

September 30, 2014

Steve Di Saia  
Chairman, Plans Committee  
*Palisair Home Owners Association*  
P.O. Box 901  
Pacific Palisades, CA 90272

Dear Steve,

We were wondering if it would be possible for you as Chair of the Plans Committee to come back and evaluate the visual impact of the fence, now that it has been installed. Not to our surprise, the Wlodeks refused to discuss any modifications to their plans once your committee approved them, and we have spent the last few weeks trying to adjust to the new fence. In reference to your approval letter to them, you noted that it was based on the historical structures that had been in place earlier on that hillside – by which I assume you mean the cinder block wall that we took down as an earthquake hazard ten years ago. What was not reflected in the evaluation of the new six foot fence was that the original cinder block wall it is supposedly **replacing was not solid, but a decorative cinder block wall that allowed light through and was therefore not a total visual blockade, as the new fence is.** Even with the old wall, we were able to see through to the horizon from our bedroom, which adds significantly to our quality of life, and one can reasonably assume, to the value of the property. With the new solid wooden fence, we have lost all view of the horizon, the ocean, the trees from our bedroom window, which constitutes 50% of the view from the house (and all of the view from our bedroom). (This ‘view from the bedroom’ has been something we have worked repeatedly with our neighbor above, Judy Wiard, to protect in her case by trimming our trees, to the point of having our arborist lie in her bed to ensure that the treetop did not impinge on her view of the horizon).

It is puzzling to us how losing half of the view from our house does not constitute “an unreasonable” obstruction of our view. As far as the historical precedents for view obstruction policies and conventions in our immediate vicinity, we found as we researched the history of property line demarcation on these lots around our hillside that it was typical to run the fence line several feet down the hill from the actual property line to minimize the visual impact of even chain link fencing. On the hill above us, between our property and Judy Wiard’s property, for example, the fence line sits approximately six feet downhill from the actual property line. If historical precedent seems relevant in this case, the neighbors who preceded the Wlodeks installed a chain link fence and also situated it six feet down the slope from the property line, which runs along the crest.

It seems the committee accepted the Wlodek’s argument that their privacy needed to be protected by the erection of this visual impediment. It seems puzzling that the committee prioritized this right to privacy, which is nowhere specified in the CC&Rs for the Palisair

Homeowner's Association, over our visual rights, which are quite clearly protected under these CC&Rs. From our point of view, the Wlodek's, who have no view to protect, seem unwilling to accept the consequences of living below our property – ie, noise travels downhill (as do sightlines). We live with the consequences of being directly beneath the gaze of our neighbors above us, and accept that that is the price one pays for living on a steep hillside. We fear that by allowing the Wlodeks to unreasonably obstruct our view by approving their solid wooden fence, in a way that that view has never been blocked before, you have established a precedent that goes against the long tradition of neighbors protecting the visual rights of each other's properties, as evidenced by the tradition of running fence lines below property lines. For what other reason would these CC&Rs be written, if not to safeguard against unreasonable obstructions such as the six foot fence erected on our property line?

We hope you will reevaluate this decision to approve this obstruction once you have seen the consequences for yourself.

Respectfully,

Thomas P. Helscher

Karen Beard

1130 Las Pulgas Place