



OPEN SESSION

OPEN MEETING OF UNITED LAGUNA WOODS MUTUAL ARCHITECTURAL CONTROL AND STANDARDS COMMITTEE

**Thursday, August 19, 2021 – 9:30AM-11:30AM
HYBRID IN-PERSON/VIRTUAL MEETING**

Laguna Woods Village owners/residents are welcome to participate in all open committee meetings and submit comments or questions regarding virtual meetings using one of three options:

1. Join the Zoom meeting at <https://us06web.zoom.us/j/91432172027>
2. Via email to meeting@vmsinc.org any time before the meeting is scheduled to begin or during the meeting. Please use the name of the committee in the subject line of the email. Name and unit number must be included.
3. By calling (949) 268-2020 beginning one half hour before the meeting begins and throughout the remainder of the meeting. You must provide your name and unit number.

NOTICE and AGENDA

This Meeting May Be Recorded

1. Call to Order
2. Acknowledgement of Media
3. Approval of Agenda
4. Approval of Meeting Report – July 19, 2021
5. Chair's Remarks
6. Member Comments - (*Items Not on the Agenda*)
7. Division Manager Update

Consent:

All matters listed under the Consent Calendar are considered routine and will be enacted by the Committee by one motion. In the event that an item is removed from the Consent Calendar by members of the Committee, such item(s) shall be the subject of further discussion and action by the Committee.

Status of Mutual Consents:

8. Monthly Mutual Consent Report (Attachment 1)

Items for Discussion:

9. City of Laguna Woods Meeting Minutes (Attachment 2)
10. Manor Alterations FAQs (Attachment 3)
11. Contractor Violations
 - A. Contractor Violation List (Attachment 4)
 - B. Contractor Violation Policy Questions (Attachment 5)

Items for Future Discussion:

12. News Bulletin Topics



Concluding Business:

13. Committee Member Comments
14. Date of Next Meeting – Thursday, September 19, 2021 at 9:30AM
15. Adjournment



OPEN MEETING

**REGULAR OPEN MEETING OF THE UNITED LAGUNA WOODS MUTUAL
ARCHITECTURAL CONTROL AND STANDARDS COMMITTEE**

Monday, July 19 2021 - 9:30 AM-11:30AM
Laguna Woods Village Community Center (Virtual Meeting)
24351 El Toro Road, Laguna Woods, CA 92637

REPORT

COMMITTEE MEMBERS PRESENT: Elsie Addington, Neda Ardani, Reza Bastani, Brian Gilmore, Carl Randazzo, Andre Torng

DIRECTORS PRESENT: None

COMMITTEE ADVISORS ABSENT: Michael Mehraïn, Walter Ridley

ADVISORS PRESENT: Dick Rader, Juanita Skillman

STAFF PRESENT: Robbi Doncost, Lauryn Varnum, Richard DeLaFuente

1. Call to Order

Chair Gilmore called the meeting to order at 9:35am.

2. Acknowledgement of Media

Zoom platform via Granicus.

3. Approval of Agenda

The committee approved the agenda as presented by acclamation.

4. Approval of Meeting Report for June 17, 2021

The committee approved the agenda as presented by consensus.

Director Bastani inquired if the printed agenda packets could still be delivered to the ACSC members. Staff Officer Varnum confirmed that while the delivery practice was temporary, she would inquire with the Executive Team if an exception could be made.

Director Torng questioned if the topic of water heater exterior storage would be broached. Chair Gilmore confirmed this could be added to future agendas.

5. Chair's Remarks



Chair Gilmore gave congratulatory remarks to the Manor Alterations team for their accomplishments regarding the Permit-Less Policy.

6. Member Comments - (Items Not on the Agenda)

None.

7. Manor Alterations Division Manager Update

Staff Officer Doncost updated the current status of staffing, including the resignation of one Operations Specialist, but stated that likely within the next 5-6 weeks a replacement will BE fully trained. Mr. Doncost confirmed in the interim, staff was being temporarily rearranged to fill in the gaps. Mr. Doncost confirmed that the Variance Moratorium has expired and soon they would be accepting variance applications once more.

Consent:

All matters listed under the Consent Calendar are considered routine and will be enacted by the Committee by one motion. In the event that an item is removed from the Consent Calendar by members of the Committee, such item(s) shall be the subject of further discussion and action by the Committee.

Status of Mutual Consents

8. Monthly Mutual Consent Report

Mr. Doncost presented the status of the Mutual Consents, stating that June is historically a busy month, and an uptick in consents has been noted. Director Bastani inquired as to the process and details regarding replacing windows. Director Ardani stated that the process was straightforward and only required a Mutual Consent. Director Bastani stated that window replacements had previously been handled as Over the Counter (“OTC”) and should remain as such. Director Doncost clarified that OTC permits were reserved for emergency needs or permits without a need for extensive inspections.

Director Torng questioned the ratio of permits received v. permits released. Mr. Doncost confirmed that often permits would be submitted and released within 10 business days, but the construction work performed extended the timeline beyond 30 days. Mr. Doncost further confirmed that Manor Alterations was scheduled to meet with the Tech Team within the week to address future updates and generate more efficient reporting.

Items for Discussion

9. Processing Map

Chair Gilmore applauded the clarity of the document, and Mr. Doncost confirmed that the map is available both on the Manor Alterations website and printed within the News Bulletin. Director Randazzo stated that members are interested in creating a “recommended contractors” list, but will need to operate under



the direction of the legal counsel. Director Randazzo requested further clarity regarding the insurance requirements for vendors, while maintaining the single-sheet format.

Director Bastani asked for further clarity regarding the replacement of windows. Discussion ensued regarding OTC v. standard permits, Mr. Doncost pledged to connect with Director Bastani off-line regarding his further questions.

10. City of Laguna Woods Meeting

Mr. Doncost confirmed that a meeting has been requested with the City Manager, but there is not a confirmed date yet. The Executive Secretary is following up trying to confirm this date. Chair Gilmore expressed hope that the meeting would occur before he ends his tenure as ACSC Chair.

11. Manor Alterations FAQs

Mr. Doncost stated that the FAQ sheet was nearly completed, and would be available both within the Manor Alterations News Bulletin and via the website.

12. Contractor Violations & Policy

Mr. Doncost discussed that legal counsel of Jeff Beaumont has provided a review of the penalty issues, and that further discussion is needed offline. Director Addington asked for clarification on what/how requirements for contractors to follow were presented. Director Doncost confirmed that the rules and regulations were presented within Mutual Consents with a mandatory signature. Director Bastani questioned if a performance bond would be a beneficial addition, and discussion ensued, including assurances that the burden of violations falls to the contractor, not the member. Director Rader supported the notion that violating contractors would have their names made public so that members could be fully informed.

13. Asbestos Update: SCAQMD & CalOSHA

Mr. Doncost updated the ACSC with the current progress, with the goal of meeting with the City Manager, however as of yet, nothing has been confirmed.

14. 483-D Updated

After the onsite meeting at 483-D, it was determined that Phase II proposal would be received by Manor Alterations by Friday . Director Addington expressed a desire to conclude the outstanding work inside.

Items for Future Discussion:

15. News Bulletin Topics

16. In-person manor Alterations Seminar and Q&A

Director Doncost discussed the plan to host a meeting at Laguna Woods so residents, contractors, and real estate agents, can ask questions as well as receive resources and cheat sheets. Director Randazzo



suggested separate meetings for real estate agents from the proposed contractor/member meeting, as their goals and agendas are different.

Director Randazzo expressed the need for editing within the Permit Legend, and Director Torng expressed a need for more refined analysis of data. Mr. Doncost confirmed that reports with processing timelines and ticket aging is beyond the capability of current software systems. Director Torng accepted the assignment to developing for committee review a “specification” of the KPI reporting system.

Concluding Business:

17. Committee Member Comments

The ACSC members thanked Chair Gilmore for his performance as lead member of the team. Advisor Skillman suggested the Contactor Penalty Policy be edited to the Contractor Violation Policy. Many committee members agreed.

18. Date of Next Meeting – August 19, 2021 9:30 AM

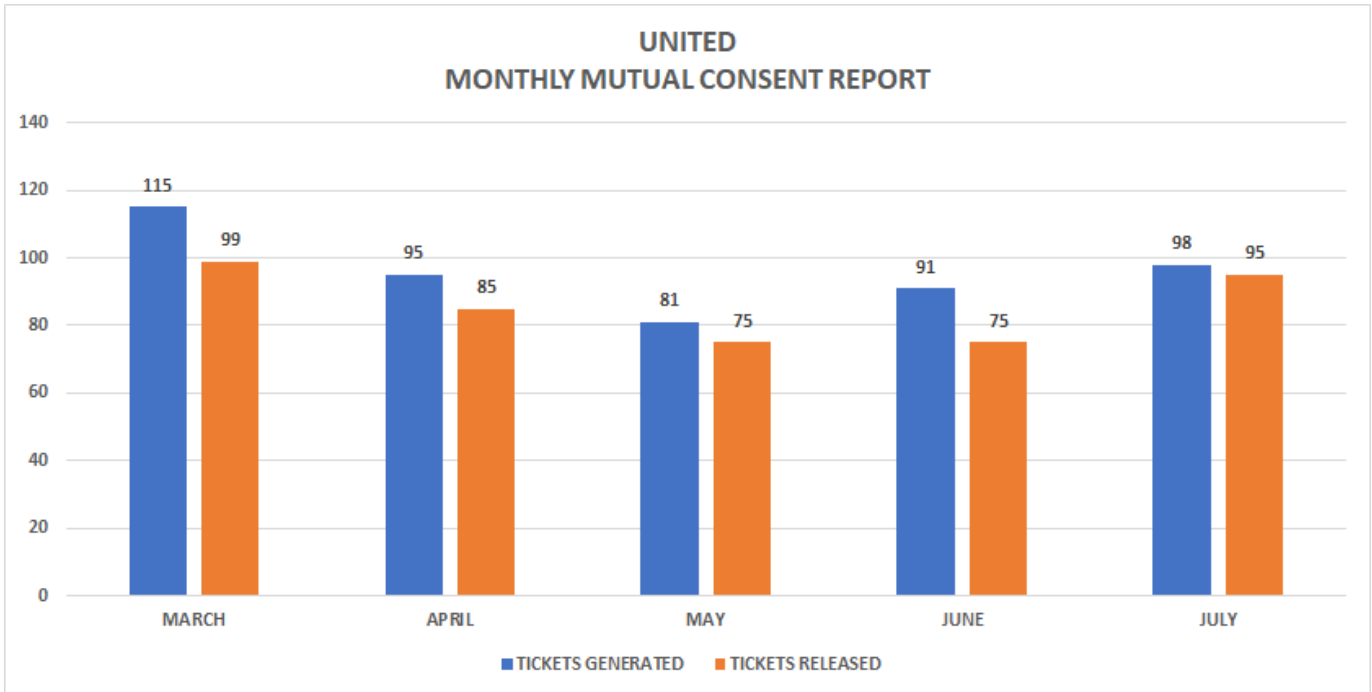
19. Adjournment – 11:27 AM

X _____

Brian Gilmore, Chair

Robbi Doncost, Staff Officer

Telephone: (949) 268-2281



Average Numbers:

Phone in-take: received per day / responded to per day =
25 – 35 Received per day / 25 – 35 Responded per day
 E-mail in-take: received per day / responded to per day =
70– 90 Emails per day / 60 – 70 Responded per day
 Remote counter: total for March /average per day =
34 Appointments total for June / 0-3 Appts per day
 Unanswered emails / average per day =
Approximately 160 per day

Average MC Sub process (From a complete application being submitted)

Class I Permits = 7-11 Business Days
 Class II Permits = 7-12 Business Days
 Class III Permits = 10-90 Business Days

Mutual Consents Processed and released July 2021:

United – 95
 Third – 76
 Total – 171

Mutual Consent Tickets generated in July 2021:

United – 98
 Third – 90
 Total - 188

UNITED PERMITLESS ALTERATIONS

CUMULATIVE TOTAL - APPROVED : 70

CUMULATIVE TOTAL - REJECTED : 5

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Village Management Services, Inc.

**Coordination Meeting Minutes
City of Laguna Woods and VMS Manor Alterations Division
July 2021 Meeting**

These meeting minutes are provided as a brief account of the meeting discussion of the July 29, 2021 coordination meeting between the City of Laguna Woods, and VMS. The City written comments attached as Exhibit “A” – City Supplemental Notes contain red mark notes by VMS. These minutes merge the original agenda, brief summary, and Exhibit “A” material for a complete summation of discussion. See the italic underlined text below as discussion to the content.

The minutes will reflect the basic intent of the conversation and do not include all discussions. *Italic and underlined text* represent the meeting minutes.

Attendees: City of Laguna Woods: Christopher Macon, Corrie Kates
VMS: Jefferey Parker, Siobhan Foster, Guy West, Robbi Doncost,
Gavin Fogg

Meeting Type: Virtual Go-To Virtual Meeting Conference Call

0. Raymond Saidah, 2184-B – Shower Remodel

Manor faucet replacement and tile overlay.

Meeting Minutes: Clarification to questions involving permitting, and MC issuance clarifications on this manor. City issues permits based upon Manor Alterations (“MA”) issuance of Mutual Consent(s) (“MC”) on a one-to-one basis. City process mimics MA mutual consent issuance. For instance, if MA issues a demo permit, the City would issue a demolition permit. The City only tracks MC permits. The City stated that no permit is required for maintenance on items such as a shower valve replacement, plumbing fixture change out, or tile overlay.

1. Open Inspection 483-D

- a. Manor owner installed improvements w/o permits
- b. Manor owner submitted plans for city permit review
- c. Manor Alterations (MA) requested city inspect open areas w/MA engineer to view beam connections and potential correction items. Plans to be submitted in future. City denied MA inspection request.

Meeting Minutes: The City participation and willingness to cooperate is not in question. This item is only a matter of clarification to the process and role of each party. City inspections of existing conditions are not necessary, and the City will rely upon the existing observations of the licensed professional engineer. If the City has reason to believe the existing conditions vary from those represented by the engineer, the City reserves the right to request validation of the conditions. The City does not assume the role of designer. In this particular circumstance the observations of the engineer will be accepted in the application of finding by the engineer as the existing conditions are verified and will be reported. VMS intends to have the engineer provide plans and

supporting documents for validation of existing conditions. In the event further remedies are required, the plans and documents will reflect all remedial actions in the permit submittal. Upon Board acceptance of Phase II cost, VMS will have the engineer's findings submitted for a City permit application to finalize this matter.

2. ACM, PACM City Involvement

- a. SCAQMD meeting update
- b. City position re ACM testing, report review and clearances regarding permit process

Meeting Minutes: The City asbestos process is different from the current VMS process. The City provided viewing and location of all forms regarding asbestos management and requirements for permit issuance. The fundamental differences in the approach is as follows:

City: Obtains CAC certification and signature to forms acknowledging the disposition of ACM material – no CAC survey documents are retained, or peer reviewed. It is the CAC and contractor that are liable for conformance to the governing agency requirements. Forms are archived with the permit. If the City is aware of an inappropriate procedure reporting to AQMD can be made.

VMS: Requires actual CAC report and manifest documents for file archive. CalOSHA requirements are enforced by VMS due to potential worker exposure to ACMs.

VMS will further define the mutual's archive, and procedures regarding assembly of documents and role in asbestos management.

3. Demolition Permits for ATF Improvements

- a. MA and city process for demolition and ATF permitting

Meeting Minutes: The City does not require a Demolition permit. A City demolition permit for an ATF is only required if a MC is requested by Manor Alterations. This City operating procedure will be considered should any future changes be made to MA Mutual Consent issuance policies.

4. Possible Responsibility Matrix Defining Housing Mutual, City Roles

Meeting Minutes: VMS will revise the Matrix to account for information obtained in the meeting. It will be transmitted for review and comment by the City.

5. Contractor Penalties for Working Without Permits

Meeting Minutes: The City has the authority to issue fines, penalties, and invoke litigation procedures (in extreme cases, to attempt to better align contractors with city code and ethics. The mutual(s) are likely to begin their own non-material contractor violation process. The current outline of the policy includes suspension of contractors for violation of mutual rules. VMS informed the City that a transitional period of violation suspensions is likely and accounted for in the proposed violation policy. The policy is not yet adopted by the mutuals. Some of the items for concern to the City and VMS relate to open communication regarding contractor replacement, revisions to certificates of insurance, and city notification of suspensions. The members at times desire to replace contractors on City Issued permits. VMS and the City will work towards a mutually agreeable notification process for each of these two circumstances.

6. Open Discussion of Additional Procedures, Quarterly Meetings

Meeting Minutes: The City and VMS agreed that more meetings are desired in order to continue the coordination and service to the Village. It was agreed that the MA manager and supervisor would meet with the Building Official and Ms. Pennington on a monthly basis, and meetings with

Mr. Macon, Ms. Foster, and Mr. Parker could be held more infrequently such as on a quarterly basis.

Coordination Outline

ITEM	RESPONSIBLE PARTY	
	MA	CITY
Confirm conformity to Laguna Woods Village criteria	X	
After-the-fact permits	X	X
Code compliance		X
Building structure calc., inspections		X
MEP&S permit approvals, inspections		X
Asbestos testing, air clearance req.		
Primary party re SCAQMD rules		X
Contractor concerns	X	
Contractor bd. reporting	X	
Ramifications to future permitting		X

New Agenda Item City Additional Processes

Meeting Minutes: The City informed VMS of a new inspector iPad integration, expanded Friday inspection availability, new Online Inspection Scheduling, and Online Permit Applications. Mr. Parker was informed that the City uses new iPad integration software of Interqov and iG-inspect.

Closing Comments

Meeting Minutes: VMS acknowledged and thanked the City for the past and current coordination. This meeting further confirms the willingness on both parties to continue these efforts and adjust accommodations as conditions arise.

EXHIBIT “A” - CITY OF LAGUNA WOODS
Written Comments for July 29, 2021 VMS/City Coordination Meeting

0. Raymond Saidah, 2184-B – Shower Remodel

To be clear, Mr. Saidah was not required to obtain a building permit for the faucet replacement and tile overlay that took place within his residence. To the extent it appears that the City’s process was unduly cumbersome, it is a result of a lack of clarity in information presented to City Permit Staff.

VMS issued two manor alteration consent forms for work within Mr. Saidah’s residence – one in May 2020 for general work and a second in July 2021 for demolition. Based on (1) VMS’ issuance of a manor alteration consent form for demolition, (2) VMS’ referral of Mr. Saidah to City Permit Staff to obtain a building permit for some manner of work, and (3) photographs presented by Mr. Saidah which indicated that – at a minimum – tile and some plumbing work had been done, City Permit Staff were concerned that the work that occurred may have exceeded a faucet replacement and tile overlay (neither of which, on their own, would require a building permit). City Permit Staff’s concern was compounded by their understanding that United Mutual does not treat either faucet replacement or tile overlay as demolition, making it unclear why a manor alteration consent form for demolition was issued.

Rather than disregard the existence of VMS’ manor alteration consent form for demolition, City Permit Staff conducted due diligence to clarify the nature of the work that had taken place. After speaking with Mr. Saidah and VMS Staff, City Permit Staff determined that no building permit was required.

I. Barbara Darden, 438-D – Unpermitted Construction

The file history on this case is long, but operative facts are as follows:

- Ms. Darden is suspected of having unpermitted construction done at her residence. Her prior attorney, Karl R. Petrey, confirmed that unpermitted construction took place in a letter to City Code Enforcement Staff dated June 5, 2018. Mr. Petrey indicated that a structural engineer had been hired and made findings with respect to the work necessary to bring the unpermitted construction into conformance with the California Building Standards Code.
- Building Permit #58033C was issued on March 28, 2019 to complete the remedial work Ms. Darden proposed to correct the unpermitted construction. The City granted an extension of the time of the validity of that building permit, to allow Ms. Darden to secure a contractor and complete the proposed remedial work, and due to COVID-19.
- Building Permit #58033C expired on February 20, 2021 without the work having been completed. Ms. Darden has since disputed the necessity of the work.

Why did the City decline to participate in the April 21, 2021 meeting?

The City declined to participate in the April 21, 2021 meeting in deference to the fact that United Mutual intervened to undertake and/or coordinate the remedial work required. As City Staff explained in an email to Robbi Doncost dated April 15, 2021: “... *the first step would be for the engineer to draw plans showing the work that was completed. In the course of drawing the plans, the engineer may need to expose certain elements of the work in order to get to a point of being comfortable stamping the plans. Once the plans are submitted to the City and they’ve gone through plan review, [the City’s Building Official] can provide specific direction regarding what, if anything, needs to be exposed for him to complete the inspection. This initial meeting sounds like it should be between all of the parties listed, except the City, so that Village staff and consultants can get an understanding of the work that was completed and begin the process of preparing plans. [The City’s] submittal requirements for those plans are no different than if the work had yet to be done.*” **Robbi: The request to seek the City’s inspection was to allow the plan checker or Building Official the opportunity to confirm the existing conditions. There has been no request or suggestion that the city participate in a design effort. If the design engineer’s opinion is to be taken as factual then there is no further issue. Some city building officials want the work uncovered and proof of existing conditions. This was the sole intent of the request to keep the city informed. The purpose of Mr. Doncost’s statement of “If the city will accept the engineer’s opinion as to verification of the existing conditions then your approach is fine.” Is still valid today.**

In short, the City does not design projects on behalf of private parties. Generally speaking, licensed design professionals, such as the engineer and contractor retained by United Mutual, are responsible for evaluating existing conditions and preparing plans based on those conditions. The City then reviews the plans and conducts inspections.

The April 21, 2021 meeting was a part of the design process.

In a subsequent email from Mr. Doncost to City Staff on April 15, 2021, he wrote: *“If the city will accept the engineer’s opinion as to verification of the existing conditions then your approach is fine.”* For the purpose of building plan preparation and permit issuance, that is precisely what occurs – licensed design professionals prepare plans based on their own assessment of existing conditions. That is, for example, why the City does not conduct pre-inspections of project sites to verify or document existing conditions before issuing building permits. In that regard, the City’s approach is no different than other cities.

The City’s attendance at the April 21, 2021 meeting would have been inconsistent with its role as a regulatory – rather than design – agency. City Permit Staff are ready to review plans and conduct inspections related to future building permits for remedial work. If additional information regarding plan submittal requirements is needed, City Permit Staff are available to provide such assistance.

II. Asbestos

City Staff have long expressed to Laguna Woods Village Staff (VMS and PCM before), as well as various mutual directors in both formal and informal settings over the years, that the mutuals’ asbestos-related requirements exceed that which is required by applicable law. City Staff have caveated that by saying that the mutuals are likely able to adopt their own asbestos-related requirements, and may choose to do so for a variety of reasons including, but not limited to, protecting the health of their workforce. **Robbi: The mutual nor VMS enforce governing agency rules and regulations. What specific procedures, in the City’s opinion, are being managed by VMS that exceed applicable law?**

After reviewing the agenda provided for the April 30, 2021 meeting, City Staff understood that there was no formal role for, or information sought from, the City. The City was not asked to speak nor provided a speaking role at the meeting, and the agenda included no reference to the City. The agenda indicated that the intent was for VMS Staff and various mutual officials to dialogue with AQMD Staff and seek clarification as to the applicability of AQMD regulations for Laguna Woods Village. In an email from Lauryn Varnum preceding the meeting, the meeting was described as being “between contractors, members, VMS staff, AQMD, and IHS” (no reference to the City). Given the lack of a role for the City and with the understanding that AQMD is in the best position to provide clarity regarding its own regulations, City Staff determined that their participation was unnecessary and may have distracted from the focus of the meeting – direct dialogue with AQMD about AQMD’s regulations.

It should be noted that City Staff discussed the City’s asbestos-related requirements with Jeff Parker and Siobhan Foster on January 7, 2021. Written information on the City’s requirements was provided to Mr. Parker and Ms. Foster via email on January 14, 2021.

City Staff met with Ernesto Munoz, Brett Crane, Gavin Fogg, and Alisa Rocha on February 13, 2020 to discuss a variety of topics, including the City’s asbestos-related requirements.

City Staff continue to be available to discuss the City’s asbestos-related requirements. A document summarizing those requirements is available by [clicking here](#). **Robbi: Regardless of the desire of the mutual and VMS’s conversation with AQMD, the need to clarify the City’s role is critical to compliance in this matter. VMS wants to understand the City role of issues such as CAC reports, for ACM identification, the remediation, and finals.**

III. Demolition Permits for After-the-Fact Work

The City does not require a demolition permit for after-the-fact work, except that in instances where VMS has issued only a manor alteration consent form for demolition, then a demolition permit will be issued in order to allow the resident to obtain a manor alteration consent form for construction. The decision of whether to issue a separate manor alteration consent form for demolition rests with the mutuals. Because the City uses mutual consent forms as the basis for property owner authorization, the type of consent form that is issued has a direct impact on the nature of the building permits the City can issue.

When an after-the-fact building permit is issued for a project that would have required compliance with AQMD Rule 1403, the City requires the same asbestos-related documentation that would have been required for work following the issuance of regular building permits. When such documentation is not available, City Permit Staff may consult with AQMD and enforce agreed upon requirements.

IV. Responsibility Matrix Defining Housing Mutual, City Roles

CITY OF LAGUNA WOODS MEETING MINUTES

City Staff support the development of a responsibility matrix defining housing mutual and City roles. Please advise as to what information the City can provide. **Robbi: Work to validate a Matrix of Responsibility.**

V. Contractor Penalties for Working Without Building Permits

The City's primary focus is compliance, rather than punitive action. The City does have the ability to issue administrative citations with civil fines and may do so based on the nature of the work done without a building permit, the impact on public health/safety/welfare, the status of remedial action, and other factors.

While not a penalty, building permits obtained after-the-fact are charged an additional fee ranging from \$207 to \$362 to offset increased review and processing costs. As a reminder, the City establishes its fees annually following a third-party fee study and is unable to charge more than its reasonable costs. **Robbi: VMS is seeing an increase in contractors performing work without permits and wants to understand the City actions in this regard. Has the City issued fines or reported contractors to the State Contractor's Board?**

VI. Future Coordination Meetings

Due to the recurring nature of many of the topics discussed at these meetings and the frequency of turnover within VMS' Maintenance & Construction Department, City Staff recommends that coordination meetings take place monthly, rather than quarterly. City Staff also recommends that, for at least the next six months (or longer if turnover persists), the City Manager and VMS CEO participate, in addition to City Permit Staff and VMS Manor Alterations Staff. **Robbi: It will be very taxing to do a monthly meeting. I suggest a follow-up working meeting with the primary parties to further progress the items discussed today.**

VII. Miscellaneous City Updates

Since the last formal coordination meeting on December 11, 2020, the City has implemented the following enhancements to its building permitting operation:

- *Online inspection scheduling* – Inspections can be scheduled, modified, or cancelled from the [City's website](#). This functionality allows inspections to be scheduled without calling or visiting City Hall, as well as before and after City Hall's office hours. Email reminders are sent in advance of inspections when the individual scheduling the inspection provides an email address.
- *Online permit applications* – Applications can be initiated for the following project types from the [City's website](#). Applicants choosing to do so only need to visit City Hall to sign and make payment. This reduces wait times and allows more individuals to be seen at the permit counter.
 - Re-roof (Tile, Single-Ply)
 - Re-roof (All Other)
 - Electrical Panel Modification
 - Electrical Panel Change Out
 - Shower to Shower Insert
 - Water Heater Change Out
- *iPads for building inspectors* – Building inspectors are provided with iPads to log inspection results in the field. This allows City Permit Staff to provide real-time assistance to applicants immediately following inspections. It also provides additional flexibility regarding the number of inspections that can be conducted per day.



FREQUENTLY ASKED QUESTIONS MANOR ALTERATIONS

Valid August 11, 2021

LEGEND

ACM – Asbestos containing materials

CAC – Certified asbestos consultant

Cal/OSHA – The California Division of Occupational Safety & Health/DOSH

MA – Manor Alterations or HOA Permitting Division

MC – Mutual consent, HOA permit or permit

O&M – Operations and maintenance

Owner – Manor owner, member or shareholder

SCAQMD/SCSCAQMD/AQMD – South Coast Air Quality Management District

1. Can we use the previous past manor owner’s asbestos testing results for the same manor?

If you are the current owner who performed the prior testing and have the CAC report, you may use those report results as long as the CAC agrees that the conditions remain consistent with the prior findings. Contact the CAC to confirm the prior report is still valid.

2. Why doesn’t Manor Alterations have our asbestos testing results from years ago?

MA does not, as a rule, archive member obtained reports. Test result reports are specific to the member who owned the manor at the time of the report. In some instances documents that MA did archive were destroyed in the malware attack in 2020. Past archived reports may exist, but not all reports are still applicable. If ownership has changed, the previous asbestos testing CAC reports are no longer valid.

3. Can a member assume a manor contains asbestos and *not* undergo testing and just have it abated?

Yes. Members can assume all the material to be demolished contains asbestos. However, no contractor shall engage in asbestos-related work, as defined in Section 6501.8 of the Labor Code, that involves 100 square feet or more of aggregate surface area of asbestos containing materials, unless the workman (qualifier) for the license passes an asbestos certification examination.

4. Why do I need an abatement contractor if the asbestos point count is less than 1%?

The less than 1% count applies to SCAQMD rule 1403, when the demolition work is conducted by a home owner of a designated single family home. If the material count is greater than 0.1%, you still must have the work done by certified accredited workmen, as Cal/OSHA worker protection rules govern conditions for workers and containment and regulated abatement procedures are still required. CalOSHA’s requirement is that material contains asbestos if the count is greater than 0.1%.



5. What is the amount (in square feet) that can be removed (abated) using only an operations and maintenance (O&M) worker?

The 16-hour certification course (OSHA class III) is the minimum requirement for all service workers (maintenance and custodial staff) whose jobs may require them to disturb small amounts of asbestos during routine or emergency maintenance-related work. This certification does not apply to LWV residents or their contractors when performing renovation work to their manor. Please note that the intentional removal of ACM is considered asbestos abatement. This type of removal (project or renovation) requires asbestos control and abatement procedures that are outside the scope of an O&M worker certification.

Visit [osha.gov/sites/default/files/publications/osha3096.pdf](https://www.osha.gov/sites/default/files/publications/osha3096.pdf) for more information.

6. What work can be performed without contractor testing and a CAC report?

Mounting devices to a wall that do not disturb or release ACMs are allowed without a demolition or city permit. However, any work that cuts into the wall to install an outlet, run wiring, etc., requires testing and proper abatement with a mutual consent permit. A city demolition permit also may be required. Anything more than minor O&M but less than 100 square feet can be performed using a 40-hour certified asbestos worker—e.g., less than 100 square feet of drywall cuts in a ceiling for canned lights or removing vinyl tile in a small bathroom. Note: Each layer of ACM material is counted per square foot, e.g., 4 square feet of black mastic and vinyl tile on top is equal to 8 total square feet of ACM.

7. May I “mud over” my popcorn ceilings?

Yes, with proper MC approval. However, testing is required to show the ceiling material is negative or positive for asbestos. This will determine if a certified asbestos professional must perform the work.

8. What is encapsulation of ACM material?

Encapsulation is the process of covering ACM surfaces to sufficiently prohibit the release of friable asbestos material into the air; e.g., painting an ACM wall will encapsulate the it from releasing asbestos material into the air.

9. Do ceiling fans need a demo permit *and* an alteration permit? Or can a mutual consent suffice with the O&M worker license attached?

If the fan is mounted to the ceiling, it must be surface mounted with WireMold or similar type hardware that does not penetrate the drywall ceiling. The screws that are used to fasten it to the ceiling must not hit any of the heating elements that may be located in the ceiling. All popcorn ceilings in LWV carry heating elements that were the sole source of heat when the manors were constructed. Electronic Devices to detect the location of heating coils, studs and pipes must be used to avoid hitting the heating coils. The heating element grid is small and any damage to one element strand damages



the entire heating source. A single screw or nail may cause that damage. The ceiling fan itself must be supported by one of the ceiling joist beams, and not be hung from the drywall (gypsum board). WireMold or similar type hardware should be used to protect the electrical wiring used to carry the power the ceiling fan to an electrical outlet plug in the wall. A permit is needed for any hole in the ceiling or into the walls. In the above case, where the fan and the wires are surface mounted, the precautions are taken to protect the heating source, and the fan is plugged into an existing outlet, then no permit is required.

10. Do I need a permit to install electrical outlets?

Yes, that work may be performed under O&M worker accreditation.

11. For microwave installation, is there a separate electrical permit needed for a designated circuit?

Members can change out any appliance if they replace the existing appliance with one that is similar to the ampere rating of the original and no other change in electrical is required. If a new dedicated circuit is needed, then both MA and city permits for code compliance are required.

12. Do I need a permit to replace a toilet? What about sinks, faucets and shower heads?

You may change out any of these items without a MC as long as no wall plumbing or finishes are disturbed. Shower stem valves also can be changed as long as no finishes are disturbed.

13. Do I need a permit for a video doorbell or security camera?

Yes, a MC and a variance are required, as these items are attached to the mutual exterior building.

14. May I paint the interior of my unit?

Yes. No permits are required to paint the inside of your manor.

15. May I install a screen door on my front door?

Yes, screen door installation is allowed without a permit, including security screen doors. The new screen door will now be considered an alteration.

16. Do I need a permit for a mail slot in my front or garage door?

No, but this change will make these doors alteration doors no longer maintained by the HOA.

17. Do I need a permit to install a peep hole in my front door?

No. A peep hole can be installed in a front door without a permit.



18. Do I need a permit to install large appliances such as a dishwasher, microwave, garbage disposal from Manor Alterations?

In United, a like-for-like alteration/permitless alteration is available (replacement only—not new installation). Visit lagunawoodsvillage.com/residents/resident-services#manor-alterations for more information. In Third, a MC is required.

19. Do I need a demo permit or an alterations permit (or both) to replace kitchen and bathroom cupboards, vanities and countertops?

In United, a like-for-like alteration/permitless alteration is available (replacement only—not new installation). Visit lagunawoodsvillage.com/residents/resident-services#manor-alterations for more information. In Third, a MC is required.

20. Do I need a permit to replace a glass shower enclosure and door?

Only the glass enclosure is considered here. No wall or floor tile is to be modified. In United, a like-for-like alteration/permitless alteration is available (replacement only—not new installation). Visit lagunawoodsvillage.com/residents/resident-services#manor-alterations for more information.

In Third, a MC is required.

21. Do I need a permit to re-tile my shower/bath area?

You can retile your shower and bath area without a MC. The ceramic tile should be tested for ACMs. If any of these materials are ACM containing, then a demolition and new permit for installation is required. You can remove the ceramic/granit tiles that do not contain ACMs. You cannot remove the cementitious backerboard without a demolition MC. No black mastic, or backer board is disturbed without a MC.

22. May I get my garage condensation panels repaired or replaced?

Carport condensation panels are no longer allowed as an addition—you may repair them if possible. Replacement panels are not permitted.

23. May I install tile on my patio or replace the tile that is already there?

The patio is common area—no improvements are allowed without a variance. At present, tile installs and changeouts are prohibited. A variance moratorium in United exists until October 9, 2021.

24. May I paint or stain my garage floor/patio?

No. The garage floor is common area—no improvements are allowed without a MC and a Variance approved by the ACSC and Board. At present, painting is prohibited. In United, a variance moratorium exists until October 9, 2021. After that date variance requests can be processed.



- 25. HVAC changeouts Part A: Do I need a city permit for like-for-like HVAC changeout? (The new city rule allows members to decide whether there is a change in amperage.)**
In United, a like-for-like alteration/permitless alteration is available. The amperage and all connections must remain the same. Visit lagunawoodsvillage.com/residents/resident-services#manor-alterations for more information. In Third, a MC is required.
- 26. HVAC changeouts Part B: May I just remove my old packaged terminal air conditioner? What is required?**
In United, like-for-like wall heat pump replacements are allowed via the permitless alteration process. In Third, a MC is required.
- 27. My water heater is totally nonfunctional. May I replace it and get the permit afterward?**
Unfortunately, no. The MA permit is available usually in one day. Both a MC and a city permit are required; the city wants to see that MA has approved the application work first.
- 28. Member has already replaced the heater/AC/water heater because it wasn't working. Do they have to pay the \$300 penalty?**
In United, a simple notification of the changeout is allowed without penalty. In Third, a MC permit must precede the actual replacement or the penalty is assessed.
- 29. What qualifies a permit to be expedited?**
In general, no permits are expedited as they are processed on a first-come, first-serve basis in an effort to be fair to everyone in the Village. Some permits require more extensive search and review, or may require a variance therefore a much longer review and process are needed. Some utilitarian-based permits such as a simple water heater replacement, or A/C replacement, may be issued within a day due to urgency as well as comfort, and health considerations.
- 30. Are permits needed to change out flooring?**
No permit is required if you can remove the existing flooring without disturbing the original black mastic, and vinyl flooring. MA suggests you lift the carpet and see if it was placed on the vinyl tile or over black mastic. If the original black mastic and vinyl flooring are disturbed, then CAC testing, and a demolition permit is required from MA and the City. See the following resolutions: Third Mutual - Interior Hard Surface Flooring, Resolution 03-10-188; United Mutual - Interior Flooring Policy, Resloution 01-18-115.
- 31. If I do have to get a demo permit to remove the carpet over the vinyl tiles, why do I need an alterations permit to install new flooring?**
A MC permit is required to install new flooring for sound considerations. Sound



considerations must be reviewed as part of a nondisturbance standard. See the following resolutions: Third Mutual - Interior Hard Surface Flooring, Resolution 03-10-188; United Mutual - Interior Flooring Policy, Resloution 01-18-115.



NAME	Mutual	DATE	ISSUE OF CONCERN
Abdulla Mirpur	United	11/17/2020	Began work without approved MC and disturbed ACM
Caleb Construction	Third	1/14/2021	Began work without approved MC and disturbed ACM
Caleb Construction	Third	4/6/2021	Began work without approved MC and disturbed ACM
Coastal Risk Management	Third	2/2/2021	Unauthorized water heater installation
Coastal Risk Management	Third	2/2/2021	Unauthorized demo/construction (P5 Investigation)
Coastal Risk Management	United	2/4/2021	Unauthorized demo/construction (P5 Investigation)
Coastal Risk Management	Third	7/1/2021	Installing washer/dryer without including in MC scope
Farley Construction & Development	Third	11/24/2020	Began work without approved MC and disturbed ACM
Miller & Sons	United	11/6/2020	Began work without approved MC and disturbed ACM
Miller & Sons	Third	9/10/210	Began work to alter tub/shower without approved MC
Miller & Sons	United	2/26/2021	Began work without approved MC and disturbed ACM
Mykaton (Ron Harbin)	Third	11/18/2020	Began work without approved MC
Patricio Caballero Construction	United	4/16/2021	Began work without approved MC and disturbed ACM
The Wood Wizard (David Langdon)	Third	2/19/2021	Submitted false Auto Insurance document for COLI
Y & D Heat and Air	United	2/24/2021	Began work without approved MC and disturbed ACM
Coastal Risk Management	United	7/13/2021	Installed breaker for ceiling fan ATF without obtaining Consent.

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Contractor Violation Policy Questions to ACSC

As you know, the ACSC approved a Contractor Violation Policy (“CVP”) but the United Board rejected the resolution on August 10, 2021. Their instructions were that the CVP be “sent back to the ACSC” for further consideration. Some of the notable concerns were as follows:

1. Documents assembled to quickly and terms not complete,
2. More emphasis of contractor responsibility to be incorporated into the CVP,
3. Shareholder should not bear the entire responsibility for contractor actions.

I believe the first question to ask is, “Does the committee want some type of CVP?”. If that answer is yes, then we embark upon the following sequence of tasks and questions:

1. Define the specific concerns of the contractor responsibility terms and conditions to be changed.
 - a. Is contractor alone to be held responsible for monetary damage to the mutual property?
 - b. Is mutual to be held responsible for any and all legal costs as a result of contractor violations and management thereof?
 - c. To what extent is the mutual willing to assume the management of the contractor violations relative to damages?
 - d. To what extent are minor violations to be levied against contractors? For instance, is suspension still a component to be considered?
 - e. Is the mutual considering the impact to MA staff as a result of this new added contractor violation S.O.W.? Impacts would have to be evaluated and presented.
2. Define the role of the Shareholder in this new construction arrangement?
3. Identify the conflicting current obligations and agreements (like the Occupancy Agreement) currently binding the Shareholder to the financial obligation of any improvements and corrections to those agreements needed.
4. Include the mutual attorney (Jeff Beaumont) in this process as certain prior reviews were presented on the matter including legal opinions regarding contractor interventions and the limitations of the mutual.

The above is not a comprehensive review of all language in the current CVP but provided to give a basic outline of some considerations to the committee in allowing a point of direction in the resolution of issues facing the committee.

As has been very productive in the past, I respectfully suggest the following:

1. Include this CVP item for discussion in the next ACSC and review the above topic items 1 - 4,
2. Request a working session with the committee members and the mutual’s legal team to address the concerns and language of the CVP in an attempt to be more efficient in the expenditure of legal fees and staff time.

Staff is here to compliment the process to the benefit of the mutual. We await your direction.