

Sept. 7, 2011
Councilmember Paul Koretz

Dear Mr. Koretz,

We are asking you again not to let the proposed variances for legalization of a third unit at 1100-1102 Stearns Drive go any further. These variances in an R-1 zone have been denied by Associate Zoning Administrator Sue Cheng and by the Central Area Planning Commission, based on the law and the facts.

We recall the goal on your website: "Together we can protect and improve our neighborhoods and quality of life." We also heard you tell a neighborhood meeting at Temple Beth Am how you value these particular historic neighborhoods and support their integrity.

This proposal would not protect the neighborhood or improve it. Instead, it would legalize a third residential unit that takes up the entire back yard of an existing duplex on an R-1 block.

Should this area be upzoned to allow for two or more residences? Fine, let's have that discussion. Let the City Council vote. But this is not right. This would be spot zoning to benefit an individual. Yes, Mr. Hammerlund apparently persuaded fellow board members of the Carthay Square Neighborhood Association to endorse his plan. We, who live next door, were not informed of or invited to that meeting, so we could not present the other side.

Many other residents of South Carthay are shocked and upset by this proposal, as you can see in the dozens of letters we submitted to the Planning Commission. The opponents also include members of the South Carthay Neighborhood Association, whose boundaries are one block away from the property in question.

Many have shared with us their concerns about the possible consequences if the denial were overturned, and we are sure others in the larger community share these concerns.

This "would be a step toward destroying the fragile aesthetics of the neighborhood, establishing inconsistent and incompatible development and eliminating one of the few havens for single family residences and low-density duplexes in the area," wrote one South Carthay resident, Robert Braun.

"This is an R-1 street and I don't think anyone should get special privileges," wrote Rose Iskenderian, a resident of Stearns Drive for 62 years.

As the Zoning Administrator noted, if there is any hardship on the owners of this property, it was self-imposed when they bought it. It takes less than a minute on the Internet to see that the property is permitted as a duplex and nothing more.

She also cited detrimental impacts on traffic, parking, esthetics, public safety,

infrastructure and density, adding that “No mitigation measures are proposed or available to mitigate such impacts.”

We believe this proposal fails to meet any of the requirements for granting zoning variances.

Specifically:

1. If any hardship is involved, it was self-imposed by the owners.
2. The lot is not significantly different in size or shape from others in the area.
3. The owners are hardly deprived of property rights enjoyed by others: Already the owners of a duplex in an R-1 zone, they seek a third unit while others are barred from adding even a granny flat.
4. Granting a variance would be directly detrimental to the public welfare by bringing cars and traffic to narrow streets where there already are parking restrictions.
5. The project will adversely affect the General Plan by setting a precedent for unregulated growth.

Finally, as set forth in the attached letter from our attorney, we believe our position is supported by law. We would welcome the opportunity to meet with you and your staff to discuss any aspect of this matter. Thank you for your consideration.

Sincerely,

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