



May 2013

# SURFSIDE III e-NEWSLETTER

Daniel Kessner – Editor



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## FROM THE BOARD OF DIRECTORS

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### **Saturday, May 4<sup>th</sup>, 2013 Board Meeting Is A Special Topic Meeting**

From 9:00 am to 10:00 am on Saturday, May 4<sup>th</sup>, 2013, we will take up the questions made by the Ventura County Watershed Protection District. These questions can be found in the “Records” section of our website and can be reached with the direction link to 2013-04-18 VCWPD Landscape Concept Questions.htm [LINK](#) to J Street Drain Project Questions from the Ventura County Watershed Protection District.

From 10:00 am to 12:00 pm (noon), our attorney, Bevin Berube, will lead a discussion of the major changes to our CC&Rs. An example of the discussion will be the change to charge dues based on the square feet of the unit. While some owners support this view, others believe each unit should be treated the same. The discussion version of the CC&Rs and Bylaws are on our website. 2013-04-17 CC&RS - Discussion Version.pdf [LINK](#) to CC&R document containing current sections which Surfside III can adopt and are presented for discussion. 2013-04-17 Bylaws-Discussion Version.pdf [LINK](#) to CC&R document containing current sections which Surfside III can adopt and are presented for discussion.

### **Coastal Commission Approves Ormond Beach Elevation Management Plan**

With a letter of support from the Surfside III Board, the California Coastal Commission (CCC) unanimously approved the Coastal Development Permit (CDP), which includes the Beach Elevation Management Plan and J Street Drain Project. Even more surprising, Jack Ainsworth, the Senior Deputy Director of the CCC's local South Central Coast District Office, and Brian Brennan, the Commissioner representing the South Central Coast, both spoke very highly of the Beach Elevation Management Plan, holding it up as a model for lagoon management throughout California in a manner that balances flood control with ecological sensitivity. Apparently, no one else in the State does it this way (other agencies usually wait for an emergency and breach their lagoons at that time), and the Surfside III community was a strong partner during its development.

### **Ventura County Watershed Protection District Responses to Surfside III Questions–Apr30, 2013**

The responses to the owners questions regarding the landscape concepts being evolved for the J Street Drain Improvement Project can be found at the end of this newsletter and also on our website in the “Records” area, The direct link is [2013-04-30 District Responses to Surfside III Landscape Concepts Questions](#)

### **J Street Drain Improvement Project Pre-construction Video/Photo Documentation**

The condition of our property will be professionally documented by the District's geotechnical consultant at no cost to Surfside III Condominium Owners Association or the property owners. You will receive a letter from Ventura County with a permit attached. Please sign and return the permit at your earliest convenience. We expect that only owners located in Condominium Building 6 (802 –

866 Bluewater Way), Condominium Building 7 (902-960 Lighthouse Way), Townhome Building 16 (972-984 Lighthouse Way), and Townhome Building 17 (962-970 Lighthouse Way) will get these letters. In the unlikely event that our property suffers construction related damage due to vibration, soil slippage, or other causes, the video/photo documentation will provide conclusive proof as to the pre-construction condition of the property and will facilitate the settlement of damage claims.

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## FROM THE ON-SITE OFFICE

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### Pets

There continues to be negligence by some for immediate clean-up from pets when walking the property. Common area walkways and elevators are reported as well. PLEASE take personal responsibility for cleaning up after your pet(s) on the property as well as on your patios/balconies. Anyone violating this rule will be subject to the initial fine without the benefit of a warning for special circumstances of \$100. There have been a number of fines imposed over the past few months. Reported incidents remain anonymous. Violation forms are in the Clubhouse on the wall outside the office. Feel free to report these incidents rather than observing and not taking any action. Just a reminder that all pets MUST be on a leash and accompanied at all times when outside the confines of the individual units, patios and balconies - \$25 fine.

The **Dog Run** is another area that has been neglected. With the Hideaway Homes located closely behind the run, it is critical that the area is kept clean. Our Maintenance staff has been routinely cleaning up the area, but we are asking your cooperation to help keep it clean. We need to avoid having our new neighbors reporting the negligence on our property.

### Keys and More

We are currently in the process of doing the "Preventive Maintenance" work that was also done in 2011/2012. Advance notices will be sent out to each Building owner/resident. The maintenance work previously conducted improved the safety of the drain lines in the condo units.

In doing the work, the on-site office needs to make certain that we have a key to the unit in order to gain access. If you don't know if we have your current key, please feel free to stop by the office during office hours or call at 805-488-8484. If you wish to be home at the time your stack is scheduled, contact the on-site office and we will make arrangements to accommodate you.

**IMPORTANT:** Please check the screens in your tub and shower drains. During the "Preventive Maintenance" our vendor is finding that most are not snapped into place and come loose. If they need replaced, you can contact Harbor Plumbing or Lowe's.

We recently had a back-up in a tub drain line and discovered a toy lodged in the line, which caused major damage to both a first and second floor condo unit. This was a very costly mistake for the resident whose screen was not in place.

### Quiet Hours

Please be respectful of your neighbors during the quiet time hours. **"All excessive noise"**, such as made by — but not limited to — stereos, musical instruments, TVs, loud voices, parties, barking dogs, car and motorcycle engines, construction, loud household appliances (use limited from 8 am to 9 pm) and any other noise which disturbs nearby neighbors — is prohibited.

Construction and homeowner repairs are allowed Monday thru Saturday from 8 am to 8 pm and 10 am to 6 pm on Sundays. Several homeowners and tenants have reported that their neighboring unit residents slam their doors. Please be conscious of others because you do, after all, live in a close living environment and the sounds and noises pass on to others easily. Thank you.

### BBQ/Smoking

With the weather getting warmer, residents are spending more time outdoors. Remember that open-flame barbecues/smokers are prohibited on patios and balconies for health and safety reasons. Only gas/propane barbecues are allowed.

Smoking on patios and balconies is prohibited. Note: Courts have held that Associations can pass rules against smoking on balconies because they have a good reason to regulate smoking – it is a health hazard, a fire risk, and a nuisance. Restricting smoking is NOT a violation of a person's civil or constitutional rights.

A complaint filed will result in a warning. If two or more complaints (can be from the same person) have been filed with the on-site office, a fine of \$50 for each violation will be charged.

### Dumpster Areas and Trash

Over the past several months, more and more large items, i.e. mattresses, TVs, appliances, are thrown into the dumpster area preventing others from using the area to dispose of their trash. It would be helpful to either contact the on-site office for assistance or call some of the vendors available in the area. Currently, we keep the large blue dumpster for drop-offs for your convenience; but if you don't see it, then please make a few calls to see who is available for dropping off your item.

If you have furniture or other household items you no longer want or need, contact the local thrift stores in the area to see if they will take them. Please, please, do not put them at the Maintenance Shed and RV Parking Area. Here are a few names to call: Pete's Recycle 909-647-6778 (and they may pick up mattresses)

Mar's Major Appliance Recycling Service – 800-960-2125 or 805-986-6500 – Appliances  
Goodwill Industries – 805-981-0130 (for drop off locations) Household Goods, Small Major Appliances, Furniture, Misc.  
Salvation Army – 800-958-7825 (for pick-ups) Household Goods, Major Appliances, Misc

### **Repair and Maintenance**

Frequently, the on-site office receives calls on plumbing, electrical and repair and maintenance issues. Some of these repairs can be handled directly by the homeowner/property manager rather than the office.

Plumbing – if you are experiencing a leaking faucet, flex line (under sink and behind toilet), a running toilet, leak in drain pipe under the sink, leaking shower/tub handles, shower head ... anything visible can be handled by the homeowner. If you hear gurgling or abnormal sounds, a stop-up – these should be reported to the on-site office.

Any repairs involving the shower/tub valves is the responsibility of the homeowner but should be reported to the on-site office in advance to insure that water does not leak downstairs, and plumber needs to be made aware that the supply lines have been recoated.

Several plumbers to contact – Donlon Plumbing: [805-985-8885](tel:805-985-8885); Victors Plumbing: [805-432-1432](tel:805-432-1432)

Electrical – If you experience that the breaker in the unit is not working or the receptacle is worn, these are homeowner issues.

Anything inside the wall is the Association's responsibility, outside is the homeowner. When in doubt, contact the on-site office.

Several electricians to contact – Straight Line Electric: [805-639-0995](tel:805-639-0995); J&L Electric: [805-431-2399](tel:805-431-2399).

Repair & Maintenance – If you are installing flooring, cabinetry, carpeting you can contact: All Concepts: [818-540-5164](tel:818-540-5164) or Monreal: [805-217-2964](tel:805-217-2964).

Always contact the on-site office in advance of repairs and upgrades to insure that any paperwork required is filled out in advance for the Architectural Committee and Board of Directors.

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## **COMMITTEE BRIEFS**

For more information visit: <http://www.surfsideiii.com/docs/committee/committee.htm>

Please contact the chair to volunteer.

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**Neighborhood Watch Committee**: Val Lameka; 805-986-2855; [v.lameka@yahoo.com](mailto:v.lameka@yahoo.com)

The Clubhouse was finally available, so we had a well attended meeting with guests Sr. Officer Bates and our police volunteer Dolores Dyer. March was very quiet in Surfside III. We only had 10 police calls -- none of them serious. Sr. Officer Bates said that things were "normal" citywide. The police responded to 659 calls, and made 56 arrests. For your information, the police have a disposal bin in the lobby of the PHPD for discarding unused or outdated pills. The pills should NOT be flushed. Also, the new Hueneme Magazine is available in the clubhouse for you to pick up.

Our next meeting will be Thursday, May 2, at 7 pm in the clubhouse. Questions or reports to Val Lameka

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## **FROM THE EDITOR**

Please send all newsletter submissions to me at [dkessner@csun.edu](mailto:dkessner@csun.edu). Please avoid any special formatting and use Arial 10-point font if you have it. The deadline is the 20<sup>th</sup> of each month for the following month's issue. Owners and renters should be aware that the Newsletter is always available on the website: [www.surfsideiii.com](http://www.surfsideiii.com). This includes back issues.

The **Owners' Corner** is a forum for all of you to voice your opinions on anything that might be of interest to everyone else. Please feel free to take advantage of this.

The City of Port Hueneme has a free electronic newsletter with information on various city-related matters and events. To sign up to receive it, visit the city website: <http://www.ci.port-hueneme.ca.us>, then in the column at the far left, click on "Sign Up for E-News."

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## **CONTACT INFORMATION**

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**MAINTENANCE/RESIDENT SUPPORT (PHONE NUMBERS AND E-MAILS BELOW):**

Contact Lordon Management, Jennifer Critchfield; for e-mails always copy Donalea Bauer

Include your phone number(s) and/or e-mail for response before end of next business day. If you get her voice mail, but would like to speak with her directly, hit zero and talk to the operator.

If more urgent, call Donalea Bauer.

**Surfside III On-site Property Manager's Office: 600 Sunfish Way, Port Hueneme, CA 93041**

**Phone: 805-488-8484**

OFFICE OPEN:

Mondays & Fridays – 8 am-12 noon

Wednesdays – 1-5 pm

THERE WILL BE NO ON-SITE TELEPHONE SERVICE WHEN THE OFFICE IS CLOSED.

**Please note that calls regarding maintenance or billing should be directed to Lordon Management.**

**Surfside III Direct Contact:**

Surfside III COA  
600 Sunfish Way  
Port Hueneme, CA 93041  
<http://www.surfsideiii.com>  
[manager@surfsideiii.com](mailto:manager@surfsideiii.com)  
Phone: 805-488-8484

**Carol Short, On-site Property Manager**

**Management Company:**

Lordon Property Management  
1275 Center Court Drive  
Covina, CA 91724  
Phone: 800-729-5673  
For after-hours emergencies, dial 5 or  
626-771-1075

**Donalea Bauer, Vice President, community manager**

Email: [donalea@lordonmanagement.com](mailto:donalea@lordonmanagement.com)  
Phone: 800-729-5673 x 3342

**Jennifer M. Critchfield, assistant community manager**

Email: [jcritchfield@lordonmanagement.com](mailto:jcritchfield@lordonmanagement.com)  
Phone: 800-729-5673 x 3380

**Our Board:**

Bill Betts - President [bill.betts@surfsideiii.com](mailto:bill.betts@surfsideiii.com)  
Ira Green - Vice-president [ira.green@surfsideiii.com](mailto:ira.green@surfsideiii.com)  
Alexander Urmersbach - Treasurer [alex.urmrsbach@surfsideiii.com](mailto:alex.urmrsbach@surfsideiii.com)  
Anthony Truex - Secretary [tony.truex@surfsideiii.com](mailto:tony.truex@surfsideiii.com)  
Michael Madrigal - Director [michael.madrigal@surfsideiii.com](mailto:michael.madrigal@surfsideiii.com)

**LORDON MANAGEMENT: OTHER DEPARTMENT EXTENSIONS**

All escrow matters: Nicole Castillo, ext. 3339; [nicole@lordonmanagement.com](mailto:nicole@lordonmanagement.com)  
All insurance and collections: Emily Polchow, ext. 3337; [epolchow@lordonmanagement.com](mailto:epolchow@lordonmanagement.com)  
Your account, billing address, etc: Liz Lopez, ext. 3319; [llopez@lordonmanagement.com](mailto:llopez@lordonmanagement.com)  
Liens, legal issues: Donalea Bauer (see above)

**Owners' Resource Center**

The section herein is provided as a courtesy for owners only to afford an opportunity to advertise their business(es). All advertisements will be subject to Board approval. Nothing contained herein should be construed as an endorsement by the Surfside III Condominium Owners Association of any business, product or service. Owners utilize the services offered herein at their own risk. The Association expressly disclaims any responsibility and/or liability for use of the advertised business, product or service and makes no representations regarding its accuracy, quality or suitability.

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Davis-Stirling.com  
Newsletter

by AK Adams Kessler

Serving California's Community Associations – March 31, April 7, 2013

## FUSS OVER BUDGETS

**QUESTION:** Is there a requirement for the board to spend no more than the budgeted amount for a particular line-item in the annual budget? If not, why all the fuss regarding establishing, approving and publishing a budget?

**ANSWER:** Budgets are guidelines only. They are the board's best estimate of expenses so (i) directors will know how much to assess the membership and (ii) members will know how the board arrived at that number.

**Consequences.** If boards were prohibited from spending more than budgeted for a particular line item, it could have significant negative consequences for an association. Theoretically it would mean that if insurance premiums went up mid-year, the board would have no choice but to allow the association's insurance to lapse. That could be disastrous.

## WHEN TO CALL A LAWYER

**QUESTION:** The board is wasting our money calling a lawyer for anything and everything. Our dues are already too high--does a lawyer have to be called every time someone sneezes??

**ANSWER:** It depends on whether it's an allergy or a cold. Knowing when to call [legal counsel](#) is no easy matter for boards. There is no need to call an attorney for routine decisions. However, eliminating legal counsel altogether can backfire and subject directors to potential liability.

**Personal Liability.** As volunteers, directors are protected against personal liability by the [Business Judgment Rule](#), i.e., when they perform their duties (i) in good faith, (ii) in a manner the director believes to be in the best interests of the association, and (iii) with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

**Breach of Duties.** As part of their reasonable inquiry or "due diligence," boards can seek the advice of legal counsel. ([Corp. Code §7231\(b\).](#)) Failure to seek advice on an important legal issue that results in damage to the association could serve as the basis for an action against the board for breach of their [fiduciary duties](#).

Following are categories of matters and events where boards should seek legal advice:

1. [Amending Documents](#). Whenever CC&Rs and bylaws are [amended or restated](#), legal counsel should be involved in drafting and recording the changes.
2. [Architectural](#). [Failure to enforce](#) as well as [arbitrary and capricious](#) enforcement can lead to costly litigation. Whenever an architectural dispute arises, legal counsel should be called to discuss how to achieve proper resolution or to position the association for litigation.
3. [Assessment Collection](#). Setting up proper collection policies and consistently following those policies is important to maintaining the association's finances and minimizing legal challenges.
4. [Contracts](#). Agreements not reviewed by an attorney can have significant [hidden liabilities](#).
5. [Ethics](#). Whenever a director or committee member has a [conflict of interest](#) and refuses to [recuse](#) themselves, it is time to call legal counsel.
6. [Injuries](#). Whether it be slips and falls or other types of injuries in the common areas involving residents, guests, employees, vendors or otherwise, injuries should immediately be reported to insurance and to the association's attorney so conditions can be documented and steps taken to protect against further injury.
7. [Lawsuit Threatened](#). In addition to putting the association's insurance carrier on notice of a potential claim, boards should talk to counsel about how best to respond to the threat so as to (i) reduce the risk that a claim is actually filed, (ii) better position the association to defend itself in the event one is filed, and (iii) take the matter into [ADR](#) if appropriate.
8. [Lawsuit Served](#). [Tendering a claim](#) to the association's insurance carrier is the first order of business. Sending a copy of the complaint to the association's attorney is the second. General counsel needs to know of the litigation so he/she can protect the association's interest in the event insurance is slow to respond or [declines coverage](#). In addition, the board may need guidance on how to respond to the plaintiff on issues outside of the litigated matter.
9. [Personnel](#). The most common high-risk areas are when an employee is hired, disciplined or fired. Employment litigation tends to be expensive so it is best to avoid it.
10. [Recall Petition](#). Emotions run high in recall elections and issues of defamation often arise. Failure to properly handle a [recall](#) can lead to significant problems.
11. [Request for Reasonable Accommodation](#). Failure to properly evaluate and respond to a request for [disability accommodation](#) can result in costly litigation.
12. [Rules & Regulations](#). At least once, the association's rules and regulations should be reviewed to make sure proper fine and hearing procedures have been established and to ensure they are enforceable (and not [discriminatory](#), such as rules [against children](#) or restrictions on who may [use pools](#), etc.). If enforcement issues are more than routine because of the particular individuals involved or because the issues may be more complex than normal such as with architectural issues, then legal counsel should be consulted before matters deteriorate into litigation.
13. [Vendor Disputes](#). Disputes between the association and its vendors can erupt into litigation. Legal counsel needs to analyze appropriate contract provisions, evaluate the alleged breach, and advise the board on how best to resolve the dispute.

**COMMENT:** To keep costs under control, many law firms (ours included) offer retainer programs where boards can make unlimited free telephone calls to an attorney. That way, if an issue comes up and directors wonder if they should call legal counsel, they can do so without incurring any expense.

## FEEDBACK

**Restricting Candidates.** We dealt with the horror of a husband and wife on the board at the same time. They're gone now but a year later we're



still trying to put the place back together after all the deferred maintenance/cost savings they implemented which is costing far more than if it had been done right at the time. My advice: immediately get going on changing the bylaws to disallow more than one person from the same unit to be on the board at the same time. While we were at it, we also did away with cumulative voting. -Nancy H.

**Litigation Experience.** I notice from your recent newsletter that your new attorney has lots of experience in litigation. When there are HOA conflicts, I hope you are encouraging boards to seek litigation only as a last resort and only then after all other attempts to solve the problem have failed. Litigation is expensive and leaves very hard feelings. What is the point of that? We really need to learn how to work together to live in community, and this means learning to solve problems without filing a lawsuit against our neighbors. -Jan M.

**RESPONSE:** I prefer that my attorneys have solid litigation experience, the more the better. With that experience, they can more easily advise boards on the significant financial and emotional costs of litigation as well as the vagaries of litigation. (*Vagary* [vey-guh-ree] n., erratic, unpredictable, capricious.) In the event attempts at resolution fail, I want my attorneys to know how best to represent our clients in court.

## Ventura County Watershed Protection District Responses to Surfside III Questions – April 30, 2013

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**Q1** Has the architect been instructed to provide immediate maximum screening in the area behind Lighthouse Park? The architect has previously proposed a *Natural Environment concept with various heights of trees and plants*. As our primary and most important goal is immediate screening, we DO NOT want consideration of the Natural Environment concept. Owners want immediate maximum screening - except when blocking ocean views of buildings 6 and 7.

**A1** The California Coastal Commission requires the following (Special Condition 6(A)(2)):

“Onsite replacement for the 74 non-native and/or invasive trees that will be removed or significantly trimmed shall occur at a ratio of 1:1. Replacement trees and shrubs shall be planted immediately prior to completion of construction activities for the modifications to the J Street Drainage approved as part of this permit, and shall consist of native species of appropriate local genetic stock. Replacement trees shall include a range of container-size plantings consisting of an approximately equal ratio of 36” sized containers, 24” sized containers, and 1-5 gallon sized containers.”

The District will follow the above requirement when planting the replacement trees at Surfside III.

Also, please note that 31 myoporums and 2 acacias that currently overhang our shared property boundary would be removed completely at the request of Surfside III, rather than just trimmed to the property line as allowed by law. Because the District has revised its construction approach to install press-in sheetpile five feet east of the property boundary rather than right on the boundary, a significant number of Surfside III trees originally identified for removal, including all mature eucalyptus, pine, etc., will be preserved in place.

The District will also remove 9 myoporums, 1 acacia, 1 red gum eucalyptus sapling, and 2 windmill palms from its property immediately adjacent to Surfside III. If your community is interested, the District could plant the replacements on Surfside III property behind Lighthouse Park as further screening. We are unable to plant the replacements on District property due to lack of adequate space and concern for the integrity of the concrete channel over time (i.e., potential root damage to the facility).

The J Street Drain Project will require removal of an additional 28 trees/shrubs from other areas nearer to the Ormond Beach Lagoon or between the railroad tracks and Hueneme Road. If you like, the District would be happy to also plant their replacements on Surfside III property behind Lighthouse Park to create even more of a visual buffer than currently exists. However, we can select an alternate planting location if this proves inconvenient to your community.

**Q2** Has the architect been instructed to provide year-round foliage and low maintenance trees? Can we have dense evergreen screening? We want hardy/full-foliage, low-maintenance trees that do not drop any leaves, blossoms or fruit. This applies to Lighthouse Park behind Buildings 15 – 17 and the grass area between buildings 17 and 7.

**A2** It may not be possible to meet all criteria. For example, Catalina ironwood is evergreen, but it does drop leaves (<http://www.landscaperesource.com/plants/lyonothamnus-floribundus-var-asplenifolius.htm>). Leaf litter beneath an ironwood tree provides important cover for native birds that forage on the ground such as California towhees. Catalina cherry is a dense evergreen, but it drops fruit (<http://www.landscaperesource.com/plants/trees/prunus-ilicifolia-ssp-lyonii.htm>). On the flip side, the fruit is an attractive food source for native birds, and will significantly enrich the habitat on your property. From Question 10 below, it appears that your community is concerned about migratory birds as well as landscape replacement. Nonetheless, both the ironwood and cherry have very low water and no fertilizer requirements; in fact, fertilizer and excessive water is detrimental to the health of native plants in general.

**Q3** Can, and if so when can the architect provide a presentation with renderings? Owners want Day-One renderings to be provided that will show sizes of plantings and screening coverage. They want the height, width, and spacing in One-Year and Three-Year renderings.

**A3** Renderings will be provided at a later date, likely in late summer 2013.

**Q4** What will be the total number and spacing of trees and shrubs? The amount of vegetation is the critical element in screening. Owners want this information before selection of specific tree choices because it will affect their decisions regarding groupings and placement.

**A4** A total of 33 specimens (31 myoporums and 2 acacias) will be removed from and replaced on Surfside III property. If so desired, an additional 13 specimens removed from adjacent District property could also be planted on Surfside III land, bringing the total to 46. Finally, another 28 specimens removed from other project areas not along your property could also be planted on Surfside III land, increasing the total to 74. Please let us know if you would like the District to plant the additional 41 trees on your land.

Plant spacing is determined by the species selected. For example, a Catalina ironwood (*Lyonothamnus floribundus* ssp. *asplenifolius*) can grow to a height of about 40 feet and width of 10 to 20 feet (<http://www.landscaperesource.com/plants/lyonothamnus-floribundus-var-asplenifolius.htm>). Therefore, this species would be spaced about 10 feet from other plants for optimal health. A Catalina cherry (*Prunus ilicifolia* ssp. *lyonii*) can grow to 25 feet tall with a width of 10 to 15 feet (<http://www.landscaperesource.com/plants/trees/prunus-ilicifolia-ssp-lyonii.htm>). As a result, this species can be planted on 7.5 feet centers.

**Q5** Can, and if so when can the architect provide pictures and details of the 'best choices' of proposed trees for immediate maximum screening? Owners need pictures in order to decide which trees will provide the most-effective screening and the most pleasing aesthetic appearance? The details should include the height, width, and time to reach full size.

**A5** We encourage your community to research on line the native plants on the list previously provided. The information you seek is readily available on the internet.

**Q6** We never received any information regarding the funding (dollar amount) that is available from the County for replacement screening. As the loss of screening greatly affects our property values, will the County make extra efforts (by planting additional trees) to provide adequate landscape?

**A6** The District is required to replace 74 trees at a 1:1 ratio. As some of these (33) will be removed from Surfside III property, they will be replaced there. However, the remaining 41 trees removed from other properties can also be planted at Surfside III if your community so desires. The replacement trees will consist of approximately 33% 36-inch container stock, 33% 24-inch container stock, and 33% 1 to 5 gallon container stock, as mandated by the special conditions adopted by the Coastal Commission. The District will also retrofit your existing irrigation system to support the new plantings. The cost of all the above has not yet been calculated. No landscaping beyond that described above is proposed.

**Q7** Whatever trees are planted will require extra watering to ensure survival and good growth until they are well-established. Who is responsible to install and repair the sprinkler system to ensure adequate irrigation?

**A7** Any retrofits to the existing Surfside III irrigation system to support the new plantings would be the District's responsibility. Surfside III may wish to directly manage the contract for the landscaping work, but the District would provide the funds for the replacement plantings and



supporting irrigation, including up to five years of maintenance. However, if Surfside III were to add other work to the contract, the District would not be responsible for funding that portion.

**Q8** The VCWPD maps indicate that trees will be removed only from the Lighthouse Park area and behind Bldg. 17. Is there any consideration of vegetation replacement in any other areas? If so, has the matter of root invasion near buildings been addressed?

**A8** Vegetation would be replaced only where it was removed, unless your community instructs otherwise. Surfside III will have final say over the planting locations, and will therefore be responsible for ensuring the matter of root invasion is addressed to its satisfaction.

**Q9** The VCWPD said at their last presentation, they would only remove a handful of trees. The maps clearly indicate that at least 27 Surfside III trees will be removed. Will the VCWPD make sure the replacement trees provide the immediate maximum screening that the owners requested?

**A9** Please see answers to previous questions above.

**Q10** What has been done to protect the migratory birds?

**A10** The Board of Supervisors adopted all mitigation measures from the Final Environmental Impact Report, including measures to survey for migratory birds and establish buffers around their nests as needed. The District has also obtained permits from the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and is in the process of obtaining permits from the U.S. Army Corps of Engineers and California Coastal Commission. All of these permits require the District to follow protective measures for migratory birds before and during construction.

**Q11** Has the county assured us in writing that the use of our land and entry onto our property is not necessary based on the new process of shoring?

**A11** The District will require access to your property to remove the 31 myoporums and 2 acacias that were initially going to be trimmed to the property line. In addition, if you prefer that the District retain a contractor to install the replacement landscaping, we will need permission for that access as well. All other construction work will occur within the District's right-of-way.

Note: The District intends to also place a sound barrier right at the property line. This will be done after the channel is dewatered for construction, as access to the property line would be very difficult before that time. Please note, however, that the channel downstream of about the Lighthouse Park area (Project Station 18+00 – see attached map) will likely not be dewatered prior to September 15 due to expected nesting bird buffers. As a result, our contractor will not be able to install the sound barrier or proceed with any construction downstream of this point. If Surfside III residents downstream of this location would prefer to have the sound barrier in place anyway, the District would reimburse Surfside III for the cost of installing, maintaining, and removing it themselves. If the lack of a sound barrier while adjacent construction is not occurring is acceptable, the District's contractor will install the sound barrier after September 15, when the remainder of the channel has been dewatered.

**Q12** There is no guarantee that the new shoring process will do NO damage. Do we have written confirmation of VC County liability coverage for damage to SSIII property, death of trees not being removed [but damaged due to the project], failure of new replacement trees or shrubs to thrive, and structural damage due to ground shifting and settlement of buildings?

**A12** The District's contractor is required to hold \$10 million liability insurance to cover any potential damage. In addition, the mitigation measures adopted by the Board of Supervisors at the FEIR certification hearing will also be implemented. This includes pre- and post-project video recording of property conditions to ensure any pre-existing or new structural damage is accurately documented.

Regarding trees, the District conducted root pruning in early January 2013 to document existing roots and to help ensure trees would not be adversely affected by sheetpile installation. The health of these trees will be monitored for approximately five years after construction. In addition, the replacement plantings must be monitored for five years as specified by the Coastal Commission's special conditions. Any trees that do not survive will need to be replaced.

**Q13** The installation of additional mesh screening across the canal and early planting of landscape trees on our side was previously discussed. Is this still being planned?

**A13** Yes.

**Q14** When will we have another landscape presentation to discuss the above issues with the owners?

**A14** The next landscape presentation will most likely occur during the summer.

