

— SMPOA Meeting Minutes August 5, 2019 —

President Ed Weitzer called the meeting to order at 8:06pm at his home at 18428 Clifftop Way.

In attendance were the following members of the SMPOA Board: Ed Weitzer, Howard Gould, Sara Epstein, Albert Chang, Paulette Silver, Martin Legowiecki. Parliamentarian Rick Silver was also present.

Also in attendance were homeowners Robert Taska and Judge Bernard Kamins (Ret.).

1. ARCHITECTURE COMMITTEE (“AC”) UPDATE

AC chair Martin Legowiecki updated the board on recent AC site visits.

2. OCEAN VIEW INTERFERENCE (“OVI”) ON 18310 COASTLINE DRIVE

Next, Judge Kamins reported on the status of a property under construction at 18310 Coastline Drive that had erected a steel beam without prior AC approval, and which had been determined to be an OVI.

Martin Legowiecki, on behalf of the AC, had previously sent a cease and desist letter to the property owners, David and Mary Boies, alerting them that the addition to their house was in violation of the SMPOA CC&Rs. The letter was mailed to the Boies’ New York and Malibu addresses and another copy was hand-delivered to the foreman on the construction site. A group of Coastline Drive residents organized by Judge Kamins sent a separate letter to the Boies. Mary Boies responded to the second letter and reached out to Judge Kamins to set up an in-person meeting to further discuss the OVI.

An in-person meeting took place between Mary Boies, on the one hand, and AC Chair Martin Leoweicki, SMPOA President Ed Weitzer, and Coastline residents Judge Kamins and Judge Lisa Sussman, on the other hand.

After the meeting, Mary Boies sent an email to the other meeting attendees that contained the following offer (also referred to by the parties as a “Memorandum of Understanding”) in an effort to amicably resolve the OVI dispute without resort to litigation:

1. The Boies agreed to drop the height of their roof to 10 feet 11 inches (it is currently at 16 feet).

2. The Boies would like to deem the dispute resolved in this instance only, and do not wish for it to have precedential effect.
3. Plans for the construction at the site will not be submitted to AC (although they are publicly available and may be obtained through other means).
4. Each party reserves its respective rights going forward.

A motion was voted on and unanimously approved by the Board to have the AC send a reply email or letter that includes the following: (1) a statement that, provided that the Boies follow through with the lowering of their roofline pursuant to the MOU, the SMPOA Board will not presently take any legal action against the Boies; (2) an acknowledgement of the documents we previously sent the Boies; and (3) a statement that the SMPOA Board reserves all rights. (4) It was also decided that the AC would first show the letter to homeowners who had previously complained about the OVI.

3. WEBSITE

It was discussed that the Board is looking for a webmaster to improve and maintain the SMPOA's website.

A motion was voted on and unanimously approved by the Board to hire Paula Sagerstrom as webmaster if we can't find a volunteer. The duties of the webmaster would include uploading the Sunset Mesa-ge, AC minutes and Board Minutes to the website, password-protecting the website and sending the password to current SMPOA members in good standing, and directing questions to appropriate people.

4. RVS ON PCH

It was discussed that the limited overnight parking restriction on PCH was approved by the Los Angeles County Board of Supervisors. The issue is now expected to come up for hearing before Coastal Commission on its September 11-13 agenda in Newport Beach. It was also discussed that certain RV dwellers would probably file an appeal with the Coastal Commission.

The SMPOA Board has retained land use attorney Fred Gaines to consult on issues related to the homeless encampment issue. Howard Gould said that he would call Gaines to discuss whether it would be advisable for the Board to have an attorney appear at the hearing.

5. TREASURER'S REPORT

The attached financial summary was circulated to the Board, dated as of July 31, 2019.

6. CLOSING ITEMS

It was agreed that the next regular Board meeting would take place on Monday, September 9, 2019 at 8:00pm at the home of President Ed Weitzer, at 18428 Clifftop Way.

The meeting was adjourned at 9:38pm.

Minutes Certified as of August 5, 2019