

President's Message

by Bill Clark



My mother always warned me, "Be careful what you volunteer for—someone may actually be listening." Well, I am glad the Board listened, and I am glad to be back as president of our homeowners' association. I am particularly excited to be working with a wonderful group of volunteers who are so dedicated to improving our community. I certainly would be remiss in not thanking our outgoing president, George Arglen, and vice president, Bob Freeland for their service to our community. George and Bob have been an integral part of our association for many years. Their enthusiasm in dealing with the many issues facing our marina has been an inspiration to all of us. We wish them well in retirement.

Many of the concerns facing our community when I left the Board are still issues today. By far the biggest concern is the status of the seawalls. As I am sure many of you are aware, we continue to meet with the City of Oxnard to negotiate an agreement regarding the future costs of maintaining, and eventually rebuilding, the seawalls. The long-term objective is to design, develop, and implement significant retrofit improvements to the existing seawalls that would make them superior structurally, seismically, and aesthetically to the existing seawalls. Unfortunately, it has become painfully clear that our existing waterways assessment will never be sufficient to fund such a significant project.

The Board has discussed the seawall situation with legal counsel in regards to seawall ownership and our financial obligations. We have also discussed the possibility of pursuing litigation to speed up the process and/or force the City to pay all the costs of maintenance. Although the pace of progress has been frustrating, our understanding is such that litigation might even slow down the process. No one can predict the outcome of litigation; however our counsel has indicated that if we file a lawsuit, a judge may force an agreement upon us that could place the burden of maintenance on both the City and the homeowners.

At this point in time, the Board believes that an agreement that would split the costs 50/50 between the homeowners and the City is the right path to pursue. The Board is still a long way from presenting any agreement to the homeowners for approval. The situation has been hindered by the current economic downturn that has left the City in a difficult financial situation.

On a positive note, the Board has been instrumental in pushing the City to hire a new waterways engineering consultant. We are confident that both of the two firms competing for this contract have the technical knowledge and skills to assess the current condition of the seawalls and the expertise to offer cost-effective solutions. We are eager for the winning firm, to sign an agreement with the City and begin its work. In the meantime, the City will continue to do spot maintenance on the seawalls and we will continue to keep our members updated on the situation.

Welcome to the web

by Howard Tamaroff

By the time, or shortly after, you receive this newsletter, the CIWHA web site will be up and operational. It's a project we've been working on for almost a year. The goal is for us to be able to communicate with all of the property owners in Mandalay Bay. We'll have a calendar of local events, sea wall update, back issues of this newsletter, a neighborhood map, information on membership and joining the Homeowners Association.

An important goal of the 2010 CIWHA Board of Directors is to launch a relevant, contemporary and useful website for CIWHA members, one that will be useful to Association members yet will welcome all, especially those living outside the area who are seeking information about the Mandalay Bay community. The site is a work in progress. We welcome input and feedback and hope you will check back often to see our progress.

Members will have access to a future members only section where members can get copies of the CC&Rs, minutes of the CIWHA board meetings,



and the annual meeting. You'll receive current information on issues affecting the Marina: the seawalls, new area developments, dates for the City of Oxnard /County of Ventura hearings and meetings on issues that affect Mandalay Bay and the vicinity, and news on what's going on in the neighborhood.

What you'll see is the first iteration of our site. In the coming months, we will be adding to what's there, and making the site better and better. We want to hear from you, our neighbors, about what you would like to see on the site. We want our web site to be useful to all of the marina residents. Feel free to e-mail Pat Younis with your comments and suggestions. She can be reached at patricia@channelislandsca.com

So after all the hype, you might wonder how you access the CIWHA web site. Easy—just point your browser to:

<http://channelislandsca.com>.

You Are Permitted

by Howard Tamaroff

Naiveté. About a year and a half ago I wanted to fix my leaking second story deck. The son of a friend of mine had been doing remodeling so I hired him to do my deck. I knew that he was not a licensed contractor but this was only replacing what was already there. I never even thought about a City permit as I wasn't adding anything, just replacing. Big mistake!

The letter. So I ordered a dumpster for the decking and siding we had to pull out and we proceeded to de-construct. We were about 70% done with replacing all the bad wood when a letter from the City of Oxnard, Code enforcement arrived. "You are doing construction without a permit—cease and desist" OOPS! #*&#@\$ (expletives deleted). We think that Code Enforcement checks the dumpster orders.

Mia Culpa. So, hat in hand, I went down to the Oxnard Planning department to see what I had to do. I was told by a City representative that if you do anything except paint, or replace doors & windows (only if you can do so without any changes to the space they were in), you need a permit. Then he launched into this shear thing and the fact that if you take a piece of siding off before you replace it, you have to bring the whole wall up to current code—shear you know. He also told me that I would have to have an engineer or architect draw up the plans. After another \$2,000 and two months, I finally had my approved plans. What a hassle.

Permit, Smermit. Next I needed to re-build my bottom deck, but there's no way I was starting without a permit. We interviewed several local contractors. All but one tried to dissuade us from permitting the job—no way. After getting all the prices, I got the idea to build the deck myself. Now, I'm not a contractor, or have ever built something this large, but with some help from my neighbor (a contractor), I decided to tackle the project.

Architect, What Computer? Since keeping the job affordable was a goal, I decided to draw up the plans myself. I mention that I have computer graphics experience, although not in the realm of architectural plans. I had to decide which program to use, or to draw it by hand. Being somewhat computer literate, I decided to use the computer, and I downloaded an evaluation copy of a CAD program for the Mac. Way too complex to learn in less than six months, so I decided to use Adobe Illustrator, but other programs such as Corel Draw would work just fine. Keep in mind that standard blueprint size is 24" X 36".

An Education. Although we all have some concept of what the design of a deck looks like, it gets much more complicated when you have to get into the minutiae. This text is really for the uninitiated, so I suggest that before starting, take the time to go to the planning department and talk to the people in planning. Ask, in general terms, what they want the plans to show. I knew I had to do a site plan, even if you're not touching the house. You can usually get an original drawing for your house plan from a local realtor. Make sure you show the set back on the site plan, which needs to be at least 12'.

Personal Responsibility. If you are doing your project as an "owner/ builder", even if you hire an unlicensed contractor to actually do the work, you are responsible for the job and the people working on the job. If an employee of the contractor you hired were to get hurt on your job, or the contractor wouldn't pay them for their work, they can look to you for Workers Comp or back wages. The City will have you sign and initial a "Property Owners Package" - the purpose of which is to scare the hell out of you for hiring an unlicensed contractor. You can view this document at: <http://developmentservices.cityofoxnard.org/Uploads/BuildingServices/b105.pdf>

CIWHA. There is a requirement in the CC&Rs giving the Homeowners Association authority to approve exterior work. Basically, new construction and expansions/exterior remodels are all governed by the CC&Rs. A form is to be submitted to CIWHA for review. The CIWHA Architectural Review Committee is primarily concerned with keeping the neighborhood looking cohesive, and making sure that everyone's views are minimally impacted by their neighbor.

Resources. Most of what I'm talking about in this article has been for a deck, but will generally work for other small projects. You can download a permit application, as well as many other helpful publications in PDF format from the City's web site at: <http://developmentservices.cityofoxnard.org/Department.aspx?DepartmentID=7&DivisionID=75&ResourceID=371>. One of the best sites if you're doing any framing is Strongtie. They make the metal framing connectors. For deck building, they offer a free course, and have drawings of most of their products in either DWG or DXF format. Their web site is: <http://www.strongtie.com/>. If you are building a deck with composites, you might want to check their web site. I'm using Evergrain, their site is: <http://www.tamko.com/OurKeyBrands/EVERGRAIN-LandingPage/tabid/109/ControlType/articleDisplay/itemid/3573/Default.aspx>. The popular Trex is at: <http://www.trex.com/>.

If You're interested in seeing the California building codes, there is limited free access at: <http://publiccodes.citation.com/st/ca/st/CA-P-2007-999999.htm>, or you can purchase the complete set of codes or sections from many sources such as: <http://www.buildingcodescalifornia.com/?gclid=CKnTms3wvqECF@dkgwodqw-59w>

Our CC&Rs

by Bill Clark

Covenant, conditions, and restrictions (CC&Rs) are an agreement between a homeowner and either a developer or a homeowners association that defines the manner in which the property may be used. Developers often create CC&Rs to control the nature and character of a property development for the benefit of future owners. CC&Rs are recorded with local governments and are attached to the deed of a property.

When you purchased your home in Mandalay Bay, you should have been provided with a copy of the CC&Rs that apply to your lot. These CC&Rs run with the property and are not dependent on whether or not you are a member of the homeowners association.

There were two developers involved in the Mandalay Bay project: the Boise Cascade Home and Land Corporation and the Oxnard Marina Development (Zurn) Company. If you live on the west side of Peninsula Road, you are governed by the Oxnard Marina Development (Zurn) CC&Rs. If you live on the east side, you are governed by the Boise Cascade CC&Rs. While both sets of CC&Rs are similar, there are a few subtle differences. If you have not read your CC&Rs, it is probably a good time to review them. The CC&Rs primarily outline what types of architecture and landscaping is permitted within our development. Some of the CC&Rs also define each lot owner's financial responsibility.

The Channel Islands Waterfront Homeowners Association (CIWHA) was created in 1976, and we currently operate under by-laws adopted in 1997. One of the missions of the homeowners association is to make sure that new architecture, or changes in existing architecture, is consistent with the CC&Rs. Fortunately, most of the requirements within the CC&Rs are in harmony with the current building codes of the City of Oxnard. As long as your project is compliant with the City building codes, it is usually consistent with our CC&Rs. However, the CC&Rs do require that all new development and major remodels are to be reviewed by the architectural committee of the CIWHA.

Recently, a homeowner approached the CIWHA Board regarding adding a new provision to the CC&Rs. We hired Sharon Tamiya, an expert in CC&Rs from the law firm of Jackson, DeMarco, Tidus and Peckenpaugh to explore this possibility. After reviewing our CC&Rs, Ms. Tamiya informed the board that our CC&Rs automatically renew and run in perpetuity. Additions or deletions to the CC&Rs can only be made with a majority vote of all the homeowners in the Oxnard Marina development, and with a two-thirds majority vote of all the homeowners in the Boise Cascade development.

Although the Board felt that new provision to the CC&Rs would be in the best interest of all our homeowners, we did not feel it was worth the money to propose making a single change in the CC&Rs given the reality that trying to get a two-thirds majority, or even a majority, of all homeowners, not just CIWHA members, would be quite daunting. We continue to work with the homeowner to find other ways to incorporate his suggestion to improve our community.

If you do not have a current set of CC&Rs and you are a member of the CIWHA, please let us know and we will be happy to provide a set for you. If you are not a member, the CC&Rs can be obtained from the County of Ventura. Our website will soon have a area where you can review the CC&Rs that govern your property. If you have any questions, please feel free to contact one of your Board members.

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the site. We want our web site to be useful to all of the marina residents. Feel free to e-mail Pat Younis with your comments and suggestions. She can be reached at patricia@channelislandsca.com



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