

December 15, 2014

Mr. Larry Friedman, President
Palisair Home Owners Assn, Inc.

Dear Larry:

This letter contains information and “complaints of violations of the CC&R’s of this tract regarding the new building at 1054 Palisair Place.. In most instances, you have been made aware of these events over the past eight to nine months. Affected neighbors created a meeting with Tract Committee, but Committee members present, showed no interest to hear what neighbors had to say. None were given time to speak. Individually, they have written to you, but there has not been any transparency in this matter.

Based on the original plans for this building, I was able to ascertain many incremental changes, which were brought to your attention. The building has been expanded and its appearance and position has been changed to the dismay of the neighbors. The owner, Mr. Ghoreyshi, is obligated to provide you with changes in plans for the Tract Committee’s approval, PRIOR TO MAKING CHANGES. Based on my observations you never made requests for new plans, never inspected the changes from information given to you by the neighbors and appeared reluctant to hear what they had to say. My letter, to you and the Tract Committee, of November 7th, remains unanswered. Why?

The most obvious plan change was the re-design of the roof. They flattened it which increased the height of the building walls three to four feet, thus increasing the volume measure of the entire house. This, also, enabled the builder to expand the length of building, further obstructing neighbor’s ocean view.

After I reviewed the plans in May/June, I told you the N/E end of the building was extended in length five to seven feet, most probably to provide owner with more swimming pool privacy . This further obstructed ocean views for all neighbors behind them, as well as the permitted second floor above the questionably designed sun deck. Kindly note that while Mr.Ghoreyshi has gained privacy from all neighbors, the surrounding neighbors have lost almost all of their privacy. Their second story windows look right in to my swimming pool area.

Now for the violation of the height limit of this new building. As you are aware, I measured the interior height of this building with the help of an assistant contractor on the job. We measured both floors (basement and first floor), floor to ceiling, the foundation, in between floors, and the space to the unfinished roof from the first floor ceiling. As I told you at that time, those cursory measurements totaled thirty-two feet, three inches. You were hung up on the twenty-six feet, six inches, less the eleven feet excavated from the prior pad height as shown on the original plans. According to Hal Erdley, no one knew the height of the original pad, since you never did measure the height of the prior pad before excavation was started. You refused to accept my measurements of the building, and insisted that only a surveyor

would confirm the height of the entire building. Through-out, you have ignored “the 14’ CC&R restriction”, mentioned below. You did get a surveyor, two and one-half months later. However there was no diagram prepared by the surveyor showing just what he was measuring.And the elevation height of the prior pad used by the surveyor...,.....how did the surveyor arrive at the stated elevation, when no one previously measured it prior to excavation? Did it have anything to do with information I gave to Hal Erdley?

Now Article III, Section 1., paragraph two states “No structure of any kind shall exceed 15 ½ feet above the finished ground from the front of the building pad to the top of its ridge pole, NOR MORE THAN 14 FEET ABOVE THE FINISHED FLOOR, except that the Tract Committee in its sole discretion and after consultation with possibly affected neighbors may permit the erection of a structure higher than 15 ½ feet above the finished ground measured from the front of the building pad, provided, it will not unreasonably obstruct or unreasonably diminish the quality and nature of the view from any other land of this or an adjoining tract.”

According to the building plans submitted to you, the elevation from the finished first floor to the ridge point of the roof is twelve feet. The hand-measurements that I submitted to you show this measurement to be sixteen feet, eleven inches. If I am correct, this makes the building at this height more than 40% above the approved plan’s height and more than 20% above the CC&R’s restriction. Yet, you never examined plan changes, nor enforced the CC&R’s. Complaints by neighbors of ocean view obstructions were never enforced by the Tract Committee.

In addition you allowed builder to install air conditioners (not on plans) on the roof, and when neighbors complained, you suggested that builders construct a fake chimney to cover same. You also allowed three or four other fake chimneys on the roof, when the building plans state, very clearly that the gas fireplaces within the house do not require chimneys. All of this, further unreasonably obstructs and diminishes the quality and nature of the ocean views for many neighbors.

Article IV, Section 2, footnote 11, states.....”In principle, any alteration of, or any permanent addition to, the exterior of a house not shown on the plans as originally approved, or any alteration of, or installation of, a structure elsewhere on the lot, other than mere landscaping, requires approval in writing by this association prior to the execution of the work. Whether it is a major item such as a pool or an additional room, etc., or a minor item such as a television Antenna or a fence gate or the like, makes, legally, no difference.”

In my meetings with Mr. Erdley, this past July, he asserted to me that no additional plans, nor any plan changes, for this 1054 Palisair project, have been submitted to the Tract Committee, and that he is holding the original plans only, along with all other project plans.

This means that the weird, elevated second story swimming pool, built on ground fill, has no submitted plans. A retaining wall built to hold the questionable ground fill, has no specification plans, is unnecessary, appears to be more than 12’ in height, and a severe annoyance to all in

the neighborhood because of non-conformity with the tract. A stairway (not on plans) that is on the brink of code violations, and is a descending safety hazard. Previously, I mentioned the extension of the N/E corner of the residential building that has no plan change approval. The one thousand gallon water tank near the El Medio curb is not on any plans. The north side setback, rear of building, designed now with an entrance to meet the new stairway has no new plans. The Koi Pool and your suggested wall at front of house are not on plans. Original plans show second story floor to ceiling height of 8', yet there are windows taller than 8' inserted in walls. Correct floor to ceiling height, per my measurement, is 12'3", yet, you refused to inspect plan changes.

In my opinion, it would be difficult for an expert to find 30% of what has been constructed on this 1054 Palisair property to comply with the drawing of the plans that tract committee approved. Unless you are intending to enforce the CC&R Restrictions in this project, I believe it is important that you advise your insurance carrier of your position in this matter.

Over the past seventeen months, you have been very slow in responding to my complaints regarding building projects on properties fronting on the Palisair Cul-de-sac. They began as friendly phone chats and, now, I have reverted to very long detailed letters. In the meantime, building continues. My letter of November 7th, has not been answered. Each violation deserves a full explanation. If charges are allowed to accumulate, it will be cumbersome to you and me and more expensive to the builder should he be at fault. I urge you to answer my letters more promptly.

Very truly yours,
Hal Oliver