Matteoni
O'Laughlin
& Hechtman
LAWYERS

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
Gerry Houlihan

June 3, 2024

VIA EMAIL: jpaulson@losgatosca.gov

Mr. Joel Paulson
Community Development Director
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Appeal of Decision not to remove 32 Euclid from Historic Inventory

Dear Joel:

Thank you for the background information on this matter.

As you informed me, this is the first hearing before the Commission on an appeal of the HPC, after the adoption of an ordinance changing its role to advisory. Second, the ECORP Architectural History Evaluation dated February 9, 2024, documented the lack of historic significance of this structure, including the fact that 45% of the façade was previously altered by an addition to the building. Unfortunately, the ordinance regarding "technical demolition" was not referenced at the hearing of March 27, 2024, although the facts supporting that ordinance's application to the structure were before HPC.

Most importantly, my letter to the Commission advises that the barn was substantially demolished under the terms of Town Ordinance Section 29.10.020. Under these circumstances, the appeal should be unnecessary, and a demolition permit administratively issued. If the Town's interpretation differs and the appeal proceeds, please be advised that applicant reserves its legal position stated herein.

Very truly yours,

Norman E. Matteoni

NEM/jlc
Cc: Gabrielle Whelan
Town Attorney: gwhelan@losgtosca.gov

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848 The Alameda
San Jose, CA 95126
ph. [redacted]
fax. [redacted]
www.[redacted]

EXHIBIT 12

Matteoni
O'Laughlin
& Hechtman
LAWYERS

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
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June 3, 2024

VIA EMAIL

Los Gatos Town Planning Commission
110 E. Main Street
Los Gatos, CA 95030

Re: 32 Euclid Avenue; Appeal; May 11, 2024

Dear Chair and Commissioners:

I represent the applicant regarding this appeal from the Director's decision to accept the Historic Preservation Committee's 2-1 vote to deny of removal of the structure at 32 Euclide Avenue from the Historic Resource Inventory. This has the effect of denying a demolition permit to allow a new residence to be constructed on site.

First, the structure in question, originally a small barn that was auxiliary to the original residence on the property (likely removed prior to 1951 for a new residence), was itself converted to a residence in the 1970s or 1980s. That conversion significantly altered the front façade of the structure. The addition enclosed the original exterior wall with the result that 45% of the structure's elevation facing the public street was removed. Under the Town's ordinance this is termed a "technical demolition" where the demolition is 25% or greater of the wall facing the public street. See Ordinance Section 29.10.020. Architecture Historic Evaluation by ECORP Consulting, dated February 9, 2024 (included in Exhibit 6 – HPC Staff Report, attached to the Staff Report before you) provides the factual support. For your convenience, I have attached pp. 17-18 and 114 of that report to this letter as Attachment A; there are numerous photographs in the ECORP Evaluation showing that alteration and others to the structure.

Although the ECORP Evaluation detailed the alterations and the extent of the façade modification, somehow all the parties failed to apply

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Section 29.10.020. This is documented in the A1.1 Front Façade Demo and Renovation Exhibit, as Attachment B to this letter.

This documented façade alteration exceeding the 25% threshold qualifies a technical demolition and removes the structure from further review.

Other Town actions also affect this application. On April 19, shortly after the appeal was filed, the Council adopted an ordinance changing the role of HPC to advisory. Thus, the decision of the Community Development Director based on the HPC decision of March 27 should no longer be applicable.

Nonetheless, there is more to show that the structure is not historic under the ordinance, as Staff Reports:

1. The property does not have an LHP Overlay.
2. It is not in an historic district.

There was a general allegation at HPC that the structure may have been the residence of Peter Johnson, a former council member. There is no documentation to substantiate that claim. In fact, research reveals the Roy Johnson family residing at 32 Euclid in the 1940s was from Bakersfield. See ECORP report, pp. 5-6. The Los Gatos Centennial Project Bellringer Award indicates that Peter Johnson, originally from Denmark, purchased 131 acres of orchard near the top of Loma Alta Avenue, later converted to the Eastfield Ming Quong Conference Center. He purchased the property in the Loma Alta area in 1874; and Johnson Avenue was named after him. That land is nearly a mile removed from Euclid Avenue. Another reference to Peter Johnson's residence in that document speaks of an historic home on Los Gatos Boulevard.

In summary:

1. There is no distinctive character to the structure.
2. It was compromised (technical demolition) when the façade was substantially removed, and an addition covered 45% of the front of the structure in the 1970s. Thus, as a matter of law, the permit for demolition should issue.
3. There have been ongoing renovations to the structure by owners since that time.
4. The structure does not yield information to Town History.

5. It is not associated with events that made a significant contribution to the Town.

Very truly yours,

Norman E. Matteoni

NEM/jlc
Enc.
Cc: Sean Mullin
Town Attorney
Alex Anderson

R:\Clients\Wilson, Dave - Building Approval 489.06\Corresp\Ltr to LG Planning Commission.docx

ATTACHMENT A

EXITING FRONT FACADE
Scale: 1/4"= 1'-0"

AREA OF FRONT FACADE= 387 SF

AREA OF FRONT FACADE RENOVATED = 175 SF

PERCENTAGE OF FRONT FACADE DEMOLISHED AND RENOVATED: 175/387= 45%

To the Town of Los Gatos Planning:

We prepared this exhibit to clearly indicate that the front porch was an addition to the original structure and that it exceeds the percentage of the facade area and according to the Town Historic Code, that 45% of the facade area that was impacted qualifies for a demolition permit as stated in the Code. The Code states anything over 25% of the wall area of the structure facing a public street is a demolition.

Therefore the structure should be moved from the Town's inventory because of the previous modifications made to the original structure.

Town of Los Gatos

HISTORIC RESOURCES
4

DEMOLITIONS

Demolition (historic structures)

Removal of more than 25% of the wall(s) facing a public street(s) for a street facing elevation of the parcel is a surface lot or a landlocked or 50% of all exterior walls; or

(2) Enclosure or alteration (i.e.: new window and or window relocation) of more than twenty-five percent of the walls facing a public street for a street facing elevation of the parcel in a corridor lot or is landlocked or fifty (50) percent of the exterior walls so that they no longer function as exterior walls; or

All remaining exterior walls must be retained, and must retain the existing exterior wall covering. No new exterior wall covering shall be permitted over the existing exterior wall covering. The following are exempt from this definition:

a. Replacement. The exterior wall covering may be removed if the covering is not original to the structure.

b. Repair. The removal and replacement of in-kind unsalvageable exterior wall covering resulting in no change to the exterior appearance or historic character of approved by the Town or building code.

c. Removal. The removal of an addition(s) that is not part of the original structure and which has no historic significance, as determined by the Historic Preservation Committee. Demolition shall be determined by subsections (1) and (2) above for the original structure, where walls enclosed by additions shall be considered as exterior walls.

Demolition (non-historic structures) means:

Removal of more than 50% of the exterior walls. The remaining exterior walls must be contiguous and must maintain either the existing exterior or the finish exterior wall covering.

- Reconstruction of a portion of a single family or two family dwelling with a structural framing setback.

Application:
An application for Minor Residential Development is required.

Section:
The Town's Historic Resources Inventory contains portrayal of the majority of Los Gatos' Pre-1941 structures. Each structure surveyed was rated and assigned a score scale which reflects the historic status of the structure. The rating was based on scales established by the State Office of Historic Preservation at the time the inventory was taken (September [illegible]).

Applications for Pre-1941 structures with a rating above 75 shall be reviewed by the Town staff and the Historic Preservation Committee. Applications for Pre-1941 structures with a rating 75 or under that do not have an LHP Overlay Zone shall be reviewed by Town staff.

Town staff will review the application to ensure it meets Town Code. If required, the application will then be scheduled for review by the Historic Preservation Committee. The Historic Preservation Committee will consider the matter at a public meeting and will either recommend approval or denial of the application or continue the matter.

Actions:
If the application can be approved by the Director of Community Development, a "Notice of Intent to Approve" will be mailed to the neighboring residents and property owners. If no opposition is received, the application is approved. If opposition is received and the matter was not to be resolved, the matter will be forwarded to the Planning Commission for consideration.

PHOTOS BEFORE THE DEMOLITION WORK

Anderton Architecture

C-15218

32 EUCLID AVE
LOS GATOS

32 EUCLID AVE
LOS GATOS, CA 95030

Client Revisions

No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

City Revisions

No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		

Date: 10/07/2023
Scale: As Noted
Drawn By: JS
Checked By: Andy

Sheet Title:
Front Facade
Demo and Renovation Exhibit

Sheet No.:
A1.1

Job: EUCLID AVE, CA 95030

EXHIBIT 11

ATTACHMENT B

5.2.3.3 NRHP Criterion C/CRHR Criterion 3

Originally constructed as a barn, and remodeled significantly as the result of its conversion into a single-family residence, the property at 32 Euclid Avenue no longer possesses a discernable architectural style. It was originally a simple utilitarian building designed for farming. Regardless, the original barn is indiscernible due to multiple renovations undertaken on the building since the second half of the 20th century. These renovations constituted no significant architectural style and resulted in a complete loss of character defining features associated with the original barn. As a converted barn with no significant architectural style, 32 Euclid Avenue does not embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction. In addition, the 1990s era storage shed is not the work of a master. Therefore, the property at 32 Euclid Avenue is not eligible for listing in the NRHP/CRHR under Criterion C/3.

5.2.3.4 NRHP Criterion D/CRHR Criterion 4

Originally a barn built in 1900, the property at 32 Euclid Avenue's research potential is expressed in its built form and through data obtained from the historical record as presented in the above Local, Institutional, and Architectural contexts. Therefore, the building does not have potential to yield additional information important in prehistory or history. As a result, 32 Euclid Avenue and its corresponding shed is not eligible for listing in the NRHP/CRHR under Criterion D/4.

Integrity

The property at 32 Euclid Avenue possesses integrity of location, but lacks integrity of setting, design, materials, workmanship, and association. It remains in its original location, but the surrounding area has completely changed from a rural setting to a suburban setting of single-family houses. The original character defining features of the property are no longer present due to extensive renovations that altered the style and structure of the original building which include a complete alteration of the primary façade, an addition to the north elevation, replacement siding, and replacement fenestration.

Regardless of Integrity, 32 Euclid Avenue does not meet NRHP or CRHR eligibility criteria as an individual resource or as part of any known or suspected historic district; the resource is not listed on any Certified Local Government historic property register.

5.2.3.5 Los Gatos Historic Structure

(1) *The structure is not associated with events that have made a significant contribution to the Town;*

32 Euclid Avenue was constructed in 1900 as a barn and originally served the farm that was located on the property. It was one of many barns built in c. 1900 in Santa Clara County during the period in which agriculture was a dominant practice in the area. The barn was not the first or last of its type and is not known to be associated with innovations related to agriculture. After the building's conversion into a

single-family residence in 1941, the significant renovations erased evidence of the building's historic use as a barn. As one of many barns erected in the early 20th century in agricultural period of the Santa Clara Valley and one which no longer conveys its significance of a barn, the property at 32 Euclid Avenue is not eligible for not associated with events that have made a significant contribution to Los Gatos.

(2) *No Significant persons are associated with the site;*

The property at 32 Euclid Avenue was home to multiple residents, including Ernest and Sarah Robinson until c. 1949, Adeline and Roy Johnson in c. 1950, Carolyn and Christ Broadwell in c. 1960, and Steve and Jerra Rowland in c. 1970. As one of many citizens of Los Gatos, these residents on their own did not shape the overall history of the region. According to archival research, all residents of 32 Euclid Avenue were ordinary citizens who have not made a significant contribution to history. There is nothing in the archival record to suggest that 32 Euclid Avenue is associated with the lives of persons significant in our past. Therefore, the property at 32 Euclid Avenue has no significant persons associated with the site.

(3) *There are no distinctive characteristics of type, period or method of construction or representation of work of a master;*

Originally constructed as a barn, and remodeled significantly as the result of its conversion into a single-family residence, the property at 32 Euclid Avenue no longer possesses a discernable architectural style. It was originally a simple utilitarian building designed for farming. Regardless, the original barn is indiscernible due to multiple renovations undertaken on the building since the second half of the 20th century. These renovations constituted no significant architectural style and resulted in a complete loss of character defining features associated with the original barn. As a converted barn with no significant architectural style, 32 Euclid Avenue does not embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction. In addition, the 1990s era storage shed is not the work of a master. Therefore, the property at 32 Euclid Avenue is not distinctive characteristics of type, period or method of construction or representation of work of a master.

(4) The structure does not yield information to Town history; or

Research on the property at 32 Euclid Avenue yielded no information on Town of Los Gatos history.

(5) The integrity has been compromised such that the structure no longer has the potential to convey significance.

The original character defining features of the property are no longer present due to extensive renovations that altered the style and structure of the original building which include a complete alteration of the primary façade, an addition to the north elevation, replacement siding, and replacement fenestration. Therefore, the integrity of the property at 32 Euclid Avenue has been compromised such that the structure no longer has the potential to convey significance.

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 8 *Resource Name or #: 32 Euclid Avenue

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County: Santa Clara

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Los Gatos Date: 1953 T08S; R01W; Section Land Grant M.D.B.M.

c. Address: 32 Euclid Avenue City: Los Gatos Zip: 95030

d. UTM:

e. Other Locational Data:

*P3a. Description:

The property at 32 Euclid Avenue contains a 1900 converted barn dwelling and a circa 1997 storage shed. The current two-story dwelling is rectangular in plan with an asymmetrical gable roof, gable attic vents, asphalt shingles, and overhanging eves. It sits on a concrete foundation and consists of a variety of wood siding, including varying widths of board and batten, plywood, and horizontal lapped siding on all elevations. Due to alterations, the dwelling does not exhibit a discernible architectural style. According to previous owner Jerra Rowland, an addition on the primary south elevation in the 1970s consisted of enclosing the front porch, which ECORP confirmed the presence of during the site visit (Rowland 2024). The addition has a shed roof with asphalt shingles, nonoriginal aluminum sliding windows, and a single-leaf door on the west elevation of the addition that provides the main interior access. An addition on the north (rear) elevation which Mrs. Rowland also claims was built in the 1970s served as a laundry room, which ECORP confirmed the presence of during the site visit (Rowland 2024). It has a shed roof with asphalt shingles and clapboard and plywood siding. A single-leaf door on the west elevation of the addition provides interior access. The west wing of the house also appears to be an addition that predates 1970. A fireplace and chimney are located on the southwest corner of this addition. A sliding glass door on the west elevation of this addition also provides interior access. Fenestration consists of two-panel sliding windows, single-hung windows, with a varying mixture of metal, vinyl, and wood sashes. Multiple skylights are located on the roof. The footprint of the original barn at 32 Euclid Avenue is unknown, however, extensive remodeling has altered its appearance and function into a single-family residence.

*P3b. Resource Attributes: HP2. Single family property

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

P5a. Photo or Drawing

P5b. Description of Photo:
Overview of 32 Euclid Avenue
View northeast, January 10, 2023

***P6. Date Constructed/Age and Sources:**
☒ Historic ☐ Prehistoric ☐ Both
1900 (RealQuest)

***P7. Owner and Address:**
[redacted]

***P8. Recorded by:**
Jessica Rebollo
ECORP Consulting, Inc.
2525 Warren Drive
Rocklin, CA 95677

***P9. Date Recorded:**
January 10, 2024

***P10. Survey Type:**
Intensive

***P11. Report Citation:**
ECORP Consulting, Inc. 2023. Architectural History Evaluation for 32 Euclid Avenue, Los Gatos, Santa Clara County, California, Santa Clara County, California. Prepared for [redacted] Anderson Architects, Inc.

*Attachments: ☐ NONE ☒ Location Map ☐ Sketch 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):

DPR 523A (1/95) *Required information