

To: Palisair Home Owners Association

From: Dan Ray and Jane Hines

Re: Requested variances for planned construction at 1055 El Medio Ave

We were informed at the 2/21/2017 PHOA meeting that Adams Stirling is the legal counsel for the PHOA. We have reviewed their web site (Davis-Stirling.com) regarding the granting of variances relating to proposed neighboring home construction in HOAs. This information can be viewed at <http://www.davis-stirling.com/tabid/3652/Default.aspx#axzz2AMHz4Jef> or by navigating to the information by following links to "variances (architectural)" where California case law regarding variances by an HOA is discussed.

Their documents state that **Conditions for Variance** are only considered in "extraordinary circumstances" as those that "might involve geological or topographical conditions on the lot." The **Recommendation** given to HOAs on the Adams Stirling site is "Boards have a duty to enforce their governing documents and should be cautious about granting variances. When faced with such decisions boards should seek legal counsel before granting variances".

We don't consider that the proposed variances meet the requirement for "extraordinary circumstances". The extension of the structure off pad to the South and over the hillside on pylons would affect our view of the sunset and is not justified, in our opinion, based on any extraordinary conditions.

We expect that the board will consider the points that we raise here before acting on the requested variances.

Your neighbors

Dan Ray and Jane Hines
1051 El Medio Ave