October 22, 2026

Via Email (info@tsra.com) and U.S. Mail

Board of Directors
The Sea Ranch Association
975 Annapolis Road, P.O. Box 16
Sea Ranch, California 95497

Re: Tracy Craig / The Sea Ranch Association —
Formal Opposition to Resolution 616 and Proposed Resolution 626;
Demand for Deferral of October 24, 2026 Vote; Preservation of All Rights

Dear Members of the Board:

This firm represents Tracy Craig, owner of the property located at 40690 Leeward Road, Sea Ranch, California ("Ms. Craig"). Ms. Craig's property is immediately adjacent to the Del Mar Center at 40600 Leeward Road. This letter constitutes formal written notice of Ms. Craig's opposition to the permanent pickleball authorization contemplated by Resolution 616 and proposed Resolution 626, and a demand that the Association defer the October 24, 2026 Board vote on Resolution 626 pending compliance with applicable procedural and substantive requirements of the Sea Ranch Restrictions, the Association's Bylaws, the Davis-Stirling Common Interest Development Act, and California law. Ms. Craig's position is consistent with, and she joins in, the concerns raised by Elizabeth Carmel and additional Sea Ranch members.

Ms. Craig is among the members most directly and disproportionately affected by the proposed permanent pickleball use. Her property is immediately adjacent to Del Mar Center, and she continues to experience adverse impacts from the Association's prior removal of approximately sixty-one (61) Monterey cypress trees comprising Windbreak No. 12—the hedgerow that had buffered her property from the sights and sounds of that recreational facility for over a century. The Association's proposal to permanently intensify the noise-generating use of Del Mar Center, while leaving Ms. Craig's property without the screening it removed, compounds her existing harm in a direct and measurable way.

I. RESOLUTION 616 AND RESOLUTION 626: OPERATING RULE VIOLATIONS

On or about May 5, 2026, the Association responded to a member records request by asserting that Resolution 616 does not constitute an "operating rule" and is therefore not subject to the notice and comment requirements of California Civil Code section 4360. The Association characterizes Resolution 616 as a "directive to staff and the Planning Committee to take certain action." This position is legally untenable and creates an inescapable dilemma for the Association.

Civil Code section 4340 defines "operating rule" broadly to mean any regulation adopted by the Board governing use of the common area. The statutory definition is functional, not formal: courts look at what a Board action does, not what the Association labels it. If Resolution 616 establishes or authorizes pickleball as a permitted use at Del Mar Center, it governs member use of common area and is an operating rule under section 4340(a), regardless of its title. As such, it was required to comply with the notice and comment procedures of Civil Code section 4360—which require distribution to all members of the proposed rule text and a description of its purpose and effect, a minimum twenty-eight-day member comment period, and a separate post-adoption notice—before the Board voted to adopt it. The Association's own records confirm that none of these steps were taken. Resolution 616 therefore fails the validity requirements of Civil Code section 4350 for lack of substantial compliance with operating rule adoption procedures, and is unenforceable.

The Association's alternative—that Resolution 616 is merely an internal staff directive—leads to the equally fatal conclusion that there is presently no valid operating rule authorizing any permanent pickleball use at Del Mar Center. Under that view, such authority must still be established through a proper operating rule adoption, with full section 4360 member notice and a twenty-eight-day comment period. In neither case may the Board adopt a permanent authorization on October 24, 2026 without first satisfying those requirements.

Proposed Resolution 626 suffers from the same deficiency independently. The Board meeting agenda notice issued for October 24, 2026 does not constitute the member-directed notice required by Civil Code section 4360 for an operating rule change. The section 4920 Board meeting agenda notification framework and the section 4360 operating rule adoption framework are distinct statutory mechanisms serving different purposes. As of this letter, no section 4360 notice has been distributed to members identifying the text of any proposed permanent pickleball operating rule, describing its purpose and effect, or providing the mandatory twenty-eight-day member comment period. A vote on Resolution 626 on October 24, 2026 would therefore constitute adoption of an operating rule without the required pre-adoption notice, rendering Resolution 626 void for the same reasons as Resolution 616.

Resolution 626 also introduces an additional operating restriction not contained in Resolution 616: Paragraph 10 of the proposed resolution provides that reservations for Court 2 at Del Mar Center for tennis will be accepted only if Court 1 is already committed for tennis. This restriction materially burdens members' existing tennis reservation rights and constitutes a separate, new operating rule governing member use of common area recreational facilities. It has never been noticed to members under section 4360 at all—not even in a prior iteration. The Association may not impose this new restriction on members' court access without first satisfying the full section 4360 notice and comment process.

II. RESOLUTION 626 IS SUBSTANTIVELY MORE DEFICIENT THAN ITS PREDECESSOR

Resolution 626 does not merely repeat the procedural deficiencies of Resolution 616; it compounds them. At the August 22, 2026 Board meeting, Director Hubbell recommended in the clearest terms that permanent markings require advance notice to members and should be considered separately from other proposed changes. Resolution 626 disregards both recommendations: it combines permanent court striping, new physical infrastructure, new operating restrictions, and expenditures in a single resolution without the advance notice Director Hubbell identified as necessary, and without the deliberate, separate consideration she called for.

The Tyler/Fulkerson memorandum supporting Resolution 626, dated October 15, 2026, was co-authored by Board Chair Fulkerson—who is simultaneously the presiding officer over the very vote Resolution 626 asks the Board to take. This arrangement raises procedural fairness concerns that are compounded by Chair Fulkerson's conduct toward members who have raised objections, addressed in Section VIII of this letter.

Resolution 626 also contains a structural asymmetry that reveals its incomplete character. The permanent pickleball striping of Court 2 is authorized outright, while the acoustic mitigation measures that are supposed to address the resulting noise impact on neighboring properties—specifically, the proposed acoustic screening on chain link fences—are conditioned on "staff time and resources." The Association is thus proposing to make an irrevocable permanent commitment to pickleball while leaving neighbor protection as a discretionary, unfunded afterthought. This asymmetry is not a technical drafting issue; it reflects a substantive prioritization decision that treats pickleball expansion as mandatory and neighbor impact mitigation as optional.

No complete budget has been provided for the full scope of Resolution 626. The resolution states that costs will be "handled within existing budgets," without identifying those budgets, quantifying the expenditure, or explaining how the Association will fund a permanent court striping contract, two commercial rolling pickleball nets, a Court 1/Court 2 divider netting system estimated at $19,000, installation of new fencing on the west side of Del Mar Center, acoustic screening on chain link fences, reservation system configuration, and any associated design review or permitting costs—all of which are encompassed within the resolution's scope. Members are entitled to know whether the Association has actually budgeted for this work before it is permanently authorized.

No professional acoustic assessment is required by Resolution 626 before implementation proceeds. The Tyler/Fulkerson memorandum asserts, without citation to any study, that the proposed changes "will reduce noise from current levels." This assertion is unsupported and insufficient. The Association's own Board deliberations have never been supported by a site-specific acoustic study at Del Mar Center. The proposal to permanently alter a recreational facility adjacent to Ms. Craig's property—which has lost its historic windbreak screening—demands objective, professional acoustic evidence before any permanent commitment is made, not unsubstantiated staff assurances.

The pickleball project at Del Mar Center has never been evaluated as a whole. It has proceeded piecemeal: Resolution 616 authorized an interim use without proper notice; the holistic Planning Committee review was cut short; the Planning Committee's proposal (Resolution 624) failed 1-to-6 at the August 22 Board meeting; and Resolution 626 now revives the project without ever undertaking the complete, integrated assessment the Board itself voted to commission on April 25, 2026. A permanent physical modification to a common area facility should not be approved through an accumulated series of incremental steps, each of which individually avoids the comprehensive review that the project as a whole requires.

Members raising objections have also identified a significant legal question about the scope of the remedy available to neighboring property owners under the Association's governing documents. TSRA Rule 6.6.03(c)(5) excludes from the nuisance-noise rule recreational-center uses occurring during non-quiet hours. Before permanently authorizing an expanded and intensified recreational use adjacent to residential properties, the Association should assess and disclose to affected members the practical consequence of this exclusion: what remedies will be available to owners whose quiet enjoyment is impaired by pickleball noise at Del Mar Center during non-quiet hours? The answer to this question is material to the Board's findings under Restrictions section 7.01 and to each affected member's ability to assess and respond to the proposed resolution.

III. DESIGN COMMITTEE REVIEW AND GOVERNMENTAL PERMITS ARE REQUIRED

Sea Ranch Restrictions section 3.07 requires that any construction, reconstruction, refinishing, or alteration of an improvement on common area be submitted to the Design Committee for review and written approval, with a mandatory finding that the proposed work will not "materially prejudice" The Sea Ranch or any Owner in the use and enjoyment of their property. Resolution 626 encompasses multiple independent triggers of this requirement:

Permanent pickleball court striping constitutes a "refinish" of the tennis court surface within the meaning of section 3.07. Installing a divider netting system on four new concrete footings constitutes new construction on common area. Fully fencing the west side of the Del Mar Center courts constitutes new construction and alteration of common area improvements. Installing acoustic screening on existing chain link fences constitutes an alteration of existing improvements. Each of these actions independently triggers section 3.07 review. Director Hubbell acknowledged as much at the August 22 Board meeting when she stated that permanent restriping is "changing the facility"—an admission by a Board director that the section 3.07 threshold is crossed.

Certain physical changes contemplated by Resolution 626 may also require governmental permits independent of any section 3.07 Design Committee approval. The installation of new fencing and acoustic barrier structures could require building permits from Permit Sonoma depending on height, materials, and footings. The Tyler/Fulkerson memorandum references a Sonoma County statement

regarding striping, but a county statement addressing striping alone does not constitute a determination that fencing, acoustic wall installations, or new structural elements are similarly exempt from permitting requirements. Each proposed physical modification must be independently assessed for permitting obligations.

The Design Committee's mandatory "materially prejudice" finding under section 3.07 requires a site-specific assessment of the impact on each affected Owner. Ms. Craig's property at 40690 Leeward Road is directly adjacent to Del Mar Center. Given the documented absence of any site-specific acoustic study, the ongoing loss of Windbreak No. 12 screening, and the well-recognized acoustic characteristics of pickleball play—including the high-pitched, repetitive impulse noise generated by paddle and ball contact—the Design Committee cannot honestly make the required "materially prejudice" finding with respect to Ms. Craig without first commissioning a site-specific noise assessment at her property under realistic permanent use conditions.

IV. MS. CRAIG'S QUIET ENJOYMENT RIGHTS AND THE COMPOUND INJURY

Sea Ranch Restrictions section 7.01 provides that recreational use of Association facilities "shall remain compatible with the rights of other Owners in their enjoyment of The Sea Ranch environment." This is an independently enforceable obligation, not a planning aspiration. Restrictions section 9.02 expressly authorizes Owners to enforce limitations and obligations imposed by the Restrictions upon the Association. Ms. Craig invokes section 7.01 directly as a basis for opposing any permanent pickleball authorization that is not demonstrably compatible with her quiet use and enjoyment of her property.

In September 2025, the Association removed sixty-one Monterey cypress trees comprising Windbreak No. 12—the hedgerow that had shielded Ms. Craig's adjacent property from the views and sounds of Del Mar Center's active recreational uses for over a century. The Association justified this removal as an emergency response to protect the Del Mar Center facility itself. The removal exposed Ms. Craig's property to unobstructed sight lines and sound transmission from Del Mar Center, with no interim replacement screening provided in the now more than twelve months since removal.

The Association now proposes to permanently intensify the noise-generating use of that same facility. The causal chain is direct: the Association eliminated the protection that buffered Ms. Craig's property from Del Mar Center, and now seeks to increase the acoustic impact that protection had historically mitigated. The 2013 Coastal Element Policy and the Association's own Community Environment Plan identify protection of the privacy of individual homes as an express objective—an objective the proposed permanent pickleball expansion at Del Mar Center, in the current condition of that site, undermines rather than serves.

V. FIDUCIARY DUTY, REASONABLE INVESTIGATION, AND THE AFFAN STANDARD

California Corporations Code section 7231 requires nonprofit corporation directors to perform their duties with the care that an ordinarily prudent person in a like position would use under similar circumstances, including reliance on information obtained through reasonable inquiry. California courts have recognized that HOA governing bodies are entitled to judicial deference only when they can demonstrate that they undertook a reasonable investigation and provided a considered response to known problems. See, e.g., Affan v. Portofino Cove Homeowners Assn. (2010) 189 Cal.App.4th 930, 940 (declining deference where association failed to demonstrate reasonable investigation of known problem). The record here does not meet that standard.

The Board's record discloses no site-specific acoustic study at Del Mar Center despite repeated, substantive written warnings from affected members that permanent pickleball use will unreasonably interfere with their quiet enjoyment. In lieu of objective evidence, the Board has relied on: (1) the absence of prior member complaints—an unreliable proxy given the limited prior use; (2) anecdotal comparison to member experience at the Ohlson facility, without accounting for differences in site configuration, terrain, barriers, and distances to residences; (3) unsubstantiated comparisons of individual ball-impact sound levels; and (4) suggestions generated through an artificial intelligence query during Board deliberation itself. One director's statement that the Board was "not going to get smarter on this topic" does not constitute the reasonable inquiry California law requires.

Resolution 626 proceeds to authorize permanent physical alterations to common area without first establishing whether effective acoustic mitigation is technically feasible, what it would cost, or how and when it would be fully implemented and funded. The asymmetry between outright permanent authorization of pickleball striping and conditional, unfunded neighbor protection measures reflects a failure of the careful, good-faith balancing that the Board's fiduciary duties require. Approving an irrevocable physical commitment while leaving the questions that generated the most member opposition expressly unresolved is not a reasonable or good-faith exercise of Board authority.

VI. COASTAL AND COUNTY PERMITTING STATUS IS UNRESOLVED

Del Mar Center is located in unincorporated Sonoma County within the Coastal Zone. The California Coastal Act defines "development" broadly to include any "change in the density or intensity of use of land." (Pub. Resources Code § 30106.) Permanent authorization of pickleball play—a different activity with different use frequencies, durations, and acoustic characteristics than historical tennis use—is a plausible intensification of use at a coastal recreational facility requiring a Coastal Development Permit or an applicable exemption determination. (Pub. Resources Code § 30600.) Sea Ranch Restrictions section 9.03(b) independently provides that nothing in the Restrictions shall excuse compliance with the laws and regulations of governmental bodies having jurisdiction over Sea Ranch.

As noted above, the Tyler/Fulkerson memorandum references a county statement regarding striping, but neither addresses the full physical scope of Resolution 626 nor constitutes a determination by Permit Sonoma or the California Coastal Commission regarding the permitting status of the project as a whole. Ms. Craig demands that the Association obtain written determinations from Permit Sonoma and, as applicable, the California Coastal Commission, regarding the permitting requirements applicable to all physical modifications contemplated by Resolution 626 before any vote is taken.

VII. THE BOARD'S OWN PLANNING REVIEW REMAINS INCOMPLETE

At the same meeting at which Resolution 616 was adopted on April 25, 2026, the Board voted five to one to refer a holistic, comprehensive racket sports planning review to the Planning Committee. That referral was a formal Board action. It has not been rescinded by a formal Board vote. Association Bylaws section 4.06 defines the authority of the Board Chair; it does not authorize the Chair to unilaterally withdraw a Board-approved planning assignment. Chair Fulkerson's subsequent direction to the Planning Committee not to complete the broader review was taken without the authority to do so.

The consequences are evident in the record before the Board on October 24. The Planning Committee's proposal (Resolution 624), brought to the August 22, 2026 Board meeting, failed by a vote of 1 to 6. Rather than complete the holistic review the Board voted to commission, Chair Fulkerson and Director Tyler have now co-authored a staff memorandum proposing Resolution 626 as a replacement. A permanent decision regarding Del Mar Center pickleball use made before the Board's own referred planning review is formally completed—or formally rescinded by a duly noticed Board vote—is procedurally inconsistent with the Board's own prior resolution.

VIII. CIVIL CODE SECTION 4515(e): ANTI-RETALIATION

California Civil Code section 4515(e) prohibits a homeowners association from retaliating against a member for exercising any right guaranteed under the Davis-Stirling Act, including the right to petition the Board, communicate with other members, and participate in community governance. Retaliation is broadly construed and includes any adverse action taken against a member because of protected conduct.

The pattern of conduct associated with the Board's handling of pickleball opposition raises material concerns under section 4515(e). Members opposing the pickleball expansion have exercised their rights by petitioning the Board, circulating information among Association members, and participating in online discussions. Rather than responding to the substantive concerns raised, the Board—acting through its Chair—has treated organized opposition as a challenge to authority rather than the legitimate exercise of member rights. Specifically, Chair Fulkerson has made disparaging public remarks about members raising concerns, has interrupted members during Board meeting testimony, and has declined a member request to have another Board member chair the Del Mar

Center agenda item despite Chair Fulkerson's co-authorship of the Tyler/Fulkerson memorandum advocating for Resolution 626.

The trajectory of the proposed resolutions is also relevant to the section 4515(e) inquiry. The proposal put before the Board on October 24, 2026 is more aggressive toward neighbors—not less—than the August version that failed. When a governing body responds to sustained member opposition by escalating the scope of its proposed action rather than engaging with the substantive concerns raised, that trajectory is probative of retaliatory motive. Ms. Craig formally places the Association on notice that any further adverse action against members exercising their rights under the Davis-Stirling Act in connection with this matter will be treated as a violation of section 4515(e).

IX. DEMANDS

Based on the foregoing, Ms. Craig demands that the Association take the following actions:

1. Defer the October 24, 2026 Vote. The Board should defer its vote on Resolution 626, and any other permanent pickleball authorization, until all of the procedural and substantive requirements identified in this letter have been satisfied. This demand applies to the permanent court striping, the new tennis reservation restrictions in Paragraph 10, and all physical infrastructure components of Resolution 626.

2. Operating Rule Notice. Provide all members with advance written notice pursuant to Civil Code section 4360, including the proposed rule text and a description of the purpose and effect of any proposed permanent pickleball operating rule and any proposed new tennis reservation restriction, and allow the required twenty-eight-day member comment period before any Board vote is taken. Ms. Craig demands timely opportunity to submit written comments during that statutory window.

3. Design Committee Review. Submit all proposed permanent physical changes to Del Mar Center—including court restriping, the divider netting system, new fencing on the west side, acoustic screening installations, and any other infrastructure modifications—to the Design Committee for review and written approval pursuant to CC&Rs section 3.07, including a site-specific acoustic assessment at Ms. Craig's property at 40690 Leeward Road as a prerequisite to any finding that the proposed work will not "materially prejudice" her use and enjoyment.

4. Independent Acoustic Assessment. Commission an independent, site-specific acoustic study measuring noise levels at affected adjacent properties—including Ms. Craig's property—under realistic permanent pickleball use conditions at Del Mar Center, accounting for the absence of Windbreak No. 12 screening. No permanent authorization should be advanced until the Association has established, based on professional evidence, whether effective mitigation is feasible, what it will cost, and how it will be fully implemented and funded.

5. Complete Budget. Provide members with a complete, itemized budget for all components of the proposed Resolution 626 project—including striping, netting, rolling nets, fencing, acoustic screening, reservation system configuration, design review, and permitting—before any vote is taken on permanent authorization. "Handled within existing budgets" is not a budget; it is an undisclosed financial commitment charged to accounts not identified or approved for this purpose.

6. Governmental Permits. Obtain written determinations from Permit Sonoma and, as applicable, the California Coastal Commission, regarding whether permanent pickleball use and all physical modifications contemplated by Resolution 626 require a Coastal Development Permit or other governmental entitlement under Public Resources Code sections 30106 and 30600, and provide those determinations to members before any permanent vote is taken.

7. Nuisance Remedy Assessment. Assess and disclose to affected members the practical consequence of TSRA Rule 6.6.03(c)(5)'s exclusion of recreation-center use during non-quiet hours from the nuisance-noise rule, including what remedies will remain available to owners whose quiet enjoyment is adversely affected by pickleball noise at Del Mar Center, and how those remedies interact with the rights and obligations established by the Sea Ranch Restrictions.

8. Complete or Formally Rescind the Planning Review. Either complete the holistic racket sports planning review assigned to the Planning Committee by the Board's five-to-one vote on April 25, 2026, or formally rescind that referral by a duly noticed Board vote with advance notice to members, before treating Resolution 626 or any successor resolution as the Board's final position on Del Mar Center pickleball use.

9. Deferral Pending ADR. A formal Alternative Dispute Resolution request is pending with respect to the Association's conduct in connection with the Del Mar Center pickleball matter. Ms. Craig demands that the Association defer adoption and implementation of any permanent pickleball authorization, and any further physical modifications to Del Mar Center in connection with this project, while the ADR process is ongoing, and preserve all affected members' rights during that period.

X. RESERVATION OF RIGHTS

Nothing in this letter constitutes a waiver of any claim, right, or remedy available to Ms. Craig, all of which are expressly reserved. Sea Ranch Restrictions section 9.02 expressly authorizes Owners to enforce limitations, restrictions, covenants, conditions, and obligations imposed by the Restrictions upon the Association, and provides that failure to enforce at any time does not constitute a waiver of the right to enforce in the future. California Civil Code section 5975(c) entitles a prevailing party in an action to enforce the governing documents of a common interest development to an award of reasonable attorney's fees and costs. Ms. Craig reserves all rights under the Association's governing documents, the Davis-Stirling Act, California Corporations Code sections 7231 et seq., Civil Code section 4515(e), the California Coastal Act, Sonoma County regulations, and any other applicable

law. Available remedies include, without limitation, formal proceedings within the Association's governance mechanisms, complaints to Permit Sonoma and the California Coastal Commission, civil litigation, and an application for injunctive relief to prevent the commencement of any permanent physical work at Del Mar Center before the requirements of this letter are satisfied.

We request the Board's written response to this letter no later than the close of business on October 23, 2026, and in any event before the October 24, 2026 Board meeting. Please direct all correspondence regarding this matter to this office.

Very truly yours,

Nick Colla

Nick Colla
COLLA & RAY LLP

cc: Tracy Craig (Client); David F. Feingold, Esq., Ragghianti Freitas LLP (TSRA Counsel); Elizabeth Carmel (Co-Signatory Member)