
Subject: FW: PHOA Board Meeting on Monday, January 15 - ROTHMAN TREES

From: Suzanne Weisberg (sjw@sjwlegal.com)

To: cemerick@yahoo.com;

Date: Monday, January 15, 2018 6:33 PM

[For the admin. website](#)

From: gael buzyn [mailto:gaelbuzyn@hotmail.com]
Sent: Thursday, January 11, 2018 7:37 PM
To: Palisair Homeowners Association; Suzanne Weisberg; Francine Kirkpatrick; Howard Weisberg; Kim Bantle
Subject: Re: PHOA Board Meeting on Monday, January 15 - ROTHMAN TREES

Dear board.

I won't be able to be there Monday as I will be traveling to Europe.

Mark Friedman has told me that Cappie Rothman (1261 Las Lomas) might come to the board meeting next Monday to discuss the legendary view blockage done by his trees. I wanted to make sure that my determination to get this issue resolve will be voiced. Mark Friedman and myself are ready to fight on the legal front if no compliance is agreed upon Monday. Mark has my proxy for that meeting. We are hopeful that a couple more neighbors will join us in that fight if it goes that far (Ball, Whalig).

Please see my official ***Tree non compliance*** form filled attached, as well as some supporting documents (the originals will follow by mail). I have more if needed. Please note that the picture of the blockage is on the PDF "letter to Rothman" attached. I have more pictures if needed.

Please let Cappie Rothman know that if the trees are not trimmed to the wall height immediately I, together with neighbors, will seek legal advice and take action.

Thank you for your support.

Best regards,
Gael

From: Palisair Homeowners Association <palisair@gmail.com>
Sent: Thursday, January 11, 2018 12:13 PM
Subject: PHOA Board Meeting on Monday, January 15

Dear Palisair home owner,

The next regular monthly PHOA Board meeting will take place on **Monday, January 15, 2018** at 7:00 pm at the home of **Miriam Schulman, 16006 Anoka Drive**. The agenda is attached. A draft of the minutes from the December Board meeting is also attached. All members of the PHOA are welcome.

If you plan to attend, please RSVP at least 24 hours prior to the meeting by replying to this e-mail. We appreciate knowing in advance how many guests will attend, so that the host can provide enough chairs.

We would also like to bring to your attention an item in the minutes, under "Membership and Governance". It describes a vandalism incident that occurred a few months ago in which a Board member's mail was stolen and a threatening letter was left by an anonymous person. We are asking that anyone with any information about the incident to please contact us.

Best regards,

Your PHOA Board of Directors

Attachments

- 3-31-17 1261 Las Lomas (Rothman) Notification of CC&R Violations (Trees).pdf (123.96KB)
- Letter to Kim.docx (12.29KB)
- Rothman letter july 12.pdf (64.30KB)
- Rothman Tree March14i.docx (12.20KB)
- Tree non compliance Buzyn.pdf (6.44MB)

Palisair Home Owners Association

A NON-PROFIT CORPORATION

P.O. Box 901

Pacific Palisades, CA 90272

www.palisair.org

palisair@gmail.com

The association itself is a "Tract Committee"
under the Declaration of Restrictions covering
Tracts 15944, 15948 and 19890, and operates as
such through its Board of Directors and its Officers

March 31, 2017

Dr. Cappi and Beth Rothman
1261 Las Lomas
Pacific Palisades, CA 90272

VIA Certified Mail and email

Re: 1261 Las Lomas – Notification of CC&R Violations (Trees)

The Palisair Home Owners Association ("Association") is governed by its recorded CC&Rs¹, which are enforceable equitable servitudes binding on each owner. The CC&Rs are enforced by the Association's Board of Directors, which is referenced as the "Tract Committee" in the CC&Rs.²

Article III, Section 9 of the CC&Rs states the following:

Upon a finding made by the Tract Committee that the nature or quality of the view is unreasonably diminished or unreasonably obstructed by fences, etc. or by trees on any land in this tract, or that outside lights are objectionable under the preceding paragraph, the owner thereof, upon written notice sent by the Tract Committee, within thirty (30) days shall remove, cut down or cut back any such obstructions or remedy the objectionable effect of such lights to the extent specified by the Tract Committee.

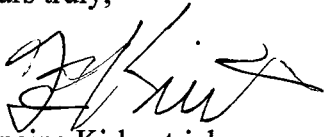
Failure of a landowner to comply with any provision of this Section may be remedied by any of the measures provided for in Article V, but should the Tract Committee elect to proceed under Section 3 of Article V, the reasonable expenses.

The Tract Committee, in its meeting on March 27, has determined that your trees and bushes unreasonably diminish or unreasonably obstruct the nature or quality of the view from adjacent properties. In accordance with Article III Section 9, within 30 days, please cut down these trees and bushes or trim them to the height of the stucco wall.

¹ Those restrictions and modifications as referenced and included in the Third Modification of Restrictions for Tracts 15944, 15948 and 19890 recorded on January 11, 2012 as Document No. 20120045091 in the Official Records of Los Angeles County, and any amendments thereto.

² CC&Rs, Article IV, Section 1.

Yours truly,

A handwritten signature in black ink, appearing to read 'F. Kirkpatrick', with a stylized flourish at the end.

Francine Kirkpatrick

President
Palisair Home Owner's Association

Copy to: Gael Buzyn
1316 Las Pulgas Rd.

Kim,

As usual, without warning The Rothmans came to my home to access the tree situation just before they will be trimming them. I wasnt home but my wife said they will trim 10 feet, which is short of the 15 needed for our view to be recovered.

Could you give me the phone number of the Rothmans or even better, could the tree committee swing by and insist on the right height to be obtained?

I have the feeling we have a chance to get this lingering issue right if we act immediately.

Thank you.

Gael 3107103i93

Sent from my T-Mobile 4G LTE device

Gael Buzyn

1316 Las Pulgas Rd,
Pacific Palisades, 90272

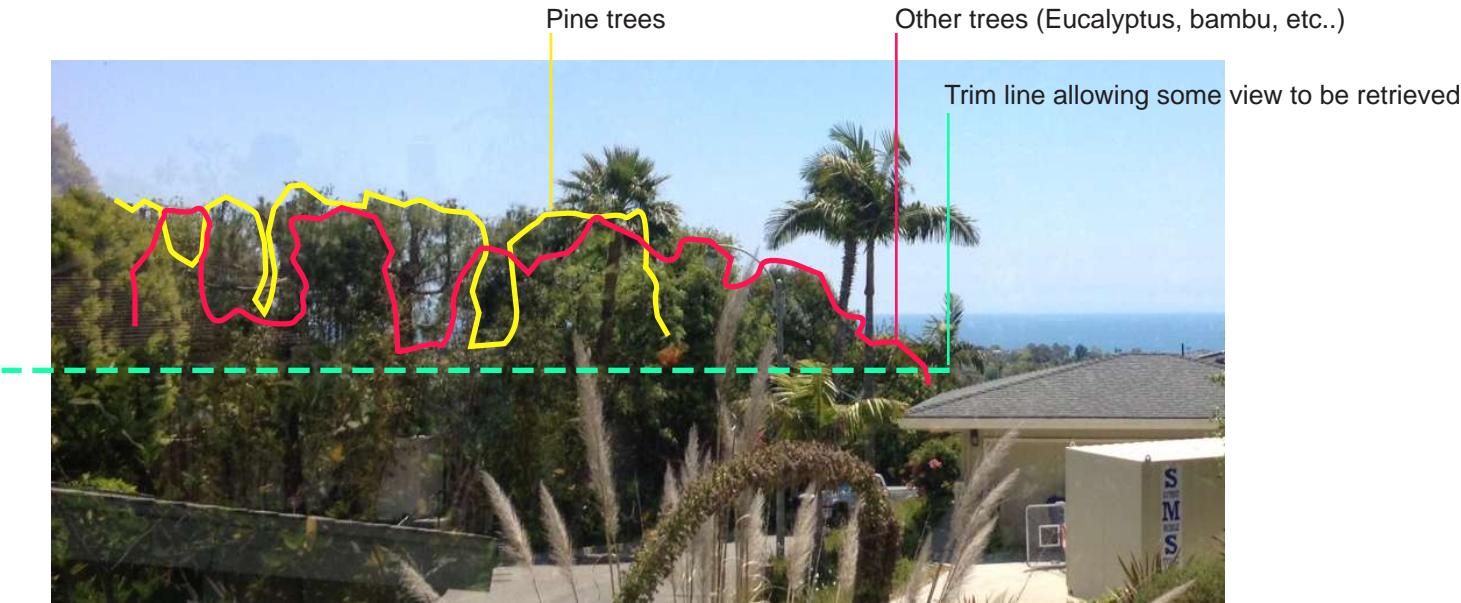
Los Angeles, The 19th of July 2012

Dear Mr and Mrs Rothman,

I have noticed that a team of tree trimmers are currently working on your property. I think this would be a good opportunity to ask them to trim down the trees on the North-West side of your property close to the wall height in order for your neighbors to retrieve some of their view. I assume that you are still in process of solving the issue of the pine trees that are, as you have told me, in danger of dying if trimmed to low at once. Regardless of that issue that has to be discussed I think that now would be a good opportunity for you to reduce substantially the height of the non-pine trees that don't suffer such a danger. That would really improve our view while solving the pine tree issue.

I thank you in advanced for your understanding.

Best regards,
Gael Buzyn (in behalf of other neighbors living up the road from you).



Dear Cappi.

It's now the end of March and as you know we are still in the trimming tree season.

We would very much appreciate if you could resume the process of trimming down your pine trees as low as possible. As a reminder the goal is that we eventually recover the city and ocean view that was originally associated with our property. Hopefully this year is the one where we will see this happen.

The trees have grown significantly since last year so please ask your gardener to take this in consideration. It looks like a total of 10 feet or more (5 plus 5 feet of foliage overgrown since last year) would be needed in order for us to see the ocean. We would eventually need the tree line to go a bit lower so that we can indeed "see" the ocean.

Feel free to have your gardener come by us in order to evaluate the situation from our house.

Trimming down the other trees and bamboos in between and on the south corner of your property would also help.

Thank you for your understanding and cooperation in that matter.

Regards,

Gael Buzyn (1316 Las Pulgas Rd).

P.S: Like all our communication, a copy of this letter has been emailed to the CCR tree committee).

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Tree and Landscape Non-compliance form

Submittal Date 1/10/2018

Applicant Gael Buzyn Phone 310 710 3893
Address 1316 LAS PULGAS RD

Owner of property with trees/shrubs:

CARRIE ROTHMAN Phone # N/A
Address 1261 LAS LOMAS RD

Location of trees/shrubs that affect your view. If possible provide
photos and plot map showing location.

NORTH AND WEST LIMIT OF ROTHMAN'S PROPERTY

Explain in detail how the vegetation issue affects your view.

PINE TREES AND BAMBUS OVERGREW WAY PASSED WALL HEIGHT,
PRIMARY OCEAN VIEW COMPLETELY BLOCKED -

Please list all efforts to resolve the problem with your neighbor. Attach
copies of all correspondence.

MANY VERBAL AND WRITTEN REQUESTS WITH MINIMAL
SUCCESS: THE ROTHMANS WOULD TRIM THEIR TREES
TOO HIGH AND NOT ENOUGH TO RECOVER VIEW. NEVER COMPLY
WITH CCR AND REQUEST - -

Please mail Application to:

Palisair Home Owners Association
Tree Committee Chair person
P.O. Box 901
Pacific Palisades CA 90272