

# The Broadmoor Breeze



April 2023

*A Publication for the homeowners/residents of The Broadmoor Huntington Harbour Community Association*

## President's Message

*Welcome to the Hotel California  
Such a lovely place (such a lovely place)...  
You can check out anytime you like  
But you can never leave...*

The great Yogi Berra once said, "It's déjà vu all over again." Unfortunately, this time it isn't Mickey Mantle and Roger Maris hitting back-to-back home runs for the Yankees. Sadly, Broadmoor is being taken back to court again. Two different homeowners have filed five lawsuits against the association (see **Litigation Updates** article below). Two of those claims are identical and demand that the association force a homeowner to remove her air conditioning unit, which is confounding since one of the plaintiff's brought a similar action last year in which the court ruled in the association's favor. The great news is that the Superior Court has already clarified what it will and won't enforce with respect to these matters, so other than wasting the time of Powerstone's staff and your board members traveling to the Santa Ana courthouse, this is just another example of how our operating budget is impacted by a few people looking to create problems with issues that don't exist.

The demands in these new lawsuits are not only unrealistic, but don't serve the interests of a majority of the association. In fact they probably don't serve any resident's interest. If you have a legitimate issue, the board will always try to address it fairly long before litigation is necessary. Please just reach out to Powerstone. In some instances the board is limited as to what the association can do, but the board endeavors to be consistent and fair with all "reasonable" requests.

Spring has sprung, the pool is now heated and we already see some swimmers enjoying themselves, but it's nothing close to normal weather in our private Paradise we call Broadmoor. Our maintenance staff, Lang Roofing, and PrimeCo have all been working with Powerstone and your HOA board to combat Mother Nature. While most of our community has survived with

little to no major water issues, unfortunately not everyone has had it easy dealing with the most rain we've seen in decades and when the buildings were newer. With a little break in the weather and summer around the corner, we hope to successfully address the water issues that cropped up during the inundation, hopefully to be better prepared for future rainy seasons.

As this newsletter is released, we are in the midst of tenting and fumigation of all the remaining buildings that weren't already done in 2021 and 2022. Please stay tuned to your mail, emails and our website for updates and any further details as we work through the next month.

Speaking of emails, websites, mail and announcements from Powerstone and the board -- If you have changed your email, phone number or any other contact info, please take the time to update Powerstone. And be sure you are signed up for automatic email alerts on our website: [www.broadmoorhh.com](http://www.broadmoorhh.com). Some owners and residents remain unaware of important announcements and our notification system is only as good as your contact information on file. If you're not sure, please send an email to Ross Paulino ([rpaulino@powerstonepm.com](mailto:rpaulino@powerstonepm.com)) with your contact information today. We will update our records at Powerstone to ensure you hear from us. There is an unofficial Facebook Page for timely fun and community updates that may interest residents in our complex and surrounding area -- **Broadmoor Huntington Harbor Resident Group** ("Harbor" spelled wrong LOL). This is a great community and effective communication helps everyone feel like they know what's going on.

We are planning our first community social event in years. Director Suzanne Hammoud is heading up the effort for a Social scheduled for Saturday, June 3, to officially celebrate the restoration of the lagoon and replacement of the bridges, along with all the other great improvements we have accomplished these past few years. We hope all residents mark their calendars and plan to attend. More details will follow in our next

newsletter, and we will blast and post the event using all our social media and email capabilities. The board thanks everyone for your patience as we tackle the last few larger projects in the coming year. Once the fumigation is over, we can all take a breather and enjoy a fun filled summer. Cheers.

Ben Goldberg

### **Litigation Updates**

#### ***Robert Martin v. Broadmoor***

Homeowner Robert Martin filed suit in June 2021 in Orange County Superior Court, for damages from a water leak allegedly caused by failure of the plumbing system from the unit above his. Martin sued the upstairs owner whose plumbing line failed, the upstairs owner's insurance company, and Broadmoor. Under the association's CC&Rs, unit owners are responsible for the repair and maintenance of the plumbing systems servicing their unit. Farmers Insurance, the association's insurance carrier, accepted defense of this matter. In March 2023, the case was settled with no admission of liability by Broadmoor.

#### ***Anthony Sellas v. Broadmoor***

In 2022, homeowner Tony Sellas filed three lawsuits against the association, including one in which he targeted a specific homeowner and demanded the association make her remove her air conditioner condenser. Broadmoor prevailed in all three cases as reported in the January 2023 edition of the *Broadmoor Breeze*. Tony Sellas has now filed two more lawsuits against Broadmoor in Orange County Superior Court:

##### **(1) Removal of A/C Unit:**

Tony Sellas' first lawsuit is directed at a different homeowner's air conditioner (to date, over 53 condominium owners, or more than 20%, have installed air conditioners). Tony seeks \$500 in damages and again demands that the association make a homeowner remove her air conditioner. As he did in last year's suit, Sellas claims A/C installations require members' approval. The court ruled in Broadmoor's favor last year, stating that membership approval is not required for A/C installations. The new filing appears to ignore the court's prior decision.

##### **(2) Replacement of Window Boxes:**

In his second lawsuit, Tony seeks \$100 in damages and demands that that association replace the window boxes that were removed during the wood work project last year. The association made the decision to

remove all window boxes due to the extensive and costly interior dry rot and termite damage the boxes were causing to many units and to avoid similar damage to other units in the future.

#### ***Marie Teach v. Broadmoor***

Homeowner Marie Teach has filed three lawsuits against Broadmoor in Orange County Superior Court:

##### **(1) Removal of A/C Unit:**

In her first lawsuit, Marie seeks \$500 in damages for "nuisance for her time, travel and frustration" and demands that the association make a homeowner remove her air conditioner, claiming such installation requires the approval of the association members. This lawsuit is directed at the same homeowner's A/C installation targeted in Sellas' claim above and is identical to his action.

##### **(2) Replacement of Window Boxes:**

In her second lawsuit, Marie seeks \$10,000 in damages and demands that that association replace the window boxes that were removed during the wood work project last year. Teach's lawsuit addresses the same issue filed by Tony Sellas above and is duplicative of his filing.

##### **(3) Wood Entryway:**

In her third lawsuit, Marie Teach seeks \$2,500 in damages and demands reimbursement for fines imposed on her by the association for making unauthorized modifications to the common area entryway to her unit and her costs to make those unauthorized modifications.

The association does not believe there is any merit to any of the five claims filed by Tony Sellas and Marie Teach.

### **Importance of Homeowners Interior Insurance Coverage**

The association's responsibility ends where your unit interior begins. The association is generally responsible for insuring the [common elements](#) of the condominium; unit owners are responsible for insuring unit interiors and its contents. To that end, the interior is homeowner responsibility. If you have insurance to cover any damage, your insurer should pay for the necessary repairs and then, at their discretion, determine if the association (or the association's insurer) is responsible if the damage is caused by the association's negligence. Under the CC&Rs, homeowners are responsible for repair and maintenance of their windows.

### **Roof Repairs and Replacements**

Now that we are nearing the end of the rainy season and once fumigation of all buildings is complete, the association will continue with roofing repairs and replacements. The association has contracted with ADCO Roofing to re-roof the remaining 28 stand-alone garages, the pool bathroom building and the front archway. In addition, Craig Roofing has been retained to repair all tiles that are damaged during fumigation of the residential units. These projects should be completed in the next few months and notices will be posted on affected units.

### **Termite Tenting (new information added)**

Phase I of fumigation of the remaining buildings has begun. If your building is scheduled to be tented, please be sure you attend one of the prep meetings and turn in your signed paperwork and keys to your unit and garage. Questions may be directed to Sarah at Fenn Termite at 714-736-9000 ext 113 or [saraha@fennpest.com](mailto:saraha@fennpest.com).

Fenn has provided the association with a limited supply of extra fume bags. If you need a few more bags, please contact Michele Rossi or Ross Paulino at Powerstone and a board member will get you some more bags. If you need to park your vehicles outside during fumigation, you can complete an Extended Parking Pass application available at the front guard house. Be sure to turn your application in at least a couple days before tenting to allow for processing.

To assist residents during the tenting process, the association's maintenance staff is available to move plants under 25 lbs each from a resident's unit. Those services can be provided at a cost of \$62 per hour, which is the association's direct labor cost. The resident bears all responsibility for any damage to the plants, pots or property during relocation. If you need to utilize the association's staff to assist you, please contact Michele or Ross.

### ***Phase I - April 11 through April 13***

3235-3267 Moritz  
16471-16497 Tropez  
16575-16601 Tropez  
16412-16432 Martin  
16411-16425 Martin

### ***Phase II - April 25 through April 27***

16433-16449 Lazare  
Bordeaux garages  
16571-16585 Bordeaux  
16526-16552 Bordeaux  
16490-16516 Bordeaux  
16495-16511 Bordeaux

### ***Phase III - May 9 through May 11***

3181-3195 Moritz  
Grenoble garages  
Francois garages  
16411-16431 Lazare  
16361-16381 Martin  
16560-16582 Bordeaux  
Pool House

### ***Prep Meetings:***

Tuesday, March 28 at 6:00 p.m.  
Tuesday, April 4 at 6:00 p.m.  
Tuesday, April 18 at 6:00 p.m.

### **Tennis Court Repairs**

This past week repairs were made to the tennis courts to about 11 areas where the concrete surface has cracked and lifted. Back in 1978 when the tennis courts were built, the contractor did not use a waterproof underlayment under the concrete as is typically done today. As a result, over the years ground moisture penetrating the concrete has caused the rebar to rust. This corrosion begins to expand and causes areas of the courts to erupt or "spall." Unfortunately, the occurrence of these spalls will worsen as the courts continue to age and more frequent concrete repairs will be required.

### **Landscape Committee Updates**

Spring is here and everything is blooming beautifully. However, fumigation is underway in three phases at Broadmoor. Hence, new plantings on order have been put on hold while we try to protect existing vegetation from fumigation chemicals used. Harvest and the maintenance crew are busy pulling greenery away from the walls as much as possible. ***If your unit is being fumigated, please take all plants you have on patios, stairs, or inside your unit and place them in nearby common areas, away from the buildings, or they will perish.***

**REMINDER TO ALL RESIDENTS:** Please continue to remove empty pots, dying plants, faded plastic pots, or any other personal items from common areas near

your unit. Your compliance with this helps the landscape committee fill in those areas with healthy greenery or flowers and is much appreciated 😊

*Completed projects last month:*

- Several concrete rounds were sold and removed from front entrance area-providing a clean look
- Geraniums from those rounds were replanted at the headstone on the corner of PCH & Admiralty
- Pruning of bushes throughout the community is complete
- Mulching is complete for now
- Succulent trees and a ponytail palm were generously donated by residents and replanted on Moritz

*Pending projects:*

- Phase 3 tree trimming: palm pruning has been approved and scheduled for early June
- Front entrance area under trees still in progress- Robellinis in rounds will be better configured
- Along the lagoon, some concrete rounds are also being disposed of or sold
- Grimaud dead lantana will be replaced with other greenery - Harvest proposals forthcoming
- A trial magnolia brick circle is on display on Martin lane – check it out!

Please continue to send concerns about anything **green** to Powerstone, attention Michele at:  
[mrossi@powerstonepm.com](mailto:mrossi@powerstonepm.com)

Thank you again for your cooperation with and for your confidence in the Broadmoor landscape committee.

## **BOARD OF DIRECTORS**

2022/2023

**President:** Ben Goldberg  
**Vice President:** Ronald Lee  
**Treasurer:** Annette Merriam  
**Secretary:** Suzanne Beck-Hammoud  
**R-1 Grimaud Director:** Jordan Armitage

## **BROADMOOR CONTACTS**

**Broadmoor website:** broadmoorhh.com  
**Front guard house:** 562.592.4213  
**Powerstone Property Management:** 949.716.3998  
**Property manager:** Michele Rossi  
mrossi@powerstonepm.com 949.535.4538  
**Maintenance issues:** Ross Paulino  
rpaulino@powerstonepm.com 949.508.1621  
**GateKey Vehicle Pass System:** gatekey.com/resident-login

## **MONTHLY BOARD MEETINGS**

Third Wednesday of each month at 6:00PM at Calvary Chapel of the Harbour, 4121 Warner Avenue. All homeowners are encouraged to attend.

## **RESIDENT SERVICES CONTACTS**

**SPECTRUM COMMUNITY SOLUTIONS** (\$53 of the monthly assessment includes 300Mbps internet, cable TV, DVR, internet modem/router & Showtime Premium Channels): 855.895.5302

**BUTIN'S PLUMBING** (for individual and common area plumbing issues): 714.670.1900

## **HUNTINGTON BEACH POLICE**

Front desk/noise complaints: 714.960.8811  
Parking control (non-emergency): 714.960.3998 ext #0

## **REPUBLIC SERVICES** (trash and recycling):

Monday to Friday 7:30A – 5:00P: 714.847.3581

## **ORANGE COUNTY ANIMAL CONTROL**

Monday to Friday 8:00A – 5:00P: 714.935.6848  
After hours: 714.935.7158

The **Broadmoor Breeze Newsletter** is posted by the 15th of each month on the association's website [www.broadmoorhh.com](http://www.broadmoorhh.com). A copy of the newsletter is included with monthly statements. Any comments or suggestions should be emailed to the Powerstone property manager.

**Email alerts:** Always be up to date with important association information by signing up for automatic email alerts on the website.

## **COMMITTEES AND THEIR MEMBERS**

\* Chairperson  
\*\* Board Liaison

**Architectural Committee (Condominiums)**  
Condominium Board Members

**Architectural Committee (Grimaud R-1)**  
R-1 Board Member

**Architectural Advisory Committee (Condos)**  
\* Chris Gray  
Barbara Blodgett  
Carlos Bosio  
Arlene Speiser

**Architectural Advisory Committee (Grimaud R-1)**  
Michael McCoy  
Peter Francis  
Barbara Villa

**Advisory Committee (Grimaud R-1)**  
Michael McCoy  
Peter Francis  
Michael Levitt  
Paul Villa

**Inspector of Election**  
Greg Copeland  
Carl Palazzolo (alternate)

**Landscape Committee**  
\* Melanie McCarthy  
Kim Hendrix  
Kathy Turner  
\*\* Suzanne Beck-Hammoud

**Parking Committee**  
\* Jeff Pennington  
Chris Gray  
Bill Selfridge  
Tony Sellas

**Reserve Study Committee**  
Chris Gray  
Stefan Steinberg  
\*\* Annette Merriam