

March 3, 2014

TO: THE HONORABLE CITY COUNCIL and it's PLANNING AND LAND USE
MANAGEMENT COMMITTEE

RE: COUNCIL FILE 14-0171
10550 West Bellagio Road Los Angeles, CA 90077

FROM: Guy and Tania Hackbarth
300 Stone Canyon Road Los Angeles, CA 90077
(Neighbor directly south of parcel map that includes the subject property)

We are the neighbors directly south and adjacent to the applicant's four lots that contain both the property under consideration (10550 W. Bellagio) and a house currently under construction at 360 N. Stone Canyon Road. We strongly OPPOSE any request for a height variance above the 30 feet allowed by the Baseline Hillside Ordinance (BHO) for houses with flat roofs.

In considering this case, you must ask yourselves the question of **why** the applicant is spending years, considerable sums of money and a guarantee of a civil lawsuit to pursue a variance for a special privilege that is clearly outside of the applicable building codes. One can only assume that the real reason behind the application is the future hope of converting the added square footage that would result in a height increase into the building structure at some later date. That is the real reason behind this request. You can absolutely build a beautiful stately home with a 30-36' height. There are numerous examples throughout Bel Air of impressive properties that conform to the height limits.

The Zoning Administrator's Letter of Determination dated November 1, 2013, is factually incorrect when he says that "the residences adjoining properties to the south and are largely obstructed from view due to the size of the lots, the dense vegetation and the change in grade". From our house, we can see well beyond the proposed building site, so lot size has nothing to do with obstruction of our view. There is dense vegetation already in place and we can see through it, and the change in grade does not obstruct anything, but only makes the situation worse for us.

In addition to personal concerns associated with the view, the ZA overlooked that Stone Canyon Road is one of the most traveled roads in Bel Air, and the west side of the proposed house (along Stone Canyon Road) is part of what is creating the request for the variance. As proposed, one would see a 50-foot vertical wall from the road that could not be fully shielded by vegetation due to the location of the gate to the property. The part of the proposed house that is the most over-height front on Stone Canyon Road, which is heavily traveled, and the house at over 50' will be a towering structure that would loom over Stone Canyon.

There are other important errors in the ZA's Letter of Determination, including:

1) The applicant is requesting a SPECIAL PRIVILEGE to build an over height house.

All the properties within the vicinity of the proposed house have sloping terrain. Many contain Stone Canyon Creek. Most of the surrounding properties are smaller than this property, yet there are significant Bel Air-style houses that are not overheight and still have amenities on these smaller properties.

2) The applicant does not have practical difficulties or unnecessary hardships.

The applicant is choosing where to put the house on the almost 2 acre site. As stated in a letter presented to the ZA by David Applebaum, an architect who has worked on several homes in Bel Air, there are many other ways to develop the site that would not require the variance. The applicant is creating its own supposed hardship with a poor site plan. And, more importantly, the property where the house will be built is really almost all flat, not what the applicant wants people to believe.

Any person who would want an estate type property would want to set the house back by 55 feet for landscaping and to establish a graceful entrance to a multi-million dollar estate.

3) There are not special circumstances applicable to this property.

Many homes in the vicinity have the Creek, and all have sloping terrain. Most of the homesites are smaller than this property. For some reason, the applicant claims they are in a "bowl" and the site is lower than the surrounding streets. This property has always been mostly flat and any lowering of the grade was done by the applicants through their own grading of the property. The applicant's own submissions show that the elevation of the first floor of the house is above the elevation of Stone Canyon Road.

In conclusion, what is the point of having a BHO, which was adopted after extensive public discussion and input, if the City ignores the BHO and gives special privileges to some applicants? We hope the Planning and Land Use Management Committee and the City Council understand and recognize that the proposed project is not consistent with overwhelming public opinion and can be resubmitted in a way that complies with height limits and other requirements, while providing a spectacular house for the applicant.

Again, please deny the request for any additional height above 30 feet for the proposed house.

Respectfully submitted,


Guy Hackbarth and Tania Hackbarth