

Luxury High Rise SOMA Grand Residential HOA Files Suit Against TMG Partners, Webcor and Related Partners for Faulty Construction

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Owners of units in the luxury, high rise SOMA Grand building have filed suit in San Francisco Superior Court for numerous construction defects and building standard violations. The SOMA Grand Residences Owners Association and the SOMA Grand Center Association is a 22-story, 246-unit residential community that was completed in 2009.

Damages in excess of \$4 million are estimated as a result of the construction defects.

Located at 1160 Mission Street, SOMA Grand was the first luxury-serviced condominium in the transitional midmarket neighborhood of San Francisco and sold out all units despite the economic downturn of the housing market.

According to the lawsuit, by 2011, the development began to experience significant waterproofing issues in the exterior concrete masonry walls, subterranean garage walls and the expansive podium deck. Exterior sealant joint failures of the pre-cast concrete walls and window defects are also identified.

Flooding of several units also occurred during rainstorms in December 2012. All of the defects were identified by independent forensic architects and consultants retained by the homeowners association through counsel, The Miller Law Firm.

In December, 2011 the Association put the builder and general contractor on notice of building standard violations through the SB 800 or Title 7 pre-litigation process, in the hopes of resolving the claims outside of litigation. Eric Tao, President of AGI Capital Group, and general contractor Webcor Builders, Inc. participated in several mediation sessions that were ultimately unsuccessful in resolving the construction defect claims at the SOMA Grand.

Those named in the lawsuit include: TMG Partners and the three LLC's formed to build and sell the condos -- 1160 Mission Associates, LLC, AGI-TMG Mission, LLC and TMG 1160, LLC, the project architects -- Kwan Henmi Architecture & Planning, Inc., Architecture International, LTD., and McGinnis Chen Associates, Inc., and the general contractor for the project, Webcor Builders, Inc.

Thomas E. Miller, CEO of The Miller Law Firm and Attorney for The SOMA Grand Residences Owners Association and The SOMA Grand Center Association, states, "Modern high rise residential construction is not immune to design and construction defects. Water leakage, sealant failure, condensation, mechanical issues, engineered wall systems and siding defects are commonly identified in today's high rise buildings. All of these issues can be repaired and these buildings can be restored within a matter of a few months."



Kevin Wiley, Partner of CitiScape Property Management and the professional management company for the SOMA Grand Association, states, "Homeowners Associations that face building issues are always advised to present the problems to the builder first, which is what we did at SOMA Grand. Oftentimes it requires independent experts to help further identify the source of the defects. Pulling together experts, counsel and the building team to address repair options is the first step in addressing construction or design defects."

According to Rachel Miller, Senior Partner of The Miller Law Firm, "High Rise Homeowners Associations can address these claims through independent experts and counsel and early resolution is always preferred. When that does not occur, the court system can help return recoveries within 18-24 months."

The Miller Law Firm also currently represents the following San Francisco high rise buildings with construction defect claims, including 255 Berry Street HOA, Park Terrace HOA, 888 7(th) Street HOA, 88 Townsend Street HOA, and Cubix/766 Harrison HOA.

Detailed information Thomas E. Miller and Rachel M. Miller, of The Miller Law Firm (www.ConstructionDefects.com) are the co-authors of, "Home and Condo Defects: A Consumer Guide to Faulty Construction," (Seven Locks Press, 2012), available online at www.amazon.com.

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