



City of San Marino

Staff Report

*Shelley Boyle, Chair
John Dustin, Vice Chair
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TO: Chair and Members of the Planning Commission
FROM: Isidro Figueroa, Community Development Director
BY: Aubrey Stark-Miller, Assistant Planner
DATE: March 26, 2025

SUBJECT: CONSIDERATION OF APPROVAL FOR VARIANCE CASE NO. VAR 24-07 AND DESIGN REVIEW CASE NO. DR 24-73 AT 800 CHESTER AVENUE FOR THE REPLACEMENT OF EXISTING WOOD PICKET FENCE AND RETAINING EXISTING BRICK PILASTERS ON THE FRONT PROPERTY LINE WITH 0' 0" SETBACK. (DUVAL)

STRATEGIC PLAN CRITICAL SUCCESS FACTORS

Beautiful, Preserved, Single-Family Neighborhoods
Engaged and Connected Residents

BACKGROUND

The applicant is proposing to replace an existing white picket fence and two driveway gates that are currently positioned on the front property line, along with existing brick pilasters, without the setback of eighteen inches (18") as required by SMMC 23.13.04 (B)(1). The variance is to maintain the current setback of zero feet (0' 0") for the existing pilasters and proposed replacement front yard fence and driveway gates.

The project is applying for a variance for the proposed fence and existing pilasters due to the applicant's request to maintain the existing location of the fence and pilasters due to the hardship relocation would impose.

The project requires the following actions:

- **Variance Case No. VAR 24-07:** Pursuant to San Marino Municipal Code (SMMC) Section 23.13.04 (E)(1), no exception to the height or

setback requirements contained in this Section shall be permitted except by the issuance of a variance.

- **Design Review Case No. DR 24-87:** Pursuant to San Marino Municipal Code (SMMC) Section 23.13.04 (G)(3), applications for fences and gates located in a front yard adjacent to a street shall be subject to design review.

ZONING INFORMATION

General Plan Land Use Designation: Low-Density Residential

Zoning: R-1, Area District II

Parcel Number (APN): 5329-015-016

Location: The subject property is located on Chester Avenue between Chaucer Road and Orlando Road.

Existing Use: Two-story single-family residence with an attached garage.

Surrounding Uses: The subject property is surrounded by one and two-story single-family residences.

TREE PRESERVATION

The project does not propose the removal or relocation of any trees.

HISTORIC PRESERVATION

The subject property is not identified on the Citywide Historic Resources Survey Report as a potential historic resource.

NEIGHBORHOOD NOTIFICATION

Do Not Object – 7

Object – 0

No Response (with two attempts of certified mailings) – 2

DISCUSSION

PROJECT ANALYSIS

Design Review Case No. DR 24-87

The applicant is proposing to replace an existing white picket fence and two white picket driveway gates that are currently positioned on the front property line, along with existing brick pilasters, without the setback of eighteen inches (18") as required by SMMC 23.13.04 (B)(1). The proposed fence requires Design Review because it is replacing more than 50% of the existing fence and is a change in the design of the white pickets.

The proposed design will maintain the five foot ten inch (5' 10") tall brick pilasters and replace the existing three foot (3') tall wood picket fence and five foot two inch (5' 2") tall wood picket driveway gates with a new three foot (3') tall dog-eared wood picket fence with three and a half inch (3.5") spacing, which does not exceed the 25% opaqueness requirement of fences within the front yard.

Variance Case No. VAR 24-07(Front yard fence and gate on the front property line)

The project is proposing to maintain the existing setback of 0' 0" rather than move the existing pilasters and new fence eighteen inches (18").

Pursuant to San Marino Municipal Code (SMMC) Section 23.06.04(B)(1):

"No fence, gate, pilaster, yard wall or retaining wall shall be located and maintained less than eighteen inches (18") from the front property line or the distance established by the DRC for safety reasons."

Additionally, pursuant to San Marino Municipal Code (SMMC) Section 23.13.04 (E)(1):

"Exception To Height Or Setback Requirements: No exception to the height or setback requirements contained in this Section shall be permitted except by the issuance of a variance pursuant to the procedures contained in Section 23.07.01 of this Chapter."

The residence is in District II and the lot is smaller than the average for the legal neighborhood. The circular driveway takes up a significant portion of the front yard and the applicant proposes to keep the existing nonconforming setback in order to avoid further reduction in available front yard space and landscaping. Additionally, the homeowner believes moving the existing pilasters would create a financial burden and disrupt the existing cohesive architectural design of the property.

The property at 816 Chester Ave has pilasters and hedging on the property line, creating neighborhood compatibility with the subject residence. The size of the lot, the location of the main residence and the existing circular driveway lead to increased conflict within the code due to unique existing conditions.

DESIGN REVIEW FINDINGS – (DR 24-73)

Pursuant to SMMC Section 23.15.09, the Planning Commission shall consider the durability, quality, and cost of construction materials when raised as an issue by the applicant; and approve the application, if it finds, all of the following to be true:

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

The main residence is listed on the original building permit as a Colonial architectural style. The white picket fence and driveway gates are replacing an existing white picket fence and driveway gates. Staff finds that the proposed fence and gates are compatible with, and do not detract from the architectural style of the residence. The design is architecturally compatible with the existing residence as the proposal closely replicates the original white picket fence and driveway gates currently on the property.

As such, this project meets this finding.

2. 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.

The fence and gates are compatible with the main residence, which currently

has an existing white picket fence and picket driveway gates, therefore, the proposed gate and fence is consistent with the size and location of fences and pilasters on the legal block.

Therefore, this project meets this finding.

3. 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.

The proposed gates and fence preserves site lines and is otherwise located in a manner not creating a hazard to pedestrian or vehicular traffic as it adheres to the height restrictions for Area District I, and it maintains a see-through design that is compliant with code requirements for opaqueness.

As such, this project meets this finding.

4. The Design Review Committee (DRC) may impose conditions necessary to make the required findings. Such conditions may include prohibiting or requiring the installation and maintenance of landscaping. The DRC may reduce the maximum permitted height, increase the minimum required setback and decrease the maximum permitted opacity of any fence, gate, pilaster, yard wall or retaining wall located in the front yard. The DRC may not reduce the maximum permitted height, increase the minimum required setback or decrease the maximum permitted opacity of any fence, gate, yard wall or retaining wall located in a side yard adjacent to a street; except, that the DRC can increase the minimum setback for a gate providing access to a driveway in order to protect pedestrian or vehicular traffic. Following the same procedures for granting a fence permit, the DRC may revoke a fence permit and require removal of the fence, gate, pilaster, yard wall, retaining wall or any part thereof if it finds that the property owner has violated any condition of the fence permit.

The project proposes no changes in which this finding applies.

Therefore, this project meets this finding.

VARIANCE FINDINGS – (VAR 24-07)

Pursuant to SMMC Section 23.07.02, the Planning Commission shall approve the application if it finds all of the following to be true:

- 1. 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 required front yard setback for a fence is 18" from the property line. The existing fence and pilasters are currently on the property line with no setback. Moving the fence and pilasters back 18" would not create a hardship for the property.

As such, this project does not meet this finding.

- 2. 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:**

The adjacent neighbor at 816 Chester Ave has pilasters that are on the property line with no setback. As such, the existing location of the proposed fence and gate will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

Therefore, this project meets this finding.

- 3. 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 land parcel at 800 Chester Avenue does not have a unique size, shape, topography, location or surroundings. The strict application of the chapter will not deprive the applicant of a reasonable utilization of such property.

As such, this project does not meet this finding.

- 4. 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 proposed fence is in the existing location of the current fence and will be setback 20 feet from the street as the City parkway is larger than normal. Therefore, the proposal 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.

Therefore, this project meets this finding.

- 5. 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.**

As the proposed project relates to a fence variance, this finding is not applicable as stipulated in the finding above.

As such, this project meets this finding.

ENVIRONMENTAL FINDING

The project proposes to replace an existing wood picket fence and two driveway gates on an existing single-family residence. Pursuant to Section 21084 of the California Public Resource Code, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

RECOMMENDATION

Based on the information submitted to the record, staff recommends the Design Review Committee:

- (1) Determine that the proposed project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and that

there is no substantial evidence demonstrating an exception to the categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies;

(2) Find that the proposed project meets the findings for Design Review but does not meet the findings for a Variance; and

(3) Deny VAR 24-07 and approve DR 24-73 with the following condition:

- The fence must conform to a setback of 18" as required by San Marino Zoning Code.

ATTACHMENTS

1. VAR 24-07 DR 24-73 Plans
2. DR 24-73 Neighborhood Map
3. DR 24-73 Block Map
4. DR 24-73 Fence Agreements
5. Gate Motor Brochure
6. VAR 24-07 300' Radius Map
7. Neighborhood Notification Documents