

Spediacci, Sheri

To: Raymond Miller
Subject: RE: JUN 14, 2013 RE: Viewpoint Mtg. notes.

From: <tony@verreos.com>
Date: Fri, Jun 14, 2013 at 9:44 PM
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To: Raymond Miller <raymiller4brisbane@gmail.com>

Hi Ray:

Mayor Miller - Please share this with the rest of the City Council.

Thanks much for making the effort to come visit with Altamar and Viewpoint. I wish other members of the City Council had shared your desire to reach out as you have. I hope they'll follow your good example in the future.

Our board mtgs. normally have extremely low attendance > 3-6 owners other than the board members would be common. The repeated advertising of your visit is the only reason we had over twenty last night. They wanted to meet you, and hear what you had to say.

I'm happy to hear that the EIR is available to view online. That would be my preference if you could have someone provide the link.

Regarding the repair items:

1> The **sidewalk** at the corner of **Mission Blue at Monarch** should never have been let go as it was. Brookfield Homes was supposed to install hard plastic root barriers aimed at preventing the lifting up of the sidewalk.

I think it's standard practice to cut back those tree roots before repairing the concrete.

It's not a big job, but it's a big tripping hazard.

2> The missing street **light pole** adjacent to unit #133 Rock Wren.

One of the Viewpoint board members told me last night that it was the result of a car accident, so the City either did not pursue collection, or

the irresponsible party had no insurance? Previously, all I had heard unofficially was that the City wasn't sure if they wanted to replace

that light pole with the same kind, or if they should investigate something different. Three or more years later, I wonder what the real reasons

for the do nothing delay were? I hope you find out.

3> **Light pole B434** is a nuisance. Rather than always being on at night, it seems to be fitted with a motion sensor that turns it on and off for a few minutes at a time. The problems with this are that it will sometimes be one while a person approaches the mail boxes, then it goes off leaving you in the dark, or when we're looking to pick up after our dogs, it goes out at the worst possible moment.

Security is the real issue, as we hear that criminals are taking advantage of our quiet and normally unoccupied streets to park and drink at the dead end of Checkerspot - and on up the hill from there. As well as leaving stolen cars as we heard the other night from a Rock Wren neighbor.

Viewpoint has a yahoo group email setup so we can share info, but less than half of the membership is registered for it, and others just don't understand the community concept of Neighborhood Watch.

4> **Planning Dept./Developers/ City Agencies: Construction Defects and Maintenance**

Altamar was the first of the Ridge communities built, and since it's essentially an apartment building style condo association, some of the problems built into Viewpoint, Landmark, and Toll Bros. don't apply: Altamar has water heaters outside of the units, so interior water damage from a burst water heater is less likely. I think they don't have the very large crawl spaces we have similar to many hillside homes in town.

You mentioned Altamar's complaint about their garbage bill. That was a very unfortunate thing built into their set up I guess, based on your comments due to the definitions in the scavenger's service contract. Altamar has also had problem in the past with people abusing their trash which is outside open bins - anyone can dump there, and the parking lots were unprotected. Security gates would seem an obvious solution, but also expensive.

City Inspectors take no responsibility for non life safety issues of poor construction techniques such as we understand have been responsible for millions of dollars of reconstruction repairs at both HOAs to date. Unfortunately, there is no way for a potential buyer to learn the risk of these serious water damages until they are discovered (most often through destructive testing during litigation). Altamar somehow seems to have managed their repairs with the money they won from Brookfield Homes, but Viewpoint failed to work with Altamar, used different attorneys, and did not win enough money to avoid an approximately \$9M Special Assessment costing each unit owner between \$30K to \$58K depending on the size of their home. Those of us who were not in control, had to watch as our Board was manipulated and maneuvered into spending millions more than the actual repairs should have cost. Why? Because they valued guarantees more than the advise of their litigation attorneys who told us all if something goes wrong again after reconstruction, contractors having the right kind and amount of insurance is more valuable than any guarantee that can easily be voided.

Viewpoint has some built in negatives that could've, and should've been avoided, but for some reason were allowed to slip by:

1> With all the talk of "green building" and "sustainability (none of which is new), one of the biggest environmental wastes is the failure of cities

to **require "grey water"** recycling to be built into every new multi family project, and every new commercial project, so as they do at UCSF,

all landscape irrigation is done with grey water. This both cuts water consumption, and eliminates the need to pump all of that water into

sewage treatment.

When an HOA has a annual water bill for landscaping of over \$120,000, this is a serious waste of resources.

2> **"Dark Sky"** if I got it right, is the national program aimed at reducing nighttime light pollution. Again it wasn't a new idea in 1997-2000, but

cheap and pretty is what we got instead of high quality and environmentally sensitive lighting on exterior decks.

3> **Appearance from across town:** up close Viewpoint looks fine. If you are across town having to look at it, I'd have thought planners would've

considered prohibiting the bright white paint and vinyl windows that contrast with all the base wall colors, and also if they had employed the

scientific knowledge (as was done in Terra Bay SSF) rather than fall for the artistic or misapplied military approach of attempting to camouflage

something so big with no cover, we wouldn't have five or six or more different base colors which actually stand out more from a distance, as

compared with the boring one color approach of Terra Bay and Pointe Pacific which blend in or at least are less noticeable (like elephants

standing still in the open).

4> **Parking:** some people got literally shorted when the street configuration resulted in their driveway being too short for most standard sized cars.

There is ample street parking (not counting that designed for guests), but very few people want to use it, preferring to double park under a no

parking sign, or park over the sidewalk directly in front the home they're visiting even though there's one or more guest spaces available just

across the street. It wouldn't hurt for the BPD to come visit here more often to speak with these people in person, warning them or citing them,

as they are not occasional offenders on Warbler.

5> **Interior inspections** are Viewpoint's biggest and most serious problem.

Our CC&Rs require the HOA to perform annual inspections (not necessarily defined as to extent, but very clearly aimed at preventing exactly what we fell victim too).

There is no concern for the cost to run an HOA on the part of City or state government. Attorneys and planners will say, if you need more money,

just raise your dues/assessments (but owners, in particular first time owners are uneducated about what this means).

We have a need to check for **termite, and other insect damages, as well as rodents** both in attics (generally OK to access from the interior,

though not practical without owner cooperation), and crawl spaces. Almost all of our forty six buildings could have exterior access by a security

door with a master key. If we had, then the Fire Dept. could do inspections easily with or without advance notice to owners. The police would also have the key for use in case of any emergency, and the property manager would be able to supply the key to contractors if they needed to perform repairs or do inspections for the HOA.

Our CC&R's prohibit any use of the attic or crawl space common areas by residents. Our only access is supposed to be for service of our unit's utilities. Since there was no exterior access, and no one was doing any inspections as they were supposed to, a number of owners took advantage of all that great wasted space to do what that wanted (I think it was primarily storage, but you'd have to get a report from the HOA Board, as they refused to provide it to us members). Believe it or not, the City probably runs more transparently than our HOA!

Even before the professionals inspected and advised our Board of the likelihood of major construction defects, I was telling out Board, and suggesting they investigate, and educate themselves. Unfortunately, they were not interested in hearing bad news. Instead they focused on the ugly peeling paint and rusting iron railings, not realizing that was only the obvious tip of the ice berg that was Viewpoint water damages.

If we had the exterior crawl space access doors from the beginning, it may not have saved us millions, but it certainly would've eliminated any moral responsibility on the part of the City, because our HOA would've had no excuse for not inspecting early and often. Please consider this in review of any future developments.

When the first inspections were done in about 2004-2006, the findings would be considered typical:

- a) some fire walls were not built properly
- b) some sheet rock was not installed properly
- c) there was lots of original construction debris of the sort that attracts termites.
- d) there was considerable rodent damage - some structural, others contamination of insulation, all due to lack of exclusion from original construction.
- e) there were a few ponds or small lakes created by improper sealing at the high point of the lot, combined with improper drainage at the low points, or interior foundation walls. Some of those caused extensive mold growth. Our HOA has never told us the cost to remediate all of that mold, but my understanding is it was hundreds or thousands. And one lawsuit is still pending due to the poor way that was handled.

A second inspection was done in about 2009/2010 when the I.W. Bison Construction consulting firm was hired. We are told that they have since fully documented all of the findings during the reconstruction process, but all of their planning meetings with our HOA Board have been conducted in secret closed executive sessions, where we hear nothing, get no minutes to review, and while the Davis-Sterling Act requires the HOA to make their documentation available to members for review, they are not doing what you did last night with the EIR. The result is that we don't know what they know, all we know is what it cost us!

Prior to litigation, I spoke with many contractors, consultants, engineers, and architects, and every one of them agreed that controlled exterior access

doors would be very beneficial to our HOA both during the then future construction work, and also in the years ahead. There was no concern that

a door would be a structural problem, a fire safety problem, or a security problem. These doors exist all over the country. We were later told by

I.W. Bison, that when they made their proposal to the City Planners about adding these doors, it appeared it would be approved, except the Fire

Dept., vetoed it offering no acceptable alternatives. We were told that the Fire Dept. equated adding a door to granting access for unintended/

unapproved use, as in living or storage etc. **In reality, the privacy created by interior only access, was proven to create exactly the sorts of**

hazards the Fire Dept. was using as a reason to deny approval of the doors! My idea was for a high quality door, with a Medico of similar

expensive lock and key that NO owner would have. Having knowledge that their crawl space is essentially off limits, and not under their direct

control may not stop all abuses, but it would likely limit them dramatically. At the same time, routine inspections would allow the HOA to find and

repair damages in their early stages, avoiding serious extensive problems normally hidden from view.

How big a deal is this? We spent about \$13M all for repairs that none of us originally would have thought necessary. I'm guessing

Altamar spent and additional \$7M. And all of it for problems that were 100% avoidable if the buildings had been constructed with

proper care originally. And many of the damages could have been minimized if the HOA could have conducted proper inspections, and

did reasonable repairs upon discovery of damages. Whether it's termites or water, time is the enemy.

I'm disappointed that our current HOA Board has not felt it important to pursue this matter, as it would be unreasonable to assume that all of the

work just recently completed will totally eliminate any future concerns for what's happening in these unseen areas of our property.

Landmark is single family homes where the HOA controls some aspects of appearance and landscape, but is not responsible for any structural

defects to my knowledge. As the same builder that fouled up their other two parts of the project built these homes, it would be reasonable to

expect similar problems to be found here. I wonder how many of those homeowners are aware of the extent of their potential problems?

Toll Brothers hopefully will build their section of the project to a higher standard, but ultimately, it seems that no one really cares, and buyers buy

in the blind - they can't sit out there and watch 24/7. We thought that was what inspectors did, but we found out the hard way we were wrong.

6> **Security:** During the planning commission mtgs. prior to Landmark getting approval to start construction, many residents from both sides of town

agreed on one thing "We do not want the City to allow a open road connecting to Carter or Guadalupe Canyon Parkway." We accept and have no problem with a locked gated road for emergency fire access, but we will not accept an open road. What makes Brisbane special is that we are slightly hidden, and slightly more difficult to access, and that makes it far easier for our very small police presence to control. Those of us who grew up in San Francisco, do not want all of the crime we grew up with to follow us to Brisbane. It's human nature for people to want to save gas, and cut three minutes from their commute etc., but those are all selfish motives that I'm pretty sure will lead to some owners on the Ridge calling for that road to be opened some day. **I hope that all City Council members and staff will strongly resist any such change on the record, so future leaders will have a clear understanding of how important this little issue is.**

Respectfully,

Tony Verreos
122 Warbler