

## Vista Tassajara HOA - Frequently Asked Landslide Questions

The below questions were supplied by association homeowners and the answers to the questions are in RED. The answers are from the PM&A, the Management Company, Randy Paul, Berding & Weil (association's Legal Counsel) and Ken Ferrone, Principal Certified Engineering Geologist, Stevens, Ferrone & Bailey Engineering Company, Inc.

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### For Board/Management Company:

When Vista Tassajara (Standard Pacific) development was initially approved was the required grading/slope plans for the hillside (as well as entire community) followed and completed per plans? Was the hillside required to have terraces or drainage channels due to the slope of the hillside? Did the town of Danville sign off on the plans without the required full scope of the grading, trenches and drainage completed? Could there be liability to the developer and/or the town of Danville if it is found that the scope of work was not completed as required?

*The project was built pursuant to plans created by design professionals, which were reviewed and approved by the Town of Danville. All the work was done with oversight by the appropriate authorities. As the project is more than ten years old, there can be no liability on the part of the developer, design professionals or contractors due to the statute of repose. The Town of Danville is immune from errors in its oversight process, even if the project were less than ten years old.*

When the homeowner's purchased their homes did the lenders require they purchase slide or flood insurance due to the proximity of homes to the hillside? If so, and they declined to purchase insurance do those owners have liability to repair the hillside?

*This project is not within a flood plain, and that being the case, lenders typically do not require flood insurance. The landslide occurred on Association property, which is what creates the Association's responsibility to perform repairs.*

When the community had its previous slide and repair over 10 years ago did the board have the contractor assess and evaluate the community for potential slide areas? If so, was this current hillside slide area recommended for repair? If this slide area was identified as being in need of repair at that time and the HOA Board decided to opt not to repair does the board have liability for failing to disclose and repair?

*There is no real way to determine with any certainty the probability of a future slide(s) on any slopes. There has never been any recommendation for this or any other slope.*

Did the HOA Board after the previous slide research insurance and bring that proposal to the community for a vote? Would the HOA Board have liability if they failed to disclose the recommendation for insurance?

*In our experience, landslide insurance is virtually non-existent for communities such as this, due to it being either unavailable at all or prohibitively expensive. Some communities have formed Geologic Hazard Abatement Districts, which are governmental agencies that are charged with dealing with landslides and which have the ability to collect assessments on the property tax bill from properties within the district.*

Tim mentioned that only 1 or 2 homeowners failed to pay their assessments in a timely manner after the previous slide. What fines and interests charges were collected on the late payers from the previous slide? If none were collected is that the precedent for homeowners that do not pay for this assessment?

*The last slide was in 2004 (13 years ago) and all 208 homeowners paid the \$730.00 that billed. When a homeowner does not pay in a timely manner late fees do apply.*

If the current slide is found to be truly “an act of god” then why is the HOA paying for hotel and meals for the displaced family? Would the HOA be required to put a family in a hotel and pay for meals if an “act of god” knocked over a common area tree onto a home and it was uninhabitable for months for repairs?

*The Association is responsible for paying for damages caused to another’s property or person by Association property. That obligation includes paying for the loss of use. Since the Town of Danville yellow-tagged the home, it meant the Association had an obligation to pay for the displacement. The same would be true if an Association tree displaced a family from their home.*

Are the 207 homeowners 100% responsible for all costs associated with the slide? Is there an unlimited financial responsibility to the Vista Tassajara homeowners?

*Under California law a landowner is responsible for their property and to provide lateral and subjacent support for adjoining parcels.*

Are other hills we own going to be assessed? Will or should reserves be set aside for future slides? How much of the HOA reserve (if any) will be used towards the proposed repairs?

*There are no other landslides on other hills that are known at this time.  
As far as future reserves that remains to be seen. We have not had any slope issues since 2004.*

Who authorized the work to date? Were competitive bids taken for that work? Was there a defined scope of work for that work? For future work, will there be competitive bids? Will there be a defined scope of work for future work?

*Work to date was authorized by the Board of Directors and executed by the Manager. There was a defined scope of work. There will be competitive bids for any contractors hired to perform work, which will be defined by design professionals.*

What is being done to minimize the cost of future work? Who is in charge of overseeing future work – the board or the management company?

*Experienced design professionals have been engaged to determine the scope of work necessary to implement repairs. The board will authorize the work, which will be executed by management and the contracted parties.*

What role will homeowners have in defining and approving future work?

*Authority for any work to be done is vested in the board of directors.*

What efforts are being made to seek local, state and federal assistance funds?

*Jeff Hebel, Emergency Services Manager, Town of Danville, will address what we have done to date regarding seeking FEMA, and or Cal OES Funds*

Are we responsible for covering expenses for the neighbor's home like landscaping, painting, fence, etc.?

*Yes.*

Did the HOA send out an RFP for the proposed work?

*The RFP for the repair is being developed at this time.*

How was the RFP advertised/distributed? How many contractors/companies responded to the RFP?

*The RFP will be distributed to multiple qualified firms that specialize in this type of repair.*

What other expenses are we covering?

*We have covered temporary lodging as one home was yellow tagged by the Town of Danville as unsafe to occupy. We will be paying for all costs to restore the fence and landscaping to name a few.*

## **For Engineers**

Does the hill have to be fixed, outside of clean up?

*Without fixing the hillside, the landslides will continue to enlarge in size threatening private property above the HOA open space, depositing debris at the base of the slope, and threatening the homes and cul-de-sac at the base of the slope.*

How would it be fixed? Are there degrees of work for fixing the slope versus beautifying it?

*The most comprehensive and least costly approach is to perform an earthwork repair. This entails the following sequence –*

1. removing all of the landslide debris,
2. excavate keyways and benches into stable ground,
3. install sub drainage in the keyways and benches (subdrains to discharge into existing storm drain systems),
4. backfill the excavations with compacted fill (the fill would be composed of the onsite landslide debris and other onsite soils/fills),
5. re-grade the slope to match the surrounding slope contours,
6. install concrete lined surface ditches (with subdrains under the ditches) to collect water and discharge to the existing storm drain systems.

What is structural versus aesthetic?

The earthwork repair described above is a structural fix. The elements of the repair described above are necessary in order to provide slope stability.