



Department of Conservation and Development

County Zoning Administrator

Monday, March 19, 2018 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	7 Highgate Court Kensington Design Review
County File(s):	#DP17-3046
Applicant:	Joram Altman
Owner:	Jeremy Patricia Stone
Zoning/General Plan:	Single-Family Residential District (R-6), Kensington Combining District (-K), and Tree Obstruction of Views Combining District (-TOV) / Single-Family Residential – High Density (SH)
Site Address/Location:	7 Highgate Court, Kensington; (APN: 572-181-017, -016)
California Environmental Quality Act (CEQA) Status:	Exempt under CEQA Guidelines, Section 15301(e)(1)
Project Planner:	Susan Johnson, Planner I (925) 674-7868
Staff Recommendation:	Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Development Plan for a Kensington Design Review to remodel the existing single-family residence, which includes replacing the roof, adding 18-inch high skylights, adding solar panels, replacing two trellises, and removing an 8 square foot bump out on the eastern side of the home. No addition to the gross floor area is proposed.

II. RECOMMENDATION

Staff recommends the Zoning Administrator APPROVE County File #DP17-3046, based on the attached findings and subject to the attached conditions of approval.

III. 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.

IV. 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.

V. 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 18-inch high skylights. The new roof and insulation will increase

the overall height of the house by 4 inches and the skylights will be 18 inches higher than the new raised 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 extended 2 feet above the new skylights and new solar panels and a new kitchen exhaust fan will be added to the roof. In addition, this project includes the removal of an 8 square foot bump out 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 addition to 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 applicant submitted plans for 36 inch high skylights (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 from 36 inches to 18 inches. 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 long skylight over the living/dining) will be 18 inches higher than the new raised 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. However, skylight shades were added when the applicant reduced the curbs from 36 inches to 18 inches 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.

VI. AGENCY COMMENTS

- A. Kensington Municipal Advisory Council (KMAC): The project was heard at the November 28, 2017 KMAC meeting. KMAC voted unanimously to approve the project. Please see the attached correspondence for details.
- B. Building Inspection Division: In a returned Agency Comment Request form dated November 17, 2017, the Building Inspection Division stated that compliance with current building codes is required.
- C. Contra Costa Environmental Health Division (CCEHD): In a letter dated November 28, 2017, the Environmental Health Division stated that standard procedures be observed regarding wells and septic tanks. In addition, debris from construction and demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements and can lawfully accept the materials. Please see the attached correspondence for details.
- D. Stege Sanitary District: In a returned Agency Comment Request form dated November 15, 2017, Stege Sanitary District indicated that the plans are approved as is.
- E. East Bay Municipal Utility District (EBMUD): In a letter dated November 14, 2017, EBMUD advised that the standard procedures for requesting additional water service be observed. Please see the attached correspondence for details.
- F. Contra Costa Mosquito & Vector Control District: In an email received on October 27, 2017, Contra Costa Mosquito & Vector Control District indicated that they had no comments on this project.

No comments were received from the El Cerrito/Kensington Fire Department or the City of El Cerrito prior to the preparation of this report.

VII. REQUEST FOR PUBLIC HEARING AND STAFF RESPONSE

During the noticing period for the Kensington Design Review application, one request for a public hearing was received, becoming the impetus for submittal of this development plan application.

- A. Allen Trigueiro, resident of 65 Highgate Road, Kensington: In an email dated October 8, 2017, Allen Trigueiro requested a public hearing for the proposed project. Mr. Trigueiro's property is an approximately 37,896 square foot parcel adjacent to the eastern property

line of the subject site. The concerns raised in his email are summarized as follows:

1. Comment: The project as proposed would affect the view from Mr. Trigueiro's home because it overlooks the roof of 7 Highgate Court to see the Golden Gate Bridge and Mt. Tamalpais. The skylights will extend approximately 4 feet above the new roof, which appears to be 6 inches higher, increasing the overall elevation of the roof by 4 feet and 6 inches. The proposed solar panels will also sit on the roof facing Mr. Trigueiro's residence, which will cause a glare and is aesthetically unappealing.

Staff Response: Originally, the applicant submitted plans for 36 inch high skylights (x-ref: County File #KR17-0022). In an attempt to alleviate the concerns expressed by Mr. Trigueiro, the applicant submitted revised plans on October 25, 2017 reducing the height of the skylight curbs from 36 inches to 18 inches. 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. As shown in the attached rendering from the applicant, the raised roof and new skylights would cut off a sliver of the neighbor's view, just above the current roof ridge of the subject residence, and most of which is foreground view of the land. The neighbor's second story view from the bedroom would not be affected. The view from the green roof, just outside of the second story bedroom would be minimally affected. Photos from the site visit on December 7, 2017 are attached with this report.

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 Mr. Trigueiro's home.

VIII. STAFF ANALYSIS

- A. Appropriateness of Use: A detached, single-family home is a use that is consistent with the Single-Family Residential District (R-6), Kensington (-K) Combining District, and Tree Obstruction of Views (-TOV) Combining District in which the project site is located. The intent of the (R-6) Zoning District, the underlying zoning district for this property, is to provide for the orderly development of single-family residential uses and those uses normally auxiliary to residential development. The proposed improvements are residential in nature and do not substantially alter the existing residence that was built in 1960. Since the proposed modifications will not change the residential character of the existing home,

it remains an appropriate use for the site.

- B. General Plan Consistency: The subject property is located within the Single-Family Residential, High-Density (SH) General Plan land use designation. This designation allows between 5.0 and 7.2 single-family units per net acre. The project site includes one single-family residence, which is a permitted land use in this designation. In addition, the proposed improvements are residential in nature and will not change the density of residential development for the site.

Located in Kensington, the project is also subject to specific policies in the Contra Costa County General Plan (2005-2020). This allows for the review of new residential development that provides reasonable protection for existing residences in the Kensington community with regard to: views of scenic natural features, design compatibility (including bulk, size, and height), adequate parking, privacy, and access to sunlight.

The proposed improvements do not substantially affect the views of scenic natural features from neighboring properties. The new roof and insulation will increase the overall height of the subject house by 4 inches and the skylights will be 18 inches higher than the new raised roof ridge. The raised roof and new skylights would cut off a sliver of one neighbor's view (whose residence 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. The neighbor's second story view from the bedroom would not be affected. The view from the green roof, just outside of the second story bedroom would be minimally affected.

- C. Zoning Compliance: The subject property is located within the Single-Family Residential District (R-6), the Kensington Combining District (-K), and the Tree Obstruction of Views Combining District (-TOV).

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 new, raised skylights. The new roof and insulation will increase the overall height of the house by 4 inches and the skylights will be 18 inches higher than the new raised roof ridge, changing the overall height of the residence from 26 feet and 8 inches to 28 feet and 6 inches. 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.

Section 84-74.802 of the County Code establishes gross floor area threshold standards for properties within the Kensington Combining District (-K). No addition to the gross floor area is proposed. The applicant is proposing to remove an 8 square foot bump out on the eastern side of the home, which reduces the gross floor area from 5,576 square feet to 5,568 square feet.

The Kensington Combining District (-K) includes seven criteria for approval of the Development Plan project. 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 addition to the gross floor area is proposed and the skylights have been reduced from 36 inches to 18 inches in height. Since no addition to 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.

IX. 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. Therefore, staff recommends the Zoning Administrator 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, and Aerial View
- Site Photos
- Skylight Rendering
- Public Comments
- Agency Comments
- Reduced Plans