

w/ D.6

posard broek + associates

October 22, 2018

Allen Triguiero  
65 Highgate Road  
Kensington, CA 94707

RE: 7 Highgate Court, Kensington, CA 94707  
PB+A Review of "Appeal of Development Plan Approval for the Remodel at 7 Highgate Court, Kensington" & related documents.

Dear Allen,

POSARD BROEK + ASSOCIATES (PB+A) was contacted by you on October 16, 2018 in connection with the above referenced project. We were subsequently asked to review the design review set of plans titled "Residence Remodel – 7 Highgate Court, Kensington, CA" prepared by Joram S. Altman, dated March 1, 2018 ("Rev Dev Plan"); as well as the revised South Elevation (undated; received by Contra Costa County June 14, 2018). We also visited the site, met with you, and reviewed the view impact of the proposed remodel at 7 Highgate Court, on October 18, 2018.

PB+A is an interdisciplinary firm of architects, engineers, and construction managers specializing in the design, investigation, analysis, testing, and remediation of building systems in historic and contemporary structures. Over the last twenty years, PB+A and its principals have successfully completed thousands of investigative, testing, and repair projects throughout the United States involving virtually every type of building system and construction material, structural system, and architectural component.

PB+A understands that you, as the Owner of 65 Highgate Road (which adjoins 7 Highgate Court), are concerned about having established views of the Bay, in particular that of Brooks Island, which holds historical, personal significance for you, obstructed by the proposed building height increase at 7 Highgate Court.

As part of our review, PB+A in addition to the above noted documents also reviewed the Contra Costa County General Plan and the Kensington View Ordinance, particularly with respect to safeguarding the views of existing properties.

Below is a summary of PB+A's review of the plan set, the Zoning Administrator Staff Report dated March 19, 2018 (Design Review), the Zoning Administrator Staff Report dated June 27, 2018 (Appeal of Development Plan Approval), Contra Costa County and Kensington design guidelines, and our proposed considerations to allow you to retain your current bay view.

MARCH 1, 2018 "REV DEV PLAN" (MOST PAGES STILL DATED 10/25/17 "DEVELOPMENT PLAN")

1. The roof ridgeline height increase of the subject property is called out at 4" on the current plan set. Per your information, this was verbally changed to 6" at the last design review meeting by the 7 Highgate Court design team. The 4" ridgeline height increase should be confirmed.
2. The new skylight height is called out as 1'-6" above the NEW ridgeline.
3. Taken together, this represents a total 22" – 24" increase to the building height.
4. The chimney height will need to be increased accordingly for code compliance. The plans show an increase in the flue height only, with the masonry chimney left in place. Confirmation should be provided that only the metal flues will increase in height.
5. The property, and in particular the building height, have not been surveyed by a licensed surveyor to our knowledge, and all measurements that pertain to the increase in building height have been taken from the existing ridgeline. During construction, this ridgeline benchmark will be destroyed as the roofing and existing insulation are removed, at which point there will be no way to document compliance with the approved height increase.
6. The plans do not contain any information (section drawings or product cut sheets) regarding the proposed roof build-up/ skylight design.

7. The plans do not include even a rudimentary shading study to document the applicant's claim that a deeper skylight is required to mitigate direct sunlight. A 6" skylight curb, taken together with the increase in the building height, would provide at least 12" of depth (on the shallow side), measured from the interior.
8. The 23' long skylight, which is roughly oriented in a North-South direction, will allow direct sunlight to penetrate the building for a significant portion of the day during every season, simply due to its length and orientation. Therefore, shades would be necessary to mitigate direct sunlight, regardless of the skylight depth.
9. The two operable sections of the 23' long skylight are placed on the project South end of the skylight, such that when open they will further block the view from 65 Highgate Road. Placement at the opposite end would be less intrusive.
10. The size and orientation of the 23' long skylight in particular will undoubtedly create glare/ light pollution, significantly impacting the nighttime view from 65 Highgate Road.

#### KENSINGTON PLANNING ORDINANCE

The following guidelines were found on the Contra Costa County website.

- a. 84-74.204 - Purpose and intent. "The purpose of this chapter is to provide specific regulation...while minimizing impacts upon surrounding neighbors and *not substantially impairing the value and enjoyment of their neighbors' property...*" [emphasis added]. The proposed design would impact the enjoyment of the 65 Highgate Road property, both from the standpoint of the daytime view, and even more so from the standpoint of the nighttime view.
- b. 84-74.404 – Definitions. (m) "Obstruction" means any substantial blockage or diminution by the proposed development on surrounding neighbors' light, solar access, view..." The proposed design represents a substantial view blockage.
- c. 84-74.404 – Definitions. "Views include but are not limited to scenes of skylines, bridges, distant cities, *distinctive geologic features*, hillside terrain, wooded canyons, ridges and bodies of water." [emphasis added] The loss of the view of Brooks island is a significant aspect of the view blockage.

#### JUNE 27, 2018 APPEAL OF DEVELOPMENT PLAN APPROVAL FOR THE REMODEL AT 7 HIGHGATE COURT, KENSINGTON

The staff recommendation was for denial of the appeal, however, PB+A disagrees with several of their findings.

1. The staff report makes no mention of light pollution—the glare from the new skylights that threatens to ruin the nighttime view from 65 Highgate Court.
2. Section VI, paragraph 1. "The existing gas flue and fireplace chimney will be modified to extend 2 feet above the skylights..." Verification should be provided that only the metal flues will be extended, and that the original masonry chimney will not be increased in height. If the masonry chimney is going to be increased in height, this represents an additional view blockage.
3. Section VI, paragraph 3. "The raised curbs will provide a sun angle cut-off during most times of the year." In fact, due to the length and orientation of the 23' long skylight, direct sunlight will penetrate the building for a portion of each day during all seasons.
4. Section VI, paragraph 3. "Skylight shades were added when the applicant reduced the skylight curb height to provide direct sun cut off during the summer..." The skylight shades eliminate the need for the increased depth.
5. Section VIII, part C. The Staff Response claims that the building inspector will verify the building height. Building inspectors rarely, if ever, are aware of or tasked with verifying a specific building height. Survey verifications would be done through an independent third-party licensed surveyor.

### PRELIMINARY CONCLUSIONS

Based on our site visit and review of the documents produced by the 7 Highgate Court designer, as well as the design review findings, it is PB+A's opinion that the height increase at the 7 Highgate Court property does not conform to the Kensington Planning Ordinance, nor to the Contra Costa County General Plan. Further, by implementing a few minor adjustments, the Applicant could achieve the design goals of indirect natural light via new skylights, while preserving the historical view from 65 Highgate Road.

### PROPOSED CONSIDERATIONS

The following proposed considerations would protect 65 Highgate Road's existing views of the bay without compromising the applicant's proposed project.

1. The proposed design will impact the view from a primary living space (the living room) at 65 Highgate Court, and thus should be given special consideration. *The impact on the nighttime view will be significant.* The Zoning Administrator's staff has been negligent in failing to highlight or consider this particular view impact.
2. The proposed design will impact both the quantity and the quality of the seated view from 65 Highgate Court. It will not only take away a significant portion of the view of the bay, but it will also obscure most of Brooks Island, a scenic natural feature that also holds historical personal significance for the Owner.
3. Moving the operable sections of the 23' long skylight to the project North end of the skylight would mitigate the view impact of the operable sections when open.
4. Instead of increasing the curb height from what is standard, the applicant could limit direct sunlight by decreasing the plan dimensions of the skylights. The 23' long skylight, for instance, which is roughly oriented in a North-South direction, will allow direct sunlight to penetrate the building for a significant portion of the day during every season, simply due to its length and orientation, and regardless of its depth.
5. Additionally, the applicant can achieve more than sufficient skylight depth by constructing the short side of the curb at a standard 6", which, taken together with the increased roof package depth of 6", would provide 12" or more of depth on the shallow side.
6. The applicant plans to add shades to the skylights, and has stated that this is a concession that was made due to decreasing the depth of the skylights. However, it is the case that the 23' long skylight would have required shades regardless of its depth. Since shades must be included for the 23' long skylight, there is no reason why the skylight cannot be of standard height.
7. Choosing an opaque skylight, or an opaque lay-light below the skylight, would cut down on direct sunlight issues while maintaining the view from 65 Highgate Road.
8. The County Planning Commission should require that the applicant hire a licensed surveyor, to be approved by the Owner at 65 Highgate Road, to determine the height of the existing roof, and then to certify compliance with the approved building height, both during construction, and once construction has been completed.

Please contact us if you have any questions.

Sincerely,



Approved Electronic Signature

Adam Posard, A.I.A. LEED® AP  
Principal

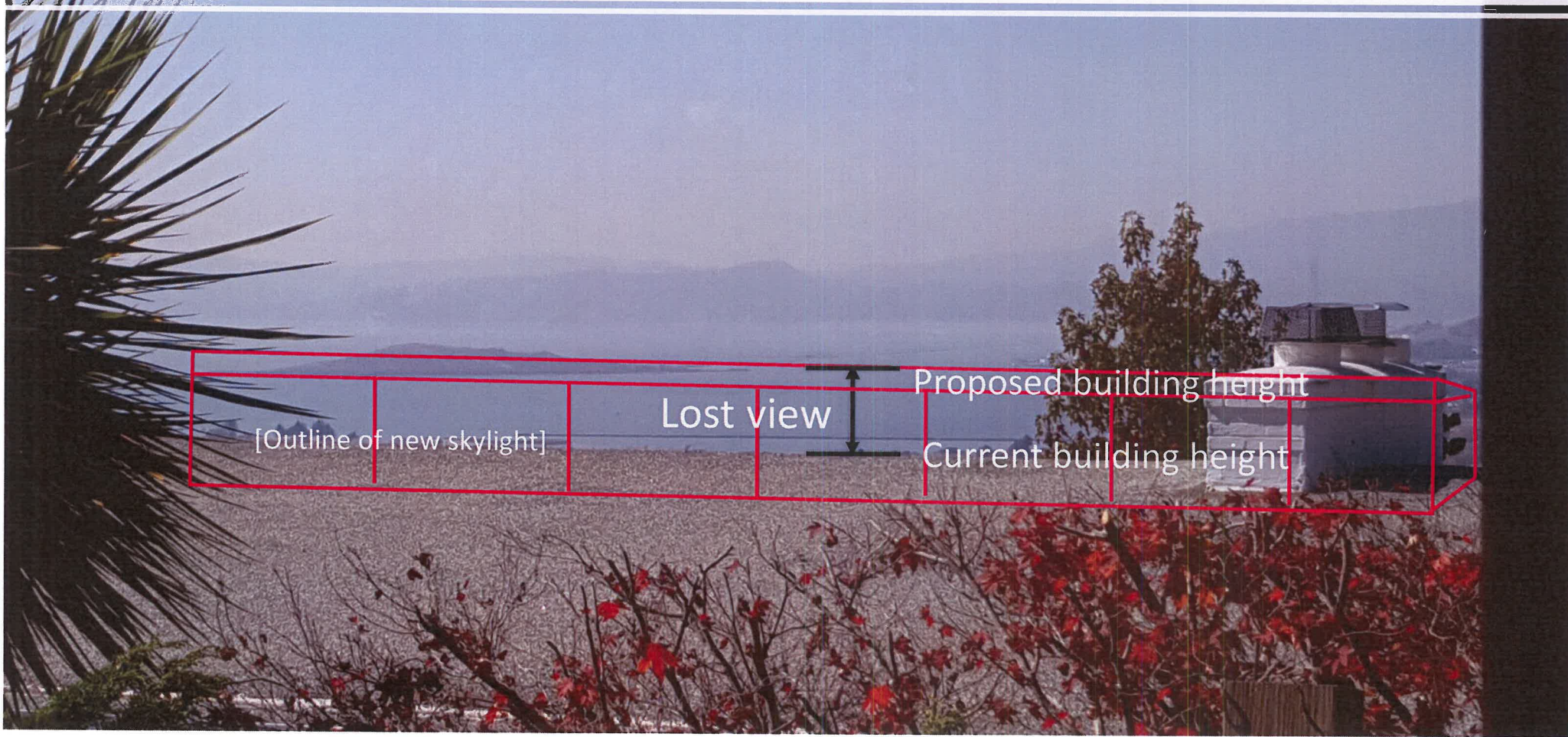
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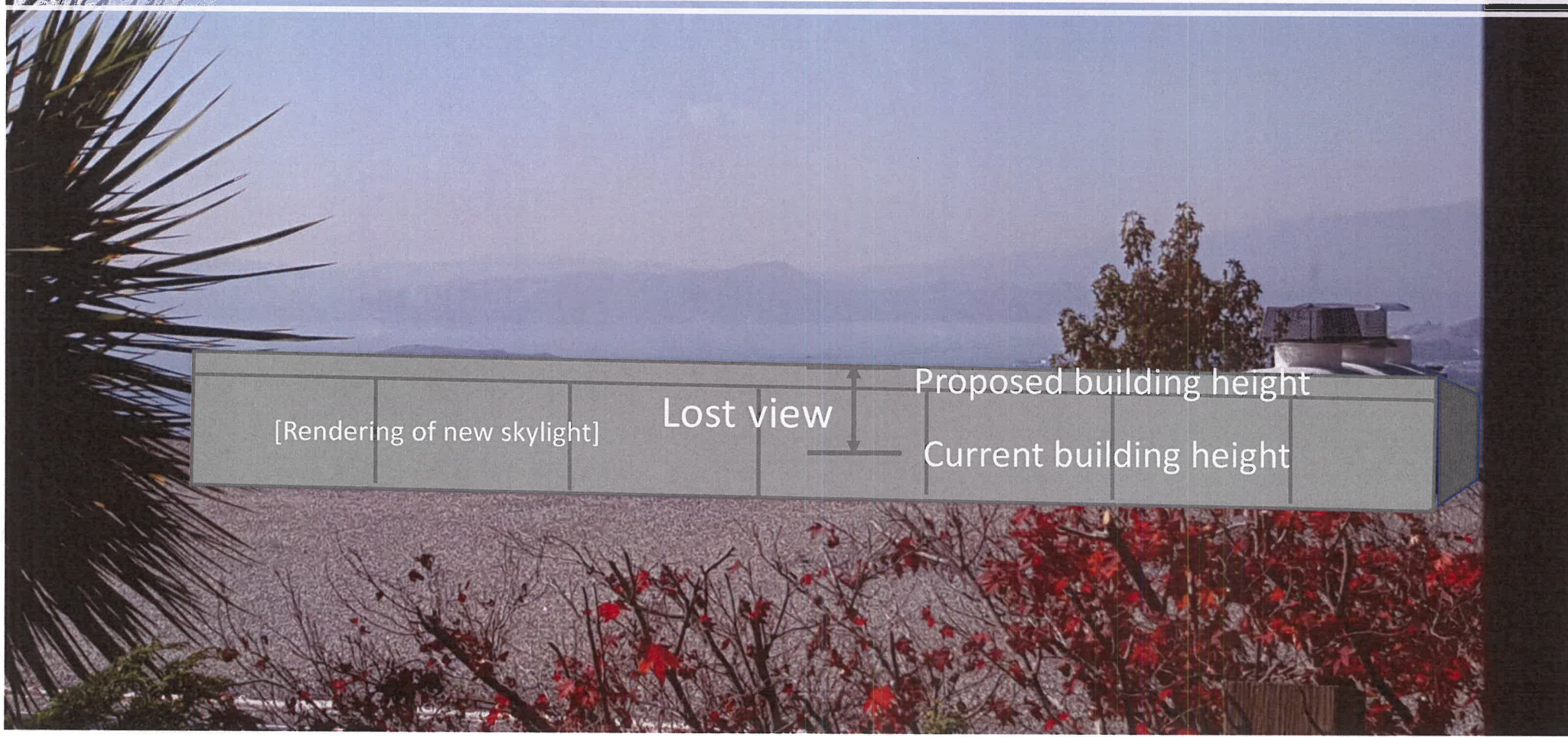
65 Highgate Road: current seated view



# View loss due to height increase at 7 Highgate Court



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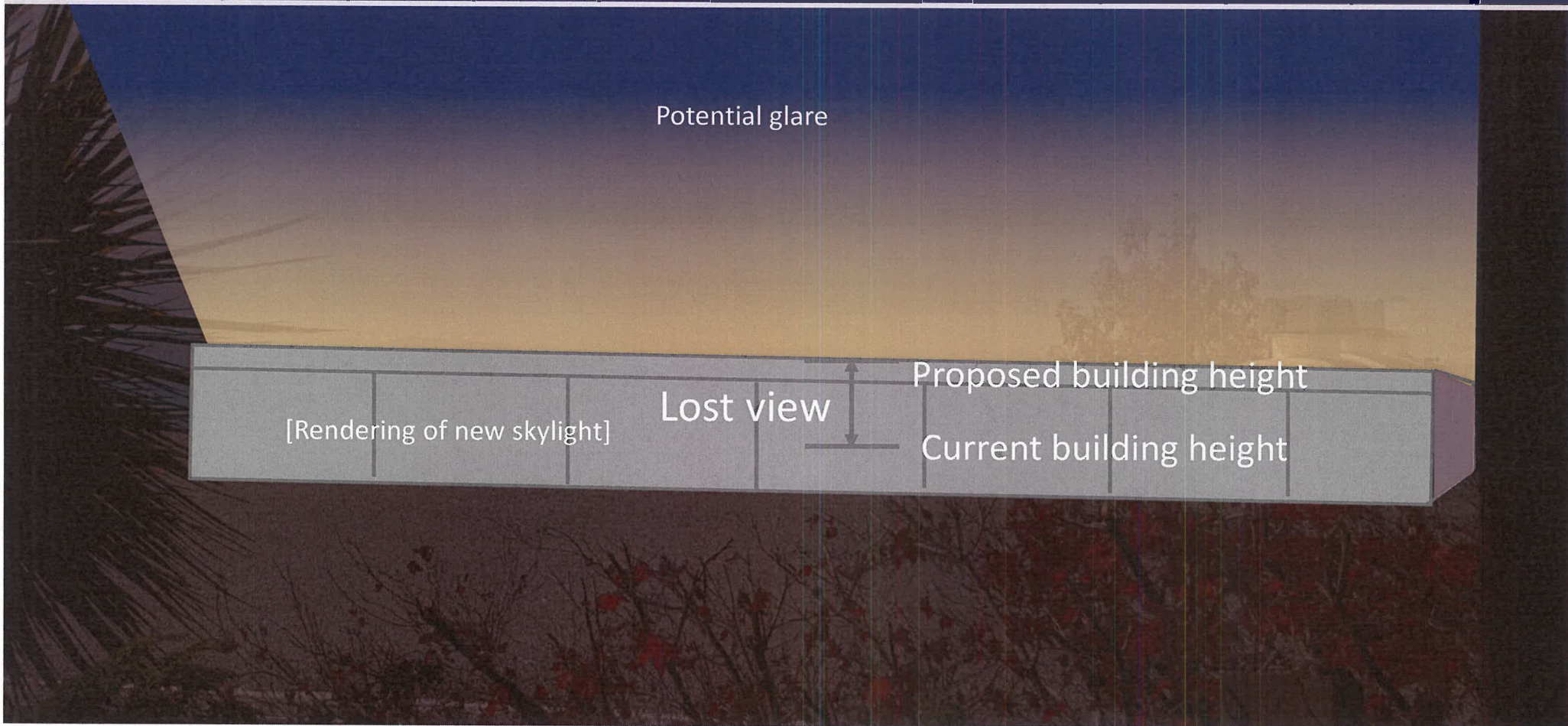
[Rendering of new skylight]

Lost view

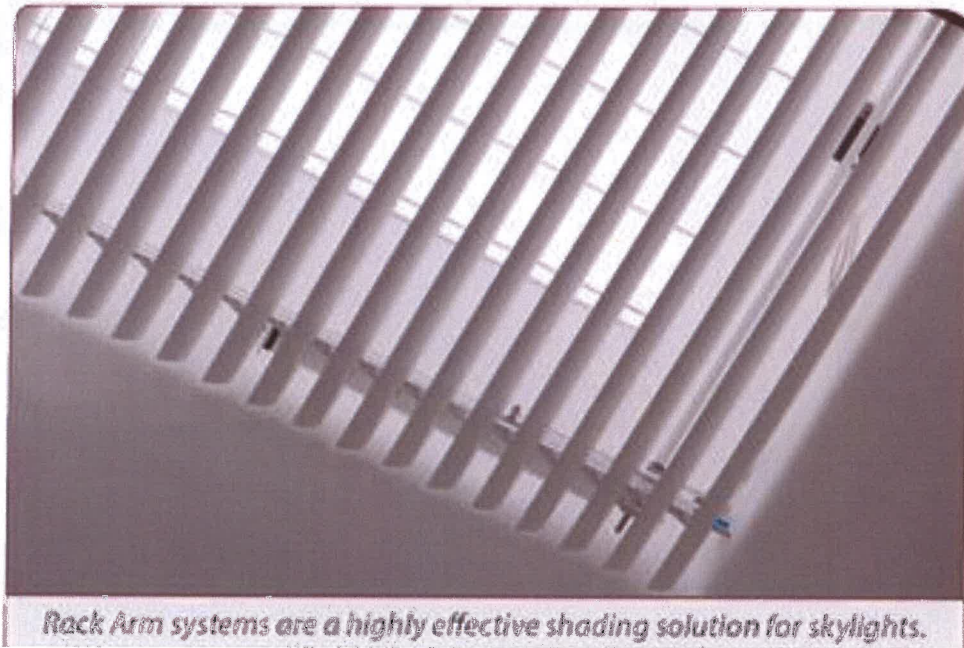
Proposed building height

Current building height

# Rendering of light pollution from new skylights



## Skylight Shading Options





## Skylight Opaque Glazing Options

