



DATE: September 24, 2013

AGENDA ITEM # 5

TO: City Council

FROM: David Kornfield, Planning Services Manager

SUBJECT: Morningside Planned Unit Development Plan Amendment for Lot 12

RECOMMENDATION:

Approve PUD/R1 Cluster use permit application 13-UP-01 subject to recommended findings and conditions

SUMMARY:

Estimated Fiscal Impact:

Amount: None

Budgeted: Not applicable

Public Hearing Notice: August 15, 2013

Previous Council Consideration: Not applicable

CEQA Status: Categorically Exempt pursuant to CEQA Section 15305

Attachments:

1. Minutes of the August 15, 2013 Planning and Transportation Commission Meeting
2. Memorandum to the Planning and Transportation Commission, dated August 15, 2013
3. Correspondence

BACKGROUND

This use permit amends the development plan for Lot 12 of the Morningside Planned Unit Development. The Morningside Planned Unit Development of single-family dwellings was created in 1985 with the addition of 10, townhouse style condominiums to a large creekside property that contained the original farmhouse and accessory structures. The farmhouse and accessory structures remained on what became Lot 12 of the subdivision within designated conservation and flood control easements along the Adobe Creek bank area. The City's approval of the development restricted Lot 12 to a single-family dwelling as allowed by the City's regulations. Subsequently, the City designated the subject property as a Historic Resource.

The existing development plan allows the structures on Lot 12 to remain as nonconforming and to replace the single-family dwelling on the upper part of the property. This amendment would allow for the conversion of the historic residence to an accessory structure and allow the development of a new single-family dwelling on the upper part of the property subject to certain requirements including defined setbacks, design character and review process.

On August 15, 2013, the Planning and Transportation Commission held a public hearing on the proposal. The public comment included descriptions of the property's history and relationship to the historic barn of the adjacent Creekside Oaks development, concerns about the increased development potential without considering a house design at the same time, questions about converting a dwelling to an accessory structure, a desire to retain the existing grade along the site's northerly border, and maintenance of the property within the conservation easement.

The Planning and Transportation Commission discussed the relationship of the subject property within the development, the preservation of the historic property, the definition of accessory structure and accessory uses, the provisions to allow accessory structures in planned unit developments, the desire to maintain the distinctive oak tree, the balance of a property owner's development rights within the context of a historic designation, and appropriate design limits.

Ultimately, the Commission unanimously recommended approval of the application, as recommended by staff, with the following amendments that:

1. Revise Condition No. 5 to clarify the intent to protect the 30-inch diameter oak tree;
2. Any new development should appear to be single-story and have no more than 6,000 square feet of lot coverage;
3. The driveway for any new development should use the existing driveway apron on Morningside Drive;
4. Amend Condition No. 3 to specify that any new development should be compatible in style with the existing planned unit development style;

5. Amend Condition No. 7 to state that the property owner should maintain the conservation easement area including removal of any abandoned septic systems, water wells, drains and other structures as required by the Santa Clara Valley Water District; and
6. The property owner should remove any eucalyptus and non-native trees creating a fire hazard within the conservation easement only near the historic structures as recommended by the City Arborist.

The attached memorandum to the Planning and Transportation Commission describes the project in greater detail.

DISCUSSION

Subsequent to the Planning and Transportation Commission's review, the City received three letters (Attachment 3). Two letters are from the property owners at 612 Milverton Road expressing concerns about the grade and the potential privacy and visual impacts along the northerly side of the subject property. One letter is from the Morningside Homeowners Association President stating concerns about increasing density within the development and the time limits for speaking.

Staff notes that any development of the subject property requires consideration of a grading and drainage plan that would address such site- and design-specific concerns related to the appearance, privacy and runoff potential of the existing and any proposed grades. While this is perfunctory, staff affirmed the intent of Condition No. 6 by adding a reference to grade changes and water runoff.

FISCAL IMPACT

None

PUBLIC CONTACT

A notice was posted on-site, mailed to the property owners within 500 feet and advertised in the Town Crier for the public hearing before the Planning and Transportation Commission.

A notice was posted on-site and mailed to the property owners within 500 feet of the subject property for the City Council hearing.

Posting of the meeting agenda serves as notice to the general public.

FINDINGS

PUD/R1 Cluster, 13-UP-01—604 Milverton Road

With regard to modifying the development plan for Lot 12 in the Morningside Planned Unit Development, the Planning and Transportation Commission finds in accordance with Section 14.62.200 (B) (16) of the Municipal Code that:

- a. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
- b. The proposed location of the conditional use is in accordance with the objectives of the zoning plan;
- c. The proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; and
- d. The proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions.

CONDITIONS

PUD/R1 Cluster, 13-UP-01—604 Milverton Road

The development of Lot 12 within the Morningside planned unit development is subject to the following conditions:

1. Any new dwelling shall be subject to a Historical Commission recommendation, if necessary, and Design Review Commission review and approval. Prior to submittal to the City, the property owner should provide evidence of architectural review by the Morningside of Los Altos Community Association if required by the property's Covenants, Conditions and Restrictions;
2. If a new dwelling is developed, then the nonconforming dwelling must be removed or converted to an accessory building. Removal of the nonconforming dwelling shall be subject to the recommendation of the Historical Commission;
3. Any new dwelling shall be compatible with the architectural style of the Morningside planned unit development subject to the City's Single-Family Residential Design Review Guidelines;
4. Any new structures shall be subject to the following building setbacks:
 - a. Front yard – 35 feet;
 - b. Side yard – 25 feet; and
 - c. Rear yard – conservation easement line;
5. Any new development should maintain the 30-inch diameter oak tree. Any new structures must be located outside of the dripline of the oak tree unless recommended by a certified arborist;
6. Any development must include a landscape and grading plan that includes appropriate landscaping in the front yard and side yards to preserve the privacy of adjacent structures and to buffer any new construction. Such plans should retain soil along the northern property line, if necessary, and minimize water runoff;
7. Any development must convert the existing structure, if remaining, to the sanitary sewer as required by the City Engineer. Additionally, the property owner should maintain the conservation easement area including removal of any abandoned septic systems, water wells, drains and other structures as required by the Santa Clara Valley Water District;
8. Any new development should appear to be a single-story and have no more than 6,000 square feet of lot coverage;

9. Any new development should use the existing driveway apron on Morningside Road;
10. The property owner should remove any eucalyptus and non-native trees creating a fire hazard within the conservation easement only near the historic structures as recommended by the City Arborist; and
11. The grading and excavation activities for any development shall be supervised by a qualified archeologist as approved by the Community Development Director, and as follows:
 - a. In the event that archeological resources are encountered during site grading and/or excavation, land altering work in the general vicinity of the find shall be modified in order to allow the evaluation of the find by a qualified archeologist;
 - b. If it appears that additional construction related earthmoving will affect a potentially significant resource, then the archaeologist shall submit a plan for the evaluation of the resource to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation of the suspected cultural deposit to determine if it contains information and/or materials that make it eligible for placement on the California Register of Historic Resources;
 - c. If it is determined that construction activity will impact an eligible resource, the property owner shall prepare a plan for mitigation of impacts to the resource before work is allowed to recommence in the zone designated as archaeologically sensitive. Mitigation can take the form of additional hand excavation coupled with limited hand excavation to ensure that significant archaeological materials and information are retrieved for analysis and report preparation as required by the California Environmental Quality Act; and
 - d. If human remains are discovered during construction, construction activities that could disturb the remains and any associated artifacts shall halt and the property owner shall contact the local Coroner's Office and the Native American Heritage Commission (NAHC) and a member of the Muwekma Ohlone Tribe if possible. The NAHC should name a most likely descendant to advise the property owner on the manner of exposure and removal of burials and associated grave goods, and to help designate a place for the reburial of these materials.

PUBLIC HEARING

2. 13-UP-01 – A. Ahrens – 604 Milverton Road

Development plan modification to increase the lot coverage for the subject property, where the lot coverage increase would allow for the future construction of a single-family dwelling and the conversion of the existing single-family dwelling to an accessory structure on a lot within the Morningside Planned Unit Development. *Project Planner: Kornfield*

Planning Services Manager KORNFIELD presented the staff report recommending approval of a modification to the development plan for the Morningside Planned Unit Development regarding 604 Milverton Road (Lot 12) subject to the listed findings and conditions.

Applicant Abby Ahrens presented a Costello family history and stated that she had tried to meet with the Morningside neighbors, who showed a sense of entitlement to “open space”. Gregg Ann Herrern spoke in support of her mother and business partner, Abby Ahrens, and property development rights.

Resident Jan Truitt spoke in opposition to the project stating that the Morningside deal was to leave two acres of “green belt”, and this proposal would circumvent the original agreement. Attorney John Hanna (speaking on behalf of ten Morningside owners) stated that lot 12 is a member of the homeowner’s association and is bound by the CC&R’s, that the accessory building is a loophole by removing the kitchen, and that this cannot be segmented under CEQA and would allow increased development potential with project development later.

Project civil engineer, John Berry, complimented staff, stated that the CC&R’s allow for the development of lot 12, the Historic Designation is important, the accessory structure solves/satisfies concerns, and there is approximately 140 feet between the historic house and lot 12. Property owner, Mark Costello, stated that the application was to clarify development potential, still only allows one dwelling, the HOA contentions relationship of development potential over the years and their actions deny his family the use of their land, and the HOA amended the CC&R’s to limit their development. Brother John Costello stated that the original intent of his dad was to help his children. Neighbor Carla Hickman stated that the Costello family is generous, lot 12 is private property and the family has the right to develop, and that the new house should not conform to the 1980’s design of the PUD, but look to the historic design. Resident and friend of Mark Costello, Rod Incerpi, spoke in support of the project and said that the Costello family wants to preserve their and the City’s heritage.

Resident Jim Wing noted that at the time of Creekside Oaks, the barn was a dwelling and the City Council deemed the barn and accessory structure. He further commented that he did not see the notice posted, that condition #2 should be amended to clarify one dwelling, the non conforming uses should be removed, the conservation easement area should be cleaned up, the existing driveway cut should be used, and supported maintaining the historic house as an accessory unit. Neighbor LaDon Detto stated that she did see the notice posted, that 604 Milverton has a mailbox in front of her lot at 614 Milverton, and the elevation change at the property line should be looked at. There was no other public comment.

The Commission's discussion included:

- The reason the Commission was not reviewing the house design now, was because the rules for developing the PUD needed to be established, then the design would be reviewed by the Design Review Commission.
- Lot 12 should conform to new development and should clean-up the fire hazard trees.
- The definition of an accessory structure, access to the accessory building, and the driveway.
- Property owner's right to develop the lot and balance with the Morningside HOA.
- Preserving the Oak tree on Lot 12.
- Cleaning up and conforming lot lines (Jim Wing's letter).
- Maintaining and preserving the Historic Structure in perpetuity.
- The existing driveway is integral to the look of the historic structure.
- The upper pad was always part of the development and the accessory use of historic structure is legitimate.
- Possible condition for the new house design to be single-story, compatible with the Morningside character, and not to exceed 6,000 square feet of lot coverage.
- Whether the greater good would be to preserve the historic structure or respect the original intent.
- The need to allow for the maintenance of the historic house.
- Removal of the nonconforming dwelling should not be permitted.
- Clean up the conservation easement with wells, septic tank, and trees that are a fire hazard.

MOTION by Commissioner BRESSACK, seconded by Commissioner BAER, to recommend approval to the City Council of use permit application 13-UP-01 to modify the development plan for the Morningside Planned Unit Development regarding 604 Milverton Road (Lot 12), with the following amendments:

- Clarify the intent to save the 30-inch diameter oak tree on Lot 12;
- That any new development should appear to be single-story and equal or less than 6,000 square feet of lot coverage;
- That any new development should use the existing driveway apron on Morningside Drive;
- That any new development should be compatible in style with the existing Morningside design style;
- That the property owner should maintain the conservation easement area including removal of any abandoned septic systems, water wells, drains and other structures as required by the Santa Clara Valley Water District; and
- That the property owner should remove any eucalyptus and non-native trees creating a fire hazard within the conservation easement only near the historic structures as recommended by the City Arborist.

THE MOTION PASSED UNANIMOUSLY.

DISCUSSION

3. 12-D-12 and 12-SD-01 – D. Luedtke – 86 Third Street

Commercial Design Review and Subdivision for a new three-story mixed-use building with one level of underground parking. The project includes 5,525 square feet of office space and 20 residential units. *Project Planner: Dahl*

ATTACHMENT 2



DATE: August 15, 2013

AGENDA ITEM # 2

TO: Planning and Transportation Commission

FROM: David Kornfield, Planning Services Manager

SUBJECT: 13-UP-01 – Morningside Planned Unit Development – 604 Milverton Road

RECOMMENDATION:

Approve a modification to the development plan for the Morningside Planned Unit Development regarding 604 Milverton Road (Lot 12) subject to the listed findings and conditions.

BACKGROUND

Morningside Planned Unit Development

The property at 604 Milverton Road is a parcel within the Morningside planned unit development. The Morningside planned unit development has 11 single-family dwellings in approximately 5.2 acres. The development is split into two sections with 10 units on approximately 3.1 acres and one unit (the subject property) on approximately 2.1 acres (see Attachment C). The total gross site area of the Morningside development is 226,740 square feet with a net site area of 181,392 square feet.

In 1971 the City determined the overall density for Creekside Oaks and what became the Morningside development when approving the 76 dwellings for the Creekside Oaks development. The City limited the Morningside development density to 10 single-family dwellings in addition to the existing single-family dwelling on the subject property (see Attachment D). In 1985 the City approved the Morningside development subject to requirements for a conservation easement and dwelling limit on the subject property (Attachment E) which are discussed below.

Lot 12

The subject property, Lot 12 in the subdivision, is the home site of the original property owner and remains in the family's ownership to date. The property has a single-family residence and an accessory building. The structures are accessed via a private driveway between the units at 720 and 730 Morningside Road. As part of the development the City created a conservation easement and restricted Lot 12 to a single-family residence as provided in the applicable laws and regulations of the City (Attachment F).

Also at the time of development, the City established a conservation easement on the subject property within 80 feet of the creek bank as a result of the City's watercourse protection regulations (Municipal Code 6.32.040). The conservation easement allows the structures to remain as nonconforming structures (see Attachment G).

Although the City does not enforce private covenants and restrictions on properties, there are special restrictions on the development of Lot 12 that are worth noting (see Attachment H) including: a minimum front yard setback of 35 feet, a minimum side yard setback of 25 feet, and a minimum living area of 2,600 square feet.

More recently, in 2011, the City designated the subject property as a Historic Resource during update of the Historic Resources Inventory (see Attachment I). According to the historic inventory the house was built in 1916 and is associated with a barn that is located along the creek bank within the Creekside Oaks development. According to the historic inventory the house, barn and the mature vegetation and land between them constitute one of the last intact agricultural properties in Los Altos. The removal of or an exterior alteration of the historic residence would require a review by the Historical Commission (Section 12.44.110 of the Code). Interior alterations such as removing the kitchen are not subject to a Historical Commission recommendation. A future development of the property might be considered an alteration in the historic context and would require the Historical Commission's recommendation.

Planned Unit Developments

The intent of the City's planned unit development regulations allow for the flexibility in the development of larger properties in order to conserve natural features that could be harmed in a traditional subdivision. Section 14.62.200 of the Code outlines that purpose and the development standards for the cluster type of planned unit developments such Morningside. The relevant planned unit development regulations allow:

- Single-family land uses;
- Development up to 30 percent of the net site area;
- Two-story structures up to 30 feet high;
- Accessory structures not exceeding one story or 12 feet in height;
- A requirement of two covered parking spaces per unit; and
- Setbacks as required by the Commission and the Council.

The density in cluster planned unit developments is based on the net site area, which subtracts 20 percent of the gross area for roads. The permitted density is based on one dwelling per 10,000 square feet of net site area and has already been set for this development.

Since this proposal would technically increase the lot coverage in the development the Code requires Planning and Transportation Commission and City Council review and approval of use permit findings (Section 14.62.200 (B) (16) of the Code).

DISCUSSION

Development Potential

The development potential of the subject property is for one, single-family residence as regulated by the City. The nonconforming dwelling and accessory structure can remain in the conservation

easement; however, to develop a new single-family residence the nonconforming house and accessory structure would either need to be removed or changed in use. The applicant wants to establish a development alternative to convert the existing dwelling into an accessory structure and build a new single-family dwelling in the future. Building a new house and converting the existing dwelling to an accessory structure would increase the lot coverage for the development and thus require an amendment to the development plan.

A conversion of the subject dwelling into an accessory structure (by removing the kitchen) would comply with the deed restriction to allow only one, single-family residence on the property if a new dwelling unit was created. By definition, accessory structures are permitted if they are associated with a principle structure. Single-family dwellings and accessory structures are permitted in planned unit developments. This application would not increase the density of dwelling units within the development.

The lot coverage of the structures in the Morningside development is approximately 21 percent of the net site area. There is approximately 37,900 square feet of building coverage including the structures on Lot 12. The Code allows 30 percent lot coverage of the net site area, which leaves an additional coverage potential of approximately nine percent (or approximately 16,000 square feet).

Development Conditions

The applicant worked with staff to establish an appropriate building envelope for the subject property. This building envelope is based on the following setback requirements as outlined in the private Morningside covenants and restrictions and by the property’s conservation easement:

- Front yard – 35 feet;
- Side yard – 25 feet; and
- Rear yard – conservation easement setback line.

The proposed building envelope respects the rural appearance of the property and the setback limitations within the development. There is an Oak tree in the middle of the parcel that provides a minor constraint to a future development; however, the building envelope is large and would accommodate an appropriately designed house in the development and in the context of the surrounding single-family neighborhood. Even discounting the area within the dripline of the oak tree the defined building envelope on Lot 12 is in excess of 6,000 square feet.

Based on the Code and our analysis, staff recommends the following conditions of approval for the development of Lot 12:

1. A requirement for Historical Commission review and Design Review Commission approval of any new structures;
2. A requirement of design compatibility with the Morningside development and application of the City’s Single-Family Residential Design Review Guidelines;
3. Conformance with minimum building setbacks shown on the site plan;

4. Preservation of the significant Oak tree; and
5. Landscape buffering.

Additionally, there are archeological requirements recommended by staff based in our analysis of the environmental report for the Morningside development (see Environmental Review, below).

Use Permit Findings

Based on this report staff recommends positive use permit findings. The proposed location of the use is desirable in that it is a building site permitted by the original planned unit development. The proposed location of the use is in accordance with the objectives of the zoning code in that the conditions of approval ensure a harmonious and convenient relationship among land uses; protect and enhance property values; and conserve the City's natural beauty by maintaining the conservation easement and enhance the City's distinctive physical character such as by helping to preserve an identified historical resource. The conditions of approval and design review requirements will ensure that the location of the development will not be detrimental to persons or property in the vicinity such as by maintaining a reasonable degree of privacy and an appropriate relationship to surrounding properties. And, the proposed conditional use will comply with the planned unit development regulations and general provisions of the code.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review under Section 15305 of the Environmental Quality Act since it involves a minor change in land use limitations. A future development could be subject to further environmental review as it may affect a historic resource.

The original Morningside planned unit development included an Environmental Impact Report. Based on finding archeological artifacts on the adjacent Creekside Oaks development, the Morningside development was required to implement a plan to test for archeological artifacts and appropriately handle such finds. Staff carried this requirement through to the future development of the subject parcel with more contemporary wording as a condition of approval since the subject property was not tested or substantially disturbed by the original development.

Based on City records, the subject property is not connected to the sanitary sewer. To implement the City's requirement for connecting to the sanitary sewer, it is the City's practice to require new development or substantial redevelopment to connect to the sanitary sewer. Staff added a condition to address this.

CORRESPONDENCE

Staff received two e-mail messages with regard to this project (Attachment J). One message questions the opinion that the subject property should be limited as open space. The other message refers to a petition opposing any additional housing units or housing density on the subject property.

Cc: Abigail Ahrens, Applicant
Mark Costello, Property Owner

Attachments

- A. Application and Letter from Applicant
- B. Area Map and Vicinity Map
- C. Subdivision Tract No. 7822
- D. Letter Dated April 16, 1971, Morningside Density Limit
- E. Letter Dated October 9, 1985, Morningside Conditions of Approval
- F. Declaration of Restriction dated April 22, 1986 for Lot 12
- G. Conservation Easement on Lot 12
- H. Special Restrictions on Lot 12, Morningside CC&R Excerpt
- I. Historic Resources Inventory, 604 Milverton Road
- J. Correspondence

FINDINGS

13-UP-01—640 Milverton Road

With regard to modifying the development plan for Lot 12 in the Morningside Planned Unit Development, the Planning and Transportation Commission finds in accordance with Section 14.62.200 (B) (16) of the Municipal Code that:

- a. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare;
- b. The proposed location of the conditional use is in accordance with the objectives of the zoning plan;
- c. The proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; and
- d. The proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions.

CONDITIONS

13-UP-01 – 604 Milverton Road

The development of Lot 12 within the Morningside planned unit development is subject to the following conditions:

1. Any new dwelling shall be subject to a historical Commission recommendation, if necessary, and Design Review Commission review and approval. Prior to submittal to the City, the property owner should provide evidence of architectural review by the Morningside of Los Altos Community Association, if required, by the property's Covenants, Conditions and Restrictions;
2. If a new dwelling is developed, then the nonconforming dwelling must be removed or converted to an accessory building. Removal of the nonconforming dwelling shall be subject to the recommendation of the Historical Commission;
3. Any new dwelling shall be compatible with the architecture of the Morningside planned unit development and immediately surrounding area and subject to the City's Single-Family Residential Design Review Guidelines;
4. Any new structures shall be subject to the following building setbacks:
 - a. Front yard – 35 feet;
 - b. Side yard – 25 feet; and
 - c. Rear yard – conservation easement line;
5. Any new structures must be located outside of the dripline of the oak tree unless recommended by a certified arborist;
6. Any development must include a landscape plan including appropriate landscaping in the front yard and side yards to preserve the privacy of adjacent structures and to buffer any new construction;
7. Any development must convert the existing structure, if remaining, to the sanitary sewer as required by the City Engineer; and
8. The grading and excavation activities for any development shall be supervised by a qualified archeologist as approved by the Community Development Director, and as follows:
 - a. In the event that archeological resources are encountered during site grading and/or excavation, land altering work in the general vicinity of the find shall be modified in order to allow the evaluation of the find by a qualified archeologist;

- b. If it appears that additional construction related earthmoving will affect a potentially significant resource, then the archaeologist shall submit a plan for the evaluation of the resource to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation of the suspected cultural deposit to determine if it contains information and/or materials that make it eligible for placement on the California Register of Historic Resources;
- c. If it is determined that construction activity will impact an eligible resource, the property owner shall prepare a plan for mitigation of impacts to the resource before work is allowed to recommence in the zone designated as archaeologically sensitive. Mitigation can take the form of additional hand excavation coupled with limited hand excavation to ensure that significant archaeological materials and information are retrieved for analysis and report preparation as required by the California Environmental Quality Act; and
- d. If human remains are discovered during construction, construction activities that could disturb the remains and any associated artifacts shall halt and the property owner shall contact the local Coroner's Office and the Native American Heritage Commission (NAHC) and a member of the Muwekma people if possible. The NAHC should name a most likely descendant to advise the property owner on the manner of exposure and removal of burials and associated grave goods, and to help designate a place for the reburial of these materials.



ATTACHMENT A

CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1105694

<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 type="checkbox"/> Variance(s)	<input type="checkbox"/> Use Permit	<input type="checkbox"/> RI-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 type="checkbox"/> Other: PUD Modification

Project Address/Location: 604 MILVERTON ROAD

Project Proposal/Use: PUD WITH RIGHT TO BUILD NEW HOUSE

Current Use of Property: PUD WITH HISTORIC HOUSE W LIMITED USE

Assessor Parcel Number(s) 175-19-042 Site Area: 2.33 ACRES

New Sq. Ft.: _____ Remodeled Sq. Ft.: _____ Existing Sq. Ft. to Remain: _____

Total Existing Sq. Ft.: _____ Total Proposed Sq. Ft. (including basement): _____

Applicant's Name: ABIGAIL (ABBY) AHRENS

Home Telephone #: ^{CELL} (650) 303-6773 Business Telephone #: (650) 949-1909

Mailing Address: 329 SO. SAN ANTONIO ROAD #6

City/State/Zip Code: LOS ALTOS, CA 94022

Property Owner's Name: ROBERT MARK COSTELLO, et al CO-TRUSTEE

Home Telephone #: _____ Business Telephone #: _____

Mailing Address: 40 ABIGAIL ABOVE

City/State/Zip Code: _____

Architect/Designer's Name: _____ Telephone #: _____

*** 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)

13-UP-01



Proposed Development Plan

604 Milverton Road
Los Altos

The property is currently zoned PUD which per code would allow at least three dwelling units on their 2+acres but for a restriction placed in 1985.

At issue the of a one dwelling restriction on the remainder/reversionary parcel .

This has been further complicated by the listing of the Costello home as a Historic Resource. While I personally believe that there is more than sufficient reason to retain it as the treasure it is and the stories that can be told to future generations of a family whose connection to this community begins in the 1800's alone would most likely rank it highly.

The location within the flood plane limits its' useful life and has restrictions far beyond what would normally be required. There is no opportunity to remodel and expend this small cottage home

Would then the property owner have to wait until its' demise to build a new home?

There is no evidence that this be the only home on this property in perpetuity

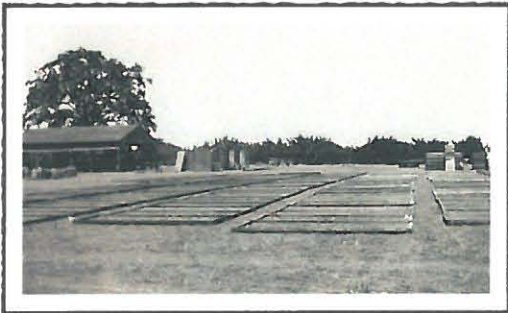
Open space easements have been granted and do not include the more than half acre at the street

This application requests that the City allow, at a minimum, the construction of a new home.

Retaining the historic home as a second living unit we understand is not allowed in a PUD zoning district regardless the lot size.... and so respectfully request the retention of this historic asset during its useful life.

In the Beginning

Starting in the mid 1800's they brought their knowledge of the mercantile industry to their new home in San Francisco. 70 years of commerce later resulted in the Macy's we know today. Although Great Grandfather Frank Costello was the Secretary Treasurer, his love of the land led him to the country, coming south from the City where he became the "gentleman farmer" of the family. In 1896 he purchased land from the original Hale Ranch and added to it Lots #2,3,4,5 Other parcels followed giving us both Costello and Covington Roads.



Looking towards the Barn at Creekside Oaks where trays of apricots dried in the sun. At the time of development artifacts were unearthed and preserved by the Foothill College anthropology department.



Relaxing outdoors in front of the garage



An apricot carving made by an orchard worker remains a prized gift at the entry



A Family Story



Frank with Duke & Topsy



Milverton Road



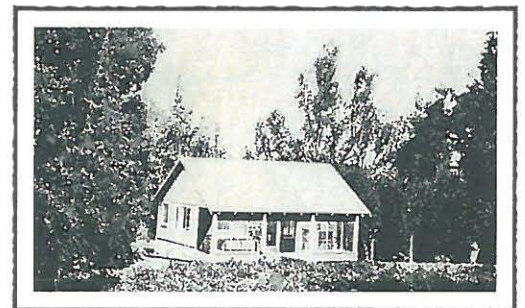
Their beloved Adobe Creek



Being met at the Los Altos Train Station by horse and buggy gave way to the automobile later.



Looking towards El Monte from the property

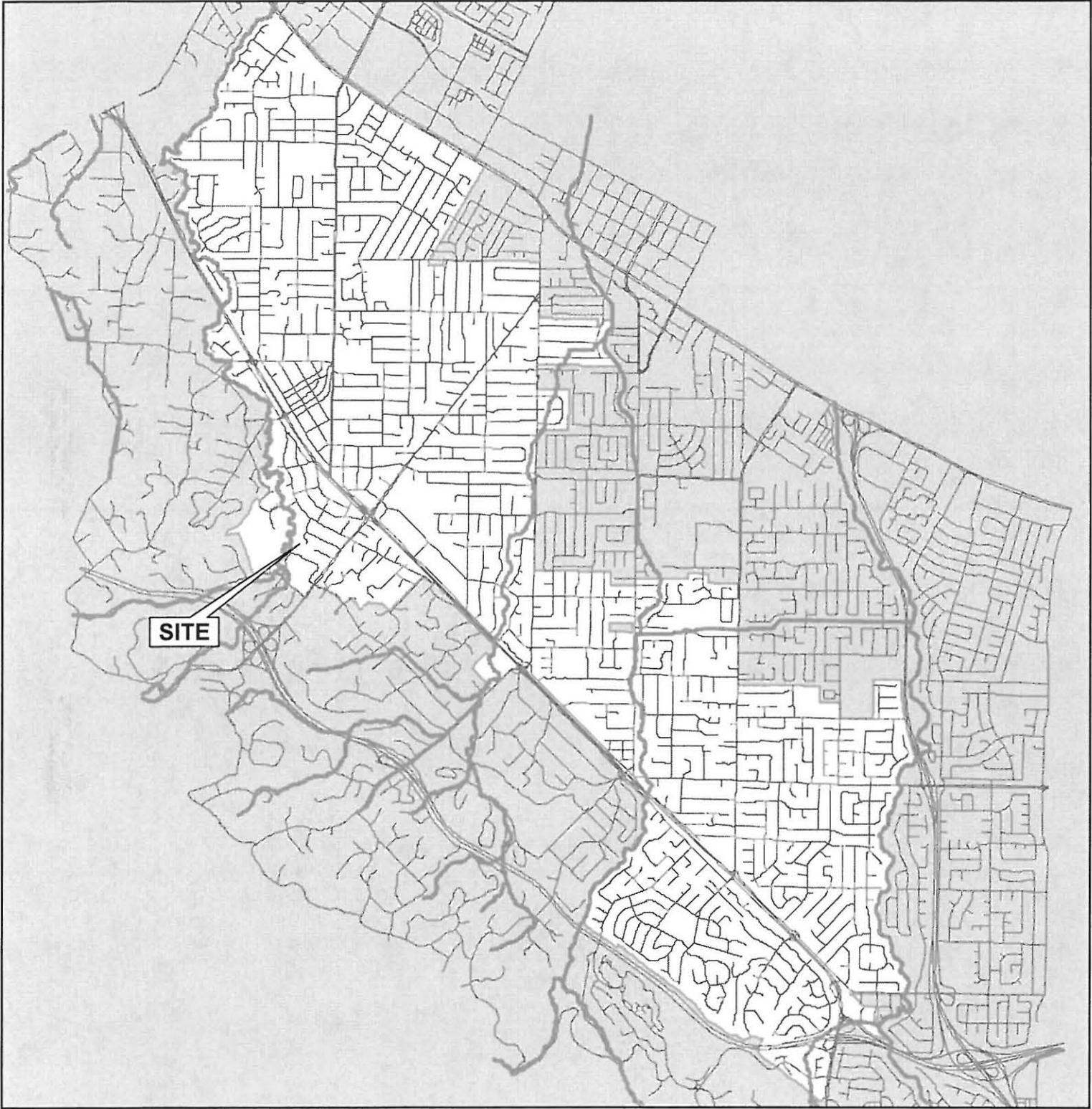


The Original House

The land was left to son Frank. He moved this bachelor home back to the bank of the Adobe Creek, where he and his sister Alice lived until his marriage in 1916 to his Los Altos Sweetheart who had grown up nearby. They added two front bedrooms for the growing family.

Their 6 children rode horses and helped nurture his beloved small farms giving meticulous care to his orchards with over 100 varieties of trees. After their passing it was left to son Frank who with his wife raised 4 children here during their early years, returning to live out their lives at this, the last Costello home and land.

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 13-UP-01
APPLICANT: A. Ahrens/R. Costello, Et Al
SITE ADDRESS: 604 Milverton Road

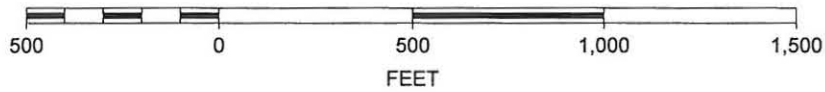


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 13-UP-01
APPLICANT: A. Ahrens/R. Costello, Et Al
SITE ADDRESS: 604 Milverton Road

NOTES

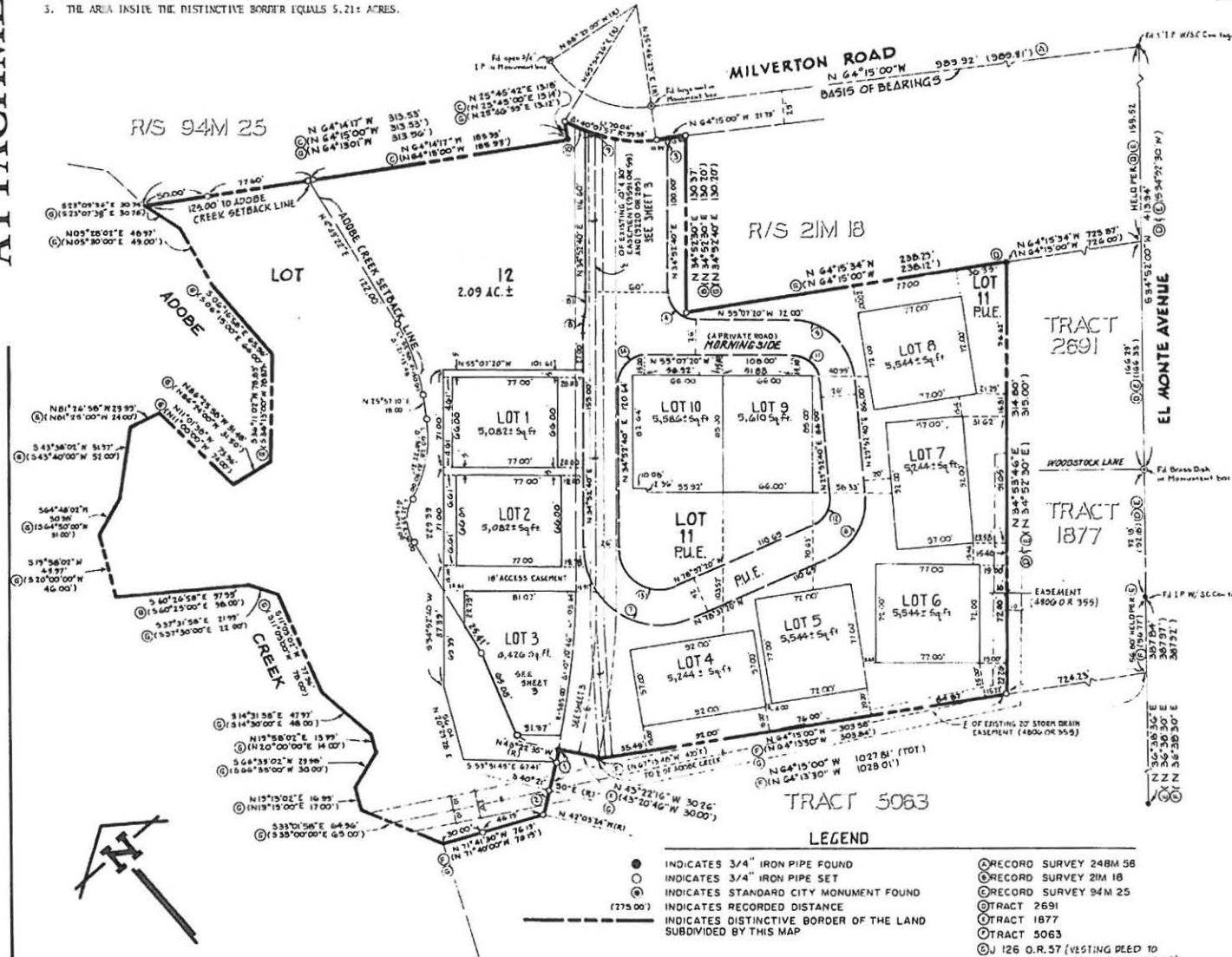
1. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. ALL LOT LINES ARE EITHER PARALLEL WITH OR AT RIGHT ANGLES TO THE BEARINGS SHOWN, UNLESS OTHERWISE INDICATED.
3. THE AREA INSIDE THE DISTINCTIVE BORDER EQUALS 5.21± ACRES.

BASIS OF BEARING

THE BEARING OF N 64°15' W OF THE CENTERLINE OF MILVERTON ROAD AS SHOWN ON THAT RECORD OF SURVEY FILED FOR RECORDATION IN BOOK 746 OF MAPS ON PAGE 69, SANTA CLARA COUNTY RECORDS, HAS TAKEN AS THE BASIS OF BEARING SHOWN ON THIS MAP.

CURVE DATA

CURVE NO.	RADIUS	DELTA	LEN. (FT)
1.	585.00"	3°00'26"	30.70'
2.	615.00"	1°41'34"	18.17'
3.	30.00"	26°54'28"	14.09'
4.	20.00"	90°00'00"	31.42'
5.	46.00"	85°00'00"	68.24'
6.	46.00"	11°30'00"	57.40'
7.	56.00"	115°50'00"	110.93'
8.	100.00"	8°06'54"	14.15'
9.	30.00"	8°40'06"	4.54'
10.	99.99"	9°17'54"	16.23'
11.	20.00"	85°00'00"	29.67'
12.	20.00"	71°30'00"	24.96'
13.	30.00"	113°36'00"	59.43'
14.	20.00"	90°00'00"	51.42'
15.	585.00"	0°58'46"	10.00'
16.	585.00"	2°01'40"	20.70'
17.	585.00"	1°02'11"	10.58'
18.	585.00"	0°21'48"	3.71'



LEGEND

- INDICATES 3/4" IRON PIPE FOUND
- INDICATES 3/4" IRON PIPE SET
- INDICATES STANDARD CITY MONUMENT FOUND
- INDICATES RECORDED DISTANCE
- - - INDICATES DISTINCTIVE BORDER OF THE LAND SUBDIVIDED BY THIS MAP
- RECORD SURVEY 248M 58
- RECORD SURVEY 21M 18
- RECORD SURVEY 94M 25
- TRACT 2691
- TRACT 1877
- TRACT 5063
- J 126 Q.R. 57 (VESTING DEED TO TROJAN PROPERTIES)

TRACT NO. 7822

CONSISTING OF (3) SHEETS
 BEING A PORTION OF LOTS 48, 5 OF MAP OF THE SUBDIVISION OF THE HALE RANCH RECORDED IN THE BOOK "I" OF MAPS AT PAGES 48 & 49, SANTA CLARA COUNTY RECORDS, AND LYING WITHIN THE
 CITY OF LOS ALTOS
 SANTA CLARA COUNTY, CALIFORNIA
 NOVEMBER 1985 SCALE 1" = 50'
 VAUGHN SHAHINIEN ASSOCIATES
 CIVIL ENGINEERS & PLANNERS
 SAN JOSE, CALIFORNIA

258
558
46

46

46

CITY OF LOS ALTOS

ONE NORTH SAN ANTONIO ROAD LOS ALTOS, CALIFORNIA 94022

TELEPHONE (415) 948-1491



CITY COUNCIL

PETER B. LEWIS, Mayor
LEE H. TOOLE, Mayor pro tem
AUDREY H. FISHER
RICHARD G. HANSEN
LEE LYNCH

April 16, 1971

Mr. Edwin C. Johnsen
Creekside Oaks, Box 159
Los Altos, California 94022

Re: Creekside Oaks of Los Altos
Tract 4964, Unit No. 1

Dear Mr. Johnsen:

The City Council, at their meeting of April 13, 1971, approved the revised tentative map of Creekside Oaks and the Final Map for Unit 1.

As a condition of approval of the revised tentative map, you are to furnish the City Attorney with a covenant deed executed by the Costellos that will insure that **no more than ten units will be constructed on the lands owned by the Costellos.** This covenant must be **provided in satisfactory form** prior to consideration of the Final Map for Unit 2 of your development.

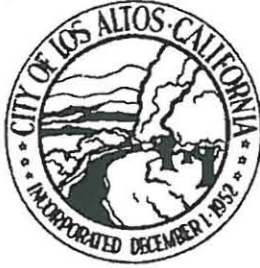
Very truly yours,

RONALD D. GRUENWALD
City Engineer

jw

cc: Vernon Gomes, City Planner
Anthony Lagorio, City Attorney

ATTACHMENT E



CITY OF LOS ALTOS

ONE NORTH SAN ANTONIO ROAD LOS ALTOS, CALIFORNIA 94022

TELEPHONE (415) 948-1491

October 9, 1985

Mr. Edwin Johnsen
Trojan Properties
80 Mayfair Drive
Rancho Mirage, CA 92270

Re: 85-PUD/Cluster-1 - Trojan
Properties, Tentative Map -
Costello/Trojan Properties
604 Milverton Road

Dear Mr. Johnsen:

At its meeting of October 8, 1985, the City Council approved your cluster planned unit development application subject to the following conditions:

1. The tentative map shall indicate which of the existing trees are to remain, and detailed plans of the trees as required by staff shall be provided. The developer shall provide appropriate barriers around trees designated for preservation during construction activity. During the development of the project, a request for the removal of any of these trees, including the 42-inch oak located near Unit No. 8, shall be subject to approval by the Architectural and Site Control Committee.
2. The applicant shall submit a plan to be approved by staff detailing the implementation program for archeological testing as recommended in the environmental impact report.
3. Landscaping shall be provided in accordance with a detailed plan approved by the Architectural and Site Control Committee.
4. The applicant shall post a performance bond with the City in an amount necessary to carry out the approved landscaping plan, and upon the installation of the approved landscaping, the applicant shall provide the City with a one-year bond guaranteeing maintenance of the landscaping to the satisfaction of the Planning Department.
5. Exterior color chips and material samples shall be submitted to the Architectural and Site Control Committee for approval.

Mr. Edwin Johnsen
October 9, 1985
Page Two

6. The applicant shall install tree feeding and irrigation systems and shall construct tree wells where necessary around existing on-site trees as directed by the City staff.
7. The buildings shall meet applicable City and State Building and Fire Code requirements.
8. Two fire hydrants shall be installed at locations selected by the Fire Department.
9. A street name shall be approved by the City (Milverton Circle is acceptable to the Fire Department).
10. An emergency vehicle access from Milverton Circle to Deep Well Lane shall be provided.

The City Council also approved your tentative map subject to the following conditions:

1. The existing residence on Parcel B shall be brought up to Minimum Housing Code standards within 180 days of the recording of the Final Map.
2. The subdivider shall post a bond prior to the recording of the Final Map to guarantee the completion of the work specified in Condition 1 above. The amount of the bond shall be determined by the Building Inspector.
3. A 12-foot-wide, all-weather surfaced driveway shall be constructed to serve Parcel B.
4. The subdivider shall comply with the recommendations of the Santa Clara Valley Water District that are concurred in by the City.
5. A conservation easement with a minimum width of 80 feet from the top of bank shall overlay the outermost limits of any Santa Clara Valley Water District easement or setback line. Prior to the issuance of a building permit, detailed wording of the conservation easement shall be approved by the City Attorney.
6. A covenant deed, as approved by the City Attorney, shall be executed by the property owner that will ensure that no more than one dwelling unit shall be permitted on Parcel B.
7. Reciprocal ingress and egress easements for Parcels A and B shall be submitted for approval by the City.
8. The subdivider shall pay a fee in lieu of park land dedication in accordance with Section 10-3.49 of the Los Altos Municipal Code.
9. The subdivider shall deposit with the City \$4,656.00 towards the cost of future street improvements along Milverton Road.
10. The subdivider shall pay an "in lieu of sanitary sewer assessment" fee.
11. The subdivider shall pay a sewer capacity rights charge in accordance with Resolution No. 84-52.

Mr. Edwin Johnsen
October 9, 1985
Page Three

12. The subdivider shall pay a storm drainage fee in accordance with Resolution 84-39.
13. The subdivider shall remove all the existing overhead utilities from Parcel A.
14. The proposed street and storm drain system shall be privately owned, and a Homeowners Association shall be responsible for its maintenance and repair.
15. The subdivider shall provide for the disposal of all onsite drainage as approved by the City Engineer.
16. The subdivider shall coordinate the installation of cable television facilities with United Cable Television Inc.
17. The subdivider shall submit soil tests sufficient to insure that the lots are buildable.
18. The subdivider shall contact California Water Service Company regarding the extension of water service to the site.
19. The subdivider shall submit onsite grading, drainage, and erosion control plans for approval by the City Engineer.
20. All work within the public right of way shall be done in accordance with plans to be approved by the City Engineer.

In order to continue the processing of this subdivision, it is required that you file with the City Engineer, within eighteen (18) months three (3) preliminary prints of a Final Map of the subdivision together with the fees, etc., shown on the enclosed schedule.

If you should desire any further information, please contact the Planning Department.

Very truly yours,



Vernon Gomes
City Planner

VG/mhg

cc: Vaughn Shahinian Associates
Fire Department
Harold Bakke

AMERICAN TITLE INSURANCE COMPANY
8500678

REC FEE	4
DATE	2
AMOUNT	1
LIEN NOT	
SMPF	
PCUR	

8759486

Recorded at the request of
American Title Insurance Company

APR 23 1986 8:00
A.M.

Laurie Kane, Recorder
Santa Clara County, Official Records

J668 PAGE 13-10

RECORDING REQUESTED
BY AND WHEN RECORDED
MAIL TO:

TROJAN PROPERTIES
P.O. Box 806
Rancho Mirage, CA 92270

DECLARATION OF RESTRICTION

This Declaration of Restriction is made this 22nd day of April, 1986, by Trojan Properties, Inc., a corporation ("Declarant").

The purpose of this document is to restrict the use and development of Lot 12 of Tract No. 7822 as per Map recorded in Book 558, Pages 45, 46, 47 inclusive of Miscellaneous Maps in the office of the County Recorder of Santa Clara County, California ("Property").

Declarant hereby covenants and agrees that the Property shall be restricted to one single family residence, as provided in the applicable law(s) and regulations(s) of the City of Los Altos.

Declarant, as the owner of the Property, hereby covenants and declares that the Property shall be held, sold and otherwise conveyed subject to the covenant(s) and restrictions(s) herein, which shall bind the Property and be binding on all parties having any right, title or interest therein, or in any part thereof, their heirs, successors and assigns.

Each and every conveyance of the Property and/or portion thereof is hereby deemed to incorporate by this reference, the provisions of this Declaration.

The covenant(s) and restriction(s) herein shall be in perpetuity, and shall run in favor of the City of Los Altos.

Dated: April 22, 1986

TROJAN PROPERTIES, INC.
a California Corporation

By: 

Its: 

CITY OF LOS ALTOS
100 SAN ANTONIO RD
LOS ALTOS, CA 94022
ATTN: CAROL HOFFMAN

9031095

1924 PAGE 1369

PREAMBLE

This is an irrevocable offer of grant of a conservation easement for protection and preservation of Adobe Creek.

RECITALS

WHEREAS, the City of Los Altos has granted approval to a certain development known as Trojan Properties, Inc. "Tract No. 7822", for the purpose of a planned residential development consisting of 11 residential units, together with certain common area subject to certain conditions under File No. 85-PUD/Cluster 1.

WHEREAS, pursuant to Condition 5 of 85-PUD/Cluster 1 and Ordinance 86-155, an offer of dedication for a conservation easement is required;

NOW, THEREFORE, the undersigned property owner (Grantor) hereby tenders an offer of grant of conservation easement to the City of Los Altos for the protection of the health and safety of the residents of the City of Los Altos, State of California, over that certain property depicted as Lot 12 in Exhibit "A" and described in Exhibit "B" attached hereto.

1. Irrevocable Offer of Grant. Grantor hereby tenders an irrevocable offer of grant of conservation easement for the protection and preservation of Adobe Creek in accord with the terms of Ordinance Number 86-155 of the City of Los Altos, State of California. Said grant shall become effective upon acceptance by the City of Los Altos.
2. Location and Description of Easement. The subject conservation easement is located and described as follows: See Exhibits "A" and "B" attached hereto.
3. Covenants and Restrictions. Said offer of grant of conservation easement shall impose upon the land the following covenants and restrictions which shall be binding on its owners, successors, and assigns as follows: **No structures, grading, paved areas, water containing facilities, fences disturbance of subsoil, or any other man-made construction nor any dumping use of herbicides or pesticides or removal of vegetation, except as permitted by Ordinance 86-155 of the City of Los Altos, shall be permitted within Adobe Creek and the easement of 80 feet as described on Exhibits "A" and "B" except pathways, access roads, utilities, bridges, and fire and flood control measures. Further, all construction within Adobe Creek and the conservation area shall be subject to Section 10-2.2725 of the Los Altos Municipal Code. Any structures existing on the effective date of the Ordinance, which is July 24, 1986, shall be deemed lawful, nonconfirming structures.**
4. Rights of Access. Upon dedication to and acceptance by the City of Los Altos, the Grantor's rights of access to, over, and across said property by this document shall be no different than those of the general public except for specific utilities serving Tract 7822.
5. Offer Binding Upon Owners, Successors and Assigns. This offer of grant and each and every term, condition, restriction and covenant contained herein shall bind Grantor and its successors and assigns, and each and all of them, and shall run with the land.

7.16 Owner's Right and Obligation to Maintain and Repair: Except for those portions of the Project which the Association is required to maintain and repair, each Owner shall, at his sole cost and expense, maintain and repair his Lot and all landscaping thereon, keeping the same in good condition.

In the event an Owner of any Lot shall fail to maintain his Lot and the improvements thereon as required herein, the Association's agents may, after notice and a hearing as provided in the Bylaws, enter the Lot and perform the necessary maintenance. The cost of such maintenance shall immediately be paid to the Association by the Owner of such Lot, together with interest at the rate of twelve percent (12%) per annum (but not to exceed the maximum interest rate authorized by law) from the date the cost was incurred by the Association until the date the cost is paid by the Owner.

7.17 Water Softeners. No Owner shall deposit or dispose of, or permit to be deposited or disposed of, any salts or other chemicals from water softeners in the Property's sewage systems.

7.18 Special Restrictions on Lot 12. Any new residence on Lot 12 shall comply with a 35 foot front yard set back and a 25 foot side yard set back, and shall contain at least 2,600 square feet of interior living space, exclusive of garage. The Owner(s) and occupant(s) of Lot 12 are not entitled to use the pool unless and until the Declaration is amended to permit such use and to submit Lot 12 to full assessments. Lot 12 is subject to a ten foot (10') easement over the front yard, in favor of the Association, for landscaping purposes only. A copy of the description of the ten foot (10') maintenance area within Lot 12 is attached hereto as Exhibit "A." Lot 12 is further restricted as to use by a Declaration recorded April 23, 1986, as Instrument No. 8759486 (restricting the use and development of Lot 12 to one single family residence).

7.19 Restrictions on Further Subdivision. No Lot shall be further subdivided without the prior written approval of the Board.

ARTICLE VIII INSURANCE; DAMAGE OR DESTRUCTION; CONDEMNATION

8.1 Insurance: The Association shall obtain and maintain the following insurance:

(1) a hazard policy insuring all improvements, equipment, and fixtures owned by the Association, unless the Board determines, in its sole discretion, that such insurance is not necessary.

(2) if obtainable, an occurrence version comprehensive general liability policy insuring the Association, its agents, the Owners and their respective family members, against liability incident to the ownership or use of the Common Area or any other Association owned or maintained real or personal property; the amount of general liability insurance which the Association shall carry at all times shall be not less than the minimum amounts required by California Civil Code §§ 1365.7 and 1365.9;

ATTACHMENT I

State of California The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
 HRI # _____
 Trinomial _____
 NRHP Status Code _____

Other Listings _____
 Review Code _____ Reviewer _____ Date _____

Page 1 of 3 *Resource Name or #: (Assigned by recorder) 604 Milverton Road

P1. Other Identifier: Costello Residence

*P2. Location: Not for Publication Unrestricted

*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T _____; R _____; _____ of _____ of Sec _____; _____ B.M.

c. Address 604 Milverton Road City Los Altos Zip 94022

d. UTM: (Give more than one for large and/or linear resources) Zone _____, _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
APN: 175 19 042

*P3a. **Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The one-story residence at 604 Milverton Road is set on an extensive wooded lot that borders Adobe Creek to the east. Generally square in plan, the residence is topped by a complex intersecting gable roof. Three distinctive gables project at the front elevation, the central rounded gable flanked by two bowed gables with curved bargeboard and broad, open eaves. The central round gable features a distinctive carved bargeboard with an apricot and leaf motif. Set beneath each of the other gables are bands of three wood windows with rectangular, seven-lite upper sash over larger single-pane sash windows. The central multi-pane entry door with sidelights is set beneath the rounded gable. A modern wood deck attaches to the south elevation and two mature palms are planted in the front yard. According to Mark Costello, whose father Frank Costello grew up at this residence, the decorative bargeboard with apricot ornament was carved by one of his father's favorite ranch hands. Mark Costello also noted that the house was remodeled in 1985-86 and the original screened-in front porch was enclosed. This house appears to retain a high degree of integrity and is in excellent condition.

*P3b. **Resource Attributes:** (List attributes and codes) HP2. Single family property HP4. Ancillary Building

*P4. **Resources Present:** Building Structure Object Site District Element of District Other (Isolates, etc.)

P5b. Description of Photo:
Primary Elevation

June-08

*P6. **Date Constructed/Age and**

Source: Historic Prehistoric

Both

Built c.1916

(Mark Costello)

*P7. **Owner and Address:**

Kim N. Bakke Trust.

1736 Isabel Drive San Jose, CA

95125

*P8. **Recorded by:**

Circa: Historic Property Development

1 Sutter St., Ste. 910

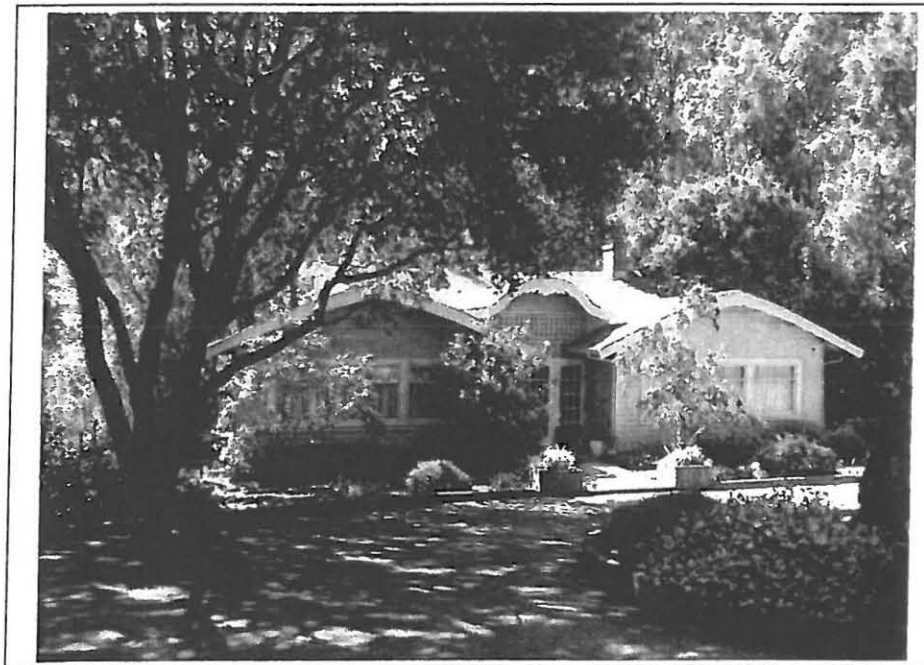
San Francisco, CA 94104

*P9. **Date Recorded:** _____

June-08

*P10. **Survey Type:**

Intensive



*P11. **Report Citation:**
Los Altos Historic Resources Inventory Update & Evaluation Report (Circa: Historic Property Development, 2008).

*Attachments: NONE Location Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List): _____

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code CA Reg. 5S3

Page 2 of 3

*Resource Name or # (Assigned by recorder) 604 Milverton Road

B1. Historic Name: _____

B2. Common Name: _____

B3. Original Use: Residence

B4. Present Use: Residence

*B5. Architectural Style: Craftsman Bungalow (residence)

*B6. Construction History: (Construction date, alterations, and date of alterations)

Residence built 1918. Demolished condemned garage 2.5.2004 (Permit #69877).

*B7. Moved? No Yes Unknown Date: _____

Original Location: _____

*B8. Related Features:

Costello Barn (Deep Well Lane), open space, mature plantings

B9a. Architect: Unknown

b. Builder: Unknown

*B10. Significance: Theme Agriculture

Area Los Altos

Period of Significance c.1916-1961 (50 year mark) Property Type Residence/Barn Applicable Criteria CR/Los Altos

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Present day Los Altos became part of Santa Clara County in 1851. Associated with the Fremont Township, the area remained largely rural through the latter half of the 19th century, with much of the land devoted to cultivation of wheat crops, orchards and vineyards. By the end of the century, the larger ranches began to give way to a number of smaller farms and orchards. The initial establishment of Los Altos is attributed to Paul Shoup, a Southern Pacific Railroad executive who proposed it as a stop on a commuter rail line between Palo Alto and Los Gatos. Shoup formed the Los Altos Land Company in 1907 and, with the help of his business partners, purchased and laid out the original townsite along the east side of what is now Foothill Expressway, then the future rail line. The Land Company began selling lots for development in 1907 and many of the early houses were used as summer homes for wealthy San Francisco families while others served as year-round residences for commuters. The first steam train service from Los Altos to San Francisco began in 1908 and by 1911, some fifty residences had been constructed and a number of commercial office buildings had been built in the small downtown core. The rail line brought prosperity and growth to Los Altos and existing farms and orchards gradually gave way to residential subdivisions. Better roads and the availability of the automobile continued this development through the through the 1920s and 1930s when a number of (See Continuation Sheet)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

Los Altos Historical Commission: Los Altos HRI (9.28.1997); McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, 2002; Building permit records; Chamber of Commerce (www.losaltoschamber.org/history_two_cities.html); phone conversation with Mark Costello 3.4.2009; Los Altos: Portrait of a Community, Paul D. Nyberg, Ed (1992); U.S. Federal Census records.

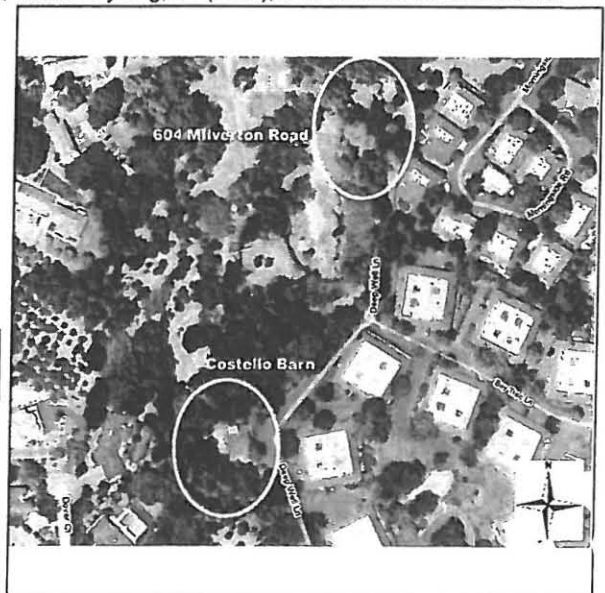
B13. Remarks:

Sketch map created by Circa using Google aerial base map.

*B14. Evaluator: Circa: Historic Property Development

*Date of Evaluation: April 2011

(This space reserved for official comments.)



CONTINUATION SHEET

Primary # _____

HRI # _____

Trinomial _____

Page 3 of 3

*Resource Name or # (Assigned by recorder) 604 Milverton Road

*Recorded by: Circa: Historic Property Development

*Date April 2011

Continuation

Update

B10. Significance (cont.)

automobile suburbs were developed. The post-World War II population boom led to increased residential and commercial development for the community and the city officially incorporated on December 1, 1952.

According to Mark Costello, son of Frank Costello Jr. who was raised on the property, the residence at 604 Milverton Road was constructed c.1916. Mark Costello estimates that Frank Costello Sr. purchased the land, formerly part of the Hale Ranch, in the 1920s; however, the stated construction date for the residence suggests that the land might have been purchased earlier (c.1915). The 1920 U.S. Federal Census shows Frank Costello Sr. residing in San Francisco with his wife Lucille and two daughters, Lucille and Helen. The family was renting a residence at 4200 Balboa Street at that time and Frank Sr. was employed as a secretary at a dry goods business. By 1930, census records indicate that the family had relocated to El Monte Avenue in Fremont Township, Santa Clara County (now Los Altos) and had three additional children, Frank Jr., Lorraine C. and David; Frank Sr. is listed as a fruit farmer. Of note: Frank Jr.'s uncle, William Costello, was one of a line of Costellos that owned and operated O'Connor-Moffatt & Company, a major San Francisco department store, which is now Macy's.

Located just south of the Orange/University Historic District, this former agricultural property originally included apricot orchards and the "Costello Barn" on Deep Well Lane, which is now located on Santa Clara Valley Water Department land. The residence is in excellent condition and displays unique architectural detailing and references to the area's historical link to apricot cultivation. The residence and barn are today encroached by new residential development, however some of the historical setting is retained by the open space that links the two buildings (SCVWD easement land).

Character Defining Features: one-story form, extensive wooded bordering Adobe Creek; square plan; intersecting gable roof; distinctive gables with curved bargeboard and open eaves at front elevation; central round gable with carved bargeboard, apricot and leaf motif; bands of three wood windows with rectangular, seven-lite upper sash over larger single-pane sash windows; central multi-pane entry door with sidelights beneath the rounded gable; two mature palms in front yard.

Evaluation:

Taken as a grouping, the residence, barn, mature vegetation and undeveloped land linking the two buildings (house and barn) constitute one of the last intact agricultural properties in Los Altos. Together, the buildings and associated landscape retain enough integrity to convey their historic significance as an early agricultural property. The residence at 604 Millverton Road and the Costello Barn retain a good degree of integrity and are eligible for listing on the Los Altos Historic Resources Inventory for association with early farming and agricultural development in Los Altos. It is therefore assigned the California Register Status Code 5S3: "appears to be individually eligible for local listing or designation through survey evaluation."

ATTACHMENT J

David Kornfield

From: roger heyder [mrheyderus@yahoo.com]
Sent: Tuesday, August 06, 2013 4:49 PM
To: City Council
Cc: Phoebe Bressack; jerrymoison@moison.com; David Kornfield
Subject: Milverton Road Resident Petition on 604 Milverton Road Development
Attachments: 604 Milverton petition.pdf

Hello City Council Members,

The residents of Milverton have circulated a petition relative to 604 Milverton Road development plans. The petition reads :

"I, a resident of Milverton Road, Los Altos, am opposed to any development of 604 Milverton Road which results in additional housing units or housing density, whatever they may be called and whatever their planned immediate use might be.

In addition, I fully expect the Planning Commission and the City Council to review and respect any and all legally binding agreements covering the use and development of 604 Milverton Road. This should happen prior to any public meeting on the plans, and certainly prior to any approval of the plans by the Planning Commission."

Attached is a PDF file with the petition signatures. A large majority of the residents, 16 households, have signed the petition, and there are several residents currently away on holiday. The original of the petition is available if you would like to see it.

Please review the petition, and direct the Planning Commission and Planning Department to adhere to the positions of the petition.

Regards -- Roger Heyder
650 Milverton Road
917-9826

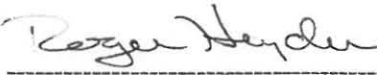
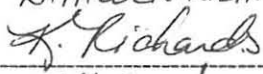
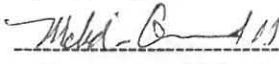
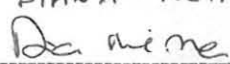
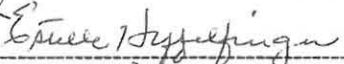
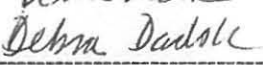
"Original"

604 Milverton Road Development

I, a resident of Milverton Road or ~~Morningside Circle~~, Los Altos, am opposed to any development of 604 Milverton Road which results in additional housing units or housing density, whatever they may be called and whatever their planned immediate use might be.

In addition, I fully expect the Planning Commission and the City Council to review and respect any and all legally binding agreements covering the use and development of 604 Milverton Road. This should happen prior to any public meeting on the plans, and certainly prior to any approval of the plans by the Planning Commission.

Regards

	(PRINT) Name	(SIGNATURE)	Address	Date
HEYDER 1	ROGER HEYDER		650 MILVERTON ROAD	8/3/13
RICHARDS 2	KATHLEEN RICHARDS		650 MILVERTON ROAD	8/3/13
ORANDI 3	Mahli Orandi		660 Milverton Rd	8/3/13
NEIMAN 4	DIANA NEIMAN		661 MILVERTON RD	8/4/13
HEFFELBERG 5	LAUREN HEFFELBERG		643 MILVERTON ROAD	8/4/13
DADOK 6	Debra Dadok		625 Milverton Rd.	8/4/13
7				
8				

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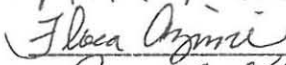

	Name	Address	Date
1	<i>Jim & Janet Collinson</i>	612 Milverton Rd	8/2/13
2	<i>DAVID & JANE DUPERRAULT</i>	608 MILVERTON RD	8-2-13
3	<i>L. D. Davis</i>	614 Milverton	8-2-13 650 948 9722
4	<i>LARRY AIRZAK</i>	590 Milverton	8/2/13
5	<i>Michael E. Kah</i>	607 Milverton	8/3/13
6	<i>Carol Beattie</i>	600 Milverton	8/3/13
7	<i>Pat Buhler</i>	601 Milverton Rd.	8-3-13
8	<i>San Trinit</i>	633 Milverton Rd	8-3-13

604 Milverton Road Development

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Regards

	Name	Address	Date
1	 MOHAMMED & ZAITUN PEONJA	630 MILVERTON ROAD LOS ALTOS, CA 94022	8/4/13
2	Flora Azimi 	651 Milverton Rd LOS ALTOS, CA 94022	8/6/13
3	Judy C. Ifflain 	671 MILVERTON ROAD LOS ALTOS, CA 94022	8/6/13
4			
5			
6			
7			
8			

David Kornfield

From: BRADEN BECK [bradybeck@msn.com]
Sent: Saturday, August 03, 2013 10:02 PM
To: James Walgren; David Kornfield
Cc: cmc1777@gmail.com; abby@teamabigail.com
Subject: 604 Milverton Rd, Los Altos, Ca.

Dear Mr. Walgren and Mr. Kornfield,

I am writing to you about the property at 604 Milverton Road that is before the City on August 15, 2013. Unfortunately I will be out of the state at that time and will be unable to attend the meeting. I am a resident of the City of Los Altos and have resided at 691 Milverton Road for forty years.

Our family has enjoyed viewing the beautiful Costello property for all these years. Awhile back the homes on Morningside, like those at Creekside Oaks before them added to the housing here in our community. These homeowners as well as others in the neighborhood have shared their demand that the Costello's two acres be kept as open space and essentially not be developed without destroying the historic house on the creek. I feel certain that had that been the intent of Frank Costello it would have been provided for at the time of the developments. I don't feel that any of these property owners would likely give up their homesites for open space and not receive full value for their property. If they are so concerned why don't they as a group buy the property at full market value and preserve it as such. Sadly people don't value what others have as they do their own possessions.

The legacy we leave behind us is often real estate. Certainly the heirs deserve to use their own two acres or sell for fair market value just like everyone else in the neighborhood especially if it's developed according to existing regulations. Otherwise property rights don't exist anymore. I ask you to treat this founding family fairly as you and your families would wish to be treated under the present circumstances.

Sincerely,

Dr. Braden W. Beck

Sent from my iPad

David Kornfield

From: JMCQVH@aol.com
Sent: Sunday, August 25, 2013 6:15 PM
To: David Kornfield
Subject: 604 Milverton Road
Follow Up Flag: Follow up
Flag Status: Red
Attachments: 604MIL~1.DOC

August 21, 2013

Los Altos Planning and Transportation Commission:

Dear David Kornfield,

Please review the following information. We have also included the document as an attachment for your convenience. Thank you for taking the time to talk with us last Wednesday.

We are concerned with the development of the 604 Milverton Road. We have lived at 612 Milverton for over 30 years which was prior to Morningside development of cluster homes. We were present for the entire initial development of 604 Milverton when 10 cluster homes were constructed. Over the years elevation changes have taken place on 604 Milverton.

Dirt was added to the 604 Milverton over the years and caused an increased elevation and shifting of dirt onto our property (612 Milverton). We had to install a four foot retaining wall to keep soil from encroaching on our property. There is a very significant immediate grade variation of over four feet between 604 Milverton (the new proposed building site) and 612 Milverton. This is a major concern for land stability and privacy with new construction. If a new home is inevitable then please limit the house to one story due to the significant grade change.

We are also concerned about drainage and water run-off from 604 Milverton once it is developed and request that proper drainage is required to protect our home due to the significant grade variation of over 4 feet. A new block and concrete retaining wall and appropriate drainage should be installed prior construction to prohibit further soil movement.

Pictures have been enclosed to illustrate.

We have solar heating for our pool and a photovoltaic system to generate electricity located on our roof which cannot be impinged upon by future construction or landscape.

Major Concerns: privacy (limit house to one story), grade change exceeding 4 feet,

soil instability, drainage and run off and impinging on solar systems

Once again, we request that you come out and visualize our concerns. We will be happy to meet with you and show you in person what we have discussed in this letter. We can be reached via e-mail jmcqvh@aol.com

Thank you for your time, effort and review of our requests and pictures.

Sincerely, Janet and Jim Collinson

612 Milverton Road Los Altos

Page
1 of 5

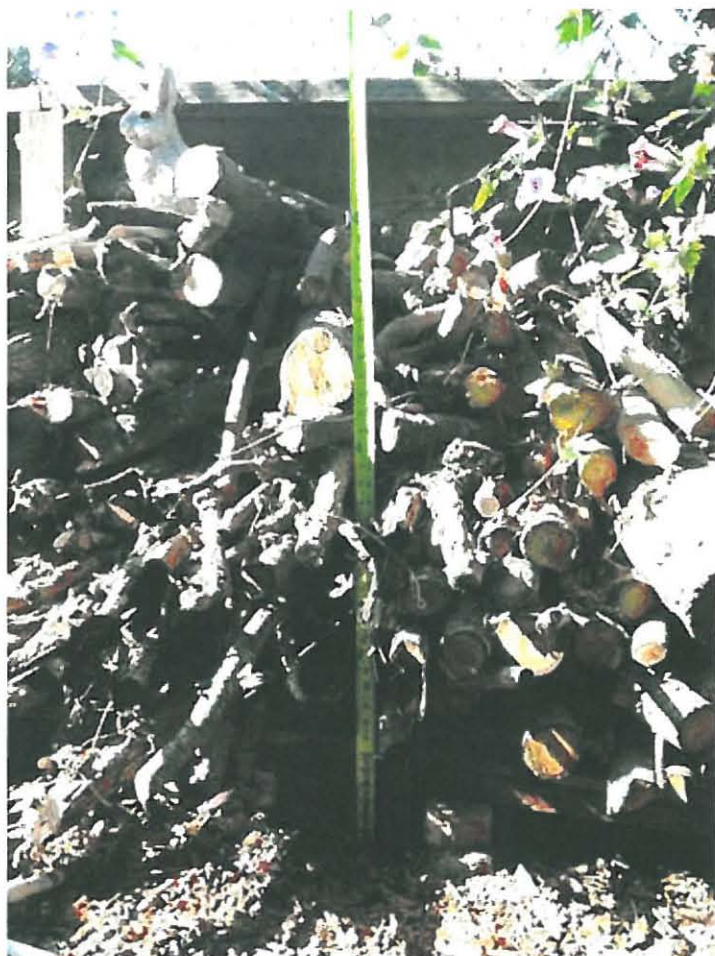






wall

Side yard and retaining
Page 2 of 5





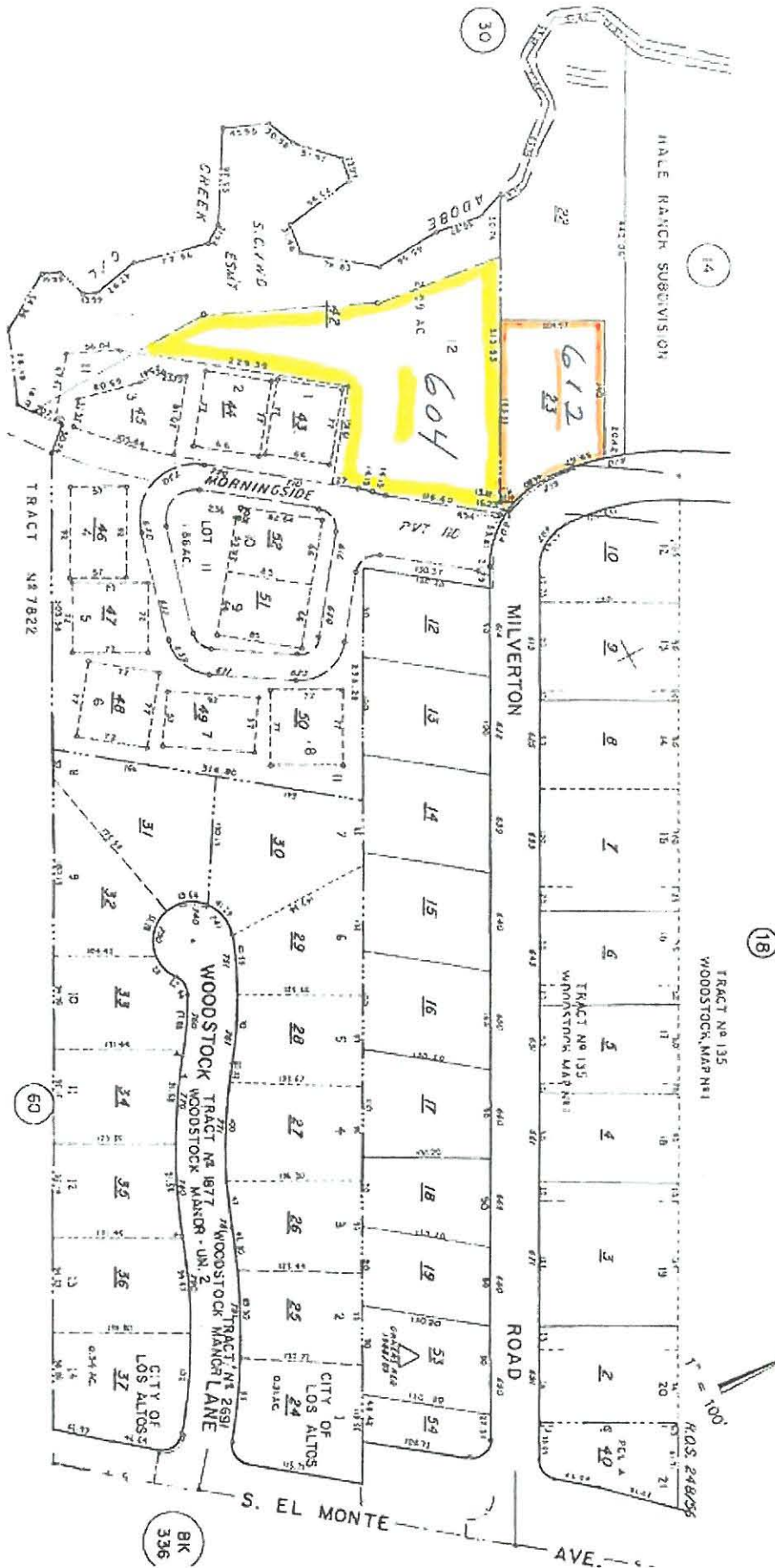
From 604 Northeast toward 612





612 driveway toward 604 lot and Heritage Oak trunk in background Morningside driveway toward 604 lot

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA



BOOK	PAGE
175	19

2014 OCT NOV 23 24
 LAWRENCE E STONE - ASSESSOR
 Created by the assessor's office only
 Complete under 8 & 1 Code, Sec 127
 Effective Real Year 2013-2014

David Kornfield

From: JMCQVH@aol.com
Sent: Sunday, September 15, 2013 6:19 PM
To: David Kornfield
Subject: 604 Milverton Road
Attachments: contour map 604 Milverton Road.pdf

Dear David,

We are writing again to express our concerns about development of 604 Milverton Road. We have discussed concerns with you in person and also sent an e-mail and pictures on August 25, 2013. We showed you pictures and also sent the e-mail with pictures showing the change in elevation between our property located at 612 Milverton Road and 604 Milverton Road - our property is adjacent to 604 Milverton Road.

Jim Wing was kind enough to use a laser level to document the change in elevation from the middle of 604 Milverton Road and to the top of our 4 foot retaining wall.

I have attached the plot map that Jim Wing noted elevation changes. His explanation of the plot map, measurements and e-mail to us is below:

*Sent: 9/7/2013 9:04:19 P.M. Pacific Daylight Time
Subj: Survey Data*

Hi Jim and Janet,

Attached plot map of 604 Milverton has been marked-up to show elevation data Janet and I collected today. I only showed elevation drop in "rounded down" feet with laser level being zero. Total elevation drop from approximate center of possible new home [laser location] to top of your retaining wall is 6 feet. Three feet of drop is within 5 feet of your retaining wall and that sharp drop causes soil to move when wet [gravity induced hydraulics]. The original contours noted on plot map show total drop of 4 feet in a constant slope.

When I first [8/5/2013] went to city hall, the full sized blueprint did not have a date on it. When staff report was posted online [8/9/2013] it had a date written on it. In my opinion plot map with contours was done before Morningside construction and does not show current conditions.

It appears you have two concerns, one is soil stability during rain season at your property line, other is privacy from a new two story home. You can use city codes and public review process to have these items mitigated. If David Kornfield modifies his staff report for Council or you request Council to add conditions addressing soil stability and updated contour map, staff then has authorization to require developer to take corrective action. This can be done later when and if at new home is developed but by adding conditions now it will happen automatically. Normally items like this are part of Design Review Commission public review [last step in process]. In the long run it is easier to get conditions added now.

9/18/2013

I will let you know when 604 Milverton is on Council agenda.

Thanks, Jim

Our major concerns are:

1. the grade/elevation change was misrepresented at the last meeting and not accurate on the map
2. request that you add conditions addressing the grade change, establish a contour map that is current and reflects the 4 foot retaining wall and the elevation changes that are present at this time
3. restrict to one story house if one is built, because of the elevation change and privacy issue
4. require that soil stability, drainage and secure retaining wall be addressed and remedied

Please let me know if I should send this information to the council members.

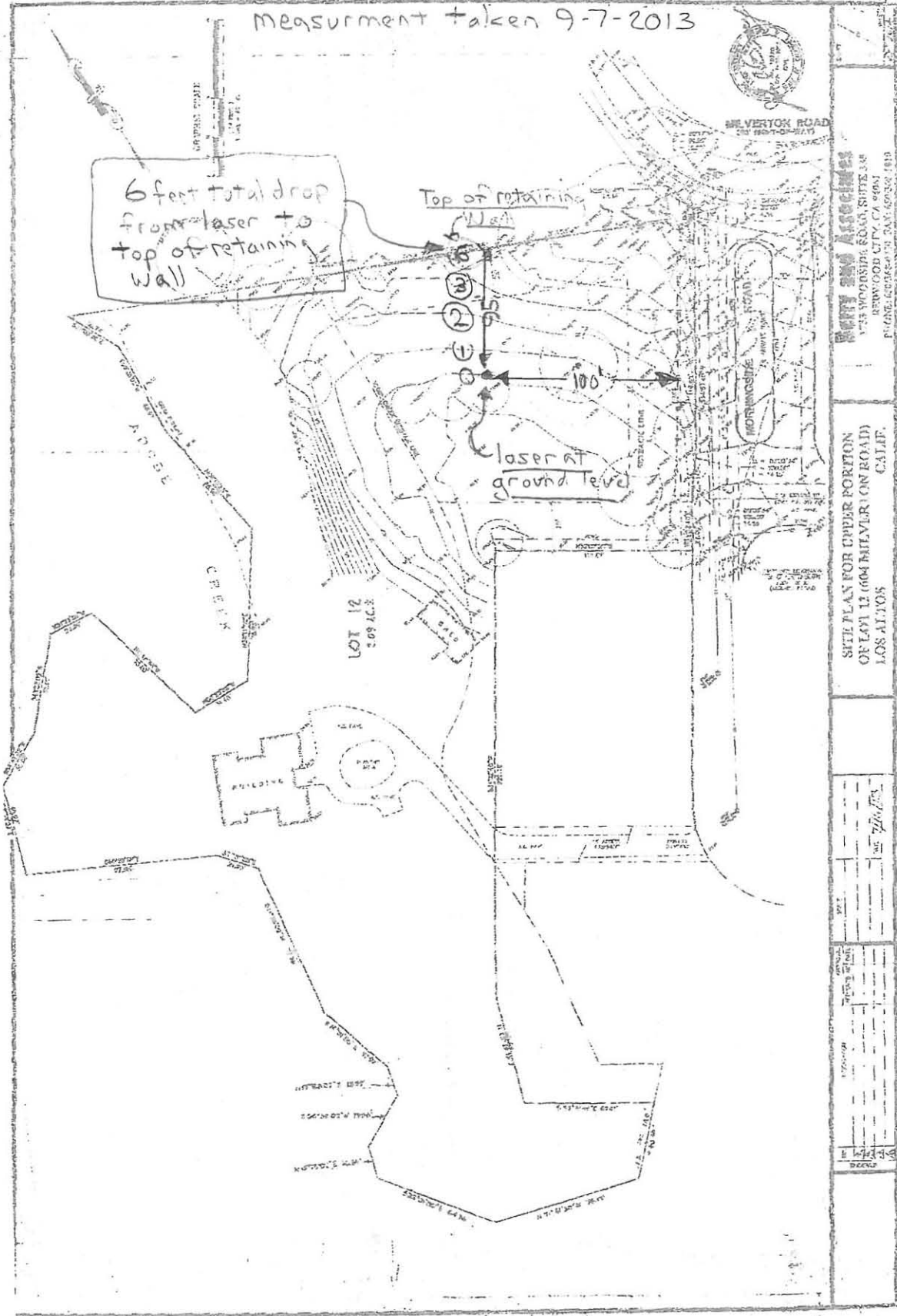
Could we receive a copy of the staff report? We would appreciate the information.

Thank you for your time and effort in reviewing and addressing our concerns.

Sincerely,

Janet and Jim Collinson

Measurement taken 9-7-2013



ARTY 200 ASSOCIATES
 1733 WOODSIDE ROAD, SUITE 108
 BERKELEY, CA 94704
 PHONE: (925) 841-1819

SITE PLAN FOR GREER PORTION OF LOT 12 (604 MILVERTON ROAD) LOS ALTOS CALIF.

DATE	7/20/13
BY	[Signature]
CHECKED	[Signature]
SCALE	AS SHOWN

CITY CLERK'S OFFICE

2013 SEP -3 A 11: 03

Ms. Jan Pepper
Council Member
Los Altos City Council
One North San Antonio Road
Los Altos, CA 94022

September 1, 2013
Re: Morningside HOA Assn.

Dear Council Member Bruins:

I am on the Board of Directors of Morningside Circle Homeowners Association as the Current President. We are in opposition to the application that is being submitted by Abigail Ahrens to increase the density on the property located at 604 Milverton, Los Altos, and also identified as Lot 12 of our planned community.

At the recent Planning Commission meeting, held on August 15, we were allowed two minutes to state our opposition. Our attorney, John Hanna, appealed the two minute ruling because he was speaking for our entire group of ten homes. This was denied.

During the presentation of Ms. Ahrens', which lasted longer than ten minutes, we were aware of some statements that were at best misunderstandings. In addition, the meeting went far beyond the density on the lot and could be considered adversely affecting our CC&R's.

I am asking that you meet with me and two members of our Board, at our location and allow us to show you the property from our point of view. If you would meet with us, the best time would be during the day, preferably mid-morning to mid-afternoon and during the first part of the week of the 9th of September.

Please call me (at: 650-941-5575) or email me (at: dhill1068@gmail.com) for any further information you may need.

Sincerely,



Dawn Hill
670 Morningside Circle
Los Altos, CA 94022