

**CITY OF SAN MARINO
RESOLUTION NO. PCR 25-04**

**A RESOLUTION OF THE CITY OF SAN MARINO PLANNING
COMMISSION CONDITIONAL USE PERMIT CASE NO. 23-05 &
DESIGN REVIEW CASE NO. DR 23-115 LOCATED AT 1265 LORAIN
ROAD, CITY OF SAN MARINO, LEGALLY DESCRIBED AS TRACT
NO. 6300, LOT 47, IN THE CITY OF SAN MARINO, COUNTY OF
LOS ANGELES**

WHEREAS, on December 1, 2023, an application to construct a 297 square-foot(sq ft) second-story addition to the rear that encroaches within the 30-degree encroachment line with a 54 sq ft balcony. Neal Jenkins (Applicant) filed the application for the property located at 1265 Lorain Road, San Marino, CA, 91108 (the Property).

WHEREAS, the Property is Zoned R-I, Single-Family Residential (Area District V), and

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

LOT 47 OF TRACT 6300, IN THE CITY OF SAN MARINO, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA.

WHEREAS, a public hearing to consider said application was held before the Planning Commission on February 25, 2025, at the hour of 6:00 p.m., and to hear and consider relevant testimony, evidence, and comments have been made a part of the record.

WHEREAS, on February 25, 2025, the Planning Commission also reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on February 25, 2025, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Approve the Project.

WHEREAS, the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section 15301, Class 1 (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 23-05:

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 be general welfare of the City.

The proposed addition with the 30-degree encroachment will create a new bedroom and bathroom on the second story to the existing two-story residence. The new addition does not include any windows facing towards the adjacent southwest neighbor at 1255 Lorain Road, and the addition will have a setback of 5 feet to not be detrimental or injurious to properties or improvements in the neighborhood.

Staff finds that the proposed addition will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing in the proposed area.

As such, this project meets this finding.

- 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 proposed second-story addition with the 30-degree encroachment will not expand the lot coverage of the residence and will maintain the existing landscape. The property has also already been improved with a detached 3-car garage to accommodate the proposed fifth bedroom.

Therefore, this project meets this finding.

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

The proposed addition with the 30-degree encroachment will maintain the existing 5-foot setback from the side property line and will not include any windows that face the southwest adjacent neighbors to address and will not have a detrimental effect upon the nature, condition, and development of nearby uses and buildings.

Therefore, this project meets this finding.

- 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 addition of the fifth bedroom with a bathroom within the 30-degree encroachment will not impact the traffic on the street, and the property has already improved with a 3-car garage to accommodate the required parking space.

Therefore, this project meets this finding.

SECTION 3. The San Marino Planning Commission makes the following findings regarding a second-story addition for DESIGN REVIEW NO. DR 23-115:

- A. That the proposed structure is compatible with the neighborhood,**

- a. The existing two-story home is constructed with a Spanish Colonial Revival design. The legal neighborhood is composed primarily of one and two-story homes in a mix*

of Period Revival architectural styles, including Minimal Traditional, Ranch, and Spanish Colonial homes.

The addition will increase the existing 3,253 square feet of livable area to 3,604 and is compatible with the massing of the existing neighborhood, as the largest home within the legal neighborhood has a livable area of 3,886 at 1250 Lorain Road.

As such, this project meets this finding.

B. 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,

- a. The proposed addition will not include any windows facing the southwest adjacent neighbor at 1255 Lorain Road and will have 128 feet and 5 inch setback towards the rear property line to preserve the reasonable expectation of privacy of persons residing on contiguous properties.*

Therefore, this project meets this finding.

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

- a. The proposed second story addition will enclose the existing balcony to create a new bedroom and bathroom. The addition will create a new flat roof with hipped roof edges using two-piece mission clay tiles.*

As such, this project meets this finding.

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

- a. The proposed addition will use wood windows to match the existing windows, two-piece barrel mission clay tiles in red color, and 4 inches by 6-inch stained faux rafter tails at 24 inches on center, and a stucco finish to match the existing residence.*

Therefore, this project meets this finding.

SECTION 4. PURSUANT TO THE ABOVE FINDINGS, IT IS RESOLVED that the San Marino Planning Commission hereby approves DESIGN REVIEW NO. DR 23-75 and DR 24-22 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 3 (New Construction or Conversion of Small Structures).

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 City Code.

VOTE: **AYES:**
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution No. PCR 25-04 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 February 25, 2025.

PASSED, APPROVED, AND ADOPTED on this 25th 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

EXHIBIT A

COMMUNITY DEVELOPMENT DEPARTMENT STANDARD CONDITIONS

PROJECT #: Conditional Use Permit No. CUP 23-05 & Design Review No. DR 23-115

SUBJECT: To construct a 297 square-foot(sq ft) second-story addition to the rear that encroaches within the 30-degree encroachment line with a 54 sq ft balcony.

APPLICANT: Neal Jenkins

LOCATION: 2034 East California Avenue

ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT. APPLICANT SHALL CONTACT THE PLANNING DIVISION, (626) 300-0710, 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 Building Permits are not issued or approved use has not commenced within one year from the date of approval or a time extension has been granted. ____/____/____

C. Site Development

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, sign program, and grading on file in the Planning and Building Department, the conditions contained herein, and the Zoning Code regulations. ____/____/____
2. Prior to any use of the project site being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director. ____/____/____
3. Occupancy of the structures shall not commence until such time as all California Building Code and Fire Marshal regulations have been complied with. Prior to commencement of occupancy, plans shall be submitted to the San Marino Fire Department and the Building Department to show compliance. The structure shall be inspected for compliance and final acceptance granted prior to start of occupancy. ____/____/____

D. Conditions of Approval

1. Prior to any use of the project site being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director. ____/____/____