REGIONAL PLANNING COMMISSION MEETING

May 19, 2010

SUPPLEMENTAL OPPOSITION TO AGENDA ITEM

Project No. R2008-10777(5)

Site Plan Review Case No. 200801286 (Yard Modification)

SUBMITTED ON BEHALF OF MAUREEN KEANE

(Owner of contiguous property - 526 Wenham Road)

LAW OFFICES OF
KAREN A. DAVIS

KAREN A. DAVIS
ATTORNEY AT LAW

1122 EAST GREEN ST.
PASADENA, CALIFORNIA 91106
P.O. BOX 5092
PASADENA, CALIFORNIA 91117

TELEPHONE
(626) 449-1362
FACSIMILE
(626) 796-1555

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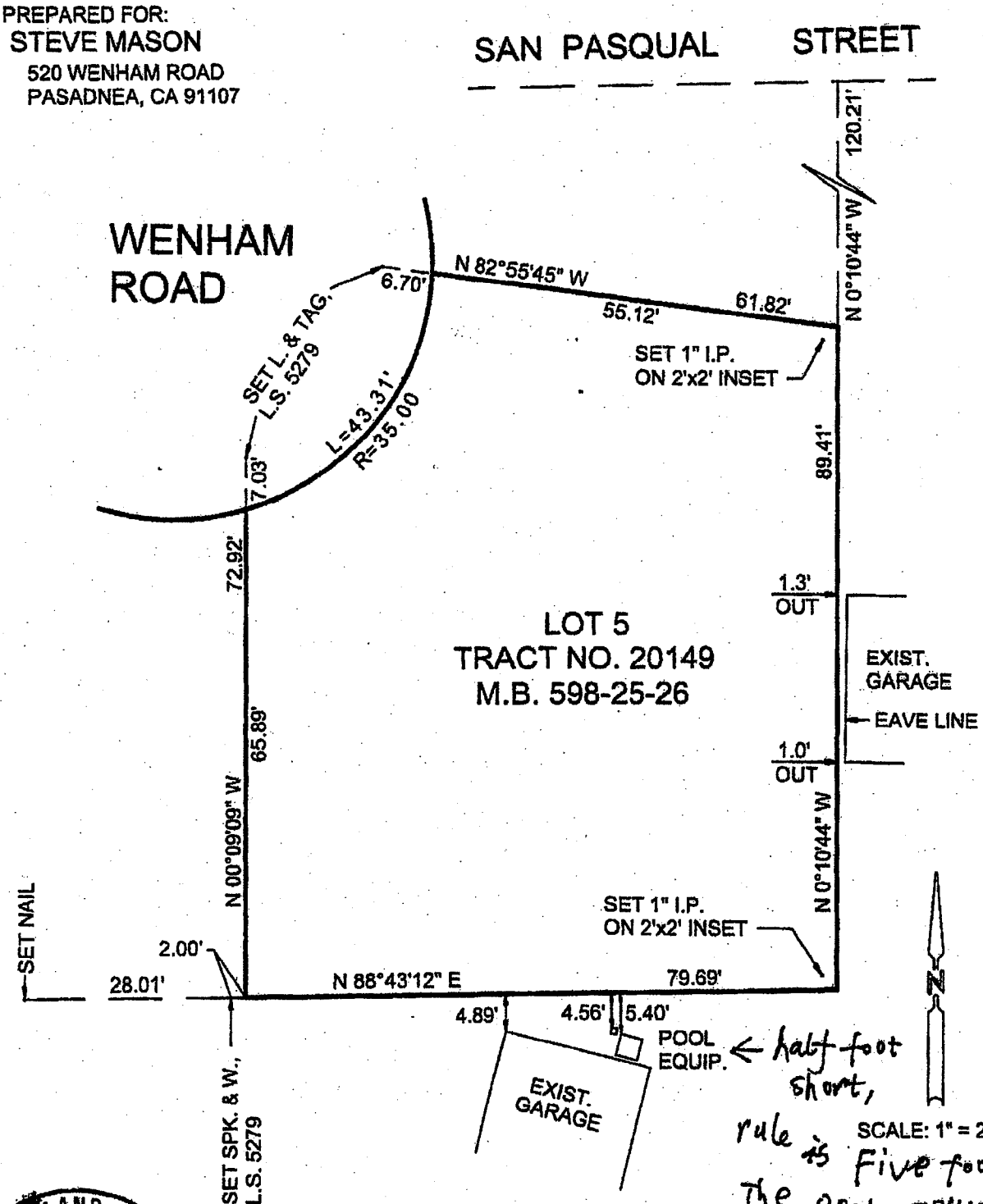
PREPARED FOR:
STEVE MASON
520 WENHAM ROAD
PASADNEA, CA 91107



← half foot short, rule is Five foot. The pool EQUIP only 4½.

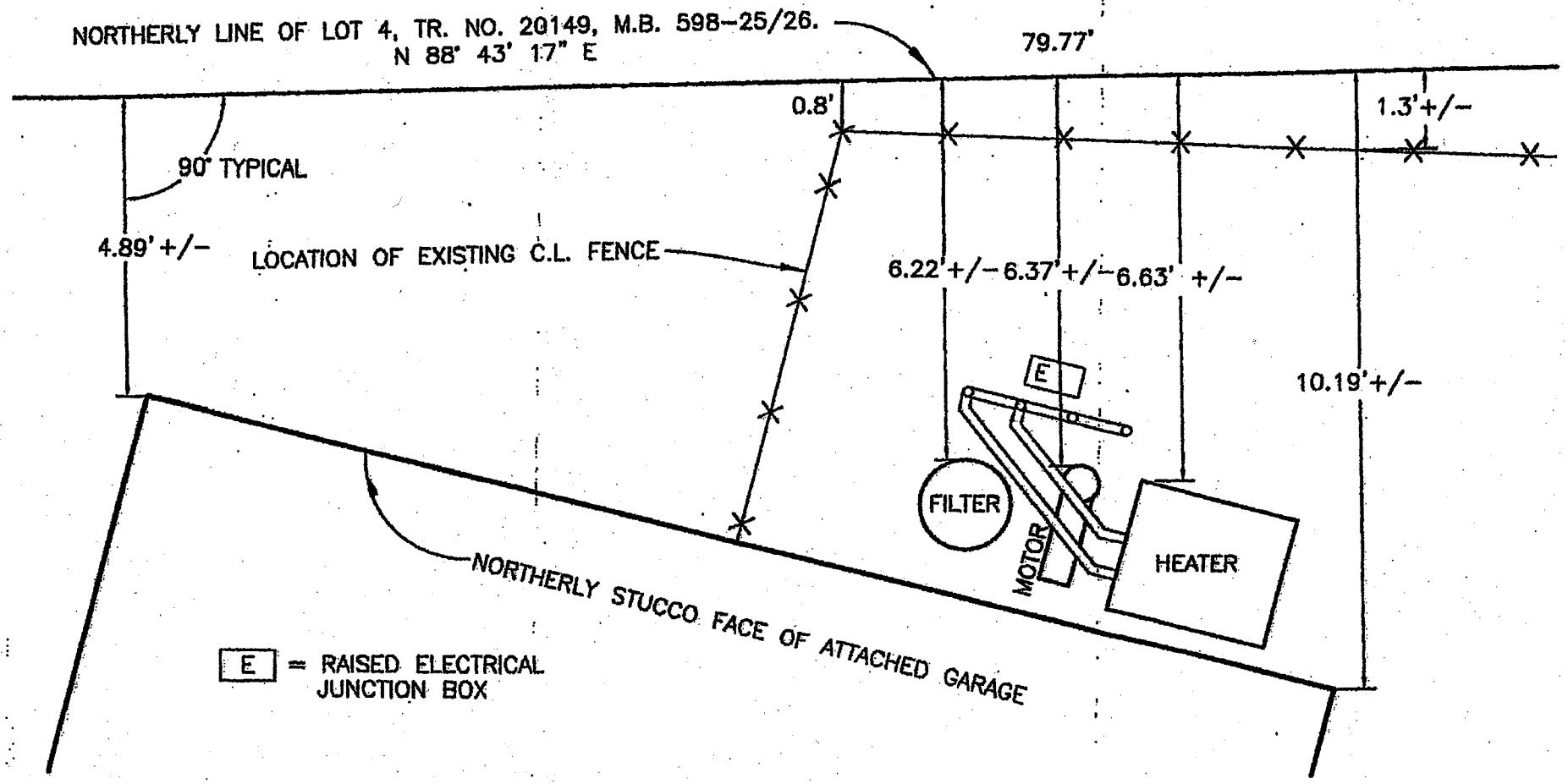
LICENSED LAND SURVEYOR
ED ECKERT
L.S. 5279
Exp. 12/31/07
STATE OF CALIFORNIA

PREPARED BY:
GILBERT ENGINEERING COMPANY, INC.
2028 EAST ROUTE 66, SUITE 203
GLENDORA, CALIFORNIA 91740
(626) 852-1600
FAX (626) 852-1601
email – gilbertcivil@integrity.com

LOCATION OF MAIN POOL EQUIPMENT IN RELATION TO LOT LINE.
526 WENHAM ROAD, PASADENA.
AS OF OCTOBER 9, 2007.

NO SCALE

LICENSED LAND SURVEYOR
JAMES KEVORKIAN
EXP. 12/31/08
NO. 7601
STATE OF CALIFORNIA



Total 3 of 1

4:13 PM 11/1/2007

Dear Mr Mckay:

Main concern is operation and function of pool equipt-ment.Want to confirm our conversation on nov1

3pm,discussion about pool equiptment+trees+property

line+meeting w/survyors.
Please can we compromise split $800.00 install NEW

Whisper Flow,insulation pad+cover for equiptment.Also please change time one more last time for us:11:30am-

7:30pm.(8 hours mskeane needs for efficiency.)
I don't have any dispute about fencing or property

lines once the surveyors have cordinated and resolved these off set.
I Moved the trees off the driveway that belongs to Ms

Keane and we will resume planting after our meeting per

discussion.
Fencing hopefully Ms keane can pick out something

tastefull in design to match the area.And my green wall

will look good in my own property as well.

Thank you so much spent time for this case.

Sincereley Steven J. Mason

Steven Mason

PS:I maybe have to pay much more for the pool pump,so

please Ms Keane agree payment of $400.

NOV-1-2007 15:52 FROM:QUARTO (626) 335-0240 TO:79615555 P.1

TEL: (626) 449-1362
FAX: (626) 796-1555

LAW OFFICES OF
KAREN A. DAVIS
THE ELEVEN-TWENTY-TWO BUILDING
1122 EAST GREEN STREET
PASADENA, CA 91106

P.O. BOX 5092
PASADENA, CALIFORNIA 91117

November 26, 2007

Mr. Steven Mason
Ms. Nadine Chim
520 Wenham Road
Pasadena, CA 91107-5224

Re: Boundary line and noise dispute between 526 Wenham and 520 Wenham

Dear Mr. Mason and Ms. Chim:

The purpose of this correspondence is to confirm my conversation with Steve Mason on November 19th regarding the date in which Maureen Keane intends to install the fence along her north-facing boundary line and her east-facing boundary line along her driveway.

As mentioned, the fencing contractors will commence work on December 3, 2007 and expect to be complete the job by December 4th. As you are aware, your irrigation system, which runs along the east-side of Ms. Keane's driveway is located on her property. We ask that you arrange to move the irrigation system on to your property before December 3rd. The irrigation system cannot remain on Ms. Keane's property since the wood fence posts will be installed on or in front of the existing water lines. We also ask the you move the three berry bushes that you transferred to the south-west corner of the lot and the plants that are in the wood boxes located along the driveway on to your property before December 3rd.

The installation of the fence along the boundary line between your property and Ms. Keane's property will be completed much more quickly if the fencing contractor is allowed access through your south-side gate. Please let me know if you have any objection to the fencing contractor entering on to your property on December 3rd and 4th in order to pour the concrete fence post footings and to install the wood fence.

Thank you for your consideration. Please call me if you have any questions.

Yours sincerely,

LAW OFFICES OF KAREN A. DAVIS

Karen A. Davis

WESTERN FENCE CO.

since 1967

2652 N. Fair Oaks Avenue • Altadena, CA 91001 • 626-791-6934 • Fax 626-794-2707 • Lic. No. 818532

January 9, 2008

Maureen Keane
526 Wenham Rd
Pasadena, CA 91107

RE: Fence placement on north boundary of property at 526 Wenham Rd.

To whom it may concern,

Western Fence Co. installed both a 2 ½ foot high ranch rail fence and a 6 foot high dog eared redwood fence along the north boundary line of the address above.

Western Fence Co. set the fence line as measured off of surveyors monuments placed at the request of the property owner by a licensed surveyor during a resent survey of her property, at at the direction of the property owner.

The fences were install so that the concrete ball that supports the posts went up to but not beyond the property line and would support the posts when which were set so the the finished edge of the fence or bear post on the ranch rail fence, would be 2 inches back from the property line.

All work was done in a workmanlike manner and in compliance with all codes and and applicable standards.

Sincerely,

Ed Haylett

Western Fence Co.

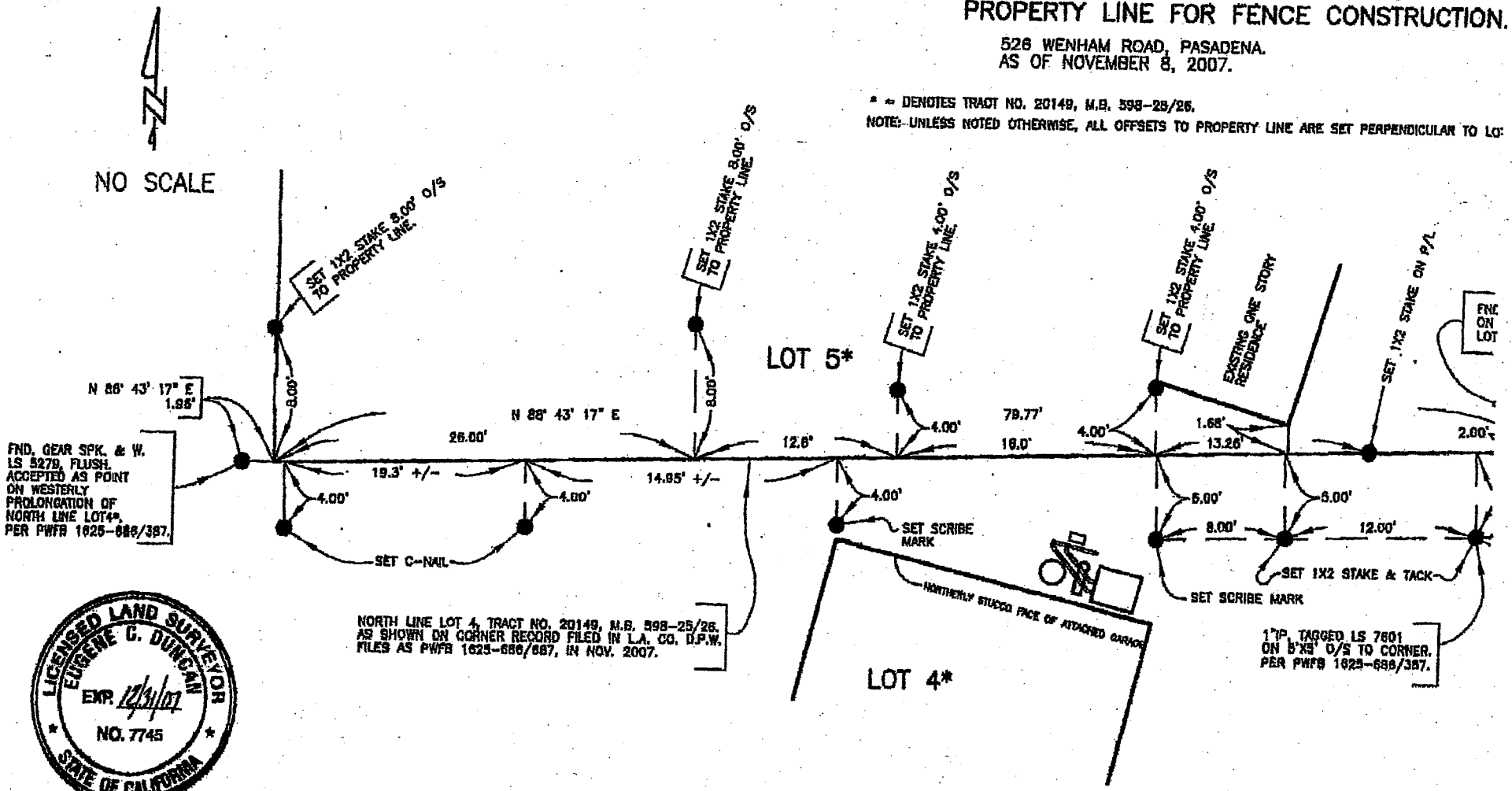
626-792-7288

EXHIBIT OF POINTS SET OFFSET TO PROPERTY LINE FOR FENCE CONSTRUCTION.

526 WENHAM ROAD, PASADENA.
AS OF NOVEMBER 8, 2007.

* = DENOTES TRACT NO. 20149, M.B. 598-25/26.

NOTE: UNLESS NOTED OTHERWISE, ALL OFFSETS TO PROPERTY LINE ARE SET PERPENDICULAR TO LC



LICENSED LAND SURVEYOR
EUGENE C. DUNCAN
EXP. 12/31/07
NO. 7745
STATE OF CALIFORNIA

Eugene C. Duncan

WESTERN STATES SURVEYING, INC.
899 W. FOOTHILL BLVD., E
MONROVIA, CA 91016-1973

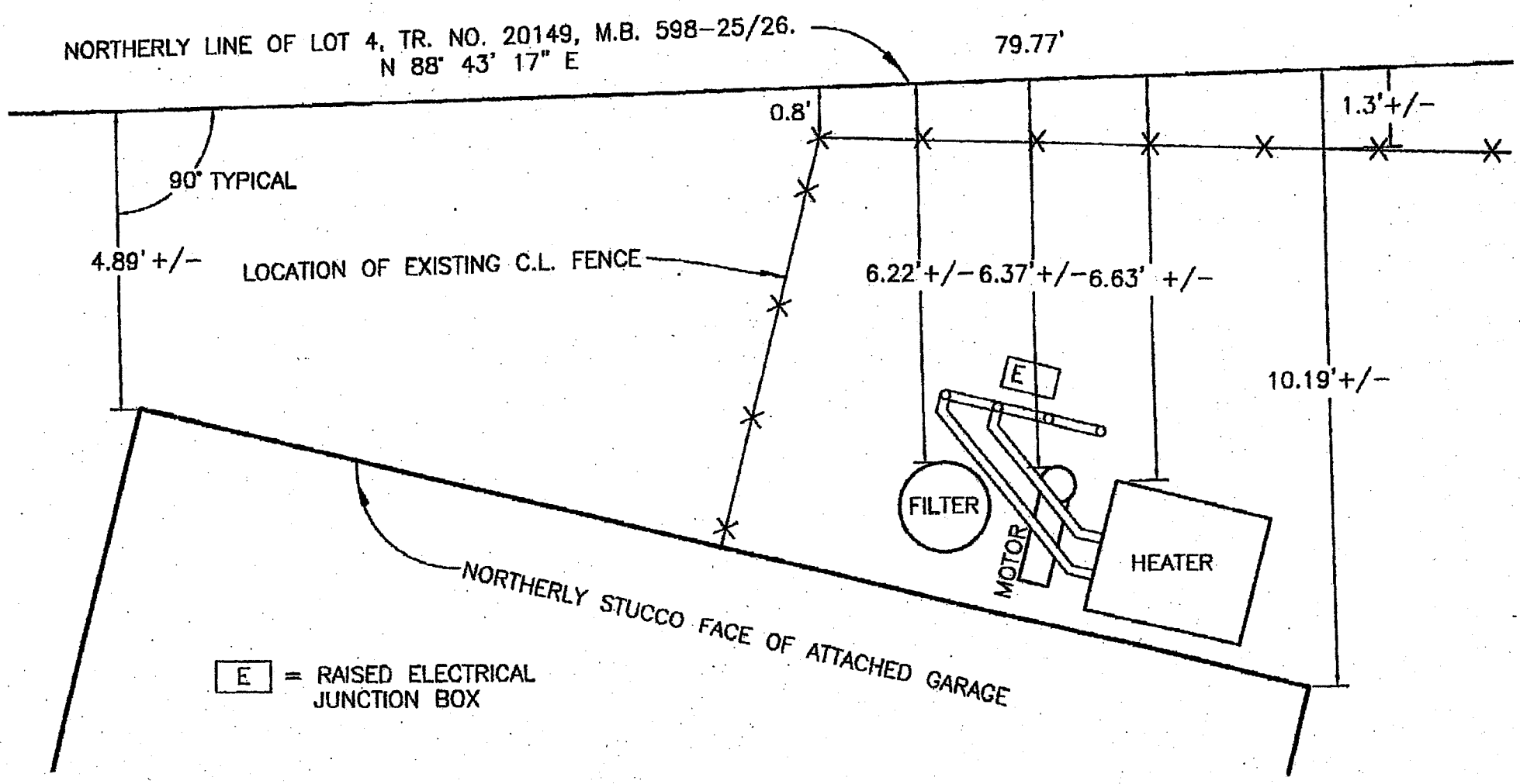
Nov. 12 07 05:03p Maureen Keane

626-792-7288

LOCATION OF MAIN POOL EQUIPMENT IN RELATION TO LOT LINE.
526 WENHAM ROAD, PASADENA.
AS OF OCTOBER 9, 2007.

NO SCALE

LICENSED LAND SURVEYOR
JAMES KEVIN RYAN
EXP. 12/31/08
NO. 7601
STATE OF CALIFORNIA



DECLARATION OF DAVID A. BETHANY

SITE PLAN REVIEW CASE NO.: 200801286 (YARD MODIFICATION)

I, David Bethany, 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 a licensed contractor in the State of California. I have held my General Contractor's license since 1985. I am President of Bethco Builders, Inc. where I continue to act as a general contractor for both residential and commercial projects. I have qualified and testified in California State Court and Federal Court as an expert witness in the following areas of the construction industry: Building Standards; Construction Documents; Construction Scheduling and Delays/Delay damages; Cost Estimating; Job Cost Analysis, Standard of Care for Construction Manager; Standard of Care for a Developer, Standard of Care for a General Contractor and Standard of Care for Trade Contractors.

4. On April 27, 2010 I personally inspected the real property located at 526 Wenham Road in the City of Pasadena, State of California. The purpose of this inspection was to assess the building code and zoning code violations of the addition built on the South side of the contiguous property located at 520 Wenham Road in the City of Pasadena. The purpose of this inspection was also to assess the various claims and defenses raised by the owner of 520 Wenham Road and by his representatives including the representations made by Michael Cook, RDBI.

5. Through my inspection I concluded that the Keane garage and pool equipment located on the North side of the garage is compliant with all relevant Building Codes and Zoning codes. In addition, the noise level of Ms. Keane's pool equipment does not violate any noise regulation within the County of Los Angeles. The reading obtained by the City of Pasadena reflects a nominal variance from that City's code which cannot explain the level of disturbance claimed by the Applicant.

6. Michael Cook incorrectly stated that the portion of Ms. Keane's chain link fence that surround her property and secure the pool area was not incompliance with the Build Code. In fact, Ms. Keane's chain link fence is compliant as it was installed prior to the new code coming into effect and the revised code is not under mandatory retro-fitting.

7. The proximity of Ms. Keane's wood fence to the addition does not violate any building codes related to safety as there are no code requirements for a fire rated fence material. Moreover, it is noteworthy that the Applicant has a wood fence which is located even closer to

the neighbor's garage on the East property line and to the neighbor's property at the North property line.

8. It is my understanding, through a review of the documents submitted on behalf of the Applicant and owner of 520 Wenham Road, that the Applicant is a general contractor and acts as a building superintendent for construction. In assessing any project, a competent general contractor and building superintendent would first examine the project site to determine site concerns, including property lines and front, side and rear yard setbacks. Such an assessment of the subject property would have led even an inexperienced property owner to conclude that they should consider a survey. According to the Applicant, he did not take any such action prior to completing his construction.

9. It is my understanding, through a review of the documents submitted on behalf of the Applicant and owner of 520 Wenham Road, that he has claimed that the inspection by Building and Safety approved the structure side yard and back yard offset which violated the zoning code. This position is contrary to prevailing law. Building Code Section 108.1 states in pertinent part that "**Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdictions. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection. Neither the building official nor the jurisdiction shall be liable for expense entailed on the removal or replacement of any material required to allow inspection. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.**"

10. The documents I reviewed contained a document entitled "Certificate of Visual Observation. The document was prepared by Michael Cook, a registered deputy building inspector (RDBI). Deputy inspectors are allowed to inspect very specific portions of the construction process **as it takes place**. Notably, Cook is certified to inspect concrete, masonry, pre-stressed concrete and welding work performed by contractors or subcontractors. Under Building Code Section 1701 and 1702 there is no certification or allowances for a special inspector to inspect or investigate any work or issue outside of those listed above. Based on this information, Mr. Cook's observations are clearly outside the scope of his license and he was apparently not present during the construction of any of the issues he discussed.

It is unclear how Deputy Inspector, Michael Cook could have rendered any observation or opinion about materials without performing destructive testing. For example, unless destructive testing was performed, the inspector would have no personal knowledge that Thermafiber Sound & Fire Blanket #ASTM C 665, Type 1 was placed between the exterior plaster (stucco and drywall in the wall cavity.) In addition, unless destructive testing was performed, the inspector would not have personal knowledge about whether the shear wall was OSB as "Flame Block ICC ESR #1365." Moreover, without destructive testing in a number of locations, the inspector would not have personal knowledge about the stucco thickness of 1-1/8". This observation being made merely goes to the credibility of the "observations" as memorialized by Deputy Inspector,

Michael Cook.

11. Through my inspection, I noted the following building code violations which cannot be remedied except for the removal of the relevant portion of the structure (which is the addition in this case):

a) The addition contains three windows on the South side which violate the minimum boundary line offset. The Applicant for the Yard Modification has purportedly placed a frame containing fiberglass material on the outside of two of the windows. Building Code Section 713.0 Glazing. This section does not allow for the Vertical Solutions, fiberglass panel - fire rated material as an approved "fire window opening". As such, the proximity of the addition wall containing windows violates public safety and fire safety provisions of the Building Code.

Note: Building Code Section 102.1 Fire Hazard. No persons, including but not limited to the state and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this section, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency. Further Note: "Fire hazard" as used in these regulations means any condition, arrangement or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire.

The relevancy of the above-referenced code should compel the conclusion that the proposed Yard Modification, allowing the existing structure to remain, would be a material violation of this code and ratify the continuation of an unlawful fire hazard.

b) Michael Cook, the deputy inspector who provided a "Visual Inspection" report, claimed that the window covering referenced in subsection (a) above was fire rated by ASTM 384. ASTM E84 is only a testing protocol for fire spread on **interior walls and ceiling finishes.** The testing protocol is not an approval for any material to be used as a fire assembly in any interior or **exterior** condition. Attached to this Declaration as Exhibit "A" are two documents from ASTM regarding ASTM E84 which provide further information demonstrating the improper application in this case.

c) The majority of the South- side of the addition violates Building Code Section 1203.4.1 which requires that "yards shall not be less than 3' in width for one and two-story buildings.

d) The majority of the South- side of the addition violates Building Code Section 1204 - Eaves - which states that "Where eaves extend over required windows, they shall project no closer than 30 inches to any side or rear yard property line." In this case, the eave actually encroaches **over** the property line of the Keane property.

e) Building Code Section 106.3.3 regarding information on plans and specifications states in pertinent part that "Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the code and all relevant laws, ordinances rules and regulations." In this case, I observed the location of the original chain link fence posts which remain visible and cut at the surface. The location of the chain link fence from the South-east corner of the addition was less than three feet. In addition, the eave of the addition clearly encroaches over the wood fence which was placed two inches inside the Keane property line. In making this conclusion I relied on my visual inspection and the records prepared by Eugene Duncan of Western States Surveying, Inc., a licensed surveyor.

f) The proximity of the roof and eave and the encroachment over the boundary line of the Keane property violates Building Code Section 1804.7 which requires the property owner to control the surface drainage on the property. In this case, there is no operative drainage pipe located in the side yard area and the surface drainage is not sloped away from the property line on the South side of 520 Wenham and in the boundary shared with Ms. Keane.

12. The addition located on the South-east portion of 520 Wenham violated the zoning codes as follows:

a) The structure placement of the addition violates the five foot minimum side yard offset to the boundary line by 70% of the required distance, or 42" since the South-East corner of the addition is 18" off of the boundary line. The Building Code dictates that all dimensions are measured perpendicular to the property line.

b) The structure placement of the addition violates the fifteen foot minimum year yard offset to the boundary line.

c) The 7 foot high fence located on the South side of the addition and on the North side of the residence violates the height requirement.

13. The Building Code Violations and Zoning Code Violations cited above are material to this development as they create a public safety and fire hazard for the Keane' property and her improvements located directly to the South of the Addition. In addition, the Applicant has not submitted any evidence which would support the granting of a Yard Modification under the circumstances of this case.

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

Executed on May 4th, at Los Angeles, California.

David Bethany

EXHIBIT "A"

ASTM E 84

Standard test method for surface burning characteristics of of building materials.

The flame spread Index and Smoke Developed Index values obtained by the ASTM E 84 test are used by code officials and regulatory agencies in the acceptance of interior finish materials for various applications. The most widely accepted classification system is described in the National Fire Protection Association publication NFPA 101 *Life Safety Code*

1. 2006 International Building Code

a. Section 803 Wall and Ceiling Finishes, Paragraph 803.1 General states, "Interior wall and ceiling finishes shall be classified in accordance with ASTM E- 84.Such interior finish materials shall be grouped in the following classes in accordance with their flame spread and smoke-developed indexes.

i. Class A: Flame Spread 0-25; smoke-developed 0-450

ii. Class B: Flame Spread 26-75; smoke-developed 0-450

iii. Class C: Flame Spread 76-200; smoke-developed 0-450

Class A,B, and C correspond to type I, II, and III respectively in other codes such as SBCCI, BOCA, ICBO. They do not preclude a material being otherwise classified by the authority of jurisdiction.

2. NFPA 101®, Life Safety Code®

a. Chapter 10 Interior Finish, Contents, and Furnishings, Paragraph 10.2.3 Interior Wall or Ceiling Finish Testing and Classification states, "Interior wall or ceiling finish that is required elsewhere in this Code to be Class A, Class B, or Class C shall be classified based on test results from NFPA 255, ASTM E-84, or UL 723."

Active Standard ASTM E84 Developed by Subcommittee: E05.22 | Book of Standards Volume: 04.07

ASTM E84

Significance and Use

This test method is intended to provide only comparative measurements of surface flame spread and smoke density measurements with that of select grade red oak and fiber-cement board surfaces under the specific fire exposure conditions described herein.

This test method exposes a nominal 24-ft (7.32-m) long by 20-in. (508-mm) wide specimen to a controlled air flow and flaming fire exposure adjusted to spread the flame along the entire length of the select grade red oak specimen in 5 ½min.

This test method does not provide for the following:

Measurement of heat transmission through the tested surface.

The effect of aggravated flame spread behavior of an assembly resulting from the proximity of combustible walls and ceilings.

Classifying or defining a material as noncombustible, by means of a flame spread index by itself.

1. Scope

1.1 This fire-test-response standard for the comparative surface burning behavior of building materials is applicable to exposed surfaces such as walls and ceilings. The test is conducted with the specimen in the ceiling position with the surface to be evaluated exposed face down to the ignition source. The material, product, or assembly shall be capable of being mounted in the test position during the test. Thus, the specimen shall either be self-supporting by its own structural quality, held in place by added supports along the test surface, or secured from the back side.

1.2 The purpose of this test method is to determine the relative burning behavior of the material by observing the flame spread along the specimen. Flame spread and smoke developed index are reported. However, there is not necessarily a relationship between these two measurements.

1.3 The use of supporting materials on the underside of the test specimen has the ability to lower the flame spread index from those which might be obtained if the specimen could be tested without such support. These test results do not necessarily relate to indices obtained by testing materials without such support.

1.4 Testing of materials that melt, drip, or delaminate to such a degree that the continuity of the flame front is destroyed, results in low flame spread indices that do not relate directly to indices obtained by testing materials that remain in place.

1.5 The values stated in inch-pound units are to be regarded as standard. The values given in parentheses are mathematical conversions to SI units that are provided for information only and are

not considered standard.

1.6 The text of this standard references notes and footnotes that provide explanatory information. These notes and footnotes, excluding those in tables and figures, shall not be considered as requirements of the standard.

1.7 This standard is used to measure and describe the response of materials, products, or assemblies to heat and flame under controlled conditions, but does not by itself incorporate all factors required for fire-hazard or fire-risk assessment of the materials, products, or assemblies under actual fire conditions..

1.8 This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.

2. Referenced Documents

ASTM Standards
A390 Specification for Zinc-Coated (Galvanized) Steel Poultry Fence Fabric (Hexagonal and Straight Line)
C1186 Specification for Flat Fiber-Cement Sheets
D4442 Test Methods for Direct Moisture Content Measurement of Wood and Wood-Base Materials
D4444 Test Method for Laboratory Standardization and Calibration of Hand-Held Moisture Meters
E136 Test Method for Behavior of Materials in a Vertical Tube Furnace at 750C
E162 Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source
E176 Terminology of Fire Standards
E2231 Practice for Specimen Preparation and Mounting of Pipe and Duct Insulation Materials to Assess Surface Burning Characteristics
E2404 Practice for Specimen Preparation and Mounting of Textile, Paper or Polymeric (Including Vinyl) Wall or Ceiling Coverings to Assess Surface Burning Characteristics
E2573 Practice for Specimen Preparation and Mounting of Site-Fabricated Stretch Systems to Assess Surface Burning Characteristics
E2579 Practice for Specimen Preparation and Mounting of Wood Products to Assess Surface Burning Characteristics
E2599 Practice for Specimen Preparation and Mounting of Reflective Insulation Materials and Radiant Barrier Materials for Building Applications to Assess Surface Burning Characteristics
E69 Test Method for Combustible Properties of Treated Wood by the Fire-Tube Apparatus
UL Standards
UL2024 Standard for Safety for Optical Fiber and Communication Cable Raceway (2004)
NFPA Standards
NFPA262 Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces (2007)

Index Terms

flame spread; flame spread index; smoke developed; smoke developed index; Steiner tunnel; surface burning characteristics; 25 ft tunnel; tunnel test
; Burning characteristics--building materials; Fire testing--building materials; Flame spread index; Flammability--building materials; Surface flammability; ICS Number Code 13.220.50 (Fire-resistance of building materials and elements); 91.100.01 (Construction materials)

DOI: 10.1520/E0084-10

ASTM International is a member of CrossRef.

ASTM E84 (Fire Standards and Flammability Standards)

To: 526 Wenham Rd.

Dear old lady:

Could you please consider exchange your pool equiment. It's too noise & too close to my property (I'll find time check noise pollution rules). Every day 8 hours, if you been bother by a weiberhood like that. How you going to feel about it? I already ask Steven find nice offer for you even will pay half of it for you.

Your age is three times mine, I understand you have some family members come over almost every weekend. made a ~~of~~ lot of noise from 11:AM-8:30 pm Sunday. I know you don't have ~~too~~ much time left you want to enjoy. I never complain about that.

but think about How rude and unbelievable ~~selfish~~ selfish you are. Last Sat, You walk out complain my yard work. demanding move car which was parking at public road & ~~not~~ in you way.

your noise is 365/year. I did some work
Hurt my health.
for my house for safety and also improve
land value for everyone on Wenham. If you
want to do some work for your old house, I am
happy for you and appritiated.

Any way. please show some respection,
do sth about your old old old pool equiment

Thank you Sooo much.

nadine いまなか
陽子 今中
08/15/07,
520 Wenham Rd.

From 520 Wenham Rd
nadine Chin 08/20/07.

TO: 526 Wenham Rd.

Dear Old Possum Looking Lady:

I am not capable about do anything to hurt anybody in my life, even a bags.

I just concern about peace.

If you keep making up stories, I'll check all information to make sure you follow the law, until the day you core If needed. I'll Hire a atterney to solve the noise pollution.

My health is very important to me. I had severe headaches. I already went to doctor and ~~they~~ been give me medicine

Purchase Order

and it effects my health as well.

You Are Such A. Sooo Ugly Ugly old old old Woman With Unbelievable ugly heart too!

So paiful become your neighbor.

I have a copy for you so you could give anybody you want. I think everybody agree with me about your look at least. I don't lie.

Thank You for Wasting TAXer'payer's Money.

Nadine Chin

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A TRADITION OF SERVICE

INCIDENT REPORT T-287

DATE 8-20-07 PAGE 1 OF 4

ACTION:	NON-CRIMINAL	# OF ADULT ARRESTS	# OF SUBJECT DETENTIONS	URN # (RETENTION / YEAR / SEQUENTIAL / REPORTING DISTRICT / STAT CODE)
☐ ACTIVE ☐ INACTIVE ☒ PENDING	☐	0	0	1 07 12792 0589 261

CLASSIFICATION 1 / LEVEL / STAT CODE: VANDALISM, 594(2)(a), PC / M / 261

CLASSIFICATION 2 / LEVEL / STAT CODE:

CLASSIFICATION 3 / LEVEL / STAT CODE:

SEX OFFENSE VICTIM INFO? ☐ YES ☒ NO

DOMESTIC VIOLENCE: N/A ☐ NON-PERSONAL (GUN, KNIFE, ETC) ☐ PERSONAL (HANDS, FEET, FIST, ETC)

INJURY ☐ Major ☐ Minor ☐ None

☐ NON-CRIMINAL

DATE, TIME, DAY OF OCCURRENCE: 07-11-07 1400 HOURS, WEDNESDAY

PRINTS REQUESTED ☐ COMPLETED ☐ BY: TIME:

LOC. OF OCCURRENCE: 526 WENHAM RD. PASADENA 91107

BUS. NAME:

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE	# of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
V	1 1	KEANE	MAUREEN	(UNK)	F	W		03-28-48	59

RES. ADDR.: 526 WENHAM RD. CITY: PASADENA ZIP: 91107

BUS. ADDR.: RETIRED CITY: ZIP:

VICTIM OF OFFENSE(S) (CLASSIFICATION) #: 1

ENGLISH SPEAKING ☒ YES ☐ NO

RES. PHONE (Area Code): 626-792-7258 Day Phone ☒

BUS. PHONE (Area Code): Day Phone →

CODE	# of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age

RES. ADDR.: CITY: ZIP:

BUS. ADDR.: CITY: ZIP:

VICTIM OF OFFENSE(S) (CLASSIFICATION) #:

ENGLISH SPEAKING ☐ YES ☐ NO

RES. PHONE (Area Code): Day Phone →

BUS. PHONE (Area Code): Day Phone →

CODE	# of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age

RES. ADDR.: CITY: ZIP:

BUS. ADDR.: CITY: ZIP:

VICTIM OF OFFENSE(S) (CLASSIFICATION) #:

ENGLISH SPEAKING ☐ YES ☐ NO

RES. PHONE (Area Code): Day Phone →

BUS. PHONE (Area Code): Day Phone →

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE	# of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
S	1 ?	UNKNOWN											

RES. ADDR.: CITY: ZIP:

BUS. ADDR.: CITY: ZIP:

CHARGE:

AKA: MONIKER:

DRIVER'S LICENSE (STATE & No.):

RES. PHONE (Area Code):

BUS. PHONE (Area Code):

WHERE DETAINED OR CITE #:

BOOKING #:

CODE	# of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age

RES. ADDR.: CITY: ZIP:

BUS. ADDR.: CITY: ZIP:

Entered Larcis By: dl Date: 8-21-07

CHARGE:

AKA: MONIKER:

DRIVER'S LICENSE (STATE & No.):

RES. PHONE (Area Code):

BUS. PHONE (Area Code):

WHERE DETAINED OR CITE #:

BOOKING #:

VEHICLE # ____ SUSPECT STATUS ☐ IMPOUNDED

____ VICTIM ☐ STORED ☐ OUTSTANDING

LICENSE (STATE & No.)	YEAR	MAKE	MODEL	BODY TYPE	COLOR

REGISTERED OWNER: N/A

IDENTIFYING FEATURES:

CHP 180 SUBMITTED: ☐ YES ☒ NO

GARAGE NAME & PH.:

BY DEP.: ORANTINO, E	EMPLOYEE #: 487901	VACATION DATES: 0	DEP.: CUNIEL, R
STATION: TEM	UNIT / CAR #: 51	SHIFT: PM	EMPLOYEE #: 455305
VICTIM DESIROUS OF PROSECUTION: ☒ YES ☐ NO			APPROVED: SGT. M. THATCHER
HQ NOTIFICATION REQ: ☐ YES ☒ NO	DEP.	DATE / TIME	EMPLOYEE #: 223404 DATE: 8-21-07 TIME: 0231
SUSP / SUBJ RELEASE APPROVED BY	TIME	PCD SUBMITTED: ☐ YES ☒ NO	ASSIGNMENT: TEMPLE D.B.
			SPECIAL REQUEST DISTRIBUTION
			TT B/C BY: DATE: TIME: SECTY.

78C300F - SH-R-49 (Rev. 10/99)

DATE	TIME RECEIVED	TAG #	URN #	PAGE
8-20-07	1507	287	107-12792 -0589-261	2 OF 4

INPUT / CHECKED NCIC, CII, ETC.: ☐ YES ☒ NO

EVIDENCE HELD: ☐ YES ☒ NO

EVIDENCE ENTERED IN: PATROL Ledger/Page# NARCOTICS Ledger/Page# SAFE Ledger/Page# BY

EVIDENCE HELD: N/A

☐ BLOOD ☐ FOOTPRINTS ☐ OTHER PRINTS ☐ VEHICLE PARTS ☐ BULLET ☐ FRAUD DOCUMENTS ☐ PAINT ☐ WEAPONS ☐ BULLET CASING ☐ GSR ☐ PHOTOGRAPHS ☐ CHECKS ☐ HAIR ☐ RAPE KIT ☐ CLOTHES ☐ JEWELRY ☐ RECEIPTS ☐ CREDIT CARDS ☐ MISCELLANEOUS ☐ TOOLS ☐ ELECTRONIC EQUIPMENT ☐ MONEY ☐ URINE ☐ FINGERPRINTS ☐ NARCOTICS ☐ VEHICLE IMPOUNDED ☐ _____

PROPERTY CODE: S–STOLEN • R–RECOVERED • L–LOST • F–FOUND • E–EMBEZZLED • D–DAMAGED • EV–EVIDENCE (Use all applicable Codes; for example, if property is both Stolen and Recovered, Code is S/R)

CODE	ITEM #	QUAN.	DESCRIPTION (Include kind of article, trade name, identifying numbers, physical description, material, color, condition, age and present market value)	RELEASED TO SERIAL #	VALUE
D	1	1	CHLORINE FEEDER, BROMINE MODEL 300	UNK	75.00

PART I STATISTICAL INFORMATION

PROPERTY			TYPE OF PROPERTY	STOLEN	RECOVERED
TYPE OF PROPERTY	STOLEN	RECOVERED	JEWELRY	$	$
CLOTHING/FURS	$	$	LIVESTOCK	$	$
CONSUMABLE GOODS	$	$	LOCAL STOLEN VEHICLES	$	$
CURRENCY/NOTES	$	$	MISCELLANEOUS	$	$
FIREARMS	$	$	OFFICE EQUIPMENT	$	$
HOUSEHOLD GOODS	$	$	TV/RADIO/STEREO	$	$

VICTIM OF SEX CRIMES REQUEST FOR CONFIDENTIALITY

PURSUANT TO SECTION 293(a) OF THE CALIFORNIA PENAL CODE, YOU ARE INFORMED THAT YOUR NAME WILL BECOME A MATTER OF PUBLIC RECORD, UNLESS YOU REQUEST THAT IT REMAIN CONFIDENTIAL AND NOT BE A PUBLIC RECORD, PURSUANT TO SECTION 6254 OF THE GOVERNMENT CODE.

I, _____ HEREBY (DO) (DO NOT) ELECT TO EXERCISE MY RIGHT TO PRIVACY.

SCREENING FACTORS

YES	NO		YES	NO	
☐	☒	1. SUSPECT IN CUSTODY	☐	☒	7. GENERAL SUSPECT DESCRIPTION
☐	☒	2. SUSPECT NAMED/KNOWN	☐	☒	8. GENERAL VEHICLE DESCRIPTION
☐	☒	3. UNIQUE SUSPECT IDENTIFIERS	☐	☒	9. UNIQUE M.O. OR PATTERN
☐	☒	4. VEHICLE IN CUSTODY	☐	☒	10. SIGNIFICANT PHYSICAL EVIDENCE
☐	☒	5. UNIQUE VEHICLE IDENTIFIERS	☐	☒	11. TRACEABLE STOLEN PROPERTY
☐	☒	6. WRITER/REVIEWER DISCRETION	☐	☒	12. MULTIPLE WITNESSES

WE DROVE TO 520 WENHAM DR, N. SAN GABRIEL, REGARDING A SEE THE WOMAN CALL, TAG # 258.

UPON OUR ARRIVAL, WE CONTACTED MAUREEN KEANE, THE VICTIM, WHO STATED TODAY (08-20-07), SHE RECEIVED A LETTER FROM HER NEIGHBOR NADINE CHIM.

THE LETTER BASICALLY STATED THAT V/ KEANE'S POOL EQUIPMENT WAS OLD, NOISY AND SHE SHOULD REPLACE IT. SEE COPY OF LETTER.

V/ KEANE TOLD US SHE HAS BEEN HAVING DISAGREEMENTS WITH HER NEIGHBOR (CHIM) ABOUT HER POOL EQUIPMENT, SINCE SHE MOVED NEXT TO HER, FOUR MONTHS AGO.

V/KEANE ADDED THAT ON 7-11-07 AS SHE CAME HOME FROM A VACATION, V/ KEANE NOTICED HER POOL WAS DIRTY WITH ALGAE. SHE THEN NOTICED HER CHLORINE FEEDER HAD BEEN KNOCKED OVER AND WAS LEAKING (0-1). SHE THEN NOTICED THE POOL'S TIMER HAD BEEN CHANGED TO A DIFFERENT TIME THAN SHE HAD PROGRAMED. V/ KEANE BELIEFS SOMEONE JUMPED HER FENCE AND DAMAGED HER CHLORINE FEEDER.

REPORT CONTINUATION . NARRATIVE	URN 107-12792-0589-261

WHILE CHECKING THE POOL EQUIPMENT, WE SAW A CHLORINE FEEDER LEAKING, AND WE DID NOT HEAR EXCESSIVE NOISE COMING FROM THE POOL EQUIPMENT.

A SEARCH OF THE AREA FOR EVIDENCE, SUSPECTS AND WITNESSES, MET WITH NEGATIVE RESULTS.

WE THEN CONTACTED NADINE CHIM, F/A 05-31-69, AT 520 WENHAM RD, N. SAN GABRIEL (626 696-3636). WHO TOLD US SHE DID NOT KNOW ANYTHING ABOUT V/ KEANE'S POOL EQUIPMENT. WE ASKED NADINE CHIM IF SHE HAD SENT V/ KEANE A LETTER STATING THAT SHE REPLACE HER POOL EQUIPMENT AND SHE SAID "YES, I DID."

A REPORT MEMO WAS ISSUED TO V/KEANE

IT SHOULD BE NOTED THAT EVEN THOUGH V/ KEANE DID NOT SEE WHO DAMAGED HER POOL EQUIPMENT, SHE BELIEVES THAT HER NEIGHBOR (CHIM) DAMAGED IT. V/KEANE BELIEVES SINCE HER NEIGHBOR IS THE ONY ONE WHO COMPLAINTS ABOUT HER POOL EQUIPMENT, CHIM IS RESPONSIBLE FOR THE DAMAGE.

August 20, 2007

Mr. Steven Mason
520 Wenham Road
Pasadena, CA 91107

Dear Steve:

I am attaching copies of the letter I found on my front porch this past Thursday and the one delivered this evening. This type of harassment has to stop. I have filed a report with the LA County Sheriff's Department concerning the letters and the trespassing to change the pool-filtering time which resulted in damage to the chlorinator.

I have contacted Mike Kettle concerning the pool equipment and will meet with him later this week. The threats and abusive notes make me wonder if this will really solve the problem. I would need assurances from you if and when I go forward with any equipment changes.

I have also scheduled a boundary survey. Once I have the results, we should both know our lot lines and can address any issues.

Lastly, I asked you last March to stop using my driveway. Since that time, and as recently as August 11th, I have had to ask your workmen to move their trucks on three separate occasions when you were present. I am asking in writing, please tell your visitors not to park in my driveway.

I have tried to be a good neighbor. I let your workmen park in the driveway from November through March while your drive was filled with construction debris. I endured without complaint construction noise for 10 hours a day, 6 days a week for 7 months and I changed the pool filter times to the hours you requested.

I think in future it would be best if just you and I communicate in writing.

Maureen Keane
526 Wenham Road
Pasadena, CA 91107

INVESTIGATION REQUEST

City of Pasadena
Environmental Health Department

1804
CONTROL NUMBER
Reported: 08/27/07

DATE	TIME	BY	PGM	INVENTORY TYPE	LOCATION	SD/Emp
08/27/07	9:02 am	SD	28N	100 General Noise Control		3 District 3 4 Cheng, Erik T

REQUESTED BY
STEVEN MASON
520 WENHAM ROAD
PASADENA CA 91107

WORK PHONE | HOME PHONE 626-69[redacted] | CELL PHONE 626-200-8701

REGARDING
UNKNOWN
526 WENHAM ROAD
PASADENA CA 91107

CONTACT PHONE | OTHER PHONE | CELL PHONE

RESPONSIBLE PARTY SAME AS REGARDING

NATURE OF REQUEST:

10N NOISE COMING FROM NEIGHBORS PROPERTY
Complainant called regarding a loud pool pump on his neighbor's property.

CONFIRMED ☐ NOT CONFIRMED ☐ NOTICE ISSUED ☐ COS ☐

FINDINGS / ACTION TAKEN:

8/27/07 - 60-61 dBA
- ambient 57 dBA
allowable - 57 dBA
- at entry of pasadena
- no action taken.

08/29/07 9:37 PM
~~tag #: 397~~
officer: Esqueda.

COMPLETE ☐ COMPLAINANT INTERVIEWED ☐ BY ERIK CHENG DATE
SPECIALIST

August 30, 2007

Mr. Steven Mason
520 Wenham Road
Pasadena, CA 91107

Dear Steve:

I met with Mike Kettle's representative last Thursday concerning the pool equipment. He said it is in good working condition and the noise is within normal range. He said a Whisper Quiet motor would not be cost effective as it is approximately $2,000 and would not significantly reduce the noise. He stepped inside my garage and we could not hear any noise while standing next to the wall adjacent to the pool equipment.

Both the sheriff deputies you sent last night and the ones I called on August 20th indicated that the pool noise is not excessive. In fact, the deputies last night suggested I run the equipment from 7-noon and 7-10 pm during Flex Your Power Energy Alerts. I have opted to run the equipment from 9-1 pm and 6-10 pm. When the alerts are over and I am in town, I will again run it from 10:30 am to 6:30 pm.

I feel validated since three unbiased observers found the pool equipment is not abnormally noisy. I have met with Mike Kettle's representative as you asked and have adjusted the regular filtering times to those you suggested. I think you need to solve your problem with the noise. I have had great success with triple-pane windows when dealing with traffic noise in the past. I have also heard sound-absorbing shades and white-noise machines are effective.

I have done all I am willing to do to address your issue with the noise.

Maureen Keane
526 Wenham Road
Pasadena, CA 91107

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY / LAND DEVELOPMENT

SAN GABRIEL VALLEY
125 BALDWIN
ARCADIA CA 91007
PHONE: (626) 574-0941 EXT:

0500

COMBINATION SWIMMING POOL PERMIT
CP 0500 9809110001
DUPLICATE

LEGAL ID:
TR: 20149 LT: 4

ASSESSOR INFORMATION NUMBER:
5331-003-004

TENANT:

OWNER: TEL. NO:
KEANE, MAUREEN H (626) 792-7288-
526
PASADENA CA91107

APPLICANT: TEL. NO:
SAME AS OWNER -

CONTRACTOR: TEL. NO:
SAME AS OWNER -
LIC. NO

ARCHITECT OR ENGINEER: TEL. NO:
-
LIC. NO:

MAP NO:	SEWER MAP BOOK:	PAGE:	FIRE ZONE:	CMP:
			3	

NO. OF FAMILIES:	DWELLING UNITS:	APT/COND:	STAT CLASS:
		NO	21

AIR QUALITY:	SCHOOL WITHIN 1000 FEET	HAZARDOUS MATERIALS
NO	NO	NO

REQUIRED SET BACK	YARD:	HWY:	TOTAL SETBACK FROM PROP LINE:	EXIST WIDTH:
FRONT PL-				
SIDE PL-				

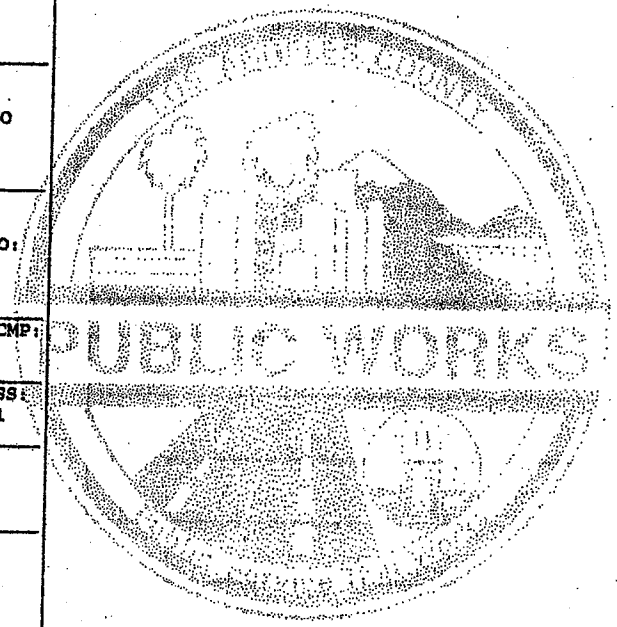
POOL TYPE: RESIDENTIAL
SIZE: 518 SQ.FT CONST TYPE: VN

USE ZONE:

VALUATION:
1,500

FEES PAID

FEE DESCRIPTION:	QUANTITY: UOM:	AMOUNT:
02 PERMIT ISSUANCE FEE		18.90
06 COMB POOL PERMIT	1500.00 VAL	123.20
08 STRONG MOTION RESID	1500.00 VAL	1.00
16 POOL BARRIER - FENCE		62.80
	TOTAL FEES	205.90



REPORT ID: DPR268 ROUTE TO: BS0500

BUILDING ADDRESS:
526 WENHAM S
LCNT CA
NEAREST CROSS STREET: SAN PASQUAL
THOMAS PAGE: 566 GRID: E6 LOCALITY: PASADENA

ISSUED ON:	PROCESSED BY:	EXPIRES ON:
09/11/98	SM	09/11/99

FINAL DATE	FINAL BY:	CODE:
01/27/00	LESLIE COZ	

DESCRIPTION OF WORK
FINAL EXPIRED POOL PERMIT #5024

SPECIAL CONDITIONS:

APPROVALS	DATE	INSPECTOR SIGNATURE
SPA/POOL LOCATION		
HEATER LOCATION		
OVERHEAD CONDUCTOR CLEAR		
LIGHT CONDUIT		
ELECTRICAL BONDING		
FIRE DEPT HYDRANT APPROV		
STEEL & FORMS		
GAS LINE		
CONDUIT/ELECTRICAL		
SEWER		
ANTI-SYPHON VALVE		
FENCING AND GATES		
GAS TEST		
P-TRAP/BACKWASH RECEPTOR		
SPA/POOL COVER		
FINAL FIRE DEPT APPROVAL		
FINAL ELECTRICAL		

Maureen

From: Zoning LDCC [zoningldcc@planning.lacounty.gov]
Sent: Monday, July 23, 2007 8:08 AM
To: Maureen
Subject: RE: building permit for 520 Wenham Road in Pasadena

Maureen,

Current records do not show an addition approved for 520 Wenham. The addition should be built with building permits and our approval and the required side yard setback is 5 ft. To report a zoning violation please follow the instructions pasted below.

Regards,

Land Development Coordinating Center
Department of Regional Planning
Los Angeles County

Zoning violations must be reported in writing to establish "reasonable cause" for investigating an alleged violation on private property. You may choose one of the following methods of submitting your complaint:

Email

ZoningEnforcement@planning.lacounty.gov **(NEW E_MAIL ADDRESS)**

Call

County Helpline 211. They will take down your complaint in writing and forward it to ALL applicable County agencies.

Write a Letter

Department of Regional Planning, Zoning Enforcement Section
320 West Temple Street
Los Angeles, CA 90012

In your complaint, include the following information:

- Identify the specific complaint or nuisance.
- Give your name, address, and telephone number. This information is just for us and is kept confidential.
- Give the exact location of the problem.
- Street address and house number
    - If no address, location of property, i.e. northwest corner of First and Main streets.
    - Provide additional information that will aid in the investigation.

Examples:

- Vehicle license number, type, color, make of vehicle, left door missing, etc.
- Type of debris; car parts; building material; tires; garbage
- Selling clothes, bags, furniture, paintings, flowers, etc

December 24, 2007

SENT BY FAX TO 213-217-5108

Mr. Hani Sabboubeh
Regional Planning Assistant
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Sabboubeh:

Following up on our conversation this morning, I am faxing to your office three documents. The first is from Western States Surveying which indicates the location of the old fence in relation to the property line. This fence was in place when I purchased my property in 1992.

I am also faxing a copy of Mr. Mason's survey (my neighbor at 520 Wenham) which was done by Gilbert Engineering. Lastly, I have noted on the document, of which you have a copy, the location of the new fence. This fence was constructed by Western Fence on December 4-5, 2007 and is 2 inches off the property line.

I understand from our conversation that you have already begun a file to investigate my complaint. I look forward to hearing from you once your have reviewed these documents. Happy Holidays.

Sincerely,

Maureen H.Keane
526 Wenham Road
Pasadena, CA 91107
(626) 792-7288

Incident Date: 07/23/2007

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	520 WENHAM RD,PAS X-SAN PASQUAL	423	KNOWN SUSP,INF'S EX-GARDENER,CAME TO THE HOUSE AND THREATENED TO HURT INF IF SHE DIDN'T PAY BILL THAT WAS PREVIOUSLY PAID LEFT LOC 15 AGO	
2	D	R	520 WENHAM RD,PAS X-SAN PASQUAL	423	KNOWN SUSP,INF'S EX-GARDENER,CAME TO THE HOUSE AND THREATENED TO HURT INF IF SHE DIDN'T PAY BILL THAT WAS PREVIOUSLY PAID LEFT LOC 15 AGO	TOOK A CUSP.CIRCUM. REPORT.SEE URN 107-11340-0589-444

Incident Date: 08/29/2007

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	520 WENHAM RD,PAS X SAN PASQUAL	397	CONT INF RE LOUD NOISES COMING FRM NEIGHBOR'S HOUSE... POSS POOL EQUIP, LANGUAGE BARRIER	HPTA BY 52T1
2	D	R	520 WENHAM RD,PAS X SAN PASQUAL	397	CONT INF RE LOUD NOISES COMING FRM NEIGHBOR'S HOUSE... POSS POOL EQUIP, LANGUAGE BARRIER	C/STEVEN MASON MW/051763 RE:415N.W/A HIS NEIGHBOR RE:POOL PUMP NOISE.WILCO.

Incident Date: 06/19/2008

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	520 WENHAM RD,PAS X SAN PASQUAL ST	475	INF'S NEIGHBOR AT 526 WENHAMHAS LOUD POOL EQUIP ON.INF WOULDLIKE DEP'S TO GO TO HIS ADDRESS FIRST AT 520 WENHAM TO HEAR THE NOISE.	C/STEVEN MASON MW/051763 RE 415N, ON-GOING PROB W/ LOUD POOL PUMP, NO ANSWER AT D/P LOC

Incident Date: 06/23/2008

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	520 WENHAM RD,PAS X SAN PASQUAL ST	451	INF AT LOC WOULD LIKE TO SPEAK W/DEP'S RE:NEIGHBOR AT 526 WENHAM HAS LOUD POOL EQUIP ON AND NEIGHBOR REFUSING TO COOPW/INF,ONGOING PROBLEM	C4, ON GOING NEIGHBOR DISPUTE. SEEEKING INFO ONLY

Incident Date: 09/02/2008

Incident Date: 09/02/2008

I	R	P	Location	Tag	Dispatch Text	Clearance Text
C	D	R	520 WENHAM RD,PAS X SAN PASQUAL RD	573	CONT INF RE ONGOING 415N INVOLVING LOUD POOL FILTER.	CONT STEVEN MASON MW/051763 RE: NOISE, D/P HAD ALREADY TURNED OFF POOL FILTER. D/P MORINE KING. DID NOT REQUEST US TO WAKE D/P.

Incident Date: 07/25/2009

I	R	P	Location	Tag	Dispatch Text	Clearance Text
C	D	R	520 WENHAM RD,PAS X SAN PASQUAL	376	LOUD MACHINE/GENERATOR NXT DOOR AT 526 WENHAM,,ON GOING PROBLEM,,NFD **UD**10-22 PER INF	10-22 PER INF

Incident Date: 07/29/2009

I	R	P	Location	Tag	Dispatch Text	Clearance Text
C	D	R	520 WENHAM RD,PAS X SAN PASQUAL	482	CONT INF RE NEIGHBORS POOL PUMP MAKING TOO MUCH NOISE	C/STEVEN MASON MW/051763, MAUREEN KEANE FW/032848 WILCO RE:POOL PUMP

Incident Date: 07/30/2009

I	R	P	Location	Tag	Dispatch Text	Clearance Text
C	D	R	520 WENHAM RD,PAS X SAN PASQUAL	144	TIRE TO INF'S VEH DEFLATED LAST NIGHT,INF THINKS NEIGHBOR DID IT, **U/D** 10/22 PER INF HE WILL RECALL WHEN HE COMES HOME	10/22 PER INF WILL CALL BACK LATER

Regional Allocation of Police Services
Location Inquiry from 07/ /2007 To 02/25/2010

Incident Date: 08/20/2007

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL	258	INF REC'D THREATENING NOTE/ LETTER,,AND DAMAGE TO INF'S POOL WHILE SHE WAS OUT OF TOWN,,INF BELIEVES NGHBR RESPONSIBLE,,NFD	SEE REPORT 107-12792-0589-261 FOR FURTHER

Incident Date: 09/15/2007

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL	428	LOUD MOTOR NOISE COMING FRM BACKYARD OF LOC	UTL SOURCE OF DISTURBANCE. NO NOISE HEARD AT LOC.

Incident Date: 09/25/2007

I	R	P	Location	Tag	Dispatch Text	Clearance Text
1	D	R	526 WENHAM RD,PAS	233	VACATION CHECK	NO EVID OF CRIME

Incident Date: 06/18/2008

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL	509	LOUD NOISE COMING FROM POOL MOTOR EQUIPMENT AT LOC***10-22 PER INF	10-22 PER INF
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL	509	LOUD NOISE COMING FROM POOL MOTOR EQUIPMENT AT LOC***10-22 PER INF	

Incident Date: 09/02/2008

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL	543	INF'S NEIGHBOR AT LOC HAS POOL PUMP RUNNING AND IT IS VERY LOUD	CONTACTED MAUREEN KEANE FW, 032848. ONGOINGPROBLEM, POOL EQUIP IS NOT LOUD.

Incident Date: 09/03/2008

I	R	P	Location	Tag	Dispatch Text	Clearance Text
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL ST	542	POOL EQUIPMENT IS LOUD AND VIBRATION IS HEARD AT INF'S LOC,INF WANTS TO BE CONTACTED IN PERSON, NFD	C/STEVEN MASON MW/051763 AND MAURINE KEANE F/032848. ON GOING 415N..C-4,,,WILCO.
2	D	R	526 WENHAM RD,PAS X SAN PASQUAL ST	542	POOL EQUIPMENT IS LOUD AND VIBRATION IS HEARD AT INF'S LOC,INF WANTS TO BE CONTACTED IN PERSON, NFD	HPTA BY 51K1.

Regional Allocation of Police Services
Location Inquiry from 0 1/2007 To 02/25/2010

Incident Date: 09/05/2008

]	R	P	Location	Tag	Dispatch Text	Clearance Text
]	D	R	526 WENHAM RD,PAS X SAN PASQUAL	475	LOUD POOL EQUIPMENT AT LOC, ONGOING PROBLEM,CONT INF AT 520 WENHAM RD,PAS	
]	D	R	526 WENHAM RD,PAS X SAN PASQUAL	475	LOUD POOL EQUIPMENT AT LOC, ONGOING PROBLEM,CONT INF AT 520 WENHAM RD,PAS	ATTEMPTED TO CONTACT INF RE LOUD POOL FILTER.NO ANSWER AT DOOR KNOCK.DID NOT HEAR ANY POOL FILTER RUNNING.

Incident Date: 09/11/2008

]	R	P	Location	Tag	Dispatch Text	Clearance Text
]	D	R	526 WENHAM RD,PAS X SAN PASQUAL (KEAME RESID)	315	C/GENERAL,N/M,R/UNK (626 7927288)	LOC CHKS SECURE
]	D	R	526 WENHAM RD,PAS X SAN PASQUAL (KEAME RESID)	315	C/GENERAL,N/M,R/UNK (626 7927288)	

This page is part of your document - DO NOT DISCARD

06 2421865

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
11/01/06 AT 08:00am

TITLE(S) : Deed

LEAD SHEET

FEE

FEE
$7
H

D.T.T.
836-00

NOTIFICATION SENT-SA

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)
To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

5331-003-005

001

THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY:
EQUITY TITLE COMPANY

AND WHEN RECORDED MAIL TO:
Steven Mason
320 Wenham Road
Pasadena, CA 91107

Order No.: LA0642249
Escrow No.: SN-02502-SC
A.P.N.: 5331-003-005

06 2421865

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS $836.00 CITY TRANSFER TAX IS $.00
[X] computed on full value of property conveyed, or
[ ] computed on full value less value of liens or encumbrances remaining at time of sale.
[x] unincorporated area [ ] City of Pasadena AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Ted H. Luymes and Annette Hyer Luymes, husband and wife as community property
hereby GRANT(S) to
Steven Mason, a married man as his sole and separate property

the following described real property in the County of Los Angeles, State of California:
Lot 5 of Tract No. 20149, in the County of Los Angeles, State of California, as per map recorded in Book 598, Page(s) 25 and 26 of Maps, in the office of the County Recorder of said County.

Dated: **September 26, 2006**

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.

On Sep 27, 2006 before me
CONNIE CHEUNG
Notary Public, personally appeared
TED H. LUYMES &
ANNETTE HYER LUYMES

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Signature of Notary

Commission Expiration Date: July 22, 2007

Ted H. Luymes
Ted H. Luymes

Annette Hyer Luymes
Annette Hyer Luymes

CONNIE CHEUNG
Comm. #1426769
NOTARY PUBLIC - CALIFORNIA
Los Angeles County
My Comm. Expires July 22, 2007

(This area for official notarial seal)

MAIL TAX STATEMENTS TO: (SAME AS ABOVE)

07

[redacted]

RECORDING REQUESTED BY
TITLE LAND COMPANY

AND WHEN RECORDED MAIL THIS DEED AND UNLESS OTHERWISE SHOWN BELOW MAIL TAX STATEMENTS TO

NAME MAUREEN H. KEANE
STREET ADDRESS 526 MENDAM RD.
CITY, STATE, ZIP PASADENA, CA. 91107

92 1881007

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CA.
OCT 9 1992 AT 8 A.M.
Recorder's Office

FEE $5 E

SPACE ABOVE THIS LINE FOR RECORDER'S USE

				ALL
				PTN

Title Order No. 92161709-20
Escrow or Loan No. 21759

5731-003-004

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
DOCUMENTARY TRANSFER TAX is $ 357.50 CITY TAX $
☒ computed on full value of property conveyed, or
☐ computed on full value less value of liens or encumbrances remaining at time of sale.
☐ Unincorporated area: ☒ City of PASADENA and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

SYLVESTER M. THESING, SUCCESSOR TRUSTEE OF THE THESING TRUST DATED OCTOBER 13, 1986

hereby GRANT(s) to

MAUREEN H. KEANE, A SINGLE WOMAN

the following described real property in the CITY OF PASADENA

County of LOS ANGELES, State of California:

LOT 4 OF TRACT NO. 20149 IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 598, PAGES 25 AND 26 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Dated SEPTEMBER 30, 1992

Sylvester M Thesing

SYLVESTER M. THESING, SUCCESSOR TRUSTEE OF THE THESING TRUST DATED OCTOBER 13, 1986

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss

On this 8th day of October in the year 19 92 before me, Shannon L. Pineda a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Sylvester M. Thesing personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s)

(☒ INDIVIDUAL) Whose name is subscribed to this instrument, and acknowledged that he (she or they) executed it

(☐ CORPORATION) Who executed the within instrument as ___ president and ___ secretary, on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its articles and by-laws and a resolution of its Board of Directors

(☐ PARTNERSHIP) That ___ executed the within instrument on behalf of the partnership, and acknowledged to me that the partnership executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in and for said County and State, the day and year first above written.

Shannon L. Pineda
Notary Public in and for said County and State of California

SHANNON L. PINEDA
Comm. # 969616
NOTARY PUBLIC CALIFORNIA
Los Angeles County
My Comm. Expires Jul. 16, 1996

(This area for official notarial seal)

STC 103

MAIL TAX STATEMENTS AS DIRECTED ABOVE.

92161709-20

[redacted]

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 2nd 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 removed 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 2nd, 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 no 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

SUPPLEMENTAL OPPOSITION TO YARD MODIFICATION

SITE PLAN REVIEW CASE NO.: 200801286

PROJECT NO.: 42008-01777 (5) - 520 Wenham Road

Meeting Date: February 17, 2010

OVERVIEW:

Maureen Keane, the owner of the contiguous property to the Project (526 Wenham Road, Pasadena, CA) submits the following Supplemental Opposition to the request for Yard Modification for the above-referenced property.

Ms. Keane continues to oppose the approval of the request for Yard Modification based upon the following:

1. The request for a Yard Modification under Chapter 22.48.180 of the Code (Title 22) **does not meet** the stringent pre-requisites for the modification.

   a) The application is not in compliance with all applicable provisions of Title 22 of Los Angeles County Code.

   b) The Application does not insure the protection of public health, safety and general welfare and it does not prevent the adverse effects on neighboring property.

   c) The proposed variance is not in conformity with good zoning practice.

   d) The proposed variance is not justified by any topographic features, subdivision plans or other conditions.

2. Section 22.60.240 C of the Zoning Code states in pertinent part that "At an appeal or review hearing, the appellate body **shall consider only the same application, plans, and materials that were the subject of the original decision.** This law clearly prohibits extra-record evidence from being submitted after the Application for the Yard Modification has been filed. The original decision was issued on August 13, 2009 with the appeal (and ostensibly all relevant and necessary documents) filed on August 29, 2009. Nonetheless, the Applicant continues to submit documentation, even as late as the day before the first hearing on February 17, 2010 before the Commission. Additional documents have been improperly considered and entered into the record. In violation of the within-referenced Section, the Applicant was given additional time, through the continuance of the hearing to May 19, 2010, to provide even more information related to Applicant's new claim of adverse possession and his claim that he never had an opportunity to conduct his own survey to verify the results of Ms. Keane's survey.

3. The zoning and building code violations identified in this matter are not an isolated incident. In fact, the Applicant's improvements also encroached on the property to the North of his residence. The Applicant was aware of the other violation and falsely advised the other neighbor that he placed his fence and other improvements at the boundary line when he knew it was not true. The Applicant failed and refused to remove the encroaching improvements until the past 30 days when legal action was threatened.

4. The Applicant boldly continues to misrepresent the facts in this matter as a means to garner sympathy under a false claim that he is a good faith improver. Notably, the Applicant alleges that the survey results of Ms. Keane were incorrect and he falsely represented to the Commission at the last hearing that he did not have an "opportunity" to investigate the survey when the truth is that the Applicant had the results of his own survey conducted in August 2007 and he knew the survey marks were the same as those established by Ms. Keane's survey.

5. Mr. Mason continues to make false reports to the Los Angeles County Sheriff's Department and various agencies that Ms. Keane's pool equipment violates zoning codes and is creating a noise nuisance in the illegal bedroom addition he made when the issue is solely related to the improper proximity of the new structure **which is only 18 inches from the property line**. Ms. Keane's equipment is properly permitted and complies with all relevant regulations. As such, the approval of the Yard Modification will not only sanction the nuisance created by the structure but it will also sanction the nuisance created by the Applicant's conduct in making false reports regarding the location and operation of Ms. Keane's pool equipment. The Applicant would then use the "approval" of his structure as a basis to challenge the proximity of the pool equipment to his structure.

6. The Applicant and Regional Planning both concede that the improvements encroach upon Ms. Keane's property. As such, the Regional Planning Commission may not approve the Yard Modification which results in the taking of property from another.

7. A variance may be not approved which:

   a) creates a nuisance
   b) encroaches on to the property of another; and
   c) creates a health and safety hazard for neighboring properties

8. Ms. Keane again submits that the Yard Modification should not be approved and that the denial issued by the Director of Regional Planning should be upheld.

Supplemental Detailed Support for Opposition

Overview of Variance Approval

As this commission is no doubt aware, the requirements for a variance under California law are very strict. As a result, variance approvals are often overturned through litigation due to insufficient findings or a lack of relevant evidence to support the findings. California courts have squarely weighed in on the discretionary approvals provided by cities and counties and rendered numerous rulings which overturn approvals of variances where the governing agencies failed to enforce the strict requirements to obtain a variance. In fact, as is the issue in this matter, variances for setback requirements are only permissible if the zoning law would prevent a property owner from using the property at issue.

Generally, the findings for a variance must meet a three-prong test. The applicant must show that 1) they will suffer practical difficulties and unnecessary hardships in the absence of the variance, 2) these hardships result from special circumstances relating to the property that are not shared by other properties in the area, and 3) the variance is necessary to bring the applicant into parity with other property owners in the same zone and vicinity.

Simply stated, the granting of a variance is the exception rather than the rule.

Specific Factors Regarding This Matter

In this case, the Applicant has failed to provide any documentation which would support the granting of a variance through the Yard Modification. The Applicant's property had an existing, 1,742 square foot residence on the lot since 1956. The Applicant was aware, at the time he purchased the home, that it did not meet his needs as is demonstrated by the fact that he commenced construction within 30 days. As a general contractor, the Applicant should have investigated the viability of any plans to expand the square footage of the residence **before** he bought the home - not afterwards.

The Applicant has presented false information throughout the process of seeking approval for the addition to the residence at 520 Wenham Road in the City

of Pasadena. Applicant's false information began with the presentation of Site Plans which falsely represented that the side yard and back yard offsets were in compliance with the zoning codes. Thereafter, the Applicant continued presenting false information through the application for a Yard Modification and the appeal submitted to the Regional Planning Commission.

In addition, the Applicant sought a continuance of the hearing on February 17, 2010 based upon a claim that he had never had an opportunity to verify the accuracy of the survey obtained by Ms. Keane and that he had a legitimate claim for adverse possession of property belonging to Ms. Keane which he intended to prove at the next hearing.

The Applicant's claim that he never had an opportunity to obtain his own survey or verify the accuracy of Ms. Keane's survey is blatantly false. In fact, the Applicant was the first person to obtain a survey in this matter in August 2007 - **over 2-1/2 years ago**. Thereafter, the Applicant falsely represented to Ms. Keane and the undersigned that the survey confirmed that the boundary line was located along the chain-link fence. The markers from the August survey which remained told a different story. As such, Ms. Keane obtained her own survey on October 9, 2007.

On October 31, 2007, the undersigned provided written notification of the results of the survey to the Applicant and he was advised that Ms. Keane would build a new fence along the boundary line. In response, the Applicant faxed a copy of his survey to my office. [Reference Exhibit "1" which represents a copy of the survey obtained by the Applicant and faxed to my office on October 31, 2007]. At that time, the Applicant left a voice mail message claiming that the survey demonstrated that there was no offset for the boundary line.

On November 8, 2007, Ms. Keane arranged for the surveyors to return to "stake out" the property line for the fence. The Applicant was advised that the surveyors would be staking the property and he was present, as was the undersigned, for the entire period. The Applicant personally gave permission to the surveyors to enter on to his property and the photographs of the stakes and chain-link fence prior to it's removal were taken at that time.

The surveyors spoke to the Applicant and confirmed that they were using

the same corner markers that were placed by the Applicant's survey conducted in August. The survey markers and stakes confirmed that the chain link fence did not mark the legal boundary line of the two properties.

The surveyors also stated that it was clear that the Applicant's improvements did not comply with the five foot side yard offset either at the chain link fence or the actual boundary line. The Applicant then informed the undersigned and the surveyors that he had a variance.

As an abundance of caution and in order to preserve evidence, Ms. Keane asked her surveyors to prepare a site plan which reflected the location of the chain link fence to the legal boundary line. This document was previously included in the package submitted to the Commission and is attached hereto as Exhibit "2" for your convenience.

On November 1, 2007, The Applicant faxed a letter to the undersigned's office indicating that he did not have any dispute about the fence or property lines. This information clearly refutes the false contentions set forth in the February 16, 2010 correspondence from attorney Price which alleged that the Applicant was surprised when "his fence" was removed and he disputed the removal of the fence and the location of the boundary line. Attached hereto as Exhibit "3" is a true and correct copy of the referenced letter.

On November 19, 2007, the undersigned spoke to the Applicant, Steve Mason, and advised him that Ms. Keane intended to install a new fence along the boundary line between the two properties. On November 26, 2007, the undersigned provided further written confirmation of the date that the new fence would be installed - December 3rd and 4th. Attached hereto as Exhibit "4" is a true and correct copy of the referenced November 26, 2007 letter.

On December 3rd and 4th, 2007, a new fence was built by Western Fence. The fence was placed 2" inside of the property line to ensure that the footings were solely on Ms. Keane's property. [Reference letter from Western Fence Dated January 8, 2008 attached hereto as Exhibit "5"]. Notably, the measurements by Regional Planning reflecting 1'10" from the corner of the addition to the fence are correct. The distance includes 2" into the property of Ms. Keane where the fence was placed.] The Applicant had personal knowledge of the date that the fence was installed and he gave permission to JC of Western Fence to enter on to his

property during the construction. **The Applicant never objected to the removal of the chain-link fence, never made a claim that the chain-link fence was on his property and never objected to the placement of the new fence in December 2007.**

The above-referenced summary is provided to demonstrate that:

1. On February 17, 2010, the Applicant falsely represented to the Commission that he did not have a survey and never had an opportunity to verify the boundary line in question. The facts demonstrate that the Applicant has been in possession of his own survey since August 2007 = 33 months. In addition, Ms. Keane's fence has been in place since December 2007 = 29 months. The Applicant has had ample opportunity to conduct what ever investigation he needed during this time and failed to do. The Applicant then misled the Commission in claiming that he had not conducted his own investigation.

2. The Applicant's represented that he had a claim for adverse possession based upon an assertion that the chain link fence was his and that he had paid taxes on the area in question. In fact, the chain link fence material was located solely on Ms. Keane's property and the same chain link fence was connected to the South-West corner and North-West corner of her residence. The chain link fence did not connect to the Applicant's property and there was no other chain link fence material on the Applicant's property. The fence material running along the Applicant's east-side property line was chicken wire.

   The Commission should take heed if the Applicant fails to produce any evidence of the payment of taxes on any area beyond the legal description of his property. The undersigned submits that no such information exists and that the request for a continuance of the hearing to allow for an investigation of this issue was tendered solely to cause further delays in this matter.

As the members of the Regional Planning Commission are aware, Section 22.60.240 C of the Zoning Code states that **"At an appeal or review hearing, the**

appellate body shall consider only the same application, plans, and materials that were the subject of the original decision." In this case, the Regional Planning has continued to accept additional information from the Applicant and to submit the additional information to the Commission for consideration long after the original Yard Modification Application was officially filed in September 2008. In fact, a substantial package was presented to the Commission on the day before the hearing of February 17, 2010. Moreover, the Commission is apparently prepared to receive even more information for the next hearing on May 19, 2010.

Ms. Keane formally objects to the receipt and consideration of additional information beyond that which was submitted through proper procedures with the original Application for Yard Modification submitted on September 17, 2008.

In as much as Regional Planning continues to receive and submit information to the Commission beyond the documents contained in the original Yard Modification, Ms. Keane is compelled to submit documents and evidence which refute the basis upon which the Applicant is seeking a Yard Modification.

Moreover, the submission of documents by the Applicant on February 16, 2010 contained so many false statements that Ms. Keane is compelled to respond as follows:

1. **The Applicant has still failed to produce evidence which supports the granting of a Yard Modification - 20 months after the original application was submitted**

As aptly noted in the Staff Findings, the Applicant has failed to submit information and supporting documents to obtain approval for a Yard Modification pursuant to Section 22.48.180 of the Planning and Zoning Code. There are no topographical features or subdivision plans which create an unnecessary hardship. In this case, the Applicant simply developed a property, based upon the submission of a false site plan, beyond the scope acceptable to the area.

The yard modification procedure within Regional Planning requires submittal of a Site Plan Review application, Yard Modification Burden of Proof, vicinity map depicting all buildings or structures within 50 feet of the subject property with similar setbacks to those being requested, photographs of these structures, an ownership radius map keyed to the ownership list, and gum labels

containing contact address of all property owners located within 100 feet of the subject property.

At the eleventh hour, the Applicant submitted a summary of property addresses which purported to have zoning code and building code violations. The argument was that the Commission should let the Applicant get away with his violation if it allows other property owners to get away with their violations. Such an argument is not only misplaced, but there was no foundation whatsoever to support the hearsay claims. Significantly, the Applicant failed to provide any documents supporting the claimed violations such as photographs, failed to provide descriptions of the alleged violations as being habitable buildings or accessory buildings and failed to provide the qualifications of the person who was making the allegation. The Applicant rests his case on the adage that "two wrongs make a right."

Notwithstanding the fact that the Application for Yard Modification has been pending since September 17, 2008 **(over 20 months)** the Applicant still cannot present evidence to support the Yard Modification. Notably, Regional Planning even granted the Applicant **eleven** additional months (to August 13, 2009) to investigate alternatives to satisfy compliance requirements before Regional Planning issued it's Denial letter.

Enough is enough. The Applicant simply cannot create evidence which does not exist and Ms. Keane respectfully requests that the Commission put an end to this charade by denying the Yard Modification and allowing the appropriate agency to implement enforcement action.

2. **The granting of a variance would unlawfully approve Applicant's encroachment on to Ms. Keane's property which is beyond the authority of the Department of Regional Planning and/or the Regional Planning Commission.**

The Department of Regional Planning is charged with zoning enforcement for the unincorporated area referenced in this matter while the Regional Planning Commission acts as an advisory body to the Board of Supervisors and administers the provisions of the Los Angeles County Ordinances including the County Zoning Ordinances. The role of these agencies is not judicial in nature and neither agency has authority to issue rulings which result in the taking of another's

property through encroachment or to sanction a nuisance.

The Applicant is clearly seeking a civil remedy from the Regional Planning Commission that he could not obtain through the judicial process given the facts of this matter. Moreover, California courts have squarely rejected the type of remedy being sought by the Applicant, particularly where health and safety factors exist and the purported "hardship" was created by the Applicant.

The Commission should note that **both** the Applicant and Regional Planning acknowledge and concede that the Applicant's improvements encroach on to Ms. Keane's property.

Accordingly, the Commission should deny the Applicant's request for a Yard Modification.

3. **The Applicant's reliance on the unverified and unqualified Certificate of Visual Observation of Michael Cook, a registered deputy building inspector, is misplaced.**

On February 16, 2010 and through the memorandum provided by attorney, Gail Price, the Applicant provided a document entitled "Certificate of Visual Observation." The content of the Certificate was purportedly prepared by Michael Cook who holds a license as a Registered Depute Building Inspector (RDBI) with the City of Los Angeles. The City records reflect that Mr. Cook's qualifications as an inspector are limited to inspections of: 1) concrete construction, 2) drilled-in anchor; 3) gunite/shotcrete and, 4) steel construction. As a RDBI, Mr. Cook's qualifications are limited to observations of certain phases of the referenced construction process as they occur. Mr. Cook does not apparently have any qualifications to render an opinion, as he did in this case, about the fire rating and proper application of the exterior frame placed on the South-facing windows of the Applicant's residence.

In addition, Mr. Cook was apparently not present during the construction of the Applicant's addition and it is more than curious how he can render a personal opinion about construction materials located in the interior walls which are not exposed.

Mr. Cook also opines about the purported location of the chain link fence

between the Applicant and Ms. Keane's property which was removed over five months ago. Mr. Cook clearly and improperly relied on the claims of the Applicant when making the representations contained in the Certificate of Visual Inspection as the information squarely conflicts with the site plan and fence locations memorialized in the survey prepared by the licensed surveyor. Attached hereto as Exhibit "6" is a true and correct copy of the Survey reflecting the location of improvements relative to the true legal boundary line between the Applicant's property and Ms. Keane's property. Attached hereto as Exhibit "7" is a true and correct copy of the Survey depicting the distance of the chain line fence to the legal boundary line. As noted, the distance between the chain link fence and the legal boundary line was never three or five feet as claimed by the Applicant.

Mr. Cook did properly observe and conclude that water drains from the Applicant's roof on to Ms. Keane's property which he refers to as the "relocated fence area" and that the roof eve encroaches into Ms. Keane's property.

Mr. Cook's lack of expertise in the areas in which he is not qualified is further demonstrated by his observation that a portion of Ms. Keane's chain link fence does not comply with the Los Angeles County Building Code. In fact, Ms. Keane's chain link fence does comply with all relevant codes.

Attached hereto as Exhibit "8' is the declaration of David Bethany, a licensed contractor and qualified expert witness with the Los Superior Court in matters related to construction and compliance with building codes within the State of California. As noted, the conclusions drawn by Mr. Cook regarding material aspects of the Applicant's addition which support the denial of the Yard Modification rise to the level of malpractice. Specifically, Mr. Cook states that "Windows Covering - Vertical Solutions - Fiberglass panel - Fire Rated A by ASTM E-84 and 2-1/2" total thickness." This statement was memorialized apparently to suggest that the frames placed on the outside of the windows of the addition some how meet the building code requirement for the appropriate firewall protection on a structure located closer than five feet from a boundary line. The window coverings do not meet that requirement at all. It is more than shameful that this statement is being made by Mr. Cook with the intent to mislead the Regional Planning Department and Regional Planning Commission into believing that the public safety and fire hazard created by the zoning violation have been properly addressed.

4. **The Applicant has created a nuisance with the addition not only due to it's proximity to the property line and violation of building codes but also arising from the Applicant making false reports to various City and State Agencies in order to harass Ms. Keane**

As noted above, there is no dispute that the addition built by the Applicant violates the zoning laws and building codes based upon it's unlawful proximity to the property line. The addition has created a nuisance to Ms. Keane's property due to the re-grading of the terrain towards Ms. Keane's property and due to the fact that the roof line encroaches over her property and dumps water on her property. In addition, there are window openings on the south wall of the addition which violate building codes and create a fire and safety hazard to her improvements.

Ms. Keane would also like the Commission to be aware of the pattern of harassment that has taken place since the Applicant completed the addition and moved into the property in June 2007. The Applicant has made a multitude of false reports to various City and State Agencies claiming that Ms. Keane's pool equipment violated zoning laws due to it's location on her property and that it created excessive noise in his new addition.

The allegations by the Applicant have been proven false but this has not stopped the Applicant from continuing to harass Ms. Keane by calling the Los Angeles Sheriffs Department to complain about the times she sets her equipment and the noise emitted from the unit.

On August 15, 2007 the Applicant and Ms. Chim sent Ms. Keane a threatening letter complaining about her pool equipment and claiming that "I know you don't have too much time left you want to enjoy." The Applicant also complained that Ms. Keane allowed guests to enjoy her pool from 11 a.m. to 8:30 p.m. in the evening. Ms. Keane was very concerned about this threat and reported it to the police. Attached hereto as Exhibit "9" is a true and correct copy of the referenced letter.

On August 20, 2007 the Applicant and Ms. Chim sent Ms. Keane a letter complaining about her pool equipment and calling her "old possum looking lady" and stating that "you are such a sooo ugly ugly old old old woman with unbelievable ugly heart too!" Attached hereto as Exhibit "10" is a true and correct

copy of the referenced letter.

On August 20, 2007, Ms. Keane made a report to the police about vandalism of her pool equipment which involved the destruction of the clorinator and the changing of the pool times when she was out of town. The vandalism resulted in contamination and algae growth in her pool. Moreover, due to the vandalism and threatening letters, Ms. Keane now feared for her safety and she was forced to install pad locks on her equipment and to use a security system which she had never felt the need to use during the 18 years she lived in her home. Attached hereto as Exhibit "11" is a true and correct copy of the referenced police report.

On August 20, 2007, Ms. Keane sent a letter to the Applicant asking that he cease and desist with the harassing letters. Notwithstanding the vandalism and harassment, Ms. Keane still graciously agreed to allow the Applicant's pool man to inspect her equipment. Attached hereto as Exhibit "12" is a true and correct copy of the referenced letter.

On August 23, 2007, Ms. Keane allowed Applicant's pool man to inspect her equipment. The representative said that her pool equipment was in good working condition and that the noise was within normal range. The representative also stated that the Whisper Quiet motor proposed by the Applicant would not significantly reduce the noise level.

On August 27, 2007 the City of Pasadena purportedly visited the Applicant to investigate the Applicant's complaint of noise from Ms. Keane's pool equipment. While the City of Pasadena has no jurisdiction in this unincorporated area, the report noted that Ms. Keane's equipment operated at 60-61 dba and the allowable was 57 dba - a diminimus difference. Attached hereto as Exhibit "13" is a true and correct copy of the report issued by the City of Pasadena.

On August 29, 2007, the Applicant called the Los Angeles Sheriffs Dept. to complain about Ms. Keane's pool equipment.

On August 30, 2007, Ms. Keane sent a letter to the Applicant summarizing the results of the pool equipment assessment and the comments of the Los Angeles Sheriffs Department. As noted, Ms. Keane changed the timer on the pool equipment on numerous occasions at the request of the Applicant and he was

never satisfied. Attached hereto as Exhibit "14" is a true and correct copy of the referenced letter.

As stated above, the Applicant obtained his own survey in August 2007. When the survey was performed, the Applicant was made aware that the chain link fence did not demarcate the legal boundary line between the two properties. At the time of the Applicant's survey, representatives of Gilbert Engineering asked permission to enter on to Ms. Keane's property under the false pretense of conducting a survey solely of the boundary line. Ms. Keane allowed the surveyors to enter on to her property. A copy of the survey is attached as Exhibit "1" and the Commission should note that the survey only depicts the placement of Ms. Keane's improvements and equipment on the north side of her property and that the survey **does not** depict the placement of the Applicants improvements.

Ms. Keane was subsequently advised by Gilbert Engineering that the sole purpose of their entering on to her property was to measure the distance between her pool equipment and the boundary line for the Applicant so that he could seek enforcement action.

The Applicant's survey reflects that Ms. Keane's pool equipment is properly located more than five feet off of the boundary line. Nonetheless, the Applicant made a complaint to Regional Planning falsely stating that Ms. Keane's pool equipment violated the zoning code and that it was unpermitted. On September 6, 2007, Mr. Hani Sabboubeh of Regional Planning arrived, unannounced, at Ms. Keane's property, accompanied by two police officers from the District Attorneys office. The police officers were wearing flack jackets and Ms. Keane was shocked and frightened by this unannounced visit from law enforcement.

The purpose of the visit was to investigate the Applicant's claim that Ms. Keane's pool equipment violated the zoning laws. Mr. Sabboubeh concluded that Ms. Keane's pool equipment did not violate the zoning laws and he stated that the noise from the equipment did not appear inappropriate. Attached hereto as Exhibit "15" is a true and correct copy of the document confirming the permit for Ms. Keane's pool.

On September 6, 2007 and during the encounter with Mr. Sabboubeh, Ms. Keane brought the improper off set of the Applicant's addition to the attention of

Mr. Sabboubeh. This notification was a follow up to her July 2007 contact with Regional Planning. [Reference e-mail from Zoning LDCC dated July 23, 2007 attached hereto as Exhibit "16"].

Mr. Sabboubeh advised Ms. Keane that her oral complaint with him was sufficient to establish a formal complaint with Regional Planning and he advised Ms. Keane to get a survey and to submit a copy to him. Ms. Keane did submit a copy of her survey to Mr. Sabboubeh on or about December 24, 2007 [Reference letter dated December 24, 2007 attached hereto as Exhibit "17"]. This record refutes the false claim by the Applicant that Ms. Keane waited until May 2008 to make any complaint to Regional Planning about the zone violation of his improvements.

On September 15, 2007, the Applicant called the Los Angeles Sheriffs Dept. to complain about Ms. Keane's pool equipment.

On September 25, 2007, the Applicant called the Los Angeles Sheriffs Dept. to complain about Ms. Keane's pool equipment.

Attached hereto as Exhibit "18" is a true and correct copy of the police log which reflects the number of complaints made by the Applicant regarding Ms. Keane's pool equipment through 2009. As noted, there have been **twelve** complaints made by the Applicant to the Los Angeles Sheriff's Department even though he knows that Ms. Keane's equipment is compliant with all regulations. Due to the multitude of calls, the Los Angeles Sheriff's Department stopped responding to each complaint. They advised Ms. Keane to obtain a civil restraining order so they would not have to respond in the future.

The approval of the Yard Modification would not only sanction the nuisance created by the illegal addition but it will also embolden the Applicant to continue to harass Ms. Keane about her pool equipment which only became an issue after the Applicant built his illegal addition.

5. **The Applicant falsely claims that the Department of Regional Planning inspected location and setbacks on January 12, 2007. [Reference page 2 of memorandum dated Feb. 16, 2010 submitted by Applicant's attorney]**

As noted on page 1 of the Staff Analysis, Building and Safety approved the site plan submitted to them by the Applicant on January 2, 2007. This site plan falsely represented that the proposed structure would comply with the zoning codes which were apparently known to the Applicant as the offsets exactly matched the minimum requirements. The Department of Regional Planning never reviewed the plans prior to the issuance of the building permit and never inspected the property until December 29, 2009 - years after the addition was built.

The Applicant then goes on to state that the "County Building Inspector inspected and approved the set backs on Jan 12, 2007." Such a claim is false and suggests that the County Building Inspector approved of the zone violations. The facts indicate that the County Building Inspector failed to recognize the violation of the zoning code which is a much different story than the claim that the County Building Inspector affirmatively "approved the setbacks."

6. <u>Applicant has no reasonable basis to assert that he has a claim of adverse possession on any portion of Ms. Keane's property as a means to fabricate compliance with the zoning codes.</u>

As represented to the Commission in the hearing on February 17, 2010, the Applicant claimed that he had an adverse possession claim on a portion of Ms. Keane's property located at 526 Wenham Road which would enable him to demonstrate compliance with the zoning codes.

This claim is spurious at best. It is a well known and elementary principal that property owners pay taxes on the legal description of their property as reflected on their Grant Deed. Moreover, a survey by a licensed surveyor confirms the location of the boundary lines of a property described in the Grant Deed.

In this case, **<u>two surveys</u>** have confirmed the location of the boundary line between the Applicant's property and Ms. Keane's property. Attached hereto as Exhibit "19" is a copy of the Grant Deed to the Applicant's property at 520 Wenham Road in the City of Pasadena reflecting "Lot 5." Attached hereto as Exhibit "20" is a copy of the Grant Deed to Ms. Keane's property at 526 Wenham Road in the City of Pasadena reflecting "Lot 4." The related survey is attached as Exhibit "1". There is no ambiguity between these documents and therefore, no basis what-so-ever for the Applicant to make a claim for adverse possession. It is

also notable that the Applicant has never filed a Quiet Title action which a reasonable person would do if they truly believed they had property rights which needed to be legally recognized.

7. **A claim of an easement on the property of another would not establish compliance with the zoning or building codes applicable in this matter.**

The Applicant has also alleged that he has an "easement" over upwards of 3 feet on to Ms. Keane's property based upon the alleged prior placement of the chain link fence. Ms. Keane previously provided the legal assessment of this claim which demonstrates that California courts do not recognized permanent exclusive easements. Moreover, Applicant's claim of an easement would still fail to establish compliance with the zoning and building codes since the chain link fence was determined to be **less than** 3 feet from the **new** structure. [Reference survey improvement plan attached as Exhibit "6" noting 18" inches from the structure to the new fence and Exhibit "7" noting 1'3" from the chain link fence to the boundary line.] Based upon the information contained in Exhibit 6 and 7, the total distance from the addition to the chain link fence was 33" - not the 5 feet that the Applicant and his representatives continue to claim.

As shown in Exhibit "7", the chain link fence ran at an angle to the legal boundary line. The Applicant has mislead representatives of Regional Planning by claiming that the chain link fence was located where a wood arbor is placed on Ms. Keane's property. In fact, the original metal posts are cut off in the ground and remain visible. There was never a five foot distance between the chain link fence and the legal boundary line even at the furthest point at the East end of the property.

The survey map showing the placement of the improvements shown in Exhibit 6 and the photographs tell the truth and the Applicant's distortion of the facts is exposed for what it is.

8. **The Applicant justifies his request for the Yard Modification based upon a claim that he relied in good faith on the advice of a licensed architect.**

The Applicant claims that his plans were prepared by a licensed architect, that the licensed architect inspected the lot, it's boundary lines and fence and that

the licensed architect confirmed that his observations comported with the original plans.

The Applicant further submitted a document entitled Exhibit "1" through his legal counsel on February 16, 2010 which he represented was a copy of the "original site plan". The Applicant claims that Exhibit "1" is the basis for his belief that he had upwards of 8 feet between his original structure and the boundary line on the south side of his property. Applicant's Exhibit "1" is not a survey, nor does it accurately depict the manner in which the improvements were actually constructed on the lot. This conclusion may be reached by the fact that Ms. Keane's house was built in 1955, prior to the Applicant's residence. The Commission should recall that the Applicant has claimed that the chain link fence was located on the true boundary line. As such, an eight foot boundary line offset from the original residence would have placed the "100 year old fence" within inches of Ms. Keane's residence and squarely through her pool equipment. As such, the claim that a licensed architect used the original plans and observed the improvements and boundary lines to confirm that the proposed addition complied with the zoning codes is simply not credible.

Moreover, the plans submitted to Building and Safety in January 2007 do not reflect that they were prepared by a licensed architect. Notably, the Applicant has submitted no documentation reflecting that a licensed architect was involved in this project. Neither of the two names reflected on the plans, including Chris Guldbert and Monika Kimball, are licensed architects as confirmed by a review of the Department of Consumer Affairs California Architects Board.

The members of the Commission well know that it would be completely out of the ordinary for a licensed architect to render the kind of opinion and advice that the Applicant is claiming. Moreover, the photographs provided to the Commission clearly demonstrate that a visual inspection of the property would place anyone on notice that there was no more than four feet from the **existing** south-side structure to the chain-link fence (before the proposed structure was added at an angle) and that there would be no more than 12-1/2 feet from the proposed structure to the fence on the Easterly boundary line.

9. The Applicant falsely claims that there is only a "offending corner" of the addition which violates the set back requirements.

The facts in this case are that the **entire** addition violates the set back requirement which is a minimum of five feet from the property line. The South-east corner of the original structure was only four feet from the property line. The addition was connected to the existing structure at an angle towards the South-east property line to a point which was only 18 inches off the property line. As such, **no part** of the addition meets the zoning code requirements. And, the "offending corner" of the roof eve actually encroaches on to the property of Ms. Keane as confirmed by Regional Planning, the Applicant and the Applicant's inspector. These false blanket statements of fact contained in Applicants February 16, 2010 documents are so numerous that Ms. Keane believes it is necessary to specifically refute them in the detail set forth in this summary lest a member of the Commission accepts the claims at face value because they are under the authorship of an attorney.

10. The Applicant justifies the zoning code and building code violations on a claim that he is a "good faith improver" pursuant to California Code of Civil Procedure §871.1.

The Applicant's claim that his Application Yard Modification should be granted because he is purportedly a "good faith improver" under California Code of Civil Procedure §871.1 is misplaced. The referenced code and legal principal does not apply to encroachments which are, improvements made on a person's own land that encroach on adjoining land. [Reference California Code of Civil Procedure §871.6 which states in pertinent part "**Nothing in this chapter affects the rules of law which determine the relief, if any, to be grated when a person constructs on his own land an improvement which encroaches on adjoining land.**]

Actually, it is rather comical that the Applicant would purport to seek relief as a good faith improver since California Civil Code §1013.5 provides that the sole relief a good faith improve is entitled to is the right to remove his improvement and to pay the costs and attorney fees incurred by the landowner. Ms. Keane would be most pleased to have the Applicant remove his addition and to pay her attorneys fees and costs.

11. The dispute with Ms. Keane is not an isolated incident. Applicant has demonstrated a knowing and total disregard for the property rights of his other neighbors as well.

Unfortunately for the other owners of property in this quiet cul de sac, the Applicant has demonstrated a pattern of disregard for the property rights of others.

a) Specifically, the Applicant built a fence on the north side property line between his property and the Liao's residence at 2640 San Pasqual, which encroached 2 feet + on to their property. In violation of the zoning laws, the Applicant then placed his air-conditioning equipment up against the fence thus violating the five foot side yard offset zoning code.

The Applicant also made a paver pad for his trash cans on the Laio's property and placed plants along their driveway area. In addition, the Applicant cut down a tree which was on the Liao's property without their permission and then left the stump behind. The Applicant falsely represented that the boundary line was where he placed his improvements and plants even though he knew this was not true from the results of his survey over 2-1/2 years ago. The Applicant's claim to a portion of the Liao's property forced the Liao's to place the garbage cans on their driveway until they learned the true location of their boundary line with the Applicant.

Within the last 30 days, the Applicant again cut down the tree located on the Liao's property which had grown back. When Sabrina Liao approached the Applicant seeking an explanation as to why he cut the tree again when it was not dead, the Applicant replied "well it's dead now." Ms. Liao then decided to obtain her own survey which reflected the extensive encroachment by the Applicant. When the Applicant discovered Ms. Liao was obtaining her own survey he visited her home and told her she did not need to go through the expense and grief as he could tell her where the boundary line really was. The Applicant then advised Mis Liao that he has been aware that his fence encroached on her property for several years and that he "thought he could borrow (the land) for awhile." The Applicant did not voluntarily remove the fence, pavers and plantings until Ms. Liao threatened legal action.

At this time, the Applicant's air-conditioning equipment remains against the property line in violation of the zoning code requiring a five foot minimum offset. [Reference Declaration of Sabrina Liao attached hereto as Exhibit "21"].

b) The Applicant also misrepresented facts to the Commission related to

the installation of a 7 foot fence along the East boundary line of his property. In an attempt to place the blame on his neighbor for the violation of the height restriction, the Applicant represented that his neighbor demanded that he take such action. The truth was that the Applicant unilaterally removed the fence, without consulting the neighbor and he left the property open for several months. The Applicant's actions created a problem for the neighbor as they were no longer able to secure their dogs in the back yard. [Attached hereto as Exhibit "22" is a true and correct Declaration from Brad Hanson, the owner of the property located directly East of the Applicant's property.]

This information is submitted to demonstrate to the Commission that the Applicant has alienated many of his neighbors with his dilatory tactics which compromise and interfere with the property rights of others. The information also demonstrates that the Applicant will make bold-face false statements without impunity to achieve the end result he is seeking.

12. <u>The Applicants claim that Ms. Keane's Opposition to his Yard Modification is disingenuous because she never obtained a survey and she never objected to the accessory building located on the east side of her property line is false.</u>

The Applicant claims that the Commission should take note of the fact that Ms. Keane "never found a need to obtain a survey of her property" during the 18 years she lived there and prior to the construction of the Applicant's addition. It is true that Ms. Keane did not have the need to obtain a survey. The need only arose after the Applicant made false reports to the Department of Regional Planning that Ms. Keane's pool equipment violated the zoning laws. At that time, the Applicant falsely represented to Ms. Keane that his survey confirmed this claim. In fact, the Applicant's survey [Exhibit "1"] reflects that Ms. Keane's equipment is located 5.40' off of the legal boundary line.

In as much as the survey markers left behind by the Applicant's surveyor appeared to tell a different story about the location of the legal boundary line, Ms. Keane did obtain a survey as she did not believe the Applicant. Ms. Keane's suspicion of the falsity of the Applicant's claims proved to be true.

Ms. Keane has not objected to the accessory building located east of her property line. This building was in existence at the time she purchased her

property and she has been informed that it was an original structure to that property. Moreover, the accessory building is located on the other side of her pool and more than twenty feet away from any structures. As such, the accessory building provides no threat to her home. Again, the presentation of this spurious argument as a means to justify approval of the Applicant's Yard Modification is another example of the extreme manipulation of facts that the Applicant will make in an attempt to mislead the members of the Commission.

13. The Applicants claim that the principal of equity should support the approval of his Yard Modification is misplaced.

The Applicant opines on page 9 of the February 16, 2010 memorandum, that equity should apply when a "citizen complies with the law and receives a final permit." Such a statement begs the issue in this case which is the fact that the Applicant **did not comply with the law**. The Commission should not lose sight of this significant and material fact. Not only did the Applicant presented false information regarding the zoning compliance and thus, fail to comply with the law at the time he submitted his plans, the Applicant continues to routinely disregard the law as demonstrated by the fact that; 1) the Applicant built a seven foot high fence across the back portion of his lot without a permit; 2) the Applicant built a seven foot fence on both sides of the residence without a permit; 3) the Applicant knowingly built a fence which encroached two feet on to his neighbor's property (which he refused to remove until he was caught and legal action was threatened) and; 4) the Applicant has placed his air-conditioning unit on his North-side property line in violation of the minimum five foot zoning offset for improvements and equipment (the very same violation that he has falsely complained about for Ms. Keane's pool equipment.)

The Applicant also claims that an order to tear down the addition would be "purely punitive" as "the offending corner is diminimus." The Applicant fails to recognize that the **entire** addition violates the zoning codes and building codes - not just the portion which encroaches on to Ms. Keane's property. Moreover, the addition is creating a nuisance to Ms. Keane's property based upon it's proximity, related fire and safety hazard and based upon the improper drainage of water on to her property. Accordingly, the notion of equity will dictate that the Applicant's addition be removed as there is no other reasonable remedy which will resolve the public safety concerns and nuisance created by the addition.

14. **Applicant wrongfully claims that he has been denied the right to counsel through this process.**

It is incredible that the Applicant has now contended that he was denied the right to counsel throughout this process. In fact, the Applicant advised the undersigned that he consulted with attorney, Dan Hogue, in November 2008. Thereafter, the record reflects that the Applicant had legal representation in October 2009 as noted by the letter dated October 5, 2009 from attorney Mitchell Ezer to Ms. Nooshin Paidar of Regional Planning. Attorney Gail Price purportedly became involved in December 2009 based upon her representation to the Commission that she was present for the site inspection conducted by Regional Planning on December 29, 2009.

Clearly, the Applicant not been denied the right to counsel.

15. **The Applicant has demonstrated a pattern of deceit and disregard for the property rights of others and for the laws of the State of California and the regulations for the County of Los Angeles.**

The Applicant has demonstrated a complete disregard for the zoning laws and building and safety regulations which govern the construction of his addition. The Applicant has further demonstrated a complete disregard for the property rights of his neighbors. Each action by the Applicant, as summarized by this Supplemental Opposition, separately and taken together, reflect an egregious pattern of conduct where the Applicant will go to extremes, making false statements, making false complaints and submitting false documents as a means to obtain the approval of his Application for a Yard Modification.

Ms. Keane respectfully requests that the Commission enforce and uphold the zoning laws which govern this matter and recognize where the true equity should lie by protecting her property rights, protecting her safety and protecting the safety of her property. Ms. Keane is the only citizen who has complied with the laws in this case. Her property rights must be protected and honored through the denial of the Applicant's request for a Yard Modification.

Ms. Keane also requests that all findings of the Regional Planning Commission be specifically stated for the record and separately set forth in writing.

On behalf of Ms. Keane and the undersigned, thank you for your careful consideration of this Opposition. We look forward to answering any questions you may have at the Public Hearing on May 19, 2010.

Respectfully submitted

LAW OFFICES OF KAREN A. DAVIS

Karen A. Davis

Enclosure

TEL: (626) 449-1362
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LAW OFFICES OF
KAREN A. DAVIS
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1122 EAST GREEN STREET
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P.O. BOX 5092
PASADENA, CALIFORNIA 91117

May 4, 2010

VIA PERSONAL DELIVERY

Ms. Nooshin Paidar
Mr. Richard Claghorn
Land Development Coordinating Center
Los Angeles County
320 W. Temple Street, 13th Floor, Room 1360
Los Angeles, CA 90012

Re: Application for Yard Modification - 520 Wenham Road, Pasadena, CA
Appeal of Denial - Public Hearing - May 19, 2010

Dear Ms. Paidar and Mr. Claghorn:

Enclosed please find six (6) copies of Ms. Keane's formal Supplemental Opposition to the Application for a Yard Modification submitted by Steve and Nadine Mason.

Please note that I would like to be advised of all documents submitted by or on behalf of the owners of 520 Wenham Road, Pasadena, CA. I would also like to be advised of any supplemental documents that the Department of Regional Planning has prepared in this matter.

Thank you for your consideration. Please call me if you have any questions.

Yours sincerely,

LAW OFFICES OF KAREN A. DAVIS

Karen A. Davis

Enclosures

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May 5, 2010

VIA MESSENGER

Ms. Nooshin Paidar
Mr. Richard Claghorn
Land Development Coordinating Center
Los Angeles County
320 W. Temple Street, 13th Floor, Room 1360
Los Angeles, CA 90012

Re: Application for Yard Modification - 520 Wenham Road, Pasadena, CA
Appeal of Denial - Public Hearing - May 19, 2010

Dear Ms. Paidar and Mr. Claghorn:

Enclosed please find six (6) copies of Exhibit "8" which should be placed in the six binders that were delivered to you yesterday.

Thank you for your consideration. Please call me if you have any questions.

Yours sincerely,

LAW OFFICES OF KAREN A. DAVIS

Karen A. Davis

Enclosures

April 29, 2010

Hon. Wayne Rew, 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)

Dear Chairman Rew and Honorable Commissioners:

I am writing this letter as I cannot be present at the hearing on May 19th due to a previously scheduled trip out of town. As an LA County taxpayer, I thought that Regional Planning and Building and Safety would enforce the building codes and protect my interests. At the hearing on February 17, 2010, I was very concerned that the Commission was being misled by several errors and misrepresentations made by Mr. Mason and/or his attorney. For the record, I have never harassed or antagonized Mr. Mason. The truth about Mr. Mason's conduct is further referenced below and in the additional supplemental documents submitted on my behalf.

I have lived at 526 Wenham Road for nearly 18 years. During that time I have had 15 different families in the six properties that border my home. I have never had difficulty with any of them until Mr. Mason bought the house at 520 Wenham in 2006. Mr. Mason has complained about my pool equipment from the day he moved in (June of 2007). The motor and filter for my permitted pool had run from 8am to 4pm 7 days a week for the previous 14 years including the time Mr. Mason looked at the property and during his remodeling. I initially tried to run the equipment at times convenient for him but after 7 schedule changes in 7 weeks, and visits from the County Sheriff and Mr. Sabboubeh from Regional Planning instigated by Mr. Mason, I returned to running the filter from 8-4.

Living in my home has become a complete nightmare since Mr. Mason purchased 520 Wenham and completed his construction. Mr. Mason and his wife have been relentless in their harassment of me because they do not like the location or operation of my pool equipment which has been on the North side of my house for 17 years.

The most crucial aspect of all of Mr. Mason's complaints arise solely because of the unlawful proximity of the addition to my property. No part of the addition would have been approved had Mr. Mason sought the proper approvals in advance of his construction. Mr. Mason chose to start his construction in December 2006, only 30 days after he purchased the property. Thereafter, Mr. Mason applied for permits in January 2007 based upon false information.

Now there is a structure which violates zoning codes and building codes and Mr. Mason proceeds to complain about the consequences of building this structure so close to the boundary line and near my pool equipment which has been in place for 17 years.

Mr. Mason has exceeded the boundaries of civil behavior and reasonable conduct since he has moved in by writing threatening and insulting notes, having his workmen trespass on to my property to cut hedges without my permission and breaking my sprinkler heads in the process, and making false reports to various County agencies which has resulted in District Attorney police wearing flack jackets and members of the Los Angeles Sheriff's Department arriving at my house, unannounced, to investigate the false claims. Specifically, Mr. Mason has contacted the Sheriff's Department twelve times in a two year period from August 2007 through September 2009 to make frivolous complaints.

I never know what I will encounter when I return home on any given day. I have had to endure the Sheriff's pounding on my door at 11:30 p.m. at night because Mr. Mason does not like me to use my Jacuzzi in the evening or to have children using the pool during the day on weekends. I have been endlessly embarrassed when I have guests at the house and the Sheriffs arrive because of false complaints. The Sheriff's have asked that I obtain a civil restraining order so that they do not have to respond to these frivolous complaints.

I have had to lock my gates and pool equipment, and install security cameras because my pool equipment was vandalized and because I am fearful of my safety as a result of the threatening letters I received. I have also had to install shrubbery to mask the 7 ft plywood fence Mr. Mason put up in sight of my driveway and to maintain privacy in my backyard since the windows on the addition overlook this area. I never before felt unsafe at my property until Mr. Mason moved next door and commenced this outrageous pattern of harassment.

This insanity arises solely because of, and as a result of, the construction of an illegal structure which Mr. Mason now seeks permission to remain as an exception to the laws governing our properties.

Mr. Mason claims that an order to tear down the structure will be punitive and impose a financial hardship on him. If the Commission is concerned about financial hardship, I ask that they consider the financial hardship I have endured, and will continue to endure, if this exception is granted. My financial hardship has included the cost of a survey, the cost of staking said survey, the cost to build new fences, the cost to repair my pool equipment, the cost to install a security system, the cost of additional landscaping to protect my privacy and the cost to retain legal counsel to assist me in ensuring that the laws governing our properties are properly enforced. In addition, the value of my property has decreased significantly as no prospective buyer would ever want to purchase this property with the prospects of undertaking the harassment from Mr. Mason and the existing encroachment.

This letter will be accompanied by a Supplemental Opposition which contains a more detailed summary and additional documents prepared by my attorney. However, I have also provided a time-line of events which have occurred since the time-line provided by Ms. Gail Price contained numerous inaccuracies. Please note the following time-line:

Ms. Price in her document presented to the Commission dated 2-16-10, gave a time-line with a few omissions and inaccuracies.

- July 20, 2007 I emailed the Zoning-Land Development Coordinating Center of LA County asking about setback requirements and was told erroneously that Mr. Mason did not have a permit. Not knowing there was a permit about to be finaled, I did not understand the urgency of the situation. (Exhibit 1)
- August, 2007 I was approached by Mr. Mason's surveyors, Gilbert Engineering, for access to my backyard to locate a monument in the southeast corner. (see survey, Exhibit 2) I was told Mr. Mason did the survey to ascertain if my pool equipment met the setback requirements. Mr. Mason could have done a survey prior to building his addition.
- September 6, 2007 Mr. Sabboubeh and two enforcement officers in flak jackets visited my home and asked to inspect my pool equipment as Mr. Mason had complained that it was noisy and did not meet the 5 foot setback requirements. Mr. Sabboubeh found no grounds for the setback or noise complaint and when I pointed out the closeness of Mr. Mason's building, he (Mr. Sabboubeh) suggested that I get a survey, record it and contact him as he was/is in code enforcement.
- October 9, 2007 I had a survey done which recorded the position of the old chain link fence with regard to the property line as well as my pool equipment and Mr. Mason's new addition. (Exhibit 3)
- October 31, 2007 Mr. Mason placed 13 6-foot tall plants on my driveway; I had to hire legal counsel to get him to remove them. He indicated at that time that he planned to plant them along the driveway which having done a survey I now knew was my property. He further stated that other boundaries had not changed which I knew to be untrue, thus necessitating a staking of the survey results.
- November 8, 2007 my surveyors staked the property using the monuments from Mr. Mason's survey (they agreed with my survey) and I made sure we scheduled the staking at Mr. Mason's convenience. He was in attendance and interacted with the surveyors.
- Dec. 3rd and 4th, 2007 with prior notice to Mr. Mason, Western Fence installed a 2-1/2 ft fence along the driveway and a 6 ft. redwood fence along the northern border of the backyard. The owner of Western Fence, JC, talked with Mr. Mason to gain his permission to enter his yard to install the fence. (Exhibit 4)

- Dec. 13, 2007 now that my survey was recorded, I wrote Mr. Sabboubeh to follow-up on my formal complaint about the setback, the 7 foot fence Mr. Mason put up on the southern side of his property and the drainage. (Exhibit 5)
- Dec. 30, 2007 Mr. Gomez of Regional Planning called to say unless I could find the plans Mr. Mason submitted and validate that Building and Safety did not grant an on the spot variance, there was nothing he could do.
- January 11, 2008 I met with Mr. Garcia, the new manager of the Building and Safety office in Arcadia, found the plans and asked that he begin an inquiry. At that time Mr. Garcia said Building and Safety did not grant a variance. I followed up with Mr. Garcia every two weeks.
- April, 2008 Mr. Garcia forward the inquiry to his manager, Mr. Moreno
- May, 2008 Mr. Gomez asked Mr. Moreno to not take action until he had reviewed the case. On May 8, 2008 Mr. Sabboubeh once again visited my property with enforcement officers but his purpose was unclear.
- September, 2008 Mr. Gomez declined to take action and Mr. Moreno of Building and Safety cited Mr. Mason. Mr. Mason then applied for a Yard Modification.
- August, 2009 after several extensions and delays the Yard Modification was denied. Mr. Mason appealed the decision.
- February 17, 2010 the Planning Commission heard the appeal and continued the hearing until May 19, 2010. At the hearing, my ownership of the property between the old fence and the new was questioned. I checked with the County and the property on my tax bill, deed and survey are the same. I own the property and have paid taxes on it. (Exhibits 6,7,3). I also owned the chain link fence as I had this fencing on the north and south sides of my home when I bought in 1992, Prior to Mr. Mason's arrival there was my chain link fence on the south side of his property and a chicken wire fence overgrown with ivy on the rear of his property.

I have been concerned about the setback since July 2007 when it became obvious how close Mr. Mason's new construction is to my home. I relied on Regional Planning and Building and Safety to make sure the appropriate codes and setbacks were met. When I found out this was not the case, I have been working with these entities to rectify the situation. Mr. Mason early on stated many times he was a contractor and in fact did much of the work on the addition himself. He obviously knew about the 5 foot setback requirement when he questioned the location of my pool equipment in August 2007, Mr. Mason was quick to do a survey when concerned about my pool equipment but did not feel it necessary to do one before beginning construction. I find it incredible that he did not check setbacks prior to beginning construction. But given recent events with his neighbor to the north, it appears that Mr. Mason has a complete disregard for property lines and setbacks.

The approval of the Yard Modifications will improperly reward Mr. Mason for his unlawful conduct and it will ensure that my nightmare and financial hardship will continue. Accordingly, I am asking that the Planning Commission deny Mr. Mason's appeal.

Sincerely,

Maureen M. Keane

Maureen M. Keane
526 Wenham Road
Pasadena, CA 91107

EXHIBIT "1"

Maureen

From: Zoning LDCC [zoningldcc@planning.lacounty.gov]
Sent: Monday, July 23, 2007 8:08 AM
To: Maureen
Subject: RE: building permit for 520 Wenham Road in Pasadena

Maureen,

Current records do not show an addition approved for 520 Wenham. The addition should be built with building permits and our approval and the required side yard setback is 5 ft. To report a zoning violation please follow the instructions pasted below.

Regards,

Land Development Coordinating Center
Department of Regional Planning
Los Angeles County

Zoning violations must be reported in writing to establish "reasonable cause" for investigating an alleged violation on private property. You may choose one of the following methods of submitting your complaint:

Email

ZoningEnforcement@planning.lacounty.gov **(NEW E_MAIL ADDRESS)**

Call

County Helpline 211. They will take down your complaint in writing and forward it to ALL applicable County agencies.

Write a Letter

Department of Regional Planning, Zoning Enforcement Section
320 West Temple Street
Los Angeles, CA 90012

In your complaint, include the following information:

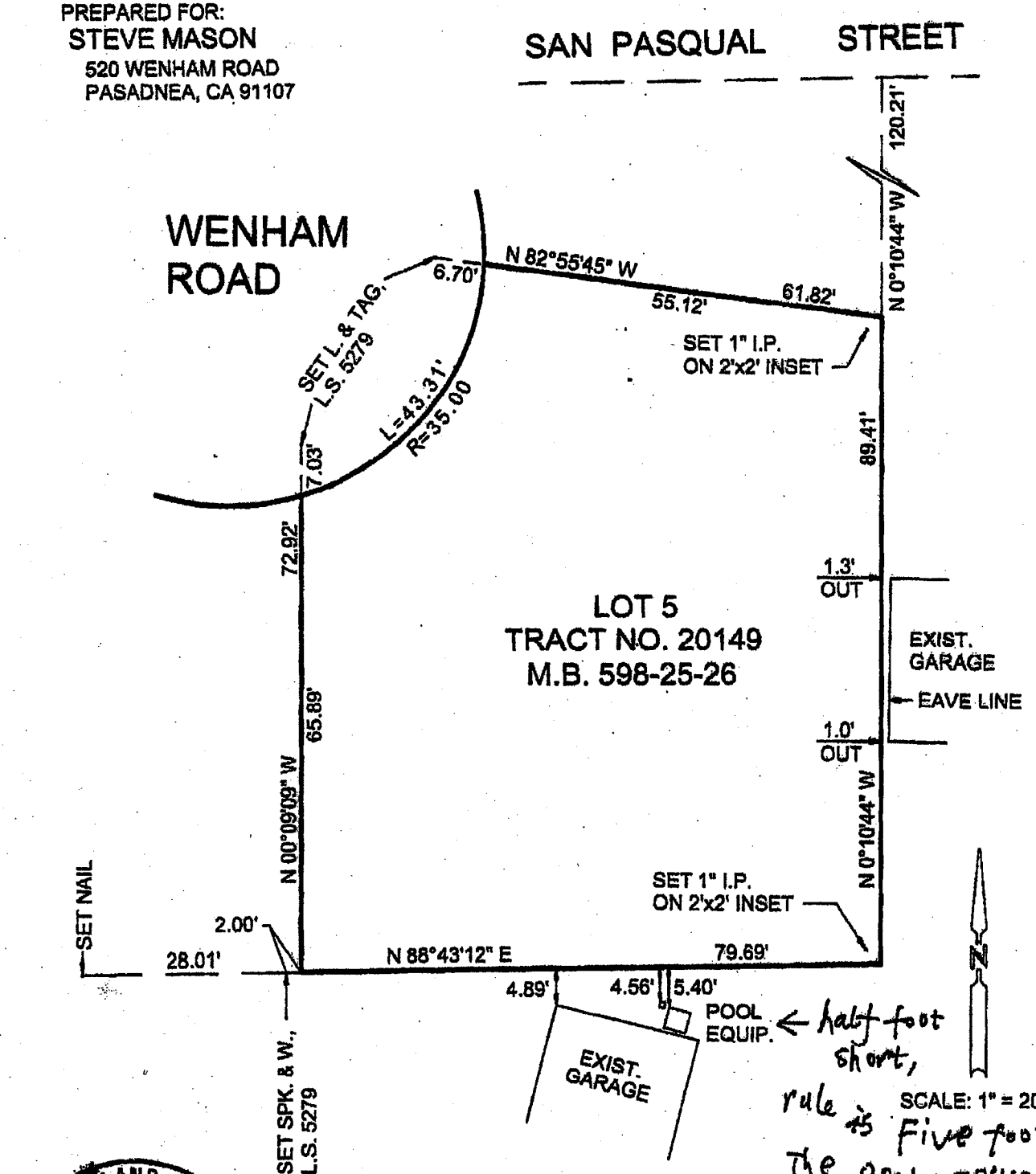
- Identify the specific complaint or nuisance.
- Give your name, address, and telephone number. This information is just for us and is kept confidential.
- Give the exact location of the problem.
- Street address and house number
    - If no address, location of property, i.e. northwest corner of First and Main streets.
    - Provide additional information that will aid in the investigation.

Examples:

- Vehicle license number, type, color, make of vehicle, left door missing, etc.
- Type of debris; car parts; building material; tires; garbage
- Selling clothes, bags, furniture, paintings, flowers, etc

EXHIBIT "2"

PREPARED FOR:
STEVE MASON
520 WENHAM ROAD
PASADNEA, CA 91107



half foot short, rule is Five foot. The pool EQUIP only 4½.

LICENSED LAND SURVEYOR
ED ECKERT
L.S. 5279
Exp. 12/31/07
STATE OF CALIFORNIA

PREPARED BY:
GILBERT ENGINEERING COMPANY, INC.
2028 EAST ROUTE 66, SUITE 203
GLENDORA, CALIFORNIA 91740
(626) 852-1600
FAX (626) 852-1601
email – gilbertcivil@integrity.com

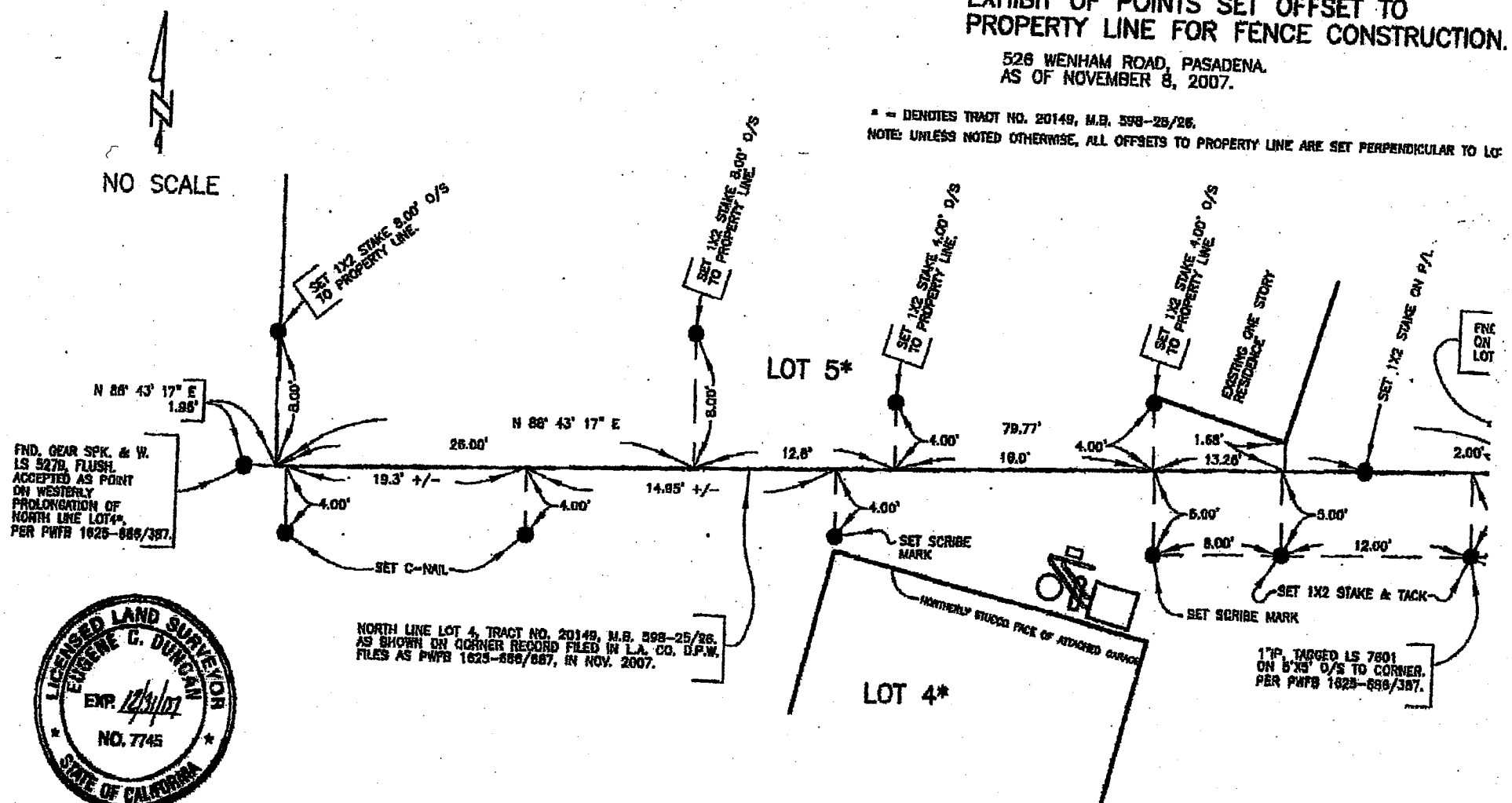
EXHIBIT "3"

Nov 12 07 05:50p Maureen Keane 626-792-7288 p.2

EXHIBIT OF POINTS SET OFFSET TO PROPERTY LINE FOR FENCE CONSTRUCTION.

526 WENHAM ROAD, PASADENA.
AS OF NOVEMBER 8, 2007.

* = DENOTES TRACT NO. 20149, M.B. 598-25/26.
NOTE: UNLESS NOTED OTHERWISE, ALL OFFSETS TO PROPERTY LINE ARE SET PERPENDICULAR TO LO



LICENSED LAND SURVEYOR
EUGENE C. DUNCAN
EXP. 12/31/07
NO. 7745
STATE OF CALIFORNIA

Eugene C. Duncan

WESTERN STATES SURVEYING, INC.
899 W. FOOTHILL BLVD., E
MONROVIA, CA 91016-1973

LOCATION OF MAIN POOL EQUIPMENT IN
RELATION TO LOT LINE.
526 WENHAM ROAD, PASADENA.
AS OF OCTOBER 9, 2007.

NO SCALE

LICENSED LAND SURVEYOR
JAMES KEVIN [illegible]
EXP. 12/31/08
NO. 7601
STATE OF CALIFORNIA

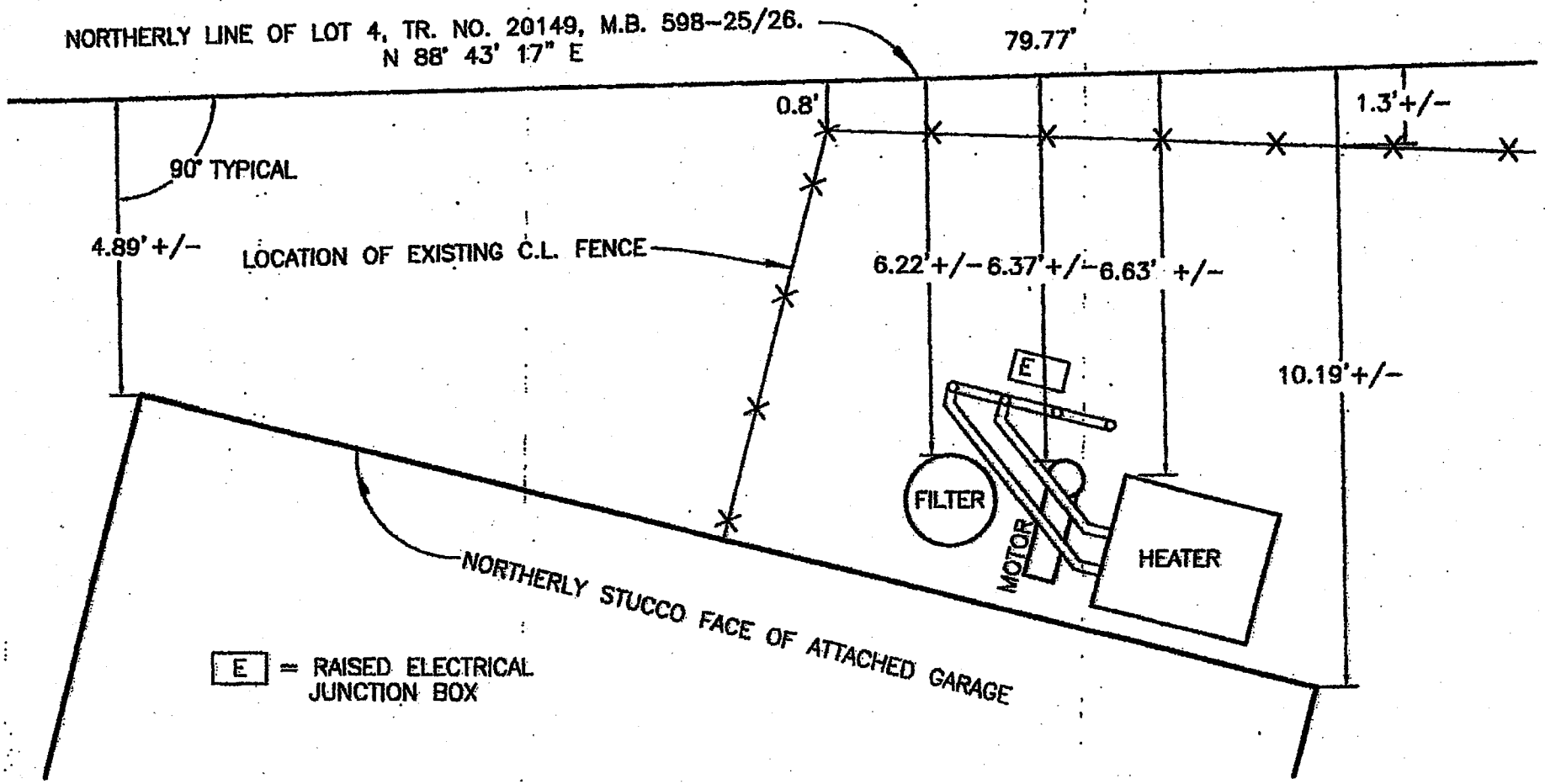


EXHIBIT "4"

WESTERN FENCE CO.

since 1967

2652 N. Fair Oaks Avenue • Altadena, CA 91001 • 626-791-6934 • Fax 626-794-2707 • Lic. No. 818532

January 9, 2008

Maureen Keane
526 Wenham Rd
Pasadena, CA 91107

RE: Fence placement on north boundary of property at 526 Wenham Rd.

To whom it may concern,

Western Fence Co. installed both a 2 ½ foot high ranch rail fence and a 6 foot high dog eared redwood fence along the north boundary line of the address above.

Western Fence Co. set the fence line as measured off of surveyors monuments placed at the request of the property owner by a licensed surveyor during a resent survey of her property, at at the direction of the property owner.

The fences were install so that the concrete bail that supports the posts went up to but not beyond the property line and would support the posts when which were set so the the finished edge of the fence or bear post on the ranch rail fence, would be 2 inches back from the property line.

All work was done in a workmanlike manner and in compliance with all codes and and applicable standards.

Sincerely,

Ed Haylett

Western Fence Co.

EXHIBIT "5"

December 13, 2007

Mr. Hani Sabboubeh
Regional Planning Assistant
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Sabboubeh:

We met on September 5th of this year when you were investigating a complaint by my neighbor concerning the noise made by my pool equipment and its setback from the property line. At the time you found no basis for the complaint but asked that I send you my property survey when I mentioned my concern that my neighbor's new addition did not meet the minimum setback requirement.

I am including my property survey for 526 Wenham Road which indicates that my neighbor's new addition at 520 Wenham Road is 1.68 feet from the property line. I would like to file a formal complaint and find out what can be done. It appears the eaves to his addition are on or over the property line causing drainage issues as rain water from his extensive new roof now runs onto my property. Lastly, my neighbor has built a 7 foot fence without a permit.

When I inquired about the setback and his permit in July (see attached email) I was told there was no permit on file. When I checked about the fence permit in late October, I was told there was a building permit for the addition and that it had been finaled in August, 2007.

I am extremely concerned about the setback and look forward to hearing from you.

Sincerely,

Maureen H.Keane
526 Wenham Road
Pasadena, CA 91107
(626) 792-7288