



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/10/2022

ITEM NO: 2

DATE: August 5, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of the Historic Preservation Committee Decision to Approve a Request for Modification of a Previously Approved Project on an Existing Non-Contributing Single-Family Residence in the Broadway Historic District on Property Zoned HR-5:LHP. **Located at 198 Broadway.** APN 510-43-001. Minor Development in a Historic District Application HS-22-028. PROPERTY OWNER/APPELLANT: Heidi Bigge. PROJECT PLANNER: Sean Mullin.

RECOMMENDATION:

Deny the appeal of the Historic Preservation Committee (Committee) decision to approve the modification of a previously approved project on an existing non-contributing single-family residence in the Broadway Historic District on property zoned HR-5:LHP.

PROJECT DATA:

General Plan Designation: Hillside Residential
Zoning Designation: HR-5:LHP
Applicable Plans & Standards: General Plan; Residential Design Guidelines;
Hillside Development Standards and Guidelines
Parcel Size: 303,900 square feet (6.98 acres)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Single-Family Residential	Low Density Residential	R-1:8:LHP
South	Single-Family Residential	Hillside Residential	HR-5
East	Single-Family Residential	Hillside Residential and Medium Density Residential	HR-5 and R-1D:LHP
West	Open Space/Recreation	Hillside Residential	HR-5

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

CONSIDERATIONS:

As required by Section 29.80.290 of the Town Code, with regards to the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors, the proposed work in a Historic District will neither adversely affect the exterior architectural characteristics or other features of the property, which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located 460 feet from the intersection of Broadway and W. Main Street, taking access via an uphill driveway serving the residence (Exhibit 1). Prior to the construction described below, the property was developed with a two-story residence and a detached garage dating back to 1890 - 1900.

On January 26, 2011, the Committee reviewed a request from a previous property owner for a determination of significance. At this meeting, the Committee made no determination and requested additional information from the applicant (Exhibit 4, Attachment 1). On September 26, 2012, following the sale of the property to the current owner, the Committee reviewed a request to construct one- and two-story additions to the residence. At this meeting, the Committee recommended that the plans be approved (Exhibit 4, Attachment 2). A subsequent Architecture and Site application (S-12-097) for the project was approved by the Development Review Committee on July 29, 2014; and Building permits were approved and issued on March 16, 2016.

On June 28, 2017, the Committee reviewed a request for project modifications including construction of a second-story addition above the previously approved garage, connecting to the existing second story of the residence, then under construction through a Minor Residential Development application (MR-17-006). Other project modifications included a request to remove and replace in-kind the shingle siding on the existing portion of the residence due to rot/termite damage, insufficient sheathing, and concerns related to waterproofing. The Committee recommended approval of the project revisions (Exhibit 4, Attachment 4) and

BACKGROUND (continued):

MR-17-006 was approved by the Town on August 21, 2017. The project revisions were incorporated into the active Building Permit issued for the project.

On January 4, 2021, the property owner contacted staff to schedule a final inspection from Planning. Upon inspection, staff noted several deviations from the approved plans, including:

1. The deck and front porch column details do not match the approved plans;
2. The windows on the approved plans show divided light details which are not reflected in the windows that were installed;
3. Windows on the front, right, and left elevations have been moved/reconfigured;
4. The beam and eave/facia detail modifications on the front porch and gables do not match the approved plans; and
5. The garage doors do not match the approved plans.

On June 22, 2022, the Committee reviewed a request for modification of the previously approved project, seeking approval of the deviations described above. At this meeting, the Committee approved the request with the conditions that the windows be revised to match the divided light windows included in the approved plans and that the garage doors be revised to match the carriage style doors included on the approved plans (Exhibits 4, 5, and 6).

On July 1, 2022, the property owner appealed the decision of the Committee (Exhibit 7).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located 460 feet from the intersection of Broadway and W. Main Street in the Broadway Historic District (Exhibit 1). The surrounding properties are single-family residential and open space/recreation uses.

B. Project Summary

The property owner is appealing the Conditions of Approval included in the Historic Preservation Committee's decision to approve the request for modifications of the previously approved project (Exhibit 7).

DISCUSSION:

A. Appeal to Planning Commission

The decision of the Committee was appealed by the property owner, Heidi Bigge, on July 1, 2022 (Exhibit 7).

Pursuant to Section 29.20.258 of the Town Code, the decision of the Historic Preservation Committee may be appealed to the Planning Commission by any interested party as defined by Section 29.10.020 within 10 days of the decision. For residential projects an interested person is defined as, “a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision.” The property owner/appellant meets the requirements.

Pursuant to Town Code Section 29.20.265, the appeal shall be set for the first regular meeting of the Planning Commission in which the business of Planning Commission will permit, more than five (5) days after the date of filing the appeal. The Planning Commission may hear the matter anew and render a new decision in the matter.

The appellant states that the appeal should be granted on the basis that the newly remodeled residence, including the modifications to the approved windows and garage doors, is consistent with the residences in the Broadway Historic District, the upgraded residence should increase the value of the surrounding residences, and the residence is not visible from any public location (Exhibit 1). The nine points made in support of their appeal are listed below followed by staff’s analysis in *italic font*.

1. Appellant: While 198 Broadway is in an historic district of Los Gatos, the house itself has never been considered a house of any historic value.

The Residential Design Guidelines states that the Town recognizes a historic resource as any structure/site located within a historic district, recognizing that all structures within a historic district support the scale and character of the district regardless of their contributing status. While the property is not identified as a Contributor to the Broadway Historic District in Appendix B of the Residential Design Guidelines, the residence was included in the Project Bellringer list (Exhibit 4, Attachment 3).

On January 26, 2011, the Committee reviewed a request from a previous property owner for a determination of significance. At this meeting, the Committee made no determination and requested additional information from the applicant (Exhibit 4, Attachment 1). The requested information was never provided to the Committee and the request for a determination of significance was not pursued further. The property was later sold to the current owner.

DISCUSSION (continued):

Appellant: The windows are consistent with over 60% of the homes located on Broadway. Specifically, of the 33 homes (not including ours) on Broadway, 20 have no divided-lights, the majority of which are double-hung, and nearly identical to the windows used in our remodel. Only 15% of the homes have divided-light windows. The remaining 24% of homes have a combination of window types. Changing the windows is financially prohibitive and would make the property less consistent with the balance of the homes in the neighborhood.

The Historic Preservation Committee did not find this was a compelling argument to support deviation from the approved plans, see additional response under item 4 below.

2. Appellant: The garage face is constructed from re-claimed wood from the floors of the carriage house (which had to be demolished in order to bring the driveway up to code). The use of reclaimed wood maintains the historic character of the property better than the artist sketch from 2015. Reverting to one artist's sketch from 2015 would be cost prohibitive and the home's appearance would be less consistent with the balance of the homes in the neighborhood.

The Historic Preservation Committee did not find this was a compelling argument to support deviation from the approved plans, see additional response under item 4 below.

3. Appellant: At significant cost, we remodeled the original house and maintained the original character of the property by integrating reclaimed materials, using the same footprint, and keeping most of the architectural details (such as the front 2nd porch dormers, shingles, and double-hung windows). It would have been much lower cost to tear down the old property and build a more modern design. We chose to remodel the home based on our desire to build a home which builds on the historic nature of Los Gatos in general and Broadway specifically.

The Committee approved the project with divided-light windows and carriage style garage doors on September 26, 2012, and June 28, 2017. The approved divided-light windows are consistent with the majority of the windows present on the original residence as shown in the pictures included as Exhibit 4, Attachment 3. Additionally, both the approved Architecture and Site application (S-12-097) and the subsequent Minor Residential Development application (MR-17-006) included the following Condition of Approval:

APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation

DISCUSSION (continued):

shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.

The Conditions of Approval were included as the first page of the plans issued for the Building Permit. The plans also included the divided-light window details and the carriage style garage doors. On June 22, 2022, the Committee did not approve the change to the windows and garage doors as reflected in their conditions included with the approval (Exhibit 5). The Planning Commission may hear the matter anew and render a new decision if merit is found in the appeal.

4. Appellant: It is not possible to view the home, to include the windows and garage, unless someone enters the property (see attached 'Street View of Homes' pdf). It is not possible to see the house from the street. It is also not possible to see other homes from our home. As a result, the home has no aesthetic impact on the neighborhood.

The residence is not visible from the end of Broadway. The isolated nature of the property and the existing trees likely screen views of the residence from neighboring properties. The property is located in the Broadway Historic District. As discussed above, all properties, regardless of their contributing status, support the Broadway Historic District.

5. Appellant: All inspections by the building department have passed – the technical requirements and standards are all up to code.

To date, all required inspections by the Building Division have been completed. The final inspection by the Building Division and issuance of a Certificate of Occupancy remain outstanding and may be requested upon approval of a final Planning inspection.

6. Appellant: The historic committee seemed to approve of some of the changes we made as they were not even brought up in the meeting of 6/22/22. The beam and eave/facia detail on the front porch and gables were not even a topic of discussion, so one must assume they had no problem with that change. We added more sawtooth detail, and a bit more architectural interest in those areas, again, consistent with homes on Broadway (and in the Almond Grove district).

The minutes of the June 22, 2022, Historic Preservation Committee meeting are included as Exhibit 6. The Committee approved all design modifications summarized in the Staff Report for this meeting except for the revised windows and garage doors (Exhibit 4).

7. Appellant: We submitted our response to the Town on April 6th, 2021. The response I received from Mr. Paulson was an out of office response (see 'Joel Paulson Auto-Reply'),

DISCUSSION (continued):

to which he never followed up, hence we assumed everything was approved (see attachment).

Planning staff conducted an inspection on January 13, 2021, and identified multiple changes from the approved plans. Staff contacted the property owner on January 21, 2021, and requested a response to each of the design changes to determine if further review by the Committee would be required. Staff received the response to the design changes on April 6, 2021. Staff feedback on the property owner's response was unintentionally delayed until the property owner requested an update in their email of May 16, 2022. Staff provided the determination that review by the Committee would be necessary on May 25, 2022. The request was then forwarded to the Committee at the next available meeting on June 22, 2022.

8. Appellant: We love our windows, and we love our garage doors. We respectfully and strongly disagree with the Historical Committee's Action Letter. We feel the slight deviations from the plans have no significant impact on the essence and aesthetic of the home as built. Consistent feedback from neighbors is our home contributes to the inventory of 'homes with character' in Los Gatos.

The minutes of the June 22, 2022, Historic Preservation Committee meeting are included as Exhibit 6. The Committee approved all design modifications summarized in the Staff Report for this meeting except for the revised windows and garage doors (Exhibit 5). The Planning Commission may hear the matter anew and render a new decision if merit is found in the appeal.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 500 feet of the subject property. Public comments received by 11:00 a.m., Friday, August 5, 2022, are included as Exhibit 8.

ENVIRONMENTAL REVIEW:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

CONCLUSION:

A. Summary

The property owner is requesting that the Planning Commission reconsider the Committee's Conditions of Approval included in their approval of the request for modifications of the previously approved project.

B. Recommendation

Based on the analysis provided in this report, staff recommends that the Planning Commission deny the appeal and uphold the Conditions of Approval included in the decision of the Historic Preservation Committee to approve the request for modifications of the previously approved project as included in Exhibit 3.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Grant the appeal and remove the Conditions of Approval included in the Historic Preservation Committee's approval of the request for modifications of the previously approved project, making the Considerations provided in Exhibit 2; or
3. Remand the appeal to the Historic Preservation Committee with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Draft Conditions of Approval
4. Historic Preservation Committee Staff Report and Attachments, June 22, 2022
5. Historic Preservation Committee Action Letter, June 22, 2022
6. Historic Preservation Committee Meeting Minutes for June 22, 2022
7. Appeal of the Historic Preservation Committee, received July 1, 2022
8. Public Comments received prior to 11:00 a.m., Friday, August 5, 2022