

## **KENTWOOD HOME GUARDIANS**

### **MINUTES OF EMERGENCY EXECUTIVE MEETING**

#### **KHG OFFICES**

**MARCH 31, 2014**

**PRESENT:** Loren Davis, President; Maria Warner, 1<sup>st</sup> VP and Co-Chair of the Architectural Committee; Bruce Nahid, 2<sup>nd</sup> VP; Mary Putnam, Secretary; Vince Bertolini, Co-Chair Architectural Committee; Mark Kellogg and Lillian Spruck, members of the Architectural Committee; Suzann Rogers, Operations Manager.

**ABSENT:** Clay Turner, Treasurer.

#### **CALL TO ORDER**

Loren Davis called the meeting to order at 5:35 PM. Mr. Davis stated that a letter had been sent dated March 3, 2014 to the Neighborhood Council of Westchester/Playa regarding "New Potential Development Project at 8556 Emerson Ave (Emerson & Manchester)." Though a copy of this letter had been distributed to the Board, the Board had not actually voted to approve it. Mr. Davis made the motion that this letter be approved. The motion was seconded and unanimously approved.

Maria Warner said that the two issues which were addressed in the KHG letter were the lack of a sloped roof and the height of the proposed building, both of which did not comply with the KHG DPRs. Vince Bertolini commented that the developer had re-submitted the plans to KHG, and those plans incorporated an adjustment of the roof to be somewhat sloped and and more articulation of the façade, both of which changes were good. He continued, however, that the plan lacked some features which are legally required by the LA building code: if a building is greater than 2 stories, there must be a third means of egress; if there is planned on-site trash pickup, there must be a specific size turnaround area for the truck; and the small lot subdivision guidelines call for .25 parking spaces per unit if there are more than eight units.

Mr. Bertolini was concerned that Mr. Bonin's office would be unaware of these deficiencies and approve the project. Mr. Bertolini believed this could be a better project if these concerns were addressed now. Mark Kellogg concurred with Mr. Bertolini in expressing concern about these issues.

Bruce Nahid said that he is currently a developer on a small lot subdivision project in Venice and from his experience these issues will be addressed when the Planning Commission and the LADBS hold the required hearing on this project. He said there are many opportunities for

neighbors to have input, but they must be vocal and informed. Mr. Nahid suggested that Mr. Bertolini and Mr. Kellogg could, apart from KHG, inform the neighbors of the issues and determine if there is interest.

Mr. Davis said that he agreed with Mr. Nahid: that the neighbors themselves have the power to voice their concerns regarding the impact of a particular design or development upon their neighborhood to Mike Bonin's office or to the Planning Commission, but for KHG as an organization to do this poses some problems. Mr. Davis had asked the attorneys what KHG can do about issues such as non-sloped roofs and excessive height which are clearly restricted by KHG DPRs. The attorneys have stated that KHG can only stop this in the early planning stages through injunctive relief and this entails a costly legal process. Counsel advises that once a building is framed and construction is underway the courts will in all likelihood not be willing to stop the construction process. Mr. Davis suggested that practically KHG does not have the budget to litigate construction matters that violate the KHG DPR's, but that the Board and the Architectural Committee should take a very proactive role in notifying residents in the beginning stages of construction that building plans are required to be submitted to KHG for review and determination that construction is in compliance with the KHG governing documents. It was also noted that it is the specific responsibility of each resident to comply with resident requirements stated in said KHG governing documents without prior notice from the Board or the Architectural Committee. Resident non compliance with the terms and conditions of the KHG governing documents does not relieve the resident (within the jurisdiction of KHG) of any liability regarding a future claim for non compliance with the regulations, terms and conditions recorded in the DPR's and/or Articles of Incorporation (of KHG).

Regarding the Emerson/Manchester project, Mr. Davis recommended that KHG send a letter to the NCWP that the developer has adjusted the project plans to accommodate the sloped roof requirement, therefore, KHG no longer has an objection. Mr. Davis believes the height restriction is an issue for the NCWP and the Planning Commission. KHG will support getting proper answers to these questions.

Mr. Davis will draft a letter to the NCWP regarding the current status of the Emerson/Manchester project.

Mr. Davis said that liens will not be filed this year. Mr. Callahan had checked and KHG had missed a legal notice deadline. Mr. Davis said KHG must specifically vote at the next Board meeting to rollover the unpaid assessments obligations into the next fiscal year. He said that Counsel had commented that liens might be filed every 3 to (a maximum of) 4 years to reduce the charges involved in filing liens on delinquent KHG members for each year they are delinquent. That is a decision for future Boards.

Mr. Davis said that Counsel had advised that KHG cannot transfer property without Membership approval as required in the (KHG) governing documents. It is unclear what this means regarding prior transfers of the strip lots to WSIA or regarding the request of the (KHG) owner who wants to move his fence out to Manchester onto the strip lot currently owned by KHG. It was suggested that further investigation of these issues was necessary.

The meeting was adjourned at 7:30 PM.

Submitted by Mary Putnam, Secretary