

		CITY OF LOS ANGELES California	
		Foothill Trails District Neighborhood Council	
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May 21, 2009

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CASE NO. DIR 2009-0774-SPP

9701 La Tuna Canyon Road.
CEQA Clearance: **ENV 2009-0775-CE**
Council District 2
Plan Area Sun Valley – La Tuna Canyon
Commission Area North Valley
Neighborhood Council: Foothill Trails District
Plan Land Use: Very Low Residential
Zone A2-1-K
District Map: 198B181
Legal Description: TR 12985 Lot FR 4 Arb 2

Project Applicant: Mr. & Ms. Dimitri Timohovich
9701 La Tuna Canyon Road
Sun Valley, Ca 91352

Rebecca Timohovich
9701 La Tuna Canyon Road
Sun Valley, Ca 91352

At the Regularly Scheduled Board Meeting on May 21, 2009 of the Foothill Trails District Neighborhood Council, the Board approved a motion to SUPPORT the Appeal as presented by the La Tuna Canyon Community Association regarding this project. In its Appeal the Association states:

The La Tuna Canyon Community Association is adamantly against the approval of the proposed accessory building. The building is not in compliance with the San Gabriel/Verdugo Mountains Scenic Preservation Plan and the municipal code for the City of Los Angeles. The plans call for accessory building to be built in the front half of the lot, in front of the house. This is an unacceptable site design in violation with many City codes and the Specific Plan. The building is also too large. When combined with the square footage of the detached garage the accessory use floor area exceeds that of the proposed addition to the house. This also in violation of City Codes

This Association finds that the conditional approval processor failed to address the following sections in the San Gabriel/Verdugo Mountains Scenic Preservation Plan.

Section 2. PURPOSE

3. *Scenic Highway Corridors Viewshed Protection measures establish standards for **site design**, landscaping (including parking lot landscaping), and signage to assure that the design of projects and related improvements within designated scenic highway corridors preserve, complement and/or enhance the views from these corridors.*

The proposed design has a large accessory building in the front of the property well within view from the street. The accessory building is of a standard steel construction with a gable roof. This type of building would be appropriate only in a manufacturing or industrial zone. The location of this building would be consistent on Tuxford St. where all the auto dismantling and dumps are located. This design would not be consistent nor compatible in any residential area within the City much less within a scenic highway corridor viewshed protected area..

Accessory buildings are a special case in that their permitted location is expressly addressed in the Code. They are permitted to be located in required side and rear yards under certain specified conditions. (Code item, Training Officer memo 11-12-91)

Section 12.21C5(e), (j) Location of Accessory Buildings.

b) The accessory building must be within the rear 30' of the lot or no less than 75' from front lot line as otherwise required by 12.21.C5(j).

The proposed accessory building should be denied due to the inappropriate location. If any accessory building should be allowed it must meet the required standards within the Code.

The applicant indicated to the code below, that he believed gave him the permission to put the accessory building in the front yard. Other than his misinterpretation of this code, it does not apply because, as per ZIMAS, La Tuna Canyon Road is not designated as a "Hillside" street

A - Pursuant to Zoning Administrator's Case No. ZA 2001-0331 (ZAI) (2/7/01), in hillside areas where a lot fronts on a purple street or a street stamped "Hillside Street" and the yard regulations pertaining to prevailing setback result in a greater setback than the 5-feet originally allowed pursuant to Case ZA 90-1439(ZAI) (1/5/94), the prevailing setback provision shall be applied to all structures allowed to be in the front half of the lot. Furthermore, accessory buildings containing uses other than parking must comply to the city-wide code regulations for location of accessory buildings. Namely, Section 12.21C5(b) of the Los Angeles Municipal Code states that in the A and R Zones, all accessory buildings except for animal keeping buildings shall be located in the rear half of the lot but need not be located more than 55 feet from the front lot line. Further, Sec. 12.21C5(j) provides that if the accessory building is located in the required side yard, it must be 75 feet from the front lot line.

(ZA

(Link to ZIMAS map page)

<http://zimas.lacity.org/map.asp?Cmd=zoomToPIN&PIN=198B181%20%20%20%2031&MultiSelPin=198B181%20%20%20%2031&SelectedMultiAddress=9701%20W%20LA%20TUNA%20CANYON%20ROAD&ToolTips=true>

Section 12.03 Accessory Building. Definition.

*The definition of Accessory Building in the code. It states in part: "A detached **subordinate** building, the use of which is customarily incidental to that of the main dwelling...". At issue here is the interpretation of the word subordinate. Webster's dictionary defines it as something placed in a lower rank or class; **inferior in order**, nature, importance etc. In this definition, physical characteristics are not involved. This would support the concept that the intensity of use and other characteristics are relevant when determining what constitutes a*

subordinate building but not the building height and/or stories.

*Further, L.A.M.C. Section 12.21C5(f) LADBS has for a long time, interpreted that the cumulative **floor area of all accessory buildings cannot exceed the area of the main dwelling.** This policy is valid since intensity of use is generally dependent on floor area. As defined in the code, the floor area of a garage used to provide the **required** parking, is not included as floor area of the main building or the accessory buildings.*

The required parking for this site is two. The square footage for a standard two car garage is 400 sq.ft. The proposal calls for a new addition of a 1000sq.ft. detached garage, 600 sq.ft. of the proposed garage is not required and 600sq.ft. should be calculated into accessory use. The addition of 600 sq.ft. along with the 3000sq.ft. accessory building brings the total of accessory building space to 3600sq.ft. The proposed addition to the house will be 3381sq.ft.

The accessory building should be denied because it is too large. The proposed area of the main dwelling will be 3381sq.ft. and that would make the main dwelling the subordinate structure on the site. The accessory use area would be the dominant use on this lot not only because of it's size but because of the placement of the structures in relation the house..

As per Google Earth, an existing building is located in the north east corner of the lot,, behind and to the side of the house and if the structure is still there, then the square footage must be included in the calculations of accessory use.

Section 4. DEFINITIONS

Scenic Highway Corridor. *The area extending 500 feet on either side of the centerline of the roadway of each of the Scenic Highways.*

Visible. *Able to be seen from the ROW of any of the Scenic Highways as determined by the Director of Planning or the Advisory Agency.*

The proposed design of this site places a visible 3000sq. ft. accessory building in the front of the lot which is not consistent with this rural equestrian community. or any residential area in the City of Los Angeles. Within the Scenic Preservation Plan the visual impacts of any development from 500' from the center of the street. The plans have the 20 ½ foot high steel industrial style building 55' feet from the front lot line. This building is visible from either side of the property and directly in front. This building will be a permanent eyesore within a scenically protected area.

The La Tuna Canyon Community Association finds that the proposed accessory building would be the only industrial type steel building that fronts La Tuna Canyon Rd. This is a residential/rural neighborhood where accessory buildings, barns, storage, and garages are located to the rear or the side of homes. There isn't one storage building of this kind that fronts La Tuna Canyon Rd. and approval of this structure would be inconsistent and incompatible for any residential neighborhood and particularly egregious within San Gabriel/Verdugo Mountains Scenic Preservation Plan.

The right to have an accessory building is not guaranteed in a residential area. Unless the proposed accessory building strictly conforms to the municipal code in which it is being proposed.

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c. Class 3. New Construction of Small Structures.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable within a two year period. Examples of this exemption include but are not limited to:

This project should have come before the open public for comment prior to the “in house” conditional approval. The term ‘small’ is a relative description and should be compared to each proposal. I would not consider a 3000sq.ft. accessory building small in a residential neighborhood. A 3000sq.ft. building of any kind, is larger than most of the houses in this community. A categorical exemption should not have been granted to this applicant because the proposed accessory building does not meet the CEQA requirements to do so.

This lot is zoned A2-1-K. Equestrian properties are to be preserved for their historical use. All efforts must be made to protect the future potential of this equestrian lot. The design and the layout of future improvements should not exclude future equestrian use.

The layout of the proposed improvements does not allow for future equestrian use. This applicant will not own this property forever and should not be able to build improvements that will make the property lost to equestrian use. The specific Plan calls for the preservation of the historical use of the area for equestrian and domestic livestock.

Respectfully submitted,

***Dale Gibson, President
Foothill Trails District Neighborhood Council***

CC
La Tuna Canyon Community Association
Jim Dantona, CD 2
Dimitri Timohovich