

Marquez Knolls Property Owners Association

P.O. Box 1307
Pacific Palisades, CA 90272
www.MarquezKnolls.org
views@marquezkolls.org

View Impact Analysis Application and Review Process for Properties in the Lachman Tracts

I. Introduction

The Marquez Knolls Property Owners Association (**MKPOA**) is committed to preserving the unique character of the Marquez Knolls neighborhood—a community meticulously planned and developed to create and share the exceptional ocean, mountain and city views from as many lots as possible. The Covenants, Conditions, and Restrictions (**CC&Rs**) in the Lachman Tracts¹ were recorded to ensure the preservation of these views while allowing property owners to improve their properties in accordance with these standards.

We acknowledge the emotional and financial stresses of the rebuilding process following the January, 2025 Palisades Fire, and are determined to approach this process with respect, transparency and neighborliness. This process also recognizes that so many neighbors have been displaced and therefore are not coming to the neighborhood and may be harder to contact than usual.

Finally, like all of you, the volunteer members of the MKPOA Board, are also engaged in the difficult process of putting their lives back together, while navigating commitments to their families, work, friends and community, so please be patient.

All property owners in the Lachman Tracts are responsible for adhering to City of L.A.

¹ About ½ of the approximately 1200 lots in the MKPOA area are located in one of the 22 tracts originally developed by the Lachman family and partners. See Appendix 1 for a list of tracts subject to CC&Rs. Note that the CC&Rs can vary, sometimes substantially, from tract to tract.

zoning and building code requirements, and also following the requirements of the CC&Rs. The CC&Rs and an Assignment of Rights and Powers from the original developers gives MKPOA the authority to review and approve or deny any project greater than one story in height, increasing the homes square footage, changing the location of the home on the lot or otherwise changing the massing of the structure that may detract from the views of other lots.²

While today, under applicable LADBS regulations a one-story home could be ten, fifteen, twenty feet high or more, for the purpose of determining view detracting, MKPOA defines one-story in height as used in the CC&Rs to mean the height of homes built or approved by the Declarant at the time the Marquez Knolls neighborhood was developed, which was approximately ten to fourteen (10'-14') feet in most locations.

These CC&Rs also govern various other development standards, such as setbacks, wall heights, minimum home sizes, and use restrictions, all of which must be followed.

It is the goal of MKPOA to make the review process for any construction project for a rebuild that is greater than one-story in height or other modification to the property that could detract from the views of other lots within our Association as promptly and efficiently as possible. The achievement of this goal requires dedication, time and attention by the volunteer members of our Board and an informed effort on the part of the submitting homeowner to meet the requisite needs for the review process.

Before initiating any project, verify through your title report whether your property is subject to CC&Rs. You may refer to the procedure posted on our website (<https://www.marquezknolls.org>), but always confirm with your title company to ensure accuracy. If you have questions, please schedule a meeting with MKPOA's Review Committee early in your design process.

Demolition and construction may not begin before MKPOA grants Final Approval.

² In 1979, the Court of Appeals in *Ezer v. Fuchsloch*, in a decision concerning view obstruction by a tree, ruled that the CC&Rs “**reflects a plain intent and purpose to maintain a one-story height for all structures and trees in the tract in order to preserve the ‘view’ of the individual lot owners.**”

II. APPLICATION PROCESS FOR ALTERATION OR NEW CONSTRUCTION GREATER THAN ONE STORY IN HEIGHT

If a property owner (**Applicant**) proposes to build a home greater than one-story in height or change the structures massing—whether a rebuild, teardown, or remodel—the following steps must be followed.

MKPOA strongly recommends that applicants who are considering changes to the massing of their homes submit their plans to MKPOA for review and reach out to their neighbors early in the process, before preparing final construction documents for LADBS. Making design changes after plans are fully engineered and ready for filing can result in significant additional costs.

1. Submission of Plans and Payment of Review Fee

- The Applicant must complete the application form (see attached, and available on our website) and submit a complete application package, including all of which shall be numbered where applicable and dated or revision date is applicable:
 - Site plans including pad heights, elevation drawings, and roof plan showing all roof slopes, chimneys, skylights, decks, railings and other roof appurtenances.
 - Exhibit(s) showing how the proposed massing and location on the lot differs from the prior or existing home. For example, this can be project elevations showing the new home and the outline of the previous home, or can be side by side 3D renderings that are at the same scale.
 - Prior/Existing and proposed finished floor elevations (**height**)
- Submit a digital copy (**PDF**) to views@marquezknolls.org with plans dated and stamped by the architect or engineer of record.
- A review fee of \$1,500 is required to cover consultant expenses. Each subsequent resubmission will require a \$750 fee. The review fee can be paid online at www.marquezknolls.org

2. Initial Review

- MKPOA and its consultants will review the submission for completeness and compliance.
- Incomplete packages will trigger a request for missing information within 10 business days of receipt by MKPOA and payment of the review fee.
- The goal is to complete the initial review within 20 business days of receiving a complete

Review Package.

- MKPOA may conduct site visits to the subject and neighboring properties.

3. Notification to Neighbors

- The Applicant is responsible for making a good faith, diligent effort to notify affected neighbors about the proposed construction. MKPOA will assist
- A Neighborhood Review Period will be established on a case-by-case basis but not less than 15 days, during which neighbors can review plans and submit feedback.

4. Installation of Story Poles

- If MKPOA identifies potential view concerns after initial review and site visit, story poles must be installed according to the MKPOA Story Pole Policy.
- This request will be issued no later than ten (10) days following the end of the Neighborhood Review Period.

5. Site Visit

- MKPOA and its consultant will conduct a second site visit after the following “Required Submissions” are received:
 - (i) Completed story pole installation
 - (ii) Surveyor certification confirming placement matches the approved story pole plan
 - (iii) Architect or civil engineer certification that the story pole plan accurately represents the roof plan
- MKPOA may request digital renderings or view studies to help visualize the impact, at the Applicant’s expense.

6. Evaluation Criteria

MKPOA will assess the proposal to determine whether it detracts from any neighboring lot’s views, considering:

- Height and massing of the proposed structure
- Cumulative impact of recent and anticipated nearby development
- Proximity to property lines and neighboring structures
- Feedback submitted by neighboring property owners
- Other relevant architectural or contextual concerns

7. Neighbor Feedback

MKPOA may host meetings or engage with concerned neighbors to discuss feedback or explore design modifications that mitigate view impacts.

8. Decision Making

- MKPOA aims to make a determination within 30 days after the later of: (i) end of the Neighborhood Review Period, or (ii) receipt of the Required Submissions
- However, given the complexity of rebuilds following the Palisades Fire and the volunteer nature of the Board, this timeline is not guaranteed.
- During the review process, MKPOA may suggest design changes such as lowering height or modifying placement in order to obtain MKPOA approval.

9. Notification of Determination

- The Applicant and neighboring owners will receive written notification of MKPOA's determination.

10. Final Approval and LADBS-Approved Plans

- After securing LADBS approval, the Applicant must submit:
 - Two (2) final LADBS-stamped plan sets
 - One reduced-size (8.5" x 11") copy
 - One PDF copy
 - Payment of any outstanding MKPOA charges
- MKPOA will issue a formal approval letter signed by both a Board member and the homeowner. One set will be returned to the owner for site display; one will be retained by MKPOA.

11. Changes to Approved Plans

- Any material design changes during construction that affect matters governed by the CC&Rs must be submitted to MKPOA for review and written approval. Failure to do so will void prior approvals.

12. Revisions to These Procedures

- MKPOA reserves the right to modify these procedures at any time in its reasonable discretion without liability.

13. No Liability of MKPOA

- Per the CC&Rs: **"MKPOA, nor any member thereof... shall ever be liable because of any action they take, or fail to take... and the owners of said lots, and each of them agree jointly and severally to hold [MKPOA]... free and harmless and to indemnify them accordingly from any claims, suits, and alleged liabilities or otherwise."**

Thank you for working with us to maintain the integrity of our neighborhood and preserve

the views that make Marquez Knolls so special.

III. SPECIFIC CC&R AND ASSIGNMENT REFERENCE CLARIFICATIONS

Section 1 of the CC&Rs for all Lachman Tracts (excluding Tract 17593) states:

“No structure shall be erected, altered, placed or permitted to remain on any building plot other than one detached single-family dwelling not to exceed one story in height and a private garage for not more than three cars; except where, in the judgment of the Declarant and approved by the Architectural Committee, one two-story single-family dwelling may be erected where said dwelling will not detract from the view of any other lot.”

The Architectural Committee’s authority expired as specified in the CC&Rs, with the latest termination date being December 31, 1995. However, the rights and powers of the Declarant did not terminate.

On March 13, 1996, the Declarants recorded an Assignment of Rights and Powers Under Covenants, Conditions, and Restrictions (“**Assignment**”), granting and assigning these rights to MKPOA. The Assignment states:

“WHEREAS, the Declarants reserved certain judgment, approval and enforcement rights and powers under the CC&R[s]; and

WHEREAS, the Declarants wish to focus the power and right to enforce the terms and intentions of the CC&R[s] in the residents of the Marquez Knolls community as represented by the Marquez Knolls Property Owners Association, Inc.;

Now, THEREFORE, the undersigned Declarants HEREBY GRANT THE FOLLOWING;

Declarants grant, assign and transfer, without warranty of any kind, to the Marquez Knolls Property Owners Association, Inc., all judgement and enforcement rights and powers retained by the Declarants under the provisions of the CC&R[s]...”

As a result of this Assignment and the language in Section 1 of the CC&Rs, any home exceeding one-story in height requires a determination from MKPOA that

it will not detract from the view of any other lot.

Applicable Definitions:

- i. **Detract**-“to diminish the importance, value or effectiveness of something” “to make something seem less valuable or less deserving of admiration than it really is” “to take or draw away”
- ii. **Judgment**-“the process of forming an opinion or evaluation by discerning and comparing” “the ability to form valuable opinions and make good decisions” “the act of instance of judging”
- iii. **One-story in height**-the height of homes built or approved by the Declarant at the time the Marquez Knolls neighborhood was developed, which was approximately ten to twelve (10'-12') feet in most locations.