

# Palisair Home Owners Association

A NON-PROFIT CORPORATION

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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

## PHOA SPECIAL BOARD MEETING JUNE 23, 2015 MINUTES

**I. President Francine Kirkpatrick called the meeting to order at 7:15 p.m.** at the residence of Vi Walquist. Board members present: Francine Kirkpatrick, Vi Walquist, Suzanne Weisberg, Diana Ungerleider, Roger Broderick and David Schultz. Absent: Karen Olan and Miriam Schulman. Also present: Kim Bantle, Richard Blumenberg, Danny Seo, contractor Scott Birdwell and Faryon Afifi.

### II. Plans Committee

**a. PHOA Policy Review** Kirkpatrick led discussion on PHOA Plans Committee Policy Points, the document she distributed at the June 15 Board meeting.

*i. Kirkpatrick moved that in keeping with most Davis Stirling-governed HOAs, the Plans Committee is advisory in nature only and delivers their recommendations to the Board of Directors; Weisberg seconded; passed unanimously.*

*ii. Weisberg moved to to adopt a policy that demolition and construction can begin only after plans have been stamped and signed with PHOA final approval; Walquist seconded; passed unanimously.*

*iii. Discussion held on proposed revision to Article III, Section 9 of CC&Rs which references retaining walls. Revision would clarify language. To be explored further.*

*iv. Discussion held on proposed clarification of off-pad building rules. To be explored further.*

**b. 1378 Las Canoas (Afifi)** Owner is seeking final approval. Blumenberg described CC&R issues and plan changes, which include changing the roof from flat to pitched. Afifi will consult with his architect about changes and will contact Blumenberg about it. Vote postponed; final approval will be provisional on changing roof.

**c. 1111 Las Pulgas Pl. (Seo)** Owner is seeking preliminary approval and initiated an independent consultation with Kirkpatrick and Blumenberg to review the CC&Rs in relation to this project. He sent letter to PHOA Board asking for clarification of CC&Rs. Blumenberg will review plans for CC&R compliance and report to Board at the July meeting. Owner will erect an off-pad story pole for wall at furthest point downhill and Board will visit site to evaluate.

**d. 1054 Palisair Pl. (Ghoreyshi)** Building and Safety stamped plans were given final approval by PHOA on Oct 16, 2012 and reflect signatures of Plans Chair, Steve de Saia, and owner, Mehran Ghoreyshi. A site visit was conducted with contractor on 5/28/15 with PHOA architect Blumenberg and Board president Kirkpatrick. It was confirmed that the completed construction went according to these plans. However, there were additional items installed, which were discussed for board

approval.

- i. KOI POND** *Kirkpatrick moved to grant approval for koi pond and internal pumps; Schultz seconded; passed unanimously*
- ii. WALL WITH GATE AND RETAINING WALL** adjacent to 1060 Palisar Pl.: Wall from house to property line is 6 ft tall and in compliance with CC&R regulations for fences and walls. Retaining wall located 4 ft behind and parallel to wall is necessary to stabilize slope. As both are in CC&R compliance, *Weisberg moved to grant approval for wall, gate and retaining wall; Ungerleider seconded; passed unanimously.*
- iii. WALL WITH ROUNDED WALKTHROUGH** on south side of house runs perpendicular from garage to property line. It is 11 feet, 9 inches high, and CC&Rs restrict height to 6 feet. The wall height hides stairs and electrical equipment. *Weisberg moved to approve wall; Schultz seconded; 3 in favor, 3 opposed ;tie vote.* Kirkpatrick will check on proper process for handling a tie vote. Bantle will call building inspector regarding their position on wall–height.
- iv. VEHICULAR AND PEDESTRIAN GATES** *Ungerleider moved to grant approval to CC&R- compliant 42-inch high vehicular gate (to be installed) and 42-inch high pedestrian gate at property line; Schultz seconded; passed unanimously.*
- v. SOUTH RETAINING WALL** runs from front to near the rear of side property line shared with 1050 Palisair Pl (Cohen):

  - a. The front section** wall retains natural grade of neighbor’s driveway and rises 2 feet above the natural grade and is CC&R compliant. *Kirkpatrick moved to grant approval for retaining wall necessary to retain the natural grade of neighbor’s driveway; Schultz seconded; passed unanimously.*
  - b. Back wall section:** It is 8 feet tall on the Cohen property side and due to land fill on Ghoreyshi side it is 5 feet tall. As the wall is not for the purpose of retaining the natural grade, at 8 feet in height it is 2 feet higher than allowed. *Kirkpatrick moved to grant a 2-foot variance for back wall as it does not pose a view obstruction, it improves privacy for both property owners and hides the Ghoreyshi barbecue equipment; Ungerleider seconded; passed unanimously.*
- vi. STAIRS/TRASH ALCOVE/WALL** *Schultz moved to grant approval to trash alcove, stairs and pool equipment under stairs. Weisberg seconded; passed unanimously.*
- vii. BARBECUE** *As barbecue equipment cannot be seen by surrounding neighbors Weisberg moved to approve barbecue; Schultz seconded; passed unanimously.*
- viii. RETAINING WALL/PILASTERS/FENCE** at rear of property and along El Medio Ave: *As both retaining wall, height of pilasters and wrought iron fence are CC&R compliant, Schultz moved to approve retaining wall, pilasters and fence; Kirkpatrick seconded; passed unanimously.*
- ix. REAR STAIRS** *As there are no CC&R restrictions prohibiting stairs downslope, Kirkpatrick moved to approve rear stairs that go down to El Medio; Weisberg seconded; passed unanimously.*
- x. POOL WALL** The wall is not above 15 feet, 6 inches tall, but appearance was seen by some as looming and not consistent with neighborhood aesthetics. *Weisberg moved to approve pool wall; Ungerleider seconded; 4 in favor, 2 opposed; vote passed.*

**xi. ROOFTOP DECK RESTRICTIONS** *Schultz moved to approve rooftop deck restrictions specifying nothing placed on deck can rise above the roofline (previously drafted for other properties and therefore holding precedence). Walquist seconded; passed unanimously.*

**xii. CHIMNEYS** Discussion held on chimneys. Decorative chimney caps extend an additional two feet above chimney. Schultz suggested writing letter to owner asking him to remove chimney caps due to objections from neighbors. Further exploration needed and will include Building and Safety consult.

**xiii. REAR PROPERTY LINE WALL** (line shared with 1060 Palisair Pl): Walquist will try to determine if the rear section of the side wall along the property line which is over 6 feet high is blocking neighbor Teitlebaum's view. Final ruling deferred.

Schultz will begin a draft letter to owner; Board will rule on tie vote for variance on 11 ft 9 in wall, north rear property line wall and chimneys at July Board meeting and finalize letter.

The meeting was adjourned at 12:10 a.m.

Next meeting: **July 20, 2015** (third Monday of the month)

Respectfully submitted,

A handwritten signature in cursive script that reads "Diana Ungerleider".

Diana Ungerleider, PHOA Secretary