

June 15, 2015

Palisair Home Owners Association
P.O. Box 901
Pacific Palisades, CA 90272

Re: 1111 Las Pulgas Place

Francine & Richard,

After reviewing the CC&Rs and the sections referenced below with Philip, my general contractor and attorney this weekend, we all believe that the preliminary plans submitted to the Association comply with the CC&Rs in full.

The height restriction of 15 ½ feet referenced in Article III, Section 1 applies to structures "above" finish pad elevation:

"No structure of any kind shall exceed 15 ½ feet above the finished ground from the front of the building pad to the top of its ridge pole, nor more than 14 feet above the finished floor, except that the Tract Committee in its sole discretion and after consultation with the possibly affected neighbors may permit the erection of a structure higher than 15 ½ feet above the finished ground measured from the front of the building pad, provided it will not unreasonably obstruct or unreasonably diminish the quality and nature of the view from any other land of this or an adjoining tract."

This section should not apply to retaining walls, as retaining walls are built to expand the size of the finished pad, not to increase or decrease the finish pad elevation, and such improvements, as they are not built "above" finished pad, do not obstruct or diminish the quality and nature of the view from neighboring properties.

In addition to the clear language in this paragraph ("above," "higher"), the subsequent paragraph reinforces that Article III Section 1 pertains only to the height of construction above the pad:

"As provided for in Article IV, Sec 2, subsection (a), if cutting, filling, or grading creates a new building pad at a lower elevation than, and separate from, the original pad, then the above referenced ground level at the front of this new pad shall be used for measuring the allowable **height** of the new building portion. If the elevation is greater than the original pad the **allowable building height** shall be measured from the elevation of the original pad."

Similarly Section 9 only applies to walls **above** finished grade, so as to protect neighbors from planting, walls and fences that could have a negative impact on oblique views. Again, this language is clear and consistent.

"No fence, wall, hedge, or planting (with exception of trees), if exceeding 3 ½ feet in height **above** finished surface (not counting any part used as retaining wall), shall be permitted or maintained on any land in this tract in the area between the established front line and the front set-back line; nor if exceeding six feet above finished surface (not counting any part used as retaining wall) anywhere to the rear of the front set-back line, unless a height variance is granted by the Tract Committee."

This states that walls cannot be above 3 ½ ' in height in front of the front set back line or above 6' in height to the rear of the front set-back line above finished surface, "not counting any part used as retaining". Since the retaining wall is being constructed below finished surface, we believe our proposed plans do in fact comply with this section of the CC&Rs as well.

The City of LA restricts retaining walls to either one 12' high retaining wall or two 10' high retaining walls on a single property. Our proposed submittal adheres to this restriction in full. Since the CC&Rs do not specifically impose additional restrictions on retaining walls, in this case, the City requirement is most restrictive and would dictate the design on our project. Ultimately, we want to do what is in the best interests of the community, and feel that we have complied with all of the community's restrictions. Further, we are in support of applying the CC&Rs to protect the integrity of the community, as long as they are applied in a consistent and clear fashion.

We look forward to working with you and thank you for taking the time to review my project.

Sincerely,



Danny Seo