



Diana Ungerleider <dianaunger3@gmail.com>

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## FW: 16163 Anoka - I just got \$1,100 in invoices for plan check fees

2 messages

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**Di Saia, Steven** <Steven.DiSaia@sedgwicklaw.com>  
To: Diana Ungerleider <dianaunger3@gmail.com>

Sun, Oct 5, 2014 at 8:35 AM

For the file.

Steve

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**From:** Di Saia, Steven  
**Sent:** Sunday, October 05, 2014 8:35 AM  
**To:** 'Jerry Del Colliano'  
**Subject:** 16163 Anoka - I just got \$1,100 in invoices for plan check fees

Jerry:

Please do let me know what you find and I will pursue it from my end. There will be no delay, however, in getting the preliminary approval done, based on the payment or not of the fees involved. I will do the letter as soon as I am able.

Of note, however, you will not be getting protection of all views created by the remodel. The terms of the CC&Rs and policy of the Board as to all remodel and construction projects, yours and everyone else's, is that actual or potential views which pre-existed, based on the original structure in the Association, are afforded a measure of protection.

For example, if you have a view from the existing house thru a window, or would have a view from the original house if you installed a window where none previously existed, that has protection under the CC&Rs against unreasonable obstruction. Of note, such views are still not protected from an obstruction posed by the remodel of another residence within the setbacks and height restrictions posed by the CC&Rs.

However, if anyone expands the actual or potential view by adding to the structure (and the most easily referenced such means is the addition of a second story to a one-story residence), that newly created view does not receive this measure of protection. The reason for this general policy is clear and unbiased.

In all fairness, the PHOA cannot restrict a proposed subsequent construction because of the potential obstruction

of views which did not pre-exist. For example, let's say that someone wants to build a second story, has the money to do so, and it will not obstruct any existing views. And, by doing so, that person gets a view of the ocean which he did not have previously. But the owner across the street (whose house is between the first house and the ocean) also wants to add a second story, also at present poses no obstruction to an existing view, but does not quite have the money to do the project yet.

If the PHOA approves the first project, and protects the ocean view which is newly created, the Board would then be required to reject the application for a variance of the owner across the street, when he makes his application a year later. Yet that second project would have been approved, if he just had the money to do the project a little earlier, because no obstruction of views was posed the year prior. That would not be a fair application of the variance policy.

The existing and potential views from your residence, as you purchased it, will have protection. New views or potential views created by means of the expansion of the residence will not. That policy is generally applied to all projects at the PHOA, as also reflected in the Plans Application Process Instructions on the Internet Site.

Steve Di Saia

Chairman, Plans Committee

*Palisair Home Owners Association*

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**From:** Jerry Del Colliano [mailto:[jerry@hometheaterreview.com](mailto:jerry@hometheaterreview.com)]  
**Sent:** Friday, October 03, 2014 7:41 AM  
**To:** Di Saia, Steven  
**Cc:** Amanda Day; Terrance Huber  
**Subject:** Re: I just got \$1,100 in invoices for plan check fees

Steve,

I paid the application fee nearly a year ago. I will have Amanda Day, my bookkeeper, pull the evidence. I would do nothing to delay the process of getting approved.

I got the letter about phase one of development at my home which has started.

I have not heard anything on the proposed phase two on my house until this email. I would like formal approval of that project including specific protection of our potential views (as Larry specifically said he WOULDN'T protect our views while protecting everyone else's).

Thanks for the follow up.

j

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Jerry Del Colliano  
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Jerry:

Please let me know what you were billed and paid previously and I will seek information in this regard. You may have previously paid an application fee and/or a plan review fee; I simply do not recall one way or the other. I believe that our Plans Application Process Instructions are posted on our Internet site and provide guidance as to the source and basis for these invoices.

On the refusal of the PHOA to act on your efforts to address the concerns raised as to the residence, I do know that I prepared and sent a letter to you on June 10, providing preliminary approval of Phase I of your project. Did you not receive that? If not, I can send a copy.

I also had communications with you since then about the request of the Board for renderings on Phase II for the purposes of preliminary approval of that Phase, which you declined to do. Since that time, we have had further discussions on Phase II and, at our last meeting, confirmed preliminary approval of Phase II, though with final approval contingent on the receipt of the renderings that I had requested. You will receive correspondence to this effect as soon as we have the time to prepare it. All of this information is set forth in the Minutes of our Board Meetings, which are also posted on our Internet Site. I thus do contest that you have heard nothing in 6 months.

Steve Di Saia

Chairman, Plans Committee

*Palisair Home Owners Association*

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The information in this email is intended for the named recipients only. It may contain privileged and confidential matter. If you have received this email in error, please notify the sender immediately by replying to this email. Do not disclose the contents to anyone. Thank you.

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**Di Saia, Steven** <Steven.DiSaia@sedgwicklaw.com>

Sun, Oct 5, 2014 at 8:48 AM

To: Syd Vinnedge <syd.vinnedge@gmail.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, Larry Friedman <lpfriedman1@gmail.com>, Patti Gallagher <p.gallagher2@verizon.net>, Vi Walquist <viwalquist@gmail.com>, Karen Olan <karenolan@beckarmed.com>, Diana Ungerleider <dianaunger3@gmail.com>, Hal Erdley <halerdley@gmail.com>

All:

I have had a number of exchanges with Mr. Del Colliano over the last few days in connection with his receipt of our invoices for the application fee and plans review fee in connection with our review of his residence. His earlier e-mails are not attached below, but, essentially, he proposes to have already paid the fees to be charges and does not believe he should have to pay these. I believe that I sent a note to Karen seeking to determine if any fees were ever paid on this residence, and, if so, the amount and timing of such payment(s). I just do not recall any and do not know that I would know if such had been submitted.

I just wanted you all to be aware of the status and issues presented, particularly as to his contentions on protection of the views to be created by his proposed Phase II remodel.

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