

**Westwood Park Association  
Minutes of Special Board of Director  
Meeting  
Meeting at Ingleside Presbyterian  
Church, 1345 Ocean Ave.  
June 27, 2023**

**AGENDA**

**1. Call to order at 6:11 pm**

Roll Call

**Present:** Pauline Jue, Francine Lofrano, Carol Karahadian, Roger Fong, Mike O'Driscoll, Rick Marsh

**Absent:** Miguel Carion

**Guests:** 17 WPA residents joined the meeting

**2. Opening Remarks from P. Jue, President of WPA**

P. Jue outlined the objective of the special meeting designed to allow residents to comment on the adoption of revisions to the Bylaws section Article 14 designed to clarify the process for imposing any penalties or fines should residence be out of compliance with the governing documents, including the Covenants, Conditions, and Restrictions (C.C.&R.s), the Residential Design Guidelines and the Landscape Design Guidelines. Since 1993, the Residential Design Guidelines have been incorporated into the City Planning Code and should be enforced by the City.

A review of the inception of Westwood Park and the 1992 recognition of WP as a Neighborhood Character because of its unique architectural and topographical features by the city of San Francisco was made.

While every Board has had to address architectural and landscaping issues, this Board has had to deal with more resistance from a few homeowners, leading the Board to seek a policy to deter violations and to promotion compliance with the governing documents. The draft Enforcement and Fines policies were distributed to homeowners for consideration and comments by June 21, 2023.

To date, no comments have been received via regular mail and 13 comments or questions received via email. Comments questioned the intent of the Bylaws and requested clarification for more details how the Enforcement and Fines policies would be implemented and enforced. Two homeowners did not want to adopt these policies and four homeowners supported adopting these policies.

**3. Resident Comments and Concerns**

Residents present were invited to make comments pertaining to the revisions and any concerns about the Enforcement and Fines policies. A statement from a resident who was unable to attend was read aloud to attendees.

There were some common themes that were addressed by the participants. Comments **(C)** are noted with the WPA **(WP)** responses.

**C:** The Board should consider more specificity in the document as to the approval process for any changes in architectural design that could impact the original external architectural design of a home between the City Planning Department and the Board.

**WPA:** The Residential Guidelines were recognized by the City Planning Department and should be enforced by that office. Homeowners were reminded to come to the Board before making modifications or going to the City Planning Office.

**C:** The question as to whether any enforcement would take place for properties that were in violation of the CC&Rs in past. Would those properties be grandfathered in?

**WPA:** The current Board is responsible for concerns raised during its tenure and will not look back at past decisions made by past Boards.

**C:** It was mentioned that decisions from the Board as to what might be considered a violation and subject to fines seemed to be very subjective and may be perceived as arbitrary.

**WPA:** The purpose of the guidelines was to establish some parameters and to eliminate subjectivity and to treat similar situations to a similar standard.

**C:** There were concerns expressed about neighbors who may use this process to harass neighbors or file frivolous complaints.

**WPA:** We share these same concerns and will investigate possible censure options.

**C:** Comments about legal ramifications and the costs associated with that step were also discussed.

**WPA:** The Board stated that the last resort would be to take legal action for non-compliant residents and that the process would start with communication followed by trying to find a solution and mediation should disagreements continue before bringing any official legal action. No one wants conflict so trying to solve the issues amicably would be the best course of action.

**C:** Remove any reference to the Davis/Stirling Act.

**WPA:** The Davis/Stirling Act provides the legal basis for actions for all Homeowner Associations. The WPA must comply with the legal requirements under this Act. However, the Covenant, Conditions, & Restrictions (C.C.&R.s) and Guidelines (Residential and Landscaping) provide more accessible and relevant guidance to WPA homeowners.

**C:** Ensure that the document includes a grace period from the final decision on fines to implementing fines to allow residents to make the appropriate corrections before fines are imposed.

**C:** An introductory paragraph stating the steps to the process emphasizing the need for communication first be added and to highlight the importance of transparency.

**C:** Instead of implementing the stringent proposed enforcement and fines policies, a more amicable and community-oriented approach could be suggested. This approach would encourage open dialogue, promote understanding and mutual respect, and foster a positive community culture.

**WPA:** An introduction will be added to these policies, emphasizing that the Board will pursue informal and respectful steps to work with the homeowners on violations before formal steps are taken. After determining there is merit to the violation, WPA would issue a courtesy warning, providing time for corrective action.

**C:** Questions were asked as to whether the Board has reviewed other HOA documents and guidelines to see how WPA compares.

**WPA:** The Board indicated that it had not. However, it was stated that many other HOAs are quite different in the types of restrictions and rules that apply to them (i.e., condo/townhome associations, etc.) vs. WPA which has been specifically designated as a Neighborhood Character.

**C:** There were comments addressing fence height and how that is regulated by the CC&Rs vs. the City of San Francisco. It was suggested that maybe more specificity as to how that is regulated should be added to a Frequently Asked Question (FAQ) document that could be posted on the WPA website.

In addition to general fence height questions, the discussion also included comments about property safety and security with regards to fencing.

**WPA:** The C.C.&R.s, Section V. Restrictions of Fences clearly outline the current height and setback requirements. While we understand safety and security concerns, we do not want to create fence “forts” around WPA homes. The Board has in the past investigated the cost of hiring security patrol firms but found them to be prohibitively expensive. We will again investigate this option and report back to the homeowners in the next newsletter.

**C:** Use a larger font for written communications with WPA residents and provide written materials in multiple languages

**WPA:** Currently we use a 12-point font on written letters and will change the font on the Enforcement and Fine Policies. Providing written materials in other languages is not practical by this volunteer Board as there are so many languages and no capacity to do so.

**C:** It was also requested that any decision on the Enforcement and Fines policies document be delayed residents have more time to provide comments.

**WPA:** The Board agreed to accept additional comments until the next Board meeting, scheduled for July 6, 2023.

## **5. Closing comments**

The Board was very pleased with the discussion and ideas put forward during the meeting. The comments and ideas will be taken into consideration during the July 6, 2023, meeting before any further action is taken.

## **6. Next Board meeting: July 6, 2023, at 7:00 pm**

## **7. Adjournment**

A motion was made and seconded to adjourn. Unanimous approval, 6-0. Meeting adjourned 7:45 pm.

Submitted by C. Karahadian, Secretary; Pauline Jue, President