

# FORBUSH CONCEPT DESIGN

## Revisions After January 2021 Rejection

Dear Architectural Committee,

In response to the Architectural Committee's January 2021 rejection of Forbush's concept design, Forbush herein resubmits their fourth proposal containing modifications resulting in a fifty-percent (50%) reduction in several key features of the plan. Attached, please find images of the type of residential elevators, or "lifts", that are proposed for this project.

Following are the key points in this resubmission:

### **Exterior Elevator**

A minimalist self-contained elevator/lift, rated for exterior use, would be attached to the wall of Building 8. Installation is minimal compared to commercial heavy-duty elevators.

The size of the enclosure for the elevator has been reduced by 50%. Instead of servicing both Units 81 and 82 it serves Unit 82 only, thereby reducing the exterior enclosure of the elevator by half.

The elevator opens into Unit 82 only, eliminating any remodeling of the bathroom in Unit 81. This results in an overall 50% reduction in bathroom remodeling.

### **Interior Elevator**

This resubmission provides one elevator/lift between the interior lower and upper levels of Unit 82 only. The interior elevator in Unit 81 has been eliminated, producing a 50% reduction in interior elevators.

### **Desalinization Unit**

This resubmission adds a desalinization Unit to reduce freshwater usage by the Units and to offset additional bedrooms. It would tap into the existing, common area salt water intake system.

### **Bedrooms**

This resubmission replaces the interior elevator/lift in Unit 81 with two additional bedrooms at that location.

### **Laundry/Bathroom**

This submission converts the existing laundry room in Unit 81 into a  $\frac{3}{4}$  bathroom. Full laundry facilities continue in Unit 82 which is accessible from Unit 81.

### **Upper-Level Hallway Access**

This resubmission adds a hallway between the Units at the location of the trespassing pipes. If the pipes remain, this hallway will be partially obstructed. However, the hallway will be

## FORBUSH CONCEPT DESIGN

### Revisions After January 2021 Rejection

unobstructed when the pipes are removed and Forbush fully recovers their recorded square footage at that location.

We look forward to your timely response.

# **FORBUSH CONCEPT DESIGN**

## **Revisions After January 2021 Rejection**



### **ORIGINAL DESIGN**



### **REJECTED DESIGN (JANUARY 2021)**

The elevator/lift travels between the two windows of Units 81 and 82 and is attached to the facade of Building 8.

The elevator occupies the air space between the back-side of the exterior steps and the facade of Building 8.

The elevator is enclosed within a box that spans the width of the air space between the Units. The facade is designed to compliment the surrounding architecture.

This design provides elevator access to the Lower Level of both Units.



### **REVISED DESIGN \***

The elevator/lift is enclosed within a box that is 50% smaller than the design above; it spans only half the air space between the Units.

This design provides elevator access to the Lower Level of Unit 82 only.

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\* This is the third exterior elevator design submitted by Forbush.

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**EXTERIOR**

**Savaria Vertical Platform Lift**

Minimalist self-contained elevator/lift, rated for exterior use.

This would be attached to the facade of Building 8, fully enclosed in a box with an exterior stucco finish to match the surrounding architecture.



**INTERIOR**

**Stiltz Duo Alta Home Elevator**

Minimalist self-contained lift that is bolted to studs.

Proposed location is the existing interior stairwell.

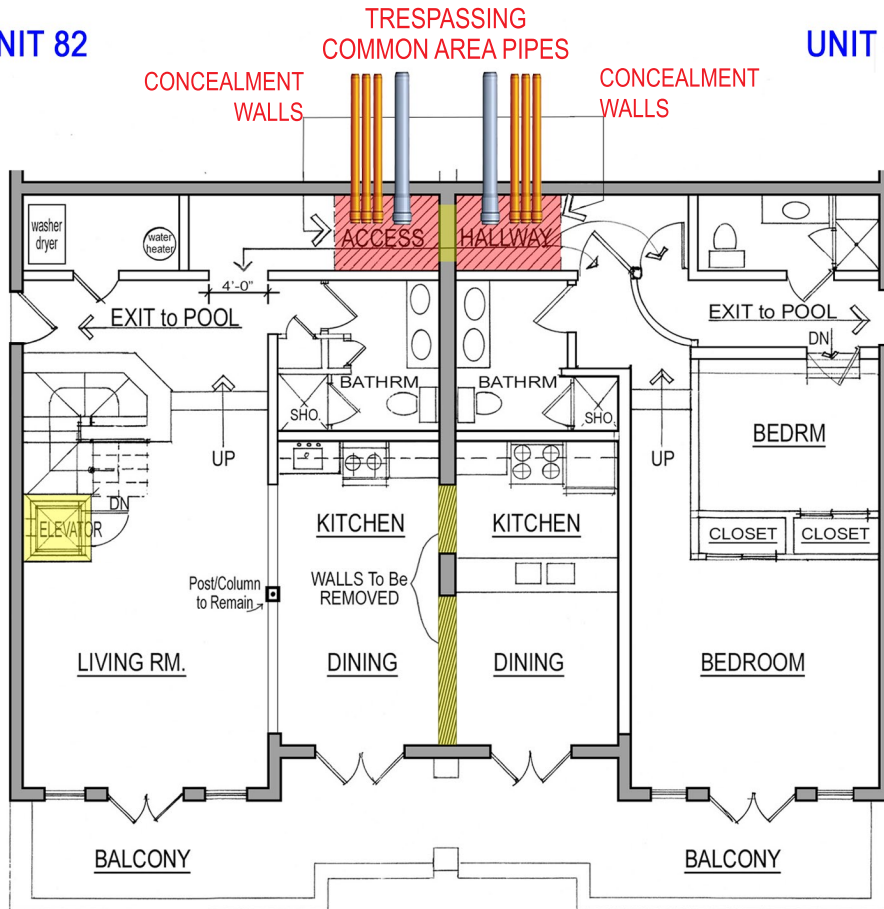


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## Revisions After January 2021 Rejection

**UNIT 82**

**UNIT 81**



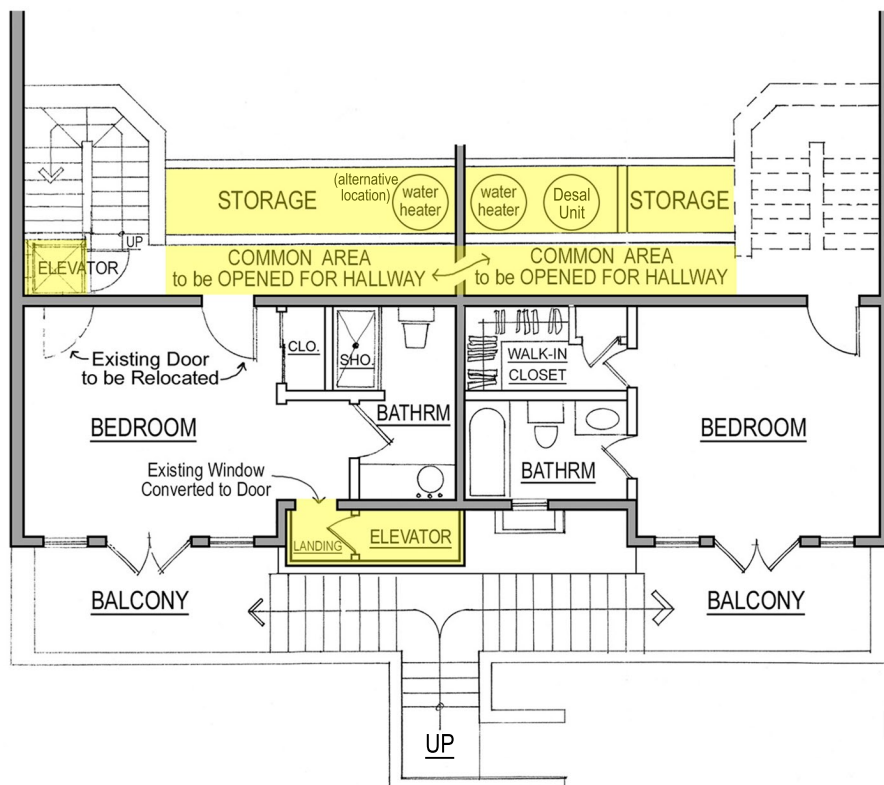
### UPPER LEVEL

Elevator access reduced by 50% with access between the upper and lower levels located in Unit 82 only.

Reduced hallway access where trespassing pipes are located - if pipes remain. Full recovery of owner-recorded square footage if pipes are removed.

Two Units opened to allow free access between them.

Both Units remain autonomous as two separate Units.



### LOWER LEVEL

Desalinization unit added to aid in the supply of fresh water to the Units.

Exterior elevator entry now in Unit 82 only. (50% reduction)

Unit 82 bathroom remodeled to accommodate the elevator.

Unit 81 bathroom now unchanged, a 50% reduction in overall bathroom remodel.

**HAMILTON COVE HOMEOWNERS ASSOCIATION  
ARCHITECTURAL COMMITTEE MEETING  
1/6/2022 BY ZOOM  
MINUTES**

**Committee Members**

**Martin Curtin, Chairman  
Bart Glass  
Mike Owens**

**In Attendance: Norris Bishton, Association President; Jeff Gubernick, Association Counsel**

**Purpose: Consideration of the submission of Mark and Carol Forbush for alterations to Units 8/81 and 8/82. Letter from Barry R. Ross, Esq.**

The Committee reviewed the minutes of its meeting held on 1/18/2021 (the "1/18/2021 Minutes") regarding an earlier submission by Mr. and Mrs. Forbush to determine whether the current submission resolved the issues previously raised by the Committee. The Committee determined that the decisions reached as reflected in the 1/18/2021 Minutes remain valid and that the current submission generally fails to respond to the objections set out in the 1/18/2021 Minutes. The current submission proposes granting exclusive use to substantial portions of the Common Area. As pointed out in the 1/18/2021 Minutes the Architectural Committee and the Board do not have the authority to grant exclusive use of Common Area. No such authority was granted in the declaration and, as a consequence, Civil Code Section 4600 applies:

(a) Unless the governing documents specify a different percentage, the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board may grant exclusive use of any portion of the common area to a member.

The Committee determined that this continues to be a first stage review of a preliminary submission of sketches and a description of the proposed work. The Committee noted that in many instances there was inadequate information in the current submission to allow it to make a decision.

**Request No 1:**

## Exterior Elevator

A minimalist self-contained elevator/lift, rated for exterior use, would be attached to the wall of Building 8. Installation is minimal compared to commercial heavy-duty elevators.

The size of the enclosure for the elevator has been reduced by 50%. Instead of servicing both Units 81 and 82 it serves Unit 82 only, thereby reducing the exterior enclosure of the elevator by half.

The elevator opens into Unit 82 only, eliminating any remodeling of the bathroom in Unit 81. This results in an overall 50% reduction in bathroom remodeling.

**Decision:**

Denied. Civil Code Section 4600 and for the reasons stated in the 1/18/2021 Minutes.

**Request No. 2**

## Interior Elevator

This resubmission provides one elevator/lift between the interior lower and upper levels of Unit 82 only. The interior elevator in Unit 81 has been eliminated, producing a 50% reduction in interior elevators.

**Decision:**

Denied. For the reasons stated in the 1/18/2021 Minutes particularly as to structural integrity issues.

### **Request No. 3**

#### **Desalinization Unit**

This resubmission adds a desalinization Unit to reduce freshwater usage by the Units and to offset additional bedrooms. It would tap into the existing, common area salt water intake system.

#### **Decision:**

Denied. No explanation of how this system would be plumbed or operate. The Association supplies salt water to all Units to be used to flush toilets. The Association does not have the capacity to furnish salt water for other purposes. In addition, the Association operates the sewer system on the Project which interfaces with the Avalon sewer system. Adding highly concentrated brine to the sewage could jeopardize the system.

### **Request No. 4**

#### **Bedrooms**

This resubmission replaces the interior elevator/lift in Unit 81 with two additional bedrooms at that location.

#### **Decision:**

Denied. Civil Code Section 4600 and for the reasons stated in the 1/18/2021 Minutes.

### **Request No. 5**

#### **Laundry/Bathroom**

This submission converts the existing laundry room in Unit 81 into a ¼ bathroom. Full laundry facilities continue in Unit 82 which is accessible from Unit 81.

#### **Decision:**

Denied. Civil Code Section 4600 and for the reasons stated in the 1/18/2021



Minutes.

**Request No. 6**

**Upper-Level Hallway Access**

This resubmission adds a hallway between the Units at the location of the trespassing pipes. If the pipes remain, this hallway will be partially obstructed. However, the hallway will be unobstructed when the pipes are removed and Forbush fully recovers their recorded square footage at that location.

**Decision:.**

Denied. Civil Code Section 4600 and for the reasons stated in the 1/18/2021 Minutes particularly:

The pipes are not located within an area that is part of the Unit. They are located in a chute. Section 1.18 of the CC&Rs provides that "Common Areas shall include, without limitation, for maintenance purposes of the Association, but not necessarily by way of fee title, all gas, water and waste pipes, all sewers, all ducts, chutes, conduits, wires and other utility installations of the Project Improvements wherever located.

January 6, 2022

  
**Martin Curtin, Chairman**

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**Bart Glass**

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**Mike Owens**

Minutes.

**Request No. 6**

Upper-Level Hallway Access

This resubmission adds a hallway between the Units at the location of the trespassing pipes. If the pipes remain, this hallway will be partially obstructed. However, the hallway will be unobstructed when the pipes are removed and Forbush fully recovers their recorded square footage at that location.

**Decision:.**

Denied. Civil Code Section 4600 and for the reasons stated in the 1/18/2021 Minutes particularly:

The pipes are not located within an area that is part of the Unit. They are located in a chute. Section 1.18 of the CC&Rs provides that "Common Areas shall include, without limitation, for maintenance purposes of the Association, but not necessarily by way of fee title, all gas, water and waste pipes, all sewers, all ducts, chutes, conduits, wires and other utility installations of the Project Improvements wherever located.

January 6, 2022

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**Martin Curtin, Chairman**

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**Bart Glass**



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**Mike Owens**

1/11/22, 9:35 AM

Re: Forbush

**From:** bart@hamiltoncove.com,  
**To:** sirron1801@aol.com,  
**Cc:** catalinacurtin@yahoo.com, jeff@bishgub.com, mike@pacificwestcontrols.com,  
**Subject:** Re: Forbush  
**Date:** Tue, Jan 11, 2022 9:28 am

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Hello Norris,

Unfortunately I am out of town on Vacation, I have read the attached minutes and approve them , but will be unable to sign them until I return later this month.

Sincerely,

Bart M. Glass

On Sat, Jan 8, 2022 at 9:32 AM Norris Bishton <[sirron1801@aol.com](mailto:sirron1801@aol.com)> wrote:  
Martin, Bart and Mike

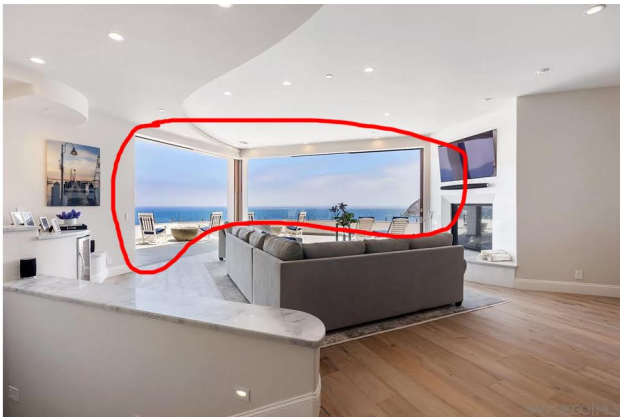
Minutes attached. Jeff has approved. Please sign and send me the signature page ASAP. We need to get this to Forbush's attorney.

Norris

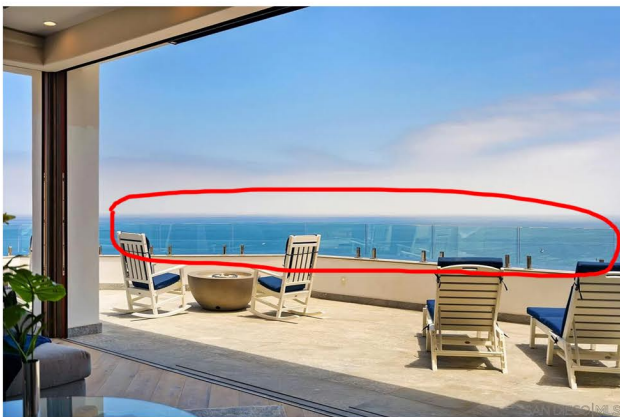
**ATTACHMENT 30**  
**Single-Family Home Built 2021**



**Class III properties located on the northern parcels**



**Super-sized retractable doors**



**Clear material used for balusters instead of wood**



**Diamond-shaped exterior window**