action; courts hold that CEQA determinations—such as adopting a categorical exemption—are distinct items that must be listed. (*See San Joaquin Raptor Rescue Ctr. v. County of Merced* (2013) 216 Cal.App.4th 1167, 1178-79 [MND was separate agenda item that should have been listed in agenda but was not]; *see also Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194, 208-209 [the MND at issue in *San Joaquin Raptor* was “plainly a distinct item of business, and not a mere component of project approval, since it (1) involved a separate action or determination by the Commission and (2) concerned discrete, significant issues of CEQA compliance and the project's environmental impact”]).

Item 11.a on the May 21 agenda mentions only a CDBG Program-Income loan and is silent about the proposed Class 32 exemption. This omission violates the Brown Act's procedural and substantive requirements.

The staff report then advocates that exemption while down-playing or omitting material facts already in the record—lead contamination, petroleum “hot spots,” a shallow three-foot water table, and a delineated on-site wetland—asserting instead that the project will have “no significant effects.” These data appear in the Phase I/II ESAs, the 2024 wetland delineation, and Water-Board correspondence summarized in BBB's May 14 letter but are not quoted, linked, or addressed. The report further misstates agency feedback (calling the cleanup plan “approved” when, according to staff, the Water Board only “preliminarily indicated” comfort) and re-casts an incomplete application as lacking only “minor details.” Such selective presentation is incompatible with the Council's duty to remain a neutral, unbiased adjudicator. (*Woody's Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1021; *BreakZone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1234).

B. Funding Discussion Is Opaque and Omits Key Remediation Costs.

The “Financing” section of the staff report scatters dollar figures—\$180 k PLHA, ~\$820 k CDBG-PI, \$331,773 administrative offsets—without a sources-and-uses table, definitions of acronyms (CPLHA, CTCAC, residual-receipts “soft loan”), or basic loan terms (interest, security, repayment). It also requests Program-Income funds “to support gap financing for the acquisition of property” (presumably the Project site) yet never discloses the purchase price, whether that price discounts the lead- and hydrocarbon contamination, or the estimated cost of the Water-Board-mandated cleanup.¹ Equally opaque is the casual statement that the City “will likely seek additional state funding” without identifying which program or how much remains unfunded. HUD guidance for CDBG acquisitions requires that the price be “reasonable in light of any required remediation,”² information the report withholds. Without these fundamentals, neither the Council nor the public can gauge fiscal exposure or determine whether the City is effectively subsidizing unknown cleanup costs.

C. Resulting Brown Act Violations.

By failing to disclose the proposed CEQA in-fill exemption in the agenda and withholding (or failing to post or fairly describe) the critical environmental and financial documents required by § 54957.5(b)(1), the City frustrates “open and informed” deliberations (§ 54950). The City's incomplete and non-objective staff report denies residents the very information they need to

¹ The extent of contamination and rate and pattern of movement is particularly relevant to the City Council's deliberations, considering one of the recommended actions is to purchase the Roger's Garage property. (See draft Resolution 245-46 [allocating \$819,672 for “Acquisition of Real Property”]. The extent of the contamination is directly relevant to the obligation for remediation.

² See HUD Relocation & Acquisition Handbook 1378, ch. 5, § 5-2, available at: <https://www.hud.gov/hudclips/handbooks/cpd-1378-0>.

comment intelligently, defeating the Brown Act's goal of facilitating public participation in environmental decisions. By glossing over the significant contamination issue, ignoring the incomplete application, not mentioning the proposed City purchase of the contaminated Project site, and prematurely recommending adoption of an inapplicable CEQA exemption, the staff report does not fulfill these fundamental requirements.

The combination of an incomplete agenda and a biased, opaque staff report therefore violates §§ 54954.2 and 54957.5 and places any approval at risk of being set aside for lack of transparent, objective disclosure. To facilitate a fair and unbiased hearing, the staff report must present relevant information in an objective and informative manner.

II. CEQA Compliance: The Proposed Class 32 Exemption Is Both Substantively and Procedurally Defective, CEQA Applies and an Initial Study is Required to Determine the Appropriate Level of Environmental Review.

A. No Legally Adequate Findings

The in fill exemption set forth in CEQA Guidelines § 15332 requires explicit findings on each of the five criteria. The City must also affirm that no § 15300.2 exceptions apply. The obligation to make findings supported by substantial evidence is heightened, where, as here, the agency is presented with evidence that the project will have significant impacts due to unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 ["An agency presented with such evidence must determine, based on the entire record before it—including contrary evidence regarding significant environmental effects—whether there is an unusual circumstance that justifies removing the project from the exempt class"].)³

Neither the staff report nor the draft resolution contain written, evidence-based findings. Instead, the staff report offers a single conclusory assertion: "*Based on information in the current application and the record to date, the project qualifies for an Infill Exemption pursuant to CEQA Guidelines Sec. 15332.*" This statement does not enumerate—or analyze—any of the five Class 32 factors, nor does it grapple with the considerable substantial evidence in the record concerning contamination, shallow groundwater, and potential wetlands that trigger the "unusual-circumstances" and "significant-effects" exceptions under CEQA Guidelines §§ 15332(d), 15300.2(c)-(d).

³ Under the California Supreme Court's *Berkeley Hillside* decision, the City is required to support its decision to proceed with a categorical exemption with substantial evidence and to prepare at least an Initial Study whenever unusual site-specific hazards raise a fair argument of significant impact. (60 Cal.4th at 1103-05.) Here, the contamination and wetland conditions, and the related reasonable possibility that the Project would cause significant impacts, supply the substantial evidence to satisfy both prongs of the exception, so relying on the Class 32 exemption would constitute a failure to proceed in the manner required by law.

Arcata Municipal Code § 9.78.060(A) mirrors CEQA by requiring the City to evaluate exceptions before applying categorical exemptions and to state its reasons. Likewise, § 9.78.050(C) mandates public notice of any Notice of Exemption so that residents can understand *why* the exemption applies. Without written findings, the Council cannot comply with either provision.

Approving the exemption in its current form would: (1) leave the Council's decision unsupported by substantial evidence; (2) violate both CEQA and AMC Chapter 9.78; and (3) deprive the public—and the Council itself—of a transparent explanation of how the project allegedly avoids the significant water-quality impacts documented in the Phase I/II ESAs and the potential wetlands identified in October 2024 reports. BBB therefore urges the Council to continue the item and direct staff to prepare a proper set of draft findings that:

1. Explicitly analyze each Class 32 criterion with record citations;
2. Address, in detail, whether Project construction in the presence of documented hazardous-material contamination, shallow groundwater, and adjacent wetlands constitute “unusual circumstances” or pose a “reasonable possibility” of significant effects under § 15300.2; and
3. Explain how the record demonstrates the absence of significant impacts required by § 15332(d).

Should staff be unable to make such findings—because, for example, cleanup levels, wetland jurisdiction, or air quality, noise, and traffic effects remain unresolved—the Council must instead reject reliance on a categorical exemption and direct initiation of an Initial Study per AMC § 9.78.110(G). By insisting on legally adequate findings now, the Council will protect both public trust and the City from unnecessary litigation risk while ensuring that environmental review fulfills its fundamental informative purpose.

B. Continuing Substantive Deficiencies

The newly published staff report concedes that *“the project is currently seeking land-use permits ... [and] Danco Communities is working to complete the application, but preliminary plans have been submitted.”* (Agenda Packet, Staff Report to City Council re Agenda Item 11.a. (“Staff Report”), p. 60 of 122.) By the City's own admission, therefore, essential design details, technical studies, and mitigation measures are still in flux. At the same time, staff recommends that the Council immediately adopt a Class 32 infill exemption, claiming—without any supporting analysis and in the face of conflicting substantial evidence—that the project *“will not result in significant effects related to ... water quality”* and that *“there is no sensitive-species habitat on the property.”* (*Id.* at p. 61 of 122.)

The conclusory assurances in the staff report regarding the potential for significant environmental impacts ring hollow when set against the record evidence:

- Contamination and Water Quality: Phase I/II ESAs document heavy metals and lingering hydrocarbons; the site sits atop a three- to four-foot water table in a 40- to 50-inch annual rainfall zone, dramatically heightening the risk of contaminant mobilization. The staff report acknowledges neighbor concerns and vaguely states only that Water-Board staff have “preliminarily indicated” the clean-up plan is adequate—a far cry from transparent disclosure of remediation measures, techniques and logistics (including disposal), coordinated regulatory efforts, and a completed remediation.
- Wetlands and Sensitive Habitat: The October 2024 aquatic-resources delineation identifies potential jurisdictional wetlands and a spring-fed channel on the east boundary. The staff report’s blanket statement of “no sensitive species habitat” is unsupported and contradicted by the delineation.
- Air Quality Impacts: Disturbing the site’s lead- and petroleum-impacted soils during excavation, grading, or hauling would release contaminants to the air through two well-documented pathways: fugitive dust and volatilization. The U.S. EPA advises that “high concentrations of airborne lead particles ... can result from lead dust from contaminated soil” once that soil is disturbed,⁴ and OSHA’s construction-lead standard (29 C.F.R. § 1926.62) applies whenever construction activity may generate inhalable lead dust, confirming the routine nature of this risk.⁵ For petroleum residues, South Coast AQMD Rule 1166 presumes that excavating VOC-contaminated soil can emit significant volatile organic compounds and therefore mandates a mitigation plan with real-time vapor monitoring and dust suppression.⁶ Accordingly, the Project should be subject to a similar enforceable mitigation measure requiring that any earthwork on the project site adhere to controls such as wet suppression, negative-air enclosures, and vapor-suppression foams to ensure that airborne lead and VOC levels remain below ambient-air and occupational health standards.
- Traffic, Noise, and Cumulative Impacts: Staff relies generically on the General Plan 2045 EIR rather than a project-specific Vehicle-Miles-Traveled or noise analysis, even though neighbors have raised site-specific access and compatibility concerns.

⁴ See U.S. EPA, Lead's Impact on Indoor Air Quality, available at: <https://www.epa.gov/indoor-air-quality-iaq/leads-impact-indoor-air-quality>.

⁵ See OSHA, Lead in Construction, available at: <https://www.osha.gov/sites/default/files/publications/osha3142.pdf>.

⁶ See SCAQMD, Rule 1166, available at: <https://www.aqmd.gov/home/rules-compliance/compliance/rule-1166-site-specific-and-various-locations-soil-mitigation-plan>. This adopted measure is substantial evidence supporting the conclusion of feasibility.

Because these issues remain unresolved, the City cannot lawfully find that “*approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality*,” as CEQA Guidelines § 15332(d) requires. Nor can it conclude, under § 15300.2, that the contamination, shallow aquifer, and potential wetlands do not constitute “unusual circumstances” giving rise to a reasonable possibility of significant impact. Consequently, the City must prepare an initial study for the Project to determine the appropriate level of environmental impact analysis. (See *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 113 [If a project does not fall within any exemption, the agency “must proceed with the second tier and conduct an initial study”], citing Guidelines, § 15063.)

C. Violations of Arcata Municipal Code Chapter 9.78 (Environmental Impact Assessment)

The staff report effectively asks the Council to put the CEQA cart before the factual horse. CEQA forbids a lead agency from approving a categorical exemption until it possesses *substantial evidence* demonstrating that none of the § 15300.2 exceptions apply and that the § 15332(d) significance test is met. Yet the report admits that the applicant’s design review submittal is still incomplete and that environmental studies are “continuing.” By urging an exemption now, the City would: (1) contravene AMC §§ 9.78.030(A) and § 9.78.110(A), which, read together, mandate that environmental review be conducted “at the earliest feasible time” *after* an application is complete, not before; (2) flout AMC § 9.78.110(E)-(F), which requires an Initial Study when significant information gaps exist, and (3) nullify the informative purpose of CEQA Guidelines § 15004(b)(2)(A), which prohibits a public agency from taking actions that “*foreclose the formulation or implementation of any project alternatives or mitigation measures*” prior to environmental review.

In short, adopting the exemption now would finalize a finding of “no significant impact” before the evidence needed to support—or refute—that finding even exists. Such an approach conflicts with CEQA’s core requirements and purposes.

Indeed, as a starting point for the analysis, the City must accurately and consistently describe the development project. Here, the staff report describes the project as a “proposed 53-unit multi-family affordable housing development” whereas the preliminary design plans attached to the staff report describe the project as consisting of 45 units. Without an accurate and consistent project description, it is impossible to analyze project impacts and inform decision makers and the public about the environmental implications of this approval. (See *McQueen v. Bd. of Dirs.* (1988) 202 Cal.App.3d 1136, 1143 [“An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity”], citing *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.)

D. Premature and Unfounded Exemption Assertion

Notably, the invocation of the infill exemption is not even necessary for the purely funding decision before the City Council. The staff report does not explain how this approval is distinguishable from the November 2023 loan approval and the May 2024 approval for the application for Permanent Local Housing Allocation ("PLHA") funding, wherein the City twice relied upon the common sense CEQA exemption. The circumstances here are not distinguishable. Yet staff urges the council to declare, without factually supported findings and before the project is fully and accurately defined, that the in-fill exemption to CEQA applies.

Because the Planning Commission will consider land use entitlements, the Planning Commission should also consider, when the application is complete, the exceptions to the in-fill exemption that prevent its application.

The timeline attached as Exhibit 1 exposes an irreconcilable contradiction between the June 2024 assertion of the Class 32 in-fill exemption and the fact that essential environmental information is still being gathered nearly a year later. The pattern — loan funding, staff assurances they are "motivated to see this project through," and substantive agency work during rejection status—constitutes the very "pre-commitment" condemned in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 138-142.

E. Improper Delegation & Biased Information Gathering

The staff report's promise that "*the City is working closely with the Water Board*" is belied by e-mail threads in which staff ask the applicant to flesh out wetlands and drainage questions and then relay the applicant's answers to agencies as if they were neutral data. CEQA Guidelines § 15084(e) obligates the City, not the developer, to prepare and control the environmental analysis. By advancing an exemption while simultaneously outsourcing critical studies to an interested party and ignoring the evidence of potentially significant impacts, the City risks the very self-serving study problem addressed *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1103-04 [holding that, where opponents submit conflicting evidence creating a *fair argument* of significant effect, the agency must treat that conflict under CEQA's fair-argument test rather than simply credit the applicant's experts]. The Water Board's merely "preliminary" comfort with the clean-up plan (as reported in the staff report, but not corroborated) underscores that meaningful, independent review is still underway.

F. Renewed Demand for Corrective Action

BBB therefore reiterates that the Council must decline to adopt the Class 32 exemption on May 21. Instead, the Council should direct staff to:

1. Defer any CEQA determination until the applicant submits a *complete* design-review package and all technical reports necessary to assess traffic, noise, air-quality, water-quality, wetlands, and hazardous-materials impacts.

2. Prepare and circulate an Initial Study pursuant to AMC § 9.78.110 to determine whether a Mitigated Negative Declaration or, more appropriately, a full Environmental Impact Report is required. The Initial Study must include an analysis that:
 - delineates the full extent of lead- and hydrocarbon-contaminated soil and groundwater;
 - identifies all remediation requirements, schedules, and costs in consultation with the Regional Water Board;
 - analyzes the resulting air-, water-, traffic-, noise-, and biological-resource impacts; and
 - evaluates feasible means to avoid impacts and, for those that cannot be avoided, feasible mitigation measures.⁷
3. Consult in writing with the North Coast Regional Water Quality Control Board and U.S. Army Corps of Engineers regarding remediation and wetlands jurisdiction *before* making any exemption or significance finding.
4. Direct staff to provide a transparent sources-and-uses statement showing total development costs, acquisition price, remediation budget, loan terms, and any remaining funding gap, so the Council can assess both environmental and fiscal implications.
5. Provide BBB and the public with notice of each subsequent filing, study, and hearing so that CEQA's core promise of informed public participation is fulfilled.

Taking these steps will not impede affordable-housing goals; it will simply ensure that the project proceeds with full public disclosure, careful analysis, and feasible mitigation that protects both human health and Humboldt Bay's coastal wetlands.

III. Conclusion and Recommended Action

The record now reveals a two-fold lapse: (1) a CEQA failure—staff seeks to invoke a Class 32 exemption while critical facts about contamination, wetlands, and incomplete project design remain unstudied—and (2) a Brown Act failure—the agenda hides the CEQA decision and the staff report withholds material environmental and fiscal information, contravening Government Code, §§ 54954.2 and 54957.5. Together these errors deprive both the Council and the public of the full picture needed for a fair, unbiased adjudication.

To cure these defects and place the Project on a legally defensible footing, BBB respectfully requests that the Council take the corrective actions outlined above and re-notice

⁷ See, e.g., Exhibit 2: Proposed Mitigation Measure Haz-1, concerning remediating soil contamination prior to Project construction. This measure is feasible, specific, enforceable, and ensures that contamination is fully remediated and safely disposed of before any construction proceeds.

the matter on a future agenda that explicitly lists the CEQA determination as a separate action and ensures that all technical studies and financial analyses are posted in full at least 72 hours before the hearing. By resetting the process in this manner, the City will satisfy CEQA's informative purpose, comply with the Brown Act's disclosure mandates, and protect itself—and the public—from avoidable litigation and financial risk.

* * *

Please address any questions and provide all future notices to the undersigned at jason@holderecolaw.com and to BBB at 95524bbb@gmail.com. We appreciate your careful attention to this important matter and look forward to your prompt response.

Very Truly Yours,

A handwritten signature in black ink, appearing to be 'JH' followed by a horizontal line.

Jason Holder

cc: (Via e-mail only)
Merritt Perry, City Manager, City of Arcata (CityMgr@CityofArcata.org)
North Coast Regional Water Quality Control Board
(Heidi.M.Bauer@waterboards.ca.gov)
Client contacts

Attachments:

- Exh. 1. Recent Timeline for Project
- Exh. 2. Proposed Mitigation Measure Haz-1.

Exhibit 1

Date	Key Event	CEQA / AMC Implications
Nov 15, 2023	City Council adopts Resolution No. 234-17 authorizing a \$150,000 Permanent Local Housing Allocation (PLHA) pre-development loan to Danco Communities for studies, design, and permitting at 1622 Old Arcata Rd. (Roger's Garage). Loan later amended to \$180,000	Commits public funds and signals project approval before any Phase I/II ESA, wetlands study, or Initial Study, implicating the "pre-commitment" doctrine of Save Tara and violating AMC § 9.78.030(A) timing requirements.
May 29, 2024	City Council adopts Resolution No. 234-56 authorizing an application to the Competitive PLHA Program for additional state funding for the Valley View Commons project at 1622 Old Arcata Rd.	Further financial commitment while environmental review remains incomplete; no CEQA analysis accompanies the funding action, reinforcing pre-commitment concerns and undermining the neutrality required for later CEQA determinations.
Jun 3 2024	City executed Environmental Verification claiming Class 32 infill exemption for CPLHA loan.	Exemption claimed by staff before any Phase I/II, wetlands, or public review; violates AMC § 9.78.110(A) & CEQA timing rule.
Jun 23 & Jul 1 2024	Phase II & Phase I ESAs prepared, confirming heavy-metal and hydrocarbon contamination.	Evidence of "unusual circumstances" negating categorical exemption (Guidelines § 15300.2(c)).
Oct 2024	Aquatic Resources Delineation identifies 0.05 acre potential wetlands.	Wetlands trigger possible § 404 permitting; contradicts § 15332(d) water-quality finding.
Mar 3 2025	Internal e-mail: City "just received" environmental documents and begins routing for comment.	Confirms exemption was claimed without "substantial evidence."

Date	Key Event	CEQA / AMC Implications
Mar 20-21 2025	Planner admits "finalized environmental documentation" still pending.	Violates AMC § 9.78.030(A) (early study required).
Apr 21 2025	Design Review application formally rejected as incomplete.	No active discretionary project.
Apr–May 2025	City continues wetland consultations and directs Danco to investigate water source.	Work in "procedural no-man's-land"; improper delegation (Guidelines § 15084(e) [DEIR preparation may be delegated but requires lead agency to subject "the draft to the agency's own review and analysis because "[t]he Lead Agency is responsible for the adequacy and objectivity of the draft EIR"]]).
Apr 29 2025	Regional Water Board orders bimonthly cleanup status reports; re-affirms mandatory remediation.	Underscores contamination severity; exemption untenable.
May 16, 2025	Staff report to City Council released, recommending adoption of infill exemption for an inconsistently described project.	Premature determination unnecessary for the funding decision before the council. No supporting evidence or explicit findings are provided addressing the potentially applicable exceptions to the exemption.

Exhibit 2

Mitigation Measure HAZ-1: Pre-Construction Soil Remediation and Safe Disposal

Performance standard (CEQA Guidelines § 15126.4(a)(2) No soil remaining on-site shall exceed the most stringent DTSC/USEPA residential Regional Screening Levels (RSLs) for lead, total petroleum hydrocarbons (TPH), or any other contaminant identified in the Phase I/II ESAs. All excavated contaminated soil shall be removed to a licensed Class I or Class II disposal facility in full compliance with Title 22 hazardous-waste regulations.

1. **Regulatory Oversight.** Prior to grading-permit issuance, the applicant shall execute a Voluntary Cleanup Agreement with either the Department of Toxic Substances Control (DTSC) or the North Coast Regional Water Quality Control Board and submit an agency-approved Remedial Action Plan (RAP).
2. **Soil Management Plan (SMP).** The RAP shall include an SMP that identifies hotspots, excavation depths, dust- and vapor-control methods, worker Health & Safety Plan, and sampling/analysis protocols.
3. **Remediation and Disposal.** Before any foundation work, the applicant shall:
 - Excavate all soil exceeding the RSL performance standard;
 - Stockpile, manifest, and transport that soil to a licensed hazardous- or non-hazardous-waste facility, as dictated by lab results; and
 - Implement real-time dust suppression and VOC monitoring.
4. **Confirmation Sampling.** Following excavation, collect confirmation samples per the approved RAP. If residual concentrations still exceed the RSLs, repeat excavation and sampling until the standard is met.
5. **Verification and City Sign-Off.** Within 30 days of field completion, submit a Closure/Completion Report summarizing disposal manifests, laboratory data, and confirmation sampling. The City shall not issue building permits until the oversight agency issues a "No Further Action" or equivalent clearance letter.
6. **Mitigation Monitoring.** The City's Building Division shall incorporate the RAP, SMP, and oversight-agency conditions into the Mitigation Monitoring and Reporting Program and verify compliance at the pre-construction meeting, during excavation, and prior to final grading approval.

This came into the CMO inbox.

Thank you,
Beth

-----Original Message-----

From: Kathleen Stanton <[REDACTED]>
Sent: Monday, August 11, 2025 2:06 PM
To: City Manager's Office <citymgr@cityofarcata.org>
Subject: Former Rogers Garage Site: 1622 Old Arcata Rd., Bayside

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.

Hello Merritt,

I'm a long time resident of Bayside and have followed the contamination of the site with the Regional Water Quality Control Board since 2000 when Dan Johnson purchased the property.

I have also gone through several reiterations for development of this property by Danco over the years to no avail which have all been controversial.

He always wants to put BIG DEVELOPMENT on this site that doesn't fit the scale of the residential neighborhood that surrounds it and the fact that there is an Elementary School across the street which creates TRAFFIC and PARKING problems never seems to be SERIOUSLY considered. Now we have a very popular cafe at the corner of Hyland & Old Arcata Rd.

which takes up all the street parking every day, but Tuesday (including weekends) which is another impact to this residential neighborhood.

I understand that the City wants to have a Neighborhood Meeting about the proposed housing project planned for this property.

I have reached out to David Loya with my suggestion that the meeting be held in Bayside at the Grange which is where most of the concerned residents and the Developer live.

I didn't get a commitment to that very basic request so I am reaching out to you to see if you will help us achieve that.

We would like to have a very brief presentation by the Developer and another very brief presentation by the City regarding the EIR and the CDBG funding with most of the time devoted to a Question & Answer Format (with microphone) by the residents to the Developer and the City. We definitely do NOT want to be divided into little groups as if this was a Design Charette :(And we'd like the City to record the meeting and post it on the City's website.

Anything you can do to help facilitate a FAIR and INFORMED meeting in Bayside would be greatly appreciated.

Regards,

Kathleen Stanton

BBB (Building Bayside Better)