



**Gregory J. Aldisert**

Direct Dial: (310) 566-9866

Direct Fax: (310) 566-9876

E-Mail: [galdisert@kwikalaw.com](mailto:galdisert@kwikalaw.com)

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**VIA E-MAIL AND U.S. MAIL - [palisair@gmail.com](mailto:palisair@gmail.com)**

Larry Friedman  
Karen Olan  
Diana Ungerleider  
Francine Kirkpatrick  
Syd Vinnedge  
Patti Galagher  
Vi Walquist  
Miriam Schulman  
Palisair Homeowners Association  
P.O. Box 901  
Pacific Palisades, CA 90272

Re: Chris Ball Property

Dear Board Members:

I represent Chris Ball and Marion Ball, the owners of 1321 Las Pulgas Road, Pacific Palisades, California 90272, and write to you as members of the board of directors of the Palisair Homeowners Association ("HOA"). The Balls objects to the McMansion construction at the parcel adjacent to theirs, located at 1378 Las Canoas Road, Pacific Palisades, California 90272, which is owned by Faryan Afifi. We believe that the construction violates the CC&Rs and is fundamentally out of character with the size, scale and location of the other homes in the Palisair tracks. We request that the HOA demand that Mr. Afifi immediately cease and desist from continuing with the construction and to limit all of the new structure to the footprint of the old house. The Balls also seek compensation from the HOA for the invasion of privacy and the diminution of their property value (among other things).

The square footage of the new house is much larger than the square footage of the previous house, which has been completely torn down except for the garage. The hillside was re-graded to expand the lot size, and the footprint for the new house now sits on top of the Balls' property and has been built to within several feet of the property line with the Balls. After completion, we understand that the new house will contain large glass-reflecting windows, which will also be inconsistent with the character of the neighborhood and produce

substantial artificial light. We believe the McMansion will have an adverse effect on the entire neighborhood. Beyond the Balls, we understand that several neighbors have also objected to the construction.

Article III, Section 1 provides that "cutting, filling, or grading creates a new building pad at a lower elevation than, and separate from, the original pad," such that "the front of this new pad shall be used for measuring the allowable height of the new building portion." The new structure greatly exceeds the 15½-foot limit above the *new* building pad. If the Tracking Committee approved a variance to allow the 15½-foot limit to be exceeded, Article III, Section 1 required the Tracking Committee to first consult with possibly affected neighbors and to determine that the new structure "will not unreasonably obstruct or unreasonably diminish the quality and nature of the view from any other land of this or an adjoining tract." Article V, Section 8 of the CC&Rs broadly defines "View" to include: "the ocean, mountains, city, valleys, canyons, sunrises and sunsets or any other sight deemed by the Trust Committee as being an important part of the property's value that is entitled to protection." The new construction unreasonably diminishes the views of several homeowners, including the Balls, from virtually every angle from backyards to front yards to the streets below the McMansion. The Tracking Committee should have but did not consult with the Balls about the new construction.

Article IV, Section 4(a) provides for an "individual exception." If the Tracking Committee did provide an exception for this construction, it should not have done so because the new basement level, decks, garden terrace and infinity pool are "unsightly, or detrimental to, or unreasonably obstruct or unreasonably diminish the nature or quality of the view from any other land in this or an adjoining tract, or otherwise tend to lower the value of any land of the tract."

In order to evaluate the actions of the Tracking Committee, we request that the following documents be provided:

(a) the writing by which the HOA approved the plans and granted the exception, as required by Article IV, Section 4(a) - - which was required prior to the construction under Section 2(a);

(b) the signed certificate whereby Mr. Afifi stating that the proposed modifications are in full compliance with all applicable building laws, are required by Article IV, Section 4(c);

(c) the grading plans, building plans showing "the nature, kind, shape, height, type, material and color scheme," and a plot plan "indicating the location on the lot or building site" pursuant to Article IV, Section 2(a), and copies of the approved plans pursuant to Section 2(b); and

(d) any proof that neighbors possibly affected by this exception were consulted before the HOA issued the exception as required by Article IV, Section 4(c).

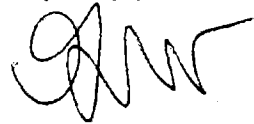
Article IV, Section 1 makes clear that “[t]he files of the Committee, including its Book of Minutes, shall be open for inspection by any landowner of the tract at all reasonable times.” We request that you provide the information and documents identified in this letter by the close of business on March 3, 2015.

Finally, Article IV, Section 1 provides, “The Track Committee shall represent the interests of all landowners of the tract and in good faith shall execute, interpret and enforce these restrictions for the benefit of the tract and all landowners, within the purpose, spirit, meaning and intent thereof.” After the new house is finished, the quality of life for the Ball family will suffer in terms of the loss of privacy, unsightly views of the large structure, the additional noise from another family perched above them, and artificial light. The value of the Balls’ property will be substantially reduced. Numerous homeowners have similar objections and concerns.

In our view, the HOA acted unreasonably and negligently in allowing Mr. Afifi’s construction. In addition to the other requests, the Palisair board should immediately tender this claim to its insurer so that there is an opportunity to resolve this dispute without litigation. We are open to discussing ways to mitigate the damages suffered by the Balls.

We reserve all rights.

Very truly yours,

A handwritten signature in black ink, appearing to read 'GJA', with a stylized flourish extending to the right.

Gregory J. Aldisert

GJA:lkr