

More Mesa Shores Homeowners Association (MMSHOA) Approved BOD Meeting Minutes - May 1, 2018

BOD Members Present: Diane Keep, Molly Rothman, Tom Condon, Gail Johnson

BOD Member Absent: Charlie Stolar

Architectural Committee Members Present: Cathy Moseley, Committee Chair; Sandra Austin, Patricia Feingold, Doug Keep, and Jon Mills

1. Call to Order and approve 4/3/2018 Minutes

The meeting commenced at 7:07pm

Diane moved to approve the minutes; Tom seconded. Minutes Approved.

2. Open Forum

Patricia Feingold brought the California Coastal Commission (CCC) meeting, to be held on May 10, 2018, to the Board's attention. The Santa Barbara County Ordinance to ban Short Term Rentals (STRs) outside of the proposed historic overlay, will be heard at the meeting. Three MMS HOA property owners have written letters recommending expansion of the County's proposed historic overlay to include More Mesa Shores. Patricia asked the MMSHOA Board to write a letter in support of the County ordinance and against expansion of the historic overlay to include the MMSHOA.

A question was raised about the difference between STRs and Homestays, which the County has proposed to allow, under regulation. This was explained.

The agenda order was changed because of this request.

3. Review the CCC Staff Report in Response to the Santa Barbara County's changes to the LCP for Short Term Rentals

The California Coastal Commission denied SB County's changes to the Local Coastal Program (LCP) for the zoning ordinance banning STRs in R1 and A1 land use zones; CCC wants it amended to allow STRs in guest houses. According to the County's definition, guest houses must be located on a lot containing one or more gross acres.

The Board discussed the earlier request to write a letter to the CCC opposing expansion of the historic overlay to include More Mesa Shores. It was noted that the Vision Statement and Sections 5.02(a, b, and c) of the CC&Rs stipulate single family residential uses of property that precludes non-single family residential uses and limits commercialization of the HOA. The CC&Rs were passed by 66% of the property owners in 2008 and it is one of the Board's responsibilities to support and enforce the CC&Rs.

The Board voted to write a letter to the CCC opposing the historical overlay.

Action Item: Diane Keep to draft letter, circulate it among the Board, and deliver the final version to the California Coastal Commission.

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4. Discussion - S. Wiley Memo on Road Widening

Copies of S. Wiley's Memo for the 5225 Austin Road -- County Conditions of Approval Regarding Austin Road -- were given to the Architectural Committee (AC), who were guests at the meeting. Mr. Wiley's conclusion is that the MMS HOA does not appear to have any independent legal obligations to upgrade or expand the paved portions of Austin Road because this requirement was imposed on the applicant in connection with Santa Barbara County's approval on a Coastal Development Permit (CDP) issued to an individual MMS property owner. There also doesn't appear to be any HOA financial obligations.

It is okay for the HOA to enter into a simple written agreement with the owner to allow him to use his contractor to construct the Austin Road upgrades and that contains the appropriate legal assurances needed to protect the overall interests of the Association and other MMS owners. Such an agreement is anticipated and authorized by Section 4.06 of the CC&Rs.

One AC member suggested that the contract be tied to other elements such as design guidelines and that the 50' easement doesn't need to be predicated on the centerline of the road but the right to use the road. Road-widening should be holistic for the neighborhood so the roadways are consistent; recommended the HOA live by current easements and that funds be allocated to survey roads and develop a long term plan. Another AC member recommended use of the "Eastern Goleta Valley Design Guidelines".

The Board reviewed a DRAFT "More Mesa Shores Homeowners Association Agreement to Authorize the Widening or Upgrade of an Existing Road" to be completed by the property owner, the AC, and the Board. The Board noted that the 5225 Austin Road property owner has made a good faith effort to work out road widening issues with the neighbors.

Contents of the Agreement Letter will be modified so it can be used for any Road Widening project and shared with all members of the HOA.

AC Members exited the Board meeting to work on design guidelines and a neighbor review process.

Action Items:

1. Diane Keep to reword the DRAFT "More Mesa Shores Homeowners Association Agreement to Authorize the Widening or Upgrade of an Existing Road" and forward to Sandra Austin, AC representative, who is coordinating the project with the new property owners.
2. The Architectural Committee to develop a set of design guidelines and a neighbor coordination process and present it to the Board.

4. Secretary's Report

May 2018 Newsletter completed, distributed, and posted on the MMSHOA website.

Continued to organize, scan, and upload troves of physical documents. There are original documents that will be scanned and uploaded to the GDrive; do the physical paper documents also need to be retained (in

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addition to the digital copies)? Also requested that important physical documents be stored in one single, safe place until they can be scanned/uploaded.

Approved 2018 Meeting Minutes and the Meeting Code of Conduct were posted on the website.

5. Correspondence

2nd letter sent to property owner of 5160 Camino Floral to clean up property and appearance of the yard. Property owner responded to the BOD request for a plan and will provide one in the next few weeks.

A copy of Steve Wiley's letter was sent to the 5200 & 5205 Austin Road property owner regarding the HOA Common Areas and Easements.

6. Treasurer's Report

Tom reported that Quickbooks Online was purchased and the data migration from the old system to the new was completed. Data conversion cleanup and correction is ongoing.

There are out-of-balance conditions in the financial records that will need to be corrected by the HOA Accountant.

2018 Annual Assessments were produced and mailed from the new system.

Bank Balances:

Checking Account: \$17,196.81

Savings Account: \$67,515.60

Action Item: Tom to contact the HOA Accountant to research and resolve the problems. With Quickbooks Online, the Accountant can log onto the system remotely.

7. SB County Zoning Ordinances vs. MMSHOA CC&Rs

Molly and Gail met with Jessica Metzger, Santa Barbara County Senior Planner, on April 20 to review the County's A1 and R1 zoning ordinances to gain a better understanding of permissible land uses. Of note:

- *Day Care Centers are controlled by the State of California.* Day Care Centers in a non-residential accessory building are not permitted but other kinds are otherwise permitted, some with Land Use Permits and others with Minor Conditional Use Permits. While HOA CC&Rs can be more restrictive, it was Jessica's opinion that if there were challenges in Court, the States regulations would prevail.
- *Lodging:* A Glossary of Terms included in Santa Barbara County ordinances are a key reference. They differ from the glossary in More Mesa Shores CC&Rs.

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- Homestays: Where can they operate under the proposed Santa Barbara County Ordinance to ban Short Term Rentals and allow Homestays?
 - Single Family Residences when occupied by an owner or long-term tenant - YES
 - Guest Houses - NO (However; the CCC asked SB County to amend their ordinance to permit STRs in Guest Houses; See SB County definition.)
 - Cabanas - NO
 - Artist Studios - NO
 - Residential Second Units (RSU) - NO; However, owner or long-term tenant can live in the RSU and rent the main residence as a Homestay.
 - Accessory Dwelling Unit - Unknown; This is under discussion within the SB County Planning and Development Department.
- Homestay regulations
 - Annual permits
 - Permits do not follow the property if sold
 - Strict usage, parking, and nuisance regulations and a complaint processes
 - Concentration of number of residences operating Homestays within a single geographic region is not regulated
- Short Term Rentals - Properties where “whole houses” (i.e. Property owner or long-term tenant does not reside on the property) are rented for less than 30 days. In the County’s proposed ordinance, STRs are not permitted in R1 and A1 zones. This is under review by the CCC.
- Cannabis regulations were briefly discussed because they are still under discussion. Of note:
 - Cannabis nurseries cannot operate within 1500 feet of a residential neighborhood

8. Unfinished Business

- *Reserve Study*: Diane contacted Chris Andrews, who is busy. Uncertain when he can review and comment on the Association’s draft reserve study.
- *CC&R Compliance, Due Process & Enforcement*: Essential Board activity has taken priority over review of the documents and proposed policy and procedure. Board member emphasized the importance of dialogue and communication as the first step in the procedure. Another Board Member recommended to start with a flowchart. Given volumes of documentation to review, a workshop may be needed to discuss this; is one the back burner at this time.
- *Refurb/Replace Bulletin Board*: Charlie sent in a report that he tried to contact Jim Peterson about design changes; to-date no response from Jim.

Action Item: Charlie to follow up with Jim Peterson; contact Mr. & Mrs. Gechter about the proposed project and obtain their approval.

9. New Business

- Proposed screen for garbage cans at More Mesa Path: Because the More Mesa path goes through the Pollard’s property, it was recommended that their agreement be obtained.

Action Item: Tom Condon will contact Mike Pollard

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Towing agreement with Smitty's Towing: Molly reported that the towing agreement with Smitty's Towing is up-to-date.

Liability Insurance: Molly reminded the Board that liability insurance policies are up for renewal.

Action Item: Gail to contact John Holmes to coordinate required paperwork and renew policies.

Party on the Beach: It was reported that there was a large party on the beach on April 30. Trash and litter were left on the beach later picked up by MMS resident. Determine who hosted the party and ask them to remove remaining trash.

10. Schedule next meeting & adjourn

Next meeting will be hosted by Tom Condon on June 12, 2018, at 7:00pm.

Meeting adjourned at 9:57pm

Minutes submitted by G.Johnson