

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD FEBRUARY 8, 2005**

I. CALL TO ORDER:

Chairwoman Mehranian called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill, Davitt, Engler and Gelhaar, Deputy City Attorney Noonan, Director of Community Development Stanley, Senior Planner Buss, Planner Gjolme, Planning Aide Shimazu and Planning Intern Mikhail.

III. PLEDGE OF ALLEGIANCE

Commissioner Cahill led the salute to the flag.

Chairwoman Mehranian announced that the applicant for continued item VI; Pepe's Restaurant, had requested a continuance. Testimony was invited from anyone who wished to address this matter. Since commentary was not offered, the public hearing was closed. M/S/C Engler/Gelhaar to continue Conditional Use Permit 383 to March 10th. Unanimous.

IV. COMMENTS FROM THE PUBLIC:

Comments were invited on any item not on the agenda. Comments were not offered.

Commissioner Davitt requested that item B, for the La Cañada Presbyterian Church, be pulled for discussion.

Chairwoman Mehranian elected to re-order the agenda and hear the La Cañada Presbyterian Church request last.

V. CONSENT CALENDAR:

A. Minutes of January 25, 2005 were not submitted

B. Resolution 05-08; approving Conditional Use Permit 382; Variance 04-02; Tree Removal 04-64; La Cañada Presbyterian Church, 626 Foothill Boulevard – (pulled for discussion)

C. Determination of Substantial Conformance; Conditional Use Permit 309, Variance 02-01, La Cañada Methodist Church, 104 Berkshire Avenue

M/S/C Gelhaar/Davitt, finding that the applicant's request to eliminate the sanctuary from its project and putting the Fellowship Center on hold.
Unanimous.

VI. CONTINUED PUBLIC HEARINGS:

A. Conditional Use Permit 383; Pepe's Restaurant; 927-929 Foothill Boulevard:

Continued as previously discussed.

VII. PUBLIC HEARINGS:

A. Conditional Use Permit 390; Hillside Development Permit 04-77; Champ; 3791 Hampstead Road:

Commissioner Engler recused himself from reviewing this matter, as he resides within 500 ft of the project site.

Planner Gjolme reported that the applicants' proposal to install a swimming pool requires retaining walls up to 6 ft in height; a CUP is required as the pool would be located in the front yard, between the residence and the street.

The nearly 33,000-sf site is located near the City's southern border in the R-1-20,000 zone. It slopes upward along its entire frontage and is accessed from the southeast via an ascending driveway. The irregular shaped property yields an average width of 140 ft and it does not have a functional back yard; the only avenue for expansion is to the side and front.

The project entails a new terrace/patio, pool and spa along the southeast perimeter with outward-facing retaining walls up to 6 ft in height. Though the walls could have been processed with an Administrative Hillside approval, the need for a CUP triggered Planning Commission review. Staff did however, administratively approve a new trellis attached to the home's roof, which is consistent with home's 10-ft substandard setback.

Upslope views of the new wall would be possible from a short segment on Hampstead. While minimal, that view would be intensified from removal of a large pine and a bank of oleanders; Staff recommended installation of 3-4 new trees along the driveway's upslope. At the base of the wall, Staff recommended installing shrubs rather than cactus as proposed, that would reach a height of 5-6-ft at maturity. The draft conditions require a revised landscape plan subject to the approval of the Director.

Chair Mehranian commented that the staff report is silent with regard to safety precautions for the front yard pool.

Planner Gjolme stated that the issues with pools located in front yard areas deal with noise and view impacts, rather than safety issues. He added that the County will require fencing and with the pool's distant and upslope location, issues of safety are not apparent.

Director Stanley advised that a fence would be administratively handled through Building & Safety, though a condition could be attached with approval of the retaining walls.

Commissioner Cahill reported that the property owner advised of his intentions to erect a fence.

John Schmidt, Behr Construction, noted that story poles show existing grade and the location of the proposed wall. The infinity pool will not have hard masonry edges and he was certain that the wall height would be lower than 6 ft. He believed that the wall and the guard rail on the patio side would satisfy County requirements.

Chair Mehranian opened the public hearing; since comments were not offered, the public hearing was closed.

Commissioner Cahill supported Staff's findings. He observed that due to the property's configuration, there is no back yard area; he preferred having a pool in the front yard rather than a structure within the generous front setback.

Commissioners Davitt and Gelhaar concurred, so long as a revised landscape plan was submitted.

Chair Mehranian confirmed with Mr. Schmidt that the story poles an accurate reflection of the project.

M/S/C Gelhaar/Davitt to approve Conditional Use Permit 390 and Hillside Development Permit 04-77 with an added condition requiring a revised landscape plan. 4 Ayes; Engler recused.

B. Hillside Development Permit 04-78; Modification 04-90; Sleeper; 5207 Crown Avenue:

Planner Gjolme reported the applicants' request to allow a 1,788-sf residential expansion along the east side and at the rear of their property. The first floor would be expanded by 715-sf, and a new, 1,073-sf second floor would be constructed. The Modification addresses an inward-facing, over-height retaining wall located within the east side setback.

The 16,600-sf project site is located on Crown Avenue, just east of its intersection with Stardust Road, in the R-1-15,000 Zone. Typical of many lots on the north side of Crown, it slopes up to a level building pad and has a severe upslope at the rear. Average slope reaches 36%.

A unique aspect of the first-floor expansion is the inclusion of an attached ALQ, which complies with code and maintains the architectural integrity of the home. Further, it mandates compliance with the Slope Factor Guidelines and reduces overall floor area by more than 1,000-sf. A new, single-car garage would be constructed to the east, which requires extension of an existing retaining wall to a height of 9 ft, exceeding the 6-ft maximum allowed for walls located within side yards. Planner Gjolme noted that the wall's visibility would be minimal, due to its location at the side of the home and adjacent to a neighbor's ascending driveway. The second floor is shown as generously recessed and well modulated, reaching 25 ft at its highest point; however, a second-floor deck, with an open trellis roof is proposed along the west side of the master bedroom. Since the neighboring home is at a lower elevation, views into that back yard's pool would be possible; draft conditions require eliminating it as currently configured.

In conclusion, Staff considered the project as sensitively scaled and compatible with its surroundings, especially with the .22% floor area reduction mandated by inclusion of the ALQ.

Responding to a question from Commissioner Cahill, Planner Gjolme explained that recent state law exempts code-compliant ALQs from the CUP review process. He noted that in this case, Code required application of the Slope Factor Guideline reduced the amount of allowed floor area to 3,955-sf.

Commissioner Gelhaar noted that condition 11 allows relocation of the second-floor deck, but Staff now seems to favor eliminating it.

Planner Gjolme pointed out that because the deck's roof would be an open trellis, the deck is not counted towards floor area; however, relocating it would require a solid roof and the project now is at the maximum floor area allowed.

Chair Mehranian opened the public hearing.

Applicant Mary Sleeper advised that she and her husband would reside in the new ALQ; their son and his family will live in the expanded home.

Marcia Buehler, 5214 Crown Avenue, expressed concern with construction vehicles parking on the curved road and with hours of construction.

Brad Leland, 5209 Crown Avenue, lives above the subject site and thanked the applicant for erecting story poles. He requested assurance that the north side of the hill would not be cut or destabilized. He was concerned that heavy equipment could damage the portion of Crown Avenue, which is a private street.

Further comments were not offered and the public hearing was closed.

Commissioner Engler asked that draft condition 11 be modified so that the second-floor deck is eliminated. He was concerned with parking and believed the applicant should submit a parking management plan.

Commissioner Davitt made a site visit that morning and did not have concerns with the project. He agreed that if there is insufficient room on site for construction vehicles, that the applicant should initiate a parking plan.

Commissioners Cahill, Gelhaar and Chair Mehranian concurred.

M/S/C Davitt/Engler to approve Hillside Development Permit 04-17 and Modification 04-90, eliminating the second-floor deck and requiring the applicant to submit a construction parking plan. Unanimous.

C. Hillside Development Permit 04-47; Cho; 5215 Stardust Road:
Planning Aide Shimazu reported Staff's recommendation for another continuance. The side property line has not been delineated and story poles were only recently erected.

Commissioner Engler confirmed that Staff had contacted the applicant with instructions on what was required in order to proceed with the hearing.

M/S/C Davitt/Engler to continue Hillside Development Permit 04-47 to March 10. Unanimous.

D. Modification 04-85; Lelo; 2003 Orchard Lane:
Planning Aide Shimazu described the applicants' request to allow a two-story addition to encroach 18'-6" into the required 25-ft front yard setback and 10 ft into the required 15-ft rear yard setback, and a 441-sf, detached two-car garage to encroach 8 ft into the rear setback.

The project site is located on an 11-ft-wide private road easement that extends north from Orchard Lane, between Palm and Rosebank, in the R-1-15,000 zone. It is developed with a two-story home, an attached single-car garage and a pool. The 11,518-sf lot has 124 ft of frontage along the road easement and the house is set back 10 ft from the front property line at its closes point – below the 25-ft requirement, but consistent with setbacks provided by neighboring homes along the road easement.

The project includes conversion of the attached garage for a kitchen expansion. A bay window in the kitchen and a new, 25-ft high, steep pitched front porch would provide a 6'-6" front setback. A bedroom expansion is proposed at the rear and encroach 10 ft into the required 15-ft setback. Given that the residence is set back only 6 inches from the rear lot line, this component qualifies for an administrative approval. A new, detached, two-car garage would be constructed in the north side yard and encroach 8 ft into the required rear setback. Since the property lacks a functional back yard, it could be argued that the proposed location for the new garage qualifies as the "rear yard"; if so, the structure would meet the more lax setback requirements for detached garages in the rear yard.

Staff determined that the scope of the project is minor and would not result in visual impacts on surrounding properties.

Applicant, Edmund Lelo, reported that his home was constructed in 1937 and he discovered numerous deferred maintenance matters upon close of escrow. He discussed the project with all his neighbors and all agree that it represents an improvement. He volunteered to expand the driveway and push it back to provide more room for vehicular movement.

Director Stanley commented that this private drive serves three homes.

Project designer August Buchetta, commented on the uniqueness of the lot. The kitchen will replace a non-code compliant single-car garage and the second floor would match the first-floor building line.

Further comments were not offered and the public hearing was closed.

Commissioner Gelhaar stated that he could not make findings 1 and 5 and he could not support the bay window or the front porch encroachment.

Commissioner Cahill reported of having made a site visit and recalled a similar, recent request from a neighbor to allow a 9-ft front setback for a second story. The Planning Commission was not willing to allow the request. In this

case, the Commission was asked to allow further encroachment of an existing, non-conforming 10-ft front setback. He was not troubled by the bay window encroachment since it is on the first floor, but he felt the front porch encroachment would appear too imposing for the area.

Commissioner Engler concurred.

Commissioner Davitt also agreed and added that he could perhaps support a redesigned front porch.

Chair Mehranian expressed a concern with the porch encroachment and provided the applicant with options for a continuance or redesign.

Mr. Buchetta stated that his client was willing to accept a condition to eliminate the porch and allow the project to proceed.

Commissioners Engler and Cahill were willing to leave changes to the front porch subject to the Director's review and approval.

M/S/C Engler/Mehranian to approve Modification 04-85, with an added condition as discussed. Unanimous.

Reordered item B., pulled from the Consent Calendar:

Resolution 05-08; La Cañada Presbyterian Church, 626 Foothill Boulevard:

Chairwoman Mehranian opened the item for public comment to hear new consensus that had been reached. She requested speakers to contain their comments to 3 minutes.

Deputy City Attorney Noonan commented that at the last Planning Commission meeting, the public had the opportunity to provide comments and express concerns; following that, the public hearing was closed. Staff was directed to return with a resolution and conditions that addressed those comments. Public commentary should focus on the draft conditions.

Senior Planner Buss added that Staff was directed to mediate a meeting between the applicant and neighbors to address use of the site and the chapel specifically. Following several hours of debate, consensus was reached on 9 conditions; the Draft Resolution represents a compromise. He noted that this was the first opportunity for the Commissioners to address the findings.

Commissioner Engler stated that he was not prepared to speak to this item, in light of the voluminous information just submitted on this important project.

Project architect, Lou Dominy offered a correction on page 5 of the Draft Resolution. He addressed draft condition 21, which requires the applicant to provide evidence of a 20-year lease for parking availability at the Thursday Club and First Church of Christ, Scientist. Mr. Dominy stated that it is impossible to provide such documents and that such conditions typically require "ongoing evidence" of off site parking. He reiterated the Church's position that it is not deficient with regard to parking.

Chair Mehranian confirmed that the requirement for a 20-year lease was derived from Code.

Mr. Dominy then provided his corrections for draft conditions 39, 48, 51, 54 and 59 and asked to strike conditions 42 through 46, as they are redundant. He addressed neighbors' concerns regarding noise from use of the chapel through a Power point presentation, which demonstrated how sound waves quickly decline as distance increases. He believed that noise from the Chapel's use would be reduced to 12 decibels by the time the energy waves reach the properties of the complaining neighbors.

Church spokesman, Bob Craven, discussed draft condition 21, which requires the church to provide two, two-year parking leases. He reminded the Commission that the concept of shared parking was discussed at the last meeting and advised that the arrangement with the Christ Scientist Church is renewable annually and only during construction. He reported that the Thursday Club's by-laws do not allow a Board of Directors to commit the next Board; they are only willing to issue a one-year rental agreement and to extend it annually. He understood that if for any reason the agreement with the Thursday Club should terminate, that they would advise the City and find another solution. He reminded the Commission that off-site parking is needed only for Sunday mornings and generally only for the 9:30 service.

Pastor Gary Dennis confirmed that all issues with the exception of the chapel, were resolved during the negotiating process. He advised that without the chapel, Harris Hall, which holds more than 150 at one time, a second area that holds 100 and a third area that holds 12-15, would continue in use 7 days a week from 6:30 a.m. to 10:00 p.m. Conservatively, the Hall is used in excess of 7,000 hours/month and that all its uses would be moved to the northern portion of the property. The church confirmed that the City had not received any complaints regarding use of that area. Pastor Dennis stated that they are

only asking to be allowed 45 congregants at one time for 24 weddings or memorial services during the course of a year.

Michael Brown, 635 Georgian Road, stated his understanding that the purpose of negotiations were to bridge the gap over existing concerns, rather than raise new ones. He believed that major concessions were made by both sides and stated that agreement was made regarding use of the chapel: up to 24 weddings or memorial services a year. There was no discussion originally regarding "other group activities" - that issue came about during the recent negotiations when they discussed "groups of 30 meeting once a week". Up until today, as far as he was aware, the church wanted a group of "50 or more - once per week". Only today is it now groups of 50 "seven days a week" - which was never contemplated as agreement among the neighbors.

The other issue was the trailers, which are closest to his property than other neighbors. There was discussion at the last meeting to hold Parents Education in the trailers, now the church is asking to allow groups of 50 "or more", once a week. He stated that he could accept "50", but not 100 as that was tantamount to full time use. Ultimately, Staff came up with a recommendation on all the issues in the form of the Draft Resolution which he strongly suggested be adopted. Other than minor landscape issues, which Mr. Ajalat would address. Mr. Brown expressed concern that if the request is continued, new proposals would continue to arise. He was willing to have Parent Education located next to his wall for 1½ years, but was concerned that the process was beginning to break down. The issue of annual review originated with the Planning Staff, but he felt it would be a reasonable and practical way of "checking in at 6 months and again annually; fold in the trailers as well."

Charles Ajalat, 4412 Oakwood, stated that 3 of the 4 most affected neighbors are prepared to compromise, so long as there is no expansion of use. He disagreed with Mr. Dominy's suggestion to strike some of the conditions; he did not regard them as duplicative and he opposed any modification to condition 48. He also opposed Commissioner Gelhaar's idea to include translucent windows on the chapel. He stated that Mr. Dominy's presentation relating how sound waves travel was unfair and noted that noise 'lines' were drawn to his back porch, rather than to his back yard. He concurred with Mr. Brown regarding a review period.

Ed Johnson, 4418 Oakwood, related that a portion of the chapel abuts his property as do portions of "D" and "E". He attended the negotiations and advised that he has always found the church to be responsive to his complaints regarding noise and has learned to trust them. He stated that the chapel is clearly replacing a much more intensified use and that he is not currently

impacted from assemblies. Mr. Johnson stated that he had a concern with imposing conditions without knowing if noise would in fact be a problem and preferred fewer conditions so long as condition 59 remained in place.

Christie Skinner, speaking for the church, commented that the neighbors' interpretation of the chapel's use equates to a few as 20 congregants consuming a week's allotment.

Further comments were not offered and the public hearing was closed.

Mr. Dominy responded to Commissioner Davitt's request for final numbers regarding building height.

Mr. Dominy advised that "A" is 37 ft high at its setback from the sidewalk and is 41 ft high to the top of the gable peak. "D", behind the Johnson home, is 30 ft high and "E" is 23-ft high to the rolled ridge. These buildings are not used simultaneously.

Pastor Dennis advised that simultaneous worship would occur only on Easter and Christmas.

Commissioner Cahill commented that he had asked a couple times that consideration be given to lowering "A".

Mr. Dominy advised that the project would be subject to more review by the Design Commission and that the face of "A" would be shortened to clear the tree canopy.

Chairwoman Mehranian asked what timeframe was acceptable for an initial review by the Commission.

Mr. Dominy responded that they prefer to show evidence of parking compliance on an annual basis.

Director Stanley remarked that parking code is based on the largest assembly area; Staff's concern was with concurrent uses and what the applicant identified as the "greatest use" day.

Senior Planner Buss reported that the new building requires 60 spaces, whereas the existing sanctuary requires 100. The applicant is reporting 111 parking spaces on site. What Staff has yet to see is the parking lot design, which will be reviewed by the Design Commission. Required landscaping, trash enclosures, etc., will eliminate some spaces. The Thursday Club allows 100 spaces for

Sunday morning use and it was Staff's understanding that the Church of Christ Scientist was continually available, rather than only during construction.

Mr. Brown reiterated his understanding that there was no mention of "other group activities" in the original proposal. When negotiations concluded, the church wanted groups of 50 or more in the chapel, once a week (he preferred it be on the shy side of 50 and they wanted it greater). It was only today that he heard the church wants groups of 50, seven days a week.

The Commission recessed at 8:07 p.m. and reconvened at 8:15 p.m.

Church spokesman George Garfield, advised there were only 3 items that the church agreed to during negotiations, which he articulated in memo form to all parties. There was never an agreement "on 30"; the church always used "50", or last time, "5" and "54". All parties agree that the chapel is for quiet prayer and the notion that individuals could visit the chapel in a non-organized manner was accepted; the parties differ over organized group-use of the chapel. Absent that, the chapel would be rendered unusable. He stated that the church did not renege on any agreement and asked that the record be clear that there was no agreement on January 31st regarding the chapel's use.

Mr. Brown stated that earlier in the day was the first time he learned of the idea to use the chapel 7 days a week.

Responding to a question from Commissioner Engler, Messrs. Brown and Ajalat agreed that noise is the issue.

Commissioner Engler stated that the Commission could impose a condition requiring a sound engineer's report if the main disagreement is over noise.

Mr. Dominy was sure that a sound engineer's report would be favorable to the church, and questioned if it should matter if 20 people are praying in the chapel if there is no noise and if the use meets the Commission's goal.

Mr. Brown advised that he was also concerned with noise from people congregating outside the chapel and that he is currently subjected to noise from Sunday morning usage, though he hasn't filed complaints. He preferred a condition for a 6-month review. He added, "the only reason there was neighbor buy-in to begin with is because the chapel was going in with restrictions".

Commissioner Engler preferred a continuance to review the voluminous information just submitted.

Commissioner Cahill concurred, stating there is a great deal of information the Commission needs to digest.

Deputy City Attorney Noonan requested the Commissioners to advise Staff of any requests or ideas as to which direction Staff should take.

Commissioner Gelhaar reviewed the conditions. He agreed with 1-20 and provided Staff with language to reword #21 regarding written parking agreements with the Thursday Club and First Church of Christ Scientist. He agreed with conditions 22-41, 42 could be eliminated; 43 and 44 were acceptable; eliminate 45 and 46; 47-50 were acceptable. Modify #51 so that ultimate approval would be given by the Director of Community Development rather than the Planning Commission; #53 was acceptable; Modify #58 - based on discussions on planning issues as to whether neighbors should have the power to veto a project, he would strike "all neighbors at the south and westerly" and subjecting the height and design of clerestory windows to the approval of the Director; 60-62 were acceptable; #63 - replace "Planning Commission" with Director of Community Development re: final determination of the landscaping. #64 was acceptable.

He then addressed conditions 54 and 59. He recalled that the Commission has approved a baseball field with lights to operate until 9:00 p.m. in a residential neighborhood and that the Mormon church has a baseball field that borders residential uses. The Lutheran church and playground borders residential and St. George's church has playground area up to a fence line in an R-1 zone, as does St. Bede's. He believed the issue was noise and stated that the idea of micromanaging a project based on assumptions of what noise will be is "backwards", though he agreed that the neighbors need to be protected. He read and submitted alternative wording for condition #54, which would allow use of the chapel between 7:00 a.m. to 9:00 p.m., 7 days a week, solely for silent prayer, Sunday worship, weddings, memorial services, prayer groups and quiet meetings, subject to review 6 months after occupancy in a noticed public hearing. Lastly, he suggested striking "different intervals," from draft condition #59.

Commissioner Davitt expressed appreciation for the wording on condition #39, addressing replacement trees, and stated he could support condition #43 if "an surrounding property line walls" was deleted. He agreed with Commissioner Gelhaar to strike language from #59 that would require annual review "thereafter", and preferred that the Commission review the final landscape plan rather than the Director. At this point, he could not offer clear direction on condition 54 (use of the chapel). While he was sensitive to the neighbors'

concerns, he believed it illogical to allow construction of a building and then impose conditions that would render it unusable. He supported a continuance.

Commissioner Cahill stated that he supported what he felt was a well conceived project, though the front of the building and the neighbors' issues were not resolved. Draft condition #6 refers to start of construction no later than 36 months after approval; he requested that be changed to 24 months. Draft condition #22 regarding lighting should apply to the prayer garden as well. Addressing tree removal, he requested that at a minimum, he would like a 2:1 replacement of 60-inch-box trees to mitigate "A". A landscape plan should include the front and back and be reviewed by the Planning Commission. Building heights should be embedded as a condition. He continued to have a problem with the height of "A" (he felt the adjacent building hovers at 27 ft in height), and encouraged the church to consider reducing the roof space. He noted the numerous requests focused on the front - the design itself, the setback encroachment, building height and tree removal.

Turning to draft conditions regarding Noise, draft condition 42 was acceptable and #43 was acceptable to Mr. Dominy. He did not have an opinion regarding #44, which prohibits windows that open on the east, south and west sides of the chapel and concurred with Commissioner Engler that the issue is noise. Strike draft condition #45. Neighbors' conditions: #51 should state that buildings "A", "D" and "E" may be adjusted to assure there are no intrusions into tree canopies. He stated there definitely needs to be restrictions on use of the chapel, given that a 'panhandle' portion of the property extends into a residential area. Entering, exiting and congregating outside will generate noise and the way to mitigate that is by restricting use. He concurred with Commissioner Gelhaar that there should be some finality to reviews; he suggested that two reviews would be sufficient after occupancy of the chapel. Addressing parking, he stated that concurrent use of the chapel and other buildings represented an increase in use, but he supported Mr. Craven's suggestion that written evidence of off site parking be submitted; a 20-year contract is not needed. Lastly, he asked that the language for making the findings be toned down e.g., the finding for the hardship relating to the front setback encroachment; he would approve that request because of practical difficulties. He stated he would not support the poetic language addressing the need for excess building height. Regarding the findings to allow the tree removal, he recognized that it is logical to put the buildings in the front to mitigate noise at the rear, he disagreed that if that failure to do so would "...not be in keeping with minimal incursion into the front of the property as proposed".

Chairwoman Mehranian recalled that the Commission has approved baseball diamonds and tennis courts in residential areas and that each case stood on its own merits. While complaints have not been received with regard to the baseball diamond, there were many meetings and many conditions imposed. She continued to struggle with the chapel's use and preferred that the Commission not have to decide that issue. She was convinced that a 20-year parking agreement is not necessary and disagreed with Mr. Ajalat's position that the neighbors have initial review authority of the landscape plan.

Commissioner Engler asked that the conditions require all diesel equipment to have particulate scrubbers. He stated that he was very concerned with parking along Oakwood and Woodleigh (which lack sidewalks), particularly when services are over. He asked that a condition be added that congregant park on one side of the street and that it be monitored by the church; otherwise, refer the matter to Public Works, who could convert existing signs to "no parking on Sundays" on one side of the street. He preferred that the neighbors and the church reach agreement on the chapel's use and suggested that the church reconsider holding weddings in the chapel, as those are typically not quiet occasions.

Commissioner Cahill was concerned that a flurry of last minute paperwork would result in another stalemate. To bring closure, he suggested using "baseball arbitration", where each side would come up with their best shot and provide that information early to the Commission, rather than at the last minute. The Commission would then select the one position that seems the most fair.

Commissioner Davitt added that if the parties did not believe it was worthwhile to meet, Staff would draft conditions based on discussion, subject to modification by the Commission.

The "baseball" approach was acceptable to Messrs. Garfield and Brown.

Attorney Noonan advised that the Commission would not be limited by Staff's recommendations or even by what is agreed upon; it has full discretion in making a decision.

Senior Planner Buss summarized the conditions to be further negotiated: 51, 54, 57, 58 and 59.

Commissioner Cahill asked all involved to review all the conditions and fine tune them; e.g., as worded, condition 54 excludes youth group meetings, which is opposite of what the intent is.

M/S/C Davitt/Engler to continue Conditional Use Permit 382, Variance 04-02 and Tree Removal 04-64 to March 10. Unanimous.

Pastor Dennis noted that getting to this point in the public hearing process has taken 13 months; prices are escalating and it is difficult to relate the continuances to his congregation. He asked for assurance that the Commission would make a decision regardless whether an agreement is reached between the church and its neighbors.

Director Stanley cautioned all parties that the Brown Act applies to electronic mail; there should not be any conclusions reached.

Attorney Noon agreed, stating that it is important that the Commission's thoughts be conveyed in public rather than behind closed doors. There have been opinions from the Attorney General's office that even discussions of a project through e mail are excluded by the Brown Act.

VIII. COMMENTS FROM THE COMMISSIONERS:

Senior Planner Buss was requested to summarize all comments in a cover memo for the next meeting.

IX. COMMENTS FROM THE DIRECTOR:

Director Stanley asked the Commissions to advise whether they would be attending the Planners Institute in Pasadena on April 13-15.

Attorney Noonan announced that this would be her last meeting with the City as she has accepted the position of Assistant City Attorney for the City of Thousand Oaks. Staff and the Commission thanked her for her efforts and wished her well.

X. ADJOURNMENT:

M/S/C Engler/Cahill to adjourn at 9:45 p.m. Unanimous.

Secretary to the Planning Commission