



DATE: December 17, 2014

AGENDA ITEM #3

TO: Design Review Commission
FROM: Lily Lim, Assistant Planner
SUBJECT: 14-V-12 (ref. 14-H-06) - 439 Rinconada Court

RECOMMENDATION:

Approve variance application 14-V-12 (ref. 14-H-06) subject to the findings and conditions

PROJECT DESCRIPTION

This project is a variance to allow a side yard setback of nine feet where 10 feet is required and to allow the floor area to further exceed the maximum allowed for an addition to an existing historic two-story house. The project includes adding a 51 square-foot laundry room, rebuilding the garage, and constructing a new deck to the rear of the property. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION:	Single-Family, Residential
ZONING:	R1-10
PARCEL SIZE:	15,775 square feet
MATERIALS:	Match existing – composition shingle roof and horizontal wood siding and trim

	Existing	Proposed	Allowed/Required
COVERAGE:	2,708 square feet	2,760 square feet	4,733 square feet

FLOOR AREA:	Existing	Proposed	Allowed/Required
Basement	1,338 square feet	1,338 square feet	
First floor	1,839 square feet	1,890 square feet	
Second floor	1,609 square feet	1,609 square feet	
Attic	900 square feet	900 square feet	
Total	5,686 square feet	5,737 square feet	4,328 square feet

SETBACKS:	Existing	Proposed	Allowed/Required
Front	12 feet	12 feet	25 feet
Rear	56 feet	56 feet	25 feet
Right side (1 st /2 nd)	25 feet/31 feet	25 feet/31 feet	10 feet/17.5 feet
Left side (1 st /2 nd)	9 feet/14 feet	9 feet/14 feet	10 feet/17.5 feet

HEIGHT:	40 feet	40 feet	27 feet
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BACKGROUND

The subject property is located on Rinconada Court, which is a cul-de-sac street. Due to the Historic Landmark designation of the main structure, the Historical Commission considered and granted a Historic Alteration Permit on October 27, 2013. By Code, the Historical Commission's permit is advisory to the Design Review Commission.

As a result of the original subdivision, the existing structure has an existing, nonconforming side and front setbacks, and exceeds the maximum allowable floor area. The subdivision also allowed the construction of the existing two-car garage. At the time of the subdivision, the Code did not consider the basement in the floor area calculation. By the current Code, the existing structure would be considered a four-story structure, which technically includes the basement as the first floor, the first floor as the second floor, the second floor as the third floor, and the attic as the fourth floor. All four stories are considered in the floor area calculation. Typically, basements are not included in the floor area calculation unless they are more than 24 inches above grade. Due to the current Code, the basement is considered floor area and adds to the nonconforming floor area.

DISCUSSION

The project includes the addition of a 51 square-foot laundry room, a six-foot deep by 17-foot wide deck, the demolition of the existing detached garage, and the construction a new detached garage in the right rear corner of the property. The addition of a laundry room is located on the left (west) side of the structure. The laundry room will be located behind existing portions of the structure and will not be visible from the street. A setback variance is required for the proposed laundry room to encroach into the required side yard setback. The proposed laundry room maintains the nonconforming side setback of the existing structure of eight feet, nine inches, where a 10-foot setback is required for the ground-level addition (identified as the first floor on the plans). Since the laundry room is not above any floor it is considered at the first story.

A floor area variance is also required in order to allow the laundry room addition and garage relocation. The relocation of the garage will not create any new floor area; however, the addition of the laundry room will add to the nonconforming floor area. The laundry room addition will increase the floor area by 51 square feet, for a total of 1,409 square feet over the maximum allowable floor area. The addition will be architecturally compatible with the existing structure and uses the same materials to integrate the design.

The project would relocate the existing non-historic detached garage from the current location adjacent the main structure. A new detached garage, of the same size, would be constructed in the northwest corner (right rear corner) of the property. Rebuilding the garage requires a variance since the existing garage exceeds the maximum allowable floor area. As a result of the new driveway, an 18 inch Oak tree will be removed; however, three larger, mature Oak trees within close proximity will be preserved.

A new six-foot deep by 17-foot wide deck is proposed to the rear (north) of the structure and will be accessed from the kitchen by new French doors. The French doors will replace an existing window, which will be preserved for future use. Given its location on the structure, the proposed deck will not be visible from the street and will not detract from the visual character of the historic structure. This will require removal of an existing window and reconstructing a small portion of the existing wall.

Staff finds that the variance to increase the maximum floor area to add a laundry room helps to preserve the historic structure by allowing a modern amenity, while avoiding the need to disrupt the historic floor plan of the structure. Currently, the existing laundry area is located within the kitchen. The addition of a designated laundry room will allow the structure to have modern amenities enjoyed by other properties within the vicinity. Alternatively, the laundry room could be established within the existing area of the house; although this is not staff's recommendation.

Further, staff supports the rebuilding of the existing garage to the northwest corner of the property since it helps to de-emphasize the garage and improve the historic context of the main house. Granting a variance for the new garage will give the property owners the ability to maintain the garage that was permitted by the original subdivision. Additionally, granting the variance will improve the historic setting and maintain the viability of the historic structure. The new garage will not increase the existing, nonconforming floor area as the size remains the same.

Overall, the project is consistent with the objectives of the City's Zoning Code. Moreover, it will not be detrimental to the healthy, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity. Granting the variance will allow the property owner to enjoy modern amenities while preserving the historic nature of the structure.

As mentioned above, there is a proposed deck located to the rear of the structure, which is approximately four-and-a-half feet from the existing grade. The deck is setback approximately 32 feet from the left (west) property line and approximately 75 feet from the rear (north) property line. Due to the increased setbacks of the deck, it does not create an unreasonable privacy concern.

Procedurally, since the laundry room, garage, and deck elements occur at the ground-level, they would be approved administratively should the Commission grant the variance.

CORRESPONDENCE

Staff received a letter from a neighboring property expressing some concerns regarding the location of the proposed garage (Attachment E). The proposal includes a new hedge along the northern property line to buffer the garage from the neighboring property. The existing fence is solid and relatively new in construction. The new garage is adjacent to the rear yard of the concerned property; therefore, staff considered the proposed hedge as an appropriate mitigation measure.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves a single-family use in a residential zone.

CC: Walter Chapman, Applicant and Designer
Scott and Deanne Miller, Property Owners

Attachments

- A. Application and Letter from Applicant
- B. Maps
- C. Arborist Report
- D. Correspondence
- E. Historical Commission Staff Report – October 27, 2014
- F. Historical Commission Meeting Minutes – October 27, 2014

FINDINGS

14-V-12 (ref. 14-H-06) – 439 Rinconada Court

With regard to the variances to allow a side yard setback of nine feet, where 10 feet is required, and allow the floor area to exceed the maximum allowed to construct a new laundry room and relocate an existing garage, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. That the granting of the variances are consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
- b. That the granting of the variances is not detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
- c. That a special circumstance applicable to the property exists due to the location of the home on the parcel and nonconforming floor area as a result of the original subdivision and nature of the historic landmark designation of the structure, and the strict application of the required side yard setback deprives this property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

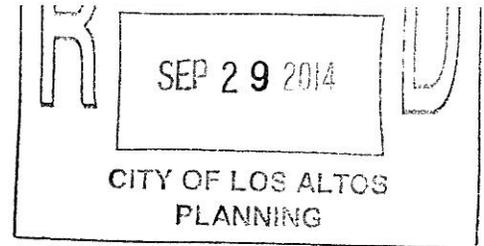
CONDITIONS

14-V-12 (ref. 14-H-06) – 439 Rinconada Court

1. The approval is based on the plans received on October 27, 2014 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. The applicant/owner agrees to indemnify, defend, protect, and hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.



CITY OF LOS ALTOS
GENERAL APPLICATION



Type of Review Requested: (Check all boxes that apply)

Permit # 1106337

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Sign Review	<input type="checkbox"/>	Multiple-Family Review
<input type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance(s)	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Subdivision Map Review	<input type="checkbox"/>	Commercial Design Review	<input checked="" type="checkbox"/>	Other: <u>HISTORICAL</u>

Project Address/Location: 439 RINCONADA COURT

Project Proposal/Use: RESIDENTIAL

Current Use of Property: RESIDENTIAL

Assessor Parcel Number(s) 170-35-033 Site Area: _____

New Sq. Ft.: 51 Remodeled Sq. Ft.: N/A Existing Sq. Ft. to Remain: 5,245

GARAGE 441
Total Existing Sq. Ft.: 5,856 Total Proposed Sq. Ft. (including basement): 5,737

Applicant's Name: CHAPMAN DESIGN ASSOCIATES

Home Telephone #: _____ Business Telephone #: (650) 941-6890

Mailing Address: 620 S. EL MONTE AVE

City/State/Zip Code: LOS ALTOS CA 94022

Property Owner's Name: SCOTT & DEANNE MILLER

Home Telephone #: (408) 679-2814 Business Telephone #: _____

Mailing Address: 439 RINCONADA COURT

City/State/Zip Code: LOS ALTOS CALIF. 94022

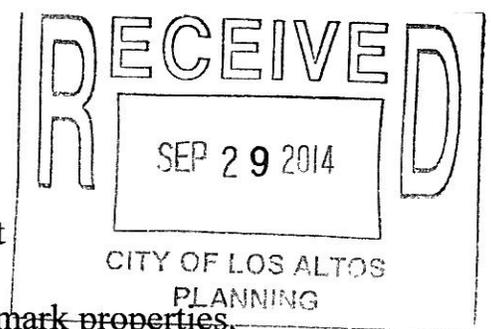
Architect/Designer's Name: WALTER CHAPMAN Telephone #: 941-6890

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

(continued on back)

14-H-06 and 14-V-12

Rinconada Court
Side Yard Setback Variance request



439 Rinconada Court is one of the City of Los Altos's landmark properties. Originally built in roughly 1895. The house has maintained its integrity for over a hundred 15 years even though the property has been whittled away over time. The most recent reconfiguration of the original estate was the subdivision that resulted in the creation of Rinconada Court. This subdivision left the historical house on an unusually shaped parcel which required the granting of numerous exceptions to city zoning rules to accommodate the residence.

The most significant of these exceptions was the floor area ratio that was created. A residence of this size 5,856 sq. ft. when including all floor levels, basement and garage would normally have required a lot size of 31,061.5 sq. ft. However the subdivision only provided a parcel of 12,940 sq. ft. so the existing structures currently exceeds the allowed floor area ratio by 1,530 sq.ft.

The property owners wish to add a modest laundry on the main floor of the house this would result in an increase of floor area of 51 sq.ft. In order to address this increase they are proposing to remove an existing garage that has a floor area of 611 sq.ft. when the attic space is included. Although under current zoning rules the attic space would not be included in the floor area, by building code it meets the requirement of floor area and clearly creates the mass of a two story structure. This garage would be replaced with a single story garage of 441 sq.ft. resulting in a net reduction of 119 sq.ft. While the total square footage of structures would still exceed the allowable, there would be a reduction of total square footage for the property.

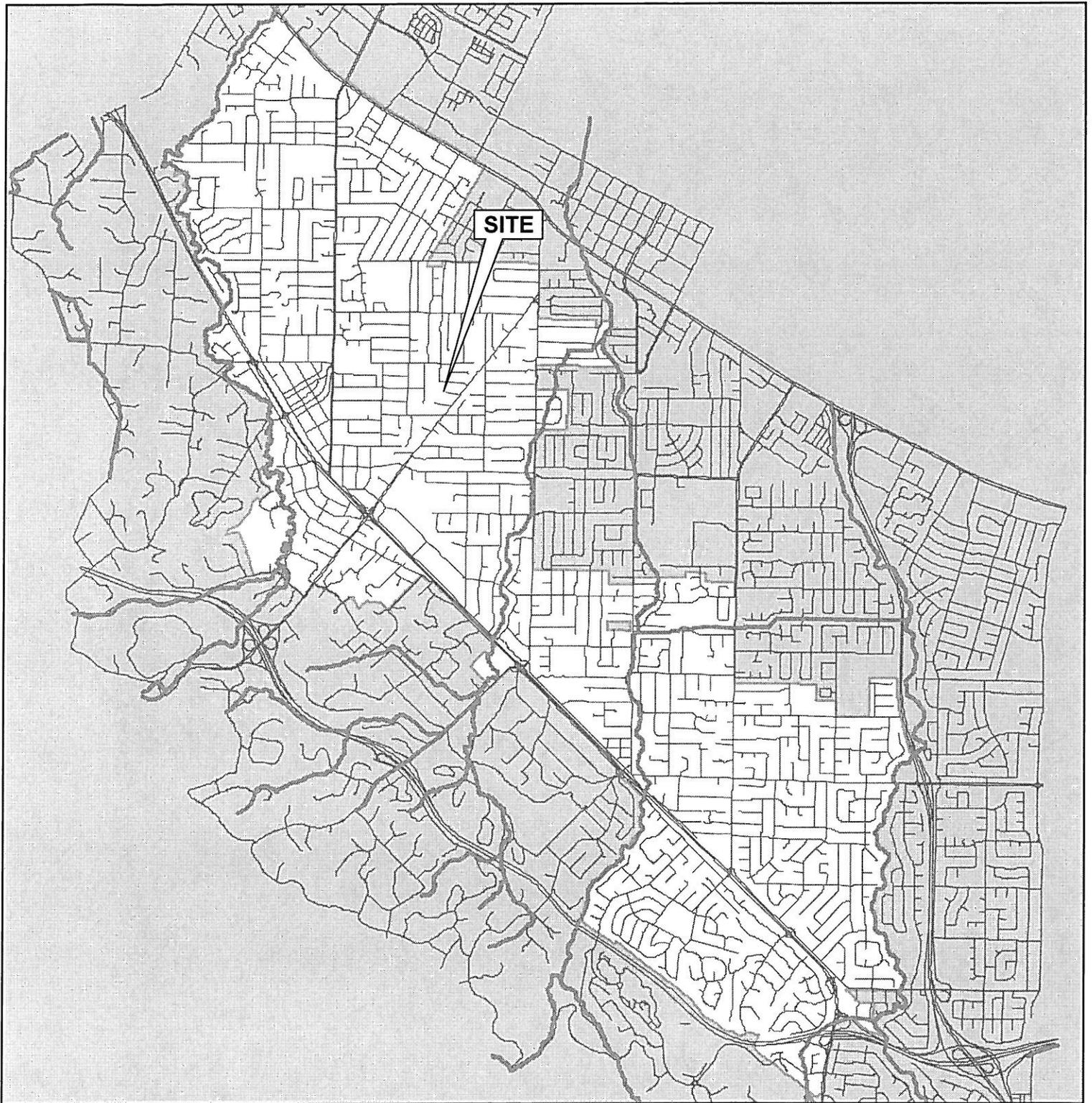
There is another issue associated with the laundry room addition. This issue is also a result of another exception that was allowed when the subdivision was approved. The side yard setback for a two story is normally 17'-6" however the subdivision resulted in a setback of 13'-9". If the subdivision had provided the proper setback of 17'-6" there would be sufficient room for the proposed single story laundry room. As proposed a portion of the laundry room would encroach 1'-3" into the required 10' setback. The proposed addition would require a variance for this encroachment and possibly a variance for floor area even though as proposed there would be a reduction in overall square footage by reducing the scale of the detached Garage.

The historical integrity of the site will be improved with the removal of the detached garage which was built in 1989. The current garage visually detracts from the historical homes presence on Riconada Court and provides a false sense of historical context. The modest addition to create a functional laundry room on the left side rear corner of the structure, however would only be visible from the rear and left side yards of the property. This addition and the introduction of a set of French doors with a deck to provide direct access to the rear yard, will have no impact on the prominent elevations of the house, yet will provide for amenities associated with a modern home.

Thank you for your consideration in this matter.

Walter Chapman
Chapman Design Associates

AREA MAP



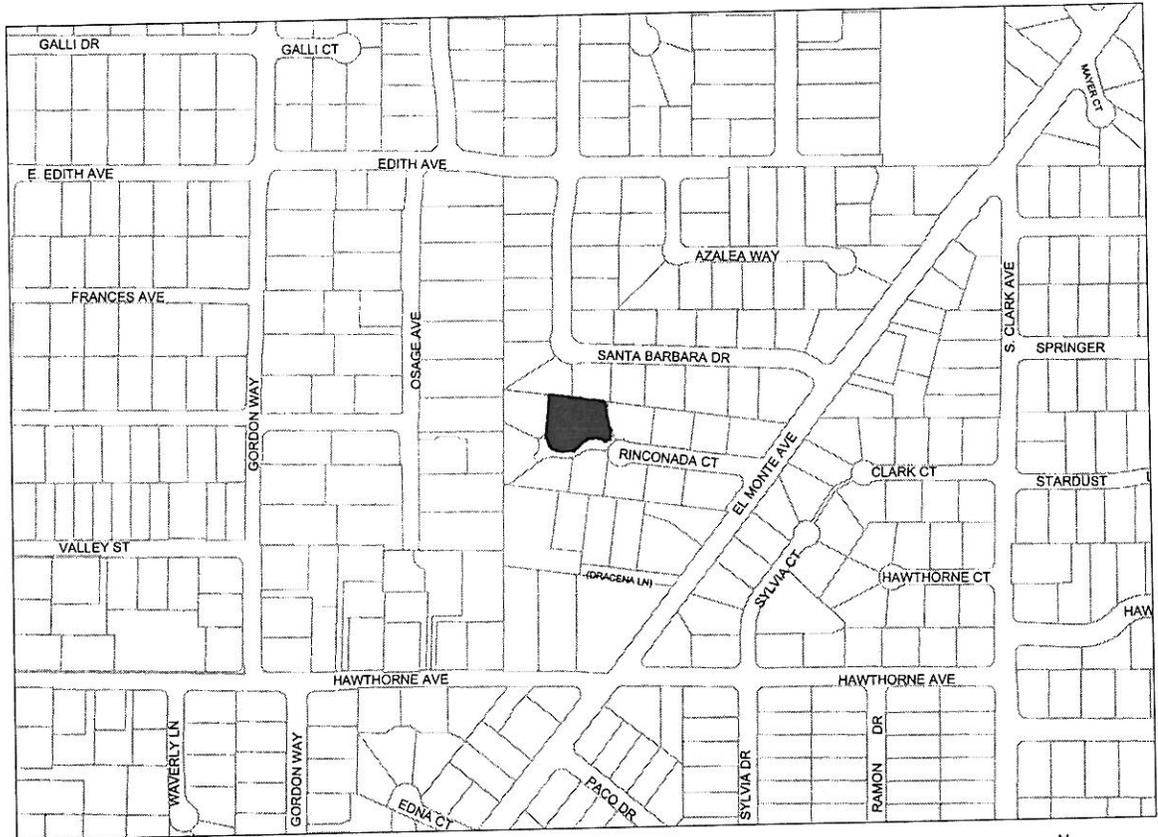
CITY OF LOS ALTOS

APPLICATION: 14-H-06 and 14-V-12
APPLICANT: Chapman Design Associates/S. and D. Miller
SITE ADDRESS: 439 Rinconada Court

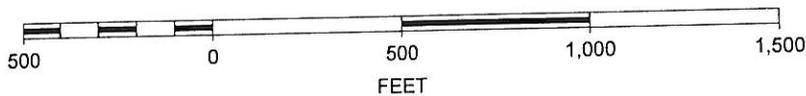


Not to Scale

VICINITY MAP

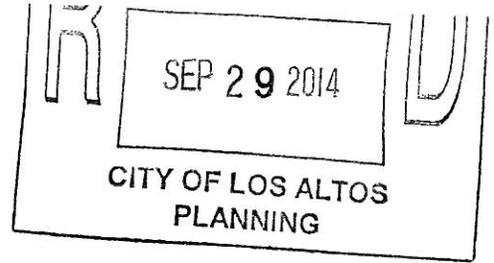


SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 14-H-06 and 14-V-12
APPLICANT: Chapman Design Associates/S. and D. Miller
SITE ADDRESS: 439 Rinconada Court



**Review of the Existing Trees
Near Proposed Construction
Deanna Miller Residence
439 Riconada Court
Los Altos, California**

Assignment

I was asked by Deanna Miller to review the risks to the existing trees by the proposal to remove the existing garage and to construct a new garage.

A Site Plan prepared by Chapman Design was provided for this review, which I have used to illustrate the relationships between proposed construction and the existing trees. This version of the Site Plan did not show the location of the existing driveway. I have added the existing driveway to the Site Plan, because this was needed to show the relationships of some construction aspects to Trees # 2, 3, and 4. Although I included Tree # 5, but this specimen is located on a sloped lawn and would not likely be exposed to risk by the proposed construction. I have titled this site plan mark-up as the Tree Map, which is included in the attachments.

Observations

The plan proposes to accomplish the following objectives:

- (1) To demolish the existing Garage;
- (2) To demolish an existing concrete slab in the area proposed for a new garage;
- (3) To construct a new Garage;
- (4) To up grade the existing driveway.

There are 5 trees in the area proposed for this construction. These 5 trees are listed by number on Field Data Sheet, which follows this text. This Data Sheet provides the basic information about each tree, including the species, the trunk diameter(s), height, spread, health, and an estimate of structural integrity. The health and structural integrity is rated on a scale of 1-5: (1) Excellent, (2) Good, (3) Fair, (4) Poor, (5) Extremely Poor.

The initial question concerning this project was whether or not the construction of the new garage would be feasible at the location proposed on the north side of Tree # 1. To answer this question, I asked that a trench be dug by hand between the trunk of this tree and the proposed new garage. I emphasized the fact that roots in this trench must not be damaged until I could inspect them. This trench was dug at the edge of the existing concrete slab for a distance of approximately 20 feet across the root zone of Tree # 1. The trench was dug at a depth of 15-16 inches, because that depth was the proposed depth of the footing for the new garage.

I inspected the roots in this trench on June 27, 2014. All of the roots in this exploratory trench were ½ inch in diameter or smaller. As a result of this finding, I am able to report that it was entirely possible to construct the new garage at the proposed location, without significant damage to Tree # 1.

Although this version of the Site Plan does not show the proposed new driveway, Mrs. Miller stated that Tree # 2 would be in conflict with the new driveway. Tree # 2 is a sub-dominant specimen, growing in fairly dense shade of surrounding trees, including the shadow cast by Trees # 1, 3, and 4. If Tree # 2 is not directly in conflict with the new driveway, it would no doubt suffer severe root losses should the new driveway be constructed by typical methods (soil stabilization, soil compaction, durable surfacing).

There are a sizable number of additional trees on the property, but they are located a good distance from this proposed construction.

Tree Protection Plan

1. The most significant feature of a Tree Protection Plan at most locations is temporary Tree Protective Fencing. However, in this case, Tree # 1 has fencing between it and the existing driveway on the west side of the trunk. On the north side of the trunk of Tree # 1, there is another existing 6 foot wood fence. No protective fencing would be required for Tree # 2 should it be removed. Trees # 3 and 4 are located adjacent to the existing driveway, in which Tree Protective Fencing would not provide a significant benefit. Tree # 5 is located on a slope and a distance from the driveway. For this reason, it does not appear that Tree # 5 would be exposed to any risk.

2. I suggest that the trunks of Trees # 3 and 4 be covered by 2X4 boards soldiered around the trunk and tied together on the north and east sides of their trunks to approximately 8 feet above grade. An option would be to wrap the trunks with "Wattle". This would be covered by a wrap of orange or yellow caution plastic fencing. This would provide limited physical protection, but would provide a good visual reminder that these trees are protected and must not suffer any bark injuries.
3. There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a certified arborist.
4. If underground utilities would be installed linking the residence to the new garage, it will be essential that the trenches be a radius distance of 10 times the trunk diameter away from the trunks of existing trees. If this cannot be achieved, a certified arborist must be consulted, who must approve the location of the trenching or recommend an alternative method.
5. Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
6. Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
7. Any pruning must be done by an arborist certified by the ISA (International Society of Arboriculture) and according to ISA, Western Chapter Standards, 1998.
8. Any pathways or other hardscape (excluding the new driveway) inside the driplines of protected trees must be constructed completely on top of the existing soil grade without excavation. Fill soil may be added to the edge of finished hardscape for a maximum distance of approximately 2 feet from the edges to integrate the new hardscape to the natural grade.
9. The sprinkler irrigation must not be designed to strike the trunks of trees, because of potential high risk of disease infection.
10. Landscape irrigation trenches must be a minimum distance of 10 times the trunk diameter from the trunks of protected trees.
11. Landscape materials (cobbles, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.

439 Riconada Court
Los Altos, CA

12. The plants that are planted inside the driplines of oak trees must be of species that are compatible with the environmental and cultural requirements of oaks trees. A publication about plants compatible with California native oaks can be obtained from the California Oak Foundation, 1212 Broadway, Suite 810, Oakland 94612.

Respectfully submitted,



Michael L. Bench, Consulting Arborist
International Society of Arboriculture Certification # WE 1897A
American Society of Consulting Arborists Member

Attachments: List of Trees
Tree Map
Assumptions and Limiting Conditions

Lily Lim

ATTACHMENT D

From: Sharon Liu [shihualiu@yahoo.com]
Sent: Sunday, October 26, 2014 9:22 PM
To: Lily Lim
Cc: Edward Deng; Sharon Liu
Subject: Feedback on the permit application of 439 Rinconada Court

Hi Lily,

We are Sharon Liu and Edward Deng at 416 Santa Barbara Drive. We met with you last week to check out the permit application of 439 Rinconada Court, a historical landmark property. We are their backyard neighbor and we are concerned about that the new garage door and drive way will be only about 10 feet away from our backyard - most detached garages seem to have their garage doors facing the street, and at least don't have drive ways in parallel with backyard neighbor's fence and so close to it.

We did talk to our neighbor, Scott, at 439 Rinconada Court and shared our concern. We suggested following two things to him:

- 1) Growing a thick and tight hedge between the new driveway and the fence
- 2) Installing a sound barrier fence along the new drive way and garage

Scott agreed to 1), but said that he wasn't familiar with 2).

We believe 2) is a fairly common practice in Los Altos to help reduce noise impact on neighbors.

Since the City Planning Department helps to keep an eye on every resident's fair right, we hope the Planning Department could recommend the above two items (or some other ways to help reduce noise and gas smell impact on neighbors) at Monday's Historical Commission meeting.

Thanks,
Sharon Liu & Edward Deng

10/28/2014

Lily Lim

From: Sharon Liu [shihualiu@yahoo.com]
Sent: Monday, October 27, 2014 12:59 PM
To: Lily Lim
Cc: Edward Deng; Sharon Liu
Subject: Re: Feedback on the permit application of 439 Rinconada Court

Hi Lily,

Thanks a lot for the update! We are grateful that the designer will be proposing a hedge to mitigate the sound from the garage and drive way.

However, it would take years to grow a thick and tight hedge. Could a sound attenuating fence be installed just along the drive way (this is to address his comment about that the sound may reflect from the fence back to the wall of the garage)? It should provide some help to reduce noise.

To help reach an agreement, we are willing to share some of the cost of installing such a sound attenuating fence - as we understand, one way to build it is basically has a layer of plywood in the middle, sandwiched by normal fences outside. We think the following arrangement seems to be fair:

- 1) Get a quote for a normal fence, and let's say the amount is \$x.
- 2) Get a quote for a sound attenuating fence, and let's say the amount is \$y, which is the total cost. We would pay 50% of \$x; the neighbor's share would be (\$y - our. payment)

Would it make sense for you to communicate the above to the designer as we are unlikely to get hold of our neighbor before the meeting this evening?

Thanks!
Sharon and Edward

PS It isn't technically correct to say that the sound would be reflected from the fence back to the wall of the garage to cause problems as there are such sound attenuating fences, which are also about 10 feet from buildings, designed by acoustic consultants and have worked well in reducing noise between neighbors in Los Altos.

On Monday, October 27, 2014 11:22 AM, Lily Lim <llim@losaltosca.gov> wrote:

Hi Sharon,

Thank you for your email. I will be providing the Commissioners with your email so that they are aware of your concerns. I've spoken with the designer/architect for this project and they will be proposing a hedge to mitigate the sound from the garage. I mentioned the sound attenuating fence to him; however, he believes that a fence will not absorb the sound as much as the hedge would. It may cause the sound to reflect from the fence back to the wall of the garage.

I thought I'd give you a little update to their response. Let me know if you have any other concerns. Have a great day.

*Lily Lim
Assistant Planner
City of Los Altos - Planning Division
One North San Antonio Road
Los Altos, CA 94022
Phone: 650.947.2640
E-Mail: LLim@losaltosca.gov*

From: Sharon Liu [mailto:shihualiu@yahoo.com]
Sent: Sunday, October 26, 2014 9:22 PM
To: Lily Lim
Cc: Edward Deng; Sharon Liu
Subject: Feedback on the permit application of 439 Rinconada Court

10/28/2014

Lily Lim

From: Sharon Liu [shihualiu@yahoo.com]
Sent: Tuesday, October 28, 2014 3:15 PM
To: Lily Lim
Cc: Edward Deng; Sharon Liu
Subject: Thank you!

Hi Lily,

Thanks a lot for helping Sharon understand the process of delivering her comments on the permit application of 439 Rinconada Court at the Historical Commission meeting last night!

And it was good to know that the Planning Department would do more detailed review. It may be useful to summarize our feedback (which is consistent with what we said before):

1) Our backyard neighbor's permit application will build a garage and driveway really close to our backyard. In particular, the garage door isn't facing the street and the driveway is in parallel with our backyard fence. This configuration will definitely increase noise and gas smell in our backyard - so we are concerned about this.

Looking at the permit application, we believe the legitimacy of our concern is obvious to everyone.

2) We are grateful that the neighbor has agreed to grow a hedge.

3) But it will take years to grow a thick and tight hedge. Hence installing a sound barrier fence (at least along the driveway) would be necessary.

We hope the Planning Department can recommend such a fence be added in the permit application - it would reduce noise impact on neighbors and help maintain a harmonious community.

If you have any questions or need further information from us, please let us know. And we'd really appreciate it if we can be informed about the outcome of the Planning Department's review if all possible.

Thanks,
Sharon and Edward

ATTACHMENT E



DATE: October 27, 2014

AGENDA ITEM #3

TO: Historical Commission
FROM: Lily Lim, Assistant Planner
SUBJECT: 14-H-06 - 439 Rinconada Court

RECOMMENDATION:

Approve Historic Alteration Permit 14-H-06 subject to the findings and conditions

PROJECT DESCRIPTION

The project is requesting approval of alterations to a designated Historic Landmark property. The scope of work includes the addition of a laundry room on the first floor, a new deck at the rear of the home, demolition of the existing detached garage, and construction of a new detached garage. The project will also require approval by the Design Review Commission of a variance to allow an encroachment into the required side yard setback and exceeding the maximum allowable floor area.

BACKGROUND

On April 28, 2003, the City Council designated the structure a Historic Landmark. The Stick and Queen Anne style house was constructed in 1895 under the ownership of David Farnsworth. The 200 acre ranch was known as Farnsworth Farms until approximately 1988. It was later known as the "Farnsworth Meyer house" after Paul Meyer. The structure was preserved based on age, architectural merits, its historical associations with an early settler of the area and a citizen prominent in the political formation of the City. Additional information regarding the historic significance of the structure can be found in the attached historic property evaluation (Attachment A).

DISCUSSION

Due to the Historic Landmark designation of the main structure, a Historic Alteration Permit must be granted by the Historical Commission for the scope of work before it can move forward to the Design Review Commission for consideration of the variance. In order to make the findings to approve the permit, the Commission must find that the work complies with the Historic Preservation Ordinance, does not adversely affect the physical integrity or the historic significance and is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The project includes the addition of a 51 square-foot laundry room on the first floor, a six-foot deep by 17-foot wide deck, demolition of the existing detached garage, and construction a new detached garage in the right rear corner of the property. The addition of a laundry room is minor

in scope and located on the left (west) side of the structure. The laundry room will be located behind existing portions of the structure and will not be visible from the street.

A new six-foot deep by 17-foot wide deck is proposed to the rear (north) of the home and will be accessed from the kitchen by new French doors. The French doors will replace an existing window, which will be preserved for future use. Given its location on the structure, the proposed deck will not be visible from the street and will not detract from the visual character of the historic structure. This will require removal of an existing window and reconstructing a small portion of the existing wall.

A variance is required in order to allow the addition to continue the existing non-conforming side yard setback and to exceed the maximum allowable floor area. The existing structure has a non-conforming side setback of eight feet, nine inches, where a 10-foot setback is required. Currently, the existing floor area ratio is 140 square feet over the allowable maximum per the Code. With the addition of the laundry room, the floor area ratio will be approximately 191 square feet over the allowable maximum. The addition will be architecturally compatible with the existing structure and uses the same materials to integrate the design. Due to the minor nature of the project, staff did not require review by a certified historic professional.

The existing non-historic detached garage will be demolished from the current location behind the existing main structure. A new detached garage, of the same size, will be constructed in the northwest corner (right rear corner) of the property. As proposed, the new garage is located within the public utility easement. Staff has directed the applicant to relocate the structure outside of the easement. Since the detached garage is not historically significant on this property, the construction of a new garage will not adversely affect the physical integrity or the historic significance of the main structure, staff recommends approval of the historic alteration permit.

CC: Walter Chapman, Applicant and Designer
Scott and Deanne Miller, Property Owners

Attachments

- A. Historic Property Evaluation – 439 Rinconada Court
- B. Letter from Applicant
- C. Arborist Report

FINDINGS

14-H-06 – 439 Rinconada Court

With regard to the Historic Alteration Permit for the project at 439 Rinconada Court, the Historical Commission finds the following in accordance with Section 12.44.150 of the Municipal Code:

- A. The project complies with all provisions of the Historic Preservation Ordinance Chapter 12.44);
- B. The project does not adversely affect the physical integrity or the historic significance of the subject property; and
- C. The project is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

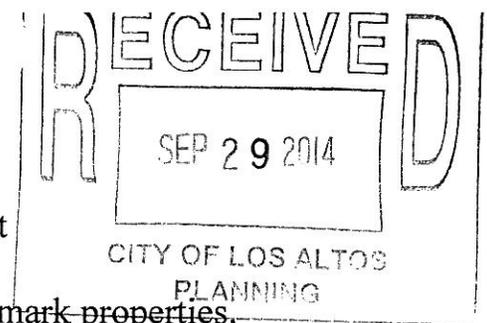
CONDITIONS

14-H-06 – 439 Rinconada Court

1. The approval is based on the plans received on October 23, 2014 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. The applicant shall relocate the proposed garage out of the existing public utility easement.
3. The proposed French patio doors shall be architecturally compatible with the existing windows.

ATTACHMENT A

Rinconada Court Side Yard Setback Variance request



439 Rinconada Court is one of the City of Los Altos's landmark properties. Originally built in roughly 1895. The house has maintained its integrity for over a hundred 15 years even though the property has been whittled away over time. The most recent reconfiguration of the original estate was the subdivision that resulted in the creation of Rinconada Court. This subdivision left the historical house on an unusually shaped parcel which required the granting of numerous exceptions to city zoning rules to accommodate the residence.

The most significant of these exceptions was the floor area ratio that was created. A residence of this size 5,856 sq. ft. when including all floor levels, basement and garage would normally have required a lot size of 31,061.5 sq. ft. However the subdivision only provided a parcel of 12,940 sq. ft. so the existing structures currently exceeds the allowed floor area ratio by 1,530 sq.ft.

The property owners wish to add a modest laundry on the main floor of the house this would result in an increase of floor area of 51 sq.ft. In order to address this increase they are proposing to remove an existing garage that has a floor area of 611 sq.ft. when the attic space is included. Although under current zoning rules the attic space would not be included in the floor area, by building code it meets the requirement of floor area and clearly creates the mass of a two story structure. This garage would be replaced with a single story garage of 441 sq.ft. resulting in a net reduction of 119 sq.ft. While the total square footage of structures would still exceed the allowable, there would be a reduction of total square footage for the property.

There is another issue associated with the laundry room addition. This issue is also a result of another exception that was allowed when the subdivision was approved. The side yard setback for a two story is normally 17'-6" however the subdivision resulted in a setback of 13'-9". If the subdivision had provided the proper setback of 17'-6" there would be sufficient room for the proposed single story laundry room. As proposed a portion of the laundry room would encroach 1'-3" into the required 10' setback. The proposed addition would require a variance for this encroachment and possibly a variance for floor area even though as proposed there would be a reduction in overall square footage by reducing the scale of the detached Garage.

The historical integrity of the site will be improved with the removal of the detached garage which was built in 1989. The current garage visually detracts from the historical homes presence on Riconada Court and provides a false sense of historical context. The modest addition to create a functional laundry room on the left side rear corner of the structure, however would only be visible from the rear and left side yards of the property. This addition and the introduction of a set of French doors with a deck to provide direct access to the rear yard, will have no impact on the prominent elevations of the house, yet will provide for amenities associated with a modern home.

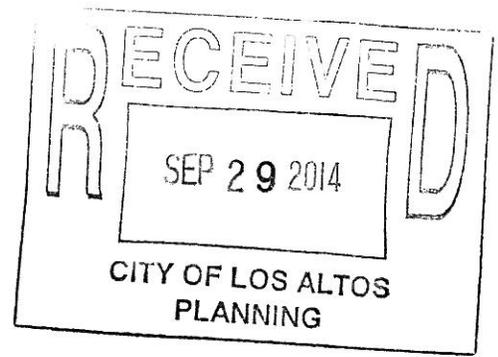
Thank you for your consideration in this matter.

Walter Chapman
Chapman Design Associates

ATTACHMENT B

Michael L. Bench
Consulting Arborist
(831) 594-5151

7327 Langley Canyon Road
Prunedale, California 93907



**Review of the Existing Trees
Near Proposed Construction
Deanna Miller Residence
439 Riconada Court
Los Altos, California**

Assignment

I was asked by Deanna Miller to review the risks to the existing trees by the proposal to remove the existing garage and to construct a new garage.

A Site Plan prepared by Chapman Design was provided for this review, which I have used to illustrate the relationships between proposed construction and the existing trees. This version of the Site Plan did not show the location of the existing driveway. I have added the existing driveway to the Site Plan, because this was needed to show the relationships of some construction aspects to Trees # 2, 3, and 4. Although I included Tree # 5, but this specimen is located on a sloped lawn and would not likely be exposed to risk by the proposed construction. I have titled this site plan mark-up as the Tree Map, which is included in the attachments.

Observations

The plan proposes to accomplish the following objectives:

- (1) To demolish the existing Garage;
- (2) To demolish an existing concrete slab in the area proposed for a new garage;
- (3) To construct a new Garage;
- (4) To up grade the existing driveway.

There are 5 trees in the area proposed for this construction. These 5 trees are listed by number on Field Data Sheet, which follows this text. This Data Sheet provides the basic information about each tree, including the species, the trunk diameter(s), height, spread, health, and an estimate of structural integrity. The health and structural integrity is rated on a scale of 1-5: (1) Excellent, (2) Good, (3) Fair, (4) Poor, (5) Extremely Poor.

The initial question concerning this project was whether or not the construction of the new garage would be feasible at the location proposed on the north side of Tree # 1. To answer this question, I asked that a trench be dug by hand between the trunk of this tree and the proposed new garage. I emphasized the fact that roots in this trench must not be damaged until I could inspect them. This trench was dug at the edge of the existing concrete slab for a distance of approximately 20 feet across the root zone of Tree # 1. The trench was dug at a depth of 15-16 inches, because that depth was the proposed depth of the footing for the new garage.

I inspected the roots in this trench on June 27, 2014. All of the roots in this exploratory trench were ½ inch in diameter or smaller. As a result of this finding, I am able to report that it was entirely possible to construct the new garage at the proposed location, without significant damage to Tree # 1.

Although this version of the Site Plan does not show the proposed new driveway, Mrs. Miller stated that Tree # 2 would be in conflict with the new driveway. Tree # 2 is a sub-dominant specimen, growing in fairly dense shade of surrounding trees, including the shadow cast by Trees # 1, 3, and 4. If Tree # 2 is not directly in conflict with the new driveway, it would no doubt suffer severe root losses should the new driveway be constructed by typical methods (soil stabilization, soil compaction, durable surfacing).

There are a sizable number of additional trees on the property, but they are located a good distance from this proposed construction.

Tree Protection Plan

1. The most significant feature of a Tree Protection Plan at most locations is temporary Tree Protective Fencing. However, in this case, Tree # 1 has fencing between it and the existing driveway on the west side of the trunk. On the north side of the trunk of Tree # 1, there is another existing 6 foot wood fence. No protective fencing would be required for Tree # 2 should it be removed. Trees # 3 and 4 are located adjacent to the existing driveway, in which Tree Protective Fencing would not provide a significant benefit. Tree # 5 is located on a slope and a distance from the driveway. For this reason, it does not appear that Tree # 5 would be exposed to any risk.

2. I suggest that the trunks of Trees # 3 and 4 be covered by 2X4 boards soldiered around the trunk and tied together on the north and east sides of their trunks to approximately 8 feet above grade. An option would be to wrap the trunks with "Wattle". This would be covered by a wrap of orange or yellow caution plastic fencing. This would provide limited physical protection, but would provide a good visual reminder that these trees are protected and must not suffer any bark injuries.
3. There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a certified arborist.
4. If underground utilities would be installed linking the residence to the new garage, it will be essential that the trenches be a radius distance of 10 times the trunk diameter away from the trunks of existing trees. If this cannot be achieved, a certified arborist must be consulted, who must approve the location of the trenching or recommend an alternative method.
5. Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
6. Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
7. Any pruning must be done by an arborist certified by the ISA (International Society of Arboriculture) and according to ISA, Western Chapter Standards, 1998.
8. Any pathways or other hardscape (excluding the new driveway) inside the driplines of protected trees must be constructed completely on top of the existing soil grade without excavation. Fill soil may be added to the edge of finished hardscape for a maximum distance of approximately 2 feet from the edges to integrate the new hardscape to the natural grade.
9. The sprinkler irrigation must not be designed to strike the trunks of trees, because of potential high risk of disease infection.
10. Landscape irrigation trenches must be a minimum distance of 10 times the trunk diameter from the trunks of protected trees.
11. Landscape materials (cobbles, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.

439 Riconada Court
Los Altos, CA

12. The plants that are planted inside the driplines of oak trees must be of species that are compatible with the environmental and cultural requirements of oaks trees. A publication about plants compatible with California native oaks can be obtained from the California Oak Foundation, 1212 Broadway, Suite 810, Oakland 94612.

Respectfully submitted,



Michael L. Bench, Consulting Arborist
International Society of Arboriculture Certification # WE 1897A
American Society of Consulting Arborists Member

Attachments: List of Trees
Tree Map
Assumptions and Limiting Conditions

APPROVED



ATTACHMENT F

HISTORICAL COMMISSION MINUTES

Monday, October 27, 2014 – 7:00 P.M.
Los Altos Community Meeting Chambers
1 North San Antonio Road, Los Altos, California 94022

CALL TO ORDER

Chair AHMADJIAN-BAER called the meeting to order at 7:00 P.M.

ESTABLISH QUORUM

Present: Chair AHMADJIAN-BAER, Vice-Chair CHAPMAN, Commissioners BAKER, BISHOP, MABE and WELSH (Arrived at 7:04 P.M.)

Absent: Commissioners MARFATIA

Staff: Staff Liaison GALLEGOS and Assistant Planner Lim

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Citizen Jonathan Baer, a member of the Planning and Transportation Commission, raised concerns regarding the historic review process.

ITEMS FOR CONSIDERATION/ACTION

1. Commission Minutes

MOTION by Commissioner CHAPMAN, seconded by Vice-Chair MABE, to approve the September 22, 2013 meeting minutes as amended.

MOTION CARRIED UNANIMOUSLY

MOTION by Commissioner BISHOP, seconded by Vice-Chair CHAPMAN, to approve the September 22, 2013 Study Session meeting minutes.

MOTION CARRIED UNANIMOUSLY

2. 14-H-06 – Chapman Design Associates – 439 Rinconada Court

Vice-Chair CHAPMAN recused himself from the item because he is the project designer/presenter.

Assistant Planner LIM presented the staff report.

Citizen Sharon Liu, provided comments and expressed their general supported for the project.

The Commission discussed the item and expressed their general support for the project.

APPROVED

MOTION by Commissioner BAKER, seconded by Commissioner WELCH, to recommend approval of a Historic Review Application 14-H-06 to the Design Review Commission subject to the listed findings and conditions, with deletion of Condition No. 2.

MOTION CARRIED UNANIMOUSLY (5-0-1)

INFORMATIONAL ITEMS

3. Library Centennial Celebration

Commissioner Mabe provided an update of the library centennial. The commissioner discussed an exhibit of historical library sites, car show and the Cities of Los Altos and Mountain View issued proclamations for the library centennial.

4. Monthly staff report

Staff Liaison GALLEGOS requested direction from the Historical Commission whether meetings will be held on November 24, 2014 and December 22, 2014. The commissioners agreed to tentatively cancel the December 22, 2014 meeting, if the Commission has held the minimum required number of meetings for 2014.

COMMISSIONER REPORTS AND COMMENTS

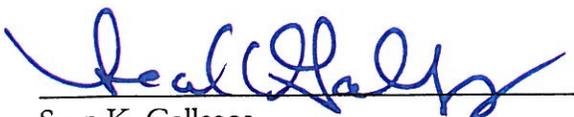
Chair AHMADJIAN-BAER requested an update from staff regarding the Request for Proposal for the Halsey House at 482 University Avenue.

POTENTIAL FUTURE AGENDA ITEMS

None

ADJOURNMENT

Chair AHMADJIAN-BAER adjourned the meeting at 7:39 PM



Sean K. Gallegos
Staff Liaison to the Historical Commission