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February 2, 2014

Dear Mr. De Saia and Palisair HOA Board Members,

**Subject: Proposal Regarding Neighbor's Concerns on Light and Privacy**

Thank you for providing the appraisal completed by Kirshner Appraisal Services dated January 25, 2014. We've read it and would like to comment on the conclusions and offer meaningful, no-costs options which speak to the neighbors' concerns.

Regarding the appraisal itself, it is quite limited in scope. So far as we can tell, Mr. Kirshner did not come on to the property at 16163 Anoka. We were not asked to grant him access, and we are unaware of whether or not he viewed the plans. He does, however, fail to comment on the additional three foot side setback on the proposed second story at 16163 Anoka. It seems unlikely that he viewed Ms. Baumgartner's property, either, as he fails to comment upon or discuss the self-imposed light issues resulting from her lack of landscape maintenance and the issues related to value as she intentionally blocks her own ocean views. From his brief, one page report, Mr. Kirshner seemingly came to his conclusions from a look at Google Maps. In Mr. Kirshner's last paragraph of his report, he acknowledges that impact upon value is beyond the scope of his report and indeed, beyond the scope of the charge given to him by the Palisair HOA.

**There are many conclusions that we disagree with in terms of value specifically in regards of Ms. Baumgartner's property.**

1. The proposed property at 16163 Anoka has a 3 foot offset for the diminutive second floor. This helps to give more space and light to 1100 Las Lomas, by design.
2. The top factors causing Ms. Baumgartner's value start with the fact that her house is in original unrestored condition meaning no new windows, no new roof, no new kitchens or bathrooms, no swimming pool, no granite counter tops, no stainless steel professional grade appliances – all things which enhance value. Ms. Baumgartner's vegetation literally blocks any potential view of the Pacific Ocean. There are many cost effective ways Ms. Baumgartner could address the issue of value in her home but as her "expert" Mr. Aberle says – she owns an ocean view, north-of-Sunset home

worth under \$2,000,000 thus she owns the most desirable category in the booming 15 plus percent per year growth Pacific Palisades market. Blocking the view with vegetation really has no impact upon value, as any prospective Buyer can elect to remove it.

**In regard to potential light issues regarding 1100 Las Lomas**

We respectfully, mathematically and enthusiastically disagree with Mr. Kirshner's conclusions. Most importantly, he fails to study the position of the homes relative to the position of the sun in the sky in the months when the light is of most concern. He also doesn't seem to have studied the current proposed plans nor does he comment on the effects of how Ms. Baumgartner could improve the light of her property by simply maintaining her plantings.

The Del Colliano's architect has studied in detail the effect of light on 1100 and 1120 Los Lomas and concluded that the 16163 Anoka addition will have literally no effect on the neighbor's light.

***Bobby Rees AIA regarding the light issue on 1100 Las Lomas***

*Relative to sun movement and light, the proposed addition appears to affect the Baumgartner's property in the following ways during the three darkest months of the year, November 7-February 7 (when the issue of light is the most important):*

*By 9:00 am, the azimuth angle of the sun ranges from approximately -41 to -43 degrees, at which point the sun would clear the southwest corner of the house at 16163 Anoka (assuming clear skies). However, the altitude angle of the sun at this hour ranges from 24-27 degrees, and at 8:00 am it ranges from 15-18 degrees, so the current house at 16163 Anoka may already block the early morning sun to the Baumgartner residence during this time of year. After 9:00 am (throughout this three-month period), the addition at 16163 would have NO affect at all on sunlight directed at the Baumgartner residence, since the sun would continue to move west/southwest throughout the day.*

*Be aware that other features surrounding the Baumgartner residence (natural topography, other houses, neighborhood trees) may also affect the sunlight on the property. More importantly, the trees and hedges located on the Baumgartner property and surrounding the south-facing elevation of the Baumgartner house may have a more negative affect on sunlight than the Anoka addition or other neighboring features might have.*

*Note also that while the closest part of the current house at 16163 Anoka is located five feet from the west property line (east property line of Baumgartner parcel), the addition would be located eight feet away at it's closest and 8'-8" away at the southwest corner of the house, the location most critical to sunlight for the Baumgartner residence.*

### **Proposed Solutions**

These proposed solutions are offered contingent on formal approval of the project at 16163 Anoka by no later than Wednesday February 5, 2014 by 3:00 PM PST, in writing.

Note: all of the following proposed solutions will be done at the sole expense of the Del Colliano family. Some will require access to the properties at 1100 and 1120 Las Lomas to complete said projects. To the extent that the neighbors or either of them will not timely allow reasonable access, such lack of cooperation would end the Del Colliano's obligations set forth herein and related to such disallowance.

1. The Del Colliano's will, before the move-in, **install a new fence** to replace the current, original-condition fence which borders both 1100 and 1120 Las Lomas. The new fence will be built to a high construction standard and will be as tall as the city and HOA allow (we believe this is six feet tall but will confirm first). This fence will create additional privacy and increase the neighbor's property values without them having to spend any money. Please note that the current fence is in terrible shape as it looks to have weathered decades of life near the ocean.
2. The Del Colliano's offer to **trim some (not all) of Ms. Baumgartner's plantings** which currently block light to her property. This includes bringing some of the bordering plantings between the properties into compliance with the CC&R's as well as cleaning up some of the trees which block her light on her own property. Labor and plant removal will be done by contractors chosen by the Del Collianos and limited to one day and one truck full of plant or tree materials.
3. The Del Colliano's offer to have up to **four trees** planted on the property at 1100 Las Lomas. The variety of the trees will need to be mutually agreeable. The size of the plantings will be determined by the Del Collianos as these trees likely will need to grow to become mature specimens. Fully grown trees can cost tens of thousands of dollars with equal sums of money to plant them. In time, the proposed trees will grow to become mature and provide even more privacy between 1100 Las Lomas and 16163 Anoka.
4. The Del Colliano's **will replace the fencing that borders 1120 Las Lomas** when appropriate based on the construction schedules at 16163 Anoka. This will increase the value of the Schultz home at no cost to them.
5. The Del Colliano's **will remove the large 100 foot plus pine tree** that is in the Del Colliano back yard. This should reduce plant debris from the 1120 Las Lomas yard and should actually provide more light for the Schultz family. The Del Colliano's will contract a professional, insured tree removal company to do the tricky work in the very near future.

The Del Colliano's have done everything in their power to design a home with minimal impact on the neighbors and the surrounding environment. They have paid tens of thousands of dollars for professional insights into how to do this including: geological studies, topographic studies,

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hiring of top landscape architects etc. They have additionally been beyond patient while this process has been pending.

These proposed solutions are meaningful for the neighbors and the neighborhood. They address both light and privacy concerns in ways which leave the neighbors far better off than when the former owners ran 16163 Anoka into the condition that it is in now. These proposed changes also affect the neighbor's property values positively without costing them a dime.

Please take these proposed solutions as a meaningful gesture designed to solve the stated issues at hand and avoid all of our moving this debate to arbitration.

We look forward to your approval by or before the stated time and date on Wednesday of this coming week.

Sincerely,  
TERRANCE HUBER, APC



Terrance P. Huber Esq.