

LAW OFFICE OF
Valerie L. Sacks

5900 WILSHIRE BOULEVARD • SUITE 2900
LOS ANGELES, CALIFORNIA 90036

September 29, 2011

City Clerk
Room 395, City Hall
200 N. Spring Street
Los Angeles, CA 90012

RE: City Council file #11-1156-1100 Stearns Drive

This letter is to supplement the letter originally addressed to my clients, Donna and Mathis Chazanov, with respect to the above referenced variance case. That letter was transmitted to the City Council file on or about September 28th, and analyzes the variance request for a 3rd unit on an R1-zoned lot in light of *Stolman v. City of Los Angeles*.

Stolman is one of many cases which provides controlling precedent in this matter. The attached summary of some additional case law further shows that a denial of the requested variance is compelled by not only City codes but also by California case law. The attachment to this letter summarizes some additional pertinent case law.

The attorney for the West Chandler Boulevard Neighborhood Association, the prevailing party in that entity's lawsuit against the City of Los Angeles, submitted a copy of that case, along with the Order indicating that it was certified for publication, by hand-delivering it to the PLUM Committee clerk on Tuesday, September 27th. I see that it is now part of the City Council file in this matter. In any case, because the Court's decision overruling the City Council's decision granting variances where the facts did not warrant such a grant was so recent, I trust that the City Council and City Attorney's office are familiar with it.

We would like to submit additional material, and will do so if this matter is indeed continued until Tuesday, as was promised at the conclusion of the PLUM Committee hearing. We have been quite time-constrained in preparing for that meeting and the agenda meeting on the 30th, particularly in light of the holidays.

As my clients and I stated at the PLUM Committee meeting on Tuesday, we were not notified of the hearing date and found out about it by chance on Friday afternoon. I understand that the City may not be legally required to provide actual notice in these matters. However, we are still bewildered by the fact that the Clerk of the PLUM Committee notified certain people and not others. I understand that the Clerk merely transmitted the list he was given. Regardless, a perusal of that page and a half list lists the Applicants, their attorney, the City Council office, the Councilmembers who are on the PLUM Committee, and a number of names and addresses from people who live far away from the property in question, including an address in Alaska.

Yet somehow this list of "interested parties" failed to include myself, my clients, and various other parties who appeared before the Zoning Administrator or Area Planning

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Commission to express their opposition to the proposed variances. One of the PLUM members opined on Tuesday that our side did have an opportunity to make ourselves heard. However, in fact we had 2 minutes each to speak. In contrast, we submitted a long and detailed letter accompanied by numerous exhibits to the file before each of the prior hearings, of which we had adequate notice.

We do appreciate that the Chair of the Committee recognized that the absence of notice impaired our ability to present our argument and supporting facts. Regardless, we have still been unfairly prejudiced by the fact that we were not given notice, and have had substantially less time to prepare for the City Council meeting than did the Applicant and parties in support, all of whom clearly received significant additional notice. We know of a variety of interested parties who would have liked to have weighed in on the matter but who were constrained from doing so by the short notice (and the holidays).

In any case, I would appreciate it if you could submit this letter into the Council file so it becomes a matter of public record.

Please let me know if you have any additional questions, and thank you for your assistance.

Sincerely,



Valerie Sacks
Attorney at Law