

From: Jeffrey Siegel <jeffreysiegel@gmail.com>

Date: April 11, 2022 at 11:33:53 AM

To: "Erin M. Walters" <EWalters@losgatosca.gov>, Jennifer Armer <JArmer@losgatosca.gov>

Cc: David Hernandez <dvhernandez@pacbell.net>

Subject: Fwd: California Office of Historic Preservation Assessment of 33 Walnut

Erin/Jennifer,

Please include the following professional assessment and decision from the California Office of Historic Preservation in the materials sent to the Planning Commission for this coming Wednesday's review of the request to remove 33 Walnut Ave from the town's historic inventory. The state's OHP has carefully reviewed, in detail, the information that has been likewise submitted to the Planning Commission.

Unfortunately, given the upcoming meeting format, we will have only five minutes to present, which does not allow us to review in-depth all the researched facts. As such, we are relying on the Planning Commission to spend an hour or two reading through those materials ahead of our presentation. Alternately, the Planning Commission can instead rely on the professional historic preservationist's review and determination which represents their expertise-informed conclusion.

To be clear, the selection of materials used in the porch rebuild was dictated by structural engineering and present-day building codes mandated by the state and the town. The major expansion referred to below was done by the past two owners (Montgomery's and Oveysyi's), dating back from the period of 1960's through 2007. The Oveysyi expansion was indeed a flip, but held for nine years due to the 2008 housing bubble burst. We purchased the house in 2016 long after all of those major expansions were done. Only the front porch rebuild was done by us, with prior HPC approvals.

Below is the communication from the California Office of Historic Preservation informing us of their assessment and decision regarding whether any historic integrity remains and whether the property would be eligible for state recognition as being a historic property. Town and state historic criteria, standards, and guidelines are the same.

Thanks...Jeff

Jeff Siegel
President
Los Gatos Historical Society

From: "Correia, Jay@Parks" <Jay.Correia@parks.ca.gov>

Date: April 8, 2022 at 11:18:59 AM PDT

To: Jeffrey Siegel <jeffrey@losgatoshistorical.org>

Subject: California Office of Historic Preservation Assessment of 33 Walnut

Jeff,

I have to say, this house (33 Walnut Avenue, Los Gatos) would not be eligible for the California Register. There is simply too much modern intervention. The porch, a primary character-defining feature, is a new construction with new materials instead of an "in-kind" restoration that would meet the "Secretary of

the Interior's Standards for the Treatment of Historic Properties." The footprint has been dramatically expanded. It really is a new house. The roofline has been altered. It is a "flip." In my experience flips always destroy historic properties to maximize profit. This is antithetical to Historic Preservation.

Jay

Jay Correia
Supervisor, Cultural Resources Programs
Registration and Project Review Units
California Office of Historic Preservation

-----Original Message-----

From: Jeffrey Siegel <jeffrey@losgatoshistorical.org>

Date: April 8, 2022 10:59 AM

To: Correia, Jay@Parks <Jay.Correia@parks.ca.gov>

Subject: For your thoughts and guidance...

Hi Jay,

See attached documentation for your reference and review in assessing whether the state office of historic preservation would consider 33 Walnut to have any historic integrity remaining.

Jeff Siegel
President
Los Gatos Historical Society

To: Jay Correia
Office of Historic Preservation
State of California

Property: 33 Walnut Avenue

Subject: Request for review of candidacy for addition to the California state historic registry

History of Property Since Built:

Unlike other lots in the neighborhood, 33 Walnut fronts onto two streets - Walnut and Wissahickon. This means that changes made to the rear of the Walnut-facing home are clearly visible from Wissahickon, and vice versa. There is no way to 'hide' exterior structural changes from viewing by either of these two streets.

Early Era:

33 Walnut started off as a small, one-bedroom cottage, not unlike the small one-bedroom homes to its neighboring immediate left and right, but since then has undergone successive waves of alterations and expansions by multiple owners over time, leaving to today resembling little of its original design. It was constructed around 1890 (exact date not definitively documented) in the Queen Anne style that was popular at that time, serving as a summer home for its first residents, Don and Joan Glod. There is some reference to a William and Maybelle Peed who appear to have purchased the cottage in the 1920's, and changing it before selling to the Montgomery family. This is likely when the fireplace was removed with the advent of electricity brought to Los Gatos.

The property was later sold to Rutherford and Eunice Montgomery in 1948 where it became their primary residence. Rutherford was an author of children's books and raised his family here before passing away in 1985. During the time that the Montgomery family lived here, extensive modifications were made to both the interior and exterior of the house to make it suitable to raise a growing family. On the exterior, the rear of the house was enlarged by adding a glassed-in rear porch along with further expanding the footprint by adding a room adjacent to the kitchen. Later, following his death in 1985, a second-story addition was built on top of the enclosed rear porch with exterior staircase extending into the rear of the yard, not visible from Walnut Avenue. This second story was significant in changing the roofline while adding mass, becoming the second significant modification to a family residence that began as a small, single-story, Queen Anne styled cottage.

Oveyssi Era:

Following the death of Eunice Montgomery in July 2006, the house was sold to Michael Oveyssi who devoted nearly two years on its third major modification further expanding the footprint and changing both the interior and exterior of the house. His intent was to expand and modernize the house before flipping it, but due to the 2008 housing market downturn, kept it as a rental property until selling it its current owner in 2016. It was during that extensive rebuild by Oveyssi that the entire interior of the house was gutted, the footprint further enlarged, and interior space reconfigured and restyled. This expansion included demolition of the rear porch before newly constructing roughly 500sf onto the back of the house, plus expanding the second-story living space. This second story expansion completely altered the roofline transforming it from the small shed dormer into a three-gabled profile that added high interior ceilings and enlarged living space. This expansion also entailed first demolishing the rear facing exterior staircase built by the Montgomery family and then building a new exterior staircase and landing onto the north-facing side of the house that offers views into neighboring properties to the North. This dramatically transformed skyline is prominent when viewed from Wissahickon and also from Walnut when approaching the house from either the South or North. During this time period, all windows were replaced with modern, dual-pane windows including the addition of arched windows that starkly deviated from the original Queen Anne cottage.

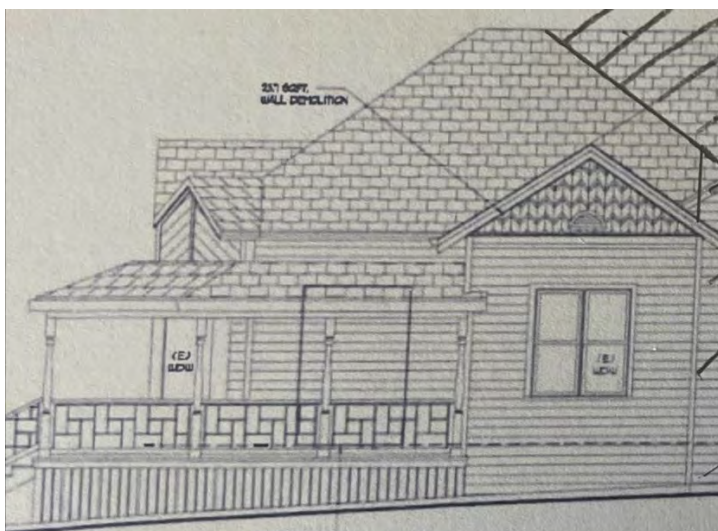
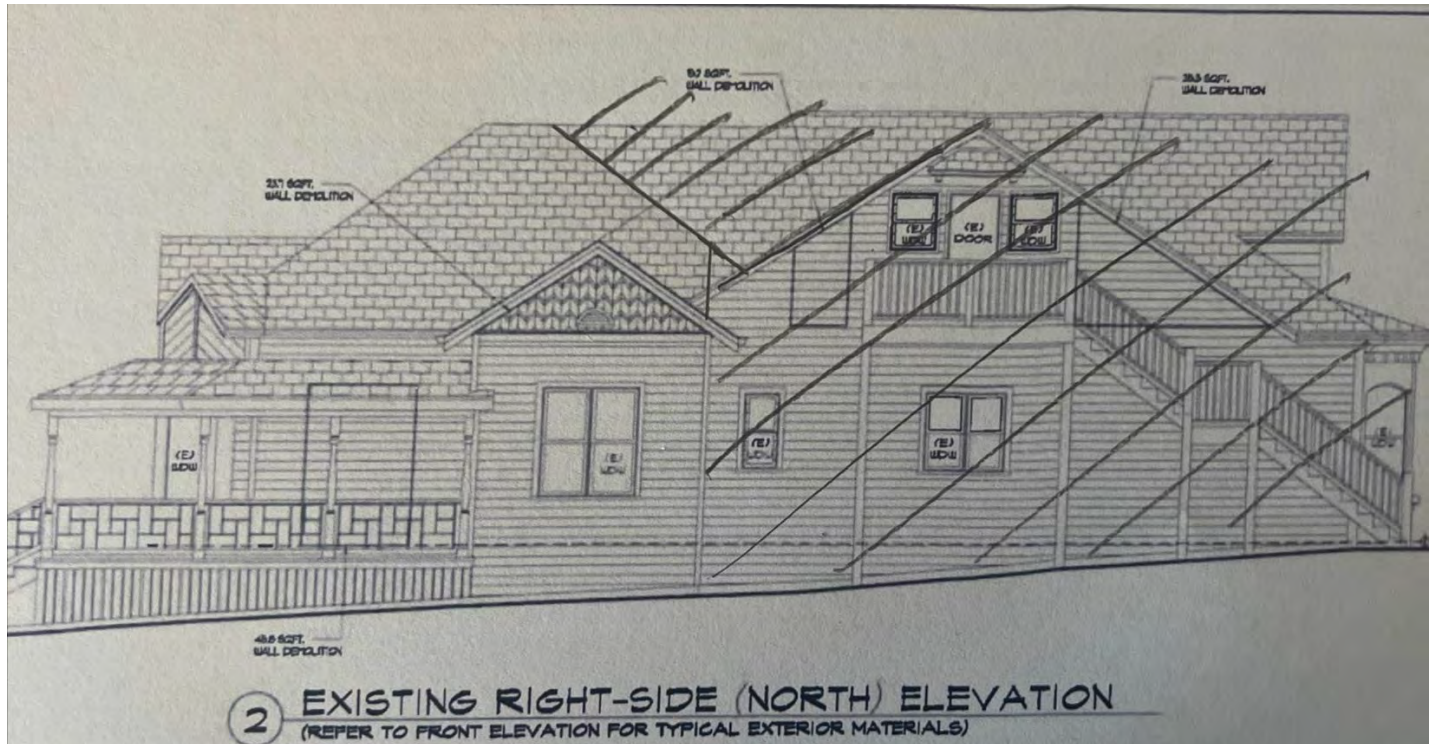
What originally began as a small one bedroom, one bath, approximately 889sf summer cottage has been transformed into a two-story 2620sf sprawling five-bedroom, four-bath family residence. The once-small summer cottage no longer remains. In addition, in 2008 Mr. Oveyssi demolished the historic tin-clad structure facing Wissahickon, replacing it with a modern-day, ranch-style two-car garage transforming the appearance of the property from that frontage street. The one area left untouched by all prior owners throughout its life was the wraparound front porch. Unfortunately, after decades of neglect exacerbated by damage inflicted by storms approaching from the east and southern exposures, the front porch was structurally compromised. Rotted decking, failing structural beams and weakened foundation created an unsafe condition. The stairs were replaced by 2x8 slats of rough lumber before the property was placed on the market by Oveyssi in 2016. The residence was then sold to the current owner in October 2016 in this compromised condition.

Present Era:

A once-upon-a-time, small, single-story Queen Anne cottage with small tin-clad horse shelter bears no resemblance to the existing lot now housing dual, two-story residential structures. The brew of demolitions, alterations, and additions over the past century was recently perpetuated with the complete demolition of the badly deteriorated front porch. The newly constructed porch differs in size, depth, roofline height and distinctive radius corner contributing to the improved structural integrity of the house. Concrete and steel have replaced old wood support structure. The porch changes, as approved by the HPC in 2019, retains a modified Queen Anne architectural style. But burdened with conforming to modern-day seismic and safety codes, it nonetheless is an abandonment of the historic materials, original construction methods, and low-slung railing design; that are among the tests for being designated historic. While the house already differed in every respect (shape and size and height) from the south, west, and north elevation views, it now differs from the east elevation view as well.

Reference Materials:

1. **Drawings:** The following drawings shows precisely where the 1891-built cottage footprint was, based on the original roof-frame artifact that remains beneath the actual functioning rooftop. It clearly shows that the original footprint of the house was 889 sf of living space before the Peed and Montgomery families made their alterations which included removing the fireplace and building an additional room (behind the kitchen) onto the rear of the house. That added room extended the rear of the house back about fourteen feet before being further extended in 2007 by Oveyssi.



2. This photo shows the roof frame artifact remaining in the attic indicating precisely where the rear of the original house ended. This is hard evidence of the original structure not otherwise found in town records.



The following photos show some of the exterior changes that have been made over the course of several decades. Earlier changes such as the addition of a glassed-in rear porch and first version of the second story addition are not shown, but are available to see in older photos provided by town staff.

3. View of newly constructed front porch from Walnut Avenue:

While true to the Queen Anne style front porch architecture, the improvements in depth, height, and shape, together with the yet to be built new railing leaves no trace of the historic materials or construction methods..



4. Northern Elevation View of 2007 massively altered second-story of 33 Walnut:
Clearly no longer a small 889 sf cottage.



5. Southwestern Elevation (from Wissahickon) view of three-gabled second-story addition:



6. Southern View of the First/Second-story 2007 Additions with High Extended Roofline:
The second-story roofline dominates the view from the neighboring lot on the southern elevation.



Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Property: 33 Walnut Avenue

Subject: Request to Remove a Presumptive Historic Property (Pre-1941) from the Historic Inventory

Enclosed:

- 1) Historical accounting of changes made to the property since built
- 2) Diagrams showing what has already been permitted
- 3) Photos of what has already been built under the HPC approved permitting
- 4) Justification for removal of a pre-1941 property from the historic inventory

Resources consulted:

- Anne Bloomfield Survey
- Oral history account from long-established neighbor
- Prior permitted plans filed by Oveyssi detailing changes
- Prior HPC review documents
- Built environment - Historical artifacts remaining of the original roofing frame in attic

History of Property Since Built:

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The property was later sold to Rutherford and Eunice Montgomery in 1948 where it became their primary residence. Rutherford was an author of children's books and raised his family here before passing away in 1985. During the time that the Montgomery family lived here, extensive modifications were made to both the interior and exterior of the house to make it suitable to raise a growing family. On the exterior, the rear of the house was enlarged by adding a glassed-in rear porch along with further expanding the footprint by adding a room adjacent to the kitchen. Later, following his death in 1985, a second-story addition was built on top of the enclosed rear porch with exterior staircase extending into the rear of the yard, not visible from Walnut Avenue. This second story was significant in changing the roofline while adding mass, becoming the second significant modification to a family residence that began as a small, single-story, Queen Anne styled cottage.

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2016. It was during that extensive rebuild by Oveyssi that the entire interior of the house was gutted, the footprint further enlarged, and interior space reconfigured and restyled. This expansion included demolition of the rear porch before newly constructing roughly 500sf onto the back of the house, plus expanding the second-story living space. This second story expansion completely altered the roofline transforming it from the small shed dormer into a three-gabled profile that added high interior ceilings and enlarged living space. This expansion also entailed first demolishing the rear facing exterior staircase built by the Montgomery family and then building a new exterior staircase and landing onto the north-facing side of the house that offers views into neighboring properties to the North. This dramatically transformed skyline is prominent when viewed from Wissahickon and also from Walnut when approaching the house from either the South or North. During this time period, all windows were replaced with modern, dual-pane windows including the addition of arched windows that starkly deviated from the original Queen Anne cottage.

What originally began as a small one bedroom, one bath, approximately 889sf summer cottage has been transformed into a two-story 2620sf sprawling five-bedroom, four-bath family residence. The once-small summer cottage no longer remains. In addition, in 2008 Mr. Oveyssi demolished the historic tin-clad structure facing Wissahickon, replacing it with a modern-day, ranch-style two-car garage transforming the appearance of the property from that frontage street. The one area left untouched by all prior owners throughout its life was the wraparound front porch. Unfortunately, after decades of neglect exacerbated by damage inflicted by storms approaching from the east and southern exposures, the front porch was structurally compromised. Rotted decking, failing structural beams and weakened foundation created an unsafe condition. The stairs were replaced by 2x8 slats of rough lumber before the property was placed on the market by Oveyssi in 2016. The residence was then sold to the current owner in October 2016 in this compromised condition.

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As part of that permitted renovation, engineering specified a structural reinforcement of the front (East facing) house wall. This required removal of the siding to attach tie-downs to foundation four feet below and to add vertical framing members to the thinly-built front wall frame. The town code disallows removing more than 25% of the front wall of a historic house, and while the wall itself was structurally reinforced, not removed (only the siding removed in order to reinforce the wall), the town staff interprets the language of the code to mean excluding even the removing of the siding. This runs contrary to the interpretation by the property owner, builder, and architect and resulted in the property owner being assessed a fine and the property assessed as a technical demolition of the entire house.

Carriage House – living space above detached garage:

Most recently, beginning in 2021, and continuing into early 2022, the two-car, single-story ranch-style garage, facing Wissahickon, has been transformed into a two-story structure that contains an 800SF residence over a three-car garage. While growing the housing stock (ADU) for Los Gatos, and providing EV

charging for three electric vehicles, the tall structure dominates the skyline from both Wissahickon and from the rear windows of the main residence. The newly-built structure is visible as well from Walnut Avenue given its mass and towering height, amplified by its high topological position on the lot. The roofline sits about thirty-seven feet above Walnut Avenue making it impossible to miss from any viewpoint. In summary, little about the property at 33 Walnut, when viewed from either Walnut or Wissahickon looks anything like the small summer cottage and accompanying tin-clad horse shelter that once stood.

Today's Request of the HPC:

Today, the request is before the HPC to remove the extensively altered residence from the historic inventory. It simply fails to meet the tests of being historically significant by state or local standards, and should therefore be removed from the historic inventory. With decades of successive changes to both the residence and the entire lot, nothing about the house actually meets the state or local tests for historical preservation.

The information provided below to the HPC clearly shows that the property does not meet the criteria of the state or local policies and regulations for designating a historic property. The information describes in detail that the property has not contributed to the cultural heritage of California, is not associated with an important person of history, has lost if any existed, significantly distinctive architectural characteristics through many alterations, demolitions and expansions, and does not yield important information for history.

Enclosed are diagrams, previously approved by HPC and permitted in 2021, that showed the pre-existing and permitted changes to the main residence. The front porch work has been largely completed, with a new concrete and steel foundation, flattened roof, and steel posts that provide structural integrity to both the porch and front wall of the house. Remaining for completion is adding the new porch decking, railing, and skirting.

Changing Character of Walnut Avenue:

Unlike streets in the Los Gatos Historic Districts, Walnut Avenue is an eclectic and rural street (no sidewalk improvements) sporting a mixture of architectural styles and ages, with the most recently built, in 2010, home located two lots to the north in a faux-craftsman style ranch home. To the immediate south is a small, single-story, single-bedroom Spanish-style house. Directly across the street at 32 Walnut Avenue is a 1900-built house previously removed from the historic inventory and now scheduled for demolition, to be replaced by a two-story residence of far greater mass and livable space. Walnut Avenue is not in a historic district. The residence at 33 Walnut Avenue, in its original form, would have more closely resembled these neighboring, small homes in size and scale.

Lot Layout Differs:

In addition, the layout of structures on the lot, which has an elongated shape of 50 feet wide and 160 feet deep, has undergone significant change. Where once stood a tin-fabricated horse shelter facing onto Wissahickon, now sits a two-story Carriage House with new residence sitting over a three-car garage. As a result, the site bears little resemblance or feel to when the main residence was built on the lot.

In summary, the changed layout of structures on the lot, the building mass-to-lot ratio, and the changed size, shape and mass of the original residence, together with the newly built, seismically sound front porch has collectively transformed the lot and dual residences into property that bears little resemblance to what was built around 1890. That cottage has disappeared under the successive waves of substantial changes made over the decades leaving nothing that the state of California would consider historic.

California Register of Historical Resources (CRHR)²

The California Register of Historical Resources is “an authoritative listing and guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (Public Resources Code Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (Public Resources Code Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register. To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local or state level under one or more of the following criteria:

- 1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

The property at 33 Walnut Avenue, once a small, Queen Anne styled single-story cottage, is not associated with events that contributed to the broad patterns of local or regional history, nor the cultural heritage of California. Neither is it located in a historic district of town.

- 2) It is associated with the lives of persons important to local, California, or national history;

The subject property has no known historic relevance related to people or events. Prior owners were not prominent in the community nor in local, California, or national history.

- 3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values

The original, small summer cottage was designed in the Queen Anne style, accentuated most prominently by its shallow depth porch with low-slung roof and dangerously low railing height as the porch sits six feet above the surrounding grade. The cottage has evolved over the decades into a two-story residence that is nearly twice the size of the original with different proportions, massing, roofline, and a character-defining wraparound front porch that while built in the Queen Anne style appearance-wise, bears no historic relevance to the original porch due to state-mandated utilization of modern materials and construction methods. Demolitions in front and back, additions in front, back, and second-story plus major remodeling using modern materials makes the residence not distinctive of a historic type, period, region or method of construction. It does not represent the work of a master or possess high artistic value.

- 4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The site is not near or part of a historic site and has been graded for construction and landscaping. It is unlikely to yield information important to the history or prehistory of the area. The building that stands today is mostly recent construction and cannot yield important information from history.

Finding: The property at 33 Walnut Avenue does not meet the criteria to be listed in the California Register of Historical Resources.

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance.

Although the property at 33 Walnut Avenue is not found to be historically significant, a comparison to the original design and fabrication reveals the building to have been substantially altered and does not meet the criteria for retaining integrity.

Integrity:

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is something of a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance. Historic properties either retain integrity (convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity. To retain historic integrity, a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of the aspects are most important to a particular property requires knowing why, where, and when the property is significant.

The following defines the seven aspects and how they combine to produce integrity. A rule of thumb is to consider whether the original owner would recognize the building and how it once functioned. There is no question that the original owner would fail to recognize the small cottage that he built over a century ago.

SEVEN ASPECTS OF INTEGRITY:

Location:

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved or partly demolished.

The property is not located in a historic district.

Design:

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

The present design in form, space, structure and style differs from what was originally built in 1890. When viewed from all four elevations, the modifications don't resemble a small, single-story cottage nor its original style.

Setting:

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space. Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is

positioned in its environment can reflect the designer's concept of nature and aesthetic preferences. The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts.

Where once there was a small Queen Anne styled cottage and a tin-clad horse shelter on a wide-open lot spanning two streets, today there are two residential structures co-existing on that lot eliminating any sense of openness. Both structures are quite visible from Walnut Avenue and Wissahickon. These two, large massed buildings are a complete departure from the small cottage first built on the lot. Due to vastly higher topology of Wissahickon, the Carriage House looms large overshadowing the primary residence. When viewed from Walnut, the Carriage House is quite visible with its rooftop towering some 37 feet above the street grade of Walnut Avenue.

Materials:

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place. A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historical resource, not a re-creation; a recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible.

While it would have been nice to have preserved the historic, original railing and lathed wooden posts on the front porch, modern building codes imposed by the state and local authorities pre-empted that option. Seismic and human safety factors trumped preservation of historical materials.

Workmanship:

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques. Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery.

The workmanship methods used to build the original front porch were dramatically different from modern building methods that must take into account seismic and other factors. These factors that shape modern building codes prevailed over reconstructing the porch based on original construction and design methods. Likewise, most of the construction methods and materials used throughout the many structural changes to the house differ from how homes were constructed in the late 1800's.

Feeling:

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century.

Due to changes in building mass, altered roofline, removal of historic elements including fireplace/chimney (before electricity was added), original windows and doors, complete reconfiguration and remodel of interior spaces, changed proportion of multiple physical structures to land, and the inability to reuse front porch historic materials due to safety and structural factors, there is little feeling elicited of a historic period in time. A five-bedroom, four-bath, two-story residence feels entirely different than a small cottage with open land behind it.

Association:

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register.

There is no known association of the property with any historic event or person. The aspect of association cannot be applied because no event or person of importance is associated with the property.

CRHR SUMMARY:

The 1890-91 dated architecture, embodied in a small Queen Anne cottage, was remodeled and enlarged first in the 1920's by the Peed's, then again in the 1940/50's by the Montgomery's, again in 2007/8 by Michael Oveyssi, and finally again in 2021 by the present owner. Over this succession of changes, every aspect of the house has changed. Given the sweeping breadth of these successive waves of changes over the decades, little remains of any historic aspects of the original, small one-bedroom, one-bath cottage. The small neighboring one-bedroom house to the right, at 41 Walnut is a good reference point to grasp what the original house would have looked like, other than the front porch distinction.

The feeling of the lot as shaped by the views of the lot and beyond, from inside the residence, the proximity to another large, two-story structure that looms large above the original residence, creates a feeling far removed from a once-small cottage on a wide-open lot with unobstructed views of the surrounding mountains when first built.

Transforming a single-story small cottage into a larger footprint, two-story house caused a loss of integrity. After the 2007/8 remodeling and the additions to the original house, there was further loss of integrity. Of the seven aspects of integrity, not even the aspect of location is present given how dramatically altered the layout of structures on the lot is today. The design has changed, historic materials have been replaced with steel and other contemporary, structurally rigid materials and using construction methods needed to meet today's stringent building codes, the original workmanship is lost. The setting has changed from a once open setting to both Walnut and Wissahickon, to a setting of multiple buildings in close proximity where the once-cottage mountain views now look out onto a two-story second building that sits ten feet higher on the lot due in part to topology. The feeling of a small cottage has changed to one of a large massed, two-story house with altered front façade, albeit seismically sound.

Findings: The property does not meet the criteria for significance or integrity, is not a significant historical resource, and is not eligible for listing in the California Register of Historical Resources.

Town of Los Gatos:

The following Town of Los Gatos 2020 General Plan goals and policies relating to archaeological and historical resources are applicable to consider.

Goal OSP-9 To protect Los Gatos's archaeological and cultural resources to maintain and enhance a unique sense of place. Policy OSP-9.1 Evaluate archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography, and architectural history.

The property was researched and then evaluated for cultural and architectural importance. Nothing of substance was discovered.

Goal CD-12 To preserve significant historic and architectural features within the Town.

The research and evaluation show that the buildings on the property are not significant features in Los Gatos. In the immediate area, several of the earlier houses have been reconstructed to larger buildings in different architectural styles. These include homes on upper Pennsylvania Avenue, on Walnut Avenue, on Wissahickon, and on Ellenwood. The property location is not within a historic district.

Division 3. Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone
Sec. 29.80.215. Purposes.

It is hereby found that structures, sites, and areas of special character or special historical, architectural or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the public health, safety, and welfare require prevention of needless destruction and impairment, and promotion of the economic utilization and discouragement of the decay and desuetude of such structures, sites and areas. The purpose of historic preservation is to promote the health, safety, and general welfare of the public through:

- (1) The protection, enhancement, perpetuation, and use of structures, sites, and areas that are reminders of past eras, events, and persons important in local, State, or National history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the Town and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
- (2) The development and maintenance of appropriate settings and environment for such structures.
- (3) The enhancement of property values, the stabilization of neighborhood and areas of the Town, the increase of economic and financial benefits to the Town and its inhabitants, and the promotion of tourist trade and interest.
- (4) The enrichment of human life in its educational and cultural dimensions by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past.

The Town recognizes a historical resource as follows: any structure/site that is located within a historic district, any structure/site that is historically designated, or any primary structure constructed prior to 1941 *unless the Town has determined that the structure has no historic significance or architectural merit.*

Finding: The Town has designated the historic districts of Almond Grove, Broadway, Los Gatos Commercial, Fairview Plaza and University/Edelen. All the historic districts are located in the

historic core area of Los Gatos. The subject property is not in a designated historic district. The main house has been extensively altered and enlarged, and does not exhibit special character; or special historical, architectural, or aesthetic interest; or value to the built environment of Los Gatos. The Carriage House building, landscaping, and second story expansion has been constructed since 2006 and are not contributing to nor preserving any historic value.

California Environmental Quality Act (CEQA)

In the historical resource section of CEQA, the concern is directed toward any project that may create an adverse change to any historical resource. CEQA Guidelines Appendix G indicates that a project may have a significant effect on the environment if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5;
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
4. Disturb any human remains, including those interred outside of formal cemeteries; or
5. Conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

A “substantial adverse change” to a historical resource is defined in Guidelines Section 15064.5(b) as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” The significance of a historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources;” or “demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources...” or “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

CEQA (Guidelines Section 15064.5), define the term “historical resources” to include the following:

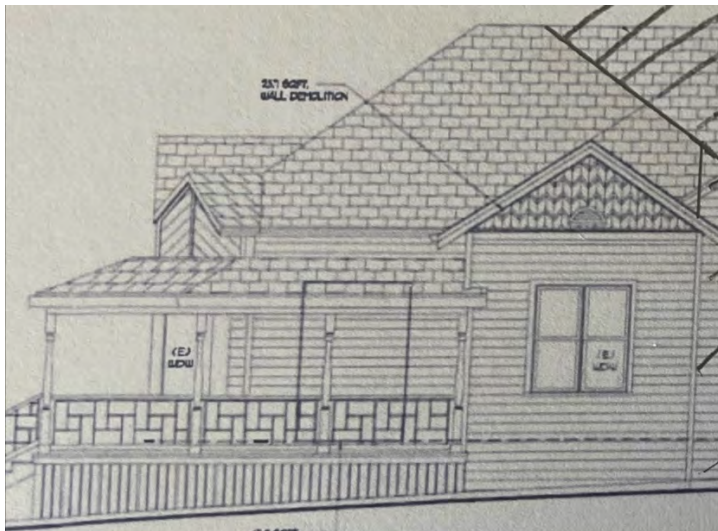
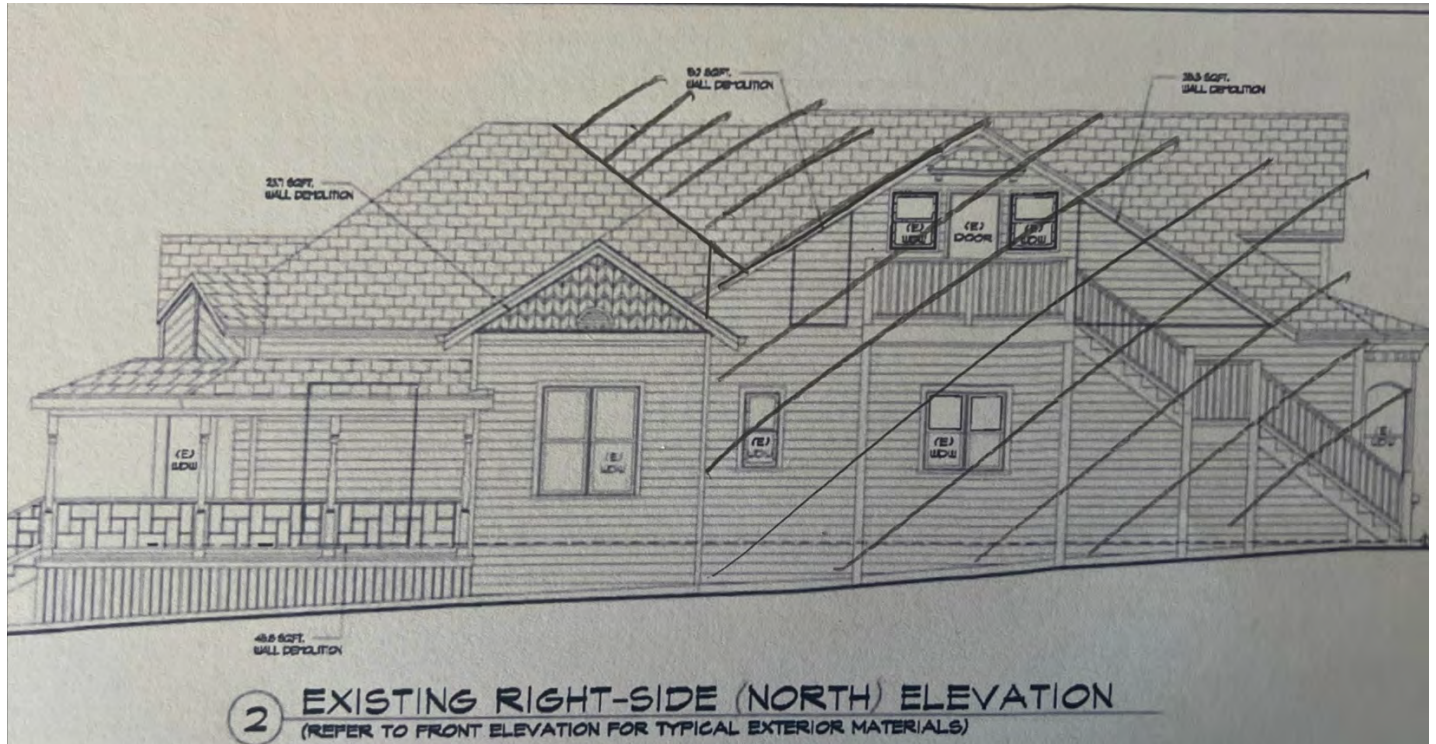
1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register (Public Resources Code §5024.1, Title 14 California Code of Regulations, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the

resource meets the criteria for listing in the California Register (Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 4852)

CEQA Finding: The research and evaluation of the primary residence and Carriage House at 33 Walnut Avenue conclude that the property and buildings do not meet the criteria of the California Register of Historical Resources or the criteria of the Town of Los Gatos for designating a historical resource. For purposes of CEQA, the subject property is not a “Historical Resource” under the CEQA Guidelines.

Reference Materials:

1. **Drawings:** The following drawings shows precisely where the 1891-built cottage footprint was, based on the original roof-frame artifact that remains beneath the actual functioning rooftop. It clearly shows that the original footprint of the house was 889 sf of living space before the Peed and Montgomery families made their alterations which included removing the fireplace and building an additional room (behind the kitchen) onto the rear of the house. That added room extended the rear of the house back about fourteen feet before being further extended in 2007 by Oveyssi.



2. This photo shows the roof frame artifact remaining in the attic indicating precisely where the rear of the original house ended. This is hard evidence of the original structure not otherwise found in town records.



The following photos show some of the exterior changes that have been made over the course of several decades. Earlier changes such as the addition of a glassed-in rear porch and first version of the second story addition are not shown, but are available to see in older photos provided by town staff.

3. View of newly constructed front porch from Walnut Avenue:

While true to the Queen Anne style front porch architecture, the improvements in depth, height, and shape, together with the yet to be built new railing leaves no trace of the historic materials or construction methods..



4. View from Walnut Avenue of Carriage House:

This photo shows both the 2007 built exterior staircase and the newly built carriage house structures, both visible from Walnut Avenue.



5. East-facing View of 2021/22-built Carriage House from Rear of Main Residence:
No longer is there any view looking out onto Wissahickon from the original house.



6. Northwest view of gabled 2nd-story of 33 Walnut plus 2021/22-built Carriage House:
Visibility from Wissahickon the Walnut facing house clearly reveals an entirely different residence than the single-story house originally built with a wide-open view lot.



7. Northern Elevation View of 2007 massively altered second-story of 33 Walnut:
Clearly no longer a small 889 sf cottage.



8. Southwestern Elevation (from Wissahickon) view of three-gabled second-story addition:



9. Southern View of the First/Second-story 2007 Additions with High Extended Roofline:
The second-story roofline dominates the view from the neighboring lot on the southern elevation.



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