

Hal Oliver
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September 18, 2014

Larry Friedman, President of PHOA:

Re; 1054 Palisair Construction

With the information and documents in my possession, some of which I am imparting to you herewith, I am strongly urging you to void the construction, at the 1054 Palisair Place building site, of (1) the Koi Pool within the front setback, and (2) the construction that is obstructing the side setback requirement on the entire north side of the building. Both of these constructions appear to violate the CC&R's, Article III, Section 8 and 9. Also, Article IV, Sections 1, 2, 3, and 4.

In your letter to your board, you state that Mehran was permitted to build his home within the allowable setbacks. However, anyone sitting in judgment would concur with the complaint that the side setback of this building has violated the CC&R's,.....and would question the indifference of the PHOA to this fact. Instead of an unobstructed five foot passageway from the front to the rear of the house, there is a mass eight foot tall construction of cement, pipes and dirt. At least, five feet in width of this construction, from the foundation wall, should be removed to comply with the CC&R's.

Now, for the Koi Pool. The CC&R's require a ten foot setback from the street. In my April reading of the CC&R's, which you asked me to study,..... among many, I questioned the pool/fountain, as to why it was permitted. In May of this year Hal Erdley answered the questions that I mailed to you. He stated that the tract committee considered that the pool/fountain was not architectural but part of the landscape "provided it was not too big". It measures more than 13' x 9'. This is big. Many homes have rooms that are smaller than 120 square feet. It was originally built next to the curb, and the city made them move it back 3 feet, which brought down the size to that described above. They also want the depth decreased or a fence built around it. How did your committee come up with the thought that this was part of the landscape? To this date, no one on your tract committee, that I questioned, has seen a design of the fountain/pool that Mehran plans to build, yet you are acquiescing to the building of same, despite the CC&R violation and the complaints, to you, from many neighbors.

At the builders meeting with the neighborhood homeowners, when the architect informed us that the garage would be moved to the south side of house, I asked him what was planned for the north/front. He replied grass. And the building plans clearly show sprinklers for the area. Your

archives should show that this same owner showed the neighborhood plans for a new house, two years prior to the current plans meeting, showing a fountain in the front of the house. It was unanimously turned down by everyone. Most certainly, he was not going to show a fountain/pool on his new plans. Has Mr. Mehran filled out and signed your application of Approval For Property Alteration/Construction. Have you enforced it, and has he complied?

I am enclosing an article that appeared in L.A. Times, this September 8th, regarding “Cases of West Nile Virus Up Significantly Across The State. In Orange County, they are spraying areas with insecticides, and asking people to stay indoors. They are also telling people with fish ponds to cover them. The majority of homeowners in our tract are well over 50 years of age, the most susceptible to the virus. This morning The LA Time printed another story, enclosed.

Four years ago, Palisair Place homeowners had a problem with animals residing in the canyons on both sides of our neighborhood. The canyons were parched and dry with no water. The deer, possum and other animals came up to our streets during the night and ate the flowers, plants and grass to get whatever bit of water. We all had to stop watering at night and cover our plants before we went to bed. Slowly, the animals abandoned this area. This proposed pool/fountain of water will be a severe nuisance and a possible hazard for every homeowner in the area. I believe the CC&R's specify something regarding this nuisance issue and your tract committee should review their position on this issue.

Some two months ago, you and other members of your tract committee, ask that I meet with Hal Erdley, to review the issues that I have with the addition and revisions of the plans for the construction at 1054 Palisair Place. To date, there has not been any reply to me concerning the issues. Therefore I plan to bring them up once more and copy same to select persons.

This letter is important and is being e-mailed to you for expediency. Will you kindly telephone me (310/454 8010) to tell me that you have received it, and will answer my questions and requests within the next ten days.

Yours truly,

Hal Oliver

O.C. is alarmed by West Nile

Officials to spray areas of Santa Ana with insecticide amid a big outbreak of infections caused by the virus.

By **ROBANNA KIA**

Combating the worst outbreak of West Nile virus ever recorded in Orange County, officials will begin spraying targeted neighborhoods with insecticide Tuesday in an attempt to stop the increasing number of residents infected by the disease.

From 3 a.m. to 5 a.m. Tuesday through Friday, vector control trucks equipped with foggers will begin spraying four selected

neighborhoods in Santa Ana, one on the northeast side of town and the other three on the western side.

"We're trying to cover as much area as quickly as possible," said Jared Dever, a spokesman for the county's vector control district. "One of the final tools in our arsenal is to go to truck-mounted fogging."

County officials have been particularly alarmed by the amount of mosquitoes infected with the virus this year. On average, 10% to 20% of the mosquito samples collected in Orange County test positive for West Nile. This year, the rate has reached 30%, Dever said.

The number of people infected with the West Nile virus in Orange County this

year has increased to 91 as of Thursday, compared with a total of 12 cases in 2013. A Seal Beach woman in her 80s and a Huntington Beach man in his 70s were the first reports of people in the county who died from the virus this year.

At least nine people have died from the virus in California this year.

The virus is usually transmitted to humans from a bite by an infected mosquito and can cause flu-like symptoms and, in rare instances, death. For most people, the risk of serious illness is low. People 50 or older have the greatest risk of developing serious complications.

Santa Ana was selected as the first Orange County city to fog because it has tested consistently positive

for the virus over and over again," Dever said. Officials are waiting to see how effective this week's fogging will be before trying it in other hard-hit areas such as Anaheim, Fullerton and Orange.

Mosquitoes become infected with the West Nile virus after feeding on birds that had the disease.

Fogging is the only known way to control the population of adult mosquitoes, Dever said. This is the first year county officials have taken such an extreme measure in a dense, urban population, he said.

Residents have been instructed to stay inside during fogging and at least half an hour after it. Doors and windows need to be closed and non-recirculating air

[See West Nile, A.A.2]

Cases of West Nile virus up significantly across the state

[West Nile, from AA1] conditioners shut down until half an hour after the spraying. Pet food bowls and outdoor fish ponds should be covered.

The active ingredient in the pesticide, AquaAnvil, poses a minimal risk to human health and the environment, according to the California Environmental Protection Agency. It will not stain stucco or damage cars or house paint, Dever said. The county has used the fogging trucks routinely on wetlands and other open spaces in the past.

Officials this summer have tried many other ways to break the cycles of virus transmission, but "it hasn't helped to the point that we wish it would," Dever said.

West Nile reports are up across the state. Ron Chapman, director of the California

Areas to be sprayed



PAUL DUDINSKI LOS ANGELES TIMES

nia Department of Public Health, said this week that the proportion of mosquitoes infected with West Nile is at the highest level ever detected in the state.

So far this year, 37 California counties have detected the virus. At least 181 cases have been reported to the agency — a significant increase compared with the 101 cases reported by this time last year. The five-year average at this time of year is 56 reported cases.

"We expect to see more people become infected as this is the time of year when the risk of infection is the highest," Chapman said in a statement.

Los Angeles County this year has reported 25 cases, including one death, with

the largest numbers in the San Fernando Valley and the South Bay, according to the Los Angeles County Department of Public Health.

To date, vector control districts across the state have detected the virus in 1,827 dead birds, 274 sentinel chickens and 2,660 mosquito samples this year.

Health officials called on residents across California to take precautions, such as wearing insect repellent, limiting activity at dusk and dawn and draining "standing water" in flower pots, buckets and pools, which attract egg-laying mosquitoes.

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W. Nile cases still on rise in state

More than a third of the virus cases are in Orange County, with 136 infections and three deaths.

By PALOMA ESQUIVEL

The number of West Nile virus cases is continuing to explode throughout the state, with more than 350 people infected; more than a third are in Orange County.

Earlier this month, the California Department of Public Health said the proportion of mosquitoes infected with the virus had reached the highest level ever detected. Cases of human infection have been reported in more than two dozen counties and 12 people have died because of the virus, according to state data.

In Orange County, there have been 136 human infections and three deaths, including a Seal Beach woman in her 80s, a Santa Ana man in his 50s, and a Huntington Beach man in his 70s, according to the county's latest reports.

The city of Santa Ana, in particular, has been hard hit with 51 reported cases, more than all counties in the state except Orange, according to state and local data.

Although the numbers are worrisome, Orange County officials said Wednesday there are some positive signs.

Recent hot weather led to a drop in the proportion of mosquitoes infected with the virus in the county, said Jared Dever, Orange County Vector Control District spokesman.

The drop, along with a slowdown in the number of reported human infections, is leading county officials to reassess an unprecedented plan to begin spraying neighborhoods in Santa Ana with insecticide to help control the disease's spread, Dever said.

Officials announced earlier this month that starting Sept. 8 they would spray four parts of the city in the early morning hours, but those plans were delayed because of weather.

Now, the vector control district is trying to determine when, or even if, the spraying should take place, Dever said.

For now, he said, things are "moving in the right direction."

The county for decades has used truck-mounted foggers to control mosquitoes in wetlands and open spaces, but the spraying in Santa Ana would have been a first in a populated area, Dever said. Residents had been warned to take several precautions, including staying indoors during the treatment, closing doors and windows and covering pet food and water bowls.

Earlier this year, the county also began obtaining warrants to inspect the properties of uncooperative homeowners.

West Nile virus is often geographically localized and its spread can depend on various factors including standing water, temperature, mosquito count and bird immunity, said Dr. Michele Cheung, deputy medical director of epidemiology at the Orange County's Health Care Agency.

In Santa Ana, officials were particularly troubled by an increasing number of stagnant backyard swimming pools. They also worked with city officials to clear out storm drains, Dever said.

Typically, West Nile season lasts until October, but in some years it has continued beyond that, Cheung said.

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