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Subject: Kiriki Delany: Affected Property Owner Public Comment Re: Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit; Bayside Area; Record Number PLN-2022-1764 (filed 2/28/2022)
Date: Monday, May 02, 2022 8:30:34 PM
Attachments: [image002.png](#)
[1458 Prezoning 2212 Jacoby Creek Road effective 6 20 2015 \(PDF\) 201505281010372175.pdf](#)
[KirikiLetter PC. 5-05-2022.pdf](#)

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VIA E-MAIL ONLY

Humboldt County Planning Commission
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Re: Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit; Bayside Area; Record Number PLN-2022-1764 (filed 2/28/2022)

Meeting Date: May 5, 2022 at 6 p.m.

Honorable Commission Members:

My name is Kiriki Delany, and I own the nationally historic registered property, "the Old Jacoby Creek Schoolhouse", at 2212 Jacoby Creek, National Register #85000353. I am also a member of Bayside Cares, a group of concerned residents of the Project Area, who strongly oppose this Project.

The Humboldt County Planning Commission should not grant a coastal development permit for the above-referenced Project because the Project violates sections 3.18 and 3.29.1 of the Local Coastal Plan. Those sections of the Local Coastal Plan require, where new development will adversely affect archeological or paleontological resources identified by the State Historic Preservation Officer, reasonable mitigation measures be required.

I own "The Old Jacoby Creek Schoolhouse", a building in the National Register of Historic Places, also identified by the State Historic Preservation Officer, which is immediately adjacent to the Project's roundabout or traffic circle. The Old Jacoby Creek Schoolhouse will be quite adversely affected by the Project and nothing has been done to mitigate the adverse effects on my beautiful historic building, of the adverse effects on the neighboring historic property, also in the National Register of Historic Places and identified by the State Historic Preservation Officer, "Temperance Hall", which is being used by Mistwood Montessori School.

Having a large, urban roundabout constructed right in front of The Old School House, 2212 Jacoby Creek Road, apn 501-011-006, completely destroys the building's historic context and setting. A large, modern, paved roundabout is right next to the building, headlights will glare in the windows, traffic noise and vibration will be brought closer to the building, and the beautiful, rural feeling of the area in which it is now situated will be destroyed.

It will also destroy the historic context and setting of the Temperance Hall, being used as Montessori School, which is also adjacent to the large, urban roundabout the Project includes.

I have implored the city of Arcata at every step to reconsider the roundabout and instead choose the preferred T-Intersection alternative that was presented to the public. Many of the involved citizens, as well as the consultants that produced reports for the project, considered this an equally, if not superior alternative.

I believe the city has a conflict-of-interest issue at the heart of this project, and therefore the roundabout is the only option that is being presented by the community development director Dave Loya, because it is the option that will pay most money to the engineering firm, GHD. Joshua Wolf, the person in the City of Arcata most active in causing this Project to be considered and approved by the Arcata City Council, has at all times been an engineer employed by GHD, and as GHD's employee, he designed the project and wrote the environmental documents.

Everything to do with this Project was the result of a conflict of interest, and was done to enrich the engineering firm, GHD, and not to benefit the public. (Please see the Comment Letter from Chris Johnson Hamer, the attorney for Bayside Cares.) The contracts concerning this Project are all void because they are the result of this conflict of interest.

If this Project including the roundabout is approved, after I pursue all necessary appeals, I will be obliged to file a lawsuit, because I feel so strongly about the damage this Project is going to cause. My property and the many other historic properties in the area will all be irretrievably and permanently damaged in their historic context and setting. A large, urban roundabout will be constructed right next to these historic structures, there will be glaring headlights directly into the building, traffic will be brought many feet closer, and the historic setting and context will be utterly destroyed.

In 2015, the City of Arcata, passed an ordinance requiring that the historic structure, setting and context of my building, the Old Jacoby Creek School House, had to be preserved.

In 2015 I was required to connect my historic building to the Arcata sewer system. In conjunction with the approvals the City of Arcata imposed the following pre-zoning conditions.

For full reference please see attached 1458 Prezoning 2212 Jacoby Creek Road effective 6 20 2015 (PDF)_201505281010372175.pdf source: <https://www.cityofarcata.org/DocumentCenter/View/440/1458-Prezoning-2212-Jacoby-Creek-Road-effective-6-19-2015-PDF?bidId=>

“Future development shall provide special consideration to potential impacts to Cultural and Historical Resources on the site as the property is listed on the National Register of Historic Places – National Register #85000353 and has had archaeological investigations and tribal consultation/monitoring.

“Future development shall also not significantly diminish the school’s historical structure, context or setting.

The maximum percentage of site area to be occupied by structures, parking, driveways and pavement shall not exceed 60%.”

In 2015, the City of Arcata clearly recognized both the historic building resources, and expressed sensitivity to native cultural resources potentially in the area.

I cannot reconcile why, in 2015, the City of Arcata imposed these conditions on development of my historic property, and now the City of Arcata wants to construct a large, urban roundabout right in front of my property, that will most certainly have severe adverse impacts on the historic context and setting of my building, other historic buildings in the area including the Temperance Hall, as well as having an adverse impact on cultural resources.

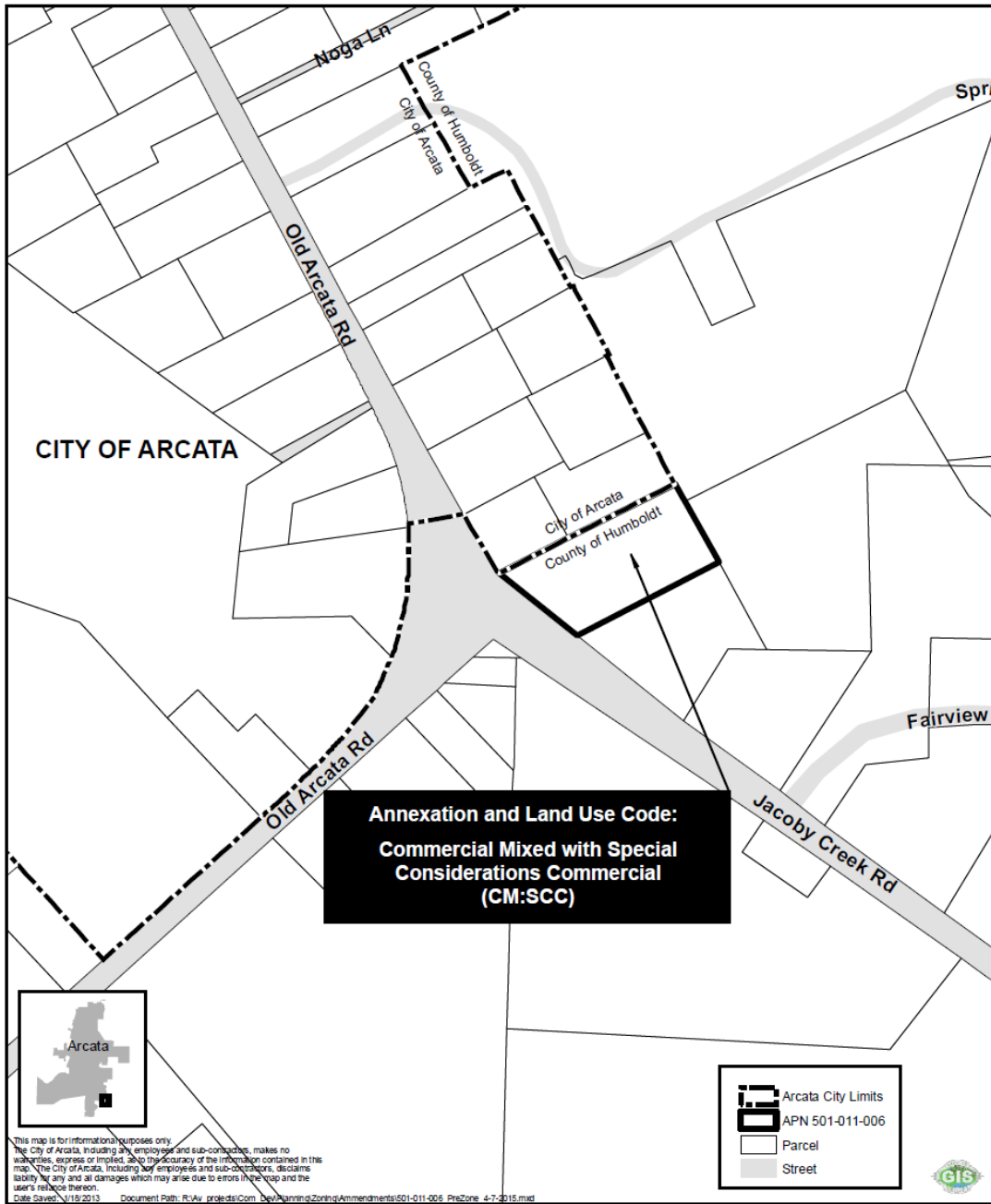
Is Arcata merely this hypocritical in how it treats the general plan and due process for property owners compared to their own projects? Yes, they are. But in this case, it is also seeming to be illegal.



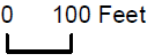
I don’t vote in Arcata, nor do I have any representation from them within the public process. I have standing that has been denied and ignored as an affected property owner.

I humbly ask the Humboldt County Planning Commission to represent my interests as a county voter and deny the round-about portion of the project.

Please see the map the City used for its pre-zoning code changed. It clearly shows the entire portion of the round-about is 100% within County jurisdiction. I believe it is 100% within the county right to deny this permit.

Please consider it, as the city can easily change their plans to the alternative T intersection, which will just as equally improve safety and at the same time, not further impact the properties and existing rural community.



 <p>City of Arcata Environmental Services</p>	<p>Annexation and Land Use Code Zoning Map Amendment to Prezone 2212 Jacoby Creek Road Assessor Parcel Number 501-011-006</p>	 <p>NORTH</p> 
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The Mistwood School and the Old Jacoby Creek building are actively used by many citizens who will be adversely impacted. Think of the school children, as well as the office workers at StreamGuys, and the residential renters. They will all be impacted by the construction, as well as the proximity of the traffic from the round-about. Our access becomes more dangerous to enter the properties, as do activities like logging, which are significant due to the City of Arcata's largest timber holding, in upper Jacoby Creek Valley. They will not be

able to drive the trucks safely around the round-about. Why would this be allowed so close to a school?

The Roundabout was simply chosen because GHD had its finger on the scale. This is highly improper.

Please deny the application for a Coastal Development Permit for this Project.

Thank you,

Kiriki Delany
President
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1.707.826.1349 fax



ORDINANCE NO. 1458

An Ordinance of the City Council of the City of Arcata Amending Arcata Municipal Code Title IX—Land Use Code, Section 9.12.020, *Zoning Map*, to Prezone 2212 Jacoby Creek Road as Commercial Mix (CM) with Special Considerations-Commercial (:SCC)

The City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Zoning Map Amendment.

Arcata Municipal Code Title IX—Land Use Code (LUC), Section 9.12.020, *Zoning Map*, is hereby amended by the addition of prezoning standards adopted in conformance with Land Use Code Section 9.92.060, *Prezoning*, as follows:

The property identified as the area on Exhibit 1 attached hereto and incorporated herein, is hereby prezoned as Commercial Mixed with Special Considerations-Commercial (CM:SCC).

SECTION 2. Zoning Text Amendment.

Arcata Municipal Code Title IX—Land Use Code (LUC), Section 9.26.070, *Commercial, Industrial, and Public Facility Special Considerations*, is hereby amended by the addition of the following Special Considerations-Commercial Zone Requirement no. 1b.

SCC Zone	Area	SCC Zone Requirements
1a	Giuntoli Lane at Hwy. 101: Graham site	Commercial development should include consolidated access points, parking that is screened, and setbacks from the Mad River. This property is within the Urban Services Boundary, must be annexed, and has a Planned Development (:PD) overlay.
1b	<u>2212 Jacoby Creek Rd Assessor's Parcel Number: 501-011-006</u>	<u>In addition to the permitted uses allowed in the base zone, the following uses shall be considered as permitted uses: Studio - Art, dance, martial arts, music etc.; Fitness / health facility; Meeting facility, public and private; School – Elementary, middle, secondary; School – Specialized; and Theater, auditorium.</u> <u>Future development shall provide special consideration to potential impacts to Cultural and Historical Resources on the site as the property is listed on the National Register of Historic Places – National Register #85000353 and has had archaeological investigations and tribal consultation/monitoring.</u> <u>Future development shall also not significantly diminish the school's historical structure, context or setting. The maximum percentage of site area to be occupied by structures, parking, driveways and pavement shall not exceed 60%.</u>

SECTION 3. Findings of Approval.

Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation PC-14-06, dated April 15, 2015, the following findings are hereby adopted:

1. The unincorporated PROPERTY as shown on Exhibit 1 is within the City's Sphere of Influence and Urban Services Boundary. No additional urban services are required because the subject parcels is already served by City wastewater services and existing water services are proved by the City of Arcata through the Jacoby Creek Water District; and
3. The proposed amendment is consistent with the General Plan; and
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
5. The Planning Commission's Resolution PC-14-06 adopted on April 14, 2015, recommended classifying the PROPERTY Commercial Mixed with Special Considerations-Commercial (CM:SCC); and
6. The PROPERTY is physically suitable (including absence of physical restraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.

SECTION 4. California Environmental Quality Act (CEQA) Determination

This Ordinance is subject to the California Environmental Quality Act (CEQA) Guidelines §15319 categorical exemption (Class 19—Annexations of Existing Facilities and Lots for Exempt Facilities) adopted by the Arcata City Council pursuant to Resolution No. 145-14 on May 5, 2015.

SECTION 5. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 6. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

SECTION 7. Effective Date

Section 1 of this ordinance shall take 30 days after adoption.

Attachment: Exhibit 1

DATED: May 20, 2015

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1458**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 20th day of May, 2015, by the following vote:

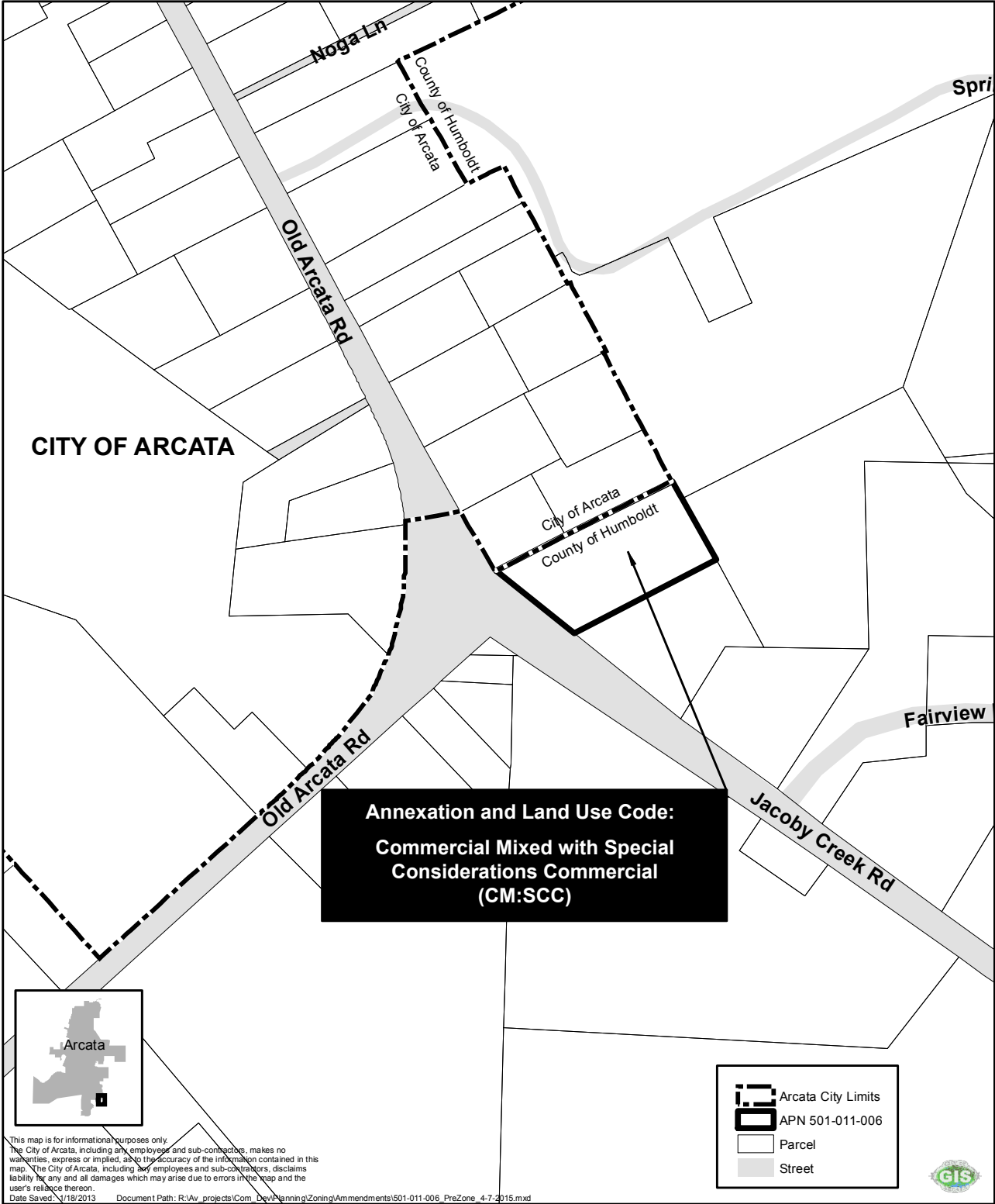
AYES: WINKLER, PITINO, ORNELAS, PEREIRA, WHEETLEY

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Michael Winkler
City Clerk, City of Arcata



**Annexation and Land Use Code Zoning
Map Amendment to Prezone
2212 Jacoby Creek Road
Assessor Parcel Number 501-011-006**

