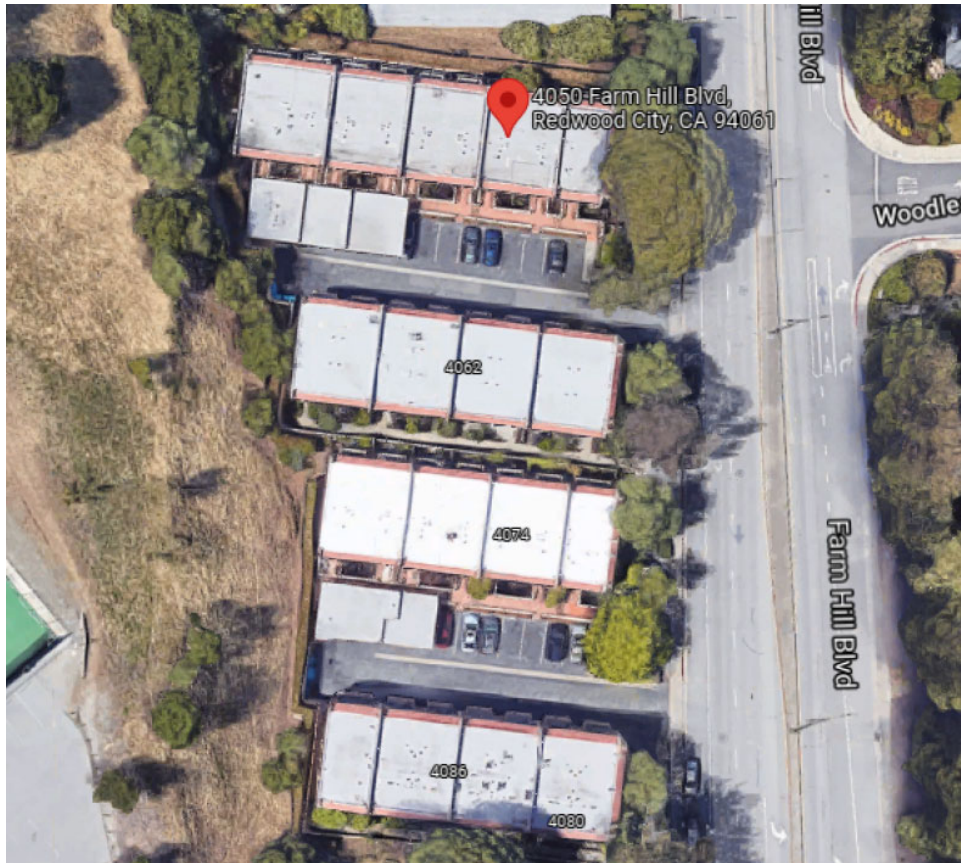




SB326/CC5551: Exterior Elevated Elements (EEE)
(Associated Waterproofing Systems / Load-Bearing Components)
Building Assessment Report
July 1, 2022

Farm Hills Heights
(RSM 88/12-17)
4050–4062–4074–4086 Farm Hill Boulevard
Redwood City, California



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INTEGRITY BEYOND STRUCTURES

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1.0 Project Background

1.1 Assignment

TEAC Structural Engineering (TEAC) was retained by Farm Hills Heights HOA via Common Interest Management Services to perform a California State Senate Bill 326 (California Civil Code Section 5551) building exterior elevated elements (EEE) assessment report.

California common-interest development assessments are a visual inspection and limited destructive testing of readily accessible exterior elevated elements which are defined as the load-bearing components and their associated waterproofing systems.

This report will include the apparent current physical condition, remaining useful life of the load-bearing components and the associated waterproofing systems in accordance with the guidelines contained in SB326 conducted June 6th through June 9th, 2022.

1.2 Definitions

For purposes of this section, the following definitions apply:

- (1) "Associated waterproofing systems" include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water.
- (2) "Exterior elevated elements" mean the load-bearing components together with their associated waterproofing system.
- (3) "Load-bearing components" means those components that extend beyond the exterior walls of the building to deliver structural loads to the building from decks, balconies, stairways, walkways, and their railings, that have a walking surface elevated more than six feet above ground level, that are designed for human occupancy or use, and that are supported in whole or in substantial part by wood or wood-based products.
- (4) "Statistically significant sample" means a sufficient number of units inspected to provide 95% confidence that the results from the sample are reflective of the whole, with a margin of error of no greater than plus or minus 5%.
- (5) "Visual inspection" means inspection through the least intrusive method necessary to inspect load-bearing components, limited to visual observation only or visual observation in conjunction with, for example, the use of moisture meters, borescopes, or infrared technology.

1.3 Project Description

Farm Hills Heights HOA is bound by Farm Hill Boulevard in Redwood City, California.

The subject property is a 31-unit market-rate complex (Type V-B/V-N) and with 59 EEE-relevant population comprising of individual unit deck-balconies elements.

The multi-family buildings construction is reportedly as:

1970-era construction

Wood-framed buildings

- Two-story over slab-on-grade
- Two-story over tuck-under parking garage

Exterior stucco building finish

Rolled roofing membrane with clay-tile mansard roof

EEE Assemblies

- Balconies

Concrete over-layment with perimeter GSM flashing

Plywood substrata diaphragm supported upon 2x wood deck joist.

2x2 wood pickets with periodically spaced 4x4 newel posts and 2x6 /2x4 strong-back top rail assembly.

Concrete stucco soffit with continuous 2" wide strip vent.

- Entry Walkways

Concrete over-layment with perimeter GSM flashing – absent area drains

Plywood substrata diaphragm supported upon 2x wood deck joist.

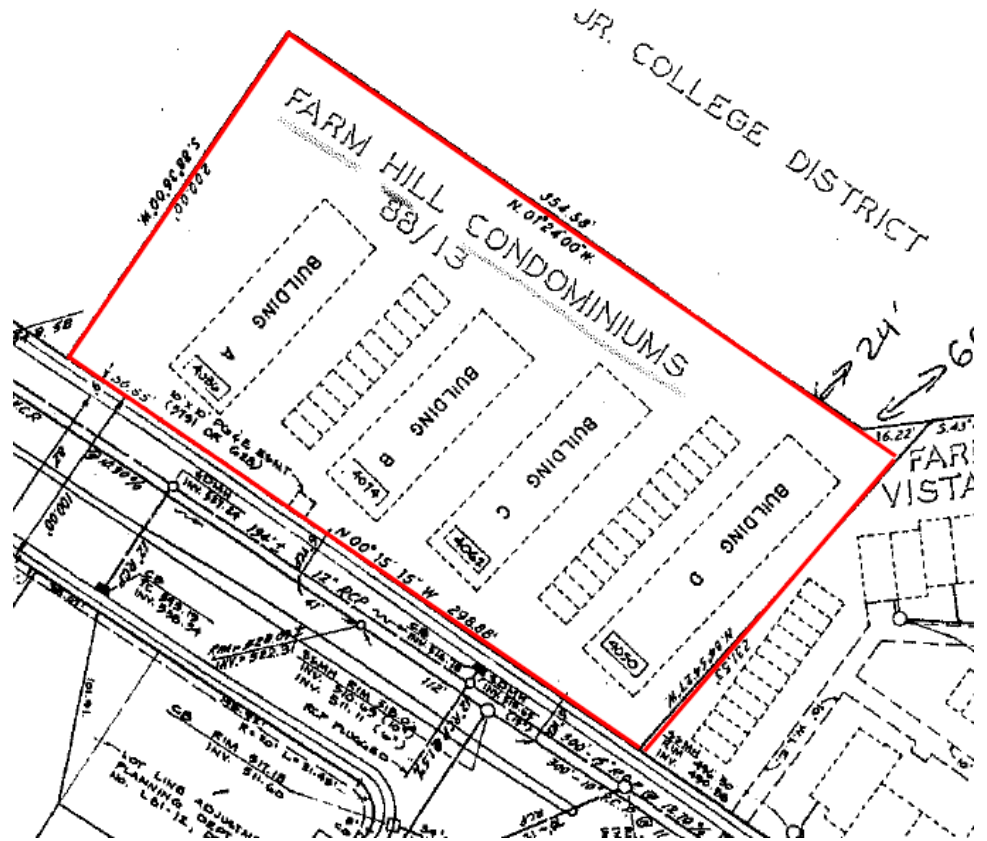
Bridge: 2x2 wood pickets with periodically spaced 4x4 newel posts, 2x8 /2x6 strong-back top rail assembly and 2x6 kick board.

Walkway: concrete stucco finish over wood assembly with 2x8 wall cap handrail.

Concrete stucco soffit with continuous 2" wide strip vent.

1.4 Subject Building Reconnaissance:

From the EEE population, our office selected a 46-unit sample to support the 95% confidence +5% variance reporting.



2.0 Inspection Summary

2.1 Recommended Repairs Legend

Item	Action Required
1A	Replace handrail assembly
1B	Replace/install handrail flashing/membrane
1C	Replace/repair guardrail newel post assembly
1D	Replace/install newel post flashing/membrane
1E	Install wall cap flashing & membrane
1F	Separate handrail terminus from wall & patch
1F	Handrail < 34" height code violation
1G	Guardrail < 42" height code violation
2A	Investigate deck membrane waterproofing
2B	Replace deck membrane waterproofing
2C	Install/replace perimeter wall GSM flashing
2D	Install/replace perimeter edge GSM flashing
2E	
2F	Install/replace sliding door GSM pan
3A	Replace plywood substrate
3B	Replace deck planking
3C	Replace deck joist w/ hardware & membrane
3D	Replace rim joist
3E	Replace ledger joist
3F	Replaced trim board (replace in kind)
3G	Install flashing/membrane at assembly
4A	Replace deck beam w/ flashing membrane
4B	Install beam flashing w/ membrane
4C	Replace/Repair damage connector
4D	Replaced beam post w/ hardware
5A	Install horizontal chord hardware
5A	Install diaphragm lateral tie hardware
6A	Stucco repair to address water infiltration
6B	Siding repair to address water infiltration
6C	Repair & perform routine O&M w/ monitoring
7A	Repair existing roof area drainage system
9A	Intermediate landing column repair

2.2 Conditions Observed Recommended Repairs

Address	Element Description	Location	Action Required	Element Description
4050 #1	2nd Flr Balcony	Rear	1C, 2B	Cracked w/in balcony concrete overlay & dryrot noted within handrail assembly.
4050 #1	Entry / Walkway	Front	1A, 2B	Cracked w/in walkway concrete, top rail dry rot noted and various stucco cracks.
4050 #2	2nd Flr Balcony	Rear	1C, 2B	Cracked w/in balcony concrete overlay & dryrot noted within handrail assembly.
4050 #2	Entry / Walkway	Front	1A, 2B	Cracked w/in walkway concrete, top rail dry rot noted and various stucco cracks.
4050 #3	2nd Flr Balcony	Rear	1C, 2B	Cracked w/in balcony concrete overlay & dryrot noted within handrail assembly.
4050 #3	Entry / Walkway	Front	1C, 2B	Cracked w/in walkway concrete, top rail dry rot noted and various stucco cracks.
4050 #4	2nd Flr Balcony	Rear	*	no issues noted
4050 #4	Entry / Walkway	Front	2B	Various stucco cracks.
4050 #5	2nd Flr Balcony	Rear	1C, 2A	Top rail and deck joist dry rot noted.
4050 #5	Entry / Walkway	Front	1A	Top rail dry rot noted and various stucco cracks.
4050 #6	2nd Flr Balcony	Rear	1C	Top rail and deck joist dry rot noted.
4050 #6	Entry / Walkway	Front	1A, 2A	Top rail dry rot noted and various stucco cracks.
4050 #8	Entry / Walkway	Front	2A	Various stucco cracks.
4050 #9	Entry / Walkway	Front	2A	Various stucco cracks.
4062 #1	2nd Flr Balcony	Rear	1C, 2A	Cracked w/in balcony concrete overlay & dryrot noted within handrail assembly.
4062 #2	2nd Flr Balcony	Rear	1A, 2A	Cracked w/in deck concrete overlay and dryrot noted within handrail assembly.
4062 #3	2nd Flr Balcony	Rear	*	no issues noted
4062 #4	2nd Flr Balcony	Rear	1C, 2A	Cracked w/in stucco and dryrot noted within handrail assembly.
4062 #5	2nd Flr Balcony	Rear	1C, 2A	Cracked w/in stucco and dryrot noted within handrail assembly.
4062 #6	2nd Flr Balcony	Rear	2A	Cracked w/in stucco.
4062 #7	2nd Flr Balcony	Rear	2B	Cracked w/in stucco originating at newel posts with discoloration within joists bays.
4062 #8	2nd Flr Balcony	Rear	1C, 1D	Dryrot around posts, stucco cracking and handrail dryrot noted

4074 #1	2nd Flr Balcony	Rear	1D, 3F	Facia board and 4x6 newel post dryrot due to water infiltration.
4074 #1	Entry / Walkway	Front	1A, 2B	Substantial dry rot noted
4074 #2	2nd Flr Balcony	Rear	1C, 2B	Top handrail & walkway damaged with water staining noted w/in joist cavity.
4074 #2	Entry / Walkway	Front	2C	Dry rot noted
4074 #3	2nd Flr Balcony	Rear	1C, 2B	Top handrail & walkway cracked with water staining noted w/in joist cavity.
4074 #3	Entry / Walkway	Front	2B, 3C	Dry rot noted at deck joists
4074 #4	2nd Flr Balcony	Rear	1C, 2B	Top handrail & walkway cracked with water staining noted w/in joist cavity.
4074 #4	Entry / Walkway	Front	7A	Rain downspout leaks and introduces water at door front
4074 #5	2nd Flr Balcony	Rear	1C	Dry rot noted
4074 #5	Entry / Walkway	Front	2A	Stucco cracking noted at balcony corner
4074 #6	2nd Flr Balcony	Rear	1C, 3F	Handrail and corner facia rotten
4074 #6	Entry / Walkway	Front	1A, 2A	corner stucco damage and hand rail deteriorating
4074 #7	2nd Flr Balcony	Rear	1C	Handrail dryrot noted
4074 #7	Entry / Walkway	Front	*	no issues noted
4086 #1	2nd Flr Balcony	Rear	2B, 3A	Discoloration within joists bays and plywood underside.
4086 #2	2nd Flr Balcony	Rear	*	no issues noted
4086 #3	Entry / Walkway	Front	*	no issues noted
4086 #5	2nd Flr Balcony	Rear	2B, 3A	Discoloration within joists bays and plywood underside.
4086 #6	2nd Flr Deck	Rear	*	no issues noted
4086 #7	Entry / Walkway	Rear	2B, 3A	Discoloration within joists bays and plywood underside along with water staining

3.0 Current Physical Condition

The overall condition of the Farm Hills Heights HOA complex EEE was found to be in **FAIR/POOR** condition except for multiple observed water infiltration observed. As result, an investigative program is immediately required, and immediate formulating required mitigative program formulated.

Diligent periodic maintenance is important for buildings of this age. Wear and tear of the buildings was observed and requires additional attention to avoid major expenses for repairs soon.

Condition Description Rating Guidelines:

<i>GOOD</i>	In first ~10% of its Expected Life exhausted (Essentially in original condition).
<i>GOOD/FAIR</i>	Between ~10% and 35% of its Expected Life exhausted (Experiencing initial signs of wear)
<i>FAIR</i>	Between ~35% and 65% of its Expected Life exhausted (Operational, but visually showing some deterioration)
<i>FAIR/POOR</i>	Between ~65% and 90% of its Expected Life exhausted (Still functional, but deterioration observed and the need for repair and/or replacement should be monitored closely)
<i>POOR</i>	<i>In final ~10% of its Life</i> (System failing, and/or a potential life hazard impacting building life cycle, thus requiring immediate mitigation program implemented)

4.0 Remaining Useful Life

TEAC observed the following factors affecting expected performance in the course of the reconnaissance in order to formulate remaining useful life of the exterior elevated elements.

- Replace handrail assembly
- Replace/install handrail flashing/membrane
- Replace/repair guardrail-newel post assembly
- Replace/install newel post flashing/membrane
- Handrail < 34" height code violation
- Guardrail < 42" height code violation
- Investigate deck membrane waterproofing
- Replace deck membrane waterproofing
- Install/replace perimeter wall GSM flashing
- Install/replace perimeter edge GSM flashing
- Install/replace sliding door GSM pan
- Replace plywood substrate
- Replace deck planking
- Replace deck joist w/ hardware & membrane
- Replace rim joist
- Replace ledger joist
- Replaced trim board (replace-in-kind)
- Replace deck beam w/ flashing-membrane

Decks & Trim / Balcony Membrane / Wood Framing / Exterior Finish / Building Flashing [Estimated remaining useful life (years)]

Address	EEE Description	Location	Handrail / Trim	Balcony Membrane	Wood Framing	Exterior Finish	Building Flashing
4050 #1	2nd Flr Balcony	Rear	3	3	5	5	5
4050 #1	Entry / Walkway	Front	3	3	5	5	5
4050 #2	2nd Flr Balcony	Rear	3	3	5	5	5
4050 #2	Entry / Walkway	Front	3	3	5	5	5
4050 #3	2nd Flr Balcony	Rear	3	3	5	5	5
4050 #3	Entry / Walkway	Front	3	3	5	5	5
4050 #4	2nd Flr Balcony	Rear	10	10	10	10	10
4050 #4	Entry / Walkway	Front	5	3	5	3	5
4050 #5	2nd Flr Balcony	Rear	3	5	3	5	5

4050 #5	Entry / Walkway	Front	3	5	5	3	5
4050 #6	2nd Flr Balcony	Rear	3	5	3	5	5
4050 #6	Entry / Walkway	Front	3	5	5	3	5
4050 #8	Entry / Walkway	Front	5	5	5	3	5
4050 #9	Entry / Walkway	Front	3	5	5	3	5
4062 #1	2nd Flr Balcony	Rear	3	3	3	5	5
4062 #2	2nd Flr Balcony	Rear	3	3	3	5	5
4062 #3	2nd Flr Balcony	Rear	10	10	10	10	10
4062 #4	2nd Flr Balcony	Rear	3	5	5	3	5
4062 #5	2nd Flr Balcony	Rear	3	5	5	3	5
4062 #6	2nd Flr Balcony	Rear	5	5	5	3	5
4062 #7	2nd Flr Balcony	Rear	5	3	5	3	5
4062 #8	2nd Flr Balcony	Rear	3	5	3	3	5
4074 #1	2nd Flr Balcony	Rear	3	5	3	5	5
4074 #1	Entry / Walkway	Front	5	5	3	5	5
4074 #2	2nd Flr Balcony	Rear	3	3	3	5	5
4074 #2	Entry / Walkway	Front	5	5	3	5	5
4074 #3	2nd Flr Balcony	Rear	3	3	3	5	5
4074 #3	Entry / Walkway	Front	5	3	3	3	5
4074 #4	2nd Flr Balcony	Rear	5	5	5	5	5
4074 #4	Entry / Walkway	Front	5	3	5	5	3
4074 #5	2nd Flr Balcony	Rear	3	5	3	5	5
4074 #5	Entry / Walkway	Front	5	5	5	3	5
4074 #6	2nd Flr Balcony	Rear	3	5	5	5	5
4074 #6	Entry / Walkway	Front	3	5	5	5	5
4074 #7	2nd Flr Balcony	Rear	3	5	5	3	5
4074 #7	Entry / Walkway	Front	10	10	10	10	10
4086 #1	2nd Flr Balcony	Rear	5	3	3	5	5
4086 #2	2nd Flr Balcony	Rear	10	10	10	10	10

4086 #3	Entry / Walkway	Front	10	10	10	10	10
4086 #5	2nd Flr Balcony	Rear	5	3	3	5	5
4086 #6	2nd Flr Deck	Rear	10	10	10	10	10
4086 #7	Entry / Walkway	Rear	5	3	3	5	5

5.0 Conclusions

With submittal of this report, the HOA as satisfied the requirement of CC5551: exterior elevated elements (EEE) structures and no immediate threats to health or safety were found.

Please note, the complex's exterior elevated elements (EEE) have construction deficiencies that would necessitate complex repair design plans in combination with commencing complex construction repairs.

Delays to repairs will likely lead to further damage, which will result in increased scope of repair and expenses. Recommended repairs comprise of:

- Routine Operations & Maintenance program
- Decking membrane replacement
- Wood framing repairs @ deterioration conditions
- Wall-deck flashing
- Post replacement @ deterioration conditions

With an appropriate complex-wide construction remediation program implemented addressing these deficiencies as well as any other deficiencies identified during construction remediation, the entire complex EEE performance level should more closely match the current industry standard of care and satisfy SB325/CC5551 reporting criteria during the next nine-year cycle.

Wood framed buildings with exterior assembly (decks, handrails, posts, trim, etc.), entries and stucco cladding require diligence to limit exposure to weather and environmental conditions.

Maintenance, upkeep, and painting are important elements providing a level of protection to the structural framing's integrity.

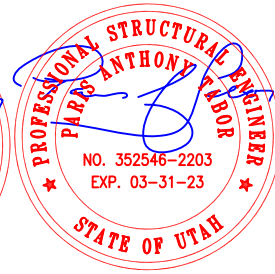
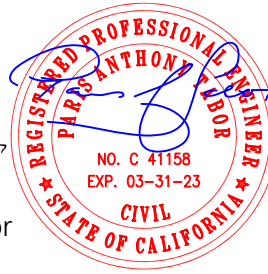
Establishing and maintaining an adequate waterproofing program is important to minimize water intrusion into the building structure components. Complying with the listed repair requirements would

provide the assurance that there will be minimal exposure to major related repairs.

Respectfully,



Paris Anthony Tabor
President



cc: CI22F1-L1

Appendix 1: Senate Bill 326 - Page 14 to 18
Photos - Page 19 to 26

Appendix 1: Senate Bill 326

Senate Bill No. 326

CHAPTER 207

An act to amend Section 6150 of, and to add Sections 5551 and 5986 to, the Civil Code, relating to civil law.

[Approved by Governor Newsom August 30, 2019. Filed with Secretary of State, August 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 326, Hill. Common interest developments.

The Davis Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law also sets forth the duties and responsibilities of the association and the owners of the separate interests regarding maintenance and repair of common and exclusive use areas, as defined. Unless otherwise provided in the common interest development declaration, the association is generally responsible for maintaining, repairing, and replacing the common area, and the owner of each separate interest is responsible for maintaining that separate interest and any exclusive use common area appurtenant to that interest.

This bill would require the association of a condominium project to cause a reasonably competent and diligent visual inspection of exterior elevated elements, defined as the load bearing components and associated waterproofing systems, as specified, to determine whether the exterior elevated elements are in a generally safe condition and performing in compliance with applicable standards. The bill would require the inspector to submit a report to the board of the association providing specified information, including the current physical condition, and remaining useful life of the load bearing components and associated waterproofing systems. The bill would require the inspector to provide a copy of the inspection report to the association immediately upon completion of the report, and to the local code enforcement agency within 15 days of completion of the report, if, after inspection of any exterior elevated element, the inspector advises that the exterior elevated element poses an immediate threat to the safety of the occupants. The bill would require the association to take preventive measures immediately upon receiving the report, including preventing occupant access to the exterior elevated element until repairs have been inspected and approved by the local enforcement agency. The bill would authorize local enforcement agencies to recover enforcement costs associated with these requirements from the association. The bill would authorize the association board to enact rules or bylaws imposing requirements greater than those imposed by these provisions.

The act provides that an association has standing to institute, defend, settle, or intervene in litigation, arbitration, mediation, or administrative proceedings in its own name as the real party in interest and without joining with its members in specified matters, including enforcement of the governing documents.

The bill would provide that, subject to compliance with other specified provisions described below, and notwithstanding any provision to the contrary in the governing documents, a board has the authority to commence legal proceedings against a declarant, developer, or builder of a common interest development, except as specified. The bill would, with certain exceptions, prohibit an association's governing documents from limiting a board's authority to commence legal proceedings against a declarant,

developer, or builder of a common interest development. The bill would make these provisions applicable to governing documents, irrespective of when they were recorded, and claims initiated before the effective date of this bill, except if those claims have been resolved through an executed settlement, a final arbitration decision, or a final judicial decision on the merits.

The act requires the board, prior to the filing of certain civil actions by the association against the declarant or developer, or within 30 days of filing the civil action if the association has reason to believe that the applicable statute of limitations will expire before the association files the civil action, to provide members of the association a written notice specifying, among other things, that a meeting will take place to discuss problems that may lead to the filing of a civil action.

This bill would require that notice to inform members that the potential impacts of filing a civil action, including financial, to the association and its members will also be discussed.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 5551 is added to the Civil Code, to read:

5551.

(a) For purposes of this section, the following definitions apply:

- (1) "Associated waterproofing systems" include flashings, membranes, coatings, and sealants that protect the load bearing components of exterior elevated elements from exposure to water.
- (2) "Exterior elevated elements" mean the load bearing components together with their associated waterproofing system.
- (3) "Load bearing components" means those components that extend beyond the exterior walls of the building to deliver structural loads to the building from decks, balconies, stairways, walkways, and their railings, that have a walking surface elevated more than six feet above ground level, that are designed for human occupancy or use, and that are supported in whole or in substantial part by wood or wood based products.
- (4) "Statistically significant sample" means a sufficient number of units inspected to provide 95 percent confidence that the results from the sample are effective of the whole, with a margin of error of no greater than plus or minus 5 percent.
- (5) "Visual inspection" means inspection through the least intrusive method necessary to inspect load bearing components, including visual observation only or visual observation in conjunction with, for example, the use of moisture meters, borescopes, or infrared technology.

- (b) (1) At least once every nine years, the board of an association of a condominium project shall cause a reasonably competent and diligent visual inspection to be conducted by a licensed structural engineer or architect of a random and statistically significant sample of exterior elevated elements for which the association has maintenance or repair responsibility.
- (2) The inspection shall determine whether the exterior elevated elements are in a generally safe condition and performing in accordance with applicable standards.

- (c) Prior to conducting the first visual inspection, the inspector shall generate a random list of the locations of each type of exterior elevated element. The list shall include all exterior elevated elements for which the association has maintenance or repair responsibility. The list shall be provided to the association for future use.
- (d) The inspector shall perform the visual inspections in accordance with the random list generated pursuant to subdivision (c). If during the visual inspection the inspector observes building conditions indicating that unintended water or water vapor has passed into the associated waterproofing system, thereby creating the potential for damage to the load bearing components, then the inspector may conduct a further inspection. The inspector shall exercise their best professional judgment in determining the necessity, scope, and breadth of any further inspection.
- (e) Based upon the inspector's visual inspections, further inspection, and construction and materials expertise, the inspector shall issue a written report containing the following information:
 - (1) The identification of the building components comprising the load bearing components and associated waterproofing system.
 - (2) The current physical condition 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 necessary repair or replacement of the load bearing components and associated waterproofing system.
- (f) The report issued pursuant to subdivision (e) shall be stamped or signed by the inspector, presented to the board, and incorporated into the study required by Section 5550.
- (g)
 - (1) If, after inspection of any exterior elevated element, the inspector advises that the exterior elevated element poses an immediate threat to the safety of the occupants, the inspector shall provide a copy of the inspection report to the association immediately upon completion of the report, and to the local code enforcement agency within 15 days of completion of the report. Upon receiving the report, the association shall take preventive measures immediately, including preventing occupant access to the exterior elevated element until repairs have been inspected and approved by the local enforcement agency.
 - (2) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section from the association.
- (h) Each subsequent visual inspection conducted under this section shall commence with the next exterior elevated element identified on the random list and shall proceed in order through the list.

- (i) The first inspection shall be completed by January 1, 2025, and then every nine years thereafter in coordination with the reserve study inspection pursuant to Section 5550. All written reports shall be maintained for two inspection cycles as records of the association.
- (j)
 - (1) The association shall be responsible for complying with the requirements of this section.
 - (2) The continued and ongoing maintenance and repair of the load bearing components and associated waterproofing systems in a safe, functional, and sanitary condition shall be the responsibility of the association as required by the association as required by the governing documents.
- (k) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2020, shall occur no later than six years following the issuance of a certificate of occupancy. The inspection shall otherwise comply with the provisions of this section.
- (l) This section shall only apply to buildings containing three or more multifamily dwelling units.
- (m) The association board may enact rules or bylaws imposing requirements greater than those imposed by this section.
- (n) A local government or local enforcement agency may enact an ordinance or other rule imposing requirements greater than those imposed by this section.

SEC. 2.

Section 5986 is added to the Civil Code, immediately following Section 5985, to read: 5986.

- (a) Subject to compliance with Section 6150, which requires the board to provide notice of a meeting with the members to discuss, among other things, problems that may lead to the filing of a civil action, before the board files a civil action against a declarant or other developer, or within 30 days after it files the action, if the association has reason to believe that the applicable statute of limitations will expire, and notwithstanding any provision to the contrary in the governing documents, the board shall have the authority to commence and pursue a claim, civil action, arbitration, prelitigation process pursuant to Section 6000 or Title 7 (commencing with Section 895) of Part 2 of Division 2, or other legal proceeding against a declarant, developer, or builder of a common interest development. If the board includes members appointed by, or affiliated with, the declarant, developer, or builder, the decision and authority to commence and pursue legal proceedings shall be vested solely in the nonaffiliated board members.
- (b) The governing documents shall not impose any preconditions or limitations on the board's authority to commence and pursue any claim, civil action, arbitration, prelitigation process pursuant to Section 6000 or Title 7 (commencing with Section 895) of Part 2 of Division 2, or other legal proceeding against a declarant, developer, or builder of a common interest development. Any limitation or precondition, including, but not limited to, requiring a membership vote as a prerequisite to, or otherwise providing the declarant, developer, or builder with veto authority over, the board's commencement and pursuit of a claim, civil action, arbitration, prelitigation process, or legal proceeding against the declarant, developer, or builder, or any incidental decision of the board, including, but not limited to, retaining legal counsel or incurring costs or expenses, is unenforceable, null, and void. The

failure to comply with those limitations or preconditions, if only, shall not be asserted as a defense to any claim or action described in this section.

- (c) Notwithstanding subdivision (a) or (b), any provision in the governing documents imposing limitations or preconditions on the board's authority to commence and pursue claims shall be valid and enforceable if the provision is adopted solely by the nondeclaring affiliated members of the association and the provision is adopted in accordance with the requirements necessary to amend the governing documents of the association.
- (d) This section applies to all governing documents, whether recorded before or after the effective date of this section and applies retroactively to claims initiated before the effective date of this section, except if those claims have been resolved through an executed settlement, a final arbitration decision, or a final judicial decision on the merits.
- (e) Nothing in this section extends any applicable statute of limitation or repose to file or initiate any claim, civil action, arbitration, prelitigation process, or other legal proceeding. Nothing in this section shall affect any other obligations of an association contained in Title 7 (commencing with Section 895) of Part 2 of Division 2, or any other provision in the covenants, conditions, and restrictions of the association related to arbitration or other alternative dispute resolution procedures.

SEC. 3.

Section 6150 of the Civil Code is amended to read:

6150.

- (a) Not later than 30 days before filing of any civil action by the association against the declarant or other developer of a common interest development for alleged damage to the common areas, alleged damage to the separate interests that the association is obligated to maintain or repair, or alleged damage to the separate interests that arises out of, or is integrally related to, damage to the common areas or separate interests that the association is obligated to maintain or repair, the board shall provide a written notice to each member of the association who appears on the records of the association when the notice is provided. This notice shall specify all of the following:
 - (1) That a meeting will take place to discuss problems that may lead to the filing of a civil action, in addition to the potential impacts thereof to the association and its members, including any financial impacts.
 - (2) The options, including civil actions, that are available to address the problems.
 - (3) The time and place of the meeting.
- (b) Notwithstanding subdivision (a), if the association has reason to believe that the applicable statute of limitations will expire before the association files the civil action, the association may give the notice, as described above, within 30 days after the filing of the action.

Photo June 5th through 6th Reconnaissance



4050 Concrete Efflorescence



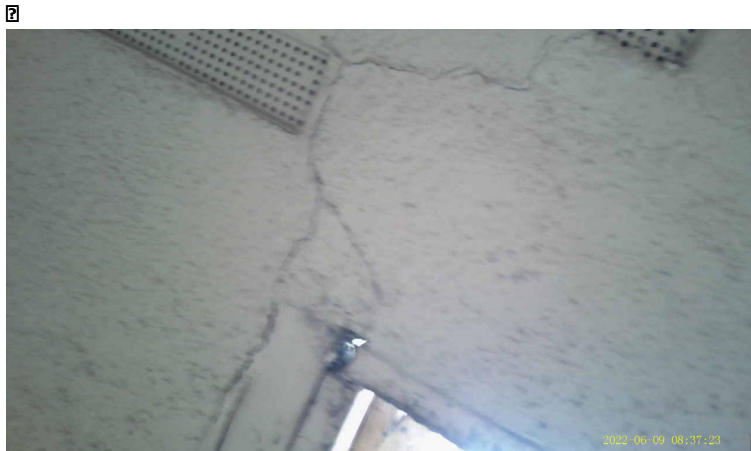
Bridgeway Rim Dryrot



Bridgeway Concrete Deck Cracking



4050 #1: Handrail Dryrot



4050 #2: Stucco Soffit Cracking



4050 #3: Deck Flashing Failure Dryrot



4062#2: Stained plywood & joist



4062#3: Stained plywood & joist



4062#4: Stained plywood & joist



4062#5: Stained plywood & joist



4062#6: Stained plywood & joist



4062#7: Stained plywood & joist



4062 #8: Checked Column



4074 #2: Rim Moist with Dryrot



4072 #3: Dryrot within Joist Bay



4074 #1: Trim moisture rot



4074 #4: Concrete cracking tracking stained plywood moisture



4074 #5: Stained plywood moisture



4074#6: Dryrot wood trim



4074#7: Top rail dryrot



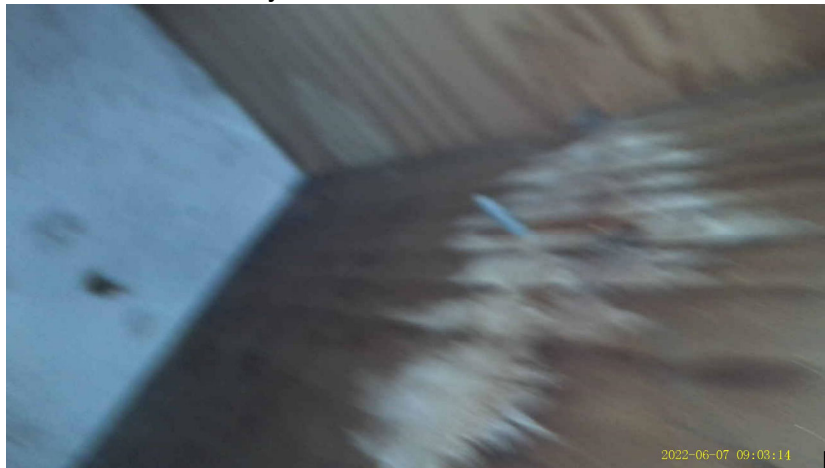
4074#7: Wall top cap stucco spalling



4086#6: Exposed wall framing building wrap



4086#3: Water stained moist member



4086#7: Water stained moist member

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