

The Sierra Post

VOLUME II, ISSUE 2

THE SIERRA AT JACK LONDON SQUARE

February, 2006

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Other HOA contact information
can be found at
<http://www.sierrajacklondon.org>

For advertisement information,
questions or comments regarding
this newsletter, please email to
news@sierrajacklondon.org
Homeowners may place free
classifieds by sending email to
the same address.

Next HOA meeting:
The next HOA meeting
is scheduled for
Tuesday, Feb 28, 2006.
Homeowner forum will
start between 7:00 to
7:30 pm.

HOA Meeting Summary

The last Board meeting was held on Jan 24. Please check the bulletin board for the official meeting minutes.

FINANCIAL REPORT

Acting Treasurer, Bach Nguyen reported that the Board has not received the December financials, and that a full financial report will be given in February.

The Board discussed a proposed investment plan that was recommended by the Association's new Morgan Stanley representative. The plan includes laddering the investments and leaving a minimum amount of funds liquid on an on-going basis. After much discussion, a motion was made to approve the investment plan as laid out by Morgan Stanley; and to review other investment firms to determine if Morgan Stanley is an appropriate choice for the Association. The vote was unanimous.

GENERAL MANAGER'S REPORT

- The GM presented a proposal to the Board from Pacific Crest Landscaping (the HOA's current landscaping firm) to replace the bamboo in the large pots near the lobby with Podocarpus gracilior trees, soil amendment and tree stakes. In addition 4 flax shrubs will be replaced throughout the common area. The total cost is \$675. A motion was made and approved.

- The Board was presented with the final readings of two rules: Enforcement and Penalties Policy and the Deliveries policy. No comments were received from owners prior to the meeting. The Board discussed the Enforcement and Penalty Policy and agreed to defer final approval until they have an opportunity to discuss adding additional explanations to the Penalty schedule. During the discussion, a homeowner asked why the first reading of the rules was sent to the homeowners along with the budget packet and why there was no cover letter. Board President Siengo produced a copy of the cover letter from the mailing which specifically

listed all items enclosed.

HOMEOWNER COMMENTS

- A homeowner stated that he owns 3 condos and that all of the condos he owns are in the middle of some type of litigation. He asked how the law firm was chosen and if there was a legal spending cap. The GM responded that the law firm was chosen based on the expertise in the fields of HOA law and construction defect. The Board has had a preliminary quote of \$3k-\$5k and that additional proposals will be provided to the Board if the costs exceed the initial proposal.

- A homeowner asked how he is supposed to know whether the developer has been in his unit to test for water intrusion. The GM agreed to prepare a "Unit Entry" form that must be filled out by all who enter units within the building when a homeowner is not home. A copy of the form is to be left with the front desk and one in the unit. The GM explained that all keys are signed-out and signed-in at the front desk.

- A homeowner asked if after all of the water intrusion work is completed in each unit, if the owners will receive something in writing stating that all has been corrected and how. The GM agreed to ask the developer for some type of completion form.

- A homeowner presented to the Board and members of the audience a section of the Davis Stirling Act (cc 1363.07) regarding granting exclusive use of a portion of the common area to a member. The owner was presenting this information with the assumption that it applied to one of the conference rooms being converted into an office for the GM. The GM explained that the law did not apply in this instance due to the fact that a member was not being granted exclusive use to a portion of the common area. In addition the GM explained that the Board does have the intention of converting a different space in the building into either a second conference room or business center. There was additional discussion regarding the use of different rooms throughout the building and the timeline related to these projects. The Board agreed to address the conference room/business center project within the next 30 days.

President's Report on Water Intrusion

Since the last meeting on November 29th, we have experienced high winds and heavy rains which have resulted in water intrusion into many areas of the building.

At last count there were 32 units and 5 common areas that have experienced water damage. A majority of the damage relates to water seeping in through windows, doorways, ceilings, and walls. The extent of damage throughout the building varies from minor to moderate depending on the location.

The number of leaks is fairly high for a building as new as ours. A report by SGH, a respected engineering firm who evaluated water intrusion in one of our units, indicated that the preferred repairs were complicated and costly. They also recommended further testing. Both the large number of leaks and the engineering report raise concerns that there may be costly construction defects that have not been fully discovered and require investigation.

It is the Association's responsibility to perform due diligence to discover what defects, if any, exist. The Board has retained Berding and Weil, who specialize in both homeowners' association law and construction defects, to offer guidance to the Association and ensure that our rights are protected. On the advice of our attorneys, we have also requested a proposal from an engineering firm called Avelar & Associates to oversee the inspections and repairs that Crescent Heights is currently performing. This will help to ensure that the work is performed properly and will give us more insight into the underlying causes of the water intrusion.

The next step for the Association is to contract with an engineering company to perform inspections throughout the building. The inspections will be based on the results of the questionnaire that was mailed recently to all homeowners. We hope that the questionnaires will be returned quickly so that we can tabulate the results and begin with inspections. While the questionnaire is not designed to be a punch-list for homeowners' demands from Crescent Heights, listing all of your concerns could be helpful in identifying defects in material and workmanship.

Once we have the questionnaire results and have identified what areas are a concern, our attorneys will put the developer on formal notice of the Association's claims. This action will to stop the running of the applicable statutes of limitations and shift the burden to Crescent Heights to investigate the claims and make repairs. While this is a formal statutory process, it does not involve any filing with the court or start of litigation. Our plan is to protect the homeowners' rights while making every attempt to avoid litigation.

Sarah and Mario have already been working with homeowners and Crescent Heights to mitigate water damage and initiate repairs as quickly as possible. Crescent Heights' representatives have been working on site to inspect, test, and repair units with water intrusion. We expect that this process will continue for an extended period of time but that repairs will be performed as quickly as possible.

In the months ahead, the board will inform the homeowners of the progress we are making. We will also have results from the questionnaire and engineering reports as well as further legal advice to share with the homeowners. During this process we ask for your patience as there will be numerous contractors throughout the building performing inspections, test, and repairs. If you have questions or concerns please contact our property manager, Sarah Steele, or our building engineer Mario Brown. They will be working directly with homeowners and Crescent Heights to make the process as smooth as possible.

Sincerely,

Ron Siengo
president@sierrajacklondon.org



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A Note From Sarah



Back By Popular Demand – Gelatto & Sorbetto Night! February 19th, from 7-9 pm. Join us in the lobby for a wonderful treat. (Ask around, it's some good stuff!).

Landscaping: Do you have a green thumb? Do you enjoy greenery and/or flowers? The Sierra has a limited amount of landscaping throughout the building and we would like your input on future upgrades. There are several pots that simply have no foliage or are in need of new plants. Do you want the same type of plants? Do you want color? Is there an area that can use another pot? Please let me know if you would like to join in a discussion about the landscaping.

Drip Pans: Have you noticed the increase in oil and other automotive secretions on the garage floor? We will be scheduling a complete garage scrubbing in the near future and would like those of you that know your vehicle leaks to provide a drip pan for your vehicle. Once the scrubbing has been completed, the owners of vehicles that continue to leak on the floor will be held responsible for subsequent cleanings.

Bicycles and stored items: The Association will be removing all bikes not stored in the bike rack as well as all items stored in or around parking spaces, and on top of or around the storage cages. All items removed will be taken to charity. The date for removal has not been set, but will be completed in the month of March. Notices will be posted 72 hours beforehand.

Recycling: Do you recycle? If you do, THANK YOU for being a good neighbor and helping our environment. If you don't, or don't regularly, what is stopping you? Is it the location of the recycling bins (which are located near each set of elevators in the parking garages), the size of the bins; lack of habit? Please, let me know what would encourage you to recycle or to recycle even more than you do now.



Visitor & Contractor Sign-in: You may have noticed that the front desk has become more vigilant regarding visitors and contractors signing in. Please remind all visitors and contractors that signing in at the front desk is required to enter the building regardless of how often they enter.



Italian Night: We will be planning an event for March with a whole meal! Do you cook a mean pasta? Do you know a great recipe for stuffed mushrooms? Do you know what music would go well with our event? We need you! Italian Night will kick-off our year with lots of pasta, wine and maybe a decadent desert. If you would like to be involved, please drop me an e-mail, and we will start planning!

E-mail Addresses: Would you like to let the concierge desk know that a large package is going to be delivered? Would you like your mail held for an extended period of time? Contact Ali via e-mail at Lobby@sierrajacklondon.org. (E-mail is only viewed by Ali, Sunday thru Thursday, 8am to 4pm).

Would you like to let Mario know about a light bulb that needs to be replaced? Did you notice that there is something unsafe in the common area? Contact Mario via e-mail at Engineer@sierrajacklondon.org

A D V E R T I S E M E N T



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517	11/21/05	\$472,000
306	12/07/05	\$612,500
339	12/08/05	\$505,000
822	01/20/06	\$450,000

Information deemed reliable but not guaranteed.

If you're thinking of buying or selling,
come downstairs for a visit.

We can prepare a free
Market Evaluation for your home.

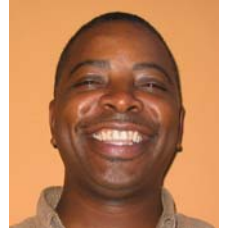


120 Third Street
(corner of 3rd and Oak)
510-463-4777

Mario's Corner

Construction Debris

In the next few months, you will notice construction workers around the building working on water intrusion problem. These workers are supposed to clean up after themselves. If you notice any areas with excessive debris, please inform the front desk of the situation and we will follow up with them.

**Sprinkler Cages**

I will be contacting homeowners who have signed up for fire sprinkler cage installation to discuss the cost and finalize the installation process. In addition you may pick up information sheet at the front desk regarding the do-it-yourself version that you can purchase online for a fraction of the cost.

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Ron Siengo, CPA

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BachUS Real Estate Investment, Inc.

We are located in the heart of the Historic Waterfront Warehouse District and we are here to provide personable quality real estate investment services to individuals and families at The Sierra at Jack London Square.

Feel free to visit our office to discuss your real estate needs. Our office is located on the ground level next door to the gym.

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