

Minutes of the Sunset Mesa Property Owners Association's Board Meeting

November 17, 2015

11/17/15 at 6:45pm called to order:

Present at today's Board Meeting:

Linda Kaye
Anne Burkin
Marco Rufo
Gregg Bernstein
Nancy Posner

Family Owners:
Adam and Sandra Pastor
Lydia M.Lim, Attorney for Pastor's

October minutes posted:

Approved and Accepted October 11, 2015 minutes.

Old Business

Architecture Committee Site Visits and

Determinations/Minutes: Site Visits of October 25, 2015

- 1) 3817 Surfwood (Ali Behzad) Pool review and OVI complaint caused by 3831 Surfwood (Willmott). Pool approved pending B&S permits. OVI determined and LOD to be sent. Plans to replace roof and raise pitch was discussed. Homeowner advised to contact adjacent neighbors and to story pole the changes and submit to the AC for review.
- 2) 3703 Seahorn (Seltzer) OVI complaint caused by 3718 Seahorn (Ulman/Malow). Other homeowners have complained of the 3 palm trees causing OVI. Home is currently for sale and homeowner's agent will be sent copy of the Letter of Determination.
- 3) 18444 Clifftop (Ayestas) complaint of OVI caused by 18450 Ovsiowitz. After 3 months of complaints by same homeowners regarding 4 Malibu Vista homes causing OVI to them – and those neighbors complying – homeowner (Ayestas) complained of (Ovsiowitz's) privacy screen blocking view. Noting that CC&Rs only protect ocean views, privacy is not a legitimate reason to block a neighbor's view and OVI was determined and homeowner agreed to remove it.



- 4) 3749 Malibu Vista (Flaherty) (Homme) After story pole review homeowner revised plans previously submitted that neighbor (Flaherty) filed complaint of potential OVI if allowed to build. Homeowners agreed to work together to revise mutually agreeable plans then resubmit to AC. No further requests will be reviewed by AC unless resubmitted.
- 5) 18406 Kingsport (Bleyberg) complained of OVI caused by overgrown foliage at 18345 Wakecrest (Yi/Tae). OVI LOD was sent.
- 6) 18449 (Urbanas) continued complaint of 3839 Malibu Vista (Arishaf) queen bamboo and trees blocking their view. OVI LOD was sent when homeowner failed verbal agreement..
- 7) 18440 (Looney) complained of an OVI caused by 18440 Wakecrest (S. Kamin). Upon receipt of the OVI LOD, Kamin contacted the Board and asked that we remind every homeowner they should make every effort to contact the homeowner with the offending foliage and attempt to work it out. We couldn't agree more with you Stan. The volunteer committees and Board work tirelessly over and over on the same darn issues!
- 8) 18346 Wakecrest (Bloom) OVI complaint of 18346 Wakecrest that previously received and LOD and ADR agreed to trim foliage and remove a palm tree after President Linda Kaye sought resolution directly with the property owner and owner agreed to remove the palm tree within thirty days

Getty Update:

1. Board members Gregg Bernstein and Nancy Posner attended the quarterly GVCRC meeting. Gregg continued to request documents previous Board and Chair members at previous meetings requested. Specifically CUP, changes to the CUP and a copy of the turn-around plans only seen in one previous GVCRC meeting the Getty advised was seeking approval of, were requested. Gregg articulated the same issues Special Issues Committee Chair Becky Rickley had, as well as Natasha Roit and President Linda Kaye regarding traffic and ignored requests for documents. Representatives for Getty said Gregg could find a copy of the Getty CUP on Castellemarre's website and that they were unaware of any traffic issues they hadn't already addressed. When pressed for an explanation of what resolution they had addressed Getty said they reviewed the issues brought in a previous GVCRC meeting with the security manager and it was resolved. When Gregg pressed them for an explanation about the build-up of traffic extending out Getty's PCH entrance that residents were trying to by-pass in order to turn right onto Coastline they said they would look into it. These are the same issues SMPOA has repeatedly brought to Getty's attention with no resolution. He asked for a traffic study as the Getty would have likely reviewed an updated one in conjunction with the view deck across the street from them.



2. Gregg reported that while he was given time to explain the issues he could sense the hostility of the 2-member per HOA in attendance and said he felt they sided with the Getty over issues that did not directly affect them because they either don't live in the neighborhood or are less impacted as a 90-home HOA with far less traffic than the SMPOA community.
3. No updates from the Getty regarding our questions and requests have been received to date.

Specia Issues Committee Update:

Bankruptcy of Marvin Goodfriend, 3925 Malibu Vista Drive: The original purpose of the SMPOA Board's filing a motion objecting to the Bankruptcy Sale was to protect and preserve the CC&R's. We did not object to the sale per se, but to the language of the sale which sought to allow the sale free and clear of all violations including and more specifically the CC&Rs. Allowing the proposed language would potentially allow the CC&R violations to continue and to be forever bypassed, forging the way for a Mc Mansion ala the Palisades to be built on a geo-challenged rim property already burdened with numerous coastal, building and safety violations. The Board fought hard to get the previous owner and Trustee to agree to the CC&R compliance language and to compel the new owner to comply with these terms. That is what the basis of the settlement is about. The Trustee provided significant incentives for the new owner compliance for which that owner has already received. They are still in CC&R violation they previously agreed to clear up so they could receive the Trustee incentives.

In short, we won the CC&R challenge. Understand that the Board will take every measure necessary to enforce and protect the CC&RS. The settlement also provided reimbursement of SMPOA's legal costs. Again, the settlement agreement was on behalf of the SMPOA and not the individual homeowners who are free to pursue their own interests. SMPOA will receive a total of \$25,000 and all parties to the settlement have signed off.



Treasurer's Report:

WELLS FARGO CHECKING ACCOUNT SMPOAAS OF October 31, 2015

DEPOSITS	DATES	AMOUNTS
	10/5/15	\$1,600.00
	10/SMS	\$2,000.00
	1015/15	\$1,100.00
	1016115	\$1,300.00
	1015115	\$2,800.00

CHECKS	PURPOSE	DATES	AMOUNT	COMMENTS
	2136 OJ from Block party	1012115	200	

Deposits are from Homeowners dUIS and the follOWing Sponsors for The Sloek Party

Lisa/RiChard Felton	\$100.00
Dr Bulczynski	\$250.00
Francyne Lambert	\$350.00
G. Turner	\$250.00
John Lehne	\$250.00
Kleins	\$250.00
Kaye- TKO	\$350.00
Ann Burldn	\$250.00
Marta Samulon	\$250.00
Marco Rufo	\$250.00
Paula R Jones	\$250.00
P< idett Silver	\$250.00
Total for Sponsors	\$3,050.00

Interest 10130115 \$1.12 Interest

Deb"" Deposit Error Correction 10/7/15 75

WELLS CHECKING ACCOUNT GRAND TOTAL as of 10/31/15 \$149,155.43

Undeposited Funds: None

!!! FINANCIAL ACCOUNT SMPOAAS OF september 30, 2015

CASH	e00.03
FIXED INC	78,051.69
SUM	\$78,651.72

!!! f\$ ACCOUNT SMPOAAS OF september 30, 2015

CASH EQUIV	0
MUTUAL FUNDS	\$33,000.49
SUM	\$33,000.49

