

Castellammare Mesa Home Owners

PO Box 742

Pacific Palisades, CA 90272

<http://castellammaremesa.com>

NEWSLETTER October, 2008

Dear Neighbor,

We hope you are all well. Your Board has good news to report on the important community issues in which we have been involved.

- **THE COMMUNITY PICNIC** was held on September 21 and was a great success with many of the community attending. Each year people comment that the picnics just keep getting better. We owe a big **THANKS** to **Harvey and Joan Rochman**, who planned the event and worked so hard before and after, buying all of the supplies and food, and barbecuing all day to keep all of us fed. The community is so lucky to have their continued commitment to this wonderful event.
- **THE LAWSUIT:** The owners who own the vacant lot at 17642 Tramonto have sued the CMHO. The suit is pending and the trial, which was scheduled for October 28, has been continued to December 5.
- **CRIME AND SAFETY:** Crime is down in Pacific Palisades 20% as a result of the dedicated patrol car and its presence in the Palisades about 95% of the time. LAPD is focused on traffic enforcement in town in response to six deaths along Sunset Boulevard and Palisades Drive last year. Also, an officer has been assigned to monitor the increased motorcycle activities on Sunset during nighttime hours. The Board has not heard of any crimes committed in this neighborhood over the past few months.
- **PROPOSED PRE-SCHOOL at 310 BELLINO:** Chabad's Conditional Use application (CUP) was suspended by the City because the neighboring property owner (Getty) informed the City that a portion of the building being proposed for the child care use is located on their property and therefore, the Getty must also sign the Application authorizing the use of their property. The City will be seeking advice from the City Attorney's office as to the Getty's position. To date, Chabad has not re-filed the application. This, combined with the fact that there is no road access to the site, should render the proposed CUP dead.
- **THE WOODEN GUARD RAIL** on Tramonto at Coperto has been repaired and repainted and is complete now with reflector lights. It looks beautiful and we have Marlana Newmark to thank for this - she worked with City representatives and got the repairs done. **THANKS MARLENA!**
- **TREASURER'S REPORT:** As your Treasurer, I am delighted to present you with the following statement of our financial position. But first, it is only appropriate to begin by expressing our thanks to the community spirit of our neighbors who contributed so generously to our Legal Defense Fund. With the financial and moral support of our neighbors, we have been able to successfully defend an expensive and time-consuming lawsuit that threatened our CC&Rs. We are very grateful to all of our neighbors who helped us in this process. This is the community spirit that makes Castellammare such a wonderful place to live.

CMHO is in an excellent financial position. As of October 23rd, and with all of our outstanding bills paid, we are able to report the following: Our money market fund, which is our organization's cash reserve, stands at approximately \$14,150. Our CMHO checking account stands at \$11,500. And our CMHO Legal Defense Fund stands at \$10,200. This means that we have a total of \$35,850 on hand as we look forward to the year ahead.

I would like to offer our friends and neighbors my very best wishes for the holiday season ahead. Sincerely, *Mike Lofchie, CMHO Treasurer*

- **CMHO DUES:** Our dues are \$85 per year. We have 155 paid CMHO members for the year 2008. Remember to pick up your Getty Villa card from Kim Clary if you have paid your dues but not yet received your card.
- **The PROPOSED PARK ON CASTELLAMMARE WAY:** Eric Fleiss continues to work on the proposed park with City officials. He is waiting to hear from Parks and Recreation pending their discussion with the City's legal Department. He will keep us updated on his progress.
- **TRAFFIC SIGNAL AT LOS LIONES AND SUNSET:** Westside Waldorf School moved into their site in 2006 with the condition that they install a signal light at this intersection. They are using an interim traffic plan but cannot obtain a permanent Certificate of Occupancy without the light. They recently applied to the City for relief from installing this light. The City asked for community input (many of you sent letters voicing your opinion) and will make a decision after October 24 as to Waldorf's request to waive the light obligation. Local organizations, the Councilman's office, and the community are requesting that the City follow through on their requirement for installation of the light at this dangerous intersection. In addition, the Department of Transportation and Norm Kulla of Councilman Rosendahl's office agreed that a deadline should be given to the school to raise the remainder of the money to install the light or Waldorf will not be allowed to continue to operate.
- **LANDMARK TOWNHOUSE DEVELOPMENT** on Tramonto: There is nothing new to report on this development, where Landmark plans to build 54 townhouses.
- **CONSTRUCTION PROJECT AT 17335**, across from the Ocean Woods Condos. The owner plans on constructing a 6580 sq. ft. 2 story, single-family home on this site (which is not in our tract). He had a construction loan lined-up, but it recently fell through. This month he plans to do more grading to clean up the lot and then he will be installing an irrigation system and landscaping around the perimeter of the lot in order to make it look presentable and more appealing to the community.
- **GETTY VILLA RELATIONS COMMITTEE:** Members of the community continue to meet with the Getty Villa representatives to discuss neighborhood issues. We are working closely with them on the proposed pre-school on the Gladden property. They check with the City for any new developments regarding the CUP and Chabad, and report back to the committee. The summer Outdoor Classical Theater production was Agamemnon and was very well attended and successful.
- **PET PEEVES:** From the neighbors, the Board hears frequent, common complaints, which we feel are worth sharing. They are: People who drive too fast through the neighborhood, people who do not pick up after their dogs, people who leave their trash bins out on the street (they are to be placed on the street the night before trash pick-up and taken in by 6 pm that next evening), and, especially, people who let their brush and trees grow and block views. These are all offences which are easily corrected. Let's be mindful of our neighbors and work together to keep this a very special community.

- **BEWARE OF RACOONS:** A neighbor reported that their small dog was attacked by a raccoon in their yard. The dog was hurt, but will survive. Please be careful with small pets - between the coyotes, skunks and the raccoons, we have to be extra alert to ensure their safety.

CC&R and ARCHITECTURAL COMMITTEE UPDATES: One of the CMHO's primary responsibilities, through the Architectural Committee (AC), is to uphold the CC&Rs. **Homeowners are required, as per the CC&Rs, to bring their construction projects, if they are outside the existing foot-print or existing height of the house, to the Architectural Committee for review prior to commencement of construction.** Your attention is drawn in particular to Article II, Section 6 and Article III, Section 2, of the CC&Rs which discusses approval of preliminary plans and the scope of the review process, respectively. **Your board will continue to take steps to ensure compliance with our CC&Rs and the protection of our neighborhood.**

Attached to this newsletter we have included an article from Judy Orsini, a Real Estate agent with Coldwell Banker and a long-standing homeowner in our tract and community member. Since the AC has difficulty at times getting owners to comply willingly with the CC&Rs and AC requirements, we asked Judy to give her views on this process and how it affects the marketability of property.

Some of the properties in which we are currently involved are:

- 220 Giardino: The owner is adding skylights and a small deck above her garage. Since there was no view impairment and no objections from neighbors, the project was approved.
- 266 Quadro Vecchio: The owner plans to tear down the existing house, and build an under story and a first floor. The owner has revised his plans twice at the request of the AC due to view impairments and set-back issues. The AC is awaiting new, final plans based on the new requests.
- 17763 Sabbiadoro Way: The owners want to extend the front of house and add a room over their under-floor garage. The AC had a set-back issue and is awaiting revised plans.
- 17484 Tramonto: This is the house on lower Tramonto that has been under construction for over 13 years. The house is basically complete and someone has moved in. The owner recently fixed the concrete columns (somewhat - there are still wired extending from the top) and, due to a citation from the fire department, cleaned up the unsightly weeds and brush. He recently also removed the falling-down chain link fence, which was an eye-sore. So, except for landscaping, the house is now complete and acceptable looking.
- 17537 Tramonto: The owner has contacted the AC with plans to remodel the current house. The AC is awaiting preliminary plans.
- 251/257 Tranquillo: The owner plans to build one house on these two properties. The AC, after consultation with the home owner's attorney, is in the process of reviewing final plans which will not entail unreasonable view impairment and is considered an alteration of her existing house.
- 17868 Vicino: Construction continues on the house, which was approved a few years ago. However, the owners are adding a pool, pool house and deck on the lower area of their property without approval of the AC. The owners have been asked to provide the AC with complete plans for the pool and surrounding construction.

COMMUNICATION is at the heart of a successful community association. We are open to suggestions about what and how to communicate with you and what you would like to see us do. And if you would like to attend a board meeting, please let us know. Also, please be sure to give us your e-mail if you haven't already, or if it has changed.

CMHO CONTACT LIST -2008

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For non-emergency immediate service: (877) 275-5273

Fire Dept., non-emergency, Dept.23: (310) 575-8523

City Services and Building & Safety: 311 or <http://www.lacity.org/boss/request.htm>

City Council Office

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Getty Villa Community Relations Council

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Getty Villa Complaint Hotline: 1-877-625-4282

Preserve our people and pets - - slow down and drive carefully!!!

A Realtor's Perspective on the Protection of CC&Rs

Many areas of Pacific Palisades, including the Asilomar/El Medio bluff areas, Sunset Mesa, portions of Marquez Knolls, and of course, our uniquely special Castellemmare, are governed by recorded CC&Rs.

The developers of the Castellemmare Mesa area of Pacific Palisades recorded "Conditions, Covenants, and Restrictions" for the properties in our neighborhood, the legal description of which is track 8923, for the purpose of insuring uniformity in terms of lot and building size, setback requirements, etc. In addition, the developers recognized that within our tract, many property owners had purchased the right to enjoy ocean and mountain views and included language in those CC&Rs to limit another property owner's ability to infringe or obstruct those views.

When you are buying a home within an area governed by CC&Rs, it is important to understand the restrictive covenants and other deed restrictions that are in place for the real estate you want to buy, because they dictate how you can and cannot use the property. When you purchase a home in our tract, the CC&Rs and other underlying documents are included with the preliminary title report which you must approve prior to the successful transfer of the property. In other words, when you purchase a property in our tract, you have entered into a contract that you will abide by and conform to, the recorded CC&Rs.

The entity that reviews proposed property modifications and new building plans is the Architectural Committee. The AC has worked diligently and tirelessly over the years to interpret the CC&Rs to allow homeowners the ability to maximize the development potential of their property, while limiting obstruction of the neighbor's use and enjoyment of their property. The realty community welcomes the diligence of the various Architectural Committees throughout Pacific Palisades because their efforts to enforce covenants are an important element in protecting property values.

CC&Rs are implemented in an effort to maximize the enjoyment of a property owner's use of the property, and also to protect property values. When unenforced, and conformity is lost, property values will likely go down throughout the entire area affected by the CC&Rs. There will come a time for every homeowner to sell his or her property, and a failure to have conformed to the CC&Rs could very well result in a lower sales price. Also, an omission by a seller to notify a potential buyer that there was noncompliance of the CC&Rs is a failure to disclose material facts regarding the property.

We are all now well aware that there is uncertainty and change in the real estate market nationwide. The real estate market will eventually stabilize, but it is more vital than ever that we continue to protect our properties from devaluation by observing and conforming to our CC&Rs. It is, after all, the neighborly thing to do.

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