

CITY OF RANCHO PALOS VERDES  
PLANNING COMMISSION MINUTES  
REGULAR MEETING  
FEBRUARY 9, 2010

## **CALL TO ORDER**

The meeting was called to order by Chairman Lewis at 7:02 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

## **FLAG SALUTE**

Commissioner Knight led the assembly in the Pledge of Allegiance.

## **ATTENDANCE**

Present: Commissioners Knight, Perestam, Ruttenberg, Tomblin, Vice Chairman Gerstner, and Chairman Lewis.

Absent: Commissioner Tetreault was excused

Also present were Director of Community Development Rojas, Principal Planner Mihranian, Senior Planner Alvarez, Assistant Planner Kim, and City Geologist Jim Lancaster.

## **APPROVAL OF AGENDA**

The Agenda was unanimously approved as presented.

## **COMMUNICATIONS**

Director Rojas reported that at the February 2<sup>nd</sup> meeting the City Council approved the proposed Zone Change, Subdivision and residential project off of Nantasket Drive with some additional conditions. He also noted that the City Council appointed two new Commissioners and thanked Commissioners Perestam and Ruttenberg for their service.

Director Rojas distributed seven items of correspondence for agenda item No. 1 and two items of correspondence for agenda item No. 2.

Chairman Lewis reported that he spoke to two residents on item No. 2 but no new information was discussed.

## **COMMENTS FROM THE AUDIENCE (regarding non-agenda items):**

None

## **CONTINUED BUSINESS**

### **1. Conditional Use Permit Revision – Mitigated Negative Declaration (Case No. ZON2009-00441): 31501 Palos Verdes Drive West**

Director Rojas noted that Commissioner Tetreault had forwarded him an email, which he then forwarded to all of the Planning Commissioners, asking that this item be continued as he would like to be present for the discussion. He noted Commissioner Tetreault's concern with the appearance of possible influence on the part of the Annenberg Foundation, given that the Annenberg Foundation is funding this City project. He stated that granting a continuance is within the purview of the Commission. He noted that while the City Council is supportive of the project, they expect that this project receive a fair hearing before the Planning Commission and have not given any direction to staff to do anything but give this project a fair hearing. He stated this project is going through the same review process as any other project and the conditions of the projects are on the City and not the Annenberg Foundation. He also spoke to the City Attorney, who feels there are no ethical issues or undue influence as long as the project is given a fair hearing and reviewed on its merits.

Commissioner Knight noted he has a similar concern as Commissioner Tetreault in the way this City project is dove tailing with the Annenberg project, which tends to imply or have the perception these projects are connected. He suggested language be added to the Resolution which states that *entitlements to this project have been reviewed independently of the Annenberg proposal and the Annenberg project will be evaluated separately on its own merits and improvements under this Resolution will proceed regardless of the outcome of the Annenberg proposal*. With respect to the continuance, he stated he would be open to it however felt this project could be heard.

Commissioner Tomblin supported Commissioner Knight's comments and added that his review and vote on this proposed project will be completely independent of the Annenberg project. He added that how a project is funded is not a subject brought up with other applications, and should not be taken into consideration with this project. The Planning Commission should look at a project strictly on its merits. He stated that he would not support a continuance on this item.

Commissioner Ruttenberg stated that it is not often that a Commissioner has such strong feelings about a matter that he asks the Commission to continue the item so that he can be present for the discussion. He therefore respected Commissioner Tetreault's request and supported the continuance.

Commissioner Perestam stated that he would normally support such a request, however in this case, because there will be a turnover in the Commission at the next meeting, he felt it was important to hear this item as scheduled.

Vice Chairman Gerstner respected the request, however in reading the request it appears the concern is to have a discussion on the possible conflict of interest. He felt that this goal has been accomplished with this discussion. Further, Commissioner Tetreault's email discusses his concerns and this email will be part of the record. Based on that, he would rather hear the item at this meeting. He added that he was not even aware that the Annenberg Foundation was funding any part of this project until the Commission was well into their discussions at the last meeting. He agreed with Commissioner Tomblin that this project is reviewed irrespective of those influences and is looked at based on its merits.

Chairman Lewis agreed with the Vice Chairman's comments. There being no motion to continue the hearing, he asked for the staff report.

Principal Planner Mihranian presented the staff report, giving a brief overview of the scope of the project, as well as background information of the site. He stated that at the January 29<sup>th</sup> meeting the Planning Commission gave staff some input and concerns regarding the project and noted those issues were addressed in the staff report. He stated that two Resolutions are included in the staff report, the resolution recommending adoption of the Mitigated Negative Declaration and the resolution that addresses the planning entitlements. He noted that there are conditions of approval attached to this resolution. He also noted that there were changes to condition Nos. 20, 21, and 22 that were included in the late correspondence.

Commissioner Knight referred to the staff report and the response to his inquiry in regards to using pervious concrete, and asked staff to clarify.

City Geologist Jim Lancaster explained that pervious concrete is actually an overall design of a parking lot and explained how this pervious concrete differs from a parking lot that is natural soil. He noted that pervious pavement is designed to put water into the ground, which is not recommended in this area because of its close proximity to the bluffs. He stated that his recommendation to staff was to not include a pervious concrete parking area because of the drainage issues.

Commissioner Knight referred to condition No. 74 and asked that the language for the pest management plan be included in this condition.

Commissioner Knight noted that there is a certain amount of knowledge and care involved in maintaining a bio-swale and suggested that staff contact the staff at Terranea, who has experience in the upkeep of bio-swales, and to pick a plant palette that is compatible with the bluff area.

Principal Planner Mihranian noted that the plant palette included in the landscape plan is based primarily on the Terranea plant palette.

Commissioner Ruttenberg noted that this property is not to code in that there is insufficient parking, and if this project is approved it is a step in the right direction but

there will still be insufficient parking. If a private applicant were to come to the City with a project, and the property was violating the code in some way, the City would make them correct that violation before granting the application. He questioned why the City is in a different position in this case than the private applicant would be.

Principal Planner Mihranian answered that based on direction from the Commission at the last meeting, staff has added a condition that requires the City to enter into an agreement with the Coast Guard to use the dirt lot for parking to accommodate the deficient parking spaces. This is consistent with the conditions imposed on other projects in the City.

**Chairman Lewis opened the public hearing.**

Ken Dyda discussed what he felt was extremely poor lighting at the site. He asked the Planning Commission ensure that any lighting approved lights the surface and not the sky and that one will not see the light source.

Robert Critelli stated he was representing many of the Oceanfront Estates homeowners. He stated he was somewhat concerned about the link created between the money the City is receiving from the Annenberg Foundation for this project and the upcoming Annenberg project. He stated that perception is everything, and this looks bad for Rancho Palos Verdes. He stated that there is no hurry to build a parking lot in paradise. He asked that the Planning Commission take some time and understand what they are getting into.

Deborah Rosenthal stated she is an attorney representing Sue Ham, who is one of the neighbor's of the proposed project. She stated that she supports Commissioner Tetreault's request for a continuance, noting that most of what the Commission has heard and will hear from other speakers is concerning information that has not gotten out about the project. She also felt there were issues regarding the environmental review for the project, questioning what the true project is. She felt it was a classic case of project splitting, where the full impact of the project will not be considered. In reading the description for the Annenberg project there is discussion on parking and she felt it was very clear this will be a shared parking facility with PVIC. Therefore these two projects are inherently linked, cannot be separated and must be analyzed together. She also questioned if this project has been adequately analyzed as a stand alone project. She also questioned the proposed lighting, the proposed grading, and the possibility of lead dust contamination. She requested a continuance to analyze the combined affects of this parking project with the pending Annenberg project.

Sue Ham stated she was very concerned with the lighting at the site and also felt there were serious geological issues at the site. She also noted the number of trucks that will be involved with the grading and the import and export of dirt. She also discussed her disapproval of the proposed Annenberg project and its impact on the community.

Rosemary Campbell stated she is a homeowner in Oceanfront Estates. She questioned the expansion of the parking lot, as she felt the current available parking at PVIC has been sufficient. She questioned why the City is now considering expanding the parking facility, who initiated this proposal, and how the Annenberg Foundation became involved in the project. She was also concerned about more public access and more people using the paths and trails.

Commissioner Knight asked if staff had discussed the CEQA requirements with the City Attorney and whether this project could be considered a segmentation of a larger project.

Director Rojas explained that this exact issue was discussed with the City Attorney before going forward with the application. The City Attorney opined that this was not a project splitting situation, as there is an approval for additional parking at PVIC that had already occurred and this is a revision or fulfillment of that previous parking approval. Further, this proposed project can go forward independent of the Annenberg project.

Commissioner Knight asked if the Annenberg project is proposing to share parking with PVIC.

Director Rojas answered that the burden will be placed on the Annenberg project to prove they have enough parking, which can include shared parking.

Commissioner Knight asked, if this project is approved and goes forth, would the Annenberg EIR consider this ambient development already existing as part of their parking analysis.

Director Rojas answered that the Annenberg project will have its own traffic study which will determine its own traffic generation and parking needs, and those parking needs will have to be met in some fashion, whether it is completely on its own or by sharing parking with other existing facilities. He noted that the City is trying to minimize hardscape, so if there is an opportunity for shared parking staff will steer them in that direction.

Commissioner Ruttenberg asked how the Annenberg Foundation became involved in this proposed City project.

Director Rojas explained that a development concept for Lower Point Vicente came out of the City Council approved Vision Plan. Once the Vision Plan was approved, the Annenberg Foundation was authorized by the City Council to submit an application consistent with the Vision Plan. In designing the proposal, staff has had numerous meetings with Annenberg staff to make sure their project meets the goals of the City in terms of the General Plan, Coastal Specific Plan, etc., and in doing so staff questioned how construction of the Annenberg project would affect operation of PVIC. Through these meetings it became clear that if the City were to move forward with the revised

parking project many of the parking concerns during the Annenberg construction phase could be mitigated.

Commissioner Ruttenberg felt that the Director's answer to his question shows that these two projects are related.

Director Rojas stated that these projects are related, but in terms of CEQA review and processing, they are two independent projects.

Commissioner Perestam referred to condition No. 48 regarding lead mediation, and asked staff if they felt that was adequate to address the public concerns.

Principal Planner Mihranian explained that the consultant who prepared the original lead removal work plan that was reviewed by the Department of Toxins and Substance Control (DTSC) is the same consultant who is preparing the current work plan. The DTSC is currently reviewing the document and the conditions are written in a manner where absolutely no dirt can be moved until the work plan is approved by the DTSC. Further the DTSC will be monitoring the earth movement at the site. Further, measures are in place to ensure that the soil that has been capped is not disturbed.

Commissioner Perestam referred to Mr. Dyda's comments regarding lighting the surface and not the sky, and asked staff if the current lighting is being addressed in the new lighting plan.

Principal Planner Mihranian explained that staff was aware of the current lighting issues. Therefore, all of the existing light fixtures are proposed to be replaced with new fixtures that are designed to downcast and shield the lighting.

Commissioner Tomblin asked staff to verify that by voting to approve this proposed project for the PVIC there would be no ties to the Annenberg project and the Commission was not obligated to then vote to approve the Annenberg project.

Director Rojas answered that these are completely separate projects and the Commission can approve this proposed project at PVIC and deny the upcoming Annenberg project.

Chairman Lewis asked staff if this was the way the applicant, in this case the City, would design the proposed parking lot if there was not going to be the Annenberg project.

Principal Planner Mihranian answered this configuration is in close proximity to the Interpretive Center, noting that the parking is very convenient to PVIC and the park area.

Chairman Lewis asked staff, if the Commission were to approve this project and there are no appeals, is it the applicant's intent to start construction right away irrespective of how the Annenberg project proceeds.

Director Rojas answered that it is staff's understanding that this project will start as soon as possible.

Commissioner Ruttenberg had no doubt that if the PVIC improvements are approved that every member of the Commission would be able to then put aside any influence about the other project and would be able to make that decision on its own merits. However, the relevant question is what this looks like to the community. He stated that this project was approved twelve years ago and has been dormant since then and now it is revised basically because of the Annenberg project. Because the Annenberg Foundation is paying for this improvement he could not see how the City could avoid a connection between the two. He acknowledged that these may legally be two separate projects and they can be decided separately.

**Vice Chairman Gerstner moved to adopt the Mitigated Negative Declaration and the project as recommended by staff, seconded by Chairman Lewis.**

Commissioner Knight stated he would like to include wording on page 10 of the Resolution which states that *Entitlements for this project have been reviewed independently of the Annenberg proposal. The Annenberg proposal will be evaluated separately on its own merits. Improvements under this Resolution will proceed regardless of the outcome of the Annenberg proposal.*

Vice Chairman Gerstner suggested calling it something other than the Annenberg proposal, as it is quite broad and there may be some confusion. Second, he asked staff if this language would cause any impact that may cause concern with staff or the City Attorney.

Director Rojas felt the suggested language should not cause a problem. He suggested that rather than referring to the Annenberg project that the language say any other development on the property.

Vice Chairman Gerstner accepted the proposed additional language in the Resolution with the change that instead of referring to the Annenberg there be a referral to any other development on the property.

Commissioner Ruttenberg reiterated his concern with the public perception that this project is related to the Annenberg project, whether or not that is true. He stated his concern was not when this project begins construction, but rather his concern was with approving the project at this hearing. He felt this project should be decided simultaneously with the Annenberg project or after the Annenberg project in order to minimize any appearance of impropriety.

**The Commission voted to adopt PC Resolution 2010-02 thereby adopting the Mitigated Negative Declaration and adopt PC Resolution 2010-03 thereby approving, with conditions, the construction of the parking lot and site improvements as recommended by staff, (5-1) with Commissioner Ruttenberg dissenting.**

## **PUBLIC HEARINGS**

### **2. Grading Permit & Site Plan Review (Case No. ZON2009-00396): 2700 ½ San Ramon Drive**

Assistant Planner Kim presented the staff report, giving a brief history of the project and explaining the differences between the original project and the new project that is before the Commission. As discussed in the staff report, she explained the three main reasons the previous project was denied, and how staff feels this new project mitigates these concerns. She stated that staff believes the proposed project addresses all of the previous concerns and all required findings can be made. Therefore staff is recommending approval of the project as conditioned in the staff report.

Commissioner Perestam noted his concern with the easement for the applicant to access their proposed driveway. He did not think it appeared that there was ample access at this time.

Assistant Planner Kim acknowledged that currently there is not a clear 10 foot easement, as either one or both of the abutting neighbors have built structures in that easement.

Director Rojas added that the applicant has demonstrated that he has an easement giving him access to the street. He stated that a condition of approval can be added that the applicant demonstrate how he will access the driveway within the easement before submitting plans to plan check or before issuance of the building permit.

Commissioner Knight noted in staff's pictures that the flags on the silhouette appear to be sagging, and asked staff if they did their view analysis before the flags started to sag.

Assistant Planner Kim answered that staff did their analysis after the flags began to sag, however she noted that the stakes in the silhouette are at the accurate height and have been certified. She explained that once the pictures were taken staff was able to draw a line straight across from one stake to another to aid in the view analysis.

Commissioner Knight asked the City Geologist if he felt the necessary data has been submitted, as opposed to the data that was submitted with the previous project.

Mr. Lancaster answered that his concerns have been addressed from a geotechnical perspective.

Commissioner Knight asked Mr. Lancaster if a contributing factor to the instability of Tarapaca Landslide would be the streambed at the bottom of the canyon.

Mr. Lancaster answered that the streambed would be a contributing factor. He gave a brief description of the Tarapaca, San Ramon, and South Shores Landslides, noting that the South Shores Landslide is considered inactive.

Commissioner Knight noted that this project will take its hardscape runoff into a pipe and direct that runoff straight down into the streambed. He asked Mr. Lancaster if any analysis was done on how much this will contribute to the erosion of the streambed and possibly exacerbate the existing situation.

Mr. Lancaster answered that such an analysis has not been done, however he felt that the amount of water that would come down to the streambed from this one house would most likely be very limited. He added that as long as the water comes from this property only and is not adding to it from the cul-de-sac it would not be considered a significant amount of water that would be placed into the canyon.

Commissioner Knight noted a head scarp identified by Geosyntec in 2002 that appears to run right along the area where the house is proposed to be built. He asked Mr. Lancaster if he had looked at that situation.

Mr. Lancaster explained that it has been looked at from the standpoint of stability and the applicant's geologist has demonstrated that there is stability at this point. He added that the head scarp of a landslide is material that has not moved.

Commissioner Knight referred to a letter received that indicated the presence of bentonite on the property, and asked Mr. Lancaster to elaborate.

Mr. Lancaster explained that in the borings there were two bentonite beds that were located. He stated that there is a condition of approval that when the caissons are drilled an engineering geologist is to go in the hole, map the area, and if there is bentonite observed this is to be put back into the stability analysis to make sure these caissons will sufficiently take care of that.

Vice Chairman Gerstner noted that Mr. Lancaster has read many reports and seen geologic information for this property over the years and asked if there is any information that may have been in earlier reports that may be contradictory or not included in this study.

Mr. Lancaster could not recall any such information. He explained that what he has seen and questions he has asked in terms of stability is information that he is aware of because of his years of experience with this property, that the consultant is not aware of, and he has asked the consultant to include and analyze this information.

Vice Chairman Gerstner asked if there is anything going on with this proposed residence that may affect the stability of the existing residences.

Mr. Lancaster answered that the geotechnical consultant has made the determination that this project will not affect the stability of the existing residences.

**Chairman Lewis opened the public hearing.**

John Maloney (architect) stated that he will be available to answer questions, but would like to speak last.

Sara Dokter (2700 San Ramon Drive) asked that the Planning Commission deny this request for a new home. She stated that the land is very unstable, and noted that she has lived in her home for 46 years and has seen a lot of history and activity at the site. She noted that the geologists may feel it is safe to build, but also use terms such as *unlikely under normal situations* and *if maintained in accordance to recommendations*. She also did not think geologist knew much about the areas that have already slid and why and what will slide next. She stated that if this project is approved she will ask the City, the geologist, and the builder to indemnify her property and the surrounding properties.

Vice Chairman Gerstner asked Ms. Dokter if she felt anything on her property was sliding or moving or was unsafe.

Ms. Dokter answered that the soil on her hillside is very fragile and she does not walk down that hillside because of that. She stated that there have never been any failures on her property

Laura McSherry (2714 San Ramon Drive) stated that the property should be viewed from the switchback on Palos Verdes Drive East to see the erosion that has taken place. She was also very concerned with the geology and questioned how long it will take to build this proposed home.

Sam Van Wagner (2763 San Ramon Drive) stated that this revised project now triples the amount of grading from the originally proposed project. He felt this project should once again be denied because of the land stability questions in spite of the conditional clearance given by the city geologist. He read from the city geologist's clearance of the project, noting that there is language that this review should not be considered as a certification, approval, or acceptance of the consultant's work, or as an acceptance of liability. He stressed that this is not a NIMBY issue and it should interest all of the citizens of the City, as it could impact citywide resources. He stated that the safety of San Ramon Canyon, the surrounding neighborhoods, or the limited resources of the City cannot be jeopardized by approving this project.

Bill Pratley stated he is one of the owners of the wall that goes along the easement, and he stated he has a survey that shows the wall is on the property line. He stated he was

surprised and disappointed that the City would approve a 10 foot easement, as the driveway is very narrow and steep. He supported Mr. Van Wagner's comments and added that he hoped the Commission would not make a decision at this meeting because of all that is going on in this area. He also had concerns about the geologic aspects and uncertainty of the lot.

Commissioner Perestam asked Mr. Pratley if he would be affected by the proposed retaining walls.

Mr. Pratley looked at a plan of the project and was not able to determine the impact of the walls. He was concerned that he will get headlights into his backyard and home as a result of the proposed driveway and parking on the property.

Gregory Lash (2829 San Ramon Drive) stated he has sympathy for the applicant, however nothing they do can guarantee that the canyon won't slide or will indemnify the nearby homes. He stated that the Tarapaca and San Ramon landslides are two of the biggest issues within the City.

Daniel Bernstein (2817 San Ramon Drive) stated that he has concerned about the moving large quantities of dirt in this vicinity and how it will affect the landslide. He pointed out the troubles with the landslide at Ocean Trails and the landslide at the Crenshaw Boulevard extension, both approved by geologist.

Mark Matthews stated that approving this project is much too risky. He stated that is only common sense that this canyon is moving. He was very sympathetic with respect to Ms. Dokter and how the construction will affect her and her property. He questioned what will happen if this area is hit with El Ninos several years in a row.

Holly Cain was very concerned with the proposed project and the potential problems it could cause that would affect the City as a whole. She explained that she has no personal stake in this, only that she is concerned for the City.

John Maloney (architect) stated the owner has followed all of the rules and gone out of his way to make sure this proposed house will be to code. He added that the owner certainly would not put his lifetime investment into a house if he thought it would end up going down the canyon. He did not feel a house on caissons pinned to bedrock was the type of structure that would trigger a landslide. He also pointed out that in working closely with the Fire Department, a 240 foot long fireproof fence will be built on the property and a turnaround access will be provided for the fire trucks. Further, the owner will be adding a fire hydrant at his own expense. He stated that there can be a lot of speculation regarding the landslides, but the fact is that this site has been proven to be safe and the applicant should be allowed to build on it.

Commissioner Knight asked Mr. Maloney where the construction trash would be located and stored.

Mr. Maloney explained that he will develop a plan for staging, construction debris, and parking. He stated that his main concern is to make it a safe construction site with the least amount of disruption to the neighbors.

Commissioner Perestam asked Mr. Maloney to address the 10 foot access at the curb.

Mr. Maloney understood that there are some areas of the easement that have probably been built over and will have to be adjusted. He stated that he will work with the neighbors to ensure the adjustments are done correctly and with the least disturbance as possible.

**Chairman Lewis closed the public hearing.**

Commissioner Knight asked staff if they had considered the issue of headlights on this property and how they would affect the adjoining neighbors.

Assistant Planner Kim answered that was not part of staff's analysis.

Commissioner Ruttenberg commented that while none of the speakers actually said it, he felt that they would be against anything being built on this lot. He noted that the City has zoned the lot RS-2 and asked staff if the City therefore has to allow some building on the lot.

Director Rojas answered that this is a legal lot zoned residential and the City has to allow some development on the lot.

Commissioner Knight asked Mr. Lancaster if he checked the landscape plans in terms of water usage.

Mr. Lancaster answered that he has not seen the landscape plan.

Commissioner Knight asked Mr. Lancaster if he would be concerned with a landscape plan that shows a lot of sprinklers for the landscaping.

Mr. Lancaster answered that anywhere in the City he would recommend against adding water to a sloped area. He prefers natural vegetation and minimal watering whenever possible.

Commission Knight asked staff if they have reviewed a landscape plan.

Assistant Planner Kim referred to the green building checklist submitted by the applicant, and noted that drought tolerant plants are indicated for the area.

**Vice Chairman Gerstner moved to approve this project as recommended by staff with the added condition that the applicant demonstrate to the City that they have**

**a 10-foot access to the easement prior to the issuance of building permits, seconded by Commissioner Ruttenberg.**

Commissioner Knight stated he would like an added condition that if the Director determines it is needed, the applicant provide some vegetation along a portion of the property that will screen the headlights from the adjacent property.

Commissioner Perestam had the same concern but did not think vegetation would necessarily be sufficient. He suggested changing the wording to “some type of barrier”.

Vice Chairman Gerstner was concerned that there was not enough space on the applicant’s property to add such a barrier. He noted that there really isn’t a city code that specifies that the neighbor’s headlights cannot shine onto a neighboring property. He felt that the adjacent neighbor may be able to mitigate the problem himself if he felt it was a serious enough problem.

**Chairman Lewis re-opened the public hearing.**

Mr. Maloney explained that the driveway is at an angle, and as a car is turning that particular area where it faces the neighbor’s house the headlights will be shooting their light up into the air.

Commissioner Knight suggested conditioning it so that if it is determined by the Director that the headlights create a problem for the neighboring property then mitigation measures will be needed.

Director Rojas stated that if the Commission wants this condition he would like to see language that addresses the timing of this condition, as he did not think the Commission was envisioning the neighbor making a complaint about headlights two years after the project is completed.

Chairman Lewis agreed with the Vice Chairman’s philosophy that the burden is on the adjacent property owner to protect their privacy.

**Commissioner Knight moved to amend the motion to include a condition that an analysis be conducted by staff as to whether or not any mitigation from headlights will be necessary for the adjacent property, seconded by Commissioner Perestam.**

Director Rojas reviewed the grading plan and confirmed that it appears that at the point where a car will be facing the neighboring house the car will be at a 15 percent grade and most likely pointing up in the air.

**With that information, Commissioner Knight withdrew his amendment motion.**

Commissioner Knight referred to condition Nos. 10 and 24 which refer to idling, and suggested adding language that the trucks and equipment can not be idling in the easement.

The Commissioners supported that modification.

Commissioner Tomblin asked staff if there was any reason access to this property could be achieved from Palos Verdes Drive East.

Director Rojas answered that the area of access would go through the city preserve, and no building is allowed in the preserve. In addition, the grade differences would make the engineering very difficult and costly to the applicant.

Commissioner Knight discussed the bulk and mass of the house, noting that this is a lot of house to put on this lot.

Chairman Lewis stated that he was not able to make the neighborhood compatibility findings necessary to approve the project.

**The motion to adopt P.C. Resolution 2010-04 thereby approving the requested application as amended was approved, (4-2) with Commissioner Knight and Chairman Lewis dissenting.**

**3. Height Variation Revision (Case No. ZON2007-00209): 32415 Nautilus Drive**

Senior Planner Alvarez presented the staff report, explaining the scope of the project and specifically the request for the revision to the previously approved height variation. He noted that at the original meeting a neighbor was against the proposed height variation, however this same neighbor supports the proposed revision to the balcony. He stated that since the balcony addition will not exceed thirteen feet in height and therefore not cause any view impairments, because the balcony addition will be compatible with the neighborhood, and not unreasonably infringe on the neighbor's privacy staff believes that all of the required findings can be made in order to approve the project.

**Chairman Lewis opened the public hearing.**

Jerry Duhovic (applicant) felt the project is very straight forward and there is no opposition, and therefore asked that the Commission approve the project.

Commissioner Knight asked Mr. Duhovic why he is revising the project.

Mr. Duhovic answered that it is mostly an afterthought once the original project was started.

**Chairman Lewis closed the public hearing.**

**Vice Chairman Gerstner moved to approve staff's recommendation, seconded by Commissioner Knight. P.C. Resolution 2010-05 was approved as presented, (5-1) with Commissioner Perestam dissenting.**

#### **ITEMS TO BE PLACED ON FUTURE AGENDAS**

Commissioners Ruttenberg and Perestam thanked their fellow Commissioners and staff for the last four years they have served on the Commission and felt that the Commission has accomplished quite a bit during that time and both commented that they were proud to have served the City.

#### **4. Pre-Agenda for the meeting of February 23, 2010**

The pre-agenda was discussed and approved.

#### **ADJOURNMENT**

The meeting was adjourned at 10:35 p.m.