

## **Palisair Home Owners Association**

A NON-PROFIT CORPORATION

P.O. Box 901

Pacific Palisades, CA 90272

[www.palisair.org](http://www.palisair.org)

[Palisair@gmail.com](mailto: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

January 4, 2013

VIA E-MAIL - Ramtin Nosrati, [rndevelopment@sbcglobal.net](mailto:rndevelopment@sbcglobal.net); Angel Diaz  
[adiaz@nedesignsinc.com](mailto:adiaz@nedesignsinc.com)

VIA POSTAL SERVICE DELIVERY

Mr. Ray Nosrati  
3801 Marfield Ave.  
Suite B  
Tarzana, CA 91356

Mr. Angel Diaz  
Project Manager  
NE Designs Inc.  
15118 La Maida St.  
Sherman Oaks, CA 91403

Dear Sirs,

Thanks very much for your note to us, but it misses the point of our previous correspondence. We did receive those plans in April and Steve Di Saia responded in his April 11 email (see below) to Angelo Garcia, a copy of which was also sent to Ray Nosrati. In his email, Steve cited the problems which still existed, despite the revisions which had been made and which had addressed the concerns raised at least to some degree. In particular, he noted that the Northwest corner (it is more likely that it is the Southwest corner, and that statement was inaccurate) of the building remained out of compliance with the CC&Rs. We received no response to that email.

On June 1 2012, Steve followed up again with another email to Mr. Garcia (see below). Mr. Garcia did respond to this e-mail (also below), apologizing for the failure to respond earlier and promising to contact us with revised plans soon. Nevertheless, no further response following this communication was received and we were never provided the promised plans. This was nearly six months ago. In all, Steve Di Saia, our Plans Chair, has emailed or had phone conversations with you or your architect, Mr. Garcia, regarding non-compliance issues and/or requests for a full set of revised plans over 7 times.

If your current plans are approved by the City, I am sure you will want to avoid the added expense and delay of having to resubmit them to gain City approval of a further revised set, as may be mandated by the Palisair Home Owners CC&Rs. In addition, you have said repeatedly that you want to enjoy a good relationship with the neighbors, who are becoming increasingly frustrated by a lack of timely response to our requests. I must say that the frustration has spread to members of our Board who have been working with you on the project.

We need a set of full size plans, as apparently sent to the City for approval, immediately. As we understand that the City has mandated substantial revisions to the former set of plans which we were provided, it makes little sense for us to work off the plans from April of 2012. I would also hope that the problems discussed in Steve's earlier notes to you would have been corrected by now.

I would very much like to hear from you within the next five business days with a response to these repeated requests.

Sincerely,

Larry Friedman  
President, PHOA  
1157 Las Pulgas Place  
Pacific Palisades, CA 90272  
(310) 459-9362

**From:** Angelo Garcia - N.E Designs Inc' [mailto:[agarcia@nedesignsinc.com](mailto:agarcia@nedesignsinc.com)]  
**Sent:** Friday, June 08, 2012 4:04 PM  
**To:** Di Saia, Steven  
**Cc:** [eran@nedesignsinc.com](mailto:eran@nedesignsinc.com); NOSRATI RAMTIN  
**Subject:** RE: 16058 Anoka Project

Mr. Di Saia,

I apologize for not getting back to you sooner. We are removing the basement design for this project but essentially keeping the same design for everything above ground. We are working on the plans and will soon send you the revise plan for your review. I appreciate your patience and understanding and we'll be in contact with you soon.

Thank you,

Angelo Garcia

Project Manager

NE Designs Inc.

15118 La Maida St.

Sherman Oaks, CA. 91403

[\(818\) 789-6439](tel:(818)789-6439) Office

[\(818\) 641-2397](tel:(818)641-2397) Mobile

[\(818\) 789-6941](tel:(818)789-6941) Fax

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**From:** Di Saia, Steven [mailto:[Steven.DiSaia@sedgwicklaw.com](mailto:Steven.DiSaia@sedgwicklaw.com)]  
**Sent:** Friday, June 01, 2012 1:34 PM  
**To:** Angelo Garcia - N.E Designs Inc'  
**Cc:** [eran@nedesignsinc.com](mailto:eran@nedesignsinc.com); NOSRATI RAMTIN; Larry Friedman  
**Subject:** 16058 Anoka Project

Mr. Garcia:

I prepared and sent the e-mail correspondence set forth below on April 11 to address the issues remaining to determination and resolution in connection with the project proposed for 16058 Anoka. To present, I have not received a response as to the issues addressed and have now confirmed with the remainder of the Board that they also have not heard from you or the other recipients of the e-mail since that time.

I certainly understand that this is a formidable project and there are issues to be addressed, both complex and not, which fall outside the purview of our Association. Nonetheless, as there has passed a rather considerable length of time since that last communication, I wanted to check with you as to the status of the issues we had addressed, particularly given your prior indication that the plans were submitted for consideration by the City of Los Angeles.

As provided in far more detail below, the materials most recently provided were not full-sized plans, and thus a complete review could not be conducted, but there did exist sufficient indications that there remained violations of the applicable CC&Rs, though many of the issues that we had addressed had been substantially improved.

We also noted that we do not have a complete excavation plan for this project, which we are required to obtain and approve. While we do have some plans for the proposed excavation, dated from December of 2011, those do not indicate proposed excavate within one foot of the property line, as provided in the Notice of Excavation received by many of the neighbors. We thus requested any more extensive or revised plans for the excavation.

On your receipt of this e-mail, please let us know the status on the issues remaining to be addressed.

Steve Di Saia

Plans Committee

Palisair Home Owners Association

**From:** Di Saia, Steven

**Sent:** Wednesday, April 11, 2012 4:32 PM

**To:** 'Angelo Garcia - N.E Designs Inc'

**Cc:** [eran@nedesignsinc.com](mailto:eran@nedesignsinc.com); NOSRATI RAMTIN; 'Larry Friedman'

**Subject:** 16058 Anoka Project

Mr. Garcia:

Thank you very much for your prompt response to my e-mail of April 4, as directed to Mr. Nosrati. The elevations which you provided with your e-mail, dated April 5, 2012, do appear to confirm that the garage on the Northwest corner of the proposed project, which was a subject addressed in our prior communication to Mr. Nosrati in early March, has been lowered in elevation approximately 3.4 feet.

Given that we do not have full-sized plans, however, we are not able to tell whether or not the reduction in the height of that structure has operated to correct the violation of the CC&Rs posed by that element of the project. If you can provide full-sized copies of the Elevation Sheets included with your e-mail, we would be happy to evaluate this issue and provide a response as to compliance and approval.

We will note that, looking at Sheet A6.2 in particular, the elevation indicators you have provided (marking the 15.5 foot limitation posed by the CC&Rs with a dotted line) do indicate that the far Northwestern side of the structure remains out of compliance. We understand that the indicator line is merely an approximation, however, and will reserve

any judgment as to compliance until we can evaluate the full prints. It is worth noting, however, that our correspondence of early March addressed the fact that the 15.5 foot limit must be measured vertically from the slope, as the issue is view obstruction. As your newest set of elevations continue to make this measurement perpendicularly from the slope, your dotted line reference remains somewhat inaccurate.

In addition, Sheet A6.2 does not seem to indicate any changes made to the structure at its Northeast corner. Is that the case? Our correspondence in early March referenced our concerns as to the proposed height of the structure overall as it is expected to extend over fill and provided a detailed explanation as to the proper means to calculate the height restriction. It does not appear that this formula was applied to the Northeastern side of the property, but, again, we will reserve our judgment until we see the full-sized plans.

We would like to see these plans as soon as possible, as your e-mail also indicates that plans have been submitted to the City of Los Angeles. If in fact the building plan has been submitted for a permit, we are rather anxious to insure that there are no violations posed to the CC&Rs. Certainly, we have no desire to require further changes to the proposed structure after permits have been issued, as such will impose an unnecessary expense.

Of a last note in this regard, Sheet A6.2 has an elevation indicator for the remainder of the structure, indicating that the residence will be as tall as 20'8". The prior set of plans and elevation provided from January of this year show this same elevation as 20'6", which would exactly meet the CC&Rs height limitation, with an assumed reduction in the height of the pad by excavation of 5 feet. Were there other changes made to the proposed structure in this regard of which we are not aware? If so, and if these changes are proposed to create a violation of the CC&Rs height limitation, we will need to address that issue as well.

As to the Notice of Intent to Excavate, we had every belief and expectation that the document was simply a requirement from the City for notice to the surrounding properties. We had highlighted its issuance, as it has served to bring the status of the project back to the foreground.

We noted previously as well that we do not have a complete excavation plan for this project, which we are required to obtain and approve. While we do have some plans for the proposed excavation, dated from December of 2011, none of those indicate proposed excavate within one foot of the property line, as provided in the Notice. If there are more extensive or revised plans for the excavation which have been prepared since December of last year, we would request copies of those as well.

As expressed in the past, we appreciate all of your labors to bring this project into compliance with the CC&Rs and to provide information to us in this regard as promptly as possible.

Steve Di Saia

Plans Committee

Palisair Home Owners Association

