2020 Legal Update Luncheon

Melissa Hajostek, Co-Owner Michael Dellinger Porter, Co-Owner





Welcome BOARD Volunteers

We wish to THANK YOU for attending our event and giving us even more of your personal time.





BAPS – 2020 Legal Update Luncheon



Michael D. Porter, CCAM

Chief Executive Officer & Co-Owner



Melissa Hajostek, CCAM-PM

Chief Operating Officer & Co-Owner





We Have A Great Day Planned!

11:00 am	Welcome! Speakers: Michael Dellinger Porter, CEO & Melissa Hajostek, COO Co-Owners, Bay Area Property Services
11:05 am	Senate Bill 323 Speaker: Zer Iyer, Esq., Angius & Terry LLP
11:45 am	Alliance Bank – SB 326 How to Fund Balcony Repairs Speaker: Katherine Young, Alliance Bank
12:00 pm	*** Lunch Buffet ***
12:30 pm	New Deck Inspection Law: What Board Members Need to Know Speakers: Larry Russell & Kevin Mallett, Russell Mallett LLP
1:15 pm	SB 326 - An Inspector's Perspective Speaker: Israel De La Cruz, DLC Construction Management
1:30 pm	Decks: Destructive Testing, Why They Fail, Repairs & Reconstruction Speaker: William McKenzie, Universe Painting & Construction



A Sincere THANK YOU to our Board Educational Sponsors







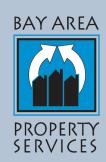




Alliance Association Bank®

A division of Western Alliance Bank, Member FDIC.

AND NOW: ON WITH THE SHOW!



Senate Bill 323

Presented by Zer Iyer Esq.



Bay Area Property Services Legal Update Luncheon February 22, 2020



HIGHLIGHTS



New code-compliant Election Rules must be adopted



Elections regularly planned for first quarter and early second quarter will likely need to be postponed



Management companies and current legal counsel under contract cannot act as the Inspector of Elections



Election via acclamation is effectively prohibited for almost all associations



Timeline

Action	Time
Adopt new election rules	At least 90 days before election
Provide general notice of the procedure and deadline for submitting nominations.	At least 30 days before the deadline for submitting nominations/at least 90 days before election
Member verification of individual information on Candidate Registration List and Voter List. Errors or omissions must be reported to the Inspector who must make the corrections within two (2) business days.	At least 30 days before the ballots are distributed/60 days before election
Provide general notice of: (1) The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector or inspectors of elections; (2) The date, time, and location of the meeting at which ballots will be counted; and	At least 30 days before the ballots are distributed/at least 60 days before the election
(3) The list of all candidates' names that will appear on the ballot.	



Timeline

Action	Time
The inspector or inspectors of elections shall deliver, or cause to be delivered to each member: (1) the ballot(s) and (2) a copy of the election rules (unless posted on website and ballot includes notice of same)	At least 30 days before the election
Post results of election	Within 15 days of election meeting
The inspector maintains custody of ballots, signed voter envelopes, voter list, proxies, and candidate registration list.	One year from the date the that the inspector notifies the board and membership of the election results
Time within which an election challenge for violation	One year from the date the that the inspector notifies the board and membership of the election results



Director Qualifications

- Only requirement: Candidate must be a member at time of nomination
- May disqualify a candidate if the individual:
 - Has past criminal conviction whose election would prevent association from purchasing fidelity bond coverage or would terminate such bond
 - Is not current in the payment of regular and special assessments (if Board members have the same requirement)
 - Has not been a member for at least one year
- <u>Cannot</u> disqualify a candidate if the individual:
 - Is not current in payment of fines, collection charges, late charges or third-party costs



Right to Vote







All individuals who are members at the time when the ballots were distributed are permitted to vote

Anyone with general power of attorney for a member is permitted to vote

Note: Good
standing
requirement or
denial of right to
vote as a
disciplinary
measure is not
permitted



Inspector of Elections

- May not be any person or party currently employed or under contract to the Association
 - Not management company
 - Not current general counsel
- "May be a member but may not be a director or a candidate for director or be related to a director or to a candidate for director"
 - Delegation of some tasks to others?
 - D&O coverage?



Documents that must be retained by Inspector of Elections

Same as before

- Sealed ballots
- Proxies (if any)

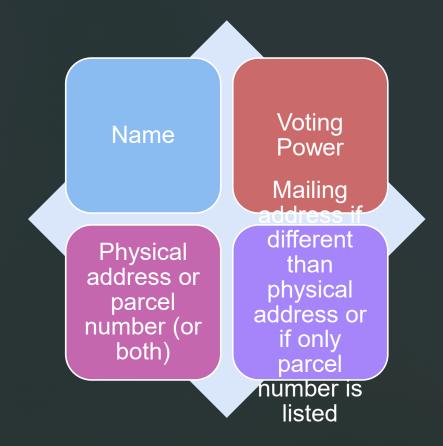
New items

- Signed voter envelopes
 - i.e. outside envelopes
- Voter List
- Candidate Registration List

All the above may be inspected by members under Civil Code Section 5200



Voter List





Candidate Registration List

No criteria provided

Likely just names of qualified candidates



Membership List

- List must include the following:
 - Name
 - Property address
 - Mailing address
 - *Email address*
 - Opt out via Civil Code Section 5220



Election via acclamation

- Prohibited unless:
 - 6000+ separate interests;
 - Individual notice provided; and
 - All candidates to run if nominated
- Elections are <u>required</u> at end of each Director's term and at least once every four years



Civil Actions/ Challenge to Election



1 YEAR TO BRING SUIT



PREPONDERANCE OF EVIDENCE



HOA MUST ATTEMPT ADR FIRST!

For SB 323 Proposals or General Counsel Representation



Zer Iyer, Esq.

ziyer@angius-terry.com

www.angius-terry.com

925.939.9933



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Cheryl Makela, CMCA

- Director of Developer Relations & Real Estate
- Community Association
 Manager





Alliance Association Bank



RANKED TOP 10

4 YEARS IN A ROW









SB 326 – How to fund Balcony repairs

- Determine \$\$\$ needed for project through speaking with industry professionals
- How is the association going to fund the project?
 - Special assessment
 - Regular assessment
- Reach out to Blair Fox at Alliance Association Bank to discuss funding need for your association.
- Contact Information:
 Blair Fox
 Bfox@allianceassociationbank.com





Lending

- Simple application process designed specifically for community associations.
- Specialized bank lending guidelines and process for community associations.
- Lending for:
 - Capital maintenance projects
 - Common area improvements
- Expertise in the financial needs of the community association industry.

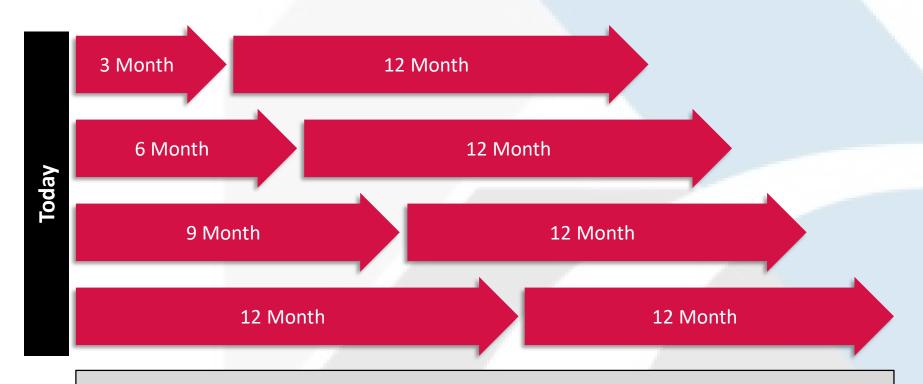


Banking

- Competitive interest rate on money market and CDs
- CD Ladder
- > FDIC Insured
- CDARS and ICS Accounts (Certificate of Deposit Account Registry Service) & ICS (Insured Cash Sweep)
- Excess FDIC Insurance
 - One Bank Access multi-million dollar FDIC insurance coverage by working with just one bank, a bank you may already know and trust.
 - One Rate Earn one rate for each CD maturity and enjoy the option of reinvesting funds through a simple process.
 - One Statement Receive one easy to read statement from your bank summarizing all your CD holdings.

Reserve Banking

Initial CDs are all opened at the 12-month rate with the understanding and agreement that they will roll into 12-month CDs at maturity.



Ensure funds are FDIC insured and principal balances are fully protected. You have a fudiciary responsibility to the association and its homeowners.



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LUNCH BUFFET



Thank you Back Forty Texas BBQ!



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Melissa Hajostek, CCAM-PM

Chief Operating Officer & Co-Owner



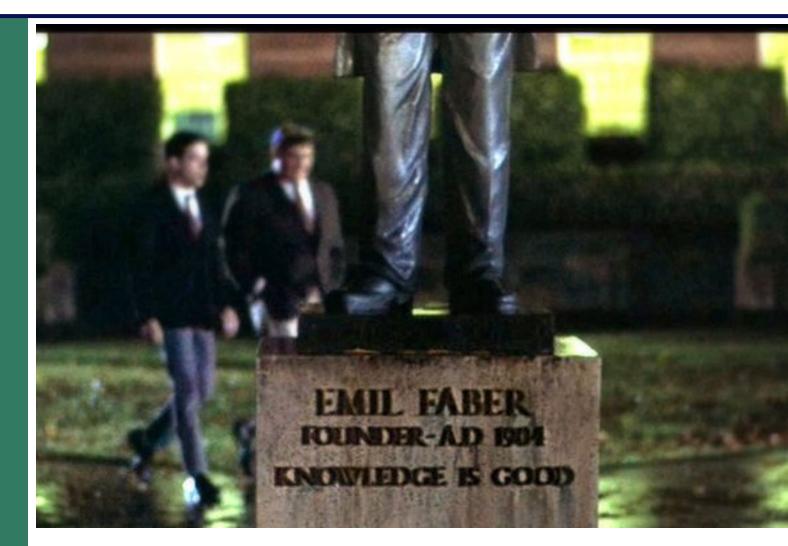


NEW DECK INSPECTION LAW

WHAT BOARD MEMBERS NEED TO KNOW



"Knowledge is Good." Emile Faber





Elevated Elements: Mandatory Inspections

- Effective January 01, 2020 SB 326 adds Civil Code §§§ 5551, 5986 and 6150.
- Our primary focus on § 5551. What managers & board of directors need to know.
- Applies to buildings with 3 or more condominiums.
- Requires:
 - "Visual Inspection," at least once every 9 years.
 - by a licensed structural engineer or architect.
 - of a "statistically significant sample".
 - of "exterior elevated elements for which the association has maintenance or repair responsibility".
 - The devil is in the details. Unlike some laws, this one has teeth and can bite.



"Timing is Everything." Ringo Star

- Very complicated law written by a government committee with help from construction defect attorneys. "We are from the government and are here to help." Ignacio Spud
- Please refer to attached studies and information from Andy Fennel of Engineered Research Group, Inc., the lead defense expert in the Berkeley balcony collapse.



If Decks, like Ships, had a Name - This One would be *Titanic*

- Problems with design, lack of inspection, lack of coordination of subcontractors, construction defects.
- During construction, deck was water tested twice. No one asked where the water went.
- If the deck was inspected the day before the accident, very likely no problem would have been found.
- Live load v. dead load.



What Elements are Included?

- Balconies, decks, stairwells, walkways which are designed for human occupancy more than six feet above ground.
- Elements which are supported by beams, joists, columns or posts, which extend beyond the exterior walls of the building, are exposed to elements made of wood or wood based products.
- Let's review some examples. (Hat tip Murray Joseph and reserve analysists team.



Photographic Appendix - Examples



5551 does not apply. This corner balcony does not extend beyond the exterior walls of the building.



5551 does not apply. The "faux" balcony outside/below the window is not a structural element designed for human occupancy. It is trim. The roof over the doorway is a roof, not a structural element designed for human occupancy.





5551 does not apply. The decorative element between buildings, over the driveway, is not meant to support humans.



5551 likely applies. While the balcony may not be (exactly) in excess of 6' above ground, we wouldn't want a loved one with a small child to be on it when it fell. Recommendation: be generous in your application of the 6' above ground standard.





5551 likely applies. While the side patios are not overhanging areas (fall-able), the presence of the two "balconies" over the driveway to the underground garage are true balconies, with a dangerous 6' (or more) potential fall risk.



5551 likely applies. The stairwell area projects from the exterior wall of the building.





5551 likely applies. While the bulk of the balcony is within the exterior profile of the building, there is a projected portion and leaning against the railing is potentially hazardous.



5551 likely applies. While under the roof line, the balcony projects from the building exterior surface, is supported by a corner column, and is "fall-able".





5551 likely applies. Balconies are supported by columns, and surfaces project from the exterior envelope of the building.



5551 likely applies. Marginally 6' above ground, but it presents potential danger/harm to anyone on it if it fell, or if they leaned against the railing.





5551 does not apply. No wood or wood-based balconies on this highrise (although it may be wise to recommend a safety inspection).



5551 likely applies.
Balconies on right
(above driveway) project
beyond exterior
envelope of building and
roof line, and are
definitely fall-able.
Balconies in left of photo
clearly project far beyond
exterior of building
envelope.





5551 likely applies. Elevated walkway areas designed for humans supported by columns. Note that balconies on left side of photo appear to be within envelope of building, thus not fallable.



5551 likely applies. While balconies outside sliding doors may be very shallow, they project from building envelope and thus are fall-able.





5551 likely applies. While under the roof line, this balcony projects from the building exterior surface and is supported by columns. Expect the rock on the column is just veneer over wood structure.



5551 does not apply (presuming this to be condo, and ignoring anything over front walkway entrance).

Ironwork below windows is just decorative trim, not a structural projection from the building exterior envelope designed to hold humans.



When do the Inspections need to Start

- The law was effective January 1, 2020 with first inspection by January 1, 2025.
- Associations have five years to perform first inspection (2020-2025).
- Unless the board is currently aware of problems which require repairs now (dry rot, complaints, wall truffles, etc.) board and managers should develop a defensible inspection plan now.
- Goal is to protect members and residents AND cut a deep and wide safe harbor for the board.
- Life safety is the focus of action by the board.



When did Albert Einstein Pass Away?

- The new law requires convoluted statistical analysis which can present problems.
- How to avoid hiring Jimmy the Greek.
- Visually inspect 100% of all applicable structures.
- First step, contact your reserve preparer or reserve analyst. This is critical to a well run plan. In Canada it is called the "Eh team."
- Inspect the project and develop a list of structures requiring inspection.
- When in doubt inspect i.e. structure is five feet six inches off the ground. Err on the side of life/safety.
- Develop a budget for inspections & potential repairs.



Work with Reserve Analysis Provider!!!!!

- Include new line items in reserves.
- Determine when the inspection needs to be performed.
- Do not wait until 2025 as there will be a crush of associations looking for inspectors.
- Once the budget is established determine how this will be funded:
 - Is there a deck repair line item in reserves currently?
 - If special assessment needed, include time to pass.
 - Are there expenses which would not qualify as a reserve project?
 - Obtain a loan.
 - Construction defect litigation.

Working through these issues now will avoid a last minute rush which will invariably cost more and potentially not meet the requirements of the new law.



ADD AN "INSPECTOR" TO THE TEAM

- The law requires an inspector to be a licensed architect or engineer.
- Look within the CID industry for individuals with experience working with associations.
- Interview and add an inspector to the team i.e. board, manager, reserve analyst and inspector (don't forget Russell & Mallett).
- Inspector and reserve analyst confirm list of elements to be inspected.
- Finalize the budget for planning purposes.



Triage versus Statistical Analysis

- The inspector should inspect the project. "Projects are like a box of chocolates..." Forest Gump
- Each project is unique. Develop specific scope of work, including the weather bearing side of the project, number of construction phases, history of repairs and complaints, develop list of problematic elements for inspection, plan to visually inspect 100% of the elements covered under the law. Limit the universe of items to be inspected.
- Once the required elements are visually inspected, the inspector develops a detailed inspection plan to focus on suspect elements.



What Areas Need to be Inspected?

- The new law includes flashings, membranes, coatings and sealants protecting load bearing components from exposure to water.
- A trained eye can see signs of damage by wall truffles, staining, decay, etc.
- If, after the site visual inspection, there are areas with signs of decay, develop appropriate method to investigate. This can be destructive testing, bore scope, infrared or other method.
- If required immediately notify residents of issues and limit access.
- Rely on the advice of your expert inspector to develop the inspection plan. Your safe harbor depends on it.



What is Immediate Threat?

- Association to provide report immediately to Membership and code enforcement agency within 15 days of completion of report.
- Immediate protective measures shall be taken to advise the residents not to use impacted components and physically restrict access to areas (tape, boarding off, etc.).
- Repairs must be inspected and signed off by the local building department.
- Building official can fine, issue tags restricting occupancy and other actions.



Statistically Significant Sample

- Statute requires whomever authors report must have a 95% confidence level from results of the sampling, which are reflective of the whole, with a 5% error margin.
- What does this mean? Do CIDs now have to hire statisticians to consult with the architect or engineer?
- Law requires a level of visual inspections.
 Visually inspect 100% and avoid turning on the random number generator.
- Triage and develop a prudent inspection plan based on project characteristics which best protects the life/safety of the residents.



5551(e) Written Report and Further Action

- This subsection sets forth the requirement for a written report and details the specifics.
- A copy of the report must be immediately provided to the board. If the report finds immediate repairs are required, a copy goes to the local building official.
- We advise that a copy of the report be provided to association's reserve professionals to integrate into the reserve process.



Construction Defects

- If an association has made it to the ninth year without a construction defect action (congratulations), the developer and others responsible for the development, design and construction can be sued.
- The Berkeley deck was 7 years old. Construction defects were responsible for the collapse.
- Determine with legal counsel when the association 10 year statute expires.
- Implement inspections well in advance of the ten year anniversary. Do not wait until the last minute!



Construction Defects, cont.

- Under the new law, the board has ability to file suit without a vote of the membership.
- Be careful if you are a "young" association to not be driven into defect litigation. While there may be construction defects, the insurance policies for the potential defendants still require actual damages as defined under the policies.
- Do not get a \$15,000,000.00 repair obligation and only recover \$500,000.00.
- Construction defect litigation is a tool. Be sure it is the right tool for your association.



Construction Defects, cont.

- Do not spring for "free inspections" & be sure this law is complied with. How willing are you to face prison or pay fines out of pocket? Remember, this law has teeth.
- Failure to comply with the law, should there be injuries or deaths as a result & a lack of compliance, expect criminal action by the police and DA's office.



We should have followed Russell & Mallett's legal advice.

San Quentin HOA board of directors:





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Michael Dellinger Porter CEO, Co-Owner





SB -326

An Inspector's Perspective

Presented by: Israel De La Cruz , Sr. Construction Manager



















CONSTRUCTION MANAGEMENT





Your Project Team:

Sr. Construction Manager – Israel De La Cruz

Civil / Structural Engineering Professional Degree, B.S. (S.F.S.U)

California State Contractor License: B985714

15 years experience managing roofing and building envelope re-construction projects, Litigation support for building deficiencies in waterproofing, and post litigation scope development and management of projects.

Licensed Architect – Felix St. Augustine

Bachelor of Architecture (California Polytechnic State University, San Luis Obispo)
Registered Architect: California License: C32928

Over 20 years experience on architectural design, waterproofing & building envelope design, architectural forensics investigations, value engineering, restoration and rehabilitation of existing construction, post occupancy evaluations, multi-family housing specialization.

Operations Manager – Faye Liang

Business Degree, B.S. & Construction Management Certification (S.F.S.U.)

10 years experience managing project operations and administering AIA and project specific Contracts.

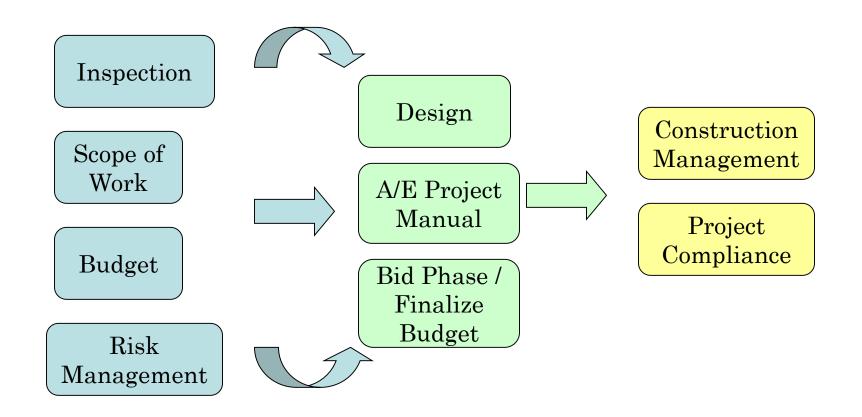
Project Engineer – Christopher Sanchez

Civil Engineering Professional Degree, B.S. (S.F.S.U.)

5 years experience providing on-site technical support, verify quality control and specifications compliance.







SB-326:





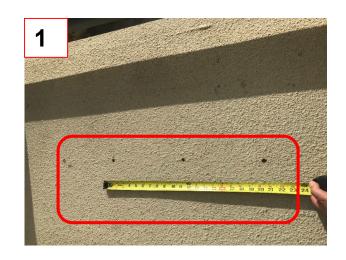




- 1. Cantilever Balcony
- 2. Elevated Walkway
- 3. Post and Beam Deck











- 1. Punctured Traffic Surface
- 2. Edge Metal Flashing Rusted
- 3. Penetration = No Flashing / Rotted Post







- 2. Sliding Glass Door:
- No Door Pan Flashing
- No Wall To Deck Separation

- 1. Sliding Glass Door:
- No head flashing
- No Sealant



SB-326: Load Bearing

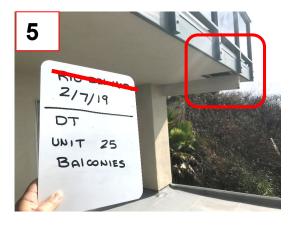




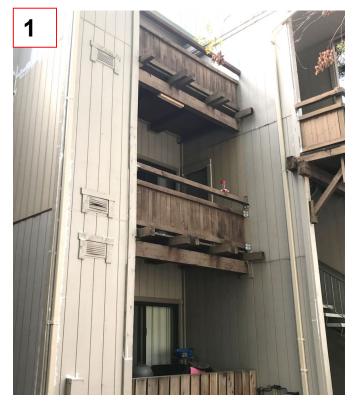








SB-326: Load Bearing









SB-326: Railing











SB-326: Report Submittal

- (1) The <u>IDENTIFICATION</u> of the building components comprising the load-bearing components and associated waterproofing system.
- (2) The <u>CURRENT PHYSICAL CONDITION</u> of the load-bearing components and associated waterproofing system, including whether the condition presents an immediate threat to the health and safety of the residents.
- (3) The **EXPECTED FUTURE PERFORMANCE** and remaining useful life of the load-bearing components and associated waterproofing system.
- (4) Recommendations for any <u>NECESSARY REPAIR OR</u>
 <u>REPLACEMENT</u> of the load-bearing components and associated waterproofing system.
- (5) The report issued pursuant to subdivision (e) shall be <u>STAMPED</u> OR <u>SIGNED</u> by the inspector, presented to the board....





- 50 Balconies Inspect 45
- 100 Balconies Inspect 80
- 150 Balconies Inspect 109
- 200 Balconies Inspect 132

DLC Process: Inspection







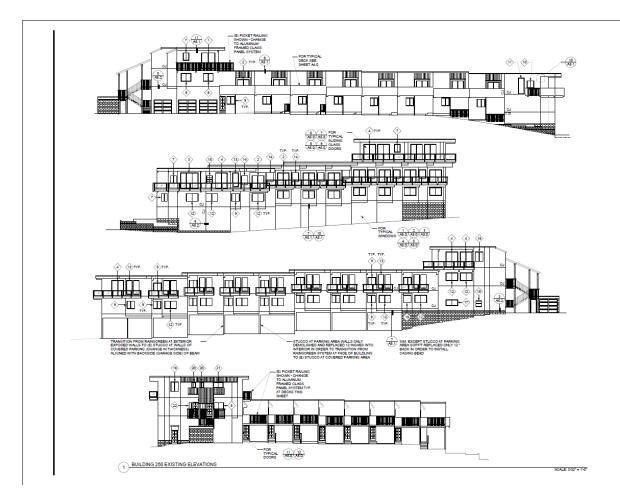




Site Wide Inspection: Building Siding, Trim, and Balconies/Decks









BUILDING

ENVELOPE REPLACEMENT AND DECK REPAIRS

260 RIO DEL MAR BLVD. APTOS, CA 95003

6/15/19 Bid Set

APIN NO.

XX-XXE-XXX

PERMIT NO.

TBD

SHEET DATE

JUNE 15, 2019

DIDAWN BY

FSA

BUILDLING 250

A2.0

COPYRIGHTS 2019

BID DOCUMENTS:



MATERIAL NOTES

Exterior Walls - New Cement Plaster Stucco at Framed Walls

- Remove all existing cement plaster. Replace damaged framing and plywood sheathing as occurs (OSB not permitted). Install % plywood sheathing where none exists (assume 75% of walls).
- Fluid applied air and water resistive barrier RGuard CAT-5 by Prosoco.
- Joint filler RGuard Joint & Seam Filler by Prosoco.
- Liquid applied flashing RGuard FastFlash by Prosoco
- Bug Screen <u>Delta-BugScreen</u> by Cosella Dorken or approved equal.
- Stucco lath 3.4# Self Furring Galv. Diamond Lath by Amico. or approved equal.
- Accessories (comer aide, screeds, casing beads, control joints, etc.) Stainless Steel with expanded diamond iath legs for stucco embediment. Deduot Alternate to include galvanized accessories in lieu of stainless steel.
- . Prime and two coats paint

Exterior Walls - Windows and Doors and RO Flashing (for door pan flashing at decks see

- New aluminum framed nail fin type windows and sliding glass doors with clear anodized

- . Liquid applied flashing RiGuard FastFlash by Prosoco
- Head flashing Stainless Steel with jamb flange, end dams, all joints fully soldered.
- Interior Sealant RGuard AirDam by Prosoco (1/2" 3/8" min. joint with backer rod).

Private Deoks - Wood Frame with Tile Finish

- Plywood substrate (APA AB Ext. or AC Ext.) sloped to drains. Glued and screwed. Joints blocked. Moderate contact (8d nall gap).
- · Reinforcing fabric CIM Scrim by CIM Industries
- Door pan flashing rear leg (back dam) stainless steel "L' metal stripped in with CIM 1000.
- Dirain mat thinset to membrane <u>Schluter Ditra-Drain</u> by Schluter-Systems Ltd.

- Porcelain ceramic tiles (12x12) thinset to Ditra-Drain mat (tiles to be selected).



6 NEW ALUM. FRAMED GLASS GUARDRAILS



5 BLDG. 270 PARTIAL PARKING AISLE VIEW



BLDG. 260 PARTIAL TUCK-UNDER VIEW
SCALE: NTS



3 BLDG. 250 PARTIAL TUCK-UNDER VIEW SCALE NTS



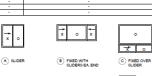
2 BLDG 250 PARTIAL STREET VIEW
SCALE NTS

			FIRE							
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[39	N/A	-	4'-0"	51-01	E	ALUM	CLR. ANO.	-	
. [40	N/A		5'-0"	5'-0"	A	ALUM	CLR. ANO.	-	

DIMENSIONS SHOWN ARE NOMINAL AND HAVE BEEN ESTIMATED BASED ON VISUAL OBSERVATION (NOT MEASURED) AND ARE PROVIDED FOR BIDDING

WINDOW & SLIDING GLASS DOOR SCHEDULE

- PROVIDE TEMPERED GLASS AS REQUIRED BY CODE, AS NOTED ON THE SCHEDULE, WITHIN 18" OF FINISHED FLOOR AND 24" OF DOORS.
- PROVIDE SCREENS AT ALL OPERABLE WINDOWS AND SLIDING GLASS DOORS. WINDOWS LOCATED IN BEDROOMS ARE EGRESS WINDOWS - VERIFY SILL HIGHT DOES NOT EXCEED 44" TO CLEAR OPENING, AND OPERABLE PANEL HAS A NET OPENING OF 20" MIN. WIDTH AND 24" MIN. HEIGHT AND PROVIDES A T
- MULLION DESIGNATION, I.E. 2/4, INDICATES 2 LIGHTS WIDE BY 4 LIGHTS HIGH (2 OVER 4).
- AT SLIDING GLASS DOORS PROVIDE 25 GAMIN, STAINLESS STEEL SHEET AT SLIDING GLASS GOORS PROVIDES & GAMINI, STANLESS STEELS PRIET METAL PARK GLASS AND RETURNS, SET PAIN IN SEALANT AND DO NOT FASTEN THROUGH FOR SURFACE. LAP FLASHINGS AT ROUGH OF PRINTS OF CASTEN THROUGH FOR SURFACE. LAP FLASHINGS AT ROUGH OF PRINTS OF CASTEN THROUGH FOR SURFACE AND STANLESS WITH A STANLESS WAS AND STANLESS WITH A STANLESS WAS AND STANLESS WITH A STANLESS WAS AND STANLESS WAS A
- OPERABLE PANELS LABELED "X" AND FIXED PANELS "O." CONTRACTOR IS RESPONSIBLE TO SURVEY UNITS AND MATCH WINDOWS IN ACTUAL UNITS FOR APPLICABLE OPERALES PANEL SUBING DIRECTION.





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RIO DEL MAR HOA

BUILDING **ENVELOPE** REPLACEMENT AND DECK REPAIRS

260 RIO DEL MAR BLVD. APTOS, CA 95003

ISSUES			
MARK	DATE	DESCRIPTION	
	3/15/19	PRELIMINAR PRICING	

APN NO. XX-XX-XX
PERMIT NO.
TBD SHEET DATE
JUNE 15, 2019 DRAWN BY
FSA
JOB NO. 1812-013
SHEET TITLE
SCHEDULES AND

MATERIAL NOTES

A3.0

(1) WINDOW SCHEDULE

SCALE: 1/4" = 150"

Renderings:



Bid Analysis - Sample:

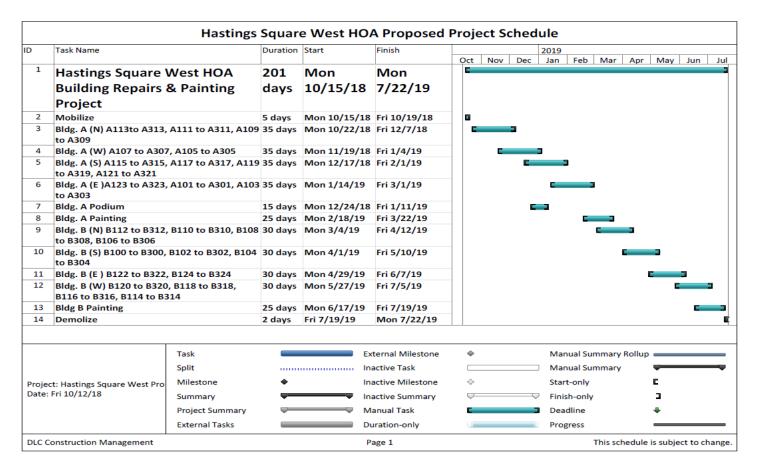
	Bidding Contractors				
Scope	Contractor A Contractor B		Contractor C		
Base bid + Add on	\$155,609.69	\$157,645.00	\$170,273.78		
A. BASE BID	\$58,191.69	\$48,671.00	\$42,914.05		
1. Base Bid Amount	\$58,191.69	\$48,671.00	\$42,914.05		
2. Identified Bid	15%	15%	20%		
3. Labor Rates	1070	1070	2070		
i. Laborer	\$45.00	\$44.00	\$42.00		
ii. Carpenter	\$56.00	\$56.00	\$46.00		
iii. Painter	\$47.00	\$42.00	\$46.00		
iv. Sheetmetal	\$56.00	\$56.00	\$46.00		
v. Supervisor/Foreman	\$65.00	\$58.00	\$55.00		
vi. Project Manager	\$80.00	\$95.00	\$65.00		
B. Base Bid Breakdown					
1. REPAIRS	\$49,393.42	\$27,244.00	\$32,725.98		
2. Work @ Bldg Entry	\$8,798.27	\$21,517.00	\$10,188.07		
3. Subtotal Section B	\$58,191.69	\$48,761.00	\$42,914.05		
C. Bid ADD ON:					
Add 16 balcony guardrail replacement per	407 440 00	0400.074.00	0 407.050.70		
dwgs.	\$97,418.00	\$108,974.00	\$127,359.73		
1. 1 X 4 Western Red Cedar	\$48.00	\$78.00	\$64.00		
2. 1 X 6 Western Red Cedar	\$58.00	\$82.00	\$72.00		
3. 2 X 2 Western Red Cedar	\$58.00	\$82.00	\$68.00		
4. 2 X 4 Western Red Cedar	\$75.00	\$85.00	\$80.00		
5. 2 X 6 Western Red Cedar	\$85.00	\$88.00	\$100.00		
6. 2 X 8 Western Red Cedar	\$95.00	\$100.00	\$116.00		
7. 2 X 10 Western Red Cedar	\$112.00	\$173.00	\$140.00		
8. 4'x8' Shadow Groove Siding w/ stain					
	\$275.00	\$300.00	\$225.00		
9. 4'x8 Hardie Panel Smooth siding	\$245.00	\$350.00	\$275.00		
Miscallanaolis					
10. The contractor hereby agrees that the					
portion of the Work under this contract shall					
completed within approximately	4 weeks	4 weeks	6 weeks		
11. Contractor hereby agrees to honor the					
submitted price	120 days	120 days	120 days		
12. Contractor hereby agrees to start work					
from date of contract execution	2 weeks	5-6 weeks	4-6 weeks		
	∠ weeks	o-o weeks	4-6 weeks		



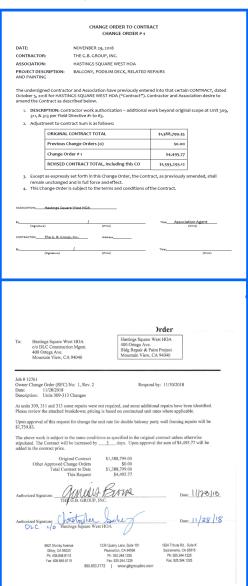
13	Sample Budget - Base Bid and Optional ADD On					
14	Budget - Base Bid & ADD On	Contractor A	Contractor B	Contractor C		
15						
16	Contractor	\$155,610	\$157,645	\$170,274		
17	Abatement Allowance	\$10,000	\$10,000	\$10,000		
18	New Footing Allowance	\$3,000	\$3,000	\$3,000		
19	Permits	\$7,500	\$7,500	\$7,500		
20	Elevator Room drywall repairs allowance	\$500	\$500	\$500		
21	Contingency	\$15,000	\$15,000	\$15,000		
22	Sub Total	\$191,610	\$193,645	\$206,274		
23	Project Management (~8%)	\$15,500	\$15,500	\$15,500		
24	Legal - Contract	\$5,000	\$5,000	\$5,000		
25	Community Management ~ 3%	\$5,500	\$5,500	\$5,500		
26	Total	\$217,609.69	\$219,645.00	\$232,273.78		

Sample Schedule:





Project Oversight:

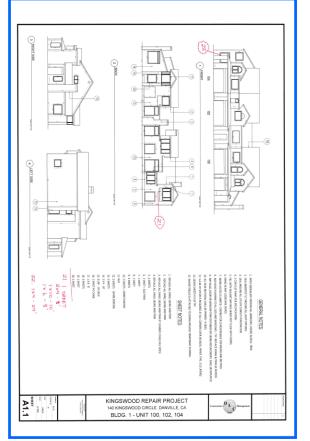




New Beam per specification.

Existing joist in poor condition/cracked. Replacement required.





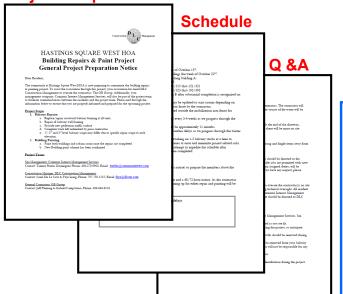


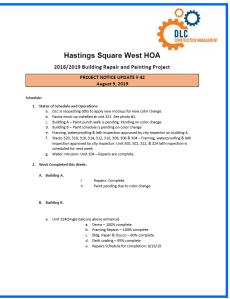




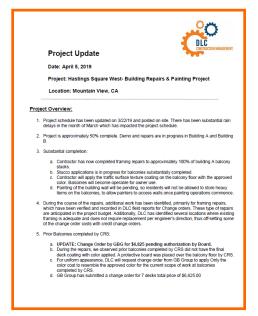
Project Communications:

Project Scope & Team









General Notice

Weekly Updates

Monthly Updates

Sample of Completed Balcony Projects:

Baywood HOA – San Mateo, CA



Point Tiburon HOA

– Tiburon, CA



Sycamore HOA – Alameda, CA



Hastings HOA – Mountain View, CA





El Dorado HOA
- Vacaville, CA



Meadowood HOA – Hayward, CA







CM PAYS FOR ITSELF.

Our experience and creativity reduces project time. Change order management saves money.

Thank you for your consideration

DLC Construction Management

1350 Hayes Street, C-13

Benicia, CA

Tel: (707)750-5155

www.dlccm.com

Email: Israel@dlccm.com



BAPS - 2020 Legal Update Luncheon



Kim Flickner, CACM-PM

- Director of Management Services
- Community Manager





705 Bancroft Way Barkeley, CA94710

866-666-6761

www.UniverseAlliance.com

DECKS

Destructive Testing

Why They Fail

Repairs and Reconstruction



DESTRUCTIVE TESTING

What is it and how does it apply?

Take apart, cut into, remove sections of substrate to assess the condition and performance of structural members.



Our Role In The Inspection Process

We operate as the hands of experts like DLC, they point, we cut and expose

Once DT is deemed sufficient, photos taken, we will repair said areas to their previous state

What types of decks Fail?

New decks can fail.

Library Gardens

Berkeley, CA

Built 2007

Deck Failed 2015

(8 years old)



Six people died as a result of this collapse.

Case Study Enclosed Cantilever Deck

What Could Make a Deck Fail in 8 Years?

- · Waterproof coating can fail.
- Drainage system can fail (downspouts clog, drain not set properly).
- The fall is incorrect (deck slopes towards building) making water pool in places where it should not be.
- decks can be flashed incorrectly at corners, curbs, sliding glass doors, utility doors, etc.
- Plywood fastened with nails rather than screws can create nail pops.

Older Decks Fail



3 people were injured when this deck collapsed in May of 2018.

- 3400 Morcom Ave, Oakland
- Community was Built 1980's
- Post and Ledger Framing



Alameda, CA

As Universe Painting and Construction was preparing to paint this community last summer, our crew noticed cracks in topping slab on a deck.

Quick Question: What do you think caused this damage?

Minor dry rot was noticed on fascia.

What is missing from the deck in the photograph?

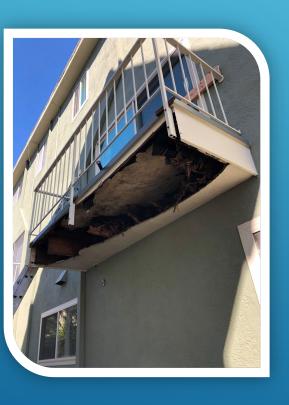
There should be joists there.



Destructive testing and regular deck inspections

Could have caught this before it became a life safety hazard

Upon Further Inspection



80% loss of cantilever joists



How To Protect Your decks

- Deck coatings are often overlooked. They are often allowed deteriorate to the point of failure. This is your 1st line of defense against water intrusion.
 - Have deck coatings inspected and recoated regularly either as part of the normal painting process or a stand-alone project.
- A waterproof deck system with a 25 to 30 year life requires routine maintenance to ensure longevity and waterproof integrity.
 - Pressure washing regularly and recoat as recommended by the manufacturer (usually 5 years).
 - Keep drains and scuppers clear and maintained.
 - Keep plants and flowerpots elevated. Water can collect under the pot and not evaporate. This standing water can cause dry-rot over a period of years.
 - Do not allow patio furniture (table legs, chair legs) to penetrate or scratch the deck coating. Also rotate your patio/deck furniture frequently so standing water is not left under the legs of the furniture.
- Failure to properly maintain decks can result in a voided warranty (this
 warranty can come from the developer, contractor, or product manufacturer
 depending on the age of the property).

And We Can't Forget About



- Stairwells
- Elevated walkways
- Landings





Elevated Walkways and Support Posts

Elevated walkways are susceptible to the same failures as decks

Wood posts are susceptible to deterioration at both the base and the top.



REPAIRS

- Following destructive testing, we will happily submit a proposal for any required repairs
- Our familiarity with your decks and their issues will make for a more efficient and cost effective repair project
- We have a dedicated team that specializes in deck repairs and reconstruction
- We look forward to helping you get through this process, and to making your communities safer and more beautiful



705 Bancroft Way Berkeley, CA94710

www.UniverseAlliance.com

Thank you

Questions



BAPS – 2020 Legal Update Luncheon



THANK YOU!

