



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/08/2025

ITEM NO: 2

DATE: August 8, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Deny a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:8. **Located at 16805 Loma Street.** APN 532-07-101. Exempt Pursuant to CEQA Section 15061(b)(3). Request for Review PHST-25-007. Property Owner/Appellant: William Wundram. Applicant: David Britt, Britt-Rowe. Project Planner: Sean Mullin.

RECOMMENDATION:

Deny the appeal of the Community Development Director decision to deny a request to remove a pre-1941 property from the Historic Resources Inventory for property zoned R-1:8, located at 16805 Loma Street.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8; Single Family Residential
Applicable Plans & Standards: General Plan, Town Code, Residential Design Guidelines
Parcel Size: 7,708 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

CEQA:

The project is not subject to the California Environmental Quality Act pursuant to the adopted Guidelines for the Implementation of CEQA, Section 15061(b)(3): A project is exempt from CEQA when the activity is covered by the commonsense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA.

FINDINGS:

- The project is not subject to the California Environmental Quality Act pursuant to the adopted Guidelines for the Implementation of CEQA, Section 15061(b)(3): A project is exempt from CEQA when the activity is covered by the commonsense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
- As required to remove a pre-1941 property from the Historic Resources Inventory (HRI).

ACTION:

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

BACKGROUND:

The subject property is located on the north side of Loma Street, approximately 58 feet east of the intersection with Ferris Avenue (Exhibit 1). The property is currently developed with an 862-square foot single-family residence constructed in 1929 per the Santa Clara County Assessor's Database. The property was annexed into the Town in 1999. The property is not within a historic district or LHP overlay, is not included in the 1990 Anne Bloomfield Survey, and is not located within the coverage area of the Sanborn Fire Insurance Maps.

On May 28, 2025, the Historic Preservation Committee (HPC) considered a request to remove the subject property from the HRI. The applicant's request included a letter indicating that, based on their research and experience, the findings for removal from the HRI could be made, noting that the residence is not associated with events important to the Town, not associated with significant persons, not representative of work of a master, does not yield information to the Town's history, and its integrity has been compromised (Exhibit 3, Attachment 1). The HPC received the staff report, held a public hearing, and discussed the request. The HPC voted three-to-two to recommend denial to the Community Development Director finding that the residence still has integrity and is typical of a California bungalow (Exhibit 4). The audio from this meeting is available on the Town's website at <https://losgatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-10>. On May 30, 2025, the Community Development Director denied the request for removal (Exhibit 5).

On June 4, 2025, the decision of the Community Development Director was appealed to the Planning Commission by an interested person, William Wundram, property owner of 16805 Loma Street (Exhibit 6). On the appeal form, the appellant indicated that the HPC stated that there were no changes to the residence, but neglected to reference a 1967 picture demonstrating changes that occurred to the windows, doors, and roofing.

Pursuant to Town Code Section 29.20.255, any interested person, as defined by Section 29.10.020, may appeal to the Planning Commission any decision of the Community Development Director determining matters pertaining to historic preservation. 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 appellant meets the requirements.

Pursuant to Town Code Section 29.20.265, the hearing for the appeal must set for the first regular meeting of the Planning Commission more than five days after the date of filing the appeal. Due to legal noticing timelines and the July public hearing recess, the August 5, 2025 Planning Commission meeting is the first regular meeting available to consider the appeal. The Planning Commission may hear the matter anew and render a new decision on the matter.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the north side of Loma Street, approximately 58 feet east of the intersection with Ferris Avenue (Exhibit 1). All the surrounding properties are zoned R-1:8 and developed with single-family residences.

B. Project Summary

The property owner is appealing the Community Development Director’s decision to deny the request to remove a pre-1941 property from the HRI.

DISCUSSION:

A. HPC Authority and Applicability

Town Code Section 29.10.020 defines “Historic Structure” as “any primary structure constructed prior to 1941, unless the deciding body has determined that the structure has no historic significance and should not be included in the Town Historic Resources Inventory.” The Santa Clara County Assessor’s Database lists a construction date of 1929 for the residence; therefore, the subject property is included on the HRI as a presumptive historic residence.

Town Code Sections 29.20.700 and 29.80.222 provide that the Community Development Director, upon recommendation by the HPC, determines matters pertaining to historic preservation that are not assigned to the Planning Commission. Section 29.80.227 (6) provides that it is the power and duty of the HPC to make a recommendation to the Community Development Director on requests for removal of a pre-1941 property from the HRI.

Pursuant to Town Code Section 29.80.215, the purpose of the Town's Historic Preservation Ordinance states:

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.

Residential Design Guidelines Section 4 notes that the Town has a wealth of older homes, many homes constructed prior to 1941, and may be found throughout Los Gatos. It is Town policy to preserve these resources whenever possible and practicable, and to require special care in the remodeling of and additions to them. All pre-1941 structures have the potential to be historically significant. Section 4.2 notes that the Town recognizes a historic resource as follows:

- Any structure/site that is located within an historic district (Broadway, Almond Grove, Fairview Plaza, University/ Edelen, and Downtown Commercial); or
- Any structure/site that is historically designated; or
- Any primary structure that was constructed prior to 1941, unless the Town has determined that the structure has no historic significance or architectural merit.

Lastly, Section 4.6 of the Residential Design Guidelines speaks specifically to pre-1941 structures and provides that pre-1941 structures have the potential to be historically significant, but not all will necessarily be classified as historic. Applications for removal, remodeling, or additions to structures constructed prior to 1941 will be reviewed by staff to determine their historic merit and contribution to the surrounding neighborhood. An initial evaluation will be made utilizing the 1991 Historical Resources Survey Project for Los Gatos. Staff may, at the discretion of the Community Development Director, refer a project application to the HPC for its input and recommendations.

When considering a request for a determination that a pre-1941 primary structure has no historic significance or architectural merit, the HPC considers the following in their recommendation to the Community Development Director:

1. The structure is not associated with events that have made a significant contribution to the Town;
2. No Significant persons are associated with the site;
3. There are no 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
5. The integrity has been compromised such that the structure no longer has the potential to convey significance.

These criteria are derived from the criteria used by the National and State Registers of Historic Places and reflect the purpose provided in the Town's Historic Preservation Ordinance found in Section 29.80.215 of the Town Code.

B. Historic Preservation Committee

On May 28, 2025, the HPC received the staff report, held a public hearing, and discussed the request (Exhibits 3 and 4). Following discussion, the HPC voted three-to-two to recommend denial to the Community Development Director finding that the residence still has integrity and is typical of a California bungalow (Exhibit 4). On May 30, 2025, the Community Development Director denied the request for removal without prejudice (Exhibit 5).

C. Appeal to Planning Commission

The decision of the Community Development Director was appealed on June 4, 2025, by the property owner, William Wundram (Exhibit 6). On the appeal form, the appellant indicated that the HPC stated that there were no changes to the residence, but neglected to reference a 1967 picture demonstrating changes to the windows, doors, and roofing (Exhibit 6). An additional letter from the appellant was provided in support of the appeal on July 28, 2025 (Exhibit 7). The letter includes an executive summary detailing reasons the appeal should be granted; two separate historic and architectural evaluations of the property; property research conducted by the property owner as required for an HPC application; neighborhood feedback; transcripts of the April 23, 2025, and May 28, 2025, HPC meetings; and a structural condition report from a licensed structural engineer. The various points raised in the letter are discussed below.

Executive Summary

Primary appeal points:

The main points made in the Executive Summary of the appeal letter are provided below followed by staff analysis in *italic font*.

1. The three dissenting committee members didn't identify the specific criteria for denial.

As reflected in the meeting minutes included as Exhibit 4, Commissioner Burnett's motion to recommend denial included that the residence still has integrity and is typical of a California bungalow. The first part of the motion aligns with Criterion 5, while the second part of the motion does not explicitly align with the other criteria.

2. There was a wide variation of interpretation of the structure's architectural style by HPC members (Criterion #3).

During discussion, HPC members described the residence as a generic bungalow, California bungalow, and a Los Gatos bungalow. The term bungalow is often provided as reference to a smaller, single-story house with a sloped roof and a porch. The primary defining feature of a bungalow is its small size. The Bloomfield Survey noted the style of the residence as Bungalow. The Historic and Architectural Evaluations provided by the appellant refer to the residence as a Craftsman Bungalow or a Bungalow with limited Craftsman elements.

3. Continued references to a newer photo (1990) than what was provided (1967) and not acknowledging the series of modifications that have been made to the structure (Criterion #5).

The applicant provided multiple photos of the residence including a 1990 photo from the Bloomfield Survey and a 1967 photo from the County Assessor. One Committee member referenced the 1990 Bloomfield photo, noting that the residence had not changed from that photo.

4. There was a comparison to another property on San Benito, which is not allowed.

Each request considered by the HPC must be considered independent of other applications, even if there are similarities between the requests. Staff provided clarification to the HPC that the San Benito project considered on the same agenda should not be considered with this request.

5. There were incorrect statements made by the HPC Chair about similar pre-1941 houses on Loma Street that were previously approved for removal from the list under the same criteria.

The appellant's letter provides more details on this assertion. Staff offers no further comments.

6. There have been repeated comments made by a few HPC members stating that the criteria is "very confusing and contradictory" and feeling as if they are "losing homes all of the time," which leads to concerns over a fair and consistent assessment for applicants.

The Town's criteria used to determine whether a pre-1941 primary structure has historic significance or architectural merit are closely related to those used by the National and State Registers and reflect the purpose provided in the Town's Historic Preservation Ordinance found in Section 29.80.215 of the Town Code. Staff acknowledges that the criteria are not currently included in the Town Code and intends to address this through a future code amendment.

The Town's Historic Preservation Ordinance casts a wide net when classifying homes constructed prior to 1941 as presumptive historic resources. This date was selected during consideration of the completed Bloomfield Survey in 1991. The date represents the first year on record that the County Assessor had surveyed the Town thoroughly. In recognition that the wide net would inevitably classify many homes as presumptive historic resources that would not be found to have historic significance or architectural merit, the Town Code and Residential Design Guidelines provides a process for removal from the inventory. Requests for removal from the HRI are regularly included on HPC agendas.

Staff has no comment on the concern over fair and consistent assessments.

Discussion of Criteria:

When considering a request for a determination that a pre-1941 primary structure has no historic significance or architectural merit, the HPC considers the following in their recommendation to the Community Development Director:

1. The structure is not associated with events that have made a significant contribution to the Town;
2. No Significant persons are associated with the site;
3. There are no 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
5. The integrity has been compromised such that the structure no longer has the potential to convey significance.

These criteria are derived from the criteria used by the National and State Registers of Historic Places and reflect the purpose provided in the Town's Historic Preservation Ordinance found in Section 29.80.215 of the Town Code.

The appellant provides a detailed discussion of the criteria used for evaluating the historic status of a pre-1941 residence in the Town. The appellant provides a comparison between the Town's criteria and the criteria used by the National Register. In line with the National Register, the appellant asserts that Criteria 1 through 4 speak to the whether a potential resource conveys significance, while Criterion 5 speaks to whether the integrity has been compromised such that it no longer has the potential to convey significance. The appellant contends that Criterion 5 is not a criterion that can be used on its own to determine if a potential resource conveys significance; rather, it describes whether significance conveyed via Criteria 1 through 4 is still present.

As reflected in the meeting minutes included as Exhibit 4, Commissioner Burnett's motion to recommend denial included that the residence still has integrity and is typical of a California bungalow. The first part of the motion aligns with Criterion 5, while the second part of the motion does not explicitly align with the other criteria. As noted above, the appellant asserts Criterion 5 cannot be used on its own to determine if a potential resource conveys significance and, therefore, the residence would not be architecturally or historically significant.

Evaluation of the Residence Against the Criteria

In Exhibit 7, the appellant provides a detailed evaluation of the residence against the Town's criteria, concluding that the residence does not meet the Town's criteria for historic significance or architectural merit.

As reflected in the meeting minutes included as Exhibit 4, Commissioner Burnett's motion to recommend denial included that the residence still has integrity and is typical of a California bungalow.

Historic and Architectural Evaluations

The appellant's letter includes two historic and architectural evaluations. The first, prepared by Jennifer Hembree of Page and Turnbull, concludes the following:

Constructed in 1929, the property at 16805 Loma Street is not a unique Craftsman-style bungalow constructed in the area and dates to the end of the period when the style had lost favor. The property is also not the best example of a Craftsman bungalow in Los Gatos due to its simple pattern book-like design and multiple alterations. Many other better examples are prevalent in the town, those that individually convey the style, as well as those that together form a distinguishable district. The property at 16805 Loma Street is thus also not a rare or last remaining example of a Craftsman bungalow in Los Gatos that should be recognized despite its compromised integrity. Under review of the property's architectural merit, it is therefore in Page & Turnbull's professional opinion that the property at 16805 Loma Street does not fully embody the character-defining features necessary to individually convey architectural merit as a Craftsman bungalow. There are no distinctive characteristics of type, period, or method of construction or representation of work of a master, and the integrity has been compromised such that the structure no longer has the potential to convey significance.

The second evaluation, prepared by Brad Brewster of Brewster Historic Preservation , concludes the following:

Although the subject property at 16805 Loma Street is more than 45 years old and has been identified as a 'bungalow' in the Town of Los Gatos' historic resources inventory, further review of the property indicates that it would not meet the Town, state, or national evaluation criteria for individual architectural significance.

Structural Condition Report

The appellant's letter includes a structural condition report prepared by Charles Williams, a registered structural engineer. The report discusses structural deficiencies with the roof, wall, and floor framing, as well as foundation issues. The report concludes the following:

Given the numerous problems with the existing structure at every level, it would not be economical to repair the existing structure. Therefore, it is my recommendation the existing structure be demolished and replaced with a new structure that addresses all the concerns.

A structure's condition is not typically a consideration in determining whether a pre-1941 residence has historic significance or architectural merit. Due to the age of pre-1941 residences and myriad states of deferred maintenance, structural deficiencies are common. A structure with deficiencies that is found to have historic significance or architectural merit would be a good candidate for restoration.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Public comments received by 11:00 am, Friday, August 8, 2025, are included as Exhibit 8.

ENVIRONMENTAL REVIEW:

The project is not subject to the California Environmental Quality Act pursuant to the adopted Guidelines for the Implementation of CEQA, Section 15061(b)(3): A project is exempt from CEQA when the activity is covered by the commonsense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA.

CONCLUSION:

A. Summary

The property owner is appealing the Community Development Director's decision to deny the request to remove a pre-1941 property from the HRI for property zoned R-1:8, located at 16805 Loma Street.

B. Recommendation

For reasons stated in this report, it is recommended that the Planning Commission deny the appeal and uphold the decision of the Community Development Director to deny the request to remove a pre-1941 property from the HRI.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Grant the appeal and remove the subject property from the HRI, making the findings provided in Exhibit 2; or
3. Remand the appeal to the HPC with specific direction.

PAGE **11** OF **11**

SUBJECT: 16805 Loma Street/Appeal of PHST-25-007

DATE: August 8, 2024

EXHIBITS:

1. Location Map
2. Required Findings
3. Historic Preservation Committee Staff Report and Attachments, May 28, 2025
4. Historic Preservation Committee Meeting Minutes for May 28, 2025
5. Historic Preservation Committee Action Letter, May 28, 2025
6. Appeal of the Community Development Director decision, received June 4, 2025
7. Appellant letter, dated July 28, 2025
8. Public comments received by 11:00 am, Friday, August 8, 2025

***This Page
Intentionally
Left Blank***