

CITY OF **LACANADA FLINTRIDGE**  
**MEMORANDUM**

**DATE:** December 30, 2015  
**TO:** Planning Commission  
**FROM:** Jo-Anne Parinas, Assistant Planner  
**SUBJECT:** 330 Georgian Road; CUP 514/MOD 15-05

The 330 Georgian Road project was heard by the Planning Commission on December 8, 2015 and was continued to January 12, 2016. The continuance was requested by the applicant because he was unable to attend the December 8<sup>th</sup> meeting.

Attached are the materials that we distributed at the previous meeting for your information.

If you have any questions, please contact me at (818) 790-8881

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT

December 8, 2015 Meeting

**Applicant/Property Owner:**

Arsen Sarkisian  
330 Georgian Road  
La Cañada Flintridge, CA 91011

**Case Type / Number:**

Conditional Use Permit 514  
Setback Modification 15-05

**Site Address:**

330 Georgian Road

**Project Planner:**

Jo-Anne Parinas, Assistant Planner

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**1. Request:**

The request is for a Setback Modification and Conditional Use Permit (CUP) to allow a lighted sport court that encroaches 15'-0" into the required rear and south side setbacks.

**2. Location:**

The subject property is located along the east side of Georgian Road, south of its intersection with Richmond Road.

**3. Staff Recommendation:**

Staff recommends that the request **BE DENIED**.

**4. Project Size:**

Lot Area:	33,460 sq ft.
Existing House:	4,605 sq. ft.
Existing Garage (1):	598 sq. ft.
Existing Garage (2):	877 sq. ft.
Sport Court:	3,400 sq. ft. (not roofed, does not count toward floor area)
Total:	6,080 sq ft.
FAR:	18.2 %

## 5. General Plan / Zoning / Existing Land Use

The General Plan Land Use Map designates the site Estate Residential (1 dwelling unit per acre). The site is zoned R-1-40,000 (Single Family Residential - 40,000 Square Foot Minimum Lot Size). The site is presently developed with a single-story residence.

## 6. Environmental Review:

Staff has determined that the project is Categorically Exempt from provisions of the California Environmental Quality Act (CEQA), pursuant to Section 2.5(a)(4)(i) and 2.5(e)(1) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

## 7. Previous Action:

On September 24, 2014, a Code Enforcement case was opened regarding an unpermitted sport court located in the rear yard of 330 Georgian Road.

## 8. Staff Analysis:

### A. Context

The subject property is located on the southeast corner of Georgian Road and Richmond Road. The lot is developed with a single-story house, swimming pool, and two detached garages. Staff noticed

The property is bisected by the Paradise Canyon Flood Control Channel, with The easterly portion of the site's rear yard is accessible and connected to the front/west half of the lot by two bridges that are located over Paradise Canyon Flood Control Channel.



The adjacent property, 342 Georgian Road, is also owned by Mr. Sarkisian. The Paradise Canyon Flood Control Channel also bisects 342 Georgian, and the rear yard area is accessed via a concrete foot bridge. The rear yards of the two properties are currently utilized for joint use, and no fencing separates the two.

## B. Project Description

The proposal is to allow a 40-foot (width) by 85-foot (length) sport court to remain in its current location. The sport court was constructed without permits in 2014. A Setback Modification is required for the sport court because it encroaches 15'-0" into the required 15'-0" rear and south side yard setbacks. The southerly parameter of the court is wholly on the southwesterly property line, while the southeast corner of the flat work associated with the court and a portion of the fencing is located on the southeastern property line. The sport court is partially enclosed by a 10-foot tall (maximum height) chain-link fence located along the southeast, northeast and a portion of the northwest sides of the court.

Approval of a Conditional Use Permit is required because the sport court includes six light poles. The light fixtures are generally oriented towards the sport court, with the exception of a single light pole that is located on the southwest side of the sport court. This pole has two light fixtures: one oriented toward the sport court and the other oriented toward the lawn area on 342 Georgian Road. The light poles are 14'-10" in height, as measured from the lowest adjacent grade to the highest point, and are well below the 20'-0" maximum height permitted by code.

The project compares with code standards as follows:

	<u>Standard:</u>	<u>Project:</u>
<b>North Side SB:</b>	15'-0"	35'-0"
<b>South Side SB:</b>	15'-0"	0'
<b>Rear SB:</b>	15'-0"	0'
<b>Light Pole Height:</b>	20'-0"	14'-10"
<b>Fence Height:</b>	10'-0"	10'-0"

Staff initially had some concerns that the northwest side of the sport court and its light pole were installed 3'-8" from the 19" Oak tree. As this is a protected tree, the light could not be located within an area that extends up to 3.5 times the trunk diameter, which in this instance would be 5'-6". Due to this concern, an arborist report was prepared for the project. According to the arborist report, fine absorbing roots were trimmed during the construction of the footings; however, the construction of the sport court and light pole had minimal impacts on the health of the Oak tree. Although the Oak tree is expected to thrive, staff will monitor the tree. The property owner will be required to install a replacement tree and pay restitution if the Oak tree dies.

## C. Setback Modification

### *Issues*

The subject sport court encroaches 15'-0" into the required 15'-0" rear and south side yard setbacks. The southerly parameter of the sport court is located on the southeasterly property line, while the southwesterly corner of the sport court is located on the southwestern property line. The sport court's setback from the rear property line increase toward the north.

The purpose of the setback requirement is to alleviate possible massing and crowding impacts on adjacent neighbors. Since the project site is significantly lower than Richmond Road and the neighboring property on the east side, the sport court does not yield any massing or crowding impacts to the east and north. The sport court, however, would have massing and crowding impacts to the adjoining lot to the west, 342 Georgian Road. Although Mr. Sarkisian currently owns 342 Georgian Road, it is a separate legal lot and may be sold at any time. In staff's opinion, the location of the sport court is not compatible with the existing development on site and is not consistent with the development in the immediate vicinity because of its proximity to the southeasterly and southwesterly property lines. The current ownership of both properties and the lack of fencing do not change the fact that 330 Georgian Road and 342 Georgian Road are individual lots.

In addition, orientation of the one light fixture into the rear yard of 342 Georgian Road and the front yard of 344 Georgian Road presents a detrimental impact to the use, enjoyment or valuation of current or future property owners based on light trespass and glare from the sports court lighting.

Staff recognizes that the sport court was constructed at its current location in order to avoid the Oak trees on the north east side of the lot and minimize impacts on the neighbor at 344 Georgian Road. Staff, however, believes that allowing the sport court to remain at its current location would be granting a special privilege because other properties within the area are held to the same code standards, and given the large size of the lot's backyard, it is possible to construct a smaller sport court on the property that complies with the required setbacks. Staff does not believe that the strict application of the zoning standards would result in practical difficulties and unnecessary hardships in this case because the sport court was constructed without permits and denial of the setback modification does not preclude the property from having a compliant sport court.

## **Findings**

- 1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity.**

The sport court's east parameter is located on the east side property line and a portion of the rear property line. The sports court associated ten-foot high fencing and 14'10" light fixtures encroach 15 feet into the required 15-foot side yard setback and up to 15 feet into the required 15-foot rear yard setback. This results in the sports court and associated fencing and light fixtures presenting a massing and crowding impact on the adjoining

property, 342 Georgian Road. All other existing structures located on the property meet current setback requirements. Staff cannot support this finding.

**2. The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone.**

Allowing the sport court to remain at its current location would be considered a grant of special privilege because other properties within the area are held to the same code standards. Given the large size of the lot's rear yard, it is feasible to construct a smaller sport court on the property that complies with the all required setbacks. Although both the subject property, 330 Georgian Road, the adjacent property, 342 Georgian Road, are currently owned by the same person and the rear yards function as a joint use, they are individual parcels that can be sold independently of each other at any time. Staff cannot support this finding.

**3. Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards.**

The strict application of the zoning standards would not result in practical difficulties and unnecessary hardships because the sport court was constructed without permits and denial of the setback modification does not preclude the property from having a compliant sport court. Staff cannot support this finding.

**4. The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity.**

The sport court's east parameter is located on the east side property line and presents massing and crowding impact on the adjoining property on 342 Georgian Road. Additionally, the orientation of the one light fixture into the rear yard of 342 Georgian Road and the front yard of 344 Georgian Road presents a detrimental impact to the use, enjoyment or valuation of current or future property owners based on light trespass and glare from the sports court lighting. Staff cannot support this finding.

**5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood.**

The sport court's east parameter is located on the east side property line and presents massing and crowding impact on the adjoining property on 342 Georgian Road. Other existing structures located on the property, including the single-family residence, two detached garages and swimming pool were constructed consistent with current side and rear yard setbacks. Staff cannot support this finding.

D. Conditional Use Permit:

*Issues*

Separation from neighboring properties due to the lights, though not a significant issue during the day, could disrupt the evening setting of the immediate area. The sport court currently has six light poles. The light fixtures are oriented towards the sport court with the exception of southwesterly light pole, which also has lights that are oriented toward the lawn area on 342 Georgian Road. The light that is oriented towards the neighboring lawn area also points toward the house on 344 Georgian Road and may adversely impact their comfort level and distract their sleep patterns. As proposed, staff cannot support sport court lighting oriented toward another property because it would be in conflict with General Plan General Plan Land Use Element Policy 1.51: Require all new development to be designed to minimize impacts on adjoining residential neighborhoods by providing adequate and appropriate buffers and protections to assure compliance with the City's goals and policies for compatible and complementary development.

*Findings*

**1. The proposed use will not be in substantial conflict with the Adopted General Plan for the area.**

A portion of the proposed lighting is oriented towards neighboring properties to the east, and would therefore be inconsistent with the General Plan Land Use Element Policy 1.51: Require all new development to be designed to minimize impacts on adjoining residential neighborhoods by providing adequate and appropriate buffers and protections to assure compliance with the City's goals and policies for compatible and complementary development. This finding cannot be supported.

**2. The proposed use at the location will not adversely affect the health, peace, comfort, or welfare or persons working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

A portion of the proposed lighting points towards the neighboring house on 344 Georgian Road and would adversely impact their comfort level and distract their sleep patterns. This finding cannot be supported.

3. **The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

The subject lot cannot accommodate a 40-foot (width) by 85-foot (length) sport court as proposed. The proposed sport court encroaches into the required east and south setbacks. The proposed light poles located on the east side of the sport court encroaches into the required rear yard setback. Staff cannot support this finding.

4. **The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required.**

Lighting for the sport court would not have any effect on vehicular or pedestrian traffic, or service by public utilities since the proposed sport court is located approximately 20'-0" lower than the street on Richmond Road. Staff can support this finding.

5. **The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public view, and aesthetic and other property values in the neighborhood.**

A portion of the proposed lighting is oriented towards neighboring properties to the east, and therefore, could disrupt the character of the neighborhood. Staff cannot support the finding.

E. Recommendation:

Based on the above discussion, staff recommends that the request be **DENIED**.

RESOLUTION NO. 15-

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
DENYING CONDITIONAL USE PERMIT 514 AND  
SETBACK MODIFICATION 15-05  
AT 330 GEORGIAN ROAD  
AS REQUESTED BY  
ARSEN SARKISIAN**

**WHEREAS**, a request by Arsen Sarkisian has been received for a Conditional Use Permit and Setback Modification to legalize the unpermitted lighted sport court with south and east side setback encroachments, said request attached hereto and incorporated by reference; and

**WHEREAS**, after publication and posting of the request in the prescribed manner, the Planning Commission, on December 8, 2015, held a public hearing on the project; and

**WHEREAS**, the Planning Commission, on January 12, 2016, held a continued public hearing and conducted a review of the request; and

**WHEREAS**, the Planning Commission determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act (CEQA) under Class 2.5(c)(5)(accessory structures) and 2.5(e)(1)(minor variances) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

**WHEREAS**, the Planning Commission has reviewed the facts contained in the staff report dated December 8, 2015 regarding the application for a Conditional Use Permit and Setback Modification, and heard and considered the testimony of the applicant and the public; and of the Zoning Code.

Section 1.

**Modification**

1. The proposed project is not compatible with the existing development on the site, and is not consistent with other sites in the vicinity. The sport court's east parameter is located on the east side property line and a portion of the rear property line. The sports court associated ten-foot high fencing and 14'10" light fixtures encroach 15 feet into the required 15-foot side yard setback and up to 15 feet into the required 15-foot rear yard setback. This results in the sports court and associated fencing and light fixtures presenting a massing and crowding impact on the adjoining property, 342 Georgian Road. All other existing structures located on the property meet current setback requirements.

2. The Modification would be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone. Allowing the sport court to remain at its current location would be considered a grant of special privilege because other properties within the area are held to the same code standards. Given the large size of the lot's rear yard,

it is feasible to construct a smaller sport court on the property that complies with the all required setbacks. Although both the subject property, 330 Georgian Road, the adjacent property, 342 Georgian Road, are currently owed by the same person and the rear yards function as a joint use, they are individual parcels that can be sold independently of each other at any time.

3. The strict application of the zoning standards would not result in practical difficulties and unnecessary hardships because the sport court was constructed without permits and denial of the setback modification does not preclude the property from having a compliant sport court.

4. The sport court's east parameter is located on the east side property line and presents massing and crowding impact on the adjoining property on 342 Georgian Road. Additionally, the orientation of the one light fixture into the rear yard of 342 Georgian Road and the front yard of 344 Georgian Road presents a detrimental impact to the use, enjoyment or valuation of current or future property owners based on light trespass and glare from the sports court lighting.

5. The proposed project does not preserve the existing scale and character of the surrounding neighborhood and does not protect public views, and aesthetic and other property values in the neighborhood. The sport court's east parameter is located on the east side property line and presents massing and crowding impact on the adjoining property on 342 Georgian Road. Other existing structures located on the property, including the single-family residence, two detached garages and swimming pool were constructed consistent with current side and rear yard setbacks.

### **Conditional Use Permit**

1. A portion of the proposed lighting is oriented towards neighboring properties to the east, and would therefore be inconsistent with the General Plan Land Use Element Policy 1.51: Require all new development to be designed to minimize impacts on adjoining residential neighborhoods by providing adequate and appropriate buffers and protections to assure compliance with the City's goals and policies for compatible and complementary development.

2. A portion of the proposed lighting points towards the neighboring house on 344 Georgian Road and would adversely impact their comfort level and distract their sleep patterns.

3. The subject lot cannot accommodate a 40-foot (width) by 85-foot (length) sport court as proposed. The proposed sport court encroaches into the required east and south setbacks. The proposed sport court encroaches into the required east and south setbacks. The proposed light poles located on the east side of the sport court encroaches into the required rear yard setback

4. Lighting for the sport court would not have any effect on vehicular or pedestrian traffic, or service by public utilities since the proposed sport court is located approximately 20'-0" lower than the street on Richmond Road.

5. A portion of the proposed lighting is oriented towards neighboring properties to the east. Therefore, disrupting the character of the neighborhood.

**NOW, THEREFORE,** Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby denies the Conditional Use Permit and Setback Modification, and related site work at 330 Georgian Road.

**PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> day of January 2016.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission