



HOMEOWNERS ASSOCIATION

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Tony Russo, Project Manager
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October 19, 2016

Re: 5620 Tuxedo Terrace, Hardship Exemption Request

Tony, the Oaks Homeowners Association board has reviewed the materials you sent and discussed the hardship exemption for 5620 Tuxedo Terrace. It was the Board's unanimous decision that we could not support such an exemption.

The D Limitations that we created eight years ago were borne out of the terrible experience of a number of large out-of-character and out-of-scale houses built in the neighborhood in the early to mid-2000s. These houses were much larger in relation to their lots than all of the houses around them and created eyesores for the entire neighborhood. That's when we undertook the comprehensive survey of the housing stock of the Oaks and created the limits enshrined in the Oaks D Limitations -- so that new homes would be in-scale with the homes around them and with the neighborhood in general, and proportional to their lots. Smaller lots would have smaller houses; bigger lots could have bigger houses -- which is the way the rest of the Oaks has always been organized. The Planning Department and Council District 4 worked with us in this effort; in the end, considerable leniencies were given versus the existing FARs and Lot Coverages based on County property records. There has been widespread acceptance of the D Limitations regulations.

Long after the creation of the Oaks D Limitations we became aware of the basement loophole -- that is, that space designated as "basement" could actually be residential living space with windows and doors, yet not be counted as residential living space when computing the floor area of a house. This exemption, a provision of the Baseline Hillside Ordinance, gave rise to a neighborhood monstrosity: a four story, 4200 square-foot house erected on a virtually unbuildable steep hillside lot of 7400 square feet -- made possible by declaring 1800 square feet of residential living space as "basement." The construction of this house removed an entire hillside. Not only was the house out-of-scale to its lot,

the chiseling away of the rock and the hauling away of rock and dirt over six months was unbearable to the community. The look of a street was altered for the worse forever. After this experience, we asked the City to close this destructive loophole. They did that with the new Interim Control Ordinance.

Your clients are essentially asking to be allowed to slip back in under the rope and take advantage of the loophole that has so upset the residents of the Oaks neighborhood – in order to build an out-of-scale house on a modest-sized, steep hillside lot. It's just not something we could possibly support because it would contradict the principals of keeping homes contextual to surrounding existing homes and in-scale to their lot sizes. We expect that there will be little support for the project from nearby property owners as well.

Beyond that, the lot at 5620 is positioned at the narrowest part of a substandard width hillside street. A three thousand square foot house will inevitably put parked cars on a street that already cannot support the cars parked on it; already emergency vehicles have a difficult time negotiating passage. Tuxedo Terrace at this spot is designated as a "Red Flag Street," meaning that parking there is restricted or eliminated during Red Flag/Brush Fire Warning days. We understand, however, that the proposal does satisfy the three off-street parking spaces required per code.

We cannot recall ever seeing a hardship exemption request come before us that asked for so much beyond the square footage allowed by code -- in this case, fifty-one percent more. Therefore, this should be considered an emphatic denial, with little reason for further discussion.

Respectfully yours,

Bob Young
Linda Othenin-Girard
Gerry Hans
The Oaks Homeowners Association

CC: Sarah Dusseault, Council District 4
Julia Duncan, Council District 4
Susan Swan, Hollywood United Neighborhood Council
Jim Van Dusen, Hollywood United Neighborhood Council
The Oaks Homeowners Association Board of Directors