

# Marquez Knolls

Hotline: 310 454-7678  
Editor: Haldis Toppel

Marquez Knolls Property Owners Association, Inc.  
P.O. Box 1307, Pacific Palisades, CA 90272

Quarterly Newsletter

MKPOA

April 2008

## PRESIDENT'S MESSAGE

I am happy to report that the final milestone in the MKPOA involvement with litigation has been successfully passed. While a settlement of the actual lawsuit had been reached some time ago, the Appellate Court ruled in favor of MKPOA in the related case involving our insurance carrier's denial to cover the cost of defense. The insurance company had used a loophole in the policy to deny coverage. The settlement allowed us to pay all debts to our attorney and it has replenished the MKPOA bank account that had been severely depleted by the lawsuit. Our special thanks go to Rosario Perry who had agreed to represent MKPOA in the litigation on a contingency basis. Of course the many hours of heart ache, hard work, and commitment by the Board members over the last four years can never be forgotten. It was their dedication to the Association that ultimately brought successful closure. The Association owes them a great deal of gratitude.

MKPOA has become painfully aware of the dire consequences of being involved in litigation. Besides the cost to the Association, a difficult situation was created by its inability to respond to residents' request for assistance while the litigation was under way. In order to reduce the potential for a re-occurrence of such a situation, MKPOA has consulted a number of attorneys, has researched its own history and has developed a set of policies that outline the role MKPOA plays in conflict resolution between neighbors.

The Board of Directors has adopted this four-step policy last month. It is included in this newsletter for your information. MKPOA has since responded to three requests for information/assistance on tree obstruction issues that were received from Charmel Lane, Enchanted Way, and Tellem Drive. Information was distributed under the Phase I part of the policy. All parties have responded positively and have established a dialogue with the intent to find a mutually-agreeable solution. We consider this a great success in keeping neighborly relationships on a friendly and cooperative level. That's what Marquez Knolls is all about, isn't it? Please join us at our annual meeting on May 8 and help us celebrate the re-birth of the Association.

*Haldis Toppel*

**Notice of Correction:** A previous edition of this newsletter erroneously related the "Zabrucky/McAdams" litigation to the insurance company appeals court decision; the related case is "Valery." Zabrucky/McAdams is not related to this court action.

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*You are cordially invited  
to attend the*

## *MKPOA Annual Meeting*

*Thursday, May 8, 2008  
6:30 p.m. - 9:00 p.m.*

*Marquez Charter School Auditorium,  
16821 Marquez Avenue.*

*Please join us for Facts, Food, and Fun*

Each year, MKPOA holds an annual meeting open to all residents of Marquez Knolls (see "Marquez Knolls Boundaries" on pg. 2) regardless of their membership status. Non-members have the opportunity to join.

At the meeting paid-up members of the Association vote for the new Board of Directors (see bios on pg. 4). Nominations from the floor are accepted. To be eligible for a Board position, the member must have attended two Board meetings in the previous three months. A member may be voted onto the Board by Board members during the year after the attendance requirement has been met. The maximum number of Board positions is 17.

The annual meeting this year has a star-studded program. Presenting and answering questions about issues in our neighborhood will be:

- LA City Councilman Bill Rosendahl;
- Sgt. Ronnie Crump, LAPD Vice Unit - his special concern is substance abuse among teenagers in the Palisades;
- LAPD Senior Lead Officer Michael Moore; and
- LAFD Captain James Varney of our local fire station.

Refreshments will be served at 6:30 p.m. and the Meeting starts at 7:00 p.m. Please come early to meet your Board of Directors, friends, neighbors and your public servants.

## Fire Safety - A Stitch in Time....

By Klaus Radtke

Being prepared for the next fire season does not start when the season starts. By keeping the following fire safety principles in mind you can greatly increase the safety of your house and that of your neighborhood. It is a matter of planning as your actions affect you as well as your neighbors.

### Structures:

A wood shingle roof has a higher probability of igniting from burning firebrands than native woody chaparral vegetation. Even with 100 feet 'brush clearance', a house with a wooden roof has a 20 times greater probability of burning than a house with a non-wood roof; this includes pool houses and sheds. Even a small two-story structure on level ground can create enough radiant heat during its burnout period to ignite wood siding on homes within a 60-foot radius. While the burnout period for chaparral in a wind-driven fire is generally less than 15 minutes, the burnout period for a house may last hours. During this time a neighbor's home may be subjected to invisible radiation heat from the burning house that raises surrounding vegetation and structural fuels to the ignition point, and also to visible firebrands that may invade the home unnoticed.

### Landscaping:

Reduce vegetation near your house. Hedges and rows of trees pose a greater fire danger than single trees at a safe distance. For a single burning tree or bush, the heat intensity decreases with the square of the distance. A tree burning within 20 feet of a window transfers only 1/4 the heat to the house compared with a tree burning within 10 feet. For a hedge or row of trees, the heat intensity only decreases with the distance. A house receives this heat from all points along the line. Thus the heat intensity received 20 feet from a burning hedge is still 1/2 of that at 10 feet.

Reduce flammable vegetation. Increasing the number of flammable landscape plants around a home and increasing the number of trees, or both, will make a home more prone to fire despite legal brush clearance. The term 'fire resistant' is misleading in relation to flammability of plants. All plants will burn under the proper fire weather conditions. In fire ecology the term 'fire-resistant' denotes that a plant is adapted to fire such as having thick bark (e.g. mature Ponderosa Pine) or will readily re-sprout when burned (e.g. Coast Live Oak) or will regenerate through prolific seeding (e.g. Rosemary). Species can burn readily under the proper conditions if not maintained in a fire-safe manner. Landscape fuels that burn adjacent to a house create enough conductive and radiant heat to ignite wood siding, wooden decks, trellises, and to break windows. Unprotected windows are often the 'Achilles heel' for fire entry even on a "fire-safe" designed home.

*(Editor's Note: Klaus Radtke is a Wildland Resource Scientist and retired MKPOA Board Member residing in Hawaii. You can download his many times republished book: "A Homeowner's Guide to Fire and Watershed Management" at: [www.sdfirerecovery.net/edu/radtke.html](http://www.sdfirerecovery.net/edu/radtke.html).)*

### **MKPOA Membership Invitation**

All Marquez Knolls homeowners are invited to join or renew their membership in the MKPOA. Dues are \$30 per calendar year per household. You may mail your dues in the envelope which is enclosed for those who have not yet joined or renewed for 2008 or you may send a check to MKPOA, P.O. Box 1307, Pacific Palisades, CA 90272. Contributions or gifts to Marquez Knolls Property Owners Association are not tax deductible as charitable contributions.

In addition to the dues you are also invited to become involved in the Association. You can indicate your interest by checking the box on the envelope and you will be contacted or you may call and leave a message on our hotline: 310-454-7678.

### **Letters to the Editor**

MKPOA new Web site:

*Great CC&R research tool. Love your pictures!*

Bob Long

MKPOA Community Notices:

*We're getting increasingly concerned about many of our neighbors seeming to be unaware that we live in a semi-arid desert, and are in the middle of a severe drought. Gardeners are still liberally using a garden hose to do pointless things like hosing down driveways. Many of our neighbors have their sprinklers on for long times at all hours of the day. It's something we feel very strongly about - we're recycling our bath and shower water to minimize sprinkler use!*

Ian Moffitt

### **Marquez Knolls Boundaries**

MKPOA represents and assists its members who are residents of the Pacific Palisades neighborhood referred to as "Marquez Knolls." The geographic boundaries of Marquez Knolls are largely determined by its topography and described as follows:

*"All streets with access to the north side of Sunset Boulevard between Bienvenida Avenue and the west intersection of Marquez Avenue, inclusive of Bienvenida and Marquez. Exclusion: addresses on Sunset Boulevard, Las Pulgas Road and its tributaries, and all gated communities."*

Much of this area was initially developed, tract by tract, by the Lachman family and its partners. Additional land in the area was developed independently at a later time. The many different CC&Rs (Conditions, Covenants and Restrictions) which were established by the developers for each tract, and which govern the land use of each parcel, reflect this history.

The CC&Rs established by the Lachman developers can be found on the MKPOA website [www.MarquezKnolls.com](http://www.MarquezKnolls.com). If you have copies of any other CC&Rs in Marquez Knolls we would appreciate a copy of them.

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### **Call 311 – The City's Best Kept Secret**

Did you know that 311 is a "one stop shopping" number for LA City Hall information and assistance? It is modeled after the 911 concept. Watch out for more detail in the next newsletter.

**Slate of Officers**  
**Nominated for the 2008/09 MKPOA Board of Directors**

*The following MKPOA members have been nominated for the upcoming election of the Board of Directors. Nominations can be made from the floor and are open until the vote is taken at the annual meeting on May 8, 2008. Please contact Silgia Grassl at 310 454-4438 if you wish to be nominated or wish to nominate someone you know.*

**Karin Fintzy** has lived in Marquez Knolls since 1968 and has been a member of the MKPOA Board for over 20 years. At present, she serves as Vice-Chair and Corresponding Secretary, among other duties. Additional community activities include membership on the Board of the Pacific Palisades Civic League, being an officer of the elementary, middle and high school PTAs, volunteer with Chamber Music Palisades, and serving as a docent since 1984 at the Getty Museum where she lectures on architecture and gardens. Her work experience includes landscape design and real estate sales.

**Janet Turner** and her husband have lived in Marquez Knolls for 14 years. She joined the Board of MKPOA two years ago. Janet is a Board member of the Pacific Palisades Community Council (PPCC) and serves as the Area 3 Representative, representing the residents of Marquez Knolls. She has been influential in addressing the Marquez School traffic problem and the location of a cell phone tower on Charmel Place. She regularly reports on PPCC activities in the MKPOA newsletter with the "Turner Report." Janet is a television and movie producer and has worked on "A Thin Blue Lie" for Showtime and "Abandoned and Deceived" for ABC, the TLC series "Untold Stories of the ER" the History Channel series "The States."

**Sylvia and Jon Boyd**<sup>1)</sup>, native Californians, attended high school together. They married after graduation while Jon was serving in the Marines during the Korean War. The Boyds moved to the Palisades in 1976. Jon was an L.A. Fireman and joined forces with Sylvia's part-time career in Tupperware. They took on a franchise, travelling and living all over the world during the 45 years they were corporate staff. Sylvia retired as President of Tupperware Canada, in 2001. During the ten years they lived in Asia Pacific and Canada the Boyds retained their Palisades home. The Boyds are now actively involved in the Pacific Palisades Presbyterian Church, PAPA (July 4th parade), Discovery Shop (American Cancer Assoc.), Chrysalis and Las Dorados.

**Howard Robinson** and his wife Kate Lehrman have lived in the Marquez Knolls area for 12 years. They have two teenage daughters who both attended local public schools. Howard has a background in construction, urban planning and real estate development. He has owned a residential development company, served as the Real Estate and Economic Development Manager for City of Santa Monica and, for the past 7 years, has run a land use consulting firm specializing in helping property owners and business owners navigate their way through the governmental entitlements and permit process. Howard and Kate are active in several charities and environmental groups. They love the friendly small town atmosphere and outdoor mountain and beach lifestyle of the Palisades.

Continued on pg. 4 "Slate of Officers"

**THE TURNER REPORT**

*Consider getting more involved. Attend a Pacific Palisades Community Council (PPCC) meeting. Visit [www.PP90272.org](http://www.PP90272.org)*

**PPCC Supports Marquez Knolls Residents**

Good News! The residents of Charmel Place have won round one against the placement of a 45 foot monopole T-Mobile cell phone tower adjacent to their homes. On March 10, 2008, Associate Zoning Administrator, Patricia Brown, found that the requirements for authorizing a conditional use permit to T-Mobile were not established, and she denied the permit. Among her findings were:

- The proposed location will not be desirable to the public convenience or welfare.
- There is no proof of a sufficient safety zone between the tower and the closest residence.
- It would be detrimental to the character of the neighborhood,
- It would have a substantial adverse impact on properties in the neighborhood.
- The site is not of a size and shape sufficient to provide the setback required by code.
- An effort in good faith was not made by T-Mobile to find a location in a more remote area.

Ms. Brown noted strong community opposition to the T-Mobile cell phone tower being placed on Charmel Place. MKPOA, as well as the Pacific Palisades Community Council, the Civic League and the Palisades Residents Association opposed the location for many of the reasons listed above.

T-Mobile is appealing the decision. The date has not been set yet but the hearing will take place in West Los Angeles. These appeals are like a new trial, so it will be important for residents in the area to write new letters to the zoning commissioners. Local residents should attend the appeal to make sure their voices are heard.

**PPCC Issues of Community Wide Interest**

PPCC opposes the proposed closure of Temescal Canyon Gateway Park and Topanga State Park.

PPCC questions the legality of photo enforcement of a stop sign in Temescal Canyon Gateway Park.

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*Janet Turner is a Board member of MKPOA and the Pacific Palisades Community Council (PPCC). She represents MKPOA on the Council and provides regular reports on her Council activities.*

*You may contact her at:*

*[janeturner35@hotmail.com](mailto:janeturner35@hotmail.com)*

Con'd from pg. 3: "Slate of Officers"

**Haldis and Kurt Toppel**<sup>1)</sup> moved to California from Germany separately. Married in 1976, they have one son. Kurt moved to the Palisades in 1958 and he has lived on Enchanted Way since 1960. He began his career in the early years of data processing and later formed his own company as international business consultant. Kurt is a Palisades Citizen of the Year and a Spark Plug winner. He is past president of MKPOA and has been on the Board for over 20 years. He is past Chairman of the Santa Monica Red Cross and the Pacific Palisades Community Council (PPCC). Kurt chaired the \$1 million fundraising drive to build the new Palisades gym and is currently on the Board of P.R.I.D.E. and PPCC.

Haldis has pursued a career in Information Systems and has recently retired from 20 years with the City of Los Angeles as the Chief Information Security Officer. She has been a chair or Board member of a number of professional organizations and is currently an appointed advisor to the Chair of the Pacific Palisades Community Council. This is Haldis' first year on the MKPOA Board but she is no novice to the organization. Over the years she has gained an understanding and appreciation of the many issues that affect MKPOA through the eyes of her husband, Kurt.

**Silgia Grassl** moved with her husband and their two children to the Marquez Knolls neighborhood in 1976. They have lived in the same house on Lachman Lane for more than 30 years and are now retired. Silgia joined the Board of MKPOA in 2005.

**Bill Richards** and his wife Dorothy have lived in Marquez Knolls since 1977. He was a member of the Board in 1994 when it was reorganized as MKPOA. He rejoined the MKPOA Board in 2004 and serves as the Treasurer and also maintains the membership records.

**Sidney (Sid) Galanty** has lived in Marquez Knolls since 1966 and has been a member of the MKPOA Board of Directors for over 10 years. Sid is an advertising specialist, political media consultant and a seasoned director in broadcasting, television and political media. He was a consultant to the U.S. Army's Space Program led by Dr. Werner von Braun and later joined the administration of President John F. Kennedy where he received the Distinguished Government Service Award. In 1980 Sid helped create, produce, and market the "Jane Fonda Workout." In addition to many other industry awards, Sid won the Berlin Film Festival award for "Seeds of Hope" and the Cannes Film Festival Award. He has lectured at Yale, Columbia, Lewis & Clark, and UCLA and provided international communications consulting in Great Britain and Eastern Europe.

**2007/08 DIRECTORS & OFFICERS\***

- \*Haldis Toppel, President  
310 454-8060
- \*Karin Fintzy, Vice Chair and  
Corresponding Secretary  
310 454-7031
- \*Bill Richards, Treasurer  
310 454-9761
- \*Sylvia Boyd  
Recording Secretary  
310 454-9556
- Jon Boyd, Advisor <sup>1)</sup>  
310 454-9556
- Sid Galanty  
310 459-1285
- Silgia Grassl  
310 454-4438
- Bernie Hathaway  
310 454-0250
- Howard Robinson  
310 454-3434
- Janet Turner  
310 573-0382
- PPCC Representative  
310-573-0382
- Kurt Toppel, Advisor <sup>1)</sup>  
310 454-8060

<sup>1)</sup> Non-Voting Members

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**Electronic Distribution**

*If you wish to receive the MKPOA agenda and minutes electronically, as well as occasional up to the minute announcements of interest to Marquez Knolls residents, please send an e-mail with the words "MKPOA email" and your name in the subject area to [MarquezKnolls@aol.com](mailto:MarquezKnolls@aol.com).*

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Marquez Knolls Home Sales 2008 vs. 2007**

	<b>Number Sold</b>	<b>Median Sales Price</b>	<b># Active as of March. 31st</b>
2007	5	\$1,200,000	11
2006	6	\$1,873,000	9
Number of Sales			17 % lower
Median Sale Prices			36 % lower
Active Inventory			22 % higher

\* Statistics based upon M.L.S. records

As of Tuesday, April 1<sup>st</sup> the lowest-priced available home in Marquez Knolls is a 2-bedroom, 2-bath on Livorno being offered at \$1,595,000. The highest-priced property is a 3-bedroom, 2.5-bath on Lachman being offered at \$3,195,000. The lowest sale price so far this year was a 3-bedroom, 2-bath on Via Santa Ynez (\$1,160,000). The highest sale so far this year was a 3-bedroom, 2.5-bath on Charmel (\$1,625,000).

(Michael Edlen has been a resident of Marquez Knolls for 30 years)

**Michael Edlen Realty where "Enthusiasm is the Secret of Success" [Michael@michaeledlen.com](mailto:Michael@michaeledlen.com) 310 230-7373**

# Public Safety Alerts

## Safe Drug Use?

*by Sgt. Ronnie Crump, LAPD*

Many people believe that intentionally using medicines to get high is “safer” than using illegal drugs. A large number also perceive that medication drugs are safer because they have legitimate uses, but taking them improperly or when healthy to get high or self medicate can be every bit as dangerous and addictive as illegal street drugs.

Although often not seen in our households, (because they are very illegal) Crystal Meth, Cocaine, Heroin, Marijuana, Hash, Inhalants, GHB, Ecstasy, and the host of other street drugs are vastly real and present in our community. However more commonly present in homes, schools, and communities and easily accessible are prescription (Rx) drugs such as pain relievers, stimulants, and sedatives.

Teenage consumption of these drugs combined with over the counter medications, mixed doses, and used in conjunction with alcohol is not only illegal, but dangerous and reckless. However, the perceived notion they are safer sometimes legitimizes the consumption. We (LAPD) recognize that it is not easy being a young adult, but poor decisions can have a dramatic effect on their future and could even be fatal. Drunk and drugged driving, overdosing, and recreational use is present in our community and often leads to dangerous and risky behaviors that result in Police and Fire Department responses.

We ask that parents and families closely examine and evaluate the potential for Drug and Alcohol Abuse in their young adults because it is often overlooked and not perceived as a problem. A broad range of societal influences affect young people, but the best mentors and teachers are family, friends, and solidarity in community.

*Last October, before the Pacific Palisades Community Council, Sgt. Crump, in charge of the LAPD Vice Unit, reported that LAPD noticed a spike in illegal alcohol and drug activities by minors in Pacific Palisades, an otherwise rather quiet and law-abiding community and one of the best places to raise kids. LAPD made 26 arrests of juveniles ages 14 – 18 for violations of alcohol consumption, and selling/using drugs such as crystal meth and marijuana. Drunk driving was also involved. Officer Crump made a plea to the community and especially to the parents to set standard for the behavior of the youths, to pay attention to them, to talk to them and to know where they are at all times. He pointed out that risky behavior by kids affects the entire community, since it not only puts the kids themselves in danger but also those around them, such as other drivers on the road.*

### *Did you know ....*

*LAPD and the Fire*

*Department recommend that you back into your driveway or garage. When you leave again, you will be better able to see where you are going.*

*Back-up accidents with children or pets are*

### **Did you know**

**That  
leaving  
your trash  
cans out on  
the street  
after trash  
day will  
attract  
burglars to  
your house?**

# MKPOA Member Assistance Policy Phases I - IV

## Summary of Phases I through IV

Phase I addresses the need for information regarding MKPOA CC&Rs and the rights and obligations of MKPOA property owners and their neighbors. Phase II provides for informal mediation service and view assessment between cooperative parties. Phase III addresses conflict mediation or arbitration between non-cooperative parties who may want to seek out a professional mediation/arbitration service or a qualified attorney. Phase IV involves court proceedings. MKPOA does not participate in Phases III and IV. Throughout, MKPOA's impartial position must be maintained at all times.

### **Phase I: Information.**

Property owners and neighbors have a need to receive accurate information on CC&Rs, their rights and the involvement of the City and MKPOA. A list of FAQ (Frequently Asked Questions) on the MKPOA web site or mailed to the requestor can answer the majority of questions and provide needed information. Emphasis will be placed on information on past lawsuits and litigation costs in order to encourage parties to settle their issues amicably. If requested to do so, or if a conflict is already in progress, all parties referenced by the requestor should be informed by MKPOA of the efforts to solve the conflict amicably and should receive identical information.

### **Phase II: Informal Mediation and View Assessment**

The Phase II process is limited to conciliatory notification of neighbors, view assessment, and informal mediative efforts with cooperative parties. To be eligible for Phase II assistance you must have been a MKPOA member for at least three years, including the current year (adjustable for owners of two years or less). You have the option to submit dues retroactively.

MKPOA participates in establishing communication with neighbors who have CC&R view obstruction issues with the goal to achieve an amicable solution or agreement. This informal process provides information but not legal advice and is facilitated by MKPOA members without a fee.

In the process of providing mediative services and a view assessment by MKPOA, all involved parties (property owners) must be contacted and made aware of any action since MKPOA is a neutral agent and does not represent the interests of either party.

A property owner may request MKPOA Phase II assistance and participation by submitting an application and a hold harmless disclaimer ("*Agreement for Mediation Services*"). The MKPOA Chair will then send a friendly letter to the parties. This letter introduces the neighbors, outlines the problem, provides helpful information, is friendly and conciliatory in nature, and suggests a dialogue with the neighbor(s). The letter conveys that a mutual agreement is preferable over costly formal mediation/arbitration and very costly court proceedings.

When requested to do so, MKPOA is available as informal mediator to meet with all parties at a mutually agreed upon time and place.

When requested to do so, MKPOA may provide a verbal view obstruction determination. A verbal assessment by MKPOA can be considered an indication of the future court decision to convince both parties to stay out of court and reach an amicable resolution.

**Phase III: Formal mediation/arbitration:** For conflict mediation or arbitration between non-cooperative parties it is suggested that property owners seek out a professional mediation/arbitration service or attorneys. This service is not affiliated with MKPOA.

**Phase IV: The courts:** MKPOA is not involved in court proceedings but could potentially be subpoenaed regardless of any previous involvements in a given case.