

**NIGUEL BEACH TERRACE HOMEOWNERS ASSOCIATION
REPAIR AND RESTORATION
SCOPE OF WORK NOTICE AND PROTOCOL
March 1, 2024**

CONCERNING THE REPIPING OF BUILDINGS THROUGHOUT THE COMMUNITY

Introduction and Background

- 1) In an effort to respond to the needs of the members of Niguel Beach Terrace Homeowner's Association ("Association") to remediate the plumbing leaks throughout the complex, the Association's Board of Directors has adopted this "*Repair and Restoration Scope of Work Notice and Protocol*" ("Notice") concerning the repiping of the buildings. In addition to providing consistency and direction for the homeowners and tenants, this Notice has also been drafted to provide our construction consultant and contractors with a clear understanding of the process, what will and/or will not be paid for by the Association, and to continue to ensure that all owners are treated fairly and equally. This work will begin within the next thirty days and will require each owner to provide access to his or her home.
- 2) The intent of this Notice is to address the majority of situations that arise during the repiping process. However, because each unit is unique, homeowners are encouraged to bring to the Board's attention, **in writing**, any concern that the homeowner feels is not covered by this Notice.
- 3) All units will be repiped with new PEX piping starting at the individual shut off valves in each riser (typically located at the exterior of each building) and throughout the unit (and adjacent common area) to every existing fixture (e.g., toilets, sinks, faucets, hydronic heater, tub faucets, etc.). The Association will pay for this repiping, including all labor and materials to repair drywall that must be removed and replaced to facilitate the repipe. All drywall patches will be textured, primed, and painted with one coat of white paint. If an owner has applied another paint color to any affected walls, contractor will apply that paint only if owner provides the paint and only at the owner's request.

Sequence of Events Leading Up To and During a Typical Unit Repipe

- 1) A schedule indicating the order in which buildings will be repiped will be posted on bulletin boards and the construction consultant's website (www.dbuild.com). You will also receive a posted notice approximately three weeks in advance of the scheduled start date for your unit. The notice will indicate when the repiping contractor will need access to your unit and when the Contractor would like to meet with you to conduct an Owner Meeting (described below). You will receive another reminder just prior to work starting in your unit.
- 2) The contractor will conduct an Owner Meeting with each owner in advance of the scheduled repipe date for that unit. During the meeting, the contractor will describe the path of travel, obstacles to travel that must be removed by the owner, locations of drywall cuts that will be necessary to route the new pipes to each plumbing fixture, and the method of dust control that will be implemented on a daily basis. The contractor will also point out any locations that include custom finishes or fixtures that must be managed by the owner and discuss

any “workarounds” that are available to eliminate or minimize additional costs on the part of the owner. See later paragraphs for examples.

- 3) Prior to and during the course of repairs the contractor and construction consultant may document existing conditions and/or the completed work by photograph or video.
- 4) All personal property must be removed from the designated work areas prior to the first day of drywall removal. Every effort will be made to complete the needed drywall removal in one day. During this time, the contractor will need complete access to the areas of your home where the work will take place. It is our recommendation that you consider leaving while the drywall is removed.
- 5) While working on your building, the water will be shut off multiple times throughout the day and may at times be shut off from 8:00 AM to 5:00 PM. The repiping crew will run the new PEX pipe and then switch the service from the old piping to the new. Baths will receive a new shower valve if the existing shower valve is not Title 24 compliant. All faucets will receive new angle stops. A new washer box may be installed for water supply lines for washing machine if necessary. Water will always be available from 5:00 PM to 8:00 AM daily. Please note that the clothes washer and dryer will be removed from service for the duration of the repipe operation. We encourage you to get a week’s worth of laundry completed before the start date for the repipe at your home.
- 6) Upon completion of the repiping and inspection by the City, drywall repair crews will make drywall repairs and paint. Upon completion of the repairs, all tools and construction debris will be removed from your home and the crews will conduct a final clean up. At the conclusion of all work the contractor will conduct a final walk-through with you to ensure the plumbing functions properly. The contractor will then request that you complete a Job Satisfaction Sheet.
- 7) As part of its inspection, the City will require an operable smoke detector in each bedroom and hallway, as well as an operable carbon monoxide detector in the hallway. If your home does not currently contain the required detectors, the contractor will install them free of charge if you provide the detectors. If you do not have them and fail to provide them, the contractor will purchase and install the required detectors. The Association will specially assess you for each detector that the contractor purchases for your home.
- 8) Overall construction time will be eight working days on average from drywall removal to final inspection. In most cases the work will be accomplished in less than two weeks.

Homeowner Responsibilities

Each resident is responsible for removing all furniture and other obstructions that are in the path of the contractor. This path will be described in detail at the Owner Meeting. Remove all small or fragile personal items that are within five feet of this path of travel. The construction generates dust, and covering your personal items will save you a great deal of cleanup. We also recommend that you remove fragile items from all shelves and store your valuables in a safe place. There will be some heavy pounding that can dislodge loose items hanging from the ceiling, hanging on walls, or placed on shelves and cabinets. The most suitable areas for storing personal items will be pointed out during the Owner Meeting.

The contractor will also do what he can to avoid damaging walls with wallcoverings or specially painted walls. However, there may be cases where there will be no choice but to access a wall in a certain location; and if that wall has a wall covering, wood finishes, mirrors or a special painted surface, the final replacement of the finish material will be the responsibility of the homeowner. Best efforts will be made to point out such obstacles at the Owner Meeting, but sometimes the piping needs to be run differently on a case-by-case basis for reasons beyond the control of the contractor. All damaged drywall (including ceilings) will be patched, textured to match as close as possible to the surrounding texture, primed and painted with one coat. It will be your responsibility to remove any wall or ceiling finishes that you want to keep prior to the start of construction and replace them after construction is complete. No wallpaper, paneling, mirrors or special painted wall finishes will be repaired or replaced by the contractor or by the Association. The contractor will use best practices to paint the existing wall with quality white paint. If owner has applied another paint color, the contractor will paint the affected walls in that color only if the owner provides the paint and requests that it be used. Owner must acknowledge that, due to aging, sun exposure and a variety of factors, the paint match may not be perfect. For this reason, the contractor will paint any affected walls from corner to corner (but not an entire room).

Owners are responsible for restoring personal property that was attached to or mounted on the walls or ceiling.

The heavy pounding may result in drywall cracks or nail pops in the drywall. The contractor will patch these cracks and nail pops, but the homeowner is responsible for painting, wallpaper, or any other additional finish work.

Scheduling of the Work - Resident Cooperation & Responsibilities

- 1) The contractor will require full unhindered access to your home. The repiping work and the patching and painting CANNOT BE DONE BY APPOINTMENT. The contractor will need access to your home during the appointed days given to you by the contractor from 8:00 AM until approximately 6:00 PM, Monday through Friday, and at times a pre-arranged alternate Saturday for half-day or more. The contractor will communicate the dates and times when workers will be in your home. A copy of the project schedule will be posted online and at the bulletin board.
- 2) Please comply with all posted notices so the work can be accomplished quickly and efficiently and to reduce added expense and inconvenience to you and your neighbors. If you do not make your home available as directed in the posted notices (such as providing access, cleaning out under your sinks, etc.) you will be responsible for all expenses associated with your failure to cooperate. These charges may include attorney fees and contractor fees associated with down-time if crews are unable to work due to non-cooperation of an owner. The charge for labor where the contractor is denied access to the scheduled work area is \$700 per day. This cost is for the plumbing crew not being able to perform work associated with your unit and having to come back out of sequence. If a homeowner or tenant hinders access during construction, causing the contractor to return to make required repairs out of sequence, that amount plus whatever other charges accrue to the Association may be assessed to the owner.

If you rent your home, you are responsible for the actions of your tenant. If your tenant does not comply with the notices, you as the owner are responsible for additional costs incurred. The Association will contact tenants and make them aware of the schedule, but it is important that you ensure the cooperation of your tenant.

This may be the only Notice you will receive by mail or email. From the Owner Meeting through completion of the repipe activity, all Notices are posted at the entry door of each affected home. There will be no emailed Notices and no Notices by telephone. Absentee owners must rely on their tenant to convey any information regarding posted Notices. If your home is unoccupied, you must convey this information to the construction consultant as soon as possible so alternate access arrangements can be agreed upon.

Homeowner or Tenant Special Needs

Any resident with special needs including but not limited to disability, disease, or other condition that could be affected or be aggravated by the work to be performed, must notify the Association IN WRITING, at least four weeks before the work is scheduled to begin on your unit. If you decide to vacate your unit during the work, you are responsible for relocation costs.

This written notification should be emailed, dropped off, or sent to:

Carissa Andrus
Community Manager
FirstService Residential
15241 Laguna Canyon Road
Irvine, CA 92618
Carissa.Andrus@fsresidential.com

The Association, construction consultant and the contractor will not take any responsibility for any injuries or damages for any existing condition, including aggravation to an existing condition or ailment.

Existing Toilets, Fixtures, Faucets, Hydronic Heaters and Piping

- 1) Toilets, fixtures, and faucets are the responsibility of each homeowner before and after the repiping is completed. Chipped, scratched, and cracked bathroom or kitchen fixtures will remain the responsibility of the homeowner. Faucets that leak or drip remain the responsibility of the homeowner and will not be repaired or replaced by the contractor. Sometimes old toilets when moved may not function as well because the interior parts may need adjustment or replacement. The contractor, the construction consultant and the Association are not responsible for deficiencies in existing fixtures, which exist or may occur after the repiping process.

- 2) Due to structural and space considerations, some piping may be installed as surface mounted out of sight, such as areas hidden inside of cabinets. If toilets must be removed for this work, a new wax ring will be installed at no cost to the homeowner. In the event the toilet is moved, the contractor will replace leaking fill valves, if necessary, at no additional cost to the homeowner.
- 3) The contractor is not responsible for any previous plumbing repairs or modifications to the plumbing system. Including any complete unit PEX repipe. All pipe repairs done by the homeowner will be abandoned when the new repipe is installed. This is the only way to provide a full warranty and guarantee from the contractor.

The contractor, the construction consultant and the Association does not have responsibility for deficiencies in existing tile work on tub walls and shower floors. If these areas are weakened, the tiles easily crack or fall off. Under such conditions, the homeowner must remove any tiles that the homeowner would like to save prior to start of construction. Repair of such tiled walls is not part of the scope of the contractor's work and will not be covered by the Association. If the owner elects to leave existing tile or stone finishes in place, the contractor will use best efforts to avoid damaging any tile. However, in some cases due to the age of or the deterioration of the existing tile work some damage may occur. Owner is responsible to correct such damage. Contractor will use best efforts to notify owner in advance of such conditions.

- 4) If you have a hydronic heater in your home, we must know whether it is operational or broken. To determine this, it will be necessary to turn it on at the time of the Owner Meeting. Its condition will be noted. If the unit is operational, the repipe crews will replace the copper feeds with PEX feeds. If it is not operational, at owner's request the copper feeds will be capped, and a new hot water loop in PEX will be run in the soffit near the existing hydronic heater. That will enable owner to repair or replace the hydronic heater and utilize the new PEX inlet and outlet piping.
- 5) Most of the repipe activity will be performed by workers using battery-operated tools. The contractor may use owner's electrical source for recharging batteries or for tools that need to be plugged in. Owner will not be reimbursed for the relatively marginal amount of electricity used by contractor for this purpose.

Homeowner and/or Tenant Preparations

- 1) It is the homeowner and/or tenant's responsibility to prepare for the work to be completed in their home. Even in those cases where appliances (e.g., built-in refrigerators) and/or large furniture (e.g., entertainment centers, bookcases, armoires or curio cabinets, etc.) cannot be easily moved to access wall surfaces in the repiping process, it is still the homeowner or tenant's responsibility to move such appliances and/or furniture prior to the scheduled repiping date. These appliances, due to age, may have rollers or legs that could cause damage to the flooring when moved. If the contractor offers to move any such items, it will do so only if the owner signs a release of liability form making the owner responsible for any damages to the item or appliance or to the flooring if applicable.

Each owner or tenant will be given an opportunity to discuss with the contractor what needs to be moved prior to the work starting so that the owner or tenant will know if they need to move any such items. This will all be discussed at the Owner Meeting. It is the homeowner's or tenant's responsibility to move these items. Please read all notices carefully and completely and follow the directions. Based on weight, flooring materials and/or existing conditions of such, it may not be possible to move these items without potential damage. The contractor, the construction consultant and the Association will not have liability for damage caused by the moving such appliances and/or furniture.

If the owner or tenant does not move items as requested by the contractor, the contractor may either not start the work, in which case the owner will be subject to the cost for delay as described in this Notice, or if the contractor agrees to move items at the request of the owner or tenant, the contractor may charge the Association and the Association may pass those charges to the homeowner.

In any instance where contractor has been requested to move owner's personal items, he will only do so if owner signs a Release of Liability covering the contractor, construction consultant and the Association.

- 2) Prior to the scheduled repipe date, the homeowner and/or tenant must follow these steps:

Remove all items under sinks and in closets adjacent to and directly behind plumbing fixtures for access to plumbing. Furniture and wall hangings (draperies, pictures, knickknacks, and mirrors) should be removed from any wall areas which will be opened to install piping.

Remove all obstacles to the construction project such as loose articles in bathroom, inside cabinets, selected closets, and loose rugs. Take caution to remove valuables such as laptops, tablets, jewelry, money, etc., and secure them for safe keeping. The contractor, the construction consultant, and the Association will not be responsible for any alleged loss of any personal property.

- I.) The contractor may need windows and doors open for ventilation, safety, and communications purposes. During repiping and drywall repairs, the contractor will lay down drop cloths from the front door to the areas where they will be working, as well as construct plastic sheathing to help control the spread of dust. Residual dust will, however, be created due to the nature of the work. The homeowner and/or tenant must understand that this is DUSTY WORK, and it is their responsibility to take necessary precautions to protect or remove personal items including computers, stereos, antiques, furniture, etc. Individuals with respiratory ailments or extreme sensitivity to dust may wish to take additional precautions to avoid exposure to the work environment; see above section on "Homeowner or Tenant Special Needs."

- II.) Keep children and pets away from the work areas.

- III.) The contractor will not take any responsibility for your pets. Pets must be off site or closed in another room and are not allowed near the work area within each unit.
- V.) Be aware that the water may have a slight metallic taste for a brief period of time following the repipe. It is not harmful and will go away over time.
- VI.) After patching and painting is completed by the contractor, the owner is responsible for relocating items back to their proper location.

Liability for Claims by Homeowners

- 1) If the contractor agrees to remove and or replace personal items at the request of the owner or tenant, neither the contractor nor the construction consultant nor the Association will be responsible in any way for damages of any kind that may occur. Owner or tenant must sign a Release of Liability form before any personal items are moved by contractor.
- 2) Neither the contractor nor the construction consultant nor the Association will be liable for any claim by owners or tenants for lost personal property, wages, stress and/or aggravation resulting from any phase of the construction to be performed.

Final Comment

The repiping project will be an inconvenience to all residents. The contractor understands this and will make every attempt to make it as painless as possible. The contractor will make every effort to minimize the amount of time it takes to complete the repiping to your unit and your building. You can help tremendously by having your home prepared and accessible when required. You are strongly urged to follow the notices to prepare for the repipe.

Community cooperation and involvement is critical to the success of this renovation. We would like to thank you in advance for your cooperation and assistance in helping the Association to complete this repiping in a timely manner.

--Your Board of Governors
Niguel Beach Terrace Homeowner's Association