

APPLICATION PROCESS, RULES & FEES FOR ALTERATION OR CONSTRUCTION

August, 2018

I. APPLICATION PROCESS FOR ALTERATION OR CONSTRUCTION:

It is the goal of the Board for the Palisair Home Owners Association to make the review and approval process for any construction or landscaping project within our Association as prompt and efficient as possible. The achievement of this goal requires the dedication, time and attention by the volunteer members of our Board and an informed effort on the part of the submitting homeowner to meet the requisite needs for the approval process.

Prior to beginning the process, please carefully review the Palisair CC&Rs, found on our website, Palisair.org. Generally, questions can be answered by referencing those provisions. ***You must be current in the payment of dues and fee to submit plans.*** As a general overview, the process is as follows:

1. Complete the Application Form, available on our website. The completed application (signed by the homeowner) is then submitted with the requisite materials, as outlined on the form and accompanied by a check payable to "Palisair Homeowners Assoc." in the amount determined by the size of your project (fee structure on application and on page 3 of this document).
2. Please submit four copies of your plans: two full-sized paper copies, 24"x36"; one reduced 8 ½ x 11 paper copy; and one copy as a PDF file, which can be sent by email to Palisair@gmail.com. In addition, please submit a professional color rendering. Plans should be numbered and dated with Architect information and property address. Included in all construction and landscape plans should be a recent survey. Submitted plans must show property and setback lines. Location of pool, pool equipment, fountains, condensers, electrical panels, refrigeration units or any sound producing items, cannot be in the setback or where they could be of a nuisance to neighbors. Note location of items on plans. Transformers, if needed, may be required to be placed underground. Roof plan showing slopes, chimneys, skylights and other roof appurtenances including HVAC. Roofing material spec sheet or brochure and color must be submitted with initial plans. Reflective roof materials are not allowed (see separate section on roofs). Also to be submitted at this time are external walls, fences, staircases, gates and trees noting material and proposed height.
3. Once the plans, application, copies, PDF and payment are received, the project will be assessed as to the scope of the project and work involved for the approval process.

4. In most cases the plans and related materials will be forwarded to a consulting architect for review.
5. If the construction to be performed presents a concern of view obstruction for any other member of the Association, story poles or other specified means will be required. The PHOA will hire professional installers. Costs will be billed to the homeowner that is submitting the plans. Story poles will indicate important exterior corners of the proposed construction. Where decks are planned, installation shall include ribbons at least six feet above the deck floors to allow evaluation of possible view obstruction by persons standing on the deck and by anything that will be placed on the deck.
6. If the project involves re-grading of the residential lot other than minor landscape grading, grading plans will be required.
7. Depending on location of sound-producing items a sound study may be required.
8. On evaluation of the submitted materials and information gathered, if it is determined that modifications are necessary for your plans or if you require clarification of the CC&Rs, you may want to discuss such matters with the consulting architect for the Board. If so, you are free to do so at your own expense.
9. Prior to the Board vote on Preliminary Approval the Association membership will in most cases be invited to a Neighborhood Meeting to review the plans, renderings and story pole viewing.
10. If there is no determined violation of the CC&Rs based on the Board's sole discretion Preliminary Approval will be issued and a letter signed both by a Board member and the homeowner and a set of stamped plans will be given to the homeowner.
11. If preliminary approval is denied, plans are to be resubmitted following the same procedure as outlined above. Changed pages are to bear revision dates. See resubmittal fees below.
12. Once the owner has received plans stamped by the Department of Building & Safety, and as outlined on the Application Form, Final Approval will require submission of 2 sets of the final DBS stamped plans, one reduced 8 ½ x 11 copy, a PDF copy, and the required fee. Final Approval requires payment of all outstanding charges on your account. Once Final Approval is given, an approval letter will be produced, two sets of plans and letters will be signed by both a Board member and the homeowner. One copy will be returned to the homeowner to be kept at the site, and the other will be stored by the Board for future reference.
13. Demolition and construction must not start before PHOA Final Approval is obtained and copies of any required demolition permits from the City are submitted to the Board.

14. Construction pursuant to the plans is to proceed diligently to completion, keeping in mind the noise and inconvenience for your neighbors. Construction fences are required and allowed to be installed after final approval. Construction fences or cladding should not block views. Demo and Construction permits are to be posted on the fence.
15. The homeowner must notify the Association by email or in writing of the following:
 - When the work is to commence
 - After forms have been constructed, but before the pouring of foundations for new exterior front and side walls
 - When framing is complete
 - When hardscape construction begins
 - Prior to the commencement of any other construction event specifically requested by the Board
16. Periodic site visits will be made to your construction site. Advance notice will be sent by email.

Once foundation has been poured or first floor is established, the PHOA will hire a surveyor to verify the as-built slab elevation as shown on the approved plans. Following the survey, a site visit will be set up so we can measure the maximum height of the framing from the top of the slab or the first floor.
17. Any changes to the plans made during the construction process on a matter covered by the CC&Rs must be referred to the Board for review and written approval or prior approval will be rendered void.
18. No planting of any kind to take place prior to an approved landscape plan which should be submitted in accordance with your approval letters. If the landscaping plan calls for plants that, when mature, may impair views, the homeowner will be notified that view impairment by trees or shrubs may need to be remedied periodically in the future. The homeowner will be encouraged to change the landscaping plan to include lower-growing plants.
19. Of special note, any view created by a remodel or expansion of an existing structure such as through the addition of a second story, does not create a protected view, as defined by the CC&Rs.
20. Substantial construction with intent to diligently complete the job must begin within one (1) year from the date of approval. Otherwise, the approval expires unless an extension is requested in writing and granted.

II. SPECIFIC CC&R REFERENCE CLARIFICATIONS AND INTERPRETATIONS:

1. Pad elevations (reference Art. (III, Sec 1)

a. Determination of the Original Pad Elevation

- i. If the value of the elevation of the original building pad is known from an original survey, the Original Pad Elevation is defined as this value;
- ii. Otherwise, if there has been no cutting or filling in the area of the current building pad (which inevitably many years later is now uneven), the Original Pad Elevation is defined as the average of the elevation of

four distinct points determined by the Tract Committee on the uneven pad from a current survey;
- iii. Otherwise, if the original pad no longer exists due to past major grading for a rebuild the Tract Committee will make its best estimate of the Original Pad Elevation.

b. Determination of the Maximum Elevation at any location on the lot (Ref. Figure 1, pg 7. “Example of Height Limit, Off-Pad Construction, and Retaining Walls”)

- i. **(On-Pad)** If the location is within the bounds of the original building pad, the Maximum Elevation is defined as 15 ½ ft above the Original Pad Elevation. This remains true even if there has been or will be excavation or filling resulting in the pad elevation being lower or higher than the Original Pad Elevation;
- ii. **(Off-Pad, Uphill)** If the location is outside the bounds of the original building pad, and the elevation of the finished ground at that location is equal to or greater than the Original Pad Elevation, either through fill that raises the original pad or grading uphill that forms a separate pad, the Maximum Elevation is defined as 15 ½ ft. above the Original Pad Elevation, as in the On-Pad case;
- iii. **(Off-Pad, Downhill)** If the location is outside the bounds of the original building pad, and the elevation of the original finished ground is less than the Original Pad Elevation the Maximum Elevation can be represented by an uneven surface going down the hill, and is defined as 15 ½ ft above the original finished grade at that location.

2. Art III, Sec 8. Side set back includes all sides, including rear.

3. Art III, Sec 9. “Retaining wall” is defined as walls installed for purpose of hillside stabilization only and are generally needed after major grading and are mostly below original grade. Construction grading to create pool walls, deck walls or any walls used to extend the existing building pad are not considered retaining walls for hillside stabilization, even if they are filled with dirt. They are required to comply with all off-pad building rules and wall heights. (Ref. Figure 1, pg 7. “Example of Height Limit, OffPad Construction, and Retaining Walls”)

4. Art III, Sec 10. Roof Requirements.

- a. Roof shape or pitch shall maximize neighboring views. Pitch for tract 19890: Roofs that start high at the structure perimeter and slope downward toward the interior of the structure are not allowed as a means of satisfying this restriction.
- b. Our CC&Rs forbid roof materials that are “of such a nature glaringly to reflect light.” The California Green Building Code currently requires the use of “Cool Roof” building materials on any roof with a slope of less than 2 inches to each 12 inches. These Cool Roof materials are all highly reflective of light and by nature very glaring. Therefore, in order to comply both with our CC&Rs and California Green Code roofs of less than 2 inches in 12 inches are not possible. A variance to allow a roofline less than 2:12 may be granted, at the Tract Committee’s sole discretion, only in cases where the roof is not visible from any other lot.

III. FINE POLICY:

In accordance with the court decision in Liebler v. Point Loma Tennis Club, a fine policy has been adopted by the Board of Directors of Palisair Home Owners Association (PHOA).

When the Board initially determines that a homeowner has violated the Covenants, Conditions, and Restrictions (CC&Rs) and a fine should be imposed, it will notify the homeowner at least 15 days in advance that a hearing will be held as part of a scheduled Board meeting. The notice will include the date, time and place of the meeting, the nature of the alleged violation and a statement that the homeowner may attend and address the Board at the hearing. It will also include a time frame for compliance. The homeowner's attorney may attend and participate in the hearing, in which case the Board's attorney will also attend. If the homeowner's attorney will attend, the homeowner must provide advance written notice to the Board. If the Board determines at the hearing that a fine should be imposed, it shall be imposed according to the schedule below, and any fee for the Association's attorney shall be added. For a continuing violation, an additional fine may be imposed each month of violation without further notice or hearing, until the violation has been determined by the Board to have been remedied.

Violation Fine Schedule

The following fine schedule applies to all violations of the Association's governing documents. Such violations may result in a warning letter, fine, suspension of privileges, and/or continuing fines as the Board may determine to be appropriate to the situation and as provided for in the fine schedule below. In addition to fines, the Board may file a lawsuit seeking judicial relief. The imposition of penalties and suspension of privileges will be subject to notice and hearing procedures as prescribed in the governing documents and the law.

Continuing Violations

1. Property alterations and/or improvements made without PHOA approval:

\$500.00 for the first month in which the violation takes place, and \$500.00 per month for each subsequent month until the violation is cured.

2. Fence, wall, hedge, and tree violations:

\$250.00 for the first month in which the violation takes place. If the violation continues, \$250.00 for the second month of violation, and \$500.00 for each subsequent month until the violation is cured.

3. Other continuing CC&R violations:

\$250.00 for the first month in which the violation takes place, and \$250.00 per month for each subsequent month until the violation is cured.

Noncontinuing Violations

1st violation:	Warning or \$100
2nd violation (same offense):	\$200
3rd violation (same offense):	\$300
Additional violations (same offense):	\$400
Safety Violation:	Warning or fine up to \$500
Suspension of Privileges:	The Board of Directors, after a hearing, may suspend voting rights or any other privileges allowed by the governing documents or law. The Association will not suspend a members' rights of ingress and egress to their Lot.
Assessment:	May be levied to reimburse HOA expenses.

Unless prohibited by other governing documents and if allowed by law, the Board can take legal action or correct, remedy or cure a violation, and seek a reimbursement assessment against the Member, or file a memorandum of costs or motion for attorneys' fees, to recover costs, expenses and attorneys' fees incurred by the Association.

If a violation is found which causes the Association to incur a financial obligation or expense, then the Member responsible for the violation will be subject to a reimbursement assessment in the amount of the obligation or expense incurred by the Association after proper notice and a hearing.

BASELINE FEE STRUCTURE
FOR PLAN SUBMITTAL

For the initial submittal (pre-approval), the size of the project for the purposes of the fee to be applied is determined based on the square footage of affected space, whether interior or exterior including the basement as noted below. ***You must be current in your payment of dues and fees to submit plans.*** After pre-approval and after the city has reviewed and stamped the plans, they must be resubmitted to the HOA. The fee for the resubmittal and final approval is a flat fee of \$500.

Plans fees charged based on project size are an estimate of costs incurred by the PHOA to review a typical project. If the costs incurred go beyond the fees collected the owner will be billed for the balance.

<u>Construction Projects fees as follows:</u>		<u>Fee</u>
<u>Minor changes</u> such as addition of solar panels, re-roofing, new pool, landscaping, etc.		\$250
	<u>Project Square Footage with basement</u>	
<u>Initial submittal:</u>	0-999	\$1,500
	1000-2999	\$3,000
	3000+	\$5,500
<u>Project submitted after start of construction (1.5 times initial fee):</u>	0-999	\$2250
	1000-2999	\$4,500
	3000+	\$8,250
<u>Re-submittal of non-approved project (half of initial fee)</u>	0-999	\$750
	1000-2999	\$1,500
	3000+	\$2,750
<u>Final Approval Construction Project Fees</u> for final approval by the PHOA Plans must be resubmitted after receiving City stamped approval	N/A	\$500

Revised 11/7/16

