

Westwood Park Association
Board Meeting Minutes
March 25, 2019 – 6:30 P.M.
45 Pizarro

AGENDA

Call to Order

President Mike Ahrens called the meeting to order at 6:34 P.M.

I. Roll Call

Present: Mike Ahrens, Anita Theoharis, Francine Lofrano, Jenny Perez

Absent: Ravi Krishnaswamy, Anne Chen, Joe Koman

Guests: Fred Lofrano, 623 Miramar project sponsors, Denise Cartmill & Keith Endow, project Architect Rachel Malchow and staff member, Juliet Edson

- II. 623 Miramar:** Architect Rachel Malchow presented project history, reviewing history of permits, approval of variance and a rebuttal to Kurt Meinhardt's 3/20/2019 design review (copies attached hereto and made part of these minutes). Mike Ahrens called attention to Sections 7 (Setback of Buildings - "no garage shall be erected within front half of any lot") & 8 (Cost of Improvements – "before commencing building operations, plans and specifications for all buildings...must be submitted to and approved by the duly authorized officer or officers of the Westwood Park Association") of Westwood Park Association's CCRs. Rachel provided additional documents which will be given to Kurt for further review. Project sponsors will be contacted within next 2-3 weeks pending completion of Kurt's re-review.

III. Approval of Minutes February 21, 2019

Confirmation of electronic approval of 2/21/2019 minutes; Anita motioned to approve minutes; Jenny seconded; unanimously approved, 4-0

IV. Treasurer's Reports:

A. Account Balances: Per Francine, total bank balance as of 2/28/2019 Chase bank statement is \$125,561.48 (Checking: \$84,669.01; Savings: \$40,892.47).

B. Outgoing Checks: Per Joe Koman as of 3/25/2019

#1403 – (2/26/2019) - \$20.00 To: Secretary of State for filing Form SI-100, Statement of Information Form SI-100

#1404 – (2/26/2019) - \$15.00 To: Secretary of State for filing Form SI-CID, Statement by Common Interest Development Association

#1405 – (3/5/2019) \$495.85 To: Dragon Printing for email communications letter, consent form and SASE.

C. Electronic Payments: Per Bank Statement

PG&E – (2/26/2019) - \$150.00

Gutierrez Gardening – (2/22/2019) - \$1600.00

D. Income & Expense Report: Interim income statement as of 3/25/2019 submitted by Anne Chen.

E. Dues & Lien Collection Status: Francine reported that as of the 3/15/2019 check deposit, 25 properties (3.65% of 685 properties) owe past due dues. Total outstanding past due dues is \$20,900.58 (this figure includes 2018-2019 interest due on past due accounts and lien fees for newly filed liens). 15 out of these 25 properties have liens filed against them. If the remaining 10 properties do not pay in full by 4/30/2019, new liens will need to be filed. Also, as of the 3/15/2019 deposit and pending deposit of \$7290.00, 437 properties (64% of 685 properties) have paid 2019-2020 dues.

V. Committee Reports:

A. Planning & Zoning:

1399 Plymouth: Apparently an anonymous complaint was filed. Police came to the property and determined that the property is currently unoccupied.

164 Eastwood - Request for Plan Sign Off: Anita received a request to approve a project that is within the building envelope. Kurt Meinhardt will review the project.

600 Miramar: City attorney, Peter Keith is having a meeting with all the City agencies involved on April 11, 2019 at the subject property.

- B. Balboa Reservoir Update:** Draft EIR due to come out in the next month or two.
- C. Riordan Press Box Construction - Resident inquiry:** Mike responded to email received from resident regarding Riordan press box construction. Mike let the resident know that this is not a matter for WPA to address but he put the resident in contact with Riordan Director of Development, John Ring.
- D. Common Area & Tree Maintenance:** Anita to do an updated inventory of Westwood Park trees. Anita to contact Anne regarding temporarily taking over common area & tree maintenance until Anne recovers.
- E. Newsletter:** Late Spring newsletter discussed. Jenny to do an article on compliance with CCRs, who to call for crime, etc. Anita to do an article on Board openings/elections, call for volunteers. Mike to do an update articles on Balboa Reservoir and 600 Miramar. Other potential articles include tree update & email collection reminder.

VI. Old Business:

- A. Conversion of communications to electronic communications –** Confirmation of Electronic Approval of conversion of communications to electronic communications letter and consent form mailed 3/4/2019. Anita motioned to approve; Francine seconded; unanimously approved, 4-0. Signed consent forms returned to date = 281.
- B. Centralized Cloud Storage:** Jenny to contact Ravi to coordinate a date to discuss centralized cloud storage.
- C. Website:** Anita to send Jenny a Board member list and newsletters to update website.
- D. Tax Returns - Levy Erlanger & Company LLP engagement letter:** Francine motioned to approve 3/25/2019 engagement letter from Levy Erlanger for \$1095.00 for financial review (as required by Civil Code Section 5305); Anita seconded, unanimously approved 4-0. By June 30, 2019 Civil Code requires financial review to be sent to all Westwood Park residents.

VII. New Business:

- A. 2019 Annual Meeting:** Annual meeting tentatively set for Saturday, September 14, 2019.

VIII. Next Board Meeting: May 8, 2019, 4:00 PM

IX. Executive Session: Potential litigation discussed

- X. Adjournment:** Francine motioned to adjourn; Mike seconded; unanimously approved 4-0; meeting adjourned 9:10 P.M.

Respectfully Submitted,

Francine Lofrano, Secretary
Westwood Park Association

20 March 2019

Board of Directors
The Westwood Park Association
236 West Portal Avenue, #770
San Francisco CA 94127

Re: 623 Miramar Avenue

Subj: Design Review

The Westwood Park Association Board of Directors:

As chairperson of the Planning and Zoning Committee of The Westwood Park Association, I have conducted a review of the residential remodel at 623 Miramar Avenue for conformance with the latest edition of the "Westwood Park Association Residential Design Guidelines" (Westwood Park Design Guidelines) as adopted by the City of San Francisco City Planning Commission (Resolution Number 135-21) and incorporated into the City of San Francisco City Planning Code (Section 244.1 – Westwood Park Residential Character District).

Drawings provided by the Westwood Park Association for purposes of conducting this review were titled "Miramar Remodel" and were prepared by Rachel Malchow (Licensed Architect) with a submittal date of 2/27/19 (copy attached). The drawings were prepared in an effort to correct a 2015 "Notice of Violation" issued by the San Francisco Department of Building Inspection for construction work that converted the original enclosed parking garage portion of the building envelope into living space.

DESCRIPTION

The following is a description of the existing residence at 623 Miramar Avenue as well as a description of the modifications outlined in the submitted architectural drawings.

Existing Building

The existing residence can be categorized as a "One Level" building as defined in the Westwood Park Guidelines. Although internal and external stair access to a basement level is indicated on the drawings, it is anticipated that the basement is of limited size and is predominantly below surrounding grade. In recent years, the original attached garage was converted into living space consisting of an office and bathroom.

The configuration of the original portion of the residence is similar to other "One Level" buildings within Westwood Park and consists of a formal entry, living room, dining room, kitchen, three bedrooms, and one bathroom. The drawings indicate that the original configuration of the building excluding the parking garage was 1,740 square feet in size and that the parking garage area that has been converted into living space is 275 square feet.

The exterior design of the building is comprised of design forms and finishes typical of the majority of residences within Westwood Park. The Mediterranean bungalow style design incorporates cement plaster finished exterior walls, wood windows, hip/gable roof forms, an

articulated living room window, and a visually prominent covered entry porch at the front facade. It appears likely that a wood fence with gate located along the driveway in the front yard was added as part of the work associated with the garage conversion.

The rectangular shaped lot is 40 feet wide and 95 feet deep and is located along the west side of Miramar Avenue three lots to the north of the Wildwood Way Circle. The original attached garage component of the existing residence abuts the north (side) property line and extends to within 3'-5" of the west (rear) property line.

Modifications:

The drawings for the modifications to 623 Miramar Avenue indicate that the completed garage conversion consisted of the remodel of the original attached enclosed garage space located toward the rear of the building into an office with bathroom. Interior work indicated on the drawings includes a sink/cabinet in the office space and a bathroom with vanity sink and toilet located between an existing bedroom and the new office in the garage area.

Exterior construction work in the converted garage is indicated to include the installation of an exterior entry door and window along the front (east) facade where the original garage door was located, an exterior door along the side (north) facade at the rear yard, and a window at the rear (west) facade facing the rear property line. In addition to the office and bathroom work that has already been completed, the drawings indicate that an existing gate located along the driveway near the primary front building facade is to be removed and a new driveway gate constructed at a location approximately 12 feet back from the present location.

EVALUATION

Westwood Park was originally designed a century ago as a planned neighborhood with continuity of architectural design in the 669 modestly sized bungalow style homes. For the most part, the legacy envisioned by the original designers has been maintained for the past 100 years. In recent decades, there has been a concerted effort by The Westwood Park Association to facilitate modification of existing residences in order to capture additional living space while balancing the design integrity and continuity that is largely still present within the neighborhood.

The Westwood Park Association original Articles of Incorporation (CC&Rs) requires that all building projects be reviewed and approved by the Association prior to implementation.

"Before commencing building operations, plans and specifications for all buildings, including garages and outhouses, must first be submitted to and approved by the duly authorized officer or officers of the Westwood Park Association." (Page 3)

To facilitate this review and approval process, The Westwood Park Design Guidelines were based on residential design guidelines developed by the San Francisco Department of City Planning Design. Ultimately, the Department of City Planning adopted The Westwood Park

Design Guidelines and incorporated them into the City of San Francisco City Planning Code through the creation of the Westwood Park Residential Character District.

As indicated in The Westwood Park Design Guidelines, the impetus for development of the San Francisco Department of City Planning “Residential Design Guidelines” was as follows:

“... to assist in determining whether a new building, or the expansion of an existing one, is visually compatible with the character of its neighborhood.” (Page 4)

"To a large degree, the character of San Francisco is defined by the visual quality of its neighborhoods. A single building out of context with its surroundings can have a remarkably disruptive effect on the visual character of a place. It affects nearby buildings, the streetscape, and, if repeated often enough, the image of the city as a whole." (Page 4)

To further the stated goal of facilitating the thoughtful integration of new or modified building projects into an existing neighborhood fabric the following was indicated in The Westwood Park Design Guidelines:

“The Westwood Park “Residential Design Guidelines” have been developed to be used as a tool for reference during the process of project review as well as to used as a guide to the design constraints that address the effort of preserving the quality of Westwood Park for all property owners and residents.” (Page 4)

Westwood Park was developed in the 1920’s as a suburban neighborhood of single-family detached homes within San Francisco that emphasized shared open space along street frontages that was not present in most other areas of the city at that time. Because of the limited size of the relatively small lots, the buildings were often situated in close proximity to side and rear property lines. In an effort to increase access to light and air through windows located in living spaces along side facades, the front yards were often extended along driveways to the garages located in the rear portion of the building. This configuration of shared open spaces along driveways between buildings also enhanced the aesthetic rhythm of terraced massing along the street frontages.

To a great extent, the provision of parking garages within Westwood Park has been maintained for 100 years and is of ever increasing importance as the need for off-street parking has been impacted by City College and development along Ocean Avenue. In the future, it is clear that the demand for parking within Westwood Park will continue to increase as the area immediately surrounding Westwood Park is developed.

The creation of a gated parking yard in the front area of a residence within Westwood Park as a method to facilitate conversion of an existing garage into living space is inconsistent with the original design intent as well as the present fabric of the neighborhood. In addition to the permanent elimination of garage parking, the creation of a driveway parking area in the front yard obstructs the visual and functional continuity of the shared open space between buildings

and interrupts the rhythmic terraced massing of building facades along the street frontage. The fencing and gates located along driveways in the front yards of residences are also significant visual elements that are inconsistent with the functional as well as aesthetic design of the buildings within Westwood Park.

RECOMMENDATIONS

The elimination of existing garage parking along with the associated enclosure of a portion of the driveway to create a permanent gated parking area in the front yard of a residence as a methodology to increase living space within a residence is inconsistent with the original design intent and existing fabric of Westwood Park. As a result, approval of such a project would set a detrimental precedent for future development that would not only negatively impact individual residents but also the neighborhood as a whole. In the past, proposed projects submitted to the Westwood Park Association for review that have included this methodology have received a recommendation for disapproval. Therefore, it is recommended that the project as described in the drawings for 623 Miramar Avenue also be disapproved.

Kurt Meinhardt

Planning & Zoning Committee Co-Chairperson
The Westwood Park Association

Design Review Rebuttal

March 25th, 2019

Board of Directors
The Westwood Park Association
236 West Portal Avenue, #770
San Francisco, CA 94127

Re: 623 Miramar Ave

Subj: Design Review rebuttal

Permit History:

In 1991, the owners of 632 Miramar Ave wanted to expand their home to the rear yard and to create a master bedroom suite utilizing the existing garage with Permit #9101626 (See EXHIBIT A). They had to apply for a Variance in order to get this scope reviewed. They were granted approval for the variance. Please see attached San Francisco Department of City Planning Variance Decision dated November 15, 1991(See EXHIBIT B) for the complete document.

Below is a summary of key items granted:

- New bathroom in the existing garage
- Expand a portion of the back of the house
- Relocate displaced parking space to the driveway
 - Side Yard parking 20'x8'
 - Totally screened in at least 40 feet away from front setback
 - and have gate of not less than 5 feet high

The following key findings were met:

- The narrowness of the garage renders the garage incapable of accommodating a full-size vehicle, and the applicants currently park their car in the side yard in front of the garage.
- Any alternative other than the proposed project, particularly a vertical addition, would be out of character with the predominant one floor architectural style of this neighborhood. The proposal is the most practical way to expand the subject property.
- Granting the variance will enhance the preservation and enjoyment of a substantial property right by allowing the applicant to convert a relatively unusable garage space into a bathroom and a bedroom, thereby creating a much needed addition to the usable living space in the subject dwelling that is in keeping with the size and nature of other single-family dwelling in the neighborhood.
- In order to retain the subject property's detached aura, the owner is not allowed to extend more than the required standard parking space (20'x8') toward the front set-back. Also the proposed parking must be screened and have a gate of not less than 5 feet high.
- The Planning Department felt granting such variance will be in harmony with the general purpose and intent of this code and will not adversely affect the master plan.

The Variance states, “ *The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if a Building Permit has not been used within three years from the effective date of this decision; however, this authorization may be extended by the Zoning*

Administrator when the issuance of a necessary Building Permit is delayed by a city agency or by appear of the issuance of such a permit.”

The building permit was approved and issued on 3/26/93, within the 3 year time frame (See EXHIBIT C). The permit eventually expired on 8/23/95.

Permit #9619611 (See EXHIBIT D) modified the existing permit drawings to remove the horizontal addition and new master bedroom suite and instead proposed new off-street parking and converting the garage to storage. This was issued on 10/11/96. Rough framing and sheetrock nailing inspections occurred in early 1998, and eventually expired on 3/31/98 (See EXHIBIT E).

Permit # 9803723 (See EXHIBIT F) was to renew the permit #9619611 for final inspection. The permit expired on 10/25/00.

Complaint #201542452 was opened on 4/23/15, which led to NOV#201542452 #1 (See EXHIBIT G) being issued on 6/1/15 with the following violations:

- Permit # 961911 and 9803723 expired without final inspection.
- Improper installation of dryer termination vent (flexible duct is termination through window)
- Front side gate installed w/o permit. (Due to permit not being finalized in 1991) Gate is approx. 7'-0" in height at time of inspection

2nd NOV issued on. June 15,2016 (See EXHIBIT H)

- This property has failed to comply with NOV dated June 1, 2015 and therefore this department has initiated abatement proceedings.
- Monthly monitoring fee shall accrue.

Permit #201507070807 (See EXHIBIT J) & #201507070809 (See EXHIBIT K) were issued on 7/7/15. These permits were to obtain final inspections for the previous permits #9101626 & #9619611. These are both still open.

Case was transferred to CES (Code Enforcement Section) on June 20, 2016

- Order of Abatement Issued January 13, 2017
 - Property now has a lien on it until violation corrected and permit is approved.
 - Accessors office has the right to increase property taxes.
 - \$48/month until all is resolved and approved.

In order to explain the reasons behind the permit expirations and reinstatements, I'd like for the owners to speak on their own regarding their personal hardships during this time and what kept them from finishing the approved scope of work.

Rebuttals to WPA Architect's Evaluation

The Westwood Park Association original Articles of Incorporation (CC&Rs) requires that all building projects be reviewed and approved by the Association prior to implementation.

As stated above in the permit history, the owners at 623 Miramar Ave. started permits for this remodel in 1991, which was before the Westwood Park Association created the Guidelines in 1992, before they were adopted into the City and County of San Francisco Planning Commission in 1993, and before they were incorporated into City of San Francisco City Planning Code in 1995.

As indicated in the Westwood Park Design Guidelines, the impetus for development of the San Francisco Department of City Planning "Residential Design Guidelines" was as follows:

"...to assist in determining whether a new building, or the expansion of an existing one, is visually compatible with the character of it's neighborhood."(Page4)

As shown in the proposed plans, we are not expanding the building envelope in anyway.

"To a large degree, the character of San Francisco is defined by the visual quality of it's neighbors. A single building out of context with its surroundings can have a remarkably disruptive effect on the visual character of a place. It affects nearby buildings, the streetscape, and, if repeated often enough, the image of the city as a whole." (Page4)

The only part of the design that could affect the visual character of the neighborhood is the garage facade, which the design chosen for the door and window added is compatible to the style & character of the existing home. We are asking for the approval of a design, which has already been completed by the neighbors at 629 Miramar. Their project was approved in 1994 after the creation of the Westwood Park Association Residential Guidelines. (See EXHIBIT L) Also 646 Miramar across the street clearly has a man door instead of a garage door at their garage location. No permits are found online for this work.

To further the stated goal of facilitating the thoughtful integration of new or modified building projects into an existing neighborhood fabric the following was indicated in the Westwood Park Design Guidelines.:

"The Westwood Park "Residential Design Guidelines" have been developed to be used as a tool for reference during the process of the project review as well as to be used as a guide to the design constraints that address the effort of preserving the quality of Westwood Park for all property owners and residential." (Page 4)"

Similar to points listed above. The guidelines were established after the owner's original proposed design. They have been trying to complete the remodel for many years. The neighbors at 629 Miramar Ave. already have this scope of work completed after the guidelines were developed. Did they get reviewed by the WPA? If not, why not, if so, then why did they get approval?

The creation of a gated parking yard in the front area of a residence within Westwood Park as a method to facilitate conversion of an existing garage into living space is inconsistent with the original design intent as well as the present fabric of the neighborhood. In addition to the permanent elimination of garage parking, the creation of a driveway parking area in the front yard obstructs the visual and functional continuity of the shared open space between buildings and interrupts the rhythmic terraced massing of building facades along the street frontage. The fencing and gates located along the driveways in the front yards of residences are also significant visual elements that inconsistent with the functional as well aesthetic design of buildings with Westwood Park.

The owners have been following the granted Variance from 1991. It was required to include a minimum 5 foot high gate to hide the car parking. Our proposed plans show the proposed gate to

be setback the minimum 40 feet. Many existing gates and fences exists in the neighborhood. Please see separate sheet listing addresses with potential WPA Residential Guideline violations.

In Summary

The clients started permits for this remodel in 1991 before the Westwood Park Association created their Residential guidelines in 1992. We feel because their intent was to do this remodel in 1991 before the the guidelines were established, we would like to request the Westwood Park Association to be lenient and allow this work to be grandfathered in for this remodel. Had the clients had the appropriate funds to complete the remodel in a timely manner, the work would have been completed today.

We understand the need for the Westwood Park Association “Residential Design Guidelines”, but these guidelines are just that, a guideline. A guideline aims to streamline particular processes according to a set routine or sound practice. By definition, following a guideline is never mandatory. We are asking the Westwood Park Association to consider the permit history of this property, as well as the fact that the owners just need to get a final inspection to resolve the violation, and finally how their design decisions were originally directed by the approved Variance when considering the approval of the proposed scope of work.

We also ask you to review the list of potential WPA Residential Design Guidelines violations to put into question how many of the residents within Westwood Park have asked for the Westwood Park Association for the approval of their work completed on their homes. Many, after researching into Building Code Permits, show work done without a permit or not getting the permits completed. The owners at 623 Miramar Ave. are following protocol and want to complete the remodel, which they started in 1991. They just need the Westwood Park Association’s approval to move forward.

Thank you for your consideration.

Rachel Malchow
Rachel Malchow Architect Inc.