

Marquez Knolls

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Marquez Knolls Property Owners Association

P.O. Box 1307, Pacific Palisades, CA 90272

Quarterly Newsletter

MKPOA

October 2007

President's Message

MKPOA has grounds to celebrate; a great burden has been lifted. The California Court of Appeal decided in favor of MKPOA. The Association is assured of liability coverage for the corporation and its Directors and Officers. Liability was denied by our insurance company in conjunction with a lawsuit filed against the Association four years ago. On July 12, 2007, the California Court of Appeal reversed a lower court decision and held the insurance company liable. The insurance company has since accepted liability.

What does this mean for the organization and its members? The Association is now able to give opinions and advice on CC&Rs and view protection issues without the risk of exposure to personal liability.

While I am the new kid on the block, most of the current Board Members have weathered it out over the years despite the serious exposure to risk and liability. Maggie Goff stayed on as President and has only recently retired, but not until the baton had been passed. Without the perseverance of these Board members, there would no longer be an MKPOA, and without it there would be no protection of the CC&Rs, or view mediation. These dedicated individuals deserve your sincere appreciation. Please give them a call or e-mail them with your comments of gratitude. I know that they would appreciate it.

Now that the litigation is over, MKPOA is ready to respond to several pending requests for assistance with view obstruction. In its next Board meeting scheduled for October 29, 2007, the single agenda item will be the development of guidelines to receive and respond to such requests.

MKPOA has been active recently on many fronts. Our working relationship with the Pacific Palisades Community Council (PPCC) is excellent. The Council, through its ties with City Hall, can be helpful when support for an issue is needed in the political arena. Our own Board Member, Janet Turner, has been elected to the PPCC Board to represent Area 3 (which includes Marquez Knolls). She has been appointed as the Chair of the PPCC Marquez Knolls Traffic Committee. In this role and in cooperation with MKPOA, she is currently addressing the Marquez School traffic and parking problems experienced by neighbors, parents, and teachers alike (see: *The Turner Report*).

Several months ago, LAPD had made a plea to the Palisades community to fund a heat sensing device needed to detect intruders in the dark or hidden in dense vegetation. MKPOA was first to pledge \$1,000. and appointed Janet Turner as chair for the community-wide fundraising committee (see: *LAPD Goes High-Tech*).

To rectify and clarify the degree of view obstruction that is permissible under our CC&Rs, Judy and Wayne Marcus and 16 other Marquez Knolls residents have submitted an Amici Curiae brief to the court (see article *Friends of the Court*). MKPOA voted unanimously to endorse it.

We all strive to protect and enhance the quality of life in our community. Please feel free to e-mail or call me with any questions or concerns you might have. 310 459-7343 hrtoppel@aol.com

Haldis Toppel

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FRIENDS OF THE COURT

To address the often contentious view obstruction disputes between neighbors with more clarity and less ambiguity, a group of 18 Marquez Knolls residents, under the leadership of Wayne Marcus and Judy Gelfand Marcus, submitted an Amici Curiae (Friends of the Court) brief to the court in support of the Marquez Knolls CC&Rs effectiveness in preserving views in general. This brief was prepared in response to a lawsuit between two Marquez Knolls neighbors, but without taking a position for or against the parties involved in the lawsuit. The case is now in the court of appeals.

Wayne Marcus asked MKPOA for endorsement and support of the brief to give it additional weight in court. The court's agreement with the brief has implications and consequences on how MKPOA will be able to take a position on CC&Rs in the future.

This brief requests the court to clarify an interpretation of our CC&Rs such that new or replacement houses that do not "unreasonably" obstruct the view are allowed, acknowledging the fact that if a house is merely visible it is likely to be some view obstruction. The brief asks that "unreasonable" not be read into the CC&Rs for additions or vegetation; in short, no view obstruction is allowed. After careful consideration the MKPOA Board of Directors unanimously voted to support and endorse this brief in the hope that it will receive a favorable ruling by the courts.

Motion: "The Board of the Marquez Knolls Property Owners Association (MKPOA) supports and endorses the "Amici Curiae" brief of a group of independent Marquez Knolls property owners filed 3/23/07 with the appellate court in the *Zabrucky v. McAdams* case (Appeal No. B191329, Trial No. SC069487). This brief, impartial as to Zabrucky and McAdams, supports the intended purpose and restrictions of the existing CC&Rs within the boundaries of the MKPOA, and benefits the general population of the MKPOA property owners. "

EDITOR'S COLUMN

"Blight in Marquez Knolls?!" Lou Del Pozzo responded when I told him of my plans to write this article in response to several recent calls. Lou can be seen power-walking through much of the Marquez mountain, and I reminded him of the properties that back down onto El Oro and a few other sites in our neighborhood. And Lou, with his catching and ever-present enthusiasm, agreed.

What happens on El Oro can be seen on other, similarly located properties in our mountainous area: a steep backyard drops down to the street level, with the house and front entrance neatly groomed high above on a different street. The owners have no use and virtually no access from above. Out of sight, out of mind. Weeds and algae on drainage pipes are thriving, fences have toppled, debris and grasses have accumulated in the gutter too plentiful for the occasional City street cleaner to brush up. The owners are unaware.

In the meantime, those who drive by every day and especially the neighbors who live on the street feel that their neighborhood is being neglected, their property values threatened.

Similar, but different circumstances can develop when a lot abuts another lot down the hill, and where shrubs, weeds, and perhaps trees grow undetected from above. They can become a nuisance and an eyesore for those who try to enjoy their backyards below. A maintenance issue can also arise with vacant lots and absentee owners. "Blight Reports" have come in on properties on Enchanted Way, El Oro, Jacon Way, Bollinger Drive, and Lachman Lane.

This is a call to all Marquez Knoll residents to inspect your property and to talk to your neighbors. You will be surprised how many friendly souls you can meet, and how bothersome maintenance issues can be resolved most of the time. If you need help locating the residence because "you can't get there from here" MKPOA will be glad to assist. Here are some success stories:

Kudos #1 go to the owner of a troublesome lot on El Oro. I happened to meet him and mentioned the problem. The serious weeds growing out of the gutter were cut the next day. The hillside is being cleared. I also called the City's 311 general information line, and received a work order number from the City Department, responsible for street cleaning, to schedule a special clean-up crew for the debris in the gutter along much of the length of El Oro.

Kudos #2 go to the owners of the two lots that drop way down from Glenhaven to Jacon at the corner of El Oro. Over the years, the owners have not only maintained the rather large property all the way down to Jacon, but actually landscaped it rather ingeniously, utilizing a protruding rock formation and native plants. It is a pleasure to look at.

Electronic Distribution of Community Service Announcements

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 to hrtoppel@aol.com with the words "MKPOA email" and your name in the subject area. You will then be included in the distribution list. We do not share this list with anyone. Announcements may include information from the City Council Office, Police, Fire or other City and County Departments, or events that impact the neighborhood. You do not have to be a member to sign up

The MKPOA Board meets on the third Monday of the month at 6:00 p.m. at the Presbyterian Church Conference Room, 15821 Sunset Boulevard, Pacific Palisades. The meetings are open to the public.

The October meeting has been moved to October 29

Letters to the Editor

Want Speed Bumps? Slow Down!

There is a movement afoot to ask the City to consider placing speed bumps on Jacon Way to slow down speedy traffic on the street. I hate speed bumps! As Jacon is a "no outlet" street in the broad sense, accommodating only local traffic, I feel that a better solution is to appeal to the common sense and community spirit of our neighbors. A few extra seconds to traverse the 2,000 ft. from El Oro to Lachman seems not too much to ask for to assure the safety on our street. I think an "alert" to the drivers, with "reminder" signs might do the trick. Consider a sign "Want Speed Bumps? Slow Down!" at Lachman and at El Oro. Handouts to service personnel might also be effective. If you think it's worth the effort, I'd be willing to pitch in any way I can.

Lou Del Pozzo

Editor's Note: Speed Bumps have already been installed on El Oro, and they are imminent on Akron. Let's demonstrate Palisadian courtesy, concern, and good citizenship by holding our speed down to 25 mph on residential streets

Community Service Announcements

Please continue to provide the MKPOA information as a community service, I will appreciate it very much! Thanks,

Ada Taylor

Editor's Note: Ms. Taylor is one of many Marquez Knolls residents who have signed up to receive MKPOA agendas and minutes of meetings and community service announcements via e-mail (see Electronic Distribution)

Gardeners Arrested

I didn't realize that LAPD is arresting the gas blower gardeners again. I don't think people realize how much more they will have to pay their gardeners if they can't use blowers. My property would take hours and hours to rake.

Barbara Sheedy

Editor's Note: the gardeners can use electric blowers without a problem. The use of gas blowers has been illegal for years because of the unhealthy dust and noise pollution, and the fumes, which are a serious health hazard not only to the residents but especially to the gardeners themselves, causing lung and hearing problems. Santa Monica and other cities have had these laws on the books for much longer than LA and some are REALLY enforcing them with large fines.

Ocean View Restored

Thanks for asking my neighbors to trim their hedge. When I returned from the hospital, my ocean view was restored.

Isabel Kayser

LAPD OFFICER MICHAEL MOORE SPEAKS

By Karin Fintzy

Each week the Palisadian-Post lists criminal acts in our community. It appears that many of these events are due to doors being left unlocked or strangers being admitted to a home. In an attempt to determine how best to protect ourselves, I interviewed Lead Officer Michael Moore, the LAPD Senior Lead Officer for the Palisades. He had some very definite ideas.

Most important is to keep doors and windows locked, not only when you are not at home but also when you might be in the garden or otherwise unobserved. Not a surprise.

Second in importance is to have a good alarm system. By that, he means one that makes a lot of noise. Silent alarms give intruders a sense that they can stay longer and steal more. It is better, according to the LAPD, to get an intruder out of the house as quickly as possible. And the alarm system should be one that contacts directly either the security patrol or the police.

The LAPD recommends interior motion-detection devices for every bedroom door. Recently, the LAPD has become aware of a group of burglars which manages to get around the perimeter alarm in the hope that bedrooms, where most valuables are kept, will not be alarmed and they will go there first. Again, the idea is to get intruders out of the house as quickly as possible. (These devices would be used only when you are away from home.) And, if affordable, the LAPD recommends a digital surveillance camera in the home. It may not prevent an occurrence, but the digital image can provide clues which would enable a capture and thus prevent more crimes.

And, we've heard this before, keep foliage trimmed away from windows and doors where burglars can hide their activity. Exterior lighting, including motion-detection lights, helps also. The more light the better, according to the LAPD.

Re strangers asking for entrance to your home: pay them no mind even if they say they are from the cable company, the city, etc. Asking for an ID is not helpful. They can fake them. (Who really knows what a cable company ID looks like?) A good response is simply "I'm sorry. I cannot let anyone in the house at this time." Don't let the discussion continue. Shut the door. Call the police if you are suspicious, especially if you see them lingering in the neighborhood. The best way to reach the police is to call 311 and the city operator will connect you with the police department.

Other ways to keep informed? The LAPD issues a weekly email regarding police activity in the Palisades. To be included, e-mail Officer Moore at 27995@lapd.lacity.org with your request if you are not already on the MKPOA distribution list. If you would like to be a neighborhood representative for the LAPD, let Officer Moore know and include your name and address in your e-mail. Chief Garner, the new deputy chief for the LAPD West Bureau, is hoping to have at least one resident on each block who will serve as a liaison between the residents and the police.

THE TURNER REPORT

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

Marquez School Traffic and Parking.

As chair of the Pacific Palisades Community Council's (PPCC) Marquez Traffic Committee, and in cooperation with MKPOA, we will be meeting with the Marquez School Governing Board to work up some mutually agreeable solutions to the on-going traffic congestion and parking problem around Marquez Elementary. Principal Hollis has been most helpful in getting street signs to control the flow of traffic, and they are working well.

T Mobile Tower in Upper Marquez.

Mike Stryer, the Alternate Representative on the PPCC, and I met with a group of residents on Charnel Place who are objecting to the construction of a T-Mobile Cell Tower next to the water tank on land owned by DWP. The issue was placed on the PPCC agenda on October 11. T-Mobile representatives discussed technical and esthetical options and constraints. Neighboring residents voiced objections to the fake palm tree antenna, others in the audience and on the Board welcomed improved cell phone reception. In response to the facts presented by T-Mobile and the differing viewpoints by various residents, PPCC voted not to take a position on the issue.

Forward Looking Infrared Device (FLIR).

LAPD had asked the community to help purchase the much appreciated heat sensing device for them. (see: *LAPD Goes High-Tech*). Four such devices have already been purchased by other west-side organizations from Brentwood, West Los Angeles and Hollywood Hills.). MKPOA was first to pledge \$1,000 and is leading the community-wide fundraising efforts. As Chair of the MKPOA fundraising committee, I presented the request for community support to PPCC. Not only did PPCC vote to give our fundraising efforts its full support and endorsement, the Council also voted to pledge \$1,000. So far we have pledges for \$5,150. The majority of these pledges came from MKPOA, The Riviera Home Owner's Association, The Santa Monica Canyon Civic Association, the Highlands Home Owners Association and the Pacific Palisades Community Council. Our goal is a total \$12,000. If you or your organization would like to make a pledge, please contact me at janeturner35@hotmail.com or call 310-592-8332

MKPOA MEMBERSHIP REMINDER

by Bill Richard, Treasurer

A larger membership allows us to have more influence with the community and the City. We invite all Marquez Knolls area homeowners to join or renew their membership for 2007 and 2008. A self-addressed envelope is enclosed for your convenience. Please make your check payable to MKPOA and indicate the year for which you are paying. If you have not paid for 2007 yet, it is not too late. You may send one check for \$60 to cover both years.

We thank all of you for being a part of our community and supporting your property owners association. You also might want to think about supporting MKPOA by volunteering as a board or committee member. Just check the envelope saying you would like to be involved and a board member will contact you.

LAPD GOES HIGH-TECH

by Sgt. David Podesta

The West Los Angeles Police Department is asking the Palisades Community to help fund a heat seeking device that will be used exclusively in the Palisades and help detect intruders, the homeless, or other activities (see: *The Turner Report*). It will enhance officer efficiency and safety and it will help crime in the dense brush of backyards or hillsides.

The Forward Looking Infra-Red (FLIR) called by its technical name, is a tool that allows officers to work effectively in the field. It typically takes two officers with their flashlights 10-15 minutes to search someone's backyard at night. With the handheld FLIR it will take less than a minute. It can "see" through foliage and make the search safer for the officer.

A home can be scanned using this device. The FLIR also helps in recovering evidence that was discarded by a suspect such as shell casings after a shooting, or a gun thrown into the bushes. It will allow officers to spot suspicious cars that have recently been parked, or are idling. The largest non-criminal concern Palisades residents experience is the fear of a brush fire wiping out their homes. The FLIR can be used to spot encampment fires and people smoking in the canyons where that activity is illegal.

LAPD is the first line of defense in spotting and reporting fires as officers are always in the area. If you have any questions contact LAPD Sergeant David Podesta at (310) 444-0743.

Maggie Goff Retires from MKPOA

Retiring from the Board of MKPOA after 20 rewarding years was a difficult decision for Maggie. Over time she had learned how a community works and how to get things done. She met many interesting and influential people. Maggie served as Membership Chair and for years gave her time, energy and talent to publishing the MKPOA newsletter. For the last two years, she led the Association as President.

Maggie was born and raised in Boston and graduated from Harvard with honors in 1952. Her career had many facets: corresponding reporter, merchandise manager, training director, personnel manager, and work in public relations and advertising. Maggie was widowed for fifteen years and with four children when she married Madison Goff. He soon joined the MKPOA Board of Directors as Treasurer. Together they hosted or participated in many community events and were honored with the Golden Sparkplug Awards.

"I highly recommend working for the community and consider it a good "investment" both for personal development and for protection of our assets in our home. I am grateful to all the people who put their trust in me as President of MKPOA and assisted me in getting the job done to protect the beautiful community we are lucky enough to call home".

Margaret Wachtel Goff

INTERVIEW WITH FIRE CAPTAIN KEARNS

by Katie Kalvin

Q What have homeowners and the community done since the fire 1978 to make the area more fire safe?

A The homeowners have complied with the ordinances. After the fires of 1978 the city came up with a plan that required homeowners to clear 100 ft. of brush from around their homes. About five years ago the distance was increased to 200 ft and the community members complied with this as well. They recognized that it was the right thing to do. A brush clearance unit with the Fire Department checks for compliance once a year. Reminder notices are sent out in April.

Q What can individuals do to help the Fire Department?

A It's smart to plan ahead for the event of a brush fire evacuation. Think about what route you will take as an escape. The Fire Department will use main streets. Homeowners are encouraged to take side streets and alternate routes if possible.

Q What are things home owners can do to protect their houses?

A Roofing is important. Never use wood, which unfortunately still exists on some homes. It can be replaced with ceramic or composition tile. There are also synthetic materials that are made to resemble wood. Also, avoid having juniper trees up against your house, as they catch fire easily.

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Marquez Knolls Home Sales

	Number Sold	Median Sales Price	# Active as of Sept. 15th
<u>2007</u>	40	\$1,788,000	12
<u>2006</u>	43	\$1,860,000	20
Number of Sales		7 % lower	
Median Sale Prices		4 % lower	
Active Inventory		40% lower	

As of Saturday, September 15th the lowest-priced available home in Marquez Knolls is a 2-bedroom, 2-bath on Akron being offered at \$1,249,000. The highest-priced property is a 4-bedroom, 3.5-bath on Charnel being offered at \$3,450,000. The lowest sale price so far this year was a 2-bedroom, 2-bath on Las Lomas (\$1,125,000). The highest sale so far this year was a 3-bedroom, 3-bath on Las Casas Place (\$4,500,000).

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