

**REGULAR MEETING  
OF THE SAN MARINO PLANNING COMMISSION  
FEBRUARY 24, 2016 - 7:00 P.M.**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**       **PRESENT:** Chairman Ben Lundgren, Vice-Chairman Marcos Velayos, Howard Brody, Raymond Cheng, Alternate Susan Jakubowski

**ABSENT:** Se-Yao Hsu

**PUBLIC COMMENTS**

**PUBLIC HEARINGS**

1. **GENERAL PLAN AMENDMENT FOR THE PARKING LOTS LOCATED AT 1270 BELHAVEN ROAD (APN 5332-002-010), 1265 SAN GABRIEL BOULEVARD (APN 5332-002-009), 2000 HUNTINGTON DRIVE (APN 5334-016-016), AND 1620 CHELSEA ROAD (APN 5335-005-001)**

Planning and Building Director Cervantes presented the staff report and stated that the project should be continued because two affected parcels were not included on the notice.

Chairman Velayos moved to continue the item to the meeting of March 23, 2016. Seconded by Commissioner Cheng. AYES: Chairman Lundgren, Vice-Chairman Velayos, Commissioner Brody, Commissioner Cheng, Alternate Commissioner Jakubowski. NOES: None.

2. **CONDITIONAL USE PERMIT NO. CUP15-32, DESIGN REVIEW NO. DRC15-54 AND MODIFICATION TO DRC13-21 1905 WELLESLEY ROAD, (LAM/FONG)**

Chairman Lundgren recused himself from this item due to a potential conflict of interest.

Planning Intern Quiroz stated that the applicant has requested a withdrawal of their application.

The Planning Commission received and filed the request for withdrawal.

3. **CONDITIONAL USE PERMIT NO. CUP16-02 AND VARIANCE NO. V15-16 1048 OAK GROVE PLACE, (LIU)**

Chairman Lundgren recused himself from this item due to a potential conflict of interest.

Assistant Planner Choi presented the staff report for this item and answered questions.

Gordon Liu, applicant, presented the project and answered questions.

The following people spoke about the grading issues associated with the project:

Chris Norgard, representing the Jones Family  
George Lin, representing 1050 Oak Grove Avenue

City Attorney Steve Dorsey was present for this item and answered questions during the Planning Commission's discussion.

Alternate Commissioner Jakubowski stated she was concerned about the grade change. She would like to see an additional report ensuring that there is proper drainage on the property. If approved, she would also want to see that it is recorded that there would be no lighting permitted.

Commissioner Cheng stated that the tennis court should have been considered as part of the larger project. He felt the project had the potential to impact hillside drainage. He took issue with granting a variance for a tennis court setback on a 49,000 square foot lot. With the grade change and fencing height, he felt the court would be imposing. There are other options for accommodating a tennis court on that lot.

Commissioner Brody stated he was unable to make the variance findings.

Chairman Velayos stated that not having a tennis court would not constitute a deprivation of reasonable use of the property, and that meeting the code requirements would not be an unnecessary hardship. He felt the facts of the application do not justify supporting the findings.

Commissioner Brody moved to deny the project. Seconded by Commissioner Cheng. AYES: Vice-Chairman Velayos, Commissioner Brody, Commissioner Cheng, Alternate Commissioner Jakubowski. NOES: None.

**4. CONDITIONAL USE PERMIT NO. CUP15-39  
2744 MONTEREY ROAD, (BILES)**

Planning Intern Quiroz presented the staff report.

Peggy Dallas, applicant, presented the project.

There were no public comments.

It was the consensus of the Planning Commission that the project was well thought-out and could meet all of the required findings.

Vice-Chairman Velayos moved to approve the project as submitted. Seconded by Commissioner Cheng. AYES: Chairman Lundgren, Vice-Chairman Velayos, Commissioner Brody, Commissioner Cheng, Alternate Commissioner Jakubowski. NOES: None.

## **OTHER MATTERS**

### **5. REQUEST FOR EXTENSION OF PROJECT COMPLETION DATE 1001 ROSALIND ROAD, (ZHONG)**

This item was heard after Item 1 at the request of Chairman Lundgren.

Planning and Building Director Cervantes presented the staff report.

City Attorney Steve Dorsey was in attendance for this item and answered questions from the Planning Commission regarding the following issues: project insurance and bond, vested rights, expiration of the permits, and possible changes to the approved project.

Kate Harvey, landscape architect for 1001 Rosalind Road, presented a conceptual landscape plan to the Planning Commission.

Rebecca Latta, project arborist, discussed the project as it relates to proposed trees.

The Planning Commission discussed the trees and landscape plan with Ms. Harvey and Ms. Latta.

Benjamin Zhu, contractor, discussed the current status of the project and stated he could be finished by May 2017.

The following people presented concerns and/or objections regarding the project:

Christopher Norgaard, Representing the Jones Family at 1100 Oak Grove Avenue  
Mike Perry, 1010 Rosalind Road  
Tiffany Lam, 1095 Rosalind Road  
John Dustin, 2815 Devonport Road  
Jeff Jones, 1100 Oak Grove Avenue

Raymond, Carrie, and Peter Zhong, owners of 1001 Rosalind Road, responded to the comments.

Commissioner Brody stated that the information presented by staff gives him confidence in his decision to vote to deny the project. He did not feel the project was

being done expeditiously or in a manner that was accommodating the neighbors. He was also concerned with the landscape plan. He stated he would deny the extension request and recommend that the Council revoke all entitlements.

Alternate Commissioner Jakubowski stated that the project has gone awry and has become a nuisance. She stated it was beyond the scope of control for the owners or their agents. She wondered how the process could be more collaborative for all involved.

Chairman Velayos stated that this is a challenging issue. He stated an approval or denial both present their own sets of consequences. However, he felt the approval would be better provided that certain proactive measures are imposed, such as financial penalties, a construction management plan, and safety issues.

Commissioner Cheng stated that previously, the Planning Commission was concerned with how the rain would affect the project and hillside. Since the most dangerous portion of the project is now complete, the performance bond is less of an issue. He recommended that the permits be extended to the end of May subject to certain conditions including: General liability insurance in the amount of \$1,000,000 and if the insurance is lost, the permits would become void; A complete landscape plan along with a comparison to the previously approved plan. The landscape plan should also be shown to the neighbors; and that the project return to the Planning Commission in three months.

Chairman Lundgren noted that the damage has already been done to the trees. He requested a complete and detailed landscape plan. He also requested that the applicant show the plan to the neighbors.

The Planning Commission, Planning and Building Director Cervantes, and City Attorney Dorsey discussed the proposed conditions of approval for extending the permit completion date.

The Planning Commission proposed the following conditions:

1. The owner shall maintain general liability insurance in the amount of \$1,000,000 for each occurrence, with an aggregate amount of \$5,000,000.
2. The project shall comply with the allowable construction work hours identified in Section 25.01.02 of the City Code. No construction vehicles may park on the street.
3. The owner shall provide a project manager, effective immediately. One sign, visible from the street, must be posted on-site and must list the name and phone number of the project manager. The project manager shall be available during all times that construction activity is occurring.
4. The landscape architect shall complete the final landscape plan, including details on the sizes and types of plants and trees. The applicant shall provide evidence

- showing reasonable steps taken to present the landscape plan to property owners within 500' of the subject property.
5. The project shall return to the Planning Commission every three (3) months with a complete project progress report, including pictures. The applicant shall inform the Planning Commission of any anticipated delay in construction. The first status report shall be provided at the May 27, 2016, which is two months from the March 25, 2016 meeting.
  6. The penalties for non-compliance with the above conditions will include financial penalties of up to \$25,000 and revocation of all permits associated with the property.
  7. Staff and the City Attorney shall discuss a proposed penalty fee schedule for failure to complete the project by May 31, 2017. The proposed fees will be presented to the Planning Commission at the March 23, 2016 meeting.

The Planning Commission determined that the project should return to the next meeting so that all of the conditions could be finalized and agreed upon by the application.

Chairman Velayos moved to extend the project completion date for one month. Seconded by Commissioner Cheng. AYES: Chairman Lundgren, Vice-Chairman Velayos, Commissioner Brody, Commissioner Cheng, Alternate Commissioner Jakubowski. NOES: None.

**6. REQUEST FOR EXTENSION OF CONDITIONAL USE PERMIT NOS. CUP14-30, CUP15-02 AND DESIGN REVIEW NO. DRC15-08**  
**2425 HUNTINGTON DRIVE, (CHINESE CLUB OF SAN MARINO)**

Planning and Building Director Cervantes presented the request and answered questions.

Commissioner Cheng moved to approve the extension for one year to March 9, 2017. Seconded by Commissioner Brody. AYES: Chairman Lundgren, Vice-Chairman Velayos, Commissioner Brody, Commissioner Cheng, Alternate Commissioner Jakubowski. NOES: None.

**7. MEETING MINUTES FOR JANUARY 27, 2016**

Alternate Commissioner Jakubowski moved to approve the minutes as submitted. Second by Chairman Velayos. AYES: Chairman Lundgren, Vice-Chairman Velayos, Commissioner Brody, Commissioner Cheng, Alternate Commissioner Jakubowski. NOES: None.

**ADJOURNMENT**

With no further items to consider, the Planning Commission adjourned to the next regular meeting on Wednesday, March 23, 2016 in the City Hall Council Chambers, 2200 Huntington Drive, San Marino, CA 91108.



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ALDO CERVANTES,  
SECRETARY