

**STAFF REPORT
CODE ENFORCEMENT COMMISSION**

Date of Hearing: February 1, 2018

Case Number: A17-235499

Pasadena Humane Society Staff: Lt. Nemesio Arteaga

Location of Violation: 1372 Edgehill Place
Pasadena, CA. 91103

Violative Condition: Running at large prohibited
Prohibited activities

Assessor Parcel Number: 5704-030-012

Legal Description: See "Attachment A"

Notice of Public Hearing: January 18, 2018

Property Owner: Siu Fung Siegfried Lee¹
1372 Edgehill Place
Pasadena, CA. 91103

Lei Yang²
1372 Edgehill Place
Pasadena, CA. 91103

PWP Utility Billing: Roy USA, Inc³.
117 E. Colorado Boulevard, Suite 600
Pasadena, CA. 91105

PWP Authorized Parties: Siu Fung Siegfried Lee
Lei Yang
Melissa Ledonne

Animal Owner: Siu Fung Siegfried Lee
1372 Edgehill Place
Pasadena, CA. 91103

Lei Yang
1372 Edgehill Place
Pasadena, CA. 91103

¹ Through Hi Scene Industrial Ltd., a limited liability company based in Tortola, British Virgin Islands

² Through Hi Scene Industrial Ltd., a limited liability company based in Tortola, British Virgin Islands

³ Hi Scene Industrial Ltd and Roy USA, Inc. are business entities owned and operated by Siu Fung Siegfried Lee

Animals:

“ENZO,” an unlicensed, unaltered male, black colored German Shepherd.

“LUCY,” an unlicensed, unaltered female, black colored German Shepherd.

“LUPIN,” an unlicensed, unaltered male, tan and white colored German Shepherd.

Pasadena Municipal Code Violations:

Section 1.24.010(A) (Misdemeanors, infractions and administrative penalties.)

“No person shall violate or fail to comply with any provision or requirement of this code. Any person who violates or fails to comply with any provision or requirement of this code shall be guilty of a misdemeanor, unless (1) such violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or (2) such a violation or failure is prosecuted as a civil administrative action pursuant to Chapter 1.25 or Chapter 1.26 of this title.”

Section 6.12.010 (A) – Running at large prohibited

“No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any dog shall permit such dog to be in or upon any public street, alley or other public place or in or upon any unenclosed lot or premises, unless such dog is securely confined by a strong cord, chain or leash, not exceeding 6 feet, securely and continuously held by a competent person owning, having an interest in, harboring or having charge, care, control, custody or possession of such dog, unless such dog is confined to an automobile.”

Section 6.18.015(5) – (Prohibited Activities)

“It is unlawful and a public nuisance for any person to own, harbor or keep a vicious dog.”⁴

SUBJECT PROPERTY

⁴ Section 6.18.020(A)(5) P.M.C. states: “As used in this chapter, “public nuisance dog” or “vicious dog” means any dog that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners or family members, to the enjoyment of life or property. The term “public nuisance dog” means and includes, but is not limited to, a dog who exhibits any of the following types of behavior: (5) Is repeatedly found at large more than two times.”

The subject property is detached single-family residence of 3349 square foot situated on a hillside lot that is 48,631 square foot. The site is located at the terminus of Edgehill Place and accessed via a short, gated private drive that serves several other nearby residences. The property is bound on the south, west, and north by rugged, undeveloped mountain and valley topography. The north and west portions of the site are up-sloping hillside terrain while the southern portion of the site is downward ravine type topography that leads to adjacent properties. The site is not fully fenced and in past instances the dogs under review in this matter have followed the down sloping ravine to leave the site and run at-large.

BACKGROUND – PRIMARY VIOLATION

On June 3, 2017, the Pasadena Humane Society received a complaint that three dogs that live at 1372 Edgehill Place had left the property and were at 1378 Edgehill Place. Animal Control Officer Oscar Canales (CANALES) responded to the location and contacted the reporting party, Jay Miller (MILLER). MILLER told CANALES that when the dogs entered his property they had aggressively attacked his dog (an adult English Bulldog named "Bullwinkle) but did not cause injuries. CANALES inspected MILLER's dog and did not see visible injuries.

CANALES took custody of three German Shepherd dogs which included a male named "Lupin," (LUPIN), a male named "Enzo," (ENZO) and a female named "Lucy" (LUCY.) The dogs were unlicensed, unaltered, and each appeared to be friendly and younger than one year. CANALES described the dogs' disposition as docile and friendly when he impounded them.

CANALES later went to 1372 Edgehill Place and met with Melissa Ledonne (LEDONNE) who stated that she was the caretaker of the dogs and that she was looking for them because they had left the property unbeknownst to her or the residence occupants. CANALES warned LEDONNE of the Pasadena leash law and advised her to obtain a license for each of the dogs. LEDONNE stated that the dogs would not again escape from the property and CANALES released the dogs to her.

On June 29, 2017, MILLER again contacted the Pasadena Humane Society and reported that ENZO, LUCY, and LUPIN had left the property at 1372 Edgehill Place and were once again on his property. MILLER additionally stated that the dogs had been running at-large on an earlier date and requested that they be removed from their owner. Animal Control Officer David Castro (CASTRO) responded to the complaint and confirmed that the dogs were running at-large. CASTRO impounded the dogs and transported them to the Pasadena Humane Society. Lieutenant Nemesio Arteaga (ARTEAGA) spoke with LEDONNE by telephone, advised her an officer had impounded the dogs while they were at large and the Pasadena Humane Society was in the process of preparing a report to request that the City of Pasadena schedule a Code Enforcement Commission Hearing regarding the dogs repeatedly being found running at-large in violation of the Pasadena Municipal Code. LEDONNE stated that the dogs belonged to her employer, Siu Fung Siegfried Lee (LEE) but that she was responsible for them because LEE spends a great amount of time away from the residence on business.

LEDONNE further stated that LEE was out of state and that it would be several days before he would return home. LEDONNE stated that the dogs left the property when the automatic driveway gate had been opened to allow passage of a vehicle. LEDONNE inquired about the Code Enforcement Commission process and potential recommended corrective actions to which ARTEAGA advised that such plan would likely include required construction of a kenneling area and a requirement that when the dogs were not in the kennel they must be leashed and held by a person.

After further discussion, LEDONNE stated that the Commission hearing process was not necessary because it was her intent to have a kennel built to maintain the dogs thereby eliminating the dogs' ability to leave the site when the automatic driveway gate was opened. LEDONNE agreed to leave the dogs at the Pasadena Humane Society until construction of the kennel was complete. Once the construction of the kennel was complete LEDONNE contacted the Humane Society and requested that an officer inspect it to make sure it was adequately built. Animal Control Officer Gabrielle Hendriksen (HENDRIKSEN) inspected the kennel and noted that it was approximately 15 feet wide and 30 feet long. The kennel walls were constructed of welded tubular steel that was at least six feet tall, it had a concrete floor and three dog houses. The kennel appeared to sufficiently secure to prevent the dogs from escaping. The dogs were released to LEDONNE after she promised to house them in the kennel at all times.

On August 10, 2017, the Pasadena Humane Society received a complaint from MILLER again stating the three dogs from 1372 Edgehill Place were loose and in his yard. Animal Control Officer David Castro (CASTRO) responded to MILLER's address whereupon he took control of the dogs and impounded them. The dogs were transported to the Pasadena Humane Society. ARTEAGA conducted a records check which revealed that the dogs had not been licensed. ARTEAGA called LEDONNE and advised her that the dogs had been impounded because they had been found running at-large.

ARTEAGA advised LEDONNE of the apparent need to schedule a public hearing before the Code Enforcement Commission. LEDONNE reported that the dogs had been able to get out of their kennel because ENZO had learned to unlatch the kennel's gate. LEDONNE requested that the Humane Society not schedule a hearing because her employer, LEE was in the process of finding a new home for ENZO and the other two dogs did not know how to unlatch the gate. She further stated that she would contact LEE to confirm that he would be willing to find a new home for the dog.

By August 23, 2017, ARTEAGA had not been re-contacted by LEDONNE. He called her at which time she told ARTEAGA to move forward with a hearing before the Code Enforcement Commission. The following day LEDONNE requested that the dogs be released to her. She also said she would place a padlock on the kennel gate to make ensure that ENZO wouldn't unlatch it. LEDONNE further indicated that she would have the male dogs (ENZO and LUPIN) neutered, would have the female dog (LUCY) spayed, and each licensed after the surgery. The dogs were released to LEDONNE after the surgeries where after she obtained required dog licenses. Shortly thereafter LEDONNE advised ARTEAGA that ENZO had been removed from the property.

On September 28, 2017, the Pasadena Humane Society received a complaint that two dogs from 1372 Edgehill Drive had once again left the site and were loose in the area of the 1300 block of Inverness Drive. Animal Control Officers Greg Murphy (MURPHY) and Andrew Nunez (NUNEZ) responded to the area. Upon arrival in the area MURPHY and NUNEZ could not locate the dogs. MURPHY and NUNEZ then drove to 1372 Edgehill Drive and met with an adult female who identified herself only as "Sonia" (SONIA). SONIA told MURPHY and NUNEZ that the dogs had escaped but that she was not responsible for them because she was only LEE's housekeeper. SONIA reported that LEDONNE was responsible for the dogs and neither she nor LEE were at the residence. SONIA called LEDONNE who drove to the address to meet with MURPHY and NUNEZ.

NUNEZ advised LEDONNE that due to the number of times the dogs had left the property and had run at-large through the area that he would like to impound them and house them at the Pasadena Humane Society pending the outcome of a Code Enforcement Commission Hearing. LEDONNE declined NUNEZ request for consent to enter the property to impound the dogs. She also declined a request to surrender the dogs. While at the location NUNEZ called ARTEAGA to advise him of the situation. As part of that telephone conversation ARTEAGA spoke with LEDONNE at which time she reported that dogs hadn't escaped from the kennel. She reported that she had she had purchased a "virtual fence" (electronic dog collar device) so that the dogs could be let out of the kennel because she felt bad having them constantly confined. She went on to report that SONIA let the dogs out of the kennel so they could run freely on the property, not knowing that the virtual fence would not prevent the dogs from running out of the property. LEDONNE stated that the dogs would no longer be able to leave the property because she would make sure they stayed in the kennel at all times.

On December 14, 2017, the Pasadena Humane Society received a complaint that two dogs from 1372 Edgehill Place were once again at large and one of them had growled at reporting party Carolyn Stockton (STOCKTON.) MURPHY and NUNEZ responded to the area. MURPHY went to STOCKTON's address while NUNEZ went to 1372 Edgehill Place. MURPHY reported that upon arrival he met STOCKTON whereupon she told him the dogs had already left her property. She also told him that while one of the dogs was in her property she tried to get it to leave and it growled at her in an aggressive manner.

NUNEZ reported that when he arrived at 1372 Edgehill Drive he observed that the dogs were secure at the address. NUNEZ met with LEDONNE and advised her of the complaint. He also informed her both dogs must be impounded under PMC 6.18.030 because there was reasonable cause to believe the dogs meet the definition of "Public Nuisance Dog" pursuant to Pasadena Municipal Code Section 6.18.040. LEDONNE surrendered the dogs and NUNEZ transported them to the Pasadena Humane Society to be housed pending the outcome of a Code Enforcement Commission Hearing.

On December 20, 2017, ARTEAGA spoke with LEE via telephone and advised him of Pasadena's "leash law." (P.M.C 6.12.010) and advised LEE that given the totality of recent circumstances the dogs met the definition of "public nuisance dog" pursuant to Pasadena Municipal Code Section 6.18.040. LEE reported that he was in Texas at the time of the incident, that he had been made aware of the allegations, and that the allegations were false. Lee continued, stating that he had been contacted by telephone

and made aware of the allegations and that the dogs were only out of the kennel but had not left his property. LEE suggested that ARTEAGA contact LEDONNE because she is the person responsible for the dogs when he is away from the residence. ARTEAGA called LEDONNE who stated that the dogs had escaped from the property because SONIA (housekeeper) opened the kennel's gate to feed the dogs whereupon they ran out of the kennel, and over a hill before she could catch them. LEDONNE requested that the dogs be released to her. ARTEAGA asked LEDONNE to recount what steps she would take to assure that if the dogs were released to her that they would not again escape. LEDONNE stated that over the past several months she had been trying to keep the dogs on the property and could not think of anything else she could do that would guarantee that they would not escape again.

In preparation for the February 1st meeting of the Code Enforcement Commission, on January 12, 2018, Code Compliance Manager Jon Pollard (POLLARD) met with LEDONNE and LEE at the site. The purpose of the site visit was to allow POLLARD to better understand the layout and configuration of the dwelling and accessory structures on the parcel; to better understand how the parcel was fenced, and to understand the topographical conditions of the site. The majority of the site inspection and conversation was conducted with LEDONNE during which she noted that the yard area where the swimming pool and basketball court is going to be completely rebuilt and that new fencing will be installed in that area to contain the dogs. LEDONNE stated that the dogs will be housed in a secondary fenced kennel area at all times unless they are inside the house or be held by leash.

Given the number of times the dogs have escaped from the property, the Pasadena Humane Society makes the following recommendation to the Code Enforcement Commission:

Recommended Findings:

It is recommended that the Code Enforcement Commission make the following findings of fact:

1. That "ENZO," "LUCY," and "LUPIN" are adult German Shepherd dogs owned by Siu Fung Siegfried Lee on the dates and times of the incidents described in the undersigned report;
2. That ENZO is no longer owned by Siu Fung Siegfried Lee and is no longer on his property.
3. That LUCY and LUPIN are currently licensed and owned by Siu Fung Siegfried Lee.
4. That Siu Fung Siegfried Lee violated Section 6.16.010 of the Pasadena Municipal Code (License and Registration Required) by keeping the three unlicensed dogs residing in the City of Pasadena;
5. That Siu Fung Siegfried Lee violated Section 6.12.010 of the Pasadena Municipal Code (Running at large prohibited) by allowing the three dogs to be at large within the City of Pasadena on at least three separate occasions;

6. That Siu Fung Siegfried Lee was notified of the alleged violations of the Pasadena Municipal Code with respect to the dogs running at large and prohibited activities, and properly informed of the scheduled date of the hearing before the Code Enforcement Commission;
7. That the dogs' owner, Siu Fung Siegfried Lee, appeared (or did not appear) at the hearing and testified;

or

That the dog owner's representative, Mr./Ms. _____ appeared and testified on behalf of the animals' owner;

8. That the following document was received into evidence at the hearing on February 1, 2018:
 - i. Exhibit "A" – Pasadena Humane Society Staff Report
9. That _____ of the Pasadena Humane Society appeared and testified on behalf of the City of Pasadena;
10. That as required under Section 6.18.040(F), of the Pasadena Municipal Code entitled "Public nuisance dogs – Procedures" the Commission when considering such determination and assessing whether such animal be impounded, destroyed, or released with reasonable terms, conditions or restrictions, shall have considered the presence or absence of the following items as part of the deliberative process:
 - i. Any previous history of the dogs attacking, biting or causing injury to a human being or other animal;
 - ii. The nature and extent of the injuries inflicted and the number of victims involved;
 - iii. The place where the bite, attack or injury occurred;
 - iv. The presence or absence of any provocation for the bite, attack, or injury;
 - v. The extent to which property has been damaged or destroyed;
 - vi. Whether the dogs exhibit any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
 - vii. The manner in which the dogs have been maintained by their owner;
 - viii. Any other relevant evidence concerning the maintenance of the dogs;
 - ix. Any other relevant evidence regarding the ability of the owner, or the poundmaster, to protect the public safety in the future if the dog is permitted to remain in the city.
11. That the Commission has received competent testimony and that after giving thoughtful and deliberate consideration to the testimony received during the course of this hearing have determined that the dogs constitute a public nuisance as defined by the Pasadena Municipal Code.

course of this hearing have determined that the dogs constitute a public nuisance as defined by the Pasadena Municipal Code.

Recommended corrective action in this case:

1. It shall be the Order of this Commission that the dogs be kept in their kennel at all times unless they are inside the residence or on a leash that is being continuously held by a competent adult person and;
2. The requirements set forth in Condition Number 1 shall be set aside and held in abeyance at such time as Siu Fung Siegfried Lee constructs a fence within the open areas of his parcel that has complete closure and is fully capable of resisting the animals attempt to leave the property and;
3. Determination of the adequacy of any fencing installed at a future date used in conjunction with meeting the requirements of Condition Number 2 and its adequacy to contain LUCY and LUPIN shall be at the complete discretion of the Pasadena Humane Society and;
4. Maintaining LUCY and LUPIN in any fenced area not a fully enclosed kennel absent approval from the Pasadena Humane Society shall be deemed to be violation of this Order and may be subject to prosecution by the Pasadena City Attorney's Office.

Attachments:

- Attachment A: Los Angeles County Assessor's Property Detail Report
Attachment B: Legal Description of Property
Attachment C: Area Map
Attachment D: Assessor's Parcel Map
Attachment E: Aerial Photograph

Date: 1/17/18


Lieutenant Nemesio Arteaga
Pasadena Humane Society & SPCA

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EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1:

That portion of Parcel 4 of Parcel Map No. 14814, in the City of Pasadena, County of Los Angeles, State of California, as per map filed in Book 259, Pages 36 through 39 Inclusive of Parcel Maps, in the office of the county recorder of said county, described as follows:

Beginning at the Northwestern corner of Parcel 3, of said Parcel Map No. 14814;

Thence North $16^{\circ} 35' 09''$ West 28.41 feet to the beginning of a Southeast concave curve, on the Northerly line of said Parcel 4, having a radius of 35.00 feet, a radial line to said point bears North $39^{\circ} 32' 13''$ East;

Thence Westerly and Southwesterly along said curve and said Northerly line an arc length of 74.16 feet, through an interior angle of $121^{\circ} 23' 51''$ to an angle point in said Northerly line;

Thence continuing along said Northerly line of said Parcel 4, North $87^{\circ} 29' 30''$ West 333.99 feet to an angle point;

Thence continuing along said Northerly line South $76^{\circ} 24' 26''$ West 218.85 feet to the most Westerly corner of said Parcel 4;

Thence along the Southerly line of said Parcel 4, the following courses:

South $81^{\circ} 31' 20''$ East 246.91 feet;

South $77^{\circ} 42' 20''$ East 188.44 feet;

South $48^{\circ} 29' 40''$ East 60.00 feet to an angle point in said Southerly line;

Thence leaving said Southerly line, North $42^{\circ} 45' 44''$ East 201.18 feet to the point of beginning.

Said legal was made pursuant to "Certificate of Compliance" recorded August 28, 2008 as Instrument No. 08-1559258 of Official Records.

Parcel 2:

Easement for Ingress and egress over those portions of Parcel 3 and Parcel 4 of Parcel Map No. 14814, in the City of Pasadena, County of Los Angeles, State of California, as per map filed in Book 259, Pages 36 through 39 Inclusive of Parcel Maps, in the office of the county recorder of said county, described as follows:

Beginning at the Northwestern corner of said Parcel 3;

Thence North $16^{\circ} 35' 09''$ West 12.31 feet;

Thence North $86^{\circ} 42' 30''$ East 305.36 feet to the most Easterly line of said Parcel 3 and Parcel 4;

Thence along the Easterly line of said Parcels 3 and 4, South $30^{\circ} 00' 00''$ East 22.39 feet;

Thence South $86^{\circ} 45' 30''$ West 310.70 feet;

Thence North $16^{\circ} 35' 09''$ West 8.23 feet to the point of beginning.

Legal Description – 1372 Edgehill Place

Property Detail Report

For Property Located At :
1372 EDGEHILL PL, PASADENA, CA 91103-1112



Owner Information

Owner Name: **HI SCENE INDUSTRIAL LTD**
 Mailing Address: **1372 EDGEHILL PL, PASADENA CA 91103-1112 C023**
 Vesting Codes: **// CO**

Location Information

Legal Description: **P M 259-36-39 LAND DESC IN DOC 482496, 040113 POR OF LOT 4**
 County: **LOS ANGELES, CA** APN: **5704-030-012**
 Census Tract / Block: **4608.00 / 2** Alternate APN:
 Township-Range-Sect: Subdivision: **PARCEL MAP 14814**
 Legal Book/Page: Map Reference: **/**
 Legal Lot: **4** Tract #:
 Legal Block: School District: **PASADENA**
 Market Area: **645** School District Name:
 Neighbor Code: Munic/Township:

Owner Transfer Information

Recording/Sale Date: **/** Deed Type:
 Sale Price: 1st Mtg Document #:
 Document #:

Last Market Sale Information

Recording/Sale Date: **03/14/2017 / 03/07/2017** 1st Mtg Amount/Type: **/**
 Sale Price: **\$3,300,000** 1st Mtg Int. Rate/Type: **/**
 Sale Type: **FULL** 1st Mtg Document #: **/**
 Document #: **289152** 2nd Mtg Amount/Type: **/**
 Deed Type: **GRANT DEED** 2nd Mtg Int. Rate/Type: **/**
 Transfer Document #: Price Per SqFt: **\$985.37**
 New Construction: Multi/Split Sale:
 Title Company: **LAWYERS TITLE**
 Lender:
 Seller Name: **ZEPHYR FAMILY TRUST**

Prior Sale Information

Prior Rec/Sale Date: **03/28/2008 / 02/28/2008** Prior Lender: **UNION BK/CA NA**
 Prior Sale Price: **\$2,900,000** Prior 1st Mtg Amt/Type: **\$1,100,000 / CONV**
 Prior Doc Number: **537884** Prior 1st Mtg Rate/Type: **5.50 / ADJ**
 Prior Deed Type: **GRANT DEED**

Property Characteristics

Gross Area:		Parking Type:		Construction:	
Living Area:	3,349	Garage Area:		Heat Type:	CENTRAL
Tot Adj Area:		Garage Capacity:		Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:		Basement Area:		Patio Type:	
Bedrooms:	3	Finish Bsmnt Area:		Pool:	POOL
Bath(F/H):	4 /	Basement Type:		Air Cond:	CENTRAL
Year Built / Eff:	2007 / 2007	Roof Type:		Style:	
Fireplace:	/	Foundation:		Quality:	
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	PSR2	Acres:	1.12	County Use:	SINGLE FAMILY RESID (0103)
Lot Area:	48,631	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	1 /	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$1,926,634	Assessed Year:	2017	Property Tax:	\$22,197.03
Land Value:	\$1,576,280	Improved %:	18%	Tax Area:	7500
Improvement Value:	\$350,354	Tax Year:	2017	Tax Exemption:	
Total Taxable Value:	\$1,919,634				

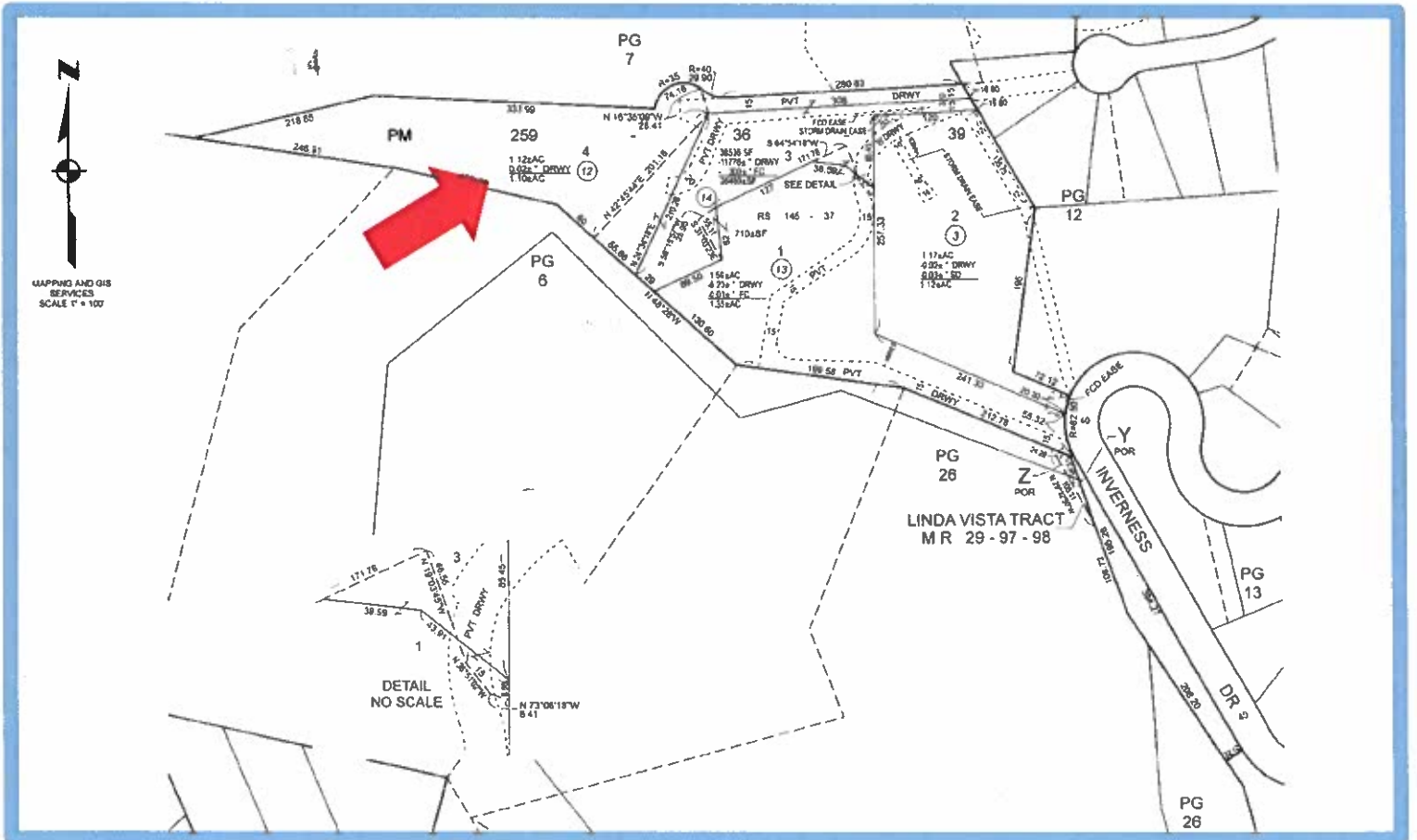
Assessor's Parcel Data – 1372 Edgell Place



Area Map – 1372 Edgehill Place



Aerial Photograph – 1372 Edgehill Place



Assessor's Parcel Map – 1372 Edgehill Place