



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 7, 2011

TO:

Pat Modugno, Chair  
Esther L. Valadez, Vice-Chair  
David W. Louie, Commissioner  
Harold V. Helsley, Commissioner  
Curt Pedersen, Commissioner

FROM:

Richard Claghorn  
Principal Regional Planner, Land Development Coordinating Center

**SUBJECT: APPEAL OF DIRECTOR'S DENIAL OF REQUEST FOR A YARD  
MODIFICATION (RPP 200801286)  
PROJECT NUMBER: R2008-01777-(5)  
CASE: RPP 200801286  
RPC MEETING: June 8, 2011  
AGENDA ITEM: 7**

Karen Davis, the attorney representing the owner of the neighboring property at 526 Wenham Road, has submitted supplemental information supporting upholding the Director's denial of the Yard Modification request that she would like the Regional Planning Commission to review. A new letter from Ms. Davis was submitted to staff after the other supplemental package was completed. The new letter discusses a fence that Mr. Mason allegedly built encroaching onto the property of the neighboring property to the north and trees removed on that property without the consent of the property owner. It also states that Mr. Mason made several false statements and claims, including stating that he had permission from the property owner on the east to remove a fence, which the neighbor denies. The letter also says that the statement in Mr. Zentil's letter that Ms. Keane has not responded to settlement proposals is false. Signed declarations from the owners of the properties to the north and east were also included, which describe Mr. Mason's alleged actions regarding their properties.

Please find the attached supplemental materials for this project provided by Ms. Davis.

RC

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LAW OFFICES OF  
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PASADENA, CALIFORNIA 91117

June 6, 2011

Hon. Pat Modugno, Chair and Commissioners  
Los Angeles County Regional Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012

Re: Site Plan Review Case No. 200801286 (Yard Modification)  
May 18, 2011

Dear Chairman Modugno and Honorable Commissioners:

First and foremost, we ask for the indulgence of the Commission in considering this late response. We are very mindful of the personal time the Commissioners take in reviewing each case. While we did not believe it was necessary to inundate the Commissioners with additional information after the May 18<sup>th</sup> hearing, we do believe it is necessary to provide a further response to the filing made late in the afternoon on June 2<sup>nd</sup> by the Applicant due to the misrepresentations contained in the filing.

On May 18, 2011, the Commission considered updated information on the appeal from the denial of a Yard Modification in the above-referenced matter. After a vote was held, Commissioners Louie and Pedersen voted to uphold the Director's Denial of the Yard Modification, and Commissioner Helsley voted to overrule the Director's Findings. As such, the matter was continued to June 8, 2011 to allow all Commissioners to consider the matter.

Since the Applicant submitted his Application for a Yard Modification in September 2008, the Director of Regional Planning has never changed his interpretation of the law or the application of the law to the facts of this case. The conclusion has been unequivocally to deny the Application for a Yard Modification. This conclusion has been reached by **two different** Director's of Regional Planning and after the Applicant has been given almost **three years** to provide sufficient justification to support the Application.

Two departments, including the Department of Regional Planning and the Department of Building and Safety, have identified significant and material violations of the zoning laws and building codes in the Room Addition for which the Applicant is seeking retroactive approval.

The key factors identified in denying the Yard Modification were:

The application of development standards...does not insure the protection of public health, safety and general welfare, **does not prevent adverse effects on neighboring property** and is not in conformity with good zoning practice. [Reference Paragraph 26 of Findings]

The Addition also “reduces the buildable area of 526 Wenham Road property because the proximity of the Addition to the property line..” [Reference Paragraph 26 of Findings.]

Miguel Garcia of the Department of Building and Safety recently attempted to identify numerous conditions his department would enforce if the Commission were to grant the Yard Modification. Unfortunately for Ms. Keane, any relief that the Commission considers which entails allowing any portion of the illegal addition to remain within the minimum side yard offset will have a material and adverse impact on Ms. Keane’s property for the following reasons:

1. The reduction of buildable area in the Keane property due to the proximity of the illegal addition. Ms. Keane will be required to disclose the zoning violation and the impact it has on her property to any prospective buyers should she sell her home. Such negative disclosures have a significant impact on the value of a home.
2. The lawsuit filed by the Applicant against Ms. Keane alleges that her fence, which was lawfully built within her property line, has created a nuisance due to the proximity to the Applicant’s illegal addition. Allowing the structure to violate the set back limitations may then allow the Applicant to seek restrictions of Ms. Keane’s lawful use of her property. **This issue would not exist but for the Applicant’s unlawful violation of the zoning laws.**
3. The lawsuit filed by the Applicant against Ms. Keane alleges that her pool equipment, which was lawfully built and operated for over 18 years, is a nuisance due to the proximity to the Applicant’s illegal addition. Notably, many of the Applicant’s numerous contacts with the Sheriff’s Department were not to complain about Ms. Keane’s pool equipment but to complain that Ms. Keane was using her Jacuzzi in the evening. (The Applicant continues to pursue this claim notwithstanding the fact that Ms. Keane, at her own expense and even after various agencies confirmed the proper operation of her

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equipment, has changed the pool equipment to a whisper-quiet unit, installed a vibration pad and has installed an additional enclosure around the equipment to further restrict noise.) Mr. Mason, on the other hand, has **taken no action** to address any of the issues created by his illegal addition. Again, allowing the structure to violate the set back limitations may then allow the Applicant to seek restrictions of Ms. Keane's lawful use of her property. **This issue would not exist but for the Applicant's unlawful violation of the zoning laws.**

The Commission should be aware that this present dispute with Ms. Keane represents just one of many disputes the Applicant has had with his neighbors. The Applicant has a history of trampling on the property rights of all of his direct neighbors. Attached are copies of two declarations previously submitted to the Commission. As noted, the Applicant tore down the fence between himself and the East-side neighbor based upon the erroneous belief it was his fence. This action left the East-side neighbor's property open with no protection for their pets. [Reference Declaration of Brad Hanson attached hereto.]

Thereafter, the Applicant built a seven foot fence and installed his air-conditioning unit two feet on to the property belonging to the North-side neighbor. The Applicant falsely told the North-side neighbor that the fence was on the property line even though he obtained a survey in 2007 and knew that his improvements were encroaching on her property. The Applicant did not remove the improvements until after the North-side neighbor incurred the cost of her own survey in 2010 at which time he admitted that the encroachment existed and he said that he just "wanted to borrow" the land for awhile. [Reference Declaration of Sabrina Liao attached hereto.]

In 2007, the Applicant was aware of the true location of the boundary line between his property and Ms. Keane's property. Nonetheless, he falsely informed the undersigned that there were no off-sets in the location of the boundary with Ms. Keane. The Applicant then faxed a copy of his survey and claimed that Ms. Keane's pool equipment violated zoning laws. Ms. Keane incurred the costs of her own survey which provided conclusive evidence that the Applicant was lying.

The Applicant and his legal counsel allege that Ms. Keane has not responded to settlement proposals. This allegation is patently false and Ms. Keane and the undersigned take great umbrage in the continued misrepresentation of facts in this matter.

In fact, the Director's Findings note the extensive settlement discussions that the parties have had. Ms. Keane has not only participated in extensive settlement discussions but she has also undertaken to address concerns of the Applicant by extraordinary measures at her own expense.

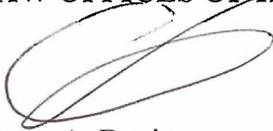
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In conclusion, Ms. Keane has never asked for the Applicant to completely demolish the Addition. She has only asked that he modify the structure so that it complies with the zoning laws and building codes. Clearly, the Applicant could have applied the time and resources he has used to seek this extraordinary exception to bring his Addition into compliance with the law. Instead, the Applicant has opted to maintain the acrimony by doing nothing to show goodwill toward his neighbor, Ms. Keane, and by seeking an exception which will serve only to impose a permanent and material detriment to Ms. Keane's property.

Ms. Keane respectfully requests that the Regional Planning Commission uphold the Director's Findings in denying the Application for a Yard Modification in this case.

Sincerely,

**LAW OFFICES OF KAREN A. DAVIS**

A handwritten signature in black ink, appearing to read 'Karen A. Davis', written over the typed name below.

Karen A. Davis

Enclosures

**DECLARATION OF SABRINA LIAO**

**FAMILY RESIDENCE - 2640 SAN PASQUAL, PASADENA, CA**

**(Property sharing North property line of Mason Property)**

I, Sabrina Liao, do hereby declare as follows:

1. I am over the age of 18 and a resident of the County of Los Angeles, State of California.

2. I have personal knowledge of the following facts and if called, could and would testify as follows:

3. My family owns the residential property located at 2640 San Pasqual, in the City of Pasadena, State of California. Our residence shares a property line with the residence of Steve Mason located at 520 Wenham Road, in the City of Pasadena, State of California. The location of the shared property line is on the South side of my property and thus, the North side of Steve Mason's property.

4. I have been informed that through proceedings taking place before the Regional Planning Commission that Steve Mason has represented that all of the neighbors have been pleased with his remodeling project and the manner in which he has conducted himself in the neighborhood.

5. I would like to state for the record that I was not pleased with the way in which Mr. Mason has handled his remodeling project or acted as a neighbor. On December 2008 Steve Mason and Nadine Chim left a note at our residence stating that they wanted "to move 2 maple trees that were messy all year around." Steve Mason did not like the fact that the leaves from the tree fell on to his driveway. Without waiting for me to return from a trip on January 5, 2009, Steve Mason went ahead and cut one of the trees down without our permission. I then advised Steve Mason that I did not want him to cut any trees without permission. Later we gave Steve Mason permission to remove the 2<sup>nd</sup> tree and at that time I asked him to remove the pile of dirt that he placed on our property without permission. Steve Mason said he was going to remove both trees, but failed to do so. He cut them down and left both stumps in the ground.

6. During the next year the same trees grew over six feet and were very healthy. On February 24, 2010 when I returned from another trip, I discovered that the maple trees had been, yet again, chopped down to the stump. I approached Steve Mason the next day and he initially played dumb as if he did not know anything. Steve Mason then said that the trees were dead and that he was doing me a favor. When I advised Steve Mason that I thought the trees looked pretty healthy, his response was "Well, they're dead now." It took Steve Mason ten minutes to finally apologize for his actions. I again told Steve Mason not to take any action on our property without first talking to me.

7. I then decided to have a survey conducted of my property since it became clear from the survey marker on the street that Mr. Mason was placing his fence and bushes on an area, which appeared to be my property. The survey results indicated that Mr. Mason had built the fence on the North side of his property 2 feet on to my property and the bushes were 1 feet in. While the survey was being conducted, Steve Mason came over to our house to ask why I was having a survey done. Steve Mason told me he could have saved me the cost and grief of the survey since he knew where the property line was. At that time, Steve Mason told me that he had known that his fence was two feet on to my property since he had his survey done in 2007. Meaning he had purposely relayed incorrect information to me for his own benefit. Steve Mason continued to say that since his fence was already in placement for 2+ years, that if I would just continue to let him "borrow it for awhile." No actions were taken until the day before I decided to drop a letter (April 2<sup>nd</sup>, 2010) pressing for legal actions if he didn't move his fence and bushes in 2 weeks time. As the fence came down, it was apparent that the previous surveyor (who conducted the survey in 2007) had pegged a marker within his fence, a peg that was never pointed out to me. This event happened within the last thirty days. I am greatly disturbed that Mr. Mason was aware that he had encroached on our property for over two years and he misrepresented the location of the boundary line during this time even though he knew that he was not telling the truth. It was only after I incurred the costs of a survey and consulted with an attorney that Mr. Mason agreed to move his fence and remove his bushes from our property.

8. I have been made aware that Mr. Mason is seeking a modification to allow certain nonconforming improvements to remain. As a neighbor, I oppose any exceptions to the building codes and zoning codes since it will set a precedent for such exceptions in our neighborhood, which will increase density and set a bad standard for other nonconforming structures.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 05/02/2010, at Pasadena, California.

  
\_\_\_\_\_  
Sabrina Liao

**DECLARATION OF BRAD HANSON**

**OWNER OF 2644 SAN PASQUAL, PASADENA, CA**

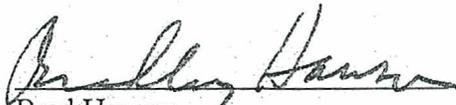
**(Property sharing East property line of Mason Property)**

I, Brad Hanson, do hereby declare as follows:

1. I am over the age of 18 and a resident of the County of Los Angeles, State of California.
2. I have personal knowledge of the following facts and if called, could and would testify as follows:
3. I am one of the owners of residential property located at 2644 San Pasqual, in the City of Pasadena, State of California. My residence shares a property line with the residence of Steve Mason located at 520 Wenham Road, in the City of Pasadena, State of California. The location of the shared property line is on the West side of my property and thus, the East side of Steve Mason's property.
4. I have been informed that through proceedings taking place before the Regional Planning Commission that Steve Mason has represented that he "tore out all overgrown trees and shrubbery (vermin infested), cleaned the entire area and re-landscaped, and built a new fence in the same location as the existing fence: straddling the lot line" (between our two properties.) Steve Mason apparently claims that he took this action at my "specific request."
5. I never made the request shown in Paragraph 4 above as represented by Steve Mason. Steve Mason unilaterally removed the chicken wire fence that was located between our properties for decades. Mr. Mason left my property line open which caused a lot of problems since I have pet dogs. Mr. Mason did not replace the fence for several months until we worked out a compromise about the location and height of the fence. I shared in the expense of the fence to insure that it was timely and properly built.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 5-3-10, at Pasadena, California.

  
Brad Hanson