Schmier Family Proposed Home Addition

Planning Commission Hearing - June 10th 2014

Our San Mateo Journey

San Mateo homeowners since 2000

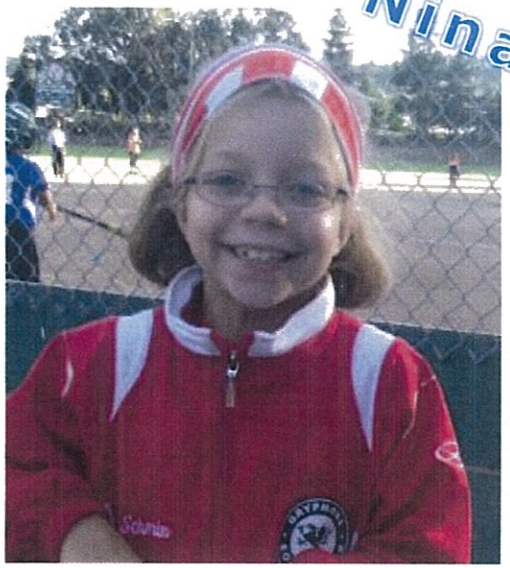
Parents since 2002

Our Family

Natalie

- 6th grader at Borel
- Outstanding Bobcat and Academic Excellence awards
- Humane society volunteer
- School tennis team and San Mateo league softball

Nina



- 4th grader at Meadow Heights
- Library helper and Peace Maker
- Spring Stampede champion 5 years
- Gryphons soccer team

Michael and Terri

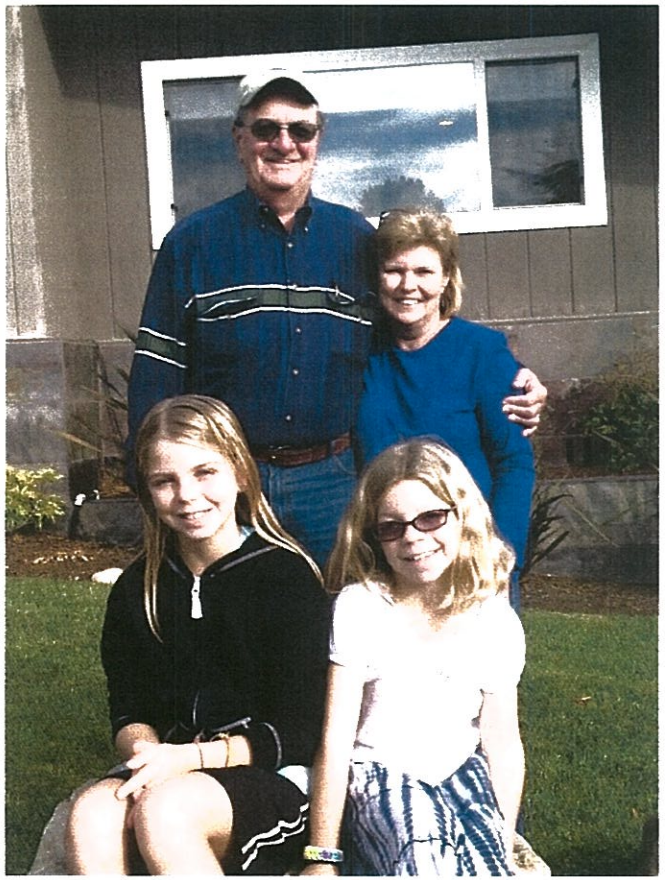
Terri

- 13 year Intuit employee
- Active PTA and Site Council volunteer
- Beresford tennis teams

Michael

- Product leader and organization builder
- 11 year GreatSchools nonprofit board member
- School and humane society volunteer

The Grandparents



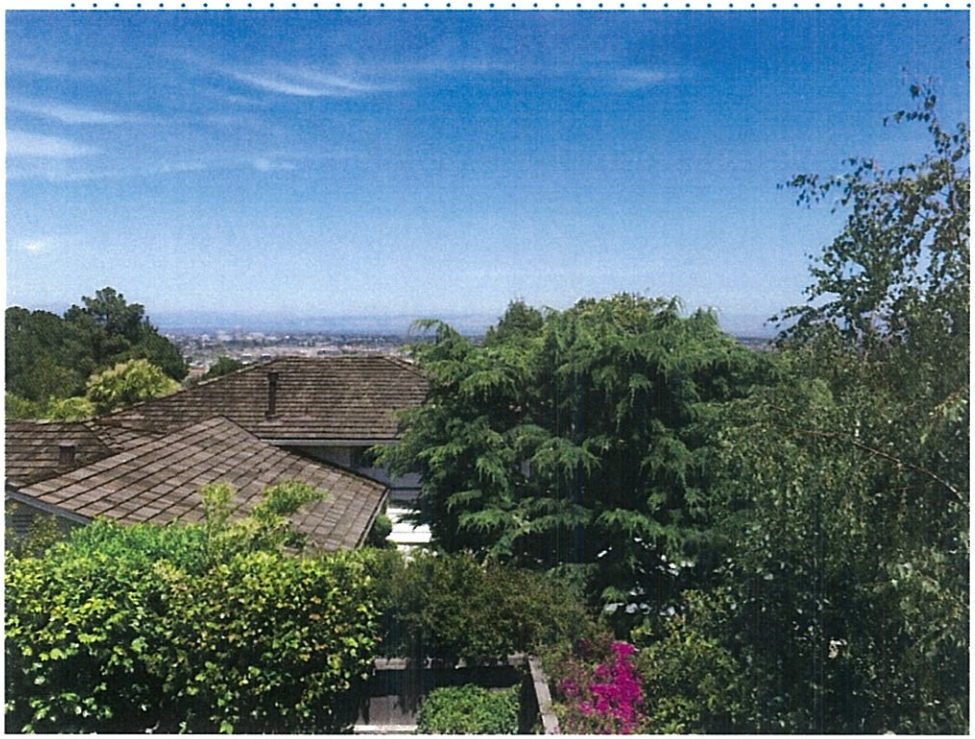
Grampy and Grammy
Greeley, CO

Grandma and Grandpa
Valdosta, GA

Nana
Port Charlotte, FL

We are not pursuing this project to buy ourselves a view but rather to have a home where we can support and spend time with our family.

New View from Proposed Addition



View from proposed addition – southeast corner

View from proposed addition – northeast corner

Given elevation of our home relative to downhill neighbor, we are not gaining a panoramic, unobstructed view – primary view is of neighbor's roof and trees.

Alternatives Considered Over the Last Nine Years

1. **Move to a larger home in the area – spent several months house-hunting twice in the last few years**
   - **Cost prohibitive**
   - **Would have to sell current house first – risky given low supply of houses that would work for us**

2. **Build into patio/side yard area**
   - **Substantial 1st floor modifications required**
   - **Massive roof expanse view for uphill neighbors**
   - **Virtually eliminates already small outdoor usable space**

3. **Add 2nd story over the back portion of our house**
   - **Blocks uphill neighbor's primary living room/yard views**
   - **Privacy issues for downhill neighbor**

After exhausting all other options, decided the only viable option allowing us to stay in San Mateo and support our family is a 2nd story addition to our current home.

Impacted Neighbor History

- Very positive, friendly relationship with Karen over 14 years
- First pursued second story in 2005 – Karen made no objection when we discussed with her and didn't attend open house
- In 2005, removed 2 large Black Acacia trees from our property to enhance Karen's living room/back yard view as well as her uphill neighbor's view
- Reached out to Karen again last summer (2013) to discuss moving forward with 2nd story and the proposed location of the addition
  - Response was "as long as you don't block my living room and back yard view… I only sleep in my bedroom anyway"
  - Offered to install a new north-facing window in her bedroom

Impacted Neighbor History (cont.)

- Fall 2013 (plans well underway), Karen voiced concerns about the impact of our addition to the value of her home
- Offered to pay for an appraisal considering:
  1. Impacted view value
  2. Living room/back yard view value (enabled through tree removal)
  3. Value of view from proposed north-facing bedroom window
  4. "Halo effect" of our positive investment in neighborhood
- Karen hired an appraiser who valued her impacted view at ~$75K. Assume other factors would at least partially, if not entirely offset the lost value.
- Plans have been revised to even further reduce the impact to her view by moving the addition further forward, lowering the roof plate, and making the roof partially flat.
- Karen has never asked for any specific changes. We have proactively shared all changes with her and how each change has helped to preserve more of her view.

We empathize with Karen's concerns and have sincerely tried to maintain an open, constructive dialogue and minimize her view impact to the fullest extent possible.

Efforts to Mediate with Other Neighbors

- Open house held 10/29/13; **54 neighbors invited – only four people attended**: Karen, Larry and Trish Mottin (928 W. Hillsdale), and Brian French (10 Cragmont Court – Brian is in support of our project).
- Went door to door after open house to ask if folks had questions or concerns about our project – connected with 10 neighbors, all of whom said they support our efforts.
- In response to multiple e-mails sent to the street, offered 2 more times in February and again in May to meet individually or host another open house – **received no response**.
- E-mailed and met with Scott Finley once we learned from our city planner he had concerns. Asked if there was anything specific we could do to mediate his concerns short of not pursuing the project – **received no response**.

With exception of Karen, Scott, and Larry & Trish, no neighbors who have voiced objections to our project have been willing to have a constructive dialogue with us to understand our plans, how we arrived at them, and what we have done to minimize the impact to Karen and her views.

California Law Regarding Views

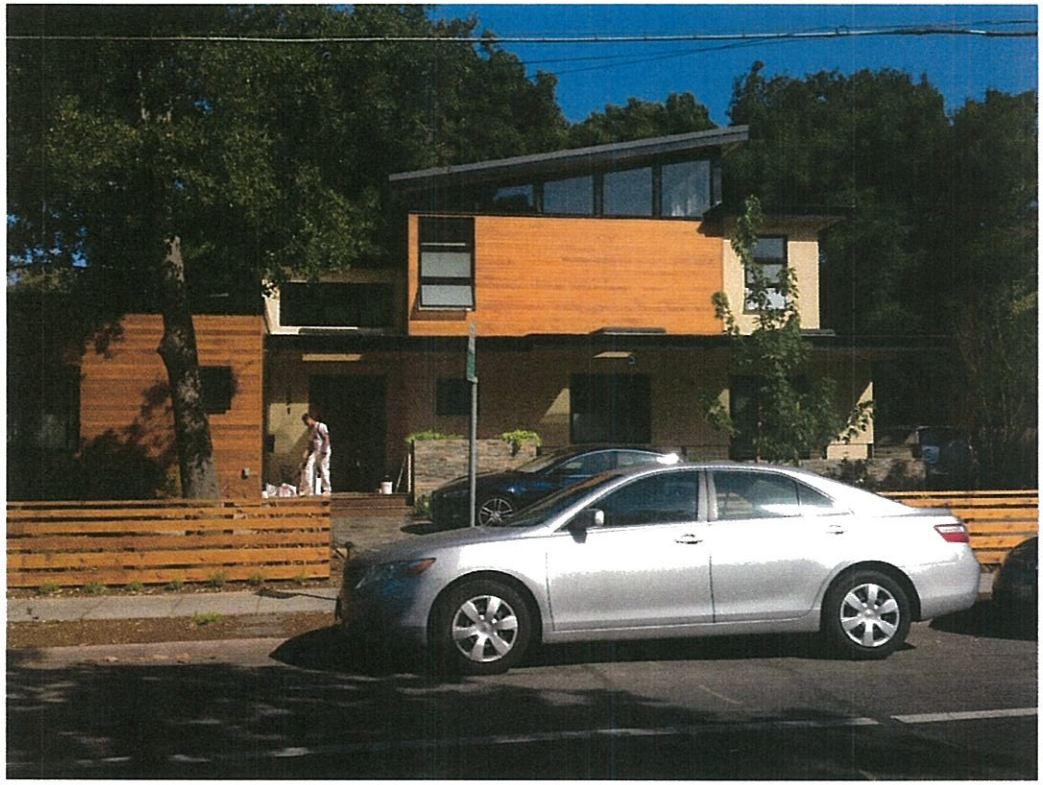
"As a general rule, a land owner has no natural right to air, light or an unobstructed view, and the law is reluctant to imply such a right." ***Pacifica Homeowners Association v. Wesley Palms Retirement Community (224 Cal. Rptr. 380, 1986)***

"It is well settled in California that easements for light and air cannot be created by implication but only by express grant or covenant." ***(Kennedy v. Burnap (1898), 120 Cal. 488 [52 P. 843, 40 L.R.A. 476]; Bryan v. Grosse (1909), 155 Cal. 132 [99 P. 499]; Clark v. Mountain States Life Ins. Co. (1934), 1 Cal.App.2d 301 [36 P.2d 848].)***

Granting this appeal would go beyond the scope of the Design Guidelines and set a bad precedent for single-family remodels in San Mateo. It would also deter potential future homeowners from buying in San Mateo by limiting their ability to invest in and improve their homes to meet their family's needs.

APPENDIX

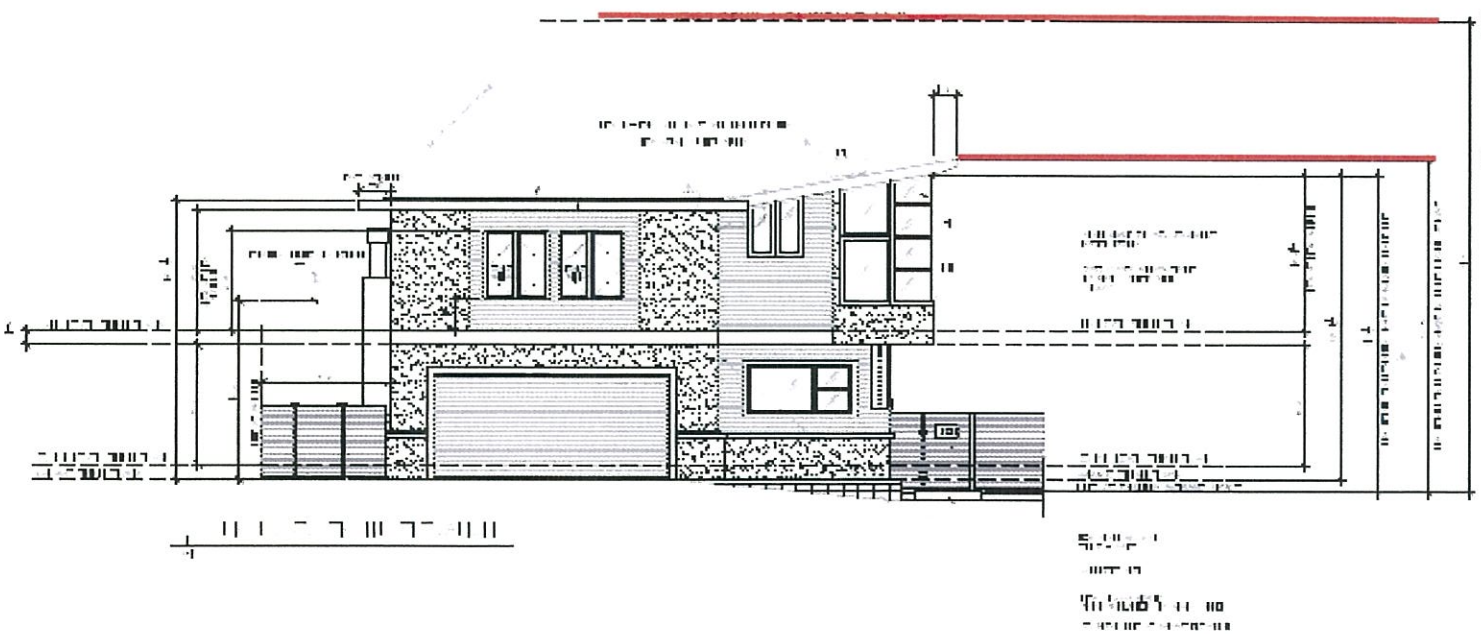
House Style Inspiration

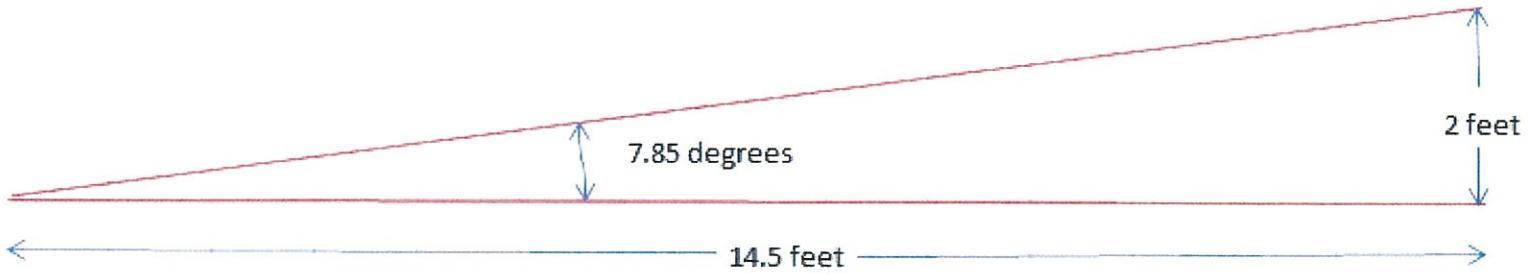


Churchill Street, Palo Alto

Isabelle St., San Mateo

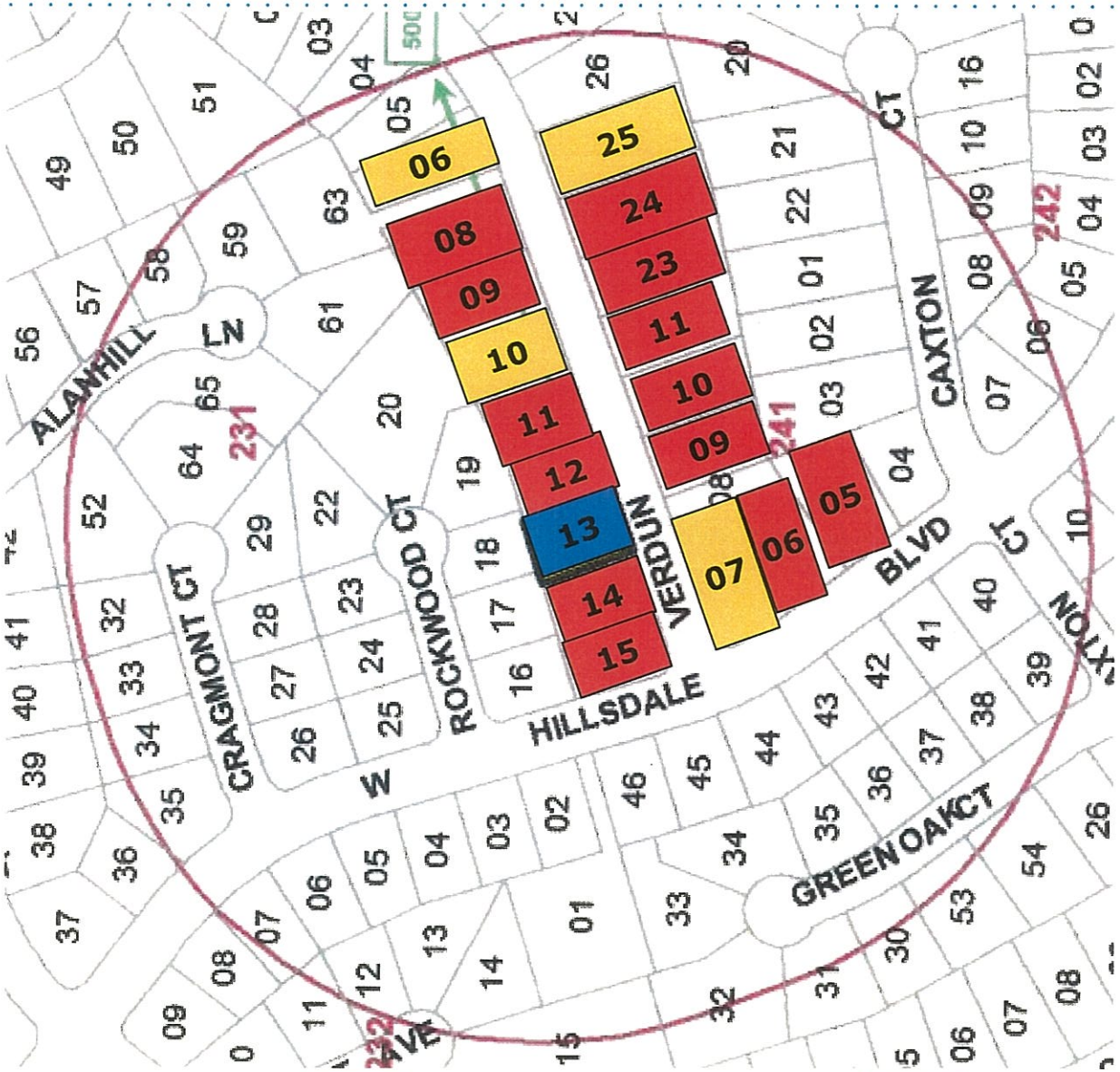
Roof Height/Angle is Not Excessive…
Highest point is 9 feet below maximum allowed





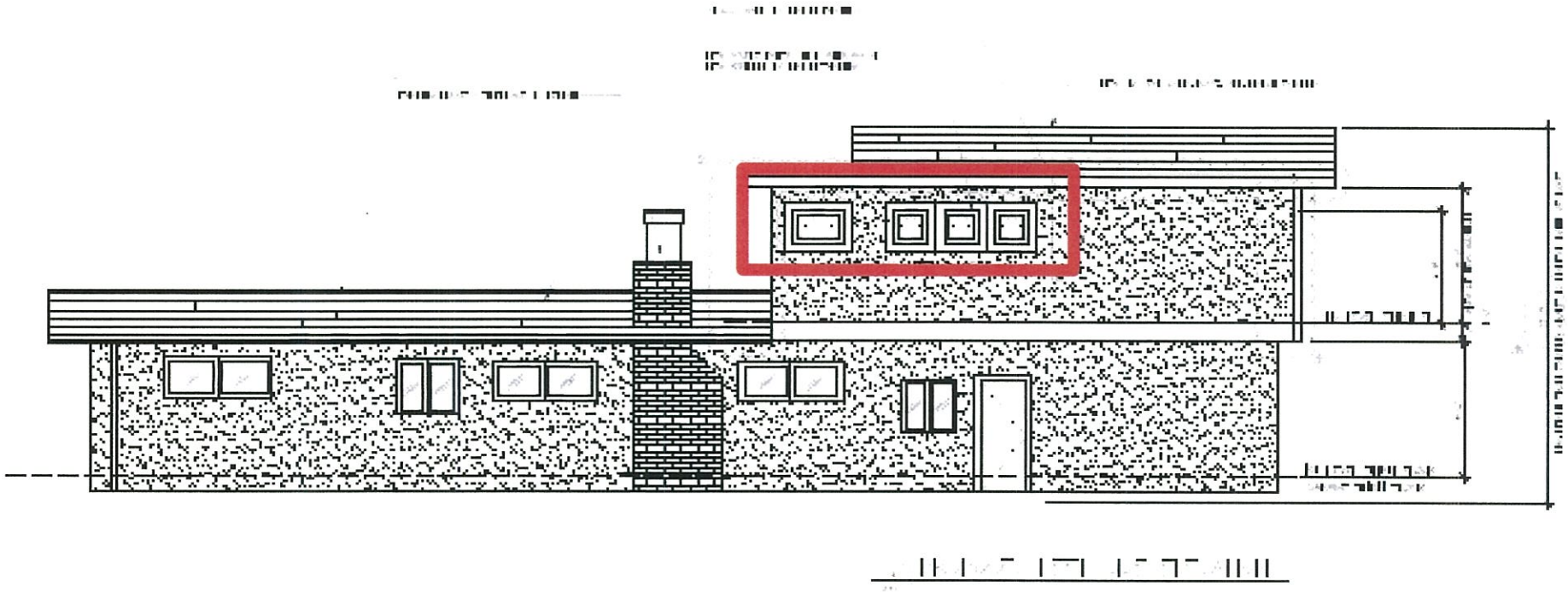
Ceiling height in family room rises 2 ft over a distance of 14.5 ft for an angle of only 7.85 degrees – lower roof pitch than virtually all homes in our neighborhood

Design Guidelines – Neighborhood Scale (p. 14)
"A compatible design will respect the scale of its neighborhood."



3328 Verdun Ave. Single story home Two story home

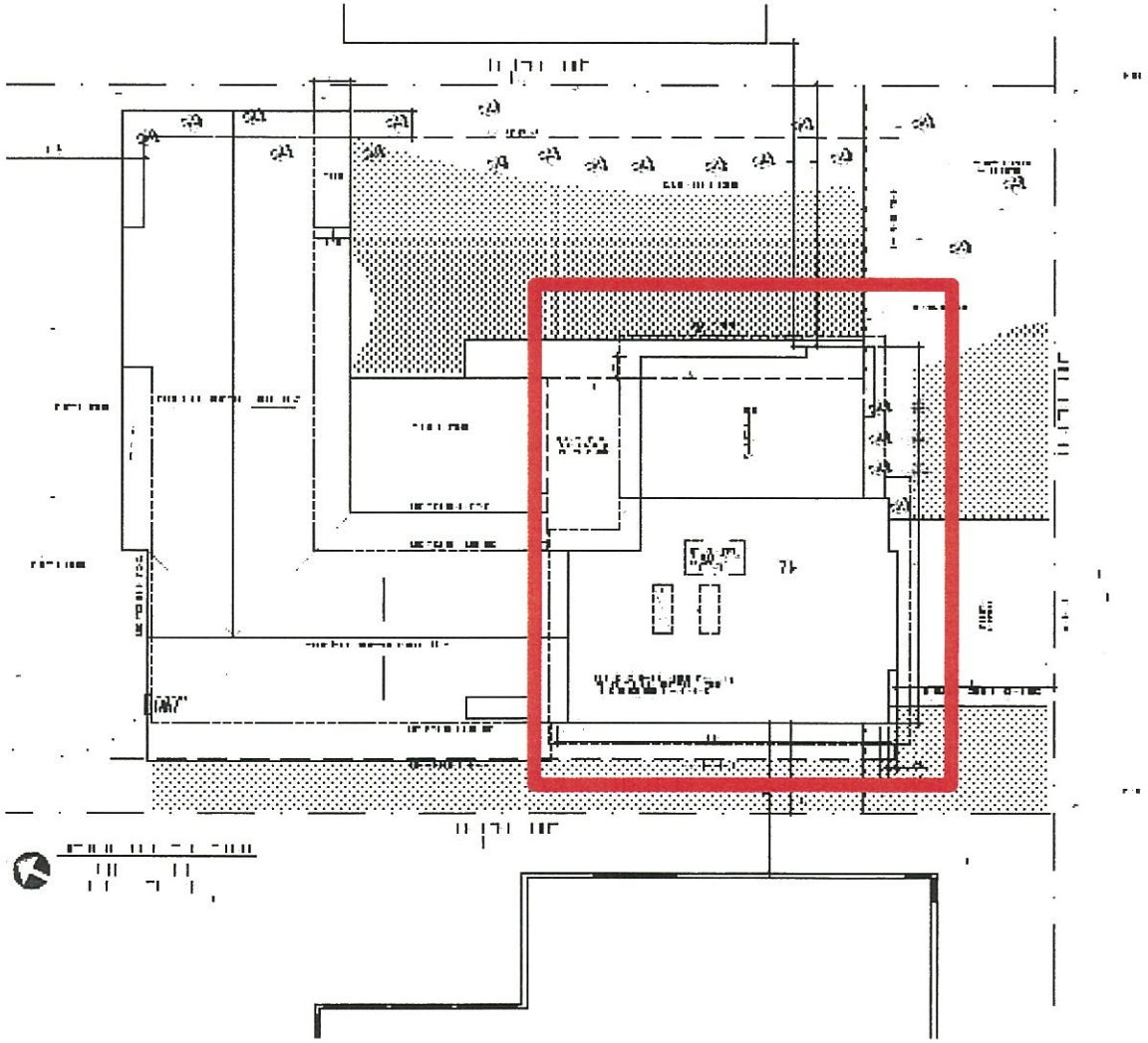
Design Guidelines – Privacy – Windows, Landscaping, Layout (p. 24) "Respect adjacent neighbor privacy through careful planning of window locations"



High, obscure windows on west side of addition and placement of bedrooms facing street protect uphill neighbor privacy.

Design Guidelines – Privacy – Placement of Second Story (p. 25)

"Evaluate how the location of the second-story on the property may affect privacy by creating sight lines into adjacent homes"



Placing the second story as far forward on our house as possible eliminates any potential sight lines into downhill neighbor's home

Design Guidelines – Homes on Hillside Lots (p. 26)
"Use landscaping to mask down-slope walls"

Mature birch trees in front yard will provide substantial coverage of addition from downhill vantage point

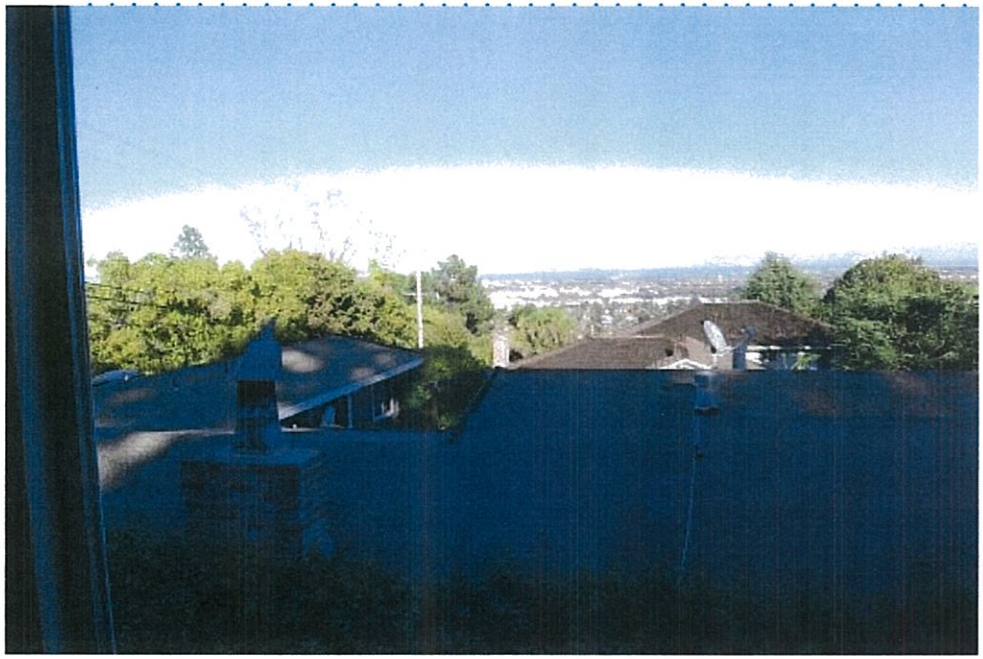
Design Guidelines – Respect Established Views (p. 27)
"Most important views would be from primary living areas e.g. living, dining, kitchen, rather than from secondary rooms, e.g. bedroom, bath."

Current view from living room

Living room view with proposed addition

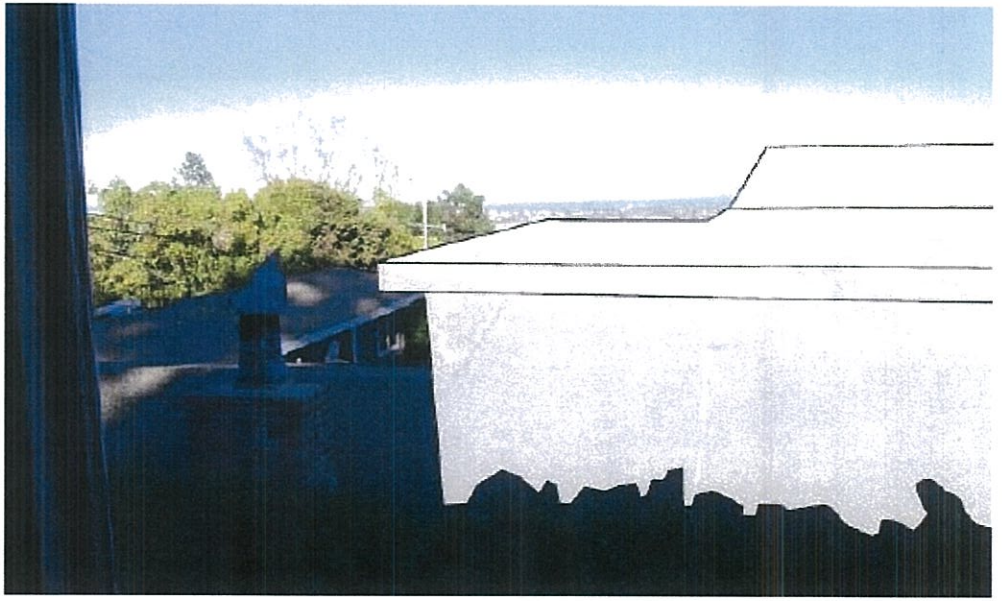
Placing proposed addition as far forward on our house as possible minimizes view blockage from living room.

Design Guidelines – Views (p. 27)
"Choose roof forms that minimize mass"



Current view from bedroom

Bedroom view with proposed addition



Proposed addition has minimum 8 foot ceilings plus a partial flat roof enabling portion of bedroom view to be preserved.

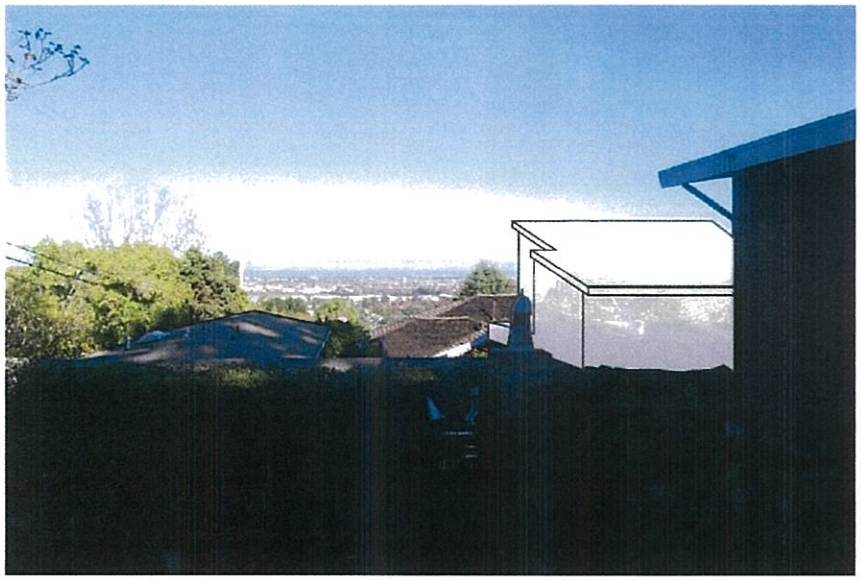
Design Guidelines – View Equity (p. 27)
"Neighboring views should be maintained to a similar level as that enjoyed by the proposed house addition."

View from proposed addition – southeast corner

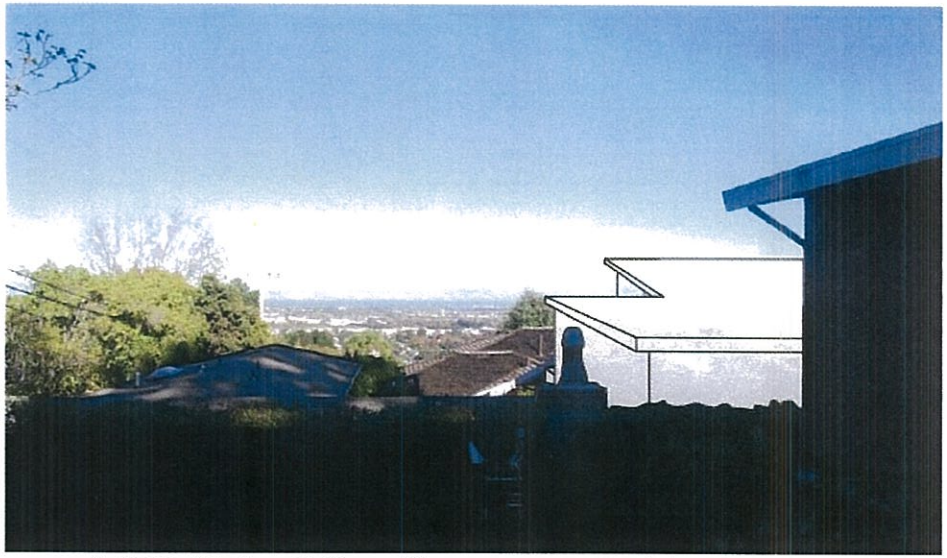
View from proposed addition – northeast corner

Given elevation of our home relative to downhill neighbor, we are not gaining a new unobstructed view – primary view is of neighbor's roof and trees.

Progression of Plan Revisions – Living Room View



10/30/13 - 8 ft ceiling on west side rising to 12 ft on east side



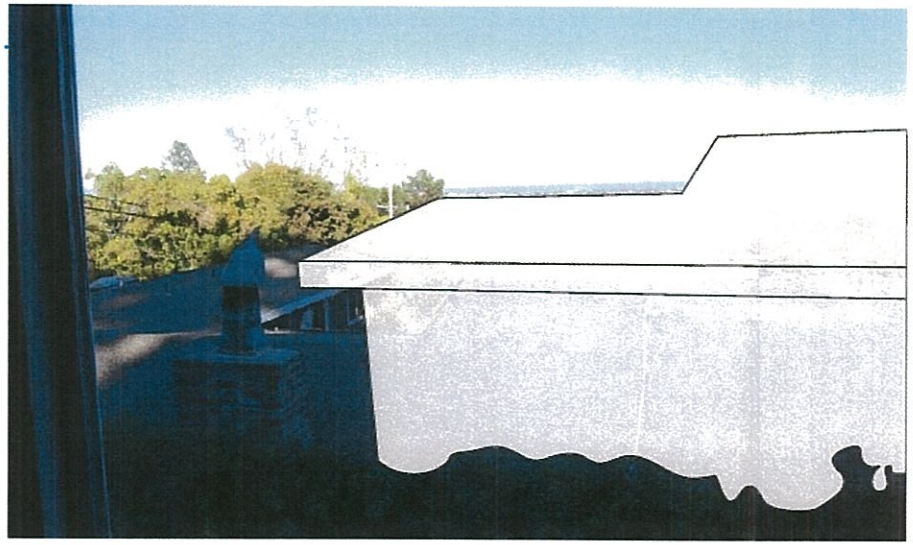
1/22/14 - 7 ft ceiling on west side rising to 12 ft on east side, addl roof cut-out over balcony

3/12/14 - 8 ft ceiling w/ flat roof on west half, rising from 8 to 11 ft in family room, whole addition pulled forward 1 ft

4/22/14 - 8 ft ceiling, flat roof on west half, rising from 8 to 10 ft in family room

Progression of Plan Revisions – Bedroom View

10/30/13 - 8 ft ceiling on west side rising to 12 ft on east side



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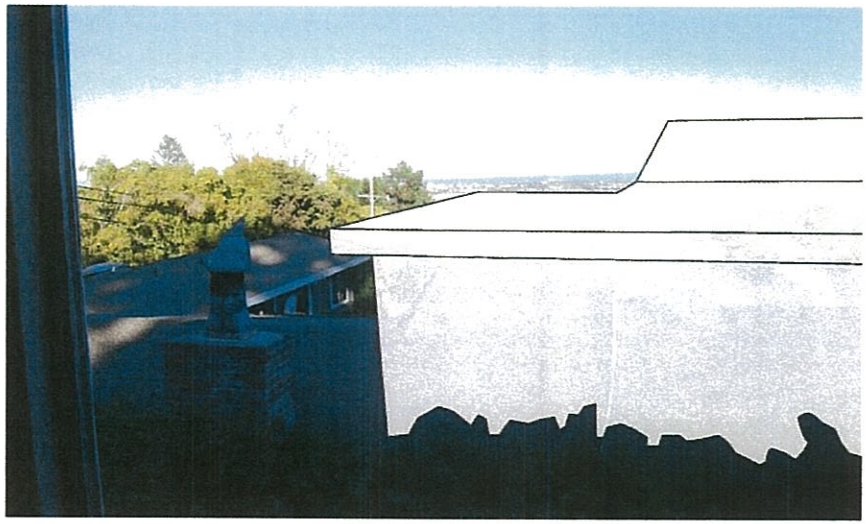

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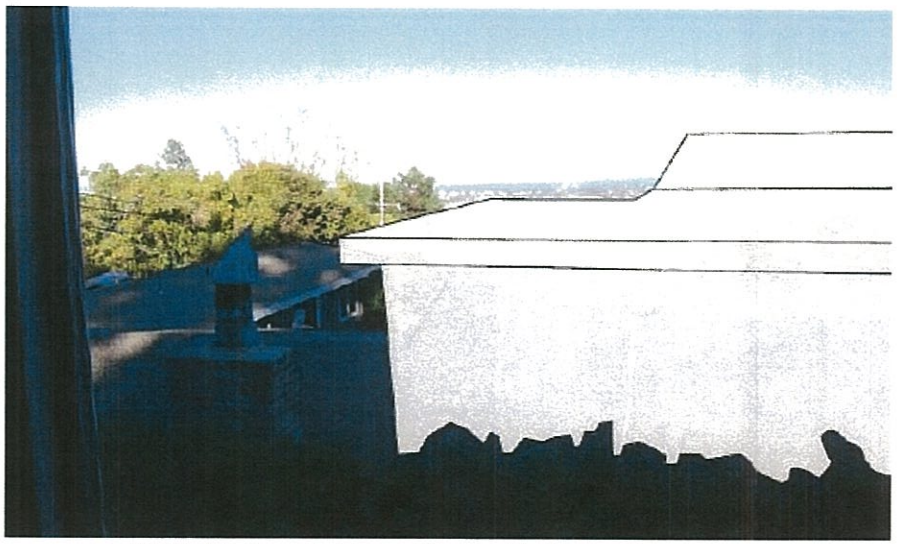

4/22/14 - 8 ft ceiling, flat roof on west half, rising from 8 to 10 ft in family room

Example of Proactive Efforts With Karen

Hi Terri,
I have reviewed the changes with a few people. I am hoping to get down to the Planning Dept. in the next few days and want to ask them a few questions regarding the addition.

If I need any further clarification or have any further questions, I will let you know.

Have a good week,
Karen
-----Original Message-----
From: Terri Schmier <miles_terri@yahoo.com>
To: kkaren1210 <kkaren1210@aol.com>
Sent: Sun, Mar 23, 2014 8:04 pm
Subject: Re: Couple of things

Hi Karen,

Just wanted to check back in with you to see if you have any additional questions on the plans after we went through the latest changes last weekend. Hopefully you had a chance to review them with some of the people you were planning to discuss them with so thought I'd check to see if there was anything else we could follow up on based on that. We haven't re-submitted the changes I showed you to the city yet but are planning to do that early this week. I'm sure it will then be a few weeks before we get another response from the city on next steps.

Hope you had a good weekend and enjoyed the beautiful weather.

Terri

From: Terri Schmier <miles_terri@yahoo.com>
To: "kkaren1210@aol.com" <kkaren1210@aol.com>
Sent: Monday, March 17, 2014 10:06 AM
Subject: Couple of things

Hi Karen,

Thanks for meeting with me yesterday afternoon to review the latest round of plan changes. I hope you are able to visualize the further improvement of these changes from your view point by comparing the previous version of the mocked up photos with the new version that has a partial flat roof and is pulled forward on our house the maximum distance possible. I confirmed with our architect that it would cost us about $3,000 to $4,000 to put up story poles which includes about $1,000 for a civil engineer to "certify" the poles (i.e., measure and verify the exact heights, lengths, etc.). Let us know if you think there's anything else our architects could do to help you visualize the changes via the photos they took from your house.

We are planning to go ahead and submit the latest round of changes to the city this week since it always takes them at least a couple of weeks to review and process them. In the mean time, feel free to give us a holler with any questions you have once you review the electronic files I sent you in more detail.

Terri

Example of Efforts To Have Constructive Dialogue with Other Neighbors

From: Michael Schmier Date: Feb 14

To: Jennifer; cd75015@comcast.net; doliver@rodanbuilders.com; 29 More...

Wayne and Jennifer, I appreciate you copying us on this email.

Friends and neighbors, most of you know that we are the ones causing the latest turmoil with regard to a proposed second story. This is a passionate issue for all concerned. At issue:

- The value of homes on both sides of the coin
- The expectations people have/had when they bought their homes
- The loss of prized views and the ability of people to find other alternatives to expansion
- Previous conversations between involved parties

If anybody is interested in our perspective, Terri and I would be glad to chat. We're out of town right now but would be glad to schedule another open house. We could also speak individually. One request is that we discuss our positions and opinions with respect for all parties involved.

Best, Michael and Terri
650-357-7262

On Feb 14, 2014, at 5:34 PM, Jennifer <jennifer@deutschergroup.com> wrote:

As we begin to come together to protect our neighborhood, and look out for each other and our properties, there seems to be a current issue on our block that I believe we all need to wade in on, one way or the other.
Should homeowners on Verdun have the right to expand their "Verdun View" knowing that the "Verdun View" of the house above, and/or other homes on the street, will be reduced or blocked? Since the 1940's, this street was built on a stairstep concept to preserve the view for all. This "unwritten rule of view preservation" embraced by the original homeowners of Verdun is now being challenged with the neighborhood turn-over we have been experiencing.
Good or bad, we are all at risk.
As a neighborhood, are we interested in approaching the San Mateo City Council about putting into law a view protection ordinance? So far, these issues have been dealt with on a case by case basis, but with no view ordinance in place, there have really been no winners; views have been lost and relationships have been damaged.

Your thoughts?