

dzentil@aol.com

LAW OFFICES OF
Dennis P. Zentil
555 Marin Street, Suite 140
Thousand Oaks, California 91360
(805) 777-8809

(805) 777-8406 fax

February 24, 2011

SENT VIA E-MAIL ONLY

County of Los Angeles
Department of Regional Planning
Attn: Richard Bruckner, Director
320 West Temple Street
Los Angeles CA 90012

Re: 520 Wenham Road, Pasadena, California 91107
Steve Mason - Nadine Chim - Maureen Keane

Dear Mr. Bruckner:

Thank you for meeting with me and my clients yesterday. We appreciate your willingness to work with the homeowners to accomplish an amicable resolution of the issues at hand.

For your information, I have already contacted the mediator and I am trying to schedule a mediation in late March or in April. Hopefully, a skilled mediator will be able to bridge the gap between the parties.

I believe that your staff was going to look into the question of whether permitting a set back variance on the Mason property would have any effect on the Keane property if Keane ever wished to rebuild her home with only a five foot set back from the property line. I suspect it does not because this would be a common issue in all set back variances applications, and I believe that none of us at our meeting had considered the issue before. In any event, I assume that you will let us know if this is an issue for concern.

As to the building code/fire issue we discussed, my clients and I are working with Mr. Claghorn and hopefully this is not an issue. I assume that Mr. Claghorn will share his findings with Mr. Mason and me as soon as he hears back from the Fire Department and from Building and Safety.

When we met, you indicated that the Planning Commission would schedule

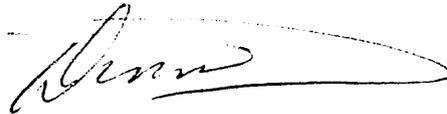
Richard Bruckner, Director
February 24, 2011
Page 2

another hearing for May. I will be on vacation the first week of May, so I would ask that the new date be set for on or after May 10, 2011.

Finally, as I explained when we met, if the homeowners are unable to resolve this case at a mediation before May, then the Superior Court lawsuit that Ms. Keane filed is set for trial on October 17, 2011. In that case my clients have asked the court to declare that they have an equitable easement which would enable them to relocate the fence to have an actual set back of five feet between the house and the fence. Thus, if we are unable to amicably resolve this case before the next Planning Commission hearing, we would request that the Planning Commission continue the case until after October to enable the Superior Court to rule on our request for an equitable easement.

Very truly yours,

LAW OFFICES OF DENNIS P. ZENTIL

A handwritten signature in black ink, appearing to read "Dennis P. Zentil", with a long horizontal flourish extending to the right.

DENNIS P. ZENTIL

DPZ/mtf

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

dzentil@aol.com

LAW OFFICES OF
Dennis P. Zentil
555 Marin Street, Suite 140
Thousand Oaks, California 91360
(805) 777-8809

(805) 777-8406 fax

May 2, 2011

VIA E-MAIL ONLY

County of Los Angeles
Department of Regional Planning
Attn: Richard Bruckner, Director
320 West Temple Street
Los Angeles CA 90012

Re: 520 Wenham Road, Pasadena, California 91107
Steve Mason - Nadine Chim - Maureen Keane
Yard Modification Request No. PP 200801286
May 18, 2011 Hearing

Dear Mr. Bruckner:

Last May the Los Angeles County Regional Planning Commission took the referenced yard modification request off calendar for a year to permit the applicants Steve Mason and Nadine Chim, and their neighbor Maureen Keane, to negotiate a settlement as between themselves.

The parties did conduct a formal mediation with a mediator in January of this year. That mediation did not result in a settlement, but it was not a complete failure either. The parties agreed to meet with you or your staff to discuss what may be acceptable to the County, and then if warranted to conduct a second round of mediation.

In February of this year the parties did meet with you on separate occasions. After meeting with you, the applicants did attempt to set up a second mediation session; however, Ms. Keane and her attorney have refused to participate in a mediation or otherwise discuss an amicable resolution to the issues at hand.

At the present time there is a lawsuit pending in the Los Angeles Superior Court that was filed by Ms. Keane against the applicants (Keane v. Mason, LACS Case No. BC 428943). In that lawsuit the applicants have asked the court to grant them an equitable

Richard Bruckner, Director

May 2, 2011

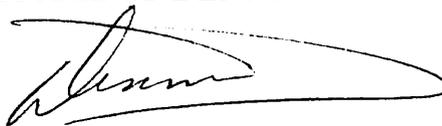
Page 2

easement that will establish a five foot set back between the applicants home and the fence separating the applicants' home from the Keane property. Given the fact that the addition to the applicants' home was done on the assumption that the then existing fence was on the property line and that the addition was properly set back, and that the problems started when Ms. Keane tore down the old fence and built a new fence approximately three feet closer to the applicants home after the addition had been built, we believe that there is a good likelihood that the Superior Court will grant the applicants an equitable easement. The Superior Court lawsuit between the parties is set for trial on October 17, 2011.

For all of the reasons set forth before the previous hearing, the applicants request that their request for a yard modification be granted. The applicants built the addition to their home in the good faith and reasonable belief that it complied with the set back requirements, they did so with benefit of a permit and inspections during construction, and it would impose an excessive and unreasonable hardship for the County to force the applicants to tear down the addition under these circumstances. If, however, there is any reluctance to grant the yard modification at this time, the applicants request that this matter be continued for another year to allow time for the Superior Court action to proceed to trial and a judgment establishing an equitable easement.

Very truly yours,

LAW OFFICES OF DENNIS P. ZENTIL



DENNIS P. ZENTIL

DPZ/mtf

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

Tommy Goodwin Inspection Consultants, INC.

4588 Dogwood Ave.
Seal Beach, CA 90740
Cell: (714) 642-7905

E-MAIL TGIC1@MAC.COM
Fax: (562) 342-9815

Phone: (562) 342-9802

CERTIFICATE OF VISUAL OBSERVATION

BUILDING DEPARTMENT REGIONAL PLANNING COMMISSION Project Date 2/10/10
Permit # CASE # R PD 200801286 (5) Project # R2008-0177 (5)
Project Name YARD MODIFICATION Job Phone _____
Project Address 530 WENHAM RD PASADENA
Owner's Name STEVE MASO & NARINE CHIH
Address SAME
General Contractor _____ Phone _____
Address _____ Fax _____
Site Contact _____ Cell _____
Engineering Firm _____ Phone _____
Address _____ Fax _____
Name in Seal _____ Contact _____
Architectural Firm _____ Phone _____
Address _____ Fax _____
Name in Seal _____ Contact _____
TYPE OF INSPECTION: Reinforced Concrete Gunite Prestress Grading Framing
Rebar Hi-Tension Bolts Anchors Structural Masonry Welding Other

FINDINGS OF VISUAL OBSERVATION

SEE ATTACHED REPORT.

Observer (Print) MICHAEL COOK

Observer (Sign) [Signature]

HOURS: Mon. Tues. 8 Wed. Thurs. Fri. Sat. Sun.

Date 2/10/10

Verified By: (Print & Sign) [Signature]

Regarding Room Addition to SFD In Response To 520 Wenham Yard Modification

Verified Materials to best of my abilities without destructive testing:(attached with pics)

- 1)Building Insulation-Thermafiber Sound & Fire blanket # ASTM C665,Type 1
- 2)Roofing-Sheathing & Shear Walls OSB Flame Block ICC ESR #1365
- 3)Shingles -Certainteed , Presidential shake class A fire Rated:
ASTM D3462
ASTM D3018 type1
ASTM E108 Class A Fire Resistance
- 4)Drywall-5/8" thickness ,walls and ceilings
- 5)Exterior Walls-Stucco 1-1/8"
- 6)Windows Covering--Vertical Solutions-Fiberglass panel -Fire Rated A by ASTM E-84
and 2 1/2" total thickness.
- 7)Water Test of room addition -Approx .97% of runoff Draining on to owner's property .
Remaining Runoff falling on neighbor's relocated fence area .All water flowing to South
East drain (4") on Owner's property. Also drain pipe installed for future Rain Gutter.
- 8)Roof over hangs the relocated fence Approx 3" for 9" lateral at South East corner of room a
addition.

Also Noted During The Structural Observation

- 1)Neighbor's at 2644 San Pasqual St ,Set Back of the accessory building 15' x 25'.
38" South wall and 24" West wall to fence. Accessary building constructed wood only.
- 2)30' Pool Enclosure Fence at 526 Wenham Rd 2 - 1/4" chain link Maxim 1 - 3/4 " per
LA COUNTY Building Code. 1150 Health & Safety Guide
- 3)Observe the site plan A-1 new addition south east corner :

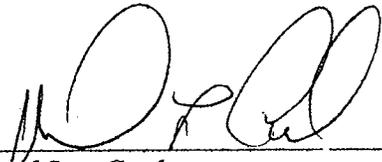
1-Relocated fence 2-Old boundary line fence

A. Relocated fence is approx 1'-10" from South East corner of the addition. Shown on
Site plan A-1

B. Observe the old boundary line fence Post 3' south of the relocated fence. As shown on Site plan A-1

C. Determine that the old boundary line is approx 5' from South East corner of the addition. As shown on Site plan A-1.

Signature :



Michael Lee Cook
RDBI #1012

Date

2/10/10
02/10/2010

May 14, 2010

DECLARATION OF KATIE KOULETSIS

SITE PLAN REVIEW CASE NO. 200801286 (YARD MODIFICATION)

I, Katie Kouletsis, do hereby declare as follows:

1. I am over the age of 18 and a resident of the County of Ventura, 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 was the RMO for C21 and D06 licenses for Contractors Demolition, Inc. from 1966 until the company was sold. I have held my General Contractors B license (636859) along with C21 and D63 since 1992. I am a construction consultant for Design Build Associates, Inc. where I perform construction consulting/managing of repair project and forensics consultant for legal cases in residential and commercial projects.
 4. On May 13, 2010 I personally inspected the real property located at 520 Wenham Road in an unincorporated area of Los Angeles County with a Pasadena zip code.
 5. In Mr. Bethany's Declaration (undated, but signed May 4 with no year given) under item #5 he states that the noise level of Ms. Keane's pool equipment, based on a reading by the City of Pasadena "reflects a nominal variance from that City's code".
 - Both 526 and 520 Wenham are located in an unincorporated area of Los Angeles County.
 6. In Mr. Bethany's Declaration under item #8 he states that "a competent general contractor and building superintendent would first examine the project site to determine the site concerns, including property lines and front, side and rear year setbacks."
 - Mr. Mason not only had his architect check the site to verify existing conditions; he has the original building plans for the site.
 - The County was satisfied with the documentation that Mr. Mason presented as evidenced by the issuing of the permit for the addition and the sign off on the building card under Location/Setbacks by the inspector.
 - Therefore, while it is easy in hind-sight to state Mr. Mason should have hired a surveyor, the fact that the fence was not located on the property line would not have been apparent at the time the plans were prepared for the addition.
 7. In Mr. Bethany's Declaration under item #10 he states that "It is unclear how Deputy Inspector Michael Cook could have rendered any observation or opinion about materials without performing destructive testing."
 - As a matter of fact, it is not unusual to perform investigations without performing destructive testing.

- In this instance there is no need to verify whether or not there is Thermafiber Sound and Fire Blanket installed between the exterior stucco and the drywall.
- There is stucco and 5/8-inch Type X drywall on the exterior walls, which by Code provides a one-hour rated wall. See photo #2.
- The Underfloor Insulation line item on the building card was approved by the County in January of 2007 and the Insulation/Weather Strip line item was approved by the County in February of 2007.
- In fact, Mr. Mason installed R-19, R-30 and ridged insulation under the subfloor (which is way beyond Code requirements) in order to alleviate noise infiltration from the adjacent pool equipment. See photo #1.
- The new roof also exceeds Code requirements and has Class A fire rating

Mr. Bethany also states that without destructive testing Mr. Cook would not be able to verify if OSB (oriented strand board) was used for shear.

- This is a moot point. Either OSB or CDX plywood are acceptable for use in shear wall construction.
- Either product would have no negative impact on the fire rating of the exterior walls.

Mr. Bethany goes on to state that without destructive testing in a number of locations, the inspector would not have personal knowledge about the stucco thickness of 1 1/8-inches.

- Code requires a minimum of 7/8-inch of stucco thickness (which along with 5/8-inch Type X drywall is one-hour construction).
- Additional stucco thickness provides a better wall system for sound, thermal capabilities and fire protection, but is not required by Code.
- Actually by sighting a wall and looking at the plaster stops and the stucco weep screed, a seasoned inspector can give you a good idea as to the thickness of the stucco.

8. In Mr. Bethany's Declaration under #11 a and b., he states that the window coverings on the two south side bedrooms windows was not intended to be a fire assembly in any interior or exterior condition.

- These panels were installed as a temporary solution while this case was reviewed and a solution reached, for sound control.

Mr. Bethany also states that "the relevancy of the above referenced [fire] 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."

- This is an extremely harsh stance to take considering the area of the remodel in question is approximately 19 square feet.

9. In Mr. Bethany's Declaration under #11 c., he states that the majority of the south side windows located where the side yard is less than 3 feet in width (the Code minimum requirement for a side yard).

- There one small window (located in the bedroom) that would fall under this Code section. The other small bedroom window and toilet window on this wall are located in areas where the side yard exceeds 3 feet.

10. In Mr. Bethany's Declaration under #11 d., he states that "the majority of the south side eaves shall project no closer than 30-inches to any side yard. In this case, the eave actually encroaches over the property line of the Keane property".

- There are approximately 9-inches of the eave that reaches or overhangs the fence.
- As shown in the water test photo by Mr. Cook, the water from the roof falls on Mr. Mason's side of the property line fence.
- This situation occurred when it was discovered that the original property line fence was not located on the property line and the fence was relocated.

11. In Mr. Bethany's Declaration under #11f., he states "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".

- The drainage in the side yard not only slopes (>2% slope) toward the back yard, there is a depressed soil swale that channels the water away from the property line, into the back yard and into a drain inlet in the rear yard. See photo #3.
- There is a drainage system in place in the side yard that has yet to be completed but is in working condition.

12. In Mr. Bethany's Declaration under #13, he states that 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's property".

- Due to the one-hour construction of the walls and the Class A rating of the roof shingles of the Mason's addition, there is no fire hazard to the Keane's property.
- Public safety does not come into play regarding the set back of approximately 19 square feet of a room addition.
- The construction of this addition is of high quality and far exceeds the requirements of prevailing Code.
- In sub-divisions the age of this one, it can be expected that there are a number of Code and/or Zoning violations in most of the properties located in the sub-division.

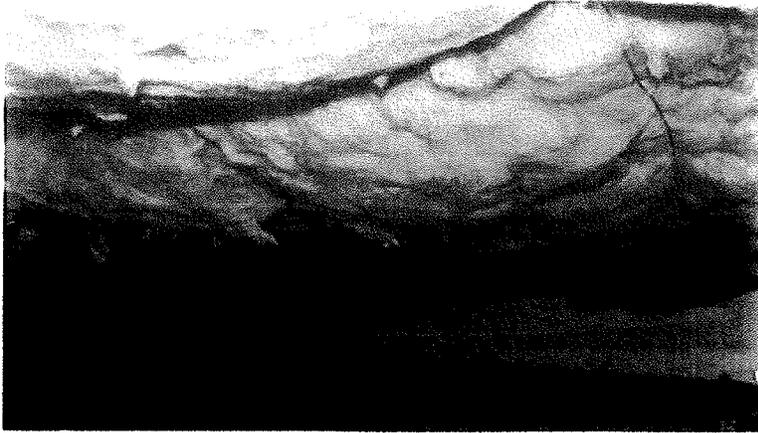
This investigation was based solely on visual inspection, review of Mr. Bethany's report and discussions with the client.

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

Executed on May 11 2010, at Westlake Village, California.

Katie Kouletsis

Katie Kouletsis



Sub-floor insulation under addition.

Photo #1

Drywall sample from the attic over the addition show the Type X drywall which meets the one hour fire rating.

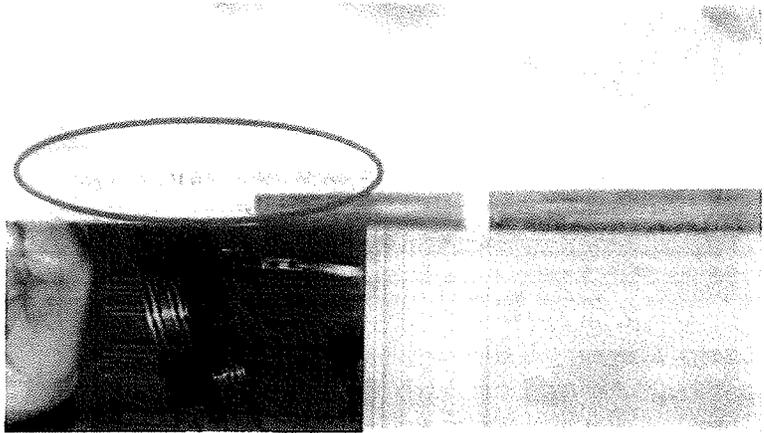


Photo #2



Path of drainage from side yard to back

Photo #3

Tommy Goodwin Inspection Consultants, INC.

4588 Dogwood Ave.
Seal Beach, CA 90740
Cell: (714) 642-7905

Phone: (562) 342-9802

E-MAIL TGIC1@MAC.COM
Fax: (562) 342-9815

CERTIFICATE OF VISUAL OBSERVATION

BUILDING DEPARTMENT REGIONAL PLANNING COMMISSION Project Date 2/10/10
Permit # Case # R PD 200801266 (S) Project # RA008-0177 (S)
Project Name YARD MODIFICATION Job Phone _____
Project Address 530 WENHAM RD PASADENA
Owner's Name STEVE MASOR & NADINE CHIM
Address JANU
General Contractor _____ Phone _____
Address _____ Fax _____
Site Contact _____ Cell _____
Engineering Firm _____ Phone _____
Address _____ Fax _____
Name in Seal _____ Contact _____
Architectural Firm _____ Phone _____
Address _____ Fax _____
Name in Seal _____ Contact _____
TYPE OF INSPECTION: Reinforced Concrete Gunite Prestress Grading Framing
 Rebar Hi-Tension Bolts Anchors Structural Masonry Welding Other

FINDINGS OF VISUAL OBSERVATION

See Attached Report.

Observer (Print) MICHAEL COOK

Observer (Sign) [Signature]

HOURS: 10:17

Mon. 8

Tues. 8

Wed. 8

Thurs. 8

Fri. 8

Sat. 8

Sun. 8

Date 2/10/10

Verified By (Print & Sign) [Signature]

Regarding Room Addition to SFD In Response To 520 Wenham Yard Modification

Verified Materials to best of my abilities without destructive testing:(attached with pics)

- 1)Building Insulation-Thermafiber Sound & Fire blanket # ASTM C665,Type 1
- 2)Roofing-Sheathing & Shear Walls OSB Flame Block ICC ESR #1365
- 3)Shingles -Certaineed , Presidential shake class A fire Rated:
ASTM D3462
ASTM D3018 type1
ASTM E108 Class A Fire Resistance
- 4)Drywall-5/8" thickness ,walls and ceilings
- 5)Exterior Walls-Stucco 1-1/8"
- 6)Windows Covering--Vertical Solutions-Fiberglass panel -Fire Rated A by ASTM E-84
and 2 1/2" total thickness.
- 7)Water Test of room addition -Approx .97% of runoff Draining on to owner's property .
Remaining Runoff falling on neighbor's relocated fence area .All water flowing to South
East drain (4") on Owner's property. Also drain pipe installed for future Rain Gutter.
- 8)Roof over hangs the relocated fence Approx 3" for 9" lateral at South East corner of room a
addition.

Also Noted During The Structural Observation

- 1)Neighbor's at 2644 San Pasqual St ,Set Back of the accessory building 15' x 25'.
38" South wall and 24" West wall to fence. Accessary building constructed wood only.
- 2)30' Pool Enclosure Fence at 526 Wenham Rd 2 - 1/4" chain link Maxim 1 - 3/4 " per
LA COUNTY Building Code. 1150 Health & Safety Guide
- 3)Observe the site plan A-1 new addition south east corner :

1-Relocated fence 2-Old boundary line fence

A. Relocated fence is approx 1'-10" from South East corner of the addition. Shown on
Site plan A-1

B. Observe the old boundary line fence Post 3' south of the relocated fence. As shown on Site plan A-1

C. Determine that the old boundary line is approx 5' from South East corner of the addition. As shown on Site plan A-1.

Signature :



Michael Lee Cook
RDBI #1012

Date

2/10/10
02/10/2010