



Who Needs to File a View Impact Analysis Application?

Introduction: With approximately 600 lots subject to CC&Rs, approximately 300 of which were lost in the Palisades Fire, MKPOA wants to balance the rights of property owners to maintain the views that they had, which were protected prior to the fire, and minimize costs and delays for those who are re-building or remodeling after the fire.

Please keep in mind that MKPOA consists of voluntary members who, like you, are also trying to put their lives back together, while maintaining their commitments to their families, work, friends and community, so thank you in advance for your patience and understanding.

Background: The developers of Marquez Knolls designed and sited the lots/homes in a manner that would provide views to the largest extent possible and instituted CC&Rs that run with the land to prohibit the blockage of the views of neighboring properties to and preserve these views in perpetuity.- The CC&Rs instituted by the developers restrict the height of a home to one-story unless it can be demonstrated that a home greater than one-story in height will not detract from the views of other lots. In addition, the California Court of Appeals has determined that ***“In view of all the restrictions and conditions contained in the restrictive covenant document, the topography of the tract and the elevation of the lots, and the limitation on structures to single-family dwellings one-story in height, the general plan created by... [the original developers of Marquez Knolls]...who created the restrictive covenant document, 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.”*** *Ezer v. Fuchsloch* (1979) 99 C.A.3d 849, 862.

While today, a one-story home can be ten, fifteen, twenty feet high or more under applicable LADBS regulations, 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 developer (aka Declarant) at the time the Marquez Knolls neighborhood was developed, which was approximately ten to twelve feet (10’-12’) in most locations.

Who Needs to Apply: In accordance with the above and consistent with the meticulous planning by the original developers of Marquez Knolls, if you are increasing the height, square footage or changing the location of structures at your property, or if you are in any way changing the massing of your home to any extent, you are required to file a View Impact Analysis Application.

Fee: There is a \$1,500 application fee payable to MKPOA which can be paid by clicking here. 100% of the fee is used to pay professional consultants assisting in MKPOA's view protection efforts.

Application: Please click here for a fillable View Impact Analysis Application and after completion email it to views@marquezknolls.org.

Process: Please click here to find the View Impact Analysis and Review Process in detail.

No Change in Massing: Please click here to find the fillable No Change in Massing Certification and after completion email it to views@marquezknolls.org.

NOTE: MKPOA recommends that you contact your neighbor early in the process and submit your View Impact Analysis Application to MKPOA before filing your permit application with LADBS. If you file with LADBS first and then need to change your design because of the View Impact Analysis, you will have to refile with LADBS.

A permit issued by the Dept of Building & Safety will not serve as a defense to a civil action to enforce CC&Rs. Thus, full participation in the View Impact Analysis procedure is not only a mandatory requirement for the benefit of your neighbors, it is an excellent way for you to assure your compliance with view-related CC&Rs and protect you against potential adverse consequences from CC&R violations.