CITY OF SAN MARINO

PLANNING COMMISSION AGENDA

Howard Brody, Vice-Chair
Marco Velayos
Raymond Cheng
Se-Yao Hsu
James Okazaki

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City Hall Council Chamber
2200 Huntington Drive
San Marino, CA 91108

WEDNESDAY, JANUARY 24, 2018
7:00 P.M.  
CITY HALL  
COUNCIL CHAMBERS  
2200 HUNTINGTON DRIVE, SAN MARINO, CA

The City of San Marino appreciates your attendance. Citizens’ interest provides the Planning Commission with valuable information regarding issues of the community.

Regular Meetings are held on the 4th Wednesday of every month.

In compliance with the Americans with Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk’s Office at (626) 300-0705 at least 48 hours prior to the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Raymond Cheng, Se-Yao Hsu, Marcos Velayos, James Okazaki, and Vice-Chair Howard Brody.

POSTING OF AGENDA

The agenda is posted 72 hours prior to each meeting at the following locations: City Hall, 2200 Huntington Drive, the Crowell Public Library, 1890 Huntington Drive and the Recreation Department, 1560 Pasqualito Drive. The agenda is also posted on the City’s Website: http://www.cityofsanmarino.org
PUBLIC COMMENTS

Section 54954.3 of the Brown Act provides an opportunity for members of the public to address the Planning Commission on any item of interest to the public, before or during the Planning Commission’s consideration of the item, that is within the subject matter jurisdiction of the Planning Commission.

PUBLIC HEARINGS

1. AN AMENDMENT TO THE CITY CODE REGARDING HISTORIC PRESERVATION

2. CONDITIONAL USE PERMIT NOS. CUP17-17, AND CUP17-18, AND DESIGN REVIEW CASE NOS. DRC17-57 AND DRC17-58
1942 WELLESLEY ROAD, (CHU/OVERHAUL ARCHITECTURE)
This item is continued from the October 25th and November 21st meetings. The applicant requests permission to construct a new two-story residence with a basement and a detached accessory structure (two-car garage) containing a bathroom. The accessory structure exceeds six hundred square feet in total lot coverage and is visible from public view. This requires two conditional use permits and two design review actions pursuant to City Code Sections 23.06.05(I), 23.15.03(B), and 23.15.03(C).
(Required Action Date: 3/29/18)

3. MODIFICATION TO DESIGN REVIEW CASE NO. DRC15-37 AND DESIGN REVIEW CASE NO. DRC17-89
1750 CHELSEA ROAD, (ST. LOUIS)
This item is continued from the November 21st meeting. The applicant requests a modification to the previously approved Design Review approval for a single-story addition and exterior modifications. This requires two design review actions pursuant to City Code Sections 23.15.03(A).
(Required Action Date: 3/31/18)

4. CONDITIONAL USE PERMIT NO. CUP17-15 AND DESIGN REVIEW CASE NOS. DRC17-47 AND DRC17-90
2405 OAK KNOLL AVENUE, (HONG/JAMES V. COANE & ASSOCIATES)
This item is continued from the November 21st meeting. The applicant requests to construct a new two-story residence, a detached two-car garage and street facing fence, gates and pilasters. The resulting residence will exceed the maximum allowable livable area for the property. This requires one conditional use permit and two design review actions pursuant to City Code Sections 23.02.20(C), 23.15.03(B) and 23.15.03(F).
(Required Action Date: 4/6/18)

5. DESIGN REVIEW CASE NO. DRC17-08
1400 CIRCLE DRIVE, (HE/JAMES V. COANE AND ASSOCIATES)
The applicant requests permission to construct a two-story residence with basement containing six (6) bedrooms and an attached four (4) car garage. This proposal requires one design review action pursuant to City Code Section 23.15.03(B).
(Required Action Date: 3/24/18)


2240 LORAIN ROAD, (YANG/THE CODE SOLUTION)

The applicant requests to construct an addition and remodel of an existing single-story residence with a basement. The addition will exceed the maximum allowable lot coverage. The applicant also proposes to construct a new detached accessory structure (three-car garage) containing a bathroom and storage area that exceeds six hundred square feet in total lot coverage. The proposal includes a request to construct new street facing gates, fencing, pilasters, and a front yard water fountain. The project requires one conditional use permit and three design review actions pursuant to City Code Sections 23.02.20(B), 23.06.05(I), 23.15.03(A)(1), 23.15.03(C), 23.15.03(F), and 23.15.03(G).
(Required Action Date: 3/5/18)

7. **CONDITIONAL USE PERMIT NOS. CUP17-23 AND CUP17-34, DESIGN REVIEW CASE NO. DRC17-104**

1230 WINSTON AVE., (MARRONE)

The applicant requests to construct a bathroom and storage area addition to an existing detached four-car garage. This requires two conditional use permits and one design review actions in accordance with City Code Sections 23.06.05(I) and 23.15.03(C).
(Required Action Date: 3/12/18)

**OTHER MATTERS**

**ORAL PUBLIC APPEARANCES**

This is the time set aside for any person who desires to be heard on any matters not covered on this agenda. No action is to be permitted except:

1. Catastrophic Emergency as is described by majority vote; or
2. The need for action arose within the last 72 hours as determined by a 4/5 vote.

**PUBLIC WRITINGS DISTRIBUTED**

All public writings distributed by the City of San Marino to at least a majority of the Planning Commission regarding any item on this agenda will be made available at the public counter at the San Marino Center located at 2200 Huntington Drive, San Marino, California.
ADJOURNMENT

The next meeting of the Planning Commission is scheduled for Wednesday, February 28, 2018 at 7:00 P.M. in the City Hall Council Chambers, 2200 Huntington Drive, San Marino, CA 91108.

APPEALS

There is a fifteen day appeal period for all applications. All appeals should be filed with the City Clerk. Please contact the City Clerk for further information.
BACKGROUND:

In 2014, the City Council and staff began the process of discussing the possibility of drafting a Historic Preservation Ordinance. Subsequent to these discussions, the Council authorized the formation of a Historic Preservation Working Group that consisted of City staff, Juliet Arroyo, Steve Talt, Miriam Quan, Judith Carter and Susan Boyle. Through this working group, we were able to establish new criteria for historic landmark determination, the creation of a Historic Context and a draft ordinance that utilized a 1998 draft as a baseline. As a result of the various study sessions and Council meetings, the draft ordinance was modified to include two criteria. The proposed criteria included a master architect and a home older than 85 years.

As a result of several experiences with projects the last couple of years, staff and the Council decided to seek a different direction with the Ordinance and draft a law that not only catered to San Marino, but was consistent to the standard practices for Historic Preservation.

Last year, staff organized two community forms with the public to discuss the Historic Preservation Ordinance and process. The first forum was structured as a brainstorming session and to discuss the nuts and bolt of a Historic Preservation Ordinance while the second forum was narrowed to only discuss the criteria. The second forum included a presentation from Brett Canon, resident at 645 S. Allen Avenue and owner of a Wallace Neff home. Brett’s presentation was crucial as he shared a true life experience with the careful renovation of his Wallace Neff home. The two forums allowed staff to gather information and ideas. As a result, staff was able to incorporate a few of the ideas into the draft.

ELEMENTS OF THE DRAFT HISTORIC PRESERVATION ORDINANCE:

One of the most important elements of the draft Historic Preservation Ordinance includes the Historic Landmark criteria. The existing code provides for only one criteria and it states, “The City Council may designate a building, landmark or other property within the City as a local historical landmark in special recognition of the property's role during the formation and existence of the City.” The new criteria expands the list by including the following:
1. It is or was once associated or identified with important events or broad patterns of development that have made a significant contribution to the cultural, architectural, historical, and political heritage of the city, region, state, or nation.

2. It is or was once associated with an important person or persons who made a significant contribution to the history, development, and/or culture of the city, region, state, or nation.

3. It embodies the distinctive characteristics of a style, type, period, or method of construction; represents the work of a master, or possesses high artistic or aesthetic values; or it represents one of the last, best remaining examples of an architectural type or style in a neighborhood or the city that was once common but is increasingly rare.

**Two Parts to the Ordinance:**

**Part One:**

The criteria listed above is the baseline for making decisions as to whether a property or home is a Historic Resource. The draft ordinance provides for the ability of the City Council, Director or the owner to apply for a historic landmark designation. A third party may apply for such a request in writing. Such request will be reviewed by the Commission for consideration.

Under current law, "Local historical landmarks may be designated as follows:

A. Petition: An individual or organization may petition the Council stating the name and location of the building, landmark or other property proposed for designation as a local historical landmark and the basis for such designation.

B. Council Review: Upon review of the facts presented, the Council may approve or deny the designation of the proposed building, landmark or other property as a "Local Historical Landmark". Approval of such designation shall be by resolution of the Council based on findings of the property's role during the formation and existence of the City.

C. Certification: When a building, landmark or other property is designated as a "Local Historical Landmark", the City Clerk shall submit a certified copy of the resolution indicating such designation to the State Historical Society, the City Historical Society and the individual or organization originally submitting the petition for designation.

The proposed ordinance provides for a similar mechanism to designate a property or home a historic landmark. Under the proposed code, the “petition” section of the code has been amended to require owners consent, parcel information, plans or drawings and any other relevant information that pertains to the property or homes characteristics. Owners consent with respect to the petition for historic designation is consistent with the General Plan Objective L.24 Page II-26.

Upon receiving all relevant information, the Commission will conduct a public hearing and determine the eligibility of the property or home as a historic landmark. This recommendation will then be set for public hearing with the City Council for final determination. If the property is deemed a historic landmark by decision of the Council, the Council approval shall be recorded via resolution. Records of such designations will be keep with the City Clerk, Planning and Building, Public Works and at the Crowell Public Library.
Part Two:

Part two of the proposed ordinance is project specific. The code is drafted to allow for the on-going maintenance of a historic landmark. The draft Code provides for the ability of the property owner to perform ordinary maintenance such as re-roofs without providing a Certificate of Appropriateness. The Certificate of Appropriateness, as described below, is a tool used to evaluate the scope of work to a historic resource in conjunction with design guidelines and State of Interior Standards.

Directors Administrative Review and the Certificate of Appropriateness:

Significante modifications and alterations to a Historic Landmark shall require a Certificate of Appropriateness prior to the issuance of a permit. If the proposed work is consistent to the historic preservation guidelines as described under the California State of Interior’s, the Director is provided the ability to conduct an administrative review subject to specific standards. If the project meets these standards the Director may authorize the project to proceed through the discretionary or administrative process, whichever applies. Under the draft ordinance, the Director maintains the discretion to refer the project through the Certificate of Appropriateness process and subsequent review by the Commission. The Commission is then tasked to review the application under the listed findings:

1. The project will not cause a substantial adverse change in the significance of a historic resource within the meaning of the California Environmental Quality Act.
2. The project is consistent with the purposes of this article.
3. The project is consistent with the Secretary’s Standards.

If the Commission finds the project to meet all the findings described above, a Certificate of Appropriateness is issued to the applicant and other departments. If the scope of work consists of the demolition of part or all of a historic landmark, the findings listed below must be met in order to issue the Certificate:

1. All efforts to restore or rehabilitate, and/or relocate the resource have been exhausted.
2. Restoration or rehabilitation is not practical because the extensive alterations required would render the resource unworthy of preservation.
3. Failure to demolish the resource would adversely affect or detract from the character of the neighborhood.
4. The deterioration of the historic landmark is not the result of the failure of the owner to maintain the property in accordance with this article.

A permit for the demolition of a historic resource shall not be issued unless a Certificate of Appropriateness is approved by the Commission. In addition, no permit shall be issued to a potential historic structure until a thorough review process has taken place.

If it is determined by the Commission or the Director that the project will cause a substantial adverse change in the significance of a historic resource, further environmental review will be required as described in the California Environmental Quality Act (CEQA). Hypothetically, a request to demolish a historic resource or potential historic resource may require further review pursuant to CEQA law.
Review Process for a Potential Historic Landmark:

Upon the submittal of a project to the Planning and Building Department, the staff is tasked to review the property and home for potential historic significance. If it is found that the property and/or home satisfy one or more of the historic landmark criteria, it is the duty of the Director to file an application for historic designation to the Commission and subsequently, the City Council.

If the Commission and the Council find the home to be a historic landmark, then any future project to the property or home will require a Certificate of Appropriateness, unless deemed ordinary maintenance. If it is found not to meet any of the listed historic landmark criteria, the project is authorized to proceed through the standards administrative or discretionary review process, whichever applies.

PRESERVATION INCENTIVES:

Mill Act:

The 1972 Mills Act is an economic incentive program in the State of California that provides tax relief in order to obtain funds to preserve a qualified historical building. The Mills Act requires a minimum of a 10-year contract between the City and the property owner. Once approved by the Council, the contract is submitted to the Los Angeles County Recorder’s Office and the contract is recorded with the County. Once recorded by the County, the property value is assessed based on income value rather than the traditional market rate or sales data approach. Properties that are eligible for the Mills Act are properties or buildings listed on either the National Register, the California Register of Historical Homes or listed as a local landmark with the City.

10-Year Contract:

As stated above, the Mills Act enables the City to enter into a minimum 10-year contract with the owner of a qualified historic building or property. Under this contract, the owner(s) agree to maintain and if necessary rehabilitate their historic building and/or property. At the conclusion of the 10-year term, the contracts are automatically renewed unless the City issues a written notice of “non-renewal” with the contract. The owner of the property, also has the ability to issue notice to the City for “non-renewal.” A termination of the 10-year contract will result in a gradual adjustment of the property taxes to levels pre-Mills Act valuation. If the contract is terminated early by means of a petition of the owner, the City may assess a 12.5 percent penalty of the pre-Mills Act valuation. Regardless of which party terminates the contract early, the remainder of the contract terms must be fulfilled. In addition, the contracts and the Mills Act allow for transfers between owners.

Calculating Property Tax – Mills Act:

The approved contract is submitted to the County for recording and for re-assessment using the Mills Act “income bases” formula. For a rental property, the monthly rental fee (income) is used to calculate the new value of the property. Along with the income, the formula includes capitalization rate, which includes interest, a historic property risk component, an amortization rate and property tax rate. For an owner-occupied property, the income is determined based on what the property would yield if it were a rental property. The rental or income would be based on comparable with the neighborhood. The Mills Act re-assessment will result in a property tax reduction between 40-60 percent for each year of the 10-year contract. Unfortunately, the City would not be preview to the property tax loss until after the contracts are executed. Staff has provided the Commission with two case studies implementing the Mills Act Program.
The case studies utilized properties with the City of San Marino. Case study number 1 is a local historic landmark as adopted by Council, while case study number 2 is a potential historic landmark.

GENERAL PLAN 2003:

According to the 2003 General Plan, the “Preservation of significant historic structures is desirable in San Marino to ensure the city’s unique sense of place.” The goal of the General Plan with respect to Historic Preservation is to “Protect the historic and culturally significant resources that contribute to community identity and a sense of history.” The adoption of a Historic Preservation Ordinance with financial incentives is consistent with the goals and objective of the 2003 General Plan (Section Three – Preservation and Implementation Measures, pages II-24 through II-27).

RECOMMENDATION:

Staff recommends the Planning Commission conduct a public hearing and recommend adoption of the Historic Preservation Ordinance to the City Council.

Cc: Draft Historic Preservation Ordinance
Mills Act Case Studies
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF SAN MARINO
REGARDING HISTORIC PRESERVATION AND
AMENDING THE SAN MARINO CITY CODE REGARDING
THE SAME.

THE SAN MARINO CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Article 12 “Designation of Historic Landmarks” of Chapter 2
“Administration” of the City Code is hereby repealed in its entirety.

Section 2. A new Article 18 entitled “Historic Preservation” is hereby added to
Chapter 23 of the City Code to read as follows:

“Article 18 HISTORIC PRESERVATION

23.18.010 Purpose

The purpose of the Historic Preservation Ordinance is to promote the public health,
safety, and general welfare by providing for the identification, designation,
protection, enhancement, and ongoing use of historical resources that represent the
City’s cultural, architectural, social, economic, and political heritage. It is the intent
and purpose of the San Marino City Council in passing this article to:

A. Preserve, maintain, and safeguard the City’s heritage and character, for the
enjoyment of present and future generations, by providing for the protection
and thoughtful management of historic resources as defined in this article;

B. Foster awareness, recognition, and stewardship of the City’s historic
resources;

C. Encourage public knowledge and appreciation of the City’s heritage and
foster civic and neighborhood pride and sense of identity through the
recognition of historic resources;

D. Encourage the maintenance and preservation of cultural landscapes that
contribute to the historic character of our neighborhoods and built
environment;

E. Recognize the City’s historic resources as economic assets;

F. Stabilize and improve property values within the City and increase the
economic and financial benefits to the City and its inhabitants through the
preservation, rehabilitation, and ongoing use of historic resources;
G. Integrate the conservation of historic resources into the public and private development process;

H. Implement the General Plan by protecting the historical and culturally significant resources that contribute to community identity and a sense of history;

I. Facilitate the City's compliance with the National Historic Preservation Act (NHPA) and California Environmental Quality Act (CEQA) and their provisions for cultural and historical resources;

J. Preserve diverse and significant architectural styles and property types reflecting the City's history and encourage complementary new construction and design, to maintain the City's historic scale and character; and

K. Adopt and encourage the use of historic preservation incentives, both regulatory and economic, that promote the retention, rehabilitation, and protection of historic resources.

23.18.020 Definitions

The following words and phrases shall be defined as set forth in this section, for the purpose of this article.

"Alteration" means any act or process that modifies a historic landmark that either: (1) requires a building permit and changes one or more of the features of a landscape or structure including, without limitation, the erection, construction, reconstruction, or relocation of any structure or any part of a structure; or (2) significantly changes any feature of a landscape or exterior of a structure that relates to its status as a historic landmark, regardless of whether such act or process requires a building permit.

"Architectural feature" means an exterior design element of a historic resource embodying the style thereof, including, but not limited to, the kind, color, texture of building materials; tile and iron work; the type, style, and arrangement of windows, doors, lights, signs and other fixtures appurtenant to such structure; and, on a larger scale, includes siting, composition and massing (the number, placement and size of improvements).

"Council" means the City Council of the City of San Marino.

"Commission" means the City of San Marino Planning Commission.

"Director" means the Planning and Building Director or his or her designee.
“Demolition” means any act or process that destroys, in whole or in part, a building, structure, or site or permanently impairs its structural integrity.

“Historic landmark” means any structure, any site, sign, structure, building, landscape, object, area, place, or feature designated as a historic landmark pursuant to this article.

“Historic resource” means any improvement, historic landmark or district, or other object of cultural, architectural or historical significance to the citizens of the City, the region, the state or the nation, which is designated or eligible for designation and determined to be appropriate for historic preservation by the commission, or by the council upon appeal, pursuant to the provisions of this article.

“Improvement” means any structural elements, architectural feature, plaque, light standard, light fixture, street furniture, porch and steps, structure, sign, fence, wall, mature tree or other specified object constituting a physical feature of real property.

“Inventory of historic resources” means the inventory adopted by the commission of potentially historic sites, structures, buildings, and places in the City.

“Secretary’s Standards” means the Standards for the Treatment of Historic Properties adopted by the United States Secretary of the Interior, and all guidelines adopted for the implementation of the same.

“State Historical Building Code” means California Health & Safety Code, Section 18950 et seq. and the California Historical Building Code, codified at Part 8, Title 24 of the California Code of Regulations, as either of these may be amended from time to time.

23.18.020   Designation of Historic Landmarks

A.  **Automatic Designation.** Any property within the City that is listed in the National Register of Historic Places or the California Register of Historic Places is automatically designated as a landmark for purposes of this article.

B.  **Prior Designations.** Any historic landmark previously designated as such by the City on or before the effective date of this article shall continue to be a historic landmark as previously designated for purposes of this article and shall be subject to all provisions herein.

C.  **New Designations.** The council may designate any structure, property, or properties as a historic landmark or historic resource subject to criteria in this section.

D.  **Amendment or Recession.** The council may amend or rescind the designation of any historic landmark, for the purposes of this article, subject
to the same procedures required for their designation, including without limitation, hearing and recommendation of the director.

23.18.030 Designation Criteria for Historic Landmarks

A. The council may designate a historic resource a historic landmark if it meets the requirements of both paragraphs B and C of this section.

B. Historic landmarks must meet at least one of the following criteria:

1. It is or was once associated or identified with important events or broad patterns of development that have made a significant contribution to the cultural, architectural, historical, and political heritage of the city, region, state, or nation;

2. It is or was associated with an important person or persons who made a significant contribution to the history, development, and/or culture of the city, region, state, or nation; and

3. It embodies the distinctive characteristics of a style, type, period, or method of construction; represents the work of a master, or possesses high artistic or aesthetic values; or it represents one of the last, best remaining examples of an architectural type or style in a neighborhood or the city that was once common but is now increasingly rare.

C. Historic landmarks must retain integrity from their period of significance with respect to its location, design, setting, materials, workmanship, feeling, association, or any combination of these factors. A proposed landmark need not retain all such original aspects, but must retain sufficient integrity to convey its historic, cultural, or architectural significance. Neither the deferred maintenance of a proposed landmark nor its dilapidated condition shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the property’s eligibility.

23.18.040 Designation Requirements and Procedures for Historic Landmarks

A. Application. The council, commission, director, or the owners of the subject property or their authorized agents may apply for a historic landmark designation. A third party who believes that a property or structure should be designated may submit a written request for the commission to initiate an application. In the event the council, commission, or director initiates the application, the director shall complete the required application. All applications shall be made on a form prescribed by the director and shall include the following data:
1. The assessor’s parcel number and legal description of site;

2. A description of the historic landmark, including its current condition and its special aesthetic, cultural, architectural, or engineering interest, or value of a historic nature;

3. Sketches, drawings, photographs, or other descriptive material;

4. The written consent of the property owner(s) or authorized agent to the proposed historic landmark designation;

5. Such other information as requested by the director; and

6. Required filing fees, as set by Council resolution. City initiated nominations are not subject to filing fees.

B. Except as necessary to correct an unsafe or dangerous condition pursuant to section 23.18.130, it shall be unlawful for any person to carry out or cause to be carried out any activity requiring a Certificate of Appropriateness on a proposed historical landmark for which an application has been filed until the council has taken final action denying the application.

C. Survey. Within 45 days of when a designation application is deemed complete, the director shall conduct a survey to document all potentially historic features of the subject property and prepare a report to the commission.

D. Commission Review and Recommendation.

1. The commission shall consider each application or City-initiated proceeding for designation at a public hearing. The director shall set the time and place of such hearing. Any such hearing may be continued from time to time.

2. The director shall give, in writing, notice not less than ten (10) days of the time, place and purpose of such hearing to the owners and occupants of the subject and adjacent properties.

3. Following the hearing, the commission shall adopt a resolution to recommend to the council approval or disapproval of the proposal for designation.

E. Council Determination. The sole authority to designate a historic resource as a historic landmark shall be vested in the council, in accordance with the following:
1. Within ten (10) days of the commission recommendations, the director shall send a copy to the city clerk. The city clerk shall set a hearing at which the council shall consider the recommendation of the commission. The applicant and owner of the property shall be given notice of the time and place of the council hearing at least ten (10) days prior to the hearing date, together with a copy of the commission’s recommendation to the council.

2. Following the hearing, the council shall adopt or reject the designation recommended by the commission. In the alternative, the council may continue its consideration of the matter, or refer the proposed designation to the commission for further consideration within a period of time designated by the council. If the council has not taken action on the application within 180 days of the commission’s recommendation, then the application shall be deemed denied.

3. Adoption of the designation of a historic resource shall be made by resolution of the council.

4. Within ten (10) days of the council’s decision, notice thereof shall be mailed by the city clerk to the applicant and record owner of the property proposed for designation.

F. Public Agencies. The director shall take appropriate steps to notify all public agencies and public utilities which own or may acquire property, including easements and public rights-of-way in the city, of the existence of historic landmarks. The director shall forward a copy of the any resolution approving the designation of a historic landmark or point of historic interest to any department or agency that the director deems appropriate.

G. Local Official Register. Resolutions adopting designations of historic resources shall collectively be known as the Local Official Register of Historic Resources. The Local Official Register shall be kept on file with the city clerk, who shall transmit copies to the director of planning and building, the director of parks and public works, and the Crowell Public Library.

H. Upon designation by the council, the director shall record the location, characteristics, and significance of the historic landmark on a California Department of Parks and Recreation Historic Resources Inventory Form 523, and include therewith a description of the particular features that are to be preserved and the legal description of the historic resource.

I. A designated historic landmark or point of historic interest may be identified by an approved city marker, but such a marker is not required.
J. **Deletion of demolished or rescinded resource.** When a listed historic resource has been demolished or has had its historic landmark designation rescinded pursuant to the provisions of this Code, the director, upon notice thereof, shall cause such structure to be deleted from the local official register. Upon such deletion, the provisions of this article shall have no further application to such property.

23.18.050 **Maintenance of Historic Landmarks**

A. The owner, occupant, or other person having legal custody and control of a historic landmark shall keep in good repair all exterior portions thereof, all interior portions thereof regulated by the applicable designation statement or adopted conservation plan, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

B. The owner, occupant or other person having legal custody and control of a historic landmark shall promptly repair such building or structure consistent with all other applicable local, state, and federal laws, if it is found to have any of the following defects:

1. Facades that may fall and injure a member of the public or property;

2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

3. Members of ceilings, roofs and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration;

4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; and

6. Any fault or defect which renders it not properly watertight or structurally unsafe.

C. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this article that does not involve a change in design, material, or external appearance thereof.
D. A Certificate of Appropriateness shall not be issued for the demolition of a historic landmark because of the failure of the owner to comply with the provisions of this section.

23.18.060 Certificate of Appropriateness Requirement

No person shall carry out or cause to be carried out any alteration, restoration, rehabilitation, construction, removal, relocation, or demolition of any historic landmark unless the City has first issued a Certificate of Appropriateness or Certificate of Economic Hardship in accordance with the requirements in this article.

23.18.070 Certificate of Appropriateness Procedures

A. Application. An application for a Certificate of Appropriateness shall be filed with the planning and building department upon a form prescribed by the director and shall include the following information, excepting such information the director deems unnecessary on a case-by-case basis in light of the proposed work:

1. A description of the proposed work and an explanation of how it is compatible with the Secretary’s Standards and other applicable standards, where appropriate;

2. Detailed architectural plans and specifications, including floor plans and scaled elevations and drawings, illustrating the scale, massing, and appearance of the proposed work, including existing and proposed elevations and plans.

3. A description the specifications and appearance of existing and proposed replacement materials and features.

4. A site plan showing all existing buildings and structures and the relationship of the proposed work to the surrounding environment.

5. Relationship to the existing scale, massing, architectural style, site and streetscape, landscaping, and signage for new construction in Historic Districts.

6. Any other information determined to be necessary for review of the proposed work by the director.

7. Required fee(s), as set by council resolution.

B. Director Review. An application for a Certificate of Appropriateness shall be eligible for director review if the application meets either of the following requirements:
1. The proposed work would not result in a change of design, material, or appearance of the property’s character defining features, which may include but is not limited to:

   a. Repair or replacement of deteriorated materials with applications or materials of the same kind, type, and texture already in use for roofs, windows, siding material, chimneys and fireplaces, accessory structures, or fencing;

   b. Addition or deletion of awnings, canopies, and similar incidental appurtenances that do not alter the integrity of the historic landmark.

2. The proposed work is limited a minor addition of square footage which does not exceed one hundred fifty (150) square feet, as determined by the director, and where such additions are on the rear elevation and not visible from the public right-of-way and would not remove, change, or obstruct any of the property’s character-defining features.

3. Notwithstanding the above, the director shall have the discretion to refer any application for a Certificate of Appropriateness to the commission for review.

C. Commission Review. The commission shall conduct a public hearing on all applications for a Certificate of Appropriateness not eligible for director review under Section 23.18.060.B above or referred to the commission by the director.

D. Findings Required.

1. Standard Findings. No Certificate of Appropriateness shall be approved unless the following findings are made:

   a. The project will not cause a substantial adverse change in the significance of a historic resource within the meaning of the California Environmental Quality Act.

   b. The project is consistent with the provisions of this article.

   c. The project is consistent with the Secretary’s Standards and any applicable design guidelines adopted by the City.

2. Additional Findings for Demolitions. No Certificate of Appropriateness to allow demolition of part or all of a historic landmark shall be approved unless the following findings are made in addition to all other required findings::
a. All efforts to restore, rehabilitate, or relocate the resource have been exhausted;

b. Restoration or rehabilitation would require extensive alterations that would render the resource unworthy of preservation or make such preservation infeasible;

c. Failure to demolish the resource would adversely affect or detract from the character of the neighborhood; and

d. The deterioration of the historic landmark is not the result of the failure of the owner to maintain the property in accordance with this article.

E. **Issuance of Certificate.** Following review of an application for a Certificate of Appropriateness, the director or commission shall adopt a resolution approving, conditionally approving, or denying the application. The applicant shall be notified of the decision by mail within ten (10) days. Upon approval, copies of the Certificate of Appropriateness shall be forwarded to the applicant, the Building Official, the director, and any other department or agency that requests one.

F. **Appeal.** Decisions of the director and commission regarding a Certificate of Appropriateness are subject to appeal in accordance with Section 23.18.150. No Certificate of Appropriateness shall become effective until the time to appeal its issuance has expired.

23.18.080 **Certificate of Economic Hardship**

A. The commission may issue a Certificate of Economic Hardship to allow alteration or demolition of a historic landmark where denial of a Certificate of Appropriateness would create an undue hardship upon the owner. No action shall be taken to demolish a historic resource for a period thirty (30) days following the issuance of a Certificate of Economic Hardship.

B. **Application.** All applications shall be filed with the planning and building department with the prescribed form. The applicant is encouraged to confer with the planning and building department prior to application submittal. All applications should include:

1. Cost estimate of the proposed construction, addition, alteration, demolition or relocation;

2. Cost estimate of the additional cost(s) that would be incurred to comply with the recommendations of the committee for issuance of a certificate of appropriateness;
3. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

4. The estimated market value of the property in its current condition;

5. The estimated market value of the property after completion of the proposed construction, alteration, demolition or relocation;

6. The estimated market value of the property after any condition recommended by the commission;

7. In the case of demolition, the estimated market value of the property after renovation of the existing property for continued use;

8. In the case of demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

9. For income-producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation and annual cash flow after debt service, current property value appraisals, assessed property valuations and real estate taxes;

10. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;

11. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;

12. The amount paid for the property if purchased within the previous thirty-six (36) months, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

13. Any listing of the property for sale, rent, price asked and offers received, if any, within the previous two (2) years;

14. Any other information considered necessary by the commission to determine whether or not the property does or may yield a reasonable return to the owners;
15. Required fee(s), as set by council resolution.

23.18.090 Certificate of Economic Hardship – Procedure and Findings

If a Certificate of Economic Hardship is required for a historic resource, the procedure for a Certificate of Appropriateness shall apply, with the exception that the previous requirement for findings enumerated in Section 23.18.080 shall be substituted with the following findings:

A. Denial of the application will diminish the value of the subject property so as to leave substantially no value.

B. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone.

C. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical.

D. Rental at a reasonable rate of return is not feasible.

E. Denial of the certificate of appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.

F. All means involving City-sponsored incentives, such as transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.

23.18.100 Extensions for Certificate of Appropriateness or Economic Hardship

A Certificate of Appropriateness or Economic Hardship shall lapse and become void one (1) year from the date of approval, unless a building permit (if required) has been issued and work authorized by the certificate has commenced prior to such expiration date and is diligently pursued to completion.

Upon request of the property owner, the director shall have discretion to extend a Certificate of Appropriateness or Certificate of Economic Hardship provided such extension shall not exceed one (1) year. In the event a Certificate of Appropriateness or Certificate of Economic Hardship lapses, a new application shall be required.

23.18.110 Mitigation/Conditions of Approval
Whenever any decision under this article by the council, commission, or director to approve an application has the potential to diminish or destroy the historic, cultural, or architectural value of a historic landmark, the commission or director may impose conditions to mitigate the loss of a historic landmark. Such conditions may include, but shall not be limited to the following:

A. Documentation of the historic features of the property including, but not limited to, site plans, floor plans, elevations, detailed drawings of character defining features, photographic records of the exterior, interior, and any character defining features, title deed of the original owners, any historical information of person and events associated with the site.

B. Requiring salvage, relocation, donation, or adaptive reuse of significant items or features within or on the property.

23.18.120 Demolition of Historic Resources

A. Demolition, in whole or in part, of a historic landmark without issuance of a Certificate of Appropriateness or Certificate of Economic Hardship is prohibited.

B. A Certificate of Appropriateness or Certificate of Economic Hardship shall not be issued for the demolition, in whole or in part, for a historic landmark unless a plan for a replacement improvement has been approved through the appropriate development review process.

C. No permit shall be issued for the demolition, in whole or in part, of a historic landmark unless a permit has been issued for a replacement improvement, unless demolition is required in conformance with section 23.18.130 because of unsafe or dangerous conditions.

23.18.130 Unsafe or Dangerous Conditions

A. None of the provisions of this article shall be construed to prevent any construction, alteration, removal, demolition or relocation of a historic landmark necessary to correct unsafe or dangerous conditions of any structure or feature, or part thereof where the director has declared such condition unsafe or dangerous and the proposed construction, alteration, removal, demolition or relocation necessary to correct the unsafe or dangerous condition. Only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section.

B. Prior to the City authorizing any work pursuant to this section, the director shall inform the commission unless he or she determines that such work is immediately necessary to correct the unsafe or dangerous condition; in which case, the director shall report his or her actions to the commission at its next regular meeting.
23.18.140 Environmental Review

If any action required or taken pursuant to this article is subject to the provisions of the California Environmental Quality Act, the time in which such action must be taken shall be extended in order to allow time to comply with said Act, provided, however, that such action is taken within the time limits imposed by the Permit Streamlining Act.

23.18.150 Appeals

A. Any interested party may appeal any decision by the director under this article to the commission, and any decision by the commission to the council, not later than fifteen (15) days following the giving of notice of decision. Such appeal shall be taken by filing a written notice of appeal with the director, along with an appeal fee as set by council resolution.

B. The director shall cause the appeal to be set for hearing before the commission within sixty (60) days of receipt of the notice of appeal. The city clerk shall give the appellant and all persons requesting the same at least ten (10) days’ written notice of the time and place of the appeal hearing.

C. All appeals shall be decided de novo following a public hearing.

23.18.160 Preservation Incentives

To encourage owners to designate, maintain, preserve, rehabilitate, and improve historic landmarks, the City provides the incentives set forth in this section. Only properties designated as historic landmarks are potentially eligible to apply for preservation incentives.

A. Mills Act Contracts. Pursuant to and consistent with California Government Code, Section 50280, the council may enter into Mills Act contracts with the owner of a historic landmark for the purpose of preservation, rehabilitation, and maintenance of designated historic resources, which shall allow the owner to receive a reduction in property taxes in exchange for a commitment to specific repair, restoration, or rehabilitation improvements and satisfactory maintenance of the property. The agreement shall include, but not be limited to, the contract provisions required under state law, and shall extend for a minimum period of ten (10) years, renewed annually, until and unless a notice of non-renewal or cancellation is filed. The application process, review procedures, and required contract provisions for Mills Act Agreements shall be established at the sole discretion of the council based on the recommendations of the commission in a form to be approved by the city attorney. The program shall be implemented by the director or his designee. The council may
adopt a policy by resolution governing which properties are eligible for Mills Act contracts.

B. **Public Recognition:** The commission may establish a program to publicly recognize historic resources with plaques, signage, and other appropriate forms of recognition.

C. **State Historical Building Code (SHBC):** Any alteration made for preservation, rehabilitation, restoration or relocation of historic resources may be made according to the requirements of the State Historical Building Code. The SHBC shall be used for any historic resource in the City’s building permit procedure.

D. **Fee Relief and Waivers:** Historic landmarks are eligible for the following fee waivers, refunds, and reductions provided that the work is consistent with the historic criteria under which the property was designated a historic landmark.

1. A __% refund of applicable building permit fees at time of issuance for projects found to be in compliance with the Secretary’s Standards.

2. A __% refund of applicable planning fees, not including applications made pursuant to this article, at the time of issuance for projects found to be in compliance with the Secretary’s Standards.

E. **Preservation Easements:** Preservation easements on the facades of buildings designated as historic resources may be acquired by the City, or on the City’s behalf, by a nonprofit group designated by the City through purchase, donation, or condemnation pursuant to California Civil Code 815.

23.18.170 **Enforcement Authority**

The director, with the advice and consent of the city manager, shall have the authority to enforce the provisions of this article.

23.18.180 **Violations and Penalties**

A. It is unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of these requirements of this article. Any person, firm, partnership, or corporation that violates a requirement of this article or fails to obey an order issued by the commission or comply with a condition of approval of any certificate or permit issued under this article shall be guilty of a misdemeanor pursuant to 01.04.01 of the City Code. Each day that such failure continues shall constitute a separate violation.
B. Any alteration or demolition of a historic resource in violation of this article is expressly declared to be a nuisance pursuant to 01.04.10 of the City Code and shall be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity that demolishes or substantially alters or causes substantial alteration or demolition of a structure, in violation of the provisions of this article, shall be liable for a civil penalty.

C. Alteration or demolition of a historic resource in violation of this article shall authorize the City to issue a temporary moratorium for the development of the subject property for a period not to exceed twenty-four (24) months from the date the City becomes aware of the alteration or demolition in violation of this article. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the planning and building department and/or commission shall be imposed as a condition of any subsequent permit for development of the subject property.

D. In the case of demolition, the civil penalty shall be equal to one-half the assessed value of the historic resource prior to the demolition. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the historic resource. Once the civil penalty has been paid, building and construction permits and/or a certificate of occupancy may be issued.

E. The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered or partially altered in violation of this article.

23.18.220 Permit Application Filing Fees

Before accepting any application described in this article, the director shall charge and collect such administrative fees as may be set by resolution of the Council.”

Section 3. Section 1.06.01.B of Article 6 of Chapter 1 of the City Code shall be amended to include the following as subsection 16:

“16. Chapter XXIII, article 18, "Historic Preservation".

Section 4. This Ordinance is exempt from California Environmental Quality Act, Cal. Pub Res. Code § 21000 et seq. (“CEQA”) pursuant to CEQA Guidelines section 15305, minor alterations in land use, and section 15061(b)(3) which is the general rule that CEQA applies only
to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Adoption of this Ordinance will enact only minor changes in land use regulations and it can be seen with certainty that its adoption will not have a significant effect on the environment because it will not allow for the development of any new or expanded facilities anywhere other than where they were previously allowed under existing federal, state, and local regulations.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Marino hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

PASSED, APPROVED, AND ADOPTED this ___ day of __________, 2018.

__________________________
STEVE TALT
MAYOR

ATTEST:

__________________________
VERONICA RUIZ
CITY CLERK
Mills Act Case Study No. 1

A home located in the City of San Marino, Monterey Colonial Revival, designed by Roland E. Coate in 1929 and completed in 1930. The lot is approximately 29,620 square feet and is improved with a 5,143 square-foot single story home with a detached two-car garage. The home is improved with five bedrooms and five bathrooms. The current owner purchased the property in 1987, so its property taxes are already determined under the limits established by Proposition 13. The Los Angeles County Assessors has valued this property at $342,481 with a 2017 property tax of $6,150. The last recorded sale price was $1,150,011.

Base year value: $342,481
Estimated Market Value based on comparable: $3,590,000
Mills Act Value: $374,161
Annual property tax (2017): $6,150
Annual property tax Mills Act Assessment (1 percent of $374,161) $-3,741
Annual property tax savings: $2,408

With the current City of San Marino property tax rate of .2364%, the revenue loss for this property would be $884.37 and a total of $8,843 during the 10-year Mills Act contract.

Mills Act Case Study No. 2

A home located in the City of San Marino, Spanish, designed by Wallace Neff in 1925. The lot is approximately 24,007 square feet and is improved with a 4,625 square-foot two-story home with a detached three-car garage. The home is improved with eight bedrooms and five bathrooms. The current owner purchased the property in 2010, so its property taxes are already determined under the limits established by Proposition 13. The Los Angeles County Assessors has valued this property at $3,675,132 with a 2017 property tax of $42,719. The last recorded sale price was $3,305,000.

Base year value: $3,675,132
Estimated Market Value based on comparable: $4,000,000
Mills Act Value: $1,229,038
Annual property tax (2017): $42,719
Annual property tax Mills Act Assessment (1 percent of $374,161) $-12,290
Annual property tax savings: $30,428

With the current City of San Marino property tax rate of .2364%, the revenue loss for this property would be $2905 and a total of $29,053 during the 10-year Mills Act contract.
Under Case study number 2, if a building permit were issued to remodel and rehabilitate the existing structure, the total fees due to the City would be approximately $5,000. This is based on a project value of $150,000.
City of San Marino
AGENDA REPORT

TO: VICE-CHAIR BRODY AND MEMBERS OF THE PLANNING COMMISSION

FROM: ALDO CERVANTES, PLANNING AND BUILDING DIRECTOR

BY: EVA CHOI, ASSOCIATE PLANNER

DATE: JANUARY 24, 2018

SUBJECT: CONDITIONAL USE PERMIT NOS. CUP 17-17, AND CUP17-18, AND DESIGN REVIEW CASE NOS. DRC17-57 AND DRC17-58 1942 WELLESLEY ROAD, (CHU/OVERHAUL ARCHITECTURE)

PROPOSAL:

The applicant requests permission to construct a new two-story residence with a basement and a detached two-car garage structure with a bathroom and a cabana. The garage structure exceeds six hundred square feet in total lot coverage and is visible from public view. This requires two conditional use permits and two design review actions pursuant to Section 23.06.05(f), 23.15.03(B), and 23.15.03(C) of the San Marino City Code.

REQUIRED ACTION:

CONDITIONAL USE PERMIT CUP 17-17 – ACCESSORY STRUCTURE CONTAINING LIVABLE AREA EXCEEDS 600 SQUARE FEET IN LOT COVERAGE
CONDITIONAL USE PERMIT CUP 17-18 – ACCESSORY STRUCTURE WITH A BATHROOM
DESIGN REVIEW DRC17-57 – NEW RESIDENCE
DESIGN REVIEW DRC17-58 – ACCESSORY STRUCTURE VISIBLE FROM PUBLIC VIEW EXCEEDS 600 SQUARE FEET IN LOT COVERAGE

BACKGROUND:

General Plan: Low Density Residential (4-6 dwelling unit per acre of land area)
Zoning: R-1, District VII
Location: The subject property is located on the east side of Wellesley Road, between Sheffield Road and Somerset Place
Lot Size: 9,129 square feet
Existing Use: Single-story residence and a detached two-car garage
Surrounding Uses: The site is bordered in the directions by other properties in Area District VII that are improved with single-family homes.
Proposed Square Footage: Total Livable Area: 2,712 square feet

Total Lot Coverage: 2,666 square feet
Parking Required/Proposed: Two garage spaces/ Two garage spaces
Environmental Determination: Categorically exempt from the California Environmental Quality Act pursuant to Government Code Section 15303(a), New Construction.

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>REQUIRED/ALLOWED</th>
<th>PROVIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ZONING:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Living Area/ Lot Coverage</td>
<td>2,713 sq. ft.</td>
<td>Livable area: 2,712 sq. ft. Lot coverage: 2,666 sq. ft.</td>
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<tr>
<td><strong>HEIGHT:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Maximum Allowed (Residence/Accessory structure with livable area)</td>
<td>30'/16'</td>
<td>Residence: 24'-3&quot; Accessory structure: 12'-6&quot;</td>
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<tr>
<td><strong>YARDS:</strong></td>
<td></td>
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</tr>
<tr>
<td>Front (Residence)</td>
<td>25'</td>
<td>25'-4&quot;</td>
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<tr>
<td>Side (Residence/Accessory structure)</td>
<td>5'/5'</td>
<td>Residence: 11' South, 5' North Accessory structure: 5' South, 68'-3&quot; North</td>
</tr>
<tr>
<td>Rear (Residence/Accessory structure)</td>
<td>25'/5'</td>
<td>Residence: 51'-9&quot; Accessory structure: 5' *Cabana portion is setback 6'-6&quot;</td>
</tr>
<tr>
<td><strong>PARKING:</strong></td>
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<td></td>
</tr>
<tr>
<td>Garage Spaces</td>
<td>2 (4 bedrooms in residence)</td>
<td>2</td>
</tr>
<tr>
<td><strong>DESIGN:</strong></td>
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<td></td>
</tr>
<tr>
<td>Architectural Style</td>
<td></td>
<td>Colonial Revival</td>
</tr>
</tbody>
</table>

The project consists of a two-story residence with a basement and a detached garage with a bathroom and a cabana. The structures are designed in Colonial Revival style. The new residence shares similar footprint as the existing residence, and the detached garage/accessory structure will be located near the southeast property corner, similar to the existing garage.

**ANALYSIS:**

**Conditional Use Permits — Livable area in a detached accessory structure with total lot coverage exceeding 600 square feet**

The proposed 795 square feet detached accessory structure is located in the rear yard of the property; the structure comprises of a two-car garage and a cabana area with a three-quarter bathroom. The two-car garage is at the end of the driveway and is visible from the street, whereas the cabana portion of the detached structure is behind the residence and is not visible from street view. City code permits accessory structures to occupy up to one-third (1/3) or 33% of the total rear yard area. The proposed detached accessory structure constitutes 19% of the total rear yard area. Additionally, the accessory structure complies with required building separation distance, side and rear yard setbacks for a structure with livable area and is below the maximum allowed 16-foot height limit for a single-story accessory structure.
A survey of nearby properties within 300-foot radius area found that majority of the properties are developed with a detached two-car garage in the rear yard with a few exceptions on corner lot properties. While the proposed size is approximately 65% larger than a typical two-car garage (approximately 22” by 22”, 484 square feet) found in the surveyed area, the cabana portion of the proposed detached accessory structure is not visible from street view, the structure abuts the rear yard of 2900 Sheffield Road and 2905 Somerset Place. Window and door placements on the accessory structure are respectful of all surrounding neighbors.

In examining a conditional use permit, the Planning Commission must make sure that all of the following legal findings can be met:

- **That the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing in or working in the area of such proposed use nor be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.** Staff found the size and location of the detached accessory structure would not intensify the residential use on the property to cause detrimental impacts to the neighborhood. Two-car garages are commonly found in the neighborhood and the addition of the cabana use with a three-quarter bathroom will not affect the health, safety, peace, morals, comfort or general welfare of neighboring properties as this feature will not intensify the occupancy on the property.

- **That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, walls and fences, parking and loading, landscaping and other development features prescribed in this Chapter or required by the Commission in order to integrate said conditional use with the land and uses in the neighborhood.** The proposed accessory structure occupies approximately 19% of the total rear yard area and the site remains adequate for recreational amenities, site walls, landscaping, and loading and turning area in front of the garage.

- **That the proposed conditional use will not have a detrimental effect upon the nature, condition and development of nearby uses and buildings.** Although the proposed detached structure is larger than other detached structures within the surveyed 300-foot radius, staff found that the detached structure would not have a detrimental effect on the neighborhood because the cabana area is not an enclosed livable area and the three-quarter bathroom functions to complement the recreational amenities in the rear yard. The detached structure provides adequate setbacks from surrounding neighbors. The cabana portion of the detached structure is setback an additional eighteen-inches to avoid the appearance of a nearly forty-five foot wall as viewed from the adjoining properties to the east.

- **That the site for the proposed conditional use will relate to streets and highways adequate in width and pavement to carry the kind and quantity of traffic such use would generate.** The proposed detached accessory structure will not increase occupancy on the property and will not create additional traffic loads that are not associated with the single-family residence. The streets will remain adequate in handling traffic associated with a single-family residence and an accessory structure.
DESIGN REVIEW

In examining the design review requests, the Planning Commission must make sure that the conditions will be consistent with the required findings for compatibility. Section 23.15.08 of the San Marino City Code states that the reviewing body shall approve the application if it finds all of the following to be true:

1. That the proposed structure is compatible with the neighborhood, and
2. That the proposed structure is designed and will be developed in a manner which balances the reasonable expectation of privacy of persons residing on contiguous properties with the reasonable expectations of the applicants to develop their property within the restrictions of this Code,
3. In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines,
4. That the colors and materials are consistent and match the existing building or structure.

The legal neighborhood consists of one and two story structures, primarily in Minimal Traditional and single-story Colonial Revival styles. There is a Ranch style and a Cape Cod style home within the legal neighborhood. The proposed Colonial Revival style structure shares similar footprint and setbacks as the existing structure. The recessed front entry is understated and is compatible to front entry treatments found on neighboring structures. Staff can support the concept of a two-story Colonial Revival structure in the legal neighborhood. Since the last hearing, the architect revised the front elevation to provide a more balanced and proportional front gable. The bay window and the dormers are appropriate in size. While the front elevation appears cohesive and is compatible with the existing streetscape on the block, there seems to be a disconnect in design between the front and the rear elevations. The structure is not compatible with itself between the front and the rear elevations.

The new residence would not cause privacy impact to the immediate north and south neighbors since there are small windows along the side yards. The view from the second floor balcony will be partially obstructed by the gable roof over the family room, thereby preventing privacy impacts to the south neighbor. However, the north neighbor’s rear yard will be mostly visible from the second floor balcony. The single-story accessory structure would not have privacy impact on neighbors.

The exterior colors and majority of the materials are consistently applied throughout the residence and the detached structure. Staff recommends that wood shutters be provided on the north and south elevations and that a copper material be provided for the front bay window roof. The transom windows and the trellis on the east elevation do not contribute to the design of the structure and appear out of place. Sheets A-2.2 and A-3.3 are not accurately reflecting the locations and the number of dormers in the current proposal.

RECOMMENDATION:

Staff can make the required findings for the Conditional Use Permits, however, cannot make all of the required Design Review findings for the new residence as presented. Staff recommends the Planning Commission continue action on the project to the February 28, 2018 meeting.

Attachments: Application
Location/Radius Map
Calculation of Planning and Design Review Fees

For up to three conditional use permit, variance and/or design review applications for a single project to be processed concurrently, the fee collected shall be the fee required for the single highest application. For more than three such applications, the fee collected shall be the cost as provided, plus the cost for each additional individual application.

Please complete the following:

1. Date: July 3, 2017

2. The undersigned applicant(s) is (are) the owner(s) of property located at:
   1942 Wellesley Road, San Marino

3. And legally described as follow (Lot No., Block No., Tract No.):
   Tract #12918 Lot 20
   (legal description may be attached separately if necessary)

4. State in your own words:
   a. The use (or improvement) you intend to make to the above described property:
      Rehabilitation and expansion of existing house and detached garage; completed home
      will have 4 bed, 3 full bath & 2 half bath 2-story house with detached 2-car garage with
      attached recreation room with 3/4 bath.
   b. The provisions or restrictions of the code which prompts the need for this application:
      Recreation room is not to have a bathroom.

5. I (we) certify or declare under penalty of perjury, that the foregoing is true and correct*.
   I (we) also understand that in submitting this application that I (we) am (are) to expect City officials to conduct
   exterior inspections of my (our) property.

Signatures of all owners of record of the property herein described:

Mailing Address: 1711 S. Marengo St., Alhambra, CA 91803

Owner's Phone Number (Home): (626) 823-4124

Owner's Phone Number (Work): (____) ______

Agent's Name and Address: Mary Chou | Overhaul Architecture
   530 S. Lake Avenue #380, Pasadena, CA 91101

Agent's Phone Number: (310) 880-0830

*The verification form being signed under penalty of perjury does not require notarization.
City of San Marino
AGENDA REPORT

TO:        VICE-CHAIR BRODY AND MEMBERS OF THE
PLANNING COMMISSION

FROM:      ALDO CERVANTES
          PLANNING AND BUILDING DIRECTOR

BY:        EVA CHOI, ASSOCIATE PLANNER

DATE:      JANUARY 24, 2018

SUBJECT:   MODIFICATION TO DESIGN REVIEW CASE
           NO. DRC15-37 AND DESIGN REVIEW NO. DRC17-89
           1750 CHELSEA ROAD (ST. LOUIS)

PROPOSAL:

The applicant requests permission to modify a previously approved one-story addition project. The current proposal requires two design review actions in accordance with City Code Section 23.15.03(A).

REQUIRED ACTIONS:

MODIFICATION TO DESIGN REVIEW CASE NO. DRC15-37 - ONE STORY ADDITION
DESIGN REVIEW CASE NO. DRC17-89 - EXTERIOR MODIFICATIONS

BACKGROUND:

On November 24, 2015, the applicant received an approval to construct a new residence that exceed the maximum allowed livable area and lot coverage, and the construction of a street side yard planter wall. The 2015 approval included two conditional use permits (Case Nos. CUP15-19, CUP15-30) and two design review actions (Case Nos. DRC15-37, DRC15-76).

At the August 24, 2016 meeting, the Planning Commission granted a one-year extension on the project approval. The new expiration date was extended to November 24, 2017. The applicant did not implement the project and returned to the Planning Commission with modification.

At the March 22, 2017, the Planning Commission approved the first modification to the November 2015 approval. The revised project remained in excess of the maximum allowed livable area and lot coverage (Case Nos. CUP15-19, CUP15-30), the revised project involved a single-story addition located in the “U” shape portion of the structure (Case No. DRC15-37), a five-foot high street side yard wall and driveway gate (Case Nos. DRC15-76 and Variance V17-02 for the wall height).

The Planning Commission denied the variance request (Variance V17-02) for the wall and driveway gate at five feet tall. The Planning Commission approved the revised project (Case Nos. CUP15-19,
CUP15-30, DRC15-37, DRC15-76) with conditions related to the height of street side wall and fence, tree protection for matured trees on or near the property, and property maintenance issues. The attached March 22, 2017 meeting minutes reflects the deliberation of the revised project and the adopted project conditions. The project approval is valid until March 22, 2018.

The applicant further reduced the project and returned to Planning Commission on November 21, 2017. The second modification request included addition to the “U” shape center patio area and Bedroom #2 (guest suite) above the garage (Case No. DRC15-37), the addition of two exterior staircases, and materials and colors change to the structure (Case No. DRC17-89). The proposal is within the maximum allowed livable area and lot coverage, therefore removing two conditional use permit actions (Case Nos. CUP15-19 and CUP15-30) from the project. The Commission continued the project due to insufficient materials to compare the proposal with the previous approval and the Commission was concerned with the aesthetic of the rear staircase since this feature is visible from Old Mill Road and Adair Street.

The applicant has submitted the approved project plans from the March 2, 2017 meeting and the latest revised plans to provide a side-by-side comparison of the previous approval and the current modification request. The current project no longer exceed the maximum allowed livable area and lot coverage and street side yard wall and gate have been eliminated, therefore Case Nos. CUP15-19, CUP15-30, DRC15-76 are removed from the current modification request.

**PROJECT AND SITE INFORMATION:**

<table>
<thead>
<tr>
<th>General Plan:</th>
<th>Very Low Residential (2-4 dwelling units per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning:</td>
<td>R-1, Area District V</td>
</tr>
<tr>
<td>Location:</td>
<td>The subject property is located on the northern side of the intersection of Old Mill Road and Chelsea Road</td>
</tr>
<tr>
<td>Lot Size:</td>
<td>18,282 square feet</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Single-story residence with an attached street-facing garage</td>
</tr>
<tr>
<td>Surrounding Uses:</td>
<td>The site is bordered in all directions by single family homes in Area District V</td>
</tr>
<tr>
<td>Proposed Square-Footage:</td>
<td>Total Livable Area: 3,500 square feet</td>
</tr>
<tr>
<td></td>
<td>Total Lot Coverage: 3,730 square feet</td>
</tr>
<tr>
<td>Parking Required/Proposed:</td>
<td>Two garage spaces/no change proposed</td>
</tr>
<tr>
<td>Environmental Determination:</td>
<td>Categorically Exempt under Class 1 – existing facilities</td>
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**ANALYSIS:**

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<tr>
<th>CRITERIA</th>
<th>REQUIRED/ALLOWED</th>
<th>PROVIDED/PROPOSED</th>
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<tr>
<td>Maximum Living Area/Lot Coverage</td>
<td>3,805 sq. ft.</td>
<td>Existing residence: 3,124 sq. ft.</td>
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<td>Proposed addition: 376 sq. ft.</td>
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<td></td>
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<td>Total proposed livable area: 3,500 sq. ft.</td>
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<td></td>
<td>Total proposed lot coverage: 3,730 sq. ft.</td>
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<td><strong>HEIGHT (for accessory structure):</strong></td>
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<tr>
<td>Maximum Allowed</td>
<td>30’</td>
<td>Existing: 25’8-1/4”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(no change proposed)</td>
</tr>
<tr>
<td><strong>YARDS:</strong></td>
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<tr>
<td></td>
<td>40'</td>
<td>40' (no change proposed)</td>
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<tr>
<td>------------</td>
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<td>--------------------------</td>
</tr>
<tr>
<td>Front</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>8'</td>
<td>8' (west no change proposed)</td>
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<td></td>
<td>15'</td>
<td>15' (east)</td>
</tr>
<tr>
<td>Rear</td>
<td>30'</td>
<td>64'-8&quot; (no change proposed)</td>
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<tr>
<td>PARKING AND DRIVeways:</td>
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<tr>
<td>Garage Spaces</td>
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<td>2 (no change proposed)</td>
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<td>DESIGN:</td>
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<td>Architectual Style</td>
<td>35% Max.</td>
<td>24%</td>
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<td></td>
<td></td>
<td>French (no change proposed)</td>
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**DESIGN REVIEW**

In examining the design review requests, the Planning Commission must make sure that the conditions will be consistent with the required findings for compatibility. Section 23.15.08 of the San Marino City Code states that the reviewing body shall approve the application if it finds all of the following to be true:

1. That the proposed structure is compatible with the neighborhood, and
2. That the proposed structure is designed and will be developed in a manner which balances the reasonable expectation of privacy of persons residing on contiguous properties with the reasonable expectations of the applicants to develop their property within the restrictions of this Code,
3. In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines,
4. That the colors and materials are consistent and match the existing building or structure.

As shown on revised plans submitted to the City on January 4, 2018, the applicant incorporated further modifications to the project in response to the Commission’s comments from the November 2017 hearing. The applicant has eliminated the rear staircase from the project and is providing a seven-foot tall planting trellis on the north facing wall. The planting trellis provides greenery to the large blank wall area and can easily blend in with existing landscaping in the side and rear yards. The proposed addition to the “U” shape center patio area and Bedroom #2 above the garage remains part of the project as previously shown at the November 2017 meeting. The expansion to Bedroom #2 above the garage will alter the appearance of the structure as viewed from Old Mill Road and Adair Street because of the new windows and the new garage door on the east elevation (as shown on Sheet A-7). The new roof above Bedroom #2 provides consistent slope as the remainder of the structure and the roof form remains consistent with the style of the home. The addition to the “U” shape center patio area and the exterior staircase to Bedroom #2 are only visible from the rear yard of the subject property. The structure will maintain the same height at 25' 8-1/4". Overall, the addition in both areas and the exterior changes will minimally alter the massing and scale of the structure; the structure will remain compatible with the legal neighborhood. The single-story addition will not cause privacy impacts on adjacent neighbors.

The applicant also proposes exterior changes that include re-roofing the structure with Cedarlite lightweight simulated wood shake material in Ironwood color, re-painting the exterior stucco in French Vanilla color, re-painting existing shutters in semi-gloss white, providing a new wood front door and garage door, and new exterior lighting fixtures. The exterior changes are consistently carried throughout the structure. Staff can find these exterior changes to be complimentary and consistent with the architectural style of the structure, providing that the shutters be re-painted to semi-gloss to produce better contrast from the stucco wall and that a hanging pendant in the entry alcove to replace the wall fixture/lantern near the front entry door.
In summary, staff can make all four required findings for the requested Design Review actions.

**RECOMMENDATION:**

Staff recommends the Planning Commission approve Modification to DRC15-37 and DRC17-89 subject to the following conditions:

1. Shutters shall be painted in semi-gloss black color.

2. A hanging pendant shall be provided at the entry alcove. No other lighting fixture shall be provided on the south elevation.

3. The applicant shall provide a notice with the project’s construction schedule to properties within 300-foot radius. Proof of mailing shall be submitted to staff at the time of building permit submittal.

4. The property shall be appropriately maintained and secured in accordance with city codes and to the satisfaction of city staff

**Attachments:** Application  
Location/Radius Map  
March 22, 2017 Planning Commission meeting minutes
Calculation of Planning and Design Review Fees

For up to three conditional use permit, variance and/or design review applications for a single project to be processed concurrently, the fee collected shall be the fee required for the single highest application. For more than three such applications, the fee collected shall be the cost as provided, plus the cost for each additional individual application.

Please complete the following:

1. Date: September 14, 2017

2. The undersigned applicant(s) is (are) the owner(s) of property located at: 1750 Chelsea Road

3. And legally described as follow (Lot No., Block No., Tract No.):
   Lot 58, Tract 9178, Book 122, Pages 14-15, APN 5835-011-004
   (legal description may be attached separately if necessary)

4. State in your own words:
   a. The use (or improvement) you intend to make to the above described property:
      MINOR ADDITION/MINOR ALTERATION - MODIFICATION OF
      DRC 15-37, CUP 15-19, CUP 15-30 AND DRC 15-76
      ARE NO LONGER REQUIRED.
   b. The provisions or restrictions of the code which prompts the need for this application:
      MODIFICATION OF DRC 15-37.

5. I (we) certify or declare under penalty of perjury, that the foregoing is true and correct*. I (we) also understand that in submitting this application that I (we) am (are) to expect City officials to conduct exterior inspections of my (our) property.

Signatures of all owners of record of the property herein described:

[Signature]
Janeen St. Louis, Trustee

Mailing Address: c/o John T. Janosik, 909 E. Green St. Pasadena CA 91106

Owner’s Phone Number (Home): (626) 281-5623

Owner’s Phone Number (Work): (626) 795-5151

Agent’s Name and Address: Tammie Kallen - Dahl Architects, Inc.
   1134 E. Center St. South Pasadena, CA 91030
   Agent’s Phone Number: (626) 564-0011

*The verification form being signed under penalty of perjury does not require notarization.
REGULAR MEETING
OF THE SAN MARINO PLANNING COMMISSION
MARCH 22, 2017 - 7:00 P.M.

CALL TO ORDER Chairman Velayos called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL PRESENT: Chairman Marcos Velayos, Vice-Chair Susan Jakubowski, Commissioner Howard Brody, Commissioner Se-Yao Hsu, Alternate Commissioner James Okazaki

ABSENT: Commissioner Raymond Cheng

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

1. CONDITIONAL USE PERMIT NO. CUP16-29
   2491 HUNTINGTON DRIVE, (LIU)

   The applicant submitted a request for withdrawal of the project. The Planning Commission received and filed the request.

2. VARIANCE NO. V17-02 AND MODIFICATION TO CONDITIONAL USE PERMIT NOS. CUP15-19, CUP15-30 AND DESIGN REVIEW NOS. DRC15-37 AND DRC15-76
   1750 CHELSEA ROAD, (ST. LOUIS/DAHL ARCHITECTS)

   Vice-Chair Jakubowski recused herself from this item due to her proximity to the proposed project.

   Planning and Building Director Cervantes presented the project and stated staff was in support of the project subject to certain conditions. He stated that staff cannot make the required findings for the variance request for the side yard wall height to exceed code allowance.

   Steve Dahl, project architect, presented the project and answered questions.

   The following person spoke about the project:
   David Stuteville, 1735 Old Mill Road, stated he was concerned with protection of a live oak tree that overhang into the subject property.
   Maryann Seduski, 1735 Old Mill Road, stated she was concerned with placement of the light standard and the fire hydrant in relation to the proposed apron.
   David Pierce, 1759 Chelsea Road, stated that he was troubled by the unoccupied home for the past six years and its current conditions.
Alternate Commissioner Okazaki stated that he does not believe there is an issue with the proposed apron location, and felt that the proposed project is an improvement from the previous approved plans. He could support the project as proposed and agreed with the recommended conditions.

Commissioner Brody stated he agreed with staff’s recommendation to deny the variance request and approve the conditional use permits and design review actions. He recommended a change to condition #2.

Commissioner Hsu thanked David Pierce for his comments and stated that he concurred with the staff report and Commissioner Brody’s comments.

Chairman Velayos stated that he concurred he could not make the specific legal findings needed for a variance. He suggested a change to condition #2 and stated that he could support some measures related to property maintenance and secured throughout the construction project.

Commissioner Brody moved to approve CUP15-19, CUP15-30, DRC15-37, and DRC15-76 subject to the following conditions:

1. Any fence or wall less than twenty feet (20’) from the side street property line shall not exceed four feet (4’') in height.
2. The applicant shall provide a tree protection plan for all mature trees on or near the property and including adjacent properties, at the time of building plan check. Approval of the plan and relocation of the street tree must be obtained by the Environmental Services Manager.
3. The property shall be appropriately maintained and secured in accordance with city codes and to the satisfaction of city staff.

Second by Commissioner Hsu. AYES: Chairman Velayos, Commissioner Brody, Commissioner, Commissioner Hsu. NOES: Alternate Commissioner Okazaki.

Commissioner Brody moved to deny V17-02. Second by Commissioner Hsu. AYES: Chairman Velayos, Commissioner Brody, Commissioner Hsu. NOES: Alternate Commissioner Okazaki.

3. **CONDITIONAL USE PERMIT NO. CUP17-02**
   **2260 HUNTINGTON DRIVE, (535 INVESTMENTS, INC.)**

Assistant Planner Choi presented the report and stated that staff was in support of the project, subject to conditions to mitigate potential parking concerns.

Clarisa Ru, applicant, presented the project and answered questions.

The following person spoke about the project:
Dale Pedersen, 2140 Lorain Road, spoke in support of the project and expressed concern with parking demand and the proposed one-year parking review may be too long.

Brian Gordon, 1448 Brixton Road, Pasadena, represented the property owner and spoke in support of the project.

Commissioner Brody stated he could support the project.

Vice-Chair Jakubowski shared her concerns with parking demand for the business and agreed that a six-month parking review would be more effective.

Commissioner Hsu stated he could support the project.

Alternate Commissioner Okazaki stated he could support the re-use of the existing structure and agreed with the previous comment on a six-month parking review.

Chairman Velayos stated that it was a good project that utilize existing commercial space in the City and he could support the project. He suggested a condition to allow the applicant flexibility to manage customer parking in an effort to prevent parking impact to the City Hall parking lot.

Alternate Commissioner Okazaki moved to approve the project with the following conditions:

1. A bike rack to accommodate a minimum of two bicycles shall be provided adjacent to the tandem parking spaces.
2. Sessions shall be staggered, no concurrent sessions are allowed.
3. The business owner is responsible for customers not utilizing City Hall parking lot with the exception of two stalls on lease to the business; if parking issues arise, business owner shall implement appropriate steps to resolve parking issues which may include adjusting operation.

Second by Commissioner Brody. AYES: Chairman Velayos, Vice-Chair Jakubowski, Commissioner Brody, Commissioner, Commissioner Hsu, Alternate Commissioner Okazaki. NOES: None.

**OTHER MATTERS**

4. **APPEAL OF DESIGN REVIEW NO. DRC16-91, 616 WINTHROP ROAD, (YIP/SLSD INC.)**

The applicant submitted a request for withdrawal of the appeal application. The Planning Commission received and filed the request.
5. MEETING MINUTES FOR FEBRUARY 22, 2017

Alternate Commissioner Okazaki moved to approve the February 25, 2017 minutes as amended. Second by Vice-Chair Jakubowski. AYES: Chairman Velayos, Vice-Chair Jakubowski, Commissioner Brody, Commissioner Hsu, Alternate Commissioner Okazaki. NOES: None.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

With no further items to consider, the Planning Commission adjourned to the next regular meeting on Wednesday, April 26, 2017 in the City Hall Council Chambers, 2200 Huntington Drive, San Marino, CA 91108.

ALDO CERVANTES,
SECRETARY
CITY OF SAN MARINO
DESIGN REVIEW
APPROVAL/OBJECTION LETTER

I, (name) David Strueville & Maryann Seduski am a property owner of (address)
1735 Old M:11 Road, San Marino and have been shown
the plans and elevations of proposed changes to the neighboring property located at
(address) 1750 Chelsea Road.

After reviewing the plans of the proposed changes (circle applicable response):

1. I do not object because I do not believe that the proposed changes will impact my property.

2. I do not object because the proposed changes are aesthetically compatible with my property.

3. I do not object and decline to state reason.

4. I object because the proposed changes are not aesthetically compatible in their present form with my property.

5. I object in particular to the following: My wife, Maryann Seduski, and I reserve judgement on the proposed plan until we attend the public hearing at City Hall. David Strueville.

6. I object and decline to state a reason at this time.

7. I neither object nor support the proposed changes at this time.

David Strueville
Property Owner’s Signature

10/20/2017
Date
TO: VICE-CHAIR BRODY AND MEMBERS OF THE PLANNING COMMISSION

FROM: ALDO CERVANTES PLANNING AND BUILDING DIRECTOR

DATE: JANUARY 24, 2018

SUBJECT: CONDITIONAL USE PERMIT NO. CUP17-15 AND DESIGN REVIEW NOS. DRC17-47 AND DRC17-90
2405 S. OAK KNOLL AVENUE, (HONG/JAMES V. COANE AND ASSOCIATES)

PROPOSAL:

The applicant requests to construct a new two-story residence, a detached two-car garage and a street facing fence, gate and pilasters. The resulting residence will exceed the maximum allowable livable area for the property. This requires one conditional use permit and two design review actions pursuant to City Code Section 23.02.20C, 23.15.03B, and 23.15.03F

CONDITIONAL USE PERMIT NO. CUP17-15 – Exceeding the maximum livable area
DESIGN REVIEW NO. DRC17-47 – New Residential Structure
DESIGN REVIEW NO. DRC17-90 – New front yard fence and gate

BACKGROUND:

At the Planning Commission hearing held on November 21, 2017, the applicant requested a continuance to allow the architect additional time to make modifications to the project. Prior to that hearing, staff met with the applicant to express various concerns about the design and the scope of work. In an effort to satisfy staff, the applicant has revised the plans.

General Plan: Very-Low Density Residential 2-4 du/-acres. The proposed project is consistent with the goals and objectives of the General Plan. The proposed project is replacing an existing residential unit.

Zoning: R-1, Area District V.
Location: The subject property is located on the south west corner of Oak Knoll Avenue and Roanoke Road.

Existing Use: One-story single family home with a detached two-car garage.

Proposed Use: A two-story house with a detached two-car garage

Surrounding Uses: Adjacent land uses include single family homes in R-1, Area Districts V and VI.

Environmental Determination: The project is categorically exempt for the California Environmental Quality Act (CEQA) pursuant to Government Code Section 15303(a), New Construction or Conversion of Small Structures.

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<tr>
<th>CRITERIA</th>
<th>CODE</th>
<th>PROVIDED</th>
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<tbody>
<tr>
<td>ZONING:</td>
<td>R-1, D V</td>
<td>3,493 sq. ft. Livable area.</td>
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<td></td>
<td></td>
<td>3,195 sq. ft. Lot coverage</td>
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<td>Maximum Living Area/Lot Coverage</td>
<td>3,240 sq. ft.</td>
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<td>HEIGHT:</td>
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<td>22 ft.</td>
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<tr>
<td>Maximum Allowed</td>
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<tr>
<td>YARDS:</td>
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<td></td>
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<tr>
<td>Front</td>
<td>40 ft.</td>
<td>40 ft.</td>
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<tr>
<td>Side</td>
<td>8 ft. and 15 ft. on the street side</td>
<td>18 feet to the north and 8 feet to the south</td>
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<td>Rear</td>
<td>30 ft.</td>
<td>36 ft.</td>
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<td>PARKING AND DRIVEWAYS:</td>
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<td>Garage Spaces</td>
<td>two-car garage</td>
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<td>DISTANCE BETWEEN BLDGS.</td>
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<tr>
<td></td>
<td>10 Ft.</td>
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<tr>
<td>Architectural Style</td>
<td>English Tudor</td>
<td>Prairie</td>
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**ANALYSIS:**

Conditional Use Permit- Exceeding Livable Area

The applicant is proposing to construct a 3,493 square-foot two-story house with a detached two-car garage. The proposed lot coverage will be 3,195 square feet. The proposed house will exceed the maximum allowance by 253 square feet. If the property were not a corner lot, the maximum allowance would be 3,600 and the proposed project would not require the conditional use permit. The proposal will meet the required setbacks and height limitations. A survey created by staff show that the average size of a home within a 300-foot radius is 2,680 square
feet and that the largest house is 6,076 square feet. Although this home is 6,076 square feet, it sits on a lot that is 23,421 square feet. One would argue that this home is proportionate to the lot size. The survey also shows that only four properties out of 28 exceed the maximum allowance.

In examining a conditional use permit, the Planning Commission must make sure that the proposal will be consistent with the required findings for a conditional use permit.

- That the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing in or working in the area of such proposed use nor be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City. As stated above, only four out of the 28 properties within a 300-foot radius exceed the maximum allowances. Allowing a trend that allows homes to exceed their maximum allowances would set a dangerous precedent that becomes detrimental to property in the neighborhood. It would also allow future applicants to request similar entitlements. Most importantly, as new construction, there is no justification to request an entitlement to exceed the maximum allowance. As a clean slate on the property, there is no obstacle or hardship in place that would create an unreasonable utilization of the property.

- That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, walls and fences, parking and loading, landscaping and other development features prescribed in this Chapter or required by the Commission in order to integrate said conditional use with the land and uses in the neighborhood. The proposed house would not create a condition in which other elements of the property could not coexist. The proposed house is setback far enough as to allow for adequate walls, and landscaping.

- That proposed conditional use will not have a detrimental effect upon the nature, condition and development of nearby uses and buildings. Only four out of the 28 properties within a 300-foot radius exceed the maximum allowances. Allowing a trend that allows homes to exceed their maximum allowances would set a dangerous precedent that becomes detrimental to property in the neighborhood. It would also allow future applicants to request similar entitlements. The proposed house would be the fourth largest home in the neighborhood. Such a condition would result in a detrimental effect to the development of nearby uses and buildings.

- That the site for the proposed conditional use will relate to streets and highways adequate in width and pavement to carry the kind and quantity of traffic such use would generate. The project will not create additional traffic loads that are not customary to the existing streets.
Design Review

The neighborhood consists of Colonial, Tudor style, Craftsman and Spanish architecture. An inspection of the neighborhood found that the neighborhood in very eclectic with respect to various architectural styles. In addition, the massing and scale of the homes on these properties are proportionate to the size and width of the lots.

The proposed house is presented as a Prairie architectural style. Although the home is intended to portray the Prairie style designed, the home includes design elements and window treatments that coincide with the modern style. According to the book, “A Field Guide to American Houses” by Virginia and Lee McAlester, a Prairie style home is identifiable by the “low-pitched roof, usually hipped, with widely overhanging eaves; two stories, with one-story wings or porches; eaves; cornices, and facades detailing emphasizing horizontal lines; often with massive, square porch supports.” Prairie styles homes also exhibit elements and quality of a Craftsman house such as leaded glass windows within the upper sashes of the window.

In evaluated a project that requires design review, all of the following findings must be met:

1. That the proposed structure is compatible with the neighborhood, and
2. That the proposed structure is designed and will be developed in a manner which balances the reasonable expectation of privacy of persons residing on contiguous properties with the reasonable expectations of the applicants to develop their property within the restrictions of this code,
3. In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines,
4. That the colors and materials are consistent and match the existing building or structure.

The proposed house fails to meet condition number one. The design of the home does not exhibit the characteristics of a Prairie style. One could argue that the design is intended as a revival style. Nonetheless, as a Prairie style, modern or revival of either, the style of the home does not meet the findings described above. Staff finds that the proposed design and style of the home as well as the elements used in the project result in a design that is foreign to the legal neighborhood, even though staff recognizes the craftsman house north of the subject site.

The use of the finishes and materials are also not compatible with the neighborhood. As an example, the large modern windows are elements that do not exist in the neighborhood. In addition, a Prairie style home typically utilizes double hung windows with a specific design emphasis on the upper sash. The homes in the area, although eclectic, are design with simplicity and scale. Although staff finds the massing and scale to be appropriate for the neighborhood, the design of the home is not compatible due to the issues described above.

The location of the proposed fencing and gate is compatible with the neighborhood. There are other corner lots with similar side yard walls and gates. The concern with staff is the design of
the gates as they reflect the design of the house. As described above, the design of the proposed house is not compatible with the neighborhood.

RECOMMENDATION:

Due to the failure of meeting the required legal findings, staff recommends the Planning Commission deny the conditional use permit and continue action on the DRC cases to the next hearing date of February 28, 2018.

Attachments:  Application
                    Survey
                    Location/Radius Map
Calculation of Planning and Design Review Fees

For up to three conditional use permit, variance and/or design review applications for a single project to be processed concurrently, the fee collected shall be the fee required for the single highest application. For more than three such applications, the fee collected shall be the cost as provided, plus the cost for each additional individual application.

Please complete the following:

1. Date: 6/6/17

2. The undersigned applicant(s) is (are) the owner(s) of property located at:

   2405 S. Oak Knoll

3. And legally described as follow (Lot No., Block No., Tract No.):

   Tract no. 9178 Lot 20

   (legal description may be attached separately if necessary)

4. State in your own words:

   a. The use (or improvement) you intend to make to the above described property:

      Construct (N) 3,549 ft² 2-story residence w/ detached 2-car garage

   b. The provisions or restrictions of the code which prompts the need for this application:

      Floor area proposed would exceed allowable for corner lot

5. I (we) certify or declare under penalty of perjury, that the foregoing is true and correct*.

   I (we) also understand that in submitting this application that I (we) am (are) to expect City officials to conduct exterior inspections of my (our) property.

   Signatures of all owners of record of the property herein described:

   [Signature]

   Mailing Address: 1041 Brightwood St. Monterey Park, CA 91754

   Owner’s Phone Number (Home): (510) 339-5467

   Owner’s Phone Number (Work): (615) 971-0745

   Agent’s Name and Address: Shushan Gezalyan

   James Coane & Assoc. 30 N. Raymond Ave. Ste 611

   Pasadena, CA 91103

   Agent’s Phone Number: (626) 584-6922

*The verification form being signed under penalty of perjury does not require notarization.
<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>LIVABLE AREA</th>
<th>MAX ALLOWANCE</th>
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<tr>
<td>2405 S OAK KNOLL AVE</td>
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<td>1060 GRANADA AVE</td>
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<td>3821</td>
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<td>1036 GRANADA AVE</td>
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<td>1072 GRANADA AVE</td>
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<td>3776</td>
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<tr>
<td><strong>AVERAGE</strong></td>
<td><strong>2680</strong></td>
<td><strong>3475</strong></td>
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</table>
TO: VICE-CHAIR BRODY AND MEMBERS OF THE PLANNING COMMISSION

FROM: ALDO CERVANTES
PLANNING AND BUILDING DIRECTOR

DATE: JANUARY 24, 2018

SUBJECT: DESIGN REVIEW NOS. DRC17-08
1400 CIRCLE DRIVE, (HE/JAMES V. COANE AND ASSOCIATES)

PROPOSAL:

The applicant requests permission to construct a two-story residence with basement containing six (6) bedrooms and an attached four (4) car garage. This requires one design review actions pursuant to City Code Section 23.15.03B.

DESIGN REVIEW NO. DRC17-08 – New Residential Structure

BACKGROUND:

This project was first presented to the Planning Commission on September 27, 2017 and the project scope included a seventh bedroom in the basement and a front yard fence and gate. At that hearing, the Planning Commission denied the project due to the failure of meeting the design review conditions. The Planning Commission also discussed the significance of the original Architect, Robert Finkelhor. Subsequent to the denial, the applicant submitted a timely appeal of this decision to the City Council. At the City Council meeting held on December 13, 2017, the City Council remanded the project back to the Commission to allow for the review of the new information. The new information included a historic assessment of the property and design modifications to the proposed house.

General Plan: Estate Residential 0-2 du/ acres. The proposed project is consistent with the goals and objectives of the General Plan. The proposed project maintains the appropriate mass and scale as compared with the residential neighborhood.

Zoning: R-1, Area District 1.

Location: The subject property is located on the north side of Circle Drive between Rosalind Road and the Circle Drive bridge.

Existing Use: Two-story single family home with an attached three-car garage.

Proposed Use: A two-story house with an attached four-car garage
Surrounding Uses: Adjacent land uses include single family homes in R-1, Area Districts 1.

Environmental Determination: The project is categorically exempt for the California Environmental Quality Act (CEQA) pursuant to Government Code Section 15303(a), New Construction or Conversion of Small Structures.

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>CODE</th>
<th>PROVIDED</th>
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</thead>
<tbody>
<tr>
<td>ZONING:</td>
<td>R-1, D1</td>
<td>6,531 sq. ft. Livable area.</td>
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<tr>
<td></td>
<td></td>
<td>4,957 sq. ft. Lot coverage</td>
</tr>
<tr>
<td>Maximum Living Area/Lot Coverage</td>
<td>6,600 sq. ft.</td>
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<tr>
<td>HEIGHT:</td>
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<td>27 ft. 7.5 in.</td>
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<tr>
<td>Maximum Allowed</td>
<td>35 ft.</td>
<td></td>
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<tr>
<td>YARDS:</td>
<td></td>
<td>51 ft. - 4.5 inches</td>
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<tr>
<td>Front</td>
<td>50 ft.</td>
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<tr>
<td>Side</td>
<td>20 ft.</td>
<td>37 feet to the north and 39 feet to the south</td>
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<tr>
<td>Rear</td>
<td>40 ft.</td>
<td>58 ft.</td>
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<tr>
<td>PARKING AND DRIVEWAYS:</td>
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<tr>
<td>Garage Spaces</td>
<td>Three-car garage</td>
<td>Four-car garage</td>
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<td>DISTANCE BETWEEN BLDGS.</td>
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<td>IMPERVIOUS COVERAGE:</td>
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<td>Percentage</td>
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<td>DESIGN:</td>
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<tr>
<td>Architectural Style</td>
<td>Italianate</td>
<td>Italianate</td>
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Historic Assessment Findings:

The owner of the subject site commission the assistance of Tim Gregory to prepare a historic evaluation of the property and the original Architect, Robert Finkelhor. The property was evaluated using the National Register of Historic Places, California Register of Historic Resources and the City of San Marino criteria. Page 11 of the Historic Assessment finds that Robert Finkelhor is not a notable architect. According to the report, Robert Finkelhor “remains almost completely undocumented in architectural research sources and index.” “Finkelhor did not have a significant style that would make his houses easily identifiable visually, unlike those by such top-tier architects as Wallace Neff and Paul; Williams whose works are recognizably consistent quality. In addition, “It should be mentioned that Finkelhor concentrated his work in the west side of Los Angeles Basin and had little impact on the local scene, with 1440 Circle Drive being his only design documented in San Marino thus far.”
With regards to the home, it was found that the “design features of 1440 Circle Drive do not surpass in quality, distinctiveness, or detailing those of the many other more modest Italian Period Revival of its type still extant in the City of San Marino.” It was also found that due to a significant addition to the house in 2006, the home has lost any integrity it may have had.

Due to these findings, staff maintains that the project remains categorically exempt form CEQA pursuant to Government Code Section 15303(a), New Construction.

ANALYSIS:

Design Review

The neighborhood consists of Georgian, Neo-Classical, Colonial, Mission style, Italianate and Spanish architecture. One could argue that the homes in the neighborhood are designed in the most purist way and include the architectural elements that truly define the homes. An inspection of the neighborhood did find that the neighborhood in very eclectic with respect to various architectural styles. In addition, the massing and scale of the homes on these properties are proportionate to the size and width of the lots.

The proposed house is presented as an Italianate architectural style. Since the previous hearings, the architect has made significant modifications to the home. The front entry way, which was once grand, has been reduced in size and mass, the front door has been reduced from a double door to a single door and the quoins that once lined the edges of the structure have been removed. These changes help simply the design of the house in a manner now consistent with the homes in the neighborhood. The home includes red tile roofing, a smooth stucco finish, balconies, and arches. These are elements are described to be appropriate for this style of home within the Residential Design Guidelines.

In evaluated a project that requires design review, all of the following findings must be met:

1. That the proposed structure is compatible with the neighborhood, and
2. That the proposed structure is designed and will be developed in a manner which balances the reasonable expectation of privacy of persons residing on contiguous properties with the reasonable expectations of the applicants to develop their property within the restrictions of this code,
3. In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines,
4. That the colors and materials are consistent and match the existing building or structure.

As stated above, the neighborhood consists of a variety of different architectural styles. In fact, the neighborhood includes several Italianate designs. A combination of the subtle changes made to the design to help reduce visual mass, simplifying the design to be more consistent with the neighboring homes, and designing the home to be consistent in height, mass and scale with the neighborhood all lend to the home meeting the required findings described above.
RECOMMENDATION:

Staff recommends the Planning Commission approve Design Review Case No. DRC17-08 as submitted.

Attachments: Application
              Location/Radius Map
Calculation of Planning and Design Review Fees

For up to three conditional use permit, variance and/or design review applications for a single project to be processed concurrently, the fee collected shall be the fee required for the single highest application. For more than three such applications, the fee collected shall be the cost as provided, plus the cost for each additional individual application.

Please complete the following:

1. Date: 8.10.17

2. The undersigned applicant(s) is (are) the owner(s) of property located at:
   1400 Circle Dr

3. And legally described as follows (Lot No., Block No., Tract No.):
   Lot 6, Tract No. 2949

   (legal description may be attached separately if necessary)

4. State in your own words:
   a. The use (or improvement) you intend to make to the above described property:
      Construction of (CN) 6,531 sq ft
      2-story, single-family residence w/
      basement
   
   b. The provisions or restrictions of the code which prompts the need for this application:
      CUP request for 7 bedrooms exceeding
      what's allowed per zoning code.

5. I (we) certify or declare under penalty of perjury, that the foregoing is true and correct.
I (we) also understand that in submitting this application that I (we) am (are) to expect City officials to conduct exterior inspections of my (our) property.

Signatures of all owners of record of the property herein described: [Signature]

Mailing Address: 1400 Circle Dr, San Marino, CA 91108

Owner's Phone Number (Home): [ ]

Owner's Phone Number (Work): (818) 512-8486

Agent's Name and Address: Shushan Gezalyan 10 James
   Carolyn Assoc, 30 N Raymond Ave Ste 611, Pasadena
   [ ] 584-6922

[ ] The verification form being signed under penalty of perjury does not require notarization.
City of San Marino
AGENDA REPORT

TO: VICE CHAIR BRODY AND MEMBERS OF THE PLANNING COMMISSION

FROM: ALDO CERVANTES,
PLANNING AND BUILDING DIRECTOR

BY: CHRISTINE SONG
ASSISTANT PLANNER

DATE: JANUARY 24, 2018


PROPOSAL:

The applicant requests to construct a single-story addition, a new detached three-car garage containing a bathroom and storage area, and significant exterior modifications to an existing single-story residence. The proposed addition will exceed the maximum allowable lot coverage. This request also includes the construction of a street facing driveway gate and fence. This requires three conditional use permits and three design review actions in accordance with City Code Sections 23.02.20B, 23.06.051, 23.15.03A(1), 23.15.03C, and 23.15.03F.

REQUIRED ACTIONS:

CONDITIONAL USE PERMIT CUP17-22 - EXCEED MAXIMUM ALLOWABLE LOT COVERAGE
CONDITIONAL USE PERMIT CUP17-35 - ACCESSORY STRUCTURE WITH A BATHROOM AREA EXCEEDS 720 SQUARE FEET IN TOTAL LOT COVERAGE
CONDITIONAL USE PERMIT CUP17-36 - ACCESSORY STRUCTURE CONTAINING STORAGE DESIGN REVIEW NO. DRC17-62 – ONE-STORY ADDITION VISIBLE FROM THE STREET DESIGN REVIEW NO. DRC17-105 – DRIVEWAY GATE AND SIDE YARD FENCE DESIGN REVIEW NO. DRC17-106 –ACCESSORY STRUCTURE VISIBLE FROM PUBLIC VIEW EXCEEDS 600 SQUARE FEET IN TOTAL LOT COVERAGE

RECOMMENDATION:

The applicant has indicated that they will be making significant revisions to the project. Staff recommends the Planning Commission continue CUP17-22, CUP17-35, CUP17-36, DRC17-62, DRC17-105, and DRC17-106 to the February 28, 2018 meeting.

Attachments: Application
Location/Radius Map
Calculation of Planning and Design Review Fees

For up to three conditional use permit, variance and/or design review applications for a single project to be processed concurrently, the fee collected shall be the fee required for the single highest application. For more than three such applications, the fee collected shall be the cost as provided, plus the cost for each additional individual application.

Please complete the following:

1. Date: 06-21-17

2. The undersigned applicant(s) is (are) the owner(s) of property located at:
   2240 Lorain Rd, San Marino, CA 91108

3. And legally described as follow (Lot No., Block No., Tract No.):
   Lot # 149, Tract # 89164
   (legal description may be attached separately if necessary)

4. State in your own words:
   a. The use (or improvement) you intend to make to the above described property:
      THIS IS ONE STORY SINGLE FAMILY DWELLING ADDITION AND REMODELING, WITH NEW THREE CAR GARAGE

   b. The provisions or restrictions of the code which prompts the need for this application:
      THERE IS NOT ANY CODE ISSUE, THE PROJECT MATCHING PLANNING AND ZONING REQUIREMENTS, RESTROOM IN DETACHED GARAGE

5. I (we) certify or declare under penalty of perjury, that the foregoing is true and correct.
I (we) also understand that in submitting this application that I (we) am (are) to expect City officials to conduct exterior inspections of my (our) property.

Signatures of all owners of record of the property herein described:

Mailing Address: 2240 Lorain Road, San Marino, CA 91108

Owner's Phone Number (Home): (____) __________

Agent's Name and Address: a.r@paegilleyarchitects.com, rlee@paegilleyarchitects.com
   125 W Sixth Street Suite 205 Los Angeles, CA 90012

Agent's Phone Number: (213) 537-0158 ROBERT LEE GILLEY
   310-844-5295 Rich

*The verification form being signed under penalty of perjury does not require notarization.
City of San Marino
AGENDA REPORT

TO: VICE CHAIR BRODY AND MEMBERS OF THE
PLANNING COMMISSION

FROM: ALDO CERVANTES,
PLANNING AND BUILDING DIRECTOR

BY: CHRISTINE SONG
ASSISTANT PLANNER

DATE: JANUARY 24, 2018

SUBJECT: CONDITIONAL USE PERMIT NOS. CUP17-23 AND CUP17-34, AND
DESIGN REVIEW CASE NO. DRC17-104
1230 WINSTON AVE., (MARRONE)

PROPOSAL:
The applicant requests to construct a bathroom and storage area addition to an existing detached four-car garage. This requires two conditional use permits and one design review actions in accordance with City Code Sections 23.06.05I and 23.15.03C.

REQUIRED ACTIONS:

CONDITIONAL USE PERMIT CUP17-23 – GARAGE CONTAINING STORAGE AREA, WHICH EXCEEDS 720 SQUARE FEET IN TOTAL LOT COVERAGE
CONDITIONAL USE PERMIT CUP17-34 - ACCESSORY STRUCTURE WITH A BATHROOM DESIGN REVIEW NO. DRC17-104 – ACCESSORY STRUCTURE VISIBLE FROM PUBLIC VIEW EXCEEDS 600 SQUARE FEET IN TOTAL LOT COVERAGE

RECOMMENDATION:
While reviewing the project, staff identified missing items from the file. The applicant is currently discussing the project with neighbors within the legal neighborhood and requires additional time to provide the applicable documents. Staff recommends the Planning Commission continue CUP17-23, CUP17-34, and DRC17-104 to the February 28, 2018 meeting.

Attachments: Application
Location/Radius Map
Calculation of Planning and Design Review Fees

For up to three conditional use permit, variance and/or design review applications for a single project to be processed concurrently, the fee collected shall be the fee required for the single highest application. For more than three such applications, the fee collected shall be the cost as provided, plus the cost for each additional individual application.

Please complete the following:

1. Date: 8-01-17

2. The undersigned applicant(s) is (are) the owner(s) of property located at:
   1230 Winston Ave

3. And legally described as follow (Lot No., Block No., Tract No.):
   (legal description may be attached separately if necessary)

4. State in your own words:
   a. The use (or improvement) you intend to make to the above described property:
      130714 ADDITION TO GARAGE

   b. The provisions or restrictions of the code which prompts the need for this application:

5. I (we) certify or declare under penalty of perjury, that the foregoing is true and correct*.
   I (we) also understand that in submitting this application that I (we) am (are) to expect City officials to conduct exterior inspections of my (our) property.

Signatures of all owners of record of the property herein described:

Mailing Address: 1230 Winston Ave, San Marino

Owner's Phone Number (Home): (626) 449-4102

Owner's Phone Number (Work): (626) 441-2548

Agent's Name and Address: Frank Marzone

Agent's Phone Number: (____) ________

*The verification form being signed under penalty of perjury does not require notarization.