

**CITY OF SAN MARINO
RESOLUTION NO. PCR 25-01**

**A RESOLUTION OF THE CITY OF SAN MARINO PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NOS.
CUP 24-06, CUP 24-07, CUP 24-08, AND VARIANCE CASE NO. VAR
24-05 AT 2659 MISSION STREET, CITY OF SAN MARINO, LEGALLY
DESCRIBED AS TRACT NO. 8687, LOTS 37 & 38, IN THE CITY OF
SAN MARINO, COUNTY OF LOS ANGELES**

WHEREAS, on August 21, 2024, an application for a Conditional Use Permits to operate a medical clinic use (plastic surgery) with commercial tenant improvements and an off-street parking agreement, and a Variance to request relief from the parking requirements set forth in San Marino Municipal Code Section 23.10.03, was duly filed by Linda Vidov on behalf of Victor Chang (Applicant), for the property located at 2659 Mission Street, San Marino, California, 91108 (the Property),

WHEREAS, the Property is Zoned C-I General Commercial, and

WHEREAS, the property in question is legally described as follows:

LOT NOS. 37 AND 38 OF TRACT NO. 8687, IN THE CITY OF SAN MARINO,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

WHEREAS, a public hearing to consider said application was set and held before the Planning Commission on January 22, 2025, at the hour of 6:00 p.m., and relevant testimony, evidence, and comments have been made a part of the record; and

WHEREAS, on January 22, 2025, the Planning Commission also reviewed all of the information provided in the staff reports and considered the testimony given at the public hearings, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on January 22, 2025, the Planning Commission deliberated the project merits and made a Motion of Intent to Approve the Project, subject to the preparation of a written Resolution of Approval to be considered at the next available Planning Commission meeting; and

WHEREAS, the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15301, Class I (Existing Facilities).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SAN MARINO does hereby find, determine and declare:

SECTION 1. All of the above recitals are true and correct and are incorporated herein as part of this decision by this reference.

SECTION 2. The San Marino Planning Commission makes the following findings regarding the issuance of a CONDITIONAL USE PERMIT CASE NOS. CUP 24-06, CUP 24-07, and CUP 24-08:

- A. 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 or 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 proposed plastic surgery practice with ancillary retail sales of medical-grade skin products promotes health and wellness, which is consistent with Objective L8 set forth in the City's 2003 General Plan: to encourage a variety of retail, professional services, and medical uses intended to meet the needs of San Marino residents. The business will operate during typical daytime business hours, Monday through Friday from 9:00 AM to 5:00 PM, and on occasional Saturdays from 9:00 AM to 2:00 PM. The business will also be closed on Sundays. The proposed use will provide non-surgical and minimally invasive procedures focused primarily on facial rejuvenation, that will not require general anesthesia to be administered on-site. The project proposes three (3) clinic rooms, one (1) procedure room, and will be conditioned to specifically prohibit operating rooms and the use of general anesthesia. Therefore, it is reasonable to expect a lower risk of potential medical complications or emergency situations that could arise from minimally invasive procedures, as opposed to potentially greater risks if more complex surgeries were conducted on-site. By following strict industry standards, the proposed plastic surgery use will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing in or working in the area, nor injurious to property or improvements in the neighborhood or to the general welfare of the City.

Furthermore, the proposed commercial tenant improvements will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing in or working in the area; nor be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City; since the proposed improvements are confined to the interior. The proposed improvements are also required to meet California Building and Fire Codes, and will be conditioned to provide an electronically supervised automatic smoke detection system, that further aid in safeguarding the health and safety of the employees and patrons of the proposed business, and the locality.

Finally, an off-street parking agreement is proposed with the existing parking lot located at 1710 South Los Robles Avenue (APN: 5325-007-038), which is accessed via the rear alley to the north of the subject property. The project will be conditioned to require employees, and encourage patrons, to park within the designated parking spaces either on-site or at the parking lot located at 1710 South Los Robles Avenue, which will help reduce impacts to public parking on Mission Street, as well as to the public parking lot located 2667 Mission Street immediately east of the subject lot.

- B. 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 property is situated on an approximately 3,998 square-foot lot improved with an approximately 3,120 square-foot one-story commercial building and 3 off-street parking spaces adjacent to the rear alley. A commercial tenant improvement (CUP 24-07) is proposed to convert the pre-existing retail space into a plastic surgery (medical) clinic. If CUP 24-07 is approved, the site will be further improved to provide the adequate development features within the building to accommodate the proposed use. As a result, the proposed plastic surgery practice is expected to integrate with the mix of commercial uses on Mission Street.

The San Marino Municipal Code requires the proposed medical use to have 21 off-street parking spaces. An off-street-parking agreement (CUP 24-08) is requested to supplement the three (3) existing on-site parking spaces with an additional 15 spaces in the existing parking lot located at 1710 South Los Robles Avenue (APN: 5325-007-038), which is accessed via the rear alley. A parking variance (VAR 24-05) is also requested to address the deficiency of 3 parking spaces on the subject site and with the off-street parking agreement. Should the parking CUP and variance be approved, the site would adequately accommodate yards, walls and fences, parking and loading, landscaping and other development features prescribed in this Chapter.

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

The proposed plastic surgery practice, and the commercial tenant improvements to the subject building, will be conducted entirely indoors and will not generate any odors, dust, noise, light, and other nuisances that could negatively impact adjacent businesses. Based on the business operations statement provided by the applicant, the lasers proposed to be used indoors for procedures will not generate any noise or vibrations, and any resulting medical waste will be stored securely and collected on a regular basis based on conditions of approval. Therefore, the project will not have a detrimental effect upon the nature, condition and development of nearby uses and buildings.

The project also proposes an off-street parking agreement with the existing parking lot located at 1710 South Los Robles Avenue (APN: 5325-007-038). The supplemental parking will provide adequate parking to meet the needs of the proposed plastic surgery business based on the anticipated number of employees and patrons. The off-street parking agreement will offset impacts to existing public parking on Mission Street and public parking lots in the vicinity, which, in turn, will prevent a detrimental effect upon the nature, condition and development of nearby uses and buildings, both residential and commercial.

D. 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 site is improved with an approximately 3,120 square-foot commercial building located along a commercial corridor served by Mission Street, which is paved and adequately maintained. A public alley is also located to the north of the subject property, which connects to an existing parking lot that is proposed to provide an additional 15 parking spaces for the proposed business. The sites of both the subject property at 2659 Mission Street and the parking lot located at 1710 South Los Robles Avenue, and the surrounding vicinity, are all paved with adequate width to accommodate traffic to and from the subject site from either Mission Street or the rear alley. This finding does not apply to CUP 24-07 for the proposed commercial tenant improvements.

SECTION 3. The San Marino Planning Commission makes the following findings regarding the issuance of VARIANCE CASE NO. VAR 24-05:

A. That strict application of the regulations and standards of this Chapter will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of said regulations and standards.

The subject property is improved with three (3) off-street parking spaces at the rear of the building. The strict application of the City's Zoning Chapter results in an unnecessary hardship on the proposed medical use, or any other business allowed under the City's Zoning Ordinance, since the site could not

reasonably accommodate parking pursuant to the parking requirements set forth in the San Marino Municipal Code.

- B. That the variance, if granted, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.**

Commercial uses are well-established within the vicinity of the subject property. There are other businesses with similar nonconforming parking conditions in the area and generally throughout the City's commercial zones. A number of businesses, such as the Julienne restaurant located at 2649 Mission Street, are known to have off-street parking agreements to help meet their respective parking requirements. This project also proposes an off-street parking agreement (CUP 24-08) that, if approved, would provide enough parking to meet the needs of the business. Therefore, a granting of this variance would not constitute a special privilege.

- C. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the applicant of a reasonable utilization of such property.**

The subject property is improved with three (3) off-street parking spaces, which cannot accommodate parking for most uses pursuant to the parking requirements set forth in the San Marino Municipal Code. The subject building has also been vacant for longer than one year, thereby preventing any business from operating the tenant space with the former nonconforming parking status, which deprives the applicant of a reasonable utilization of the subject property. The project proposes an off-street parking agreement (CUP 24-08) to provide an additional 15 parking spaces to serve the business. Consequently, this variance application requests to reduce the parking requirement by three (3) parking spaces, from a total of 21 spaces to 18 spaces, which addresses the parking deficiency, provides ample parking for patrons and employees, and permits the reasonable utilization of such property.

- D. That the use or development applied for will not be materially detrimental to the public health, safety or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located.**

The variance request is for a reduction in off-street parking and not for a use or development.

- E. That, because of circumstances relating to or conditions applicable to the property in question, it would be unreasonable and a deprivation of any practical use of the property to deny such variance; except whenever the application involves a fence, yard, setback or bulk variance (as opposed to a use, parking or other type variance), it shall not be necessary to make a finding on this point.**

The subject property is improved with an approximately 3,120 square-foot commercial building on an approximately 3,998 square-foot lot with three (3) off-street parking spaces, which cannot accommodate parking for most uses pursuant to the parking requirements set forth in the San Marino Municipal Code. The subject building has also been vacant for longer than one year. As such, a denial of this variance would be unreasonable and a deprivation of any practical use of the property.

SECTION 4. PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the San Marino Planning Commission hereby approves CONDITIONAL USE PERMIT CASE NO. CUP 24-04 and VARIANCE CASE NO. VAR 24-04 subject to conditions of approval.

SECTION 5. The proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15301, Class 1 (Existing Facilities).

SECTION 6. The decision of the Planning Commission, as set forth in this Resolution, is final unless a timely appeal to the City Council is filed within fifteen (15) days of the date of the adoption of this Resolution by the Planning Commission pursuant with the provisions of Section 23.15.10 of the San Marino Municipal Code.

VOTE: **AYES:** MEQUET, GATSOULIS-BATNIJ, CHENG, DUSTIN, BOYLE
 NOES: None
 ABSTAIN: None
 ABSENT: None

CERTIFICATION

I hereby certify the foregoing Resolution No. PCR 25-01 is a true and complete record of the action taken by the Planning Commission of the City of San Marino, California, at its regular meeting of January 22, 2025.

PASSED, APPROVED, AND ADOPTED on this 26th day of February 2025.

SHELLEY BOYLE,
Chair, San Marino Planning Commission

ATTEST:

ISIDRO FIGUEROA,
Secretary, San Marino Planning Commission

EXHIBITS

A. COMMUNITY DEVELOPMENT DEPARTMENT STANDARD CONDITIONS

**RESOLUTION NO. PCR 25-01
EXHIBIT A**

**COMMUNITY DEVELOPMENT DEPARTMENT
STANDARD CONDITIONS**

PROJECT: Conditional Use Permit Case Nos. CUP 24-06, CUP 24-07, and CUP 24-08, and Variance Case No. VAR 24-05

SUBJECT: To operate a plastic surgery and aesthetic medicine practice, and request approval for associated commercial tenant improvements, off-street parking agreement, and relief for the parking requirements set forth in City code.

APPLICANT: Victor Chang, M.D.

LOCATION: 2659 Mission Street, San Marino, CA 91108

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT. THE APPLICANT SHALL CONTACT THE PLANNING DIVISION VIA PHONE AT (626) 300-0700 OR EMAIL AT PLANNING@SANMARINOC.A.GOV, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

Completion Date

1. The applicant shall defend, indemnify, protect and hold harmless the City, its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the City and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at applicant's expense. ____/____/____
2. Copies of the signed Planning Commission Resolution of Approval or Approval Letter, Standard Conditions, and all environmental mitigations shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect. ____/____/____

B. Time Limits

1. Any approval shall expire if a Building Permit has not been issued or the approved use has not commenced within one year from the date of approval, or a time extension has been granted. ____/____/____

C. Site Development

Completion Date

1. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Community Development Department, the conditions contained herein, and the Zoning Code regulations. ___/___/___
2. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Community Development Department, the conditions contained herein, and the Zoning Code regulations. ___/___/___
3. Prior to the use of the project site being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director. ___/___/___
4. Operation of the facilities shall not commence until such time as all California Building and Fire Marshal regulations have been complied with. Prior to commencement of operation, plans shall be submitted to the San Marino Fire Department and the Community Development Department to show compliance. The facility shall be inspected for compliance and final acceptance granted prior to the start of operation. ___/___/___

D. Conditions of Approval for Conditional Use Permit Case Nos. CUP 24-06, 24-07, and 24-08, and Variance Case No. VAR 24-05

1. The business is limited to providing the following non-surgical or minimally-invasive plastic surgery services, and related consultations therefor, on the site: ___/___/___
 - a) Botox and fillers
 - b) Laser therapy, using lasers that do not exceed 50 decibels
 - c) Microneedling
 - d) Small laceration repairs
 - e) Upper blepharoplasty under local anesthesia only
 - f) Small volume fat aspiration and fat grafting that involve less than 200 cubic centimeters of fat, and under local anesthesia only
 - g) Post-operative care, including, but not limited to, suture and bandage removal, dressing changes, scar therapy, and small touch ups
 - h) Ancillary retail sales of medical-grade skincare products
2. The use of local anesthesia is allowed; however, the use of general anesthesia is prohibited, meaning there will be no controlled unconscious state of patients on-site. Furthermore, an operating room that would accommodate more complex surgeries other than those services specified above is specifically prohibited unless a modification of Conditional Use Permit Case No. CUP 24-06 is approved by the Planning Commission after a public hearing. ___/___/___
3. A maximum of nine (9) employees are permitted to be on-site at any given time, including, but not limited to, the business owner; other doctors, medical, and nurse practitioners; and administrative staff. Additionally, the business shall not schedule appointments that would require more than six (6) patients to visit the site within any given one-hour period. ___/___/___

Completion Date

4. Delivery of supplies to the business shall be made between 9:00 AM and 6:00 PM Monday through Saturday only. No delivery trucks shall block the flow of either street traffic, or parking lot and alley circulation, or be parked with their engines idling at any time. No commercial vehicles shall be parked along any residential street at any time. ____/____/____
5. Medical waste shall be stored on the site in a safe and secure manner, in bins that are not visible or accessible to the public, always within the appropriate enclosure, and collected on a regular basis by a qualified third-party medical waste collection service. One (1) on-site parking space shall be reserved for the qualified medical waste collector on the day(s) which the collector is expected to visit the site. All refuse bins on the site shall be emptied and cleaned as frequently as necessary to remain shut and prevent odors. ____/____/____
6. The applicant for the off-site parking plan agrees to immediately cease all operations of the business for which the off-site parking is to be devoted within 30 days following the termination of the lease or other arrangements the Commission or Council approved for the off-site parking unless the Commission, or the Council on appeal, first approves a new off-site parking plan. ____/____/____
7. To the extent practicable, the business shall encourage and direct patrons and/or guests to park their vehicles in one of the parking spaces designated for the business, either on the site or at the parking lot located at 1710 South Los Robles Avenue (APN: 5325-007-038). ____/____/____
8. The owner of the business utilizing the off-site parking shall provide City with a list of the names and vehicle license numbers of all employees. This list shall be updated within five (5) working days of a change in employees or a vehicle utilized by an employee. Failure of the employee to park in the off-site location shall constitute grounds for revocation of the off-site parking plan. ____/____/____
9. Any lease of off-site parking shall be for an initial term of at least one (1) year, and shall be renewable for terms of one (1) year or more. ____/____/____
10. The business shall accommodate scheduled or unannounced inspections by City officials for compliance with these conditions. ____/____/____
11. The subject building shall be improved with an electronically supervised automatic smoke detection system. ____/____/____