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LAW OFFICES OF  
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June 2, 2011

VIA E-MAIL ONLY

County of Los Angeles  
Department of Regional Planning  
Attn: Richard Claghorn, Principal Regional Planner  
320 West Temple Street  
Los Angeles CA 90012

Re: STATUS REPORT for June 8, 2011 Hearing  
520 Wenham Road, Pasadena, California 91107  
Steve Mason - Nadine Chim - Maureen Keane  
Yard Modification Request No. PP 200801286

Dear Mr. Claghorn:

At the conclusion of Planning Commission hearing that went forward on the above application on May 18, 2011, Commissioner Louie admonished the applicant (my client, Steve Mason), and the neighbor who has complained about the my client's master bedroom addition (Ms. Maureen Keane), to attempt to settle their differences. Attached, for your information, you will find a copy of a settlement proposal that I sent to Ms. Keane's attorney on May 26, 2011. Neither Ms. Keane nor her attorney have responded in any way to this proposal, which I assume constitutes a negative response.

In the proposed findings for the June 8 hearing, paragraph 22 indicates that if the application for a yard modification is granted, the applicant will be required to make certain modifications to comply with Building and Safety requirements. It goes without saying that Mr. Mason is more than willing to comply with any requirements that may be imposed by Building and Safety.

Paragraph 26 of the proposed findings suggests that one justification for not granting the yard modification is that it may set some sort of a precedent. I must respectfully disagree. First, this is a very unusual case where the applicant attempted in good faith to comply with the code, he obtained a permit, and he passed all inspections during construction. Unfortunately, the applicant made a mistake in thinking that he was in compliance with the set back requirements, and only after the construction was 100%

Richard Claghorn  
June 2, 2011  
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completed and signed off was the mistake discovered. I believe that this is a very unusual case, and it would have a very limited precedential value.

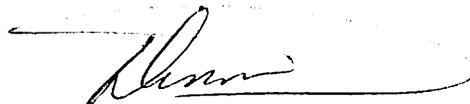
In addition to the above, on May 26, 2011, I sent you the addresses of all of the non-conforming properties in the neighborhood which we showed to the Planning Commission at the last hearing, with an additional ten properties that we located by just driving down a few of the streets in the neighborhood over the weekend. I have no doubt that I could provide photos of 50 or more properties in the neighborhood where there is no five foot setback. We limited ourselves to the photos of non-conforming properties we will present at the June 8 hearing because we felt that any more would be redundant and repetitive.

The County Ordinance (section 22.48.180) permits a yard modification "where topographic features, subdivision plans, or other conditions create an unnecessary hardship . . .". The underlined catch-all criteria vests broad discretion in the Planning Commission to grant the yard modification. In this case the applicant would suffer an extreme and unnecessary hardship if he was ordered to tear down all or a portion of his master bedroom. Granting the yard modification causes the neighbor no hardship or inconvenience whatsoever, it does not effect access to the neighbor's property in any way, it does not impair her view of anything, and it is located on the far side of the neighbor's garage adjacent to her pool equipment and away from the active living quarters of the neighbor's home. Denial of the yard modification, on the other hand, would have an obvious and devastating impact on the applicant -- who attempted in good faith to comply with the code.

I assume that you will pass a copy of this letter on to the Planning Commissioners per our e-mail exchange of May 26, 2011.

Very truly yours,

LAW OFFICES OF DENNIS P. ZENTIL



DENNIS P. ZENTIL

DPZ/mtf

Attachment

cc: Richard Bruckner (via e-mail)  
Nooshin Paidar (via e-mail)  
Steve Mason and Nadine Chim (via e-mail)

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LAW OFFICES OF  
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May 26, 2011

LAW OFFICES OF KAREN A. DAVIS

Attn: Karen A. Davis, Esq.  
1122 East Green Street  
Pasadena CA 91106

Re: Yard Modification  
Regional Planning Project No. R2008-01777  
Regional Planning Case No. RPP 200801286-(5)

Dear Ms. Davis:

At the May 18 Planning Commission Hearing, Commissioner Louie urged the parties to make every effort to resolve their differences amicably.

I have discussed this matter with Mr. Mason, and Mr. Mason would be willing to resolve any issues as to the yard modification on the following basis:

1. Mr. Mason will cut back his eve so that it does not encroach across the property line.
2. Water presently drains off the roof on Mason's side of the fence, and we will insure that after the eve is cut water continues to drain off the roof on Mason's side of the fence.
3. Mr. Mason will abide by any reasonable requirements of the County as to building and safety or fire safety requirements as a condition to granting the yard modification.
4. Mr. Mason and Ms. Chim will withdraw their claim for an equitable easement in the lawsuit so that your client can keep the new redwood fence she installed in its present location.
5. In exchange for the above, Ms. Keane will withdraw any opposition she

Karen A. Davis, Esq.  
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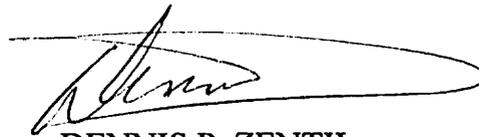
has as to the yard modification and instead indicate that she has no opposition to the same.

The above offer IS NOT conditioned on a settlement of the lawsuit, or the withdraw by Ms. Keane of any of her claims in the lawsuit. My clients do, however, renew their prior offer to settle the lawsuit by way of mutual dismissals of all claims and waivers of all costs, and my clients would also agree to pay Ms. Keane \$10,000 to compensate her for any aggravation that this situation may have caused.

Please advise.

Very truly yours,

LAW OFFICES OF DENNIS P. ZENTIL



DENNIS P. ZENTIL

DPZ/mtf

PS You asked for a list of addresses for the properties that we showed at our slide presentation at the May 18 Planning Commission hearing. Below you will find the list, together with a list of additional properties we will include on June 8.

**May 18 Presentation**

All in Pasadena  
353 Berkley  
2002 Oakdale  
431 Berkley  
381 Berkley  
2644 San Pasqual  
1938 Rose Villa  
432 & 440 Carmelo  
393 & 407 Carmelo

**To be added to presentation on June 8:**

All in Pasadena  
405 Wenham  
454 & 464 Northcliff  
410 Virginia  
360 Virginia  
465 & 455 Santa Anita  
2484 San Pasqual  
450 & 460 Carmelo  
386 Carmelo  
387 & 377 Carmelo  
424 Grand Oaks