WEDNESDAY, FEBRUARY 28, 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, Jeri Wright, 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.

1. **REORGANIZATION OF THE PLANNING COMMISSION**

2. **OATH OF OFFICE FOR NEW COMMISSIONER**

3. **PUBLIC HEARINGS**

4. **CONDITIONAL USE PERMIT NOS. CUP17-17, 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 25, November 21, 2017 and January 24, 2018 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)

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

   1230 WINSTON AVENUE, (MARRONE)
   
   The applicant requests permission to add a bathroom and storage area to an existing detached accessory structure (four-car garage). 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 one design review action pursuant to City Code Sections 23.06.05(H)(2), 23.06.05(I) and 23.15.03(C).
   
   (Required Action Date: 3/12/18)


   2240 LORAIN ROAD, (YANG/THE CODE SOLUTION)
   
   This item is continued from the January 24, 2018 meeting. 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)(I), 23.15.03(C), 23.15.03(F), and 23.15.03(G).
   
   (Required Action Date: 3/5/18)
7. 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)

OTHER MATTERS

8. AN AMENDMENT TO THE PRE-APPROVED ROOFING MATERIALS LIST

9. REQUEST FOR EXTENSION OF THE APPROVAL OF CONDITIONAL USE PERMIT
   NOS. CUP16-25, CUP16-27, AND DESIGN REVIEW NO. DRC16-72
   1100 AVONDALE ROAD (YEH)

10. RESOLUTION OF FINDINGS FOR MODIFICATION TO DESIGN REVIEW CASE
    NO. DRC15-37 AND DESIGN REVIEW CASE NO. DRC17-89
    1750 CHELSEA ROAD, (ST. LOUIS)

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

FROM: ALDO CERVANTES
PLANNING AND BUILDING DIRECTOR

DATE: FEBRUARY 28, 2018

SUBJECT: HISTORIC PRESERVATION ORDINANCE DISCUSSION

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 Ordnance 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:

Significant 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.

Response to Comments:

Staff has received comments from the Planning Commission that include minor changes to the draft ordinance. Although a majority of the changes are grammatical and substantive, the significant changes are with respect to providing full authority to the Planning Commission in historic designations rather than the Council. Staff has also included new provisions that include a historic assessment for any home 50 years or older and a provision that requires project greater than 50% in demolition be reviewed and considered by the Planning Commission rather than the Design Review Committee.

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.

PROCEDURES FOR ADOPTION:

The adoption of an Ordinance as it relates to Land Use policy requires the initial review of the Planning Commission. The Planning Commission’s role is advisor to the City Council. The Planning Commission is tasked to review the proposed Ordinance and provide comments and changes to the document. The next step includes the introduction of the Ordinance to the City Council on first reading. At that hearing, staff presents the Ordinance and discusses the suggested changes and recommendation of the Planning Commission. Once the Ordinance is adopted via first reading, the Council is required to finalize the Ordinance by approving it on second reading. The Ordinance becomes effective 30 days after second reading.

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 DESIGN REVIEW REGULATIONS 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 “Zoning and Development, Advertising and Signs, Fences and Walls” 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 the structure’s integrity or historical significance.

“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 Commission may designate any structure, property, or properties as a historic landmark or historic resource subject to criteria in this section, subject to an appeal and/or adoption by the Council.

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 Commission, subject to an appeal and/or adoption by 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, 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; exemplifies the work of a well-recognized architect, 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 initially be vested in the Council Commission,
in subject to an appeal and/or adopted by the Council accordance with the following:

1. Within ten (10) days of the Commission findings 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 findings 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 any action on the application within 180 days of the Commission’s recommendation findings, then the findings of the Commission shall be deemed adopted by the Council.

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.

5. The Resolution designating the property as a historic resource shall be filed with the Los Angeles County Recorder’s office by the City Clerk.

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, lessee, 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 or as determined by the Commission and the Council.
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 shown to the Director, Commission and Council to be futile;

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 extraordinary and severe 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 proscribed 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 commission 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 licensed architect, developer, real estate consultant, state certified appraiser and 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 to restore the historic resource, and to ensure measures are incorporated into that any future development plans and approvals for the subject property are followed pursuant to Code. 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 an unauthorized demolition, the civil penalty shall be equal to the assessed value or the cost of reconstruction, restoration, or repair 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. In any civil action brought pursuant to this article, a court of competent jurisdiction may award reasonable attorneys’ fees and costs to the prevailing party.

23.18.220 Permit Application Filing Fees

Before accepting for filing 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 “Administrative Procedures and Penalties for Code Violations” of Chapter 1 “General Provisions” of the City Code is hereby amended by the addition thereto of a new subsection 16, which shall read as follows:

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

Section 4. Section 23.15.03 of Article 15 “Design Review Committee” of Chapter 23 “Zoning and Development, Advertising and Signs, Fences and Walls” of the City Code is hereby amended by the addition thereto a new subsection C and the renumbering of all existing subsections accordingly. The new subsection C shall read as follows:

“C. The modification, expansion, or alteration of more than 50% of a residential or commercial structure.”

Section 5. Section 23.15.04 of Article 15 “Design Review Committee” of Chapter 23 “Zoning and Development, Advertising and Signs, Fences and Walls” of the City Code is hereby amended by the addition thereto of a new subsection D to read as follows:

“D. All applications for design review approval shall be reviewed in the first instance by the committee excepting applications subject to design review under Section 23.15.03 B or C, which shall be reviewed in the first instance by the planning commission.”

Section 6. Section 23.15.12 of Article 15 “Design Review Committee” of Chapter 23 “Zoning and Development, Advertising and Signs, Fences and Walls” of the City Code is hereby amended by the addition thereto of a new subsection G and renumbering of all existing subsections accordingly. The new subsection G shall read as follows:

“G. Requests for demolition of any residential or commercial structure at least fifty (50) years or older shall submit a report detailing the structure(s) historical significance, architectural design, and ownership history, which shall be prepared by a qualified preservation professional. The Director of Building and Planning, in his or her sole discretion, may require such a report for any request related to the demolition of any residential or commercial structure forty-nine (49) years or less.”
Section 7. 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 8. 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 9. 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: FEBRUARY 28, 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. This requires one conditional use permit and one design review action pursuant to Section 23.06.05(I) and 23.15.03(B) of the San Marino City Code.

The original application included a garage structure with a bathroom that exceed six hundred square feet in total lot coverage and is visible from public view. The applicant has since reduced the size of the garage structure to less than six hundred square feet in lot coverage, thereby eliminating one conditional use permit (CUP17-17) and one design review action (DRC17-58) for the project.

REQUIRED ACTION:

CONDITIONAL USE PERMIT CUP 17-18 – ACCESSORY STRUCTURE WITH A BATHROOM
DESIGN REVIEW DRC17-57 – NEW RESIDENCE
CONDITIONAL USE PERMIT CUP 17-17 – ACCESSORY STRUCTURE CONTAINING LIVABLE AREA EXCEEDS 600 SQUARE FEET IN LOT COVERAGE
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: 2,705 square feet
Total Lot Coverage: 2,696 square feet

Parking Required/Proposed: 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>ZONING:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Living Area/ Lot Coverage</td>
<td>2,713 sq. ft.</td>
<td>Livable area: 2,705 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot coverage: 2,696 sq. ft.</td>
</tr>
<tr>
<td>HEIGHT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Allowed (Residence/Accessory structure with livable area)</td>
<td>30’/16’</td>
<td>Residence: 24’-3”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accessory structure: 12’-6”</td>
</tr>
<tr>
<td>YARDS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (Residence)</td>
<td>25’</td>
<td>25’-1”</td>
</tr>
<tr>
<td>Side (Residence)</td>
<td>5’</td>
<td>Residence: 11’ South, 5’ North</td>
</tr>
<tr>
<td>Rear (Residence/Accessory structure)</td>
<td>25’/5’</td>
<td>Residence: 51’-2”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accessory structure: 5’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*Storage/Cabana portion is setback 6’</td>
</tr>
<tr>
<td>PARKING:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage Spaces</td>
<td>2 ( for a 4 bedrooms residence)</td>
<td>2</td>
</tr>
<tr>
<td>DESIGN:</td>
<td></td>
<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 proposal is within the maximum allowed livable area and lot coverage for the property.

ANALYSIS:

Conditional Use Permits – Detached accessory structure with a bathroom

The detached accessory structure is 584 square feet, it contains a two-car garage, a storage area, a bathroom with a shower stall, and a cabana area with a wet bar. The detached accessory structure is located in the rear yard of the property, only one-third of the garage is visible from street view. The remainder of the accessory structure is behind (east of) 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 total rear yard area is 4,169 square feet and the proposed detached accessory structure constitutes 14% 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 100 square feet larger than a typical two-car garage (approximately 22” by 22”, 484 square feet) found in the surveyed area, the bathroom and cabana portions of the detached accessory structure is not visible from street view, the structure abuts the rear yard of 2900 Sheffield Road and 2905 Somerset Place. The rear facing wall (shown on Sheet A-3.2, Garage/Back Elevation) is recessed in to avoid the appearance of an extended blank wall across the rear property line. 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 and would not cause detrimental impacts to the neighborhood. Two-car garages are commonly found in the neighborhood and the addition of the three-quarter bathroom, the storage area and the cabana 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 14% 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 accessory structure is approximately 100 square feet larger than a standard two-car garage or other detached structures within the surveyed 300-foot radius, staff found the additional square footage to have minimal effect on the neighborhood given the location and function of the additional area. Further, 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 storage, bathroom, and cabana portion of the detached structure is setback an additional twelve-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 a single-family residence. The streets will remain adequate in handling traffic associated with the proposal.

**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. Out of the twelve properties within the legal neighborhood, there are two properties (1967 and 1918 Wellesley Road) developed with a two-story structure.

The proposed Colonial Revival style residence shares similar footprint and setbacks as the existing residence. Staff can support the size, scale, and massing of the proposed two-story Colonial Revival structure in the legal neighborhood. The recessed front entry is understated and is compatible to front entry treatments found on neighboring structures. The front elevation provides a balanced and proportional front gable, the bay window and the dormers are appropriate in size. The rear elevation provides a shed dormer that is well integrated with the roof design.

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 bedroom and bathroom windows will be partially obstructed by the detached accessory structure. However, the north neighbor's rear yard will be visible from the second floor windows. Staff recommends opaque glass be used for the second floor double hung windows to reduce privacy impact on the side neighbors. The single-story accessory structure would not have privacy impact on neighbors.

The exterior colors and materials are consistently applied throughout the project. The exterior materials and finishes are similar to those found on neighboring structures, this will help the project blends in with the existing streetscape on the block. Exterior light fixtures are noted on the elevations as LED lights and this is insufficient for staff to determine the potential lighting pollution from the fixtures. Staff recommends that only down cast exterior lighting fixtures be allowed for the project.

**RECOMMENDATION:**

Staff recommends the Planning Commission approve CUP17-18 and DRC17-57 subject to the following conditions:

1. Opaque glass be provided for the second floor double hung windows, Windows FF and EE, facing the rear yard.

2. Exterior lighting fixtures shall be down cast.

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.

Signature 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.
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: CHRISTINE SONG ASSISTANT PLANNER

DATE: FEBRUARY 28, 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. 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 one design review actions in accordance with City Code Sections 23.06.05(H)(2), 23.06.05(I), and 23.15.03(C).

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

BACKGROUND:

General Plan: Residential
Zoning: R-1, Area District V
Location: The subject property is located on the east side of Winston Avenue, north of Huntington Drive.
Lot Size: 24,846 square feet
Existing Use: Two-story residence with a detached four-car garage
Surrounding Uses: The property is zoned R-1, Area District V and is surrounded in all directions by similar zoned properties with San Marino High School to the east.
Proposed Square-Footage: Total Livable Area: 3,340 square feet
Total Lot Coverage: 3,419 square feet
Parking Required: Two-car garage
Parking Provided: Four-car garage
Environmental Determination: Categorically Exempt under CEQA Guidelines Section 15301(e)(1) – Existing Structures.

### ANALYSIS:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>REQUIRED/ALLOWED</th>
<th>PROVIDED/PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ZONING:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Living Area/Lot Coverage</td>
<td>4,914 sq. ft.</td>
<td>Proposed Livable area: 3,340 sq. ft. (no change) Lot coverage: 3,419 sq. ft.</td>
</tr>
<tr>
<td><strong>HEIGHT (for accessory structure):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Allowed</td>
<td>16’</td>
<td>Existing: 14’-0” Proposed: 14’-0” (no change to overall height)</td>
</tr>
<tr>
<td><strong>YARDS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30’</td>
<td>Existing 35’-7”</td>
</tr>
<tr>
<td>Side</td>
<td>8’</td>
<td>Existing 6’-6” (north) Proposed 11’-6” (north) Existing 68’-0” (south) Proposed 78’-1” (south)</td>
</tr>
<tr>
<td>Rear</td>
<td>30’</td>
<td>Existing 112’-0” Proposed 100’-9”</td>
</tr>
<tr>
<td><strong>PARKING AND DRIVEWAYS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage Spaces</td>
<td>2</td>
<td>4 (no change)</td>
</tr>
<tr>
<td><strong>DESIGN:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural Style</td>
<td></td>
<td>Colonial</td>
</tr>
</tbody>
</table>

**Conditional Use Permit – Garage exceeding 720 square feet in lot coverage, containing storage area and bathroom**

The property is improved with a two-story residence with a detached four-car garage built in 1941. The existing garage is 1,214 square feet. The proposal is to construct a 124 square foot bathroom and storage area addition at the rear of the existing four-car garage. The total lot coverage for the garage with the addition will be 1,338 square feet and the total lot coverage on the property will be 3,419 square feet, which is within the allowable maximum lot coverage of 4,914 square feet. The proposed setbacks comply with the City’s zoning requirements in that more than the minimum 8 feet to the side property lines and 30 feet to the rear property line have been provided. The garage addition also meets height and building separation regulations.

In examining a conditional use permit, the Planning Commission must make sure that the conditions 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.*
The proposal will not be detrimental to the surrounding neighborhood because the property currently exists with a detached garage. Additionally, the surrounding properties contain similar detached accessory structures with storage and/or bathrooms within their rear yard areas. Furthermore, the continued use on the property will not be intensified with the addition of a bathroom and storage area and should not pose potential noise and privacy intrusion.

*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 subject site 24,846 square feet and is adequate in size and shape to accommodate the construction of the proposed garage addition. The proposed garage addition will comply with the maximum lot coverage allowance, setbacks, height, and setback parameters.

*That proposed conditional use will not have a detrimental effect upon the nature, condition and development of nearby uses and buildings.*

The proposed garage addition will satisfy the required setbacks and will not produce any detrimental effects on neighboring properties.

*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 garage addition will not generate any additional traffic than what is typical for a residential use.

**Design Review Findings**

The design of the proposed addition will be compatible with the style of the existing home and garage structure. The addition is a logical continuation of the existing garage and will maintain the existing architectural style of the garage.

In examining the design review request, the Planning Commission must make sure that the conditions will be consistent with the required findings for a design review application.

*That the proposed structure is compatible with the neighborhood.*

Staff can make this finding: ☒YES ☐NO ☐NOT APPLICABLE

*Comments:* Staff can find that the proposed addition is compatible with the immediate neighborhood as there are several other properties with similarly sized accessory structures containing bathrooms and/or storage areas.

*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.*

Staff can make this finding: ☒YES ☐NO ☐NOT APPLICABLE
Comments: Staff finds that the proposed bathroom and storage addition to the existing garage would not impact the privacy of neighboring properties as it maintains and exceeds the minimum required setbacks from the property lines.

In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines.

Staff can make this finding: ☒ YES ☐ NO ☐ NOT APPLICABLE

Comments: The garage addition is compatible with both the existing house and the existing garage. New construction will match the existing structure and complement the current architectural style.

That the colors and materials are consistent and match the existing building or structure.

Staff can make this finding: ☒ YES ☐ NO ☐ NOT APPLICABLE

Comments: The addition will utilize materials and colors that match the existing garage. Both the roofing and window materials are selected from the City’s Pre-Approved Material Lists.

RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. CUP17-23, CUP17-34 and Design Review Case No. DRC17-104.

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 Winson 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:
      ______________________________________________________________________
      ______________________________________________________________________
      ______________________________________________________________________

   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 Winson Ave, San Marino

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

Owner’s Phone Number (Work): (626) 449-2548

Agent’s Name and Address: FRANK & FRANK MARAZONE SONS, INC

Agent’s Phone Number: (_____) __________________________

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

The applicant requests to construct a single-story addition and significant exterior modifications to an existing single-story residence with a new detached two-car garage. 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 one conditional use permit and two design review actions in accordance with City Code Sections 23.02.20(B), 23.15.03(A)(1), and 23.15.03F.

REQUIRED ACTIONS:

CONDITIONAL USE PERMIT CUP17-22 - EXCEED MAXIMUM ALLOWABLE LOT COVERAGE
DESIGN REVIEW NO. DRC17-62 – ONE-STORY ADDITION VISIBLE FROM THE STREET
DESIGN REVIEW NO. DRC17-105 – DRIVEWAY GATE AND FENCE

BACKGROUND:

General Plan: Low Density Residential (4-6 dwelling unit per acre of land area)
Zoning: R-1, Area District VI
Location: The subject property is located on the south side of Lorain Road, west of San Marino Ave.
Lot Size: 16,060 square feet
Existing Use: Single-story residence with a detached two-car garage
Surrounding Uses: The site is bordered in all directions by single family homes in Area Districts V, VI, and VII.
Proposed Square-Footage: Total Livable Area: 3,199 square feet/ 4 Bedrooms
Total Lot Coverage: 3,533 square feet
Parking Required/Proposed: Two-car garage / Two-car garage
ANALYSIS:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>REQUIRED/ALLOWED</th>
<th>PROVIDED/PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HEIGHT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Allowed</td>
<td>30’</td>
<td>Existing: 20’-7” Proposed: 21’-5”</td>
</tr>
<tr>
<td>YARDS (for accessory structure):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>25’</td>
<td>Existing: 40’-0” Proposed: 41’-9”</td>
</tr>
<tr>
<td>Side</td>
<td>5’</td>
<td>Existing: 13’-10” (west) Proposed: 6’-5” (west)</td>
</tr>
<tr>
<td>REAR</td>
<td>25’</td>
<td>Existing: 117’-1” Proposed 95’-2”</td>
</tr>
<tr>
<td>PARKING AND DRIVEWAYS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage Spaces</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>IMPERVIOUS COVERAGE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage</td>
<td>35%</td>
<td>11%</td>
</tr>
<tr>
<td>DESIGN:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural Style</td>
<td>French (Existing)</td>
<td>French Country</td>
</tr>
</tbody>
</table>

CONDITIONAL USE PERMIT – Exceeding Maximum Lot Coverage

The subject property is a corner lot currently improved with a one-story 1,981 square-foot French style residence, a detached 367 square-foot two-car garage with a storage shed, and an unfinished basement. The applicant is requesting to significantly remodel the existing house and construct a 1,178 square-foot one-story addition with a new detached 534 square-foot two-car garage including storage space. This will result in a total lot coverage of 3,553 square feet, which exceeds the maximum allowed lot coverage by 308 square feet. Since the property is a corner parcel, the maximum allowed livable area and lot coverage are reduced by 10%. A neighborhood survey created by staff indicates that this would be one of the largest homes within a 300-foot radius of the project site, if the project is approved. The average home is 2,084 square feet and the largest home is 3,227 square feet. Additionally, no other corner lots within the 300-foot radius exceed the maximum allowed livable area or lot coverage.

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 finds that the project would not intensify the residential use on the property but would still be detrimental to the neighborhood. Only two properties within a 300-foot radius exceed their maximum lot coverage and livable area allowance but neither are corner lots like the subject property. The proposed addition to the existing single-story residence exceeds lot coverage by 308 square feet. The applicant is requesting to demolish the entire roof and most of the walls of the existing house. By starting from a fairly clean slate, staff finds it difficult to justify the request to exceed the lot coverage and prefers to avoid perpetuating an already undesirable precedent of approving projects that exceed lot coverage in the neighborhood.

*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 site is sufficient in size for the proposed addition, walls, and fences while providing the required yard setbacks.

*That the proposed conditional use will not have a detrimental effect upon the nature, condition and development of nearby uses and buildings.*

The request to exceed the maximum lot coverage along with the overall design of the proposed addition and remodel would have a detrimental effect on nearby properties. As a corner lot, this property has high visibility from two streets, Lorain Road and San Marino Avenue. The massing and design of the home is inappropriate for the neighborhood and would not be consistent with what is found in the general vicinity. An approval of this request would encourage future applicants to seek similar approvals.

*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 addition would not generate any additional traffic than what is typical for the existing residential use. It will not affect the amount of traffic along Lorain Road or San Marino Avenue.

Staff is unable to make all the required findings for a Conditional Use Permit to exceed the maximum lot coverage.

**DESIGN REVIEW FINDINGS - Exterior changes to a structure visible from the street and construction of street facing fence and gates**

*That the proposed structure is compatible with the neighborhood.*

Staff can make this finding: □ YES ☑NO □ NOT APPLICABLE

*Comments:* The legal neighborhood mostly consists of Minimal Traditional style homes that are understated and modest in design. The proposed French Country style home would not be an appropriate addition to Lorain Road. Staff has met with the applicant several times to discuss design issues and inconsistencies, but the iterations provided by the design team have been inadequate in addressing staff concerns. Staff finds that the proposed structure is incompatible with the neighborhood in that it disrupts the streetscape with inconsistent architectural features and exaggerated massing. An alternative architectural style may be more fitting in this area of the city.
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.

Staff can make this finding: ☑ YES  ☐ NO  ☐ NOT APPLICABLE

Comments: Staff finds that the project balances the reasonable expectation of privacy of adjacent properties.

In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines.

Staff can make this finding: ☐ YES  ☑ NO  ☐ NOT APPLICABLE

Comments: The proposed single story addition and significant remodel of the existing house is not compatible in that it incorporates various mismatched architectural features. The front entryway and door are not true to the French architectural style as it is not properly recessed and it lacks an arched opening. The windows on the front elevation are inconsistent and should typically be symmetrical to produce a balanced façade. The dormers on the roof appear awkward in that the arched eyebrow is poorly designed. The trellis area at the rear are not consistent with the French style and appears to mimic a Craftsman style patio. Lastly, the flat roof at the center of the house is unacceptable as it serves no practical purpose and offends the French design. Due to all these design issues, staff finds the overall design not compatible with the neighborhood. Staff cannot support this project as presented.

That the colors and materials are consistent and match the existing building or structure.

Staff can make this finding: ☐ YES  ☑ NO  ☐ NOT APPLICABLE

Comments: The proposed window and roofing materials are selected from the City’s Pre-Approved Lists. However, Staff finds that the roofing material may be too modern for the French architectural style as most French homes utilize natural roofing materials. The proposed window shutters and the stone veneer are also out of place in that these materials are rather contemporary and are not usually found on French Country style buildings nor within the legal neighborhood.

That the proposed fence, gate, pilaster, yard wall or retaining wall is architecturally compatible with the existing residence.

Staff can make this finding: ☐ YES  ☑ NO  ☐ NOT APPLICABLE

Comments: Staff finds that the proposed automatic driveway gate, the wood fence along the east side yard (San Marino Avenue), and the front yard garden wall are not compatible with the residence in that it creates an enclosed appearance and is not a suitable way to add any architectural value to the site.

That the proposed fence, gate, pilaster, yard wall or retaining wall is consistent with the size and location of fences, gates, pilasters, yard walls and retaining walls on the block on which the property is located.

Staff can make this finding: ☐ YES  ☑ NO  ☐ NOT APPLICABLE
The Municipal Code defines Block as the property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets or between the termination of such street and the nearest intersecting or intercepting street.

Comments: For the purpose of analyzing compatibility with existing residences, Staff observed the houses along San Marino Avenue, between Lorain Road and Brentford Road as well as houses along Lorain Road between San Marino Avenue and Westhaven Road. There are no other properties on the subject block that exhibit front yard garden walls, street facing wood fences, pilasters or wood driveway gates. Staff cannot make the finding that the project's proposed fencing and wall would be compatible with the neighborhood.

*That the proposed fence, gate, pilaster, yard wall or retaining wall preserves site lines and is otherwise located in a manner not to create a hazard to pedestrian or vehicular traffic.*

Staff can make this finding: □ YES ☒ NO □ NOT APPLICABLE

Comments: The proposed gate, fence, and pilasters along San Marino Avenue provide a setback of 3 feet and 6 inches from the property line and would not create any issues for pedestrian or oncoming vehicular traffic. However, the front yard garden wall does not meet the required 18 inch setback from the front property line and could potentially create a tripping hazard for pedestrians.

Staff is unable to make all the required findings for the Design Review actions.

RECOMMENDATION:

Staff recommends the Planning Commission deny Conditional Use Permit CUP17-22, Design Review Case No. DRC17-62 and DRC17-105.

Attachments: Application
Location/Radius Map
Neighborhood Survey
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 # 8954
   (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:
   [Signature]

   Mailing Address: 2240 LORAIN ROAD, SAN MARINO CA 91108

   Owner’s Phone Number (Home): ( ____ )
   Owner’s Phone Number (Work): ( 213 ) 537-0158

   Agent’s Name and Address: 1125 W. SIXTH STREET, SUITE 205, LOS ANGELES, CA 90017
   Agent’s Phone Number: ( 213 ) 537-0158

*The verification form being signed under penalty of perjury does not require notarization.
### 300-foot Radius Survey

* – exceeds maximum

<table>
<thead>
<tr>
<th>SITE ADDRESS</th>
<th>Livable Area</th>
<th>Maximum Allowance</th>
<th>Area District</th>
</tr>
</thead>
<tbody>
<tr>
<td>2230 LORAIN RD</td>
<td>1509</td>
<td>3380</td>
<td>VI</td>
</tr>
<tr>
<td>2187 LORAIN RD</td>
<td>1694</td>
<td>3125</td>
<td>VI</td>
</tr>
<tr>
<td>2179 LORAIN RD</td>
<td>2225</td>
<td>3098</td>
<td>VI</td>
</tr>
<tr>
<td>2180 LORAIN RD</td>
<td>2704</td>
<td>3180</td>
<td>VI</td>
</tr>
<tr>
<td>2190 LORAIN RD</td>
<td>2504</td>
<td>3180</td>
<td>VI</td>
</tr>
<tr>
<td>1815 SAN MARINO AVE</td>
<td>2948</td>
<td>3600</td>
<td>V</td>
</tr>
<tr>
<td>1825 SAN MARINO AVE</td>
<td>1502</td>
<td>3000</td>
<td>VI</td>
</tr>
<tr>
<td>1830 SAN MARINO AVE</td>
<td>2124</td>
<td>3600</td>
<td>V</td>
</tr>
<tr>
<td>2255 LORAIN RD (corner)</td>
<td>2234</td>
<td>2852</td>
<td>VI</td>
</tr>
<tr>
<td>2265 LORAIN RD</td>
<td>1963</td>
<td>3000</td>
<td>VI</td>
</tr>
<tr>
<td>2205 LORAIN RD</td>
<td>1730</td>
<td>3185</td>
<td>VI</td>
</tr>
<tr>
<td>2213 LORAIN RD</td>
<td>2073</td>
<td>3000</td>
<td>VI</td>
</tr>
<tr>
<td>2223 LORAIN RD</td>
<td>2201</td>
<td>3000</td>
<td>VI</td>
</tr>
<tr>
<td>2235 LORAIN RD (corner)</td>
<td>1808</td>
<td>2715</td>
<td>VI</td>
</tr>
<tr>
<td>2275 LORAIN RD</td>
<td>2218</td>
<td>3000</td>
<td>VI</td>
</tr>
<tr>
<td>*2290 LORAIN RD</td>
<td>3227</td>
<td>3094</td>
<td>VI</td>
</tr>
<tr>
<td>2280 LORAIN RD</td>
<td>2297</td>
<td>3094</td>
<td>VI</td>
</tr>
<tr>
<td>2220 LORAIN RD</td>
<td>1356</td>
<td>3011</td>
<td>VI</td>
</tr>
<tr>
<td>2210 LORAIN RD</td>
<td>2289</td>
<td>3377</td>
<td>VI</td>
</tr>
<tr>
<td>*2195 LORAIN RD</td>
<td>3182</td>
<td>3162</td>
<td>VI</td>
</tr>
<tr>
<td>2200 LORAIN RD</td>
<td>2004</td>
<td>3221</td>
<td>VI</td>
</tr>
<tr>
<td>1945 SAN MARINO AVE</td>
<td>1575</td>
<td>3084</td>
<td>VI</td>
</tr>
<tr>
<td>1965 SAN MARINO AVE</td>
<td>1697</td>
<td>3130</td>
<td>VI</td>
</tr>
<tr>
<td>2005 SAN MARINO AVE</td>
<td>1831</td>
<td>3134</td>
<td>VI</td>
</tr>
<tr>
<td>1985 SAN MARINO AVE</td>
<td>2672</td>
<td>3128</td>
<td>VI</td>
</tr>
<tr>
<td>2270 LORAIN RD</td>
<td>2154</td>
<td>3091</td>
<td>VI</td>
</tr>
<tr>
<td>2260 LORAIN RD (corner)</td>
<td>2364</td>
<td>3307</td>
<td>VI</td>
</tr>
<tr>
<td>2255 BRENTFORD RD (corner)</td>
<td>2328</td>
<td>2576</td>
<td>VII</td>
</tr>
<tr>
<td>2275 BRENTFORD RD</td>
<td>1990</td>
<td>2851</td>
<td>VII</td>
</tr>
<tr>
<td>2265 BRENTFORD RD</td>
<td>2128</td>
<td>2827</td>
<td>VII</td>
</tr>
<tr>
<td>2285 BRENTFORD RD</td>
<td>1901</td>
<td>2808</td>
<td>VII</td>
</tr>
<tr>
<td>2270 BRENTFORD RD</td>
<td>1505</td>
<td>2703</td>
<td>VI</td>
</tr>
<tr>
<td>2280 BRENTFORD RD</td>
<td>1896</td>
<td>2746</td>
<td>VI</td>
</tr>
<tr>
<td>2260 BRENTFORD RD</td>
<td>2005</td>
<td>2455</td>
<td>VII</td>
</tr>
<tr>
<td>2045 SAN MARINO AVE</td>
<td>1540</td>
<td>3010</td>
<td>VI</td>
</tr>
<tr>
<td>2025 SAN MARINO AVE</td>
<td>1632</td>
<td>3130</td>
<td>VI</td>
</tr>
</tbody>
</table>

**AVERAGE**                  | **2084**     | **3052**           |
CITY OF SAN MARINO
MEMORANDUM

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

FROM: ALDO CERVANTES
PLANNING AND BUILDING DIRECTOR

DATE: FEBRUARY 28, 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 action 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>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING:</td>
<td>R-1, D I</td>
<td></td>
</tr>
<tr>
<td>Maximum Living Area/Lot Coverage</td>
<td>6,600 sq. ft.</td>
<td>6,531 sq. ft. Livable area. 4,957 sq. ft. Lot coverage</td>
</tr>
<tr>
<td>HEIGHT:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Allowed</td>
<td>35 ft.</td>
<td>27 ft. 7.5 in.</td>
</tr>
<tr>
<td>YARDS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>50 ft.</td>
<td>51 ft. - 4.5 inches</td>
</tr>
<tr>
<td>Side</td>
<td>20 ft.</td>
<td>37 feet to the north and 39 feet to the south</td>
</tr>
<tr>
<td>Rear</td>
<td>40 ft.</td>
<td>58 ft.</td>
</tr>
<tr>
<td>PARKING AND DRIVEWAYS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage Spaces</td>
<td>Three-car garage</td>
<td>Four-car garage</td>
</tr>
<tr>
<td>DISTANCE BETWEEN BLDGS.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>IMPERVIOUS COVERAGE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage</td>
<td>45%</td>
<td>35%</td>
</tr>
<tr>
<td>DESIGN:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural Style</td>
<td>Italianate</td>
<td>Italianate</td>
</tr>
</tbody>
</table>

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: 5.10.17

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

3. And legally described as follow (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 (N) 6,531 sq ft
      2-story, single-family residence
      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:

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

Owner's Phone Number (Home): 

Owner's Phone Number (Work):

Agent's Name and Address: Shushan Gezaly

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

*The verification form being signed under penalty of perjury does not require notarization.*
TO: VICE-CHAIR BRODY AND MEMBERS OF THE PLANNING COMMISSION

FROM: M. D. RUEDA, FIRE CHIEF
ALDO CERVANTES
PLANNING AND BUILDING DIRECTOR

DATE: FEBRUARY 28, 2018

SUBJECT: AN AMENDMENT TO THE PRE-APPROVED ROOFING MATERIALS LIST

PURPOSE:

City Staff is requesting the Planning Commission amend the Pre-Approved Roofing Materials List by removing natural wood shakes and shingles. City Code Section 23.15.03E allows the Planning Commission replace or add new materials to the pre-approved list.

BACKGROUND:

Many roofs in our communities’ residential structures were installed using wood shakes or shingles. Untreated wood roofs are very susceptible to fire from several sources. Firebrands, or burning embers, from roofs themselves, can fly during wind events causing adjacent structures to burn. In the most severe conditions, the resulting conflagration could then encompass multiple structures. In 2016, in the City of San Marino, 40% of the major residential dwelling fires that required a full response from all of our adjacent area Fire Departments were the result of untreated wood shake roofs.

During the 2017 Fall and Winter months, there was an unprecedented number of weeks of Santa Ana wind conditions accompanied by low humidity. These events were televised either through newscasts or in newspapers and in some cases revealed residents with garden hoses in firestorms watering their roofs. These actions demonstrated a very serious concern by those residents about the flammability of untreated wood roofs, including those in urban areas.

The California Building Code sets roofs into three categories effective against fire test exposures:

- Class A – severe fire test exposure
- Class B – moderate fire test exposure
Class C – light fire test exposure

The California Building Code, which the City adopted, requires a minimum of a Class B rated roof materials, unless the property is located in the High Fire Severity Zone. If the property is located in the High Fire Severity Zone, a new roof installation must be a minimum of a Class A rating.

These classes are generally specified depending on the fire hazard for the area. Our local code can be based on findings that are affected by climatic, topographical, or geologic conditions unique to our local area. Topographical includes housing located in hilly areas and difficult to access areas with narrow streets.

A problem that also exists in our community is embers from chimneys without adequate spark arresters, coupled with climatic conditions of wind, may permit the blowing of sparks or cinders upon wood roofs of the originating home or to adjacent homes. This in turn may cause multiple roof fires.

In response to the fire sensitivity of wood roofs, the roofing industry has developed a roofing system that has been rated for Class A. One area of concern is how long will the pressure-treatment (fire resistance) on the shakes and shingles last? Tests conducted by the United States Department of Agriculture’s Forest Products Laboratory, independent testing laboratories, and manufacturers indicate that the treatment process renders the wood fire retardant for the life of the roof. However, the City of Los Angeles has found in their tests, the exposed edges created by cutting during installation will sustain combustion. In 1989, the City of Los Angeles ultimately banned wood roofs in high risk areas, and permitted roof repairs of 10% or less of an existing roof covering with fire-retardant wood shakes or shingles. If the repairs exceed 10% wood shakes and shingles are not permitted.

One of the objectives of governmental regulation is the protection of the lives and property of citizens from loss of life and loss of property from fire. The Fire and Planning and Building Department both agree that the current Pre-Approved Roof Materials List to preclude wood roof products throughout the City. Amending the pre-approved list by removing natural wood roofing materials would not prohibit future installation, but rather require an application for wood roofs to go before the Design Review Committee. The amendment would eliminate wood roofs as a “by-right” installation. The larger goal of the City would include adopting a local building standard within the next year to completely ban wood roofs altogether.
RECOMMENDATION:

That the Planning and Building Department be authorized to amend the Pre-Approved Roof Materials List to preclude natural wood roof products throughout the City. Wood products with a Class A rating may be utilized for roofing repairs to roofs would be permitted if less than 10% of the total roof area.