



# Department of Conservation and Development

## County Planning Commission

Wednesday, June 27, 2018 – 7:00 P.M.

### STAFF REPORT

Agenda Item # \_\_\_\_\_

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<b>Project Title:</b>	Appeal of Development Plan Approval for the Remodel at 7 Highgate Court, Kensington
<b>County File(s):</b>	#DP17-3046
<b>Appellant:</b>	Allen Trigueiro
<b>Applicant:</b>	Joram Altman
<b>Owner:</b>	Jeremy Patricia Stone
<b>Zoning/General Plan:</b>	Single-Family Residential District (R-6), Kensington Combining District (-K ), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential – High Density (SH)
<b>Site Address/Location:</b>	7 Highgate Court, Kensington; (APN: 572-181-017, -016)
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt under CEQA Guidelines, Section 15301(e)(1)
<b>Project Planner:</b>	Susan Johnson, Planner I (925) 674-7868

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### I. PROJECT SUMMARY

This is an appeal of the Zoning Administrator's decision to approve a Development Plan for a Kensington Design Review for the remodel of a single-family residence, which includes replacing the roof, adding skylights and solar panels, replacing two trellises, and removing 8 square feet of floor area from the kitchen. No expansion of the gross floor area is proposed.

### II. RECOMMENDATION

Staff recommends that the County Planning Commission DENY the appeal and UPHOLD the Zoning Administrator's decision for County File #DP17-3046, based on the attached findings and subject to the attached conditions of approval.

### **III. BACKGROUND**

On August 28, 2017 a Kensington Design Review application (County File #KR17-0022) was submitted for the remodel of a single-family residence, which included replacing the roof, adding new skylights, replacing two trellises, and removing 8 square feet of floor area from the kitchen on the eastern side of the home. During the public notification period, one request for a public hearing was received, becoming the impetus for submittal of this development plan application. A public hearing before the Zoning Administrator was scheduled for Monday, March 19, 2018.

At the March 19, 2018 Zoning Administrator (ZA) hearing, testimony was provided from Joram Altman (applicant), Jeremy Patricia Stone (property owner), and William Berland (attorney representing Ms. Stone). Nine (9) letters of support for the project from neighboring property owners were also submitted to Staff. Allen Trigueiro (65 Highgate Road) and Daniel Muller (attorney representing Mr. Trigueiro) attended to speak in opposition of the project.

The concerns raised by Mr. Trigueiro and Mr. Muller included the following: new construction will impact the view from Mr. Trigueiro's home, the project should not be exempt from CEQA because the visual impacts of the proposed construction should be considered an unusual circumstance, and the repair/replacement of an existing non-conforming deck should not be allowed unless it is modified to meet the required setbacks. A letter detailing these concerns was submitted to the Zoning Administrator. Pursuant to an email from the applicant received on March 20, 2018, the deck will not be included as part of the proposed project and will be left as is. The Zoning Administrator continued the project as a closed hearing until Monday, April 2, 2018 to consider the testimony received from both sides.

At the continued hearing, the Zoning Administrator responded to the concerns raised in the March 19, 2018 letter from Daniel Muller, Attorney representing Allen Trigueiro. A summary of the Zoning Administrator's responses are attached to this report. The Zoning Administrator approved the Development Plan at the public hearing held on April 2, 2018 with modified findings and conditions of approval (COA). Modifications to the conditions of approval include adding the following language to COA #1, "No work on the elevated wooden deck (located along the eastern portion of the house) is approved as part of this application. Any proposed work (repair or reconstruction) may be subject to the Kensington Combining District Ordinance and must comply with all of the required development standards." In addition, COA #3 shall be modified to state, "The skylight curbs and metal frames shall be painted to match the roof and be of low reflectivity. The applicant may consult with and provide the property owner of 65 Highgate Road with an opportunity to comment on the chosen color."

### **IV. GENERAL INFORMATION**

- A. General Plan: The subject property is located within the Single-Family Residential – High Density (SH) General Plan land use designation.

- B. Zoning: The subject property is located within the Single-Family Residential Zoning District (R-6), Kensington Combining District (-K), and Tree Obstruction of Views Combining District (-TOV).
- C. Environmental Review: The proposed project is exempt under CEQA Guidelines, Section 15301(e)(1), regarding “Existing Facilities”, which exempts additions to existing structures, provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition or 2,500 square feet, whichever is less. No addition to the Gross Floor Area is proposed.
- D. Previous Applications:
  - 1) KR17-0022: A Kensington Design Review application submitted for the remodel of the existing single-family residence, which included replacing the roof, adding 36-inch high skylights, replacing two trellises, and removing an 8 square foot bump out on the eastern side of the home. One request for a public hearing was received for this application, becoming the impetus for submittal of this development plan application.

## V. SITE/AREA DESCRIPTION

The subject property is located within an established single-family, hillside residential neighborhood in Kensington. Most homes within the immediate vicinity of the subject site were built between the early 1940s and early 1960s. Due to the location, homes within this architecturally diverse area are generally two-stories and designed to maximize views of the San Francisco Bay.

The subject residence was built in 1960 and is mid-century modern in design with panoramic views of San Francisco, the Golden Gate Bridge, and the San Francisco Bay. The 5,576 square-foot two-story residence includes 4,063 square-feet of conditioned living area, a 433 square-foot carport, a 237 square-foot covered entry court, and 843 square feet of covered decks. Two tax assessor parcel numbers have been assigned to the subject site: the existing residence resides on the portion of the property assigned (APN: 572-181-017) and the pool and 816 square-foot accessory building (a single story carport/garage with a bathroom and pool equipment storage room) is located on the portion of the property assigned (APN: 572-181-016). Although Highgate Road runs along the southern property line of the project site, access to the residence is obtained through a driveway that fronts Highgate Court.

## VI. PROJECT DESCRIPTION

The applicant requests approval of a Development Plan for a Kensington Design Review for an interior and exterior remodel of the existing single-family residence, which includes replacing the roof and adding skylights. The new roof and insulation will increase the overall height of the house by 4 inches and the tallest skylight (the 23-foot long skylight above the dining room) will extend 18 inches higher than the new roof ridge, changing the overall height

of the residence from 26 feet and 8 inches to 28 feet and 6 inches. The existing gas flue and fireplace chimney will be modified to extend 2 feet above the skylights above the dining room. New solar panels and a new kitchen exhaust fan will also be added to the roof. In addition, this project includes removing 8 square feet of floor area from the kitchen (on the eastern side of the residence), the replacement of existing glazing and sliding doors, the addition of new windows, decking repair, and the replacement of two trellises. No expansion of the gross floor area is proposed.

Pursuant to a statement from the applicant, the existing roof is minimally insulated with about 1.5 inches of rigid insulation applied over the roof decking, which provides approximately R5 thermal value. To meet Title 24 compliance, R30 thermal value roof assembly is required, which, using the thinnest available insulation system, is 5.5 inches thick, and 4 inches taller than the current roof assembly. Since the wood ceiling is part of the historic fabric of this structure, the applicant and owner do not wish to cover it up by installing the new insulation on the interior, but rather keep the original concept of roof top mounted insulation. Therefore, the applicant is proposing to remove the existing roofing and insulation, install new 2x6 roof framing over the existing wood decking and apply the 5.5 inch deep insulation between the 2x6 framing. The 2x6 framing will be covered with new plywood decking to provide a structural diaphragm for the roof. New roofing will be applied over the plywood. The 2x6 cavity will also be used to run new electrical conduits for the new ceiling light fixtures, and will house the new recessed ceiling lights.

Originally, the proposed 23-foot long skylight located above the dining room extended 36 inches above the new roof ridge (x-ref: County File #KR17-0022). In an attempt to alleviate the concerns expressed by a neighboring property owner, the applicant submitted revised plans on October 25, 2017 reducing the height of the skylight curbs. The revised plans show that the skylight above the dining room will extend no more than 18 inches above the new roof ridge. Pursuant to a statement from the applicant, the main interior spaces in the house are dark, due in part to the dark wood ceilings and floors. Adding skylights at the dark interior areas will help mitigate this issue. However, skylights bring direct sunlight into the space, which presents an issue for the property owner, who wants to display artwork. Direct sunlight can deteriorate art, even with UV glass, so avoiding direct sun penetration is important. Raising the new skylights on curbs will reduce the amount of direct light penetrating the space. Therefore, the applicant and owner are proposing to construct new skylight curbs over the living/dining room, main hall and kitchen. The top of the highest skylight (the 23-foot long skylight above the dining room) will extend 18 inches above the new roof ridge, which changes the overall height of the residence from 26 feet and 8 inches to 28 feet and 6 inches. The raised curbs will provide sun angle cut-off during most times of the year. Skylight shades were added when the applicant reduced the skylight curb height to provide direct sun cut off during the summer when the sun is higher in the sky.

In response to the request for a public hearing, the applicant and owner also agreed to re-orient the skylights over the bedroom hall so they align and create a more harmonious roof pattern and to paint the skylight curbs and metal frames gray to match the new roof color. In

addition, the applicant and owner agreed to relocate the solar panels to the other side of the roof, over the subject property's master bedroom and away from neighboring property located at 65 Highgate Road in Kensington.

**VII. KENSINGTON MUNICIPAL ADVISORY COUNCIL (KMAC)**

The project was heard at the November 28, 2017 KMAC meeting. KMAC voted unanimously to approve the project.

**VIII. APPEAL OF THE ZONING ADMINISTRATOR'S DECISION**

On April 12, 2018, Mr. Allen Trigueiro filed an appeal with the Department of Conservation and Development against the decision of the Zoning Administrator to approve the proposed project. The appeal points have been summarized and addressed below.

- A. Summary of Appeal Point #1: The proposed 23-foot long skylight along the south side of the subject residence obstructs the view from Mr. Trigueiro's residence. There is also ambiguity regarding the total height of the skylight curbs as measured from the roof surface versus the ridge of the roof.

Staff Response: Efforts were made by the applicant to preserve the views from Mr. Trigueiro's residence, which included reducing the overall height of the skylights. The tallest point of the proposed skylights will measure 18 inches above the new roof ridge instead of 36 inches as originally proposed. The applicant and property owner also agreed to re-orient the skylights over the bedroom hall so they align and create a more harmonious roof pattern and to paint the skylight curbs and metal frames gray to match the new roof color. Additionally, the applicant and owner agreed to relocate the solar panels to the other side of the roof, over the subject property's master bedroom and away from Mr. Trigueiro's home.

Mr. Trigueiro is also asking for clarification regarding the height of the skylight as measured from the roof surface as opposed to the ridge of the roof. The new roof will increase the overall height of the house by 4 inches. The 23-foot long skylight located above the dining room will extend 18 inches above the new roof ridge. However, the tallest portion of that skylight will measure 30 inches high from the proposed roof surface. Please see the attached revised south elevation, submitted on June 14, 2018, which provides dimensions and illustrates this design.

The proposed construction conforms with all applicable development standards for the R-6 Zoning District and will not substantially affect the views of scenic natural features from Mr. Trigueiro's residence. There are multiple vantage points from both levels of the appellant's home, many of which will be unaffected or minimally affected by the proposed construction. The raised roof and new skylights would cut off a sliver of the view from Mr. Trigueiro's residence (first level living area), which sits at a higher elevation, just above the

current roof ridge of the subject residence, and most of which is foreground view of the land. Mr. Trigueiro's second story view from the bedroom would not be affected. The view from the green roof, just outside of the appellant's second story bedroom would be minimally affected. In addition, the elevated skylights would not affect the appellant's views of the Bay Bridge, city skyline, or Golden Gate Bridge.

- B. Summary of Appeal Point #2: The roof of the subject residence is visible from the appellant's residence. Mr. Trigueiro requests the opportunity to comment on the shade of gray chosen for the new roof and skylights.

Staff Response: The Zoning Administrator modified COA #3 to state, "The skylight curbs and metal frames shall be painted to match the roof and be of low reflectivity. The applicant may consult with and provide the property owner of 65 Highgate Road with an opportunity to comment on the chosen color." Therefore, it will be up to the property owner to work with the appellant regarding color selection.

- C. Summary of Appeal Point #3: Mr. Trigueiro does not believe that the new roof and insulation will increase the overall height of the house by 4 inches.

Staff Response: Projects that go to hearing are approved pursuant to the plans submitted with the application. If the construction set of plans show that the overall height of the house increases by more than 4 inches, the project will have to be re-noticed and go back to public hearing. In addition, Building Inspectors will verify that new construction matches the approved plans at the project site during the building inspection process.

#### **D. STAFF ANALYSIS**

The existing residence meets all of the required building setbacks and the proposed construction will not increase the gross floor area of the subject site. Instead, the applicant and owner propose to replace the existing roof and insulation and add raised skylights. The new roof and insulation will increase the overall height of the house by 4 inches and the skylights will extend 18 inches above the ridge of the new roof. The residence will not exceed 2 ½ stories or the 35 feet maximum height restriction and will therefore meet all applicable development standards within the (R-6) Zoning District.

The Kensington Combining District (-K) includes seven criteria for approval of residential projects. As detailed in the attached Kensington Combining District Findings, staff finds that the project satisfies all seven criteria. The development enhances the livability of the residence, which improves the value and enjoyment of the residence for the subject property owner. Remodeling a home will usually increase its value, which in turns adds value to the neighborhood. Impacts on neighboring property owners will be minimal since no expansion of the gross floor area is proposed and the tallest skylight (the 23-foot long skylight above the dining room) will extend 18 inches above the ridge of the new roof instead of 36 inches above the ridge of the new roof, as originally proposed. Since no expansion of the gross floor

area of the residence is proposed as part of this project, the existing residence shall remain substantially compatible with neighboring homes with regard to size. Additionally, the proposed development is not anticipated to affect residential noise levels or parking within the neighborhood. Therefore, as detailed in the attached Kensington Combining District Findings, staff finds that the community's values, including the preservation of views, light and solar access, privacy, parking, residential noise levels, and compatibility with the neighborhood with regard to bulk and scale, will be maintained.

The Tree Obstruction of Views Combining District (-TOV) regulations do not apply to the proposed project, because no new trees, nor removal, nor alteration of existing trees are proposed which would alter views in the neighborhood.

## **E. CONCLUSION**

Staff finds that the proposed development is consistent with the Single-Family Residential High-Density (SH) General Plan land use designation and complies with the intent and purpose of the Single-Family Residential District (R-6), Kensington Combining District (-K), and Tree Obstruction of Views Combining District (-TOV). A condition of approval has been added to the attached Findings and Conditions of Approval that will require the owner of the subject site to merge the two tax assessor parcel numbers through a lot line adjustment. The Zoning Administrator also modified COA's #1 and #3 to address the concerns brought up by the appellant. No compelling evidence has been provided by the appellant to overturn the decision of the Zoning Administrator to approve the project. Therefore, staff recommends that the County Planning Commission deny the appeal and approve County File #DP17-3046, based on the attached findings and subject to the attached conditions of approval.

### Attachments:

- Findings and Conditions of Approval
- Maps & Photos: Parcel Map, General Plan, Zoning, Aerial View, Site Photos, Skylight Rendering
- Revised South Elevation
- Reduced Plans
- Appeal Letter
- Public Comments: 9 Letters of Support
- Public Comments: Letter of Opposition dated March 19, 2018
- Summary of the Zoning Administrator's Response to the Letter of Opposition dated March 19, 2018
- ZA Staff Report
- Letter to Planning Commission from William S. Berland dated June 1, 2018
- PowerPoint Presentation