

CITY OF ARCATA
Approved PLANNING COMMISSION REGULAR MEETING MINUTES

Approved 03/08/2011 by 6-0 vote

COUNCIL CHAMBER
736 F Street, Arcata, CA 95521

February 22, 2011
Tuesday, 7:00 p.m.

Persons with disabilities may request special accommodations by contacting the City Clerk at 822-5953 three working days in advance of the meeting. Assistive listening devices are available.

- I. **ROLL CALL.** Commissioners Present: Robert Flint (Chair), Julie Vaissade-Elcock (Vice Chair), Chuck Giannini, Paul Hagen (arrived after roll call), Judith Mayer, and Daniel Tangney. Currently, there is one vacancy on the Planning Commission. Staff Present: Director Oetker; Deputy Director, Loya; City Attorney Diamond; Senior Planner Mullen.
- II. **ORAL COMMUNICATIONS.** None
- III. **CONSENT CALENDAR.** Approved by unanimous vote on motion by Vaissade-Elcock and second by Mayer.
 - A. **APPROVAL OF MINUTES.**
 - 1. Approve Minutes of February 8, 2011
- IV. **PUBLIC HEARINGS.**

- A. **Church of Jesus Christ of Latter-day Saints (LDS) Demolition File Number 090-045-DR2:** Staff provided a report focused on the legal analysis provided by the applicant's agent and the legal opinion provided by the City's Attorney, which established that the City did not have authority to exercise its the historic or aesthetic regulations per California Government Code (CGC) § 37361. Staff reported that the discretionary review still stood and recommended the Commission direct staff to finalize and circulate the Initial Study. The applicant provided a presentation wherein the representative of the Church 1) objected to the City's designation of the structure as a historic landmark, and 2) testified that the demolition request was motivated by the substantial hardship that would exist if the structure was designated and could not be demolished as a result.

The Commission Chair acknowledged that there were members of committees and the Historic and Design Review Commission present and stated that he considered it inappropriate for them to speak on the project. A lengthy dialog ensued. The Chair ultimately ruled that it was inappropriate for them to speak; allowed that Commissioners could ask questions of those members present if they choose; none made queries. Several neighbors spoke; all of whom requested the Commission to approve the demolition request. The Commission closed public testimony.

The Commission then deliberated and, on motion by Hagen, second by Vaissade-Elcock, and unanimous voice vote, directed staff to finalize the initial study and circulate it so the matter could be considered for adoption. Staff recommended an April 2011 timeframe for returning the item to the Commission.

B. Campbell Creek Apartment Planned Development Permit and Coastal Development Permit - File Number 090-004-PDP-CDP: The Planning Commission opened the Public Hearing and received the Staff Report, that addressed primarily a comment letter from the Regional Water Quality Control Board on the Initial Study. Staff reaffirmed the approval based on the extensive review and public process, including review by the City's Creeks and Wetlands Committee and Environmental Services Department (ES). The applicant's agent provided a brief presentation and requested amendment of a condition of approval to allow for the ES Director to authorize use of herbicides if he was convinced the wetland restoration could not be successful otherwise. Staff supported the change and suggested this would be a difficult threshold. The Commission asked for public testimony; none was given. The Commission deliberated, reviewed the proposed Action, Conditions of Approval, Findings of Approval, and the Mitigated Negative Declaration; and then adopted the Mitigated Negative Declaration and the Action including the Findings and Conditions of Approval on motion by Hagen, second by Tangney and a 6-0 voice vote.

V. BUSINESS ITEMS. None

VI. CORRESPONDENCE. None

VII. COMMISSION / STAFF COMMUNICATIONS.

A. PLANNING COMMISSION COMMUNICATIONS.

1. Mayer recommended staff address the root cause of the confusion and issues that had arisen on the LDS project with respect to recommending bodies' members addressing another body. Deliberations continued and all agreed that something must be done to address the problem. Director Oetker informed the Commission that the Council was in the process of addressing this matter in their revision to the Protocol Manual.

B. STAFF COMMUNICATIONS.

VIII. ADJOURNMENT. 9:00 p.m.

Arcata Municipal Code Section 2204.B Commissions. If any member of a commission is absent for four regularly scheduled meetings in a calendar year, the secretary to the commission shall certify that fact to the Council and the Council shall thereafter declare the position on the commission to be vacant.

2011 Meetings	Jan 11	Jan 25	Feb 8	Feb 22	Mar 8	Mar 22	Apr 12	Apr 26	May 10	May 24	Jun 14	Jun 28	Jul 12	Jul 26	Aug 9	Aug 23	Sep 13	Sep 27	Oct 11	Oct 25	Nov 8	Nov 22	Dec 13	Dec 27
Vacant																								
Robert Flint	X	X	X	X																				
Chuck Giannini	X	X	X	X																				
Paul Hagen	X	X	X	X																				
Judith Mayer	X	X	X	X																				
Daniel Tangney	X	X	X	X																				
Julie Vaissade-Elcock	X	X	X	X																				

Note: Chair Flint; Vice Chair Vaissade-Elcock. Staff Liaisons: David Loya/Joe Mateer
 X = present; O = absent; * = no meeting; S = special meeting (not considered regular attendance).

Attest:


 David Loya, Deputy Director