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Planning and Land Use Management Committee
City Hall, Room 350
200 N. Spring Street
Los Angeles, CA 90012

February 24, 2014

Beachwood Canyon Neighborhood
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Bel Air Ridge Association
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland Homeowners
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
Lookout Mountain Alliance
Los Feliz Improvement Assn.
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon Assn.
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Oaks Homeowners Assn.
Outpost Estates Homeowners
Pacific Palisades Residents Assn.
Residents of Beverly Glen
Roscomare Valley Assn.
Shadow Hills Property Owners
Sherman Oaks HO Assn.
Studio City Residents Assn.
Sunset Hills Homeowners Assn.
Tarzana Property Owners Assn.
Torreyson Flynn Assn.
Upper Mandeville Canyon
Upper Nichols Canyon NA
Upper Riviera Homeowners Assn.
Whitley Heights Civic Assn.

Re: Item 5 CF #14-0171
10550 West Bellagio Road

Honorable Councilmembers:

The Federation of Hillside and Canyon Associations, Inc., represents 42 resident and homeowner associations spanning the Santa Monica Mountains and their more than 200,000 constituents. The Federation urges you to uphold the decision of the West Area Planning Commission to approve the appeal of the Zoning Administrator's decision to grant a height variance at 10550 W. Bellagio Road. Council should *not* assert jurisdiction, pursuant to Charter Section 245.

The ZA's decision to grant a height variance is an error and constitutes an abuse of discretion. The required findings cannot be made.

A year ago the City *lost* a lawsuit in a similar situation where Council also asserted jurisdiction under Charter Section 245 on variances requested for 1100 Stearns Dr. The Judge ruled that the City Council abused its discretion in granting three variances. The Court held that substantial evidence did *not* support the granting of the variances. The Court further noted that policy goals "may not be used by the City Council to dismantle the City's zoning scheme in a piecemeal fashion."

The Bellagio Road 245 is very similar. The findings cannot be met. There is no hardship. There are no special circumstances. Granting these variances would be tantamount to exactly what the Judge ruled cannot be done – Council cannot dismantle the City zoning scheme in a piecemeal fashion. In the case of Bellagio Road, Council would be dismantling the Baseline Hillside Ordinance that it enthusiastically adopted.

I am attaching the decision in the Stearns lawsuit so that you can see what happens when decisions are not made in a thoughtful, reasoned manner.

The Federation urges Council to reject this request for Charter Section 245 and uphold the decision of the West Area Planning Commission.

Sincerely,

Marian Dodge
Marian Dodge

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Attachment: Court-Issued Writ Chazanov v. City of Los Angeles