



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 01/22/2025

ITEM NO: 1

DATE: January 17, 2025  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Consider an Appeal of a Community Development Director Decision Determining that the Residence Remain a Contributor to the Historic District for Property Located in the Almond Grove Historic District Zoned O:LHP. APN 510-14-053. **Located at 228 Bachman Avenue.** Request for Review Application PHST-24-017. Exempt Pursuant to CEQA Section 15061 (b)(3). Property Owner/Applicant/Appellant: James Wood. Project Planner: Sean Mullin.

RECOMMENDATION:

Deny the appeal of the Community Development Director decision determining that the residence remain a contributor to the historic district for property located in the Almond Grove Historic District on property zoned O:LHP, located at 228 Bachman Avenue

PROJECT DATA:

General Plan Designation: Medium Density Residential  
Zoning Designation: O:LHP; Office, Landmark and Historic Preservation Overlay  
Applicable Plans & Standards: General Plan, Town Code, Residential Design Guidelines  
Parcel Size: 7,950 square feet  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D:LHP and O:LHP
South	Residential	Medium Density Residential	R-1D:LHP
East	Residential	Medium Density Residential	R-1D:LHP
West	Residential	Medium Density Residential	R-1D:LHP

PREPARED BY: Sean Mullin, AICP  
Planning Manager

Reviewed by: Community Development Director, and Town Attorney

CEQA:

The project is not subject to the California Environmental Quality Act (CEQA) 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:

- As required for a determination of contributing status, the deciding body considers whether a primary structure has no historic significance or architectural merit through the following findings:
  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.

ACTION:

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

BACKGROUND:

The subject property is located in the Almond Grove Historic District on the north side of Bachman Avenue, approximately 390 feet west of the intersection with N. Santa Cruz Avenue (Exhibit 1). The property is currently developed with a single-family residence. The County Assessor indicates that the residence was constructed in 1922, with an effective year built of 1932, which usually reflects significant alterations or additions occurred after the original construction date. The 1990 Bloomfield Survey estimates the construction date as the 1920s and rates the residence as historic with some alterations, but still a contributor to the district if there is one (Exhibit 3, Attachment 1). The residence is listed as a contributor to the Almond Grove Historic District in Appendix B of the Residential Design Guidelines. The Sanborn Fire Insurance Maps show that the property was undeveloped in 1908 (Exhibit 3, Attachment 2). By 1928, a dwelling with an attached accessory building were present along the rear property line. The 1944 map shows that this dwelling was demolished, and a new dwelling was constructed

toward the front of the property. It is likely that this change is the reason the County Assessor provides an effective year built of 1932. The footprint of this dwelling remained consistent between 1944 and 1956.

A search of Town permit records provides the following:

- 1969 use permit to allow a professional office in a residence;
- 1957 Building Permit for construction of an addition (store room); and
- 1975 Planning Commission approval to establish an office in the residence.

On January 7, 2004, the Historic Preservation Committee (HPC) discussed the possibility of demolishing the subject residence (Exhibit 3, Attachment 3). The HPC noted that the structural report provided at the time did not justify a demolition; however, the Committee felt that the residence had unsympathetic additions and that it is likely that the siding is not original. The HPC stated that a demolition may be possible, adding a recommendation that a replacement structure not be Mediterranean and that the second story be recessed.

On September 6, 2024, a Request for Review application was received by the Town requesting a determination of the contributing status of the residence. On September 25, 2024, the HPC considered this request and forwarded a recommendation to the Community Development Director that the residence remain a contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity (Exhibits 3 and 4). The HPC also encouraged the property owner to seek their feedback on potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024 (Exhibit 5). The audio from this meeting is available on the Town's website at <https://logatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-4>.

On October 7, 2024, the property owner appealed the decision of the Community Development Director to the Planning Commission (Exhibit 6).

The Town Code provides that decisions of the Community Development Director 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 any person or persons or entity or entities who own property or reside 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 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 days after the date of filing the appeal. The Planning Commission may hear the matter anew and render a new decision on the matter.

On November 13, 2024, the Planning Commission continued consideration of the appeal to a date certain of January 8, 2025, to allow additional time for the appellant to prepare information supporting their appeal. On January 8, 2025, the Planning Commission continued the item to January 22, 2025, to allow additional time for the appellant to finalize their information supporting the appeal.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located in the Almond Grove Historic District on the north side of Bachman Avenue, approximately 390 feet west of the intersection with N. Santa Cruz Avenue (Exhibit 1). The property is currently developed with a single-family residence.

B. Project Summary

The property owner is appealing the Community Development Director's decision determining that the residence at 228 Bachman Avenue remain a contributor to the Almond Grove Historic District.

DISCUSSION:

A. HPC Authority and Applicability

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 environments for such structures.
3. The enhancement of property values, the stabilization of neighborhoods 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.

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 (HRI). The Santa Clara County Assessor's Database lists a construction date for the residence of 1922, with an effective year built of 1932; therefore, the subject property is included on the HRI. Further, Appendix B of the Residential Design Guidelines classifies the residence as a contributor to the Almond Grove Historic District.

Structures within historic districts are individually classified as to their relative contribution to the historic character and quality of the district. Contributing structures have been determined to be historically, architecturally, or culturally significant. Noncontributing structures are those which are not historical in terms of their design or have been so modified over time as to no longer meet the criteria for contributing status.

When considering a request for a determination of contributing status, the HPC considers whether a primary structure has no historic significance or architectural merit through the following findings 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.

B. Historic Preservation Committee

On September 25, 2024, the HPC considered the request for determination and forwarded a recommendation to the Community Development Director that the residence remain a

contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity (Exhibit 4). The HPC also encouraged the property owner to seek their feedback on potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024 (Exhibit 5). The audio from this meeting is available on the Town's website at <https://losgatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-4>.

C. Appeal to Planning Commission

The decision of the Community Development Director was appealed on October 7, 2024, by the property owner, James Wood (Exhibit 6). The appellant's reasons for why the appeal should be granted that are provided on the appeal form are included below, followed by staff's response in *italics*.

1. This home has been abandoned for over a decade. It is an eyesore to the neighborhood and is in severe disrepair.

*It is common for older homes with deferred maintenance to be in disrepair; however, the condition of a structure is not included in the findings required for determining a contributing status. Dilapidated structures that meet the criteria for listing as a contributor can be preserved through thoughtful restoration, rehabilitation, and reconstruction practices. The findings for determining contributing status should be the focus when considering a request for determination, rather than the physical condition of the structure.*

2. If we do not re-build on this lot it will be returned to its previous owner by contract and likely remain abandoned and decaying.

*Future ownership and/or the lack of any plans for future improvements are not the subject of this request for determination. Since the property is located in a historic district, all future exterior modifications are subject to review by the HPC.*

3. The city should support the surrounding neighbors who support its demolition. HPC is denying just because it is old. It has no significance.

*On September 25, 2024, the HPC recommended to the Community Development Director that the residence remain a contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity (Exhibit 4). The HPC also encouraged the property owner to seek their feedback on a potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024 (Exhibit 5). The audio from*

*this meeting is available on the Town's website at <https://losqatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-4>.*

In addition to the three points provided on the appeal form, the appellant submitted a historic analysis of the residence prepared by MBA Architects (Exhibit 7). The report discusses the qualifications of the surveyors and the methodology used in their analysis. The report provides a description of the existing residence, evolution of development on the property, and past residents. An evaluation is provided using the regulatory framework of the Town, which closely aligns with that of the California Register of Historical Resources. The report concludes that the residence at 228 Bachman Avenue lacks significance under all criteria and is ineligible for inclusion in the California Register or as a Town of Los Gatos historic resource. The report opines that the residence lacks architectural distinction and has no relationship to significant events or people, therefore it is not a contributing structure to the Almond Grove Historic District.

The historic analysis report by MBA Architects was prepared in response to the Community Development Director's decision in preparation for the appeal to the Planning Commission. This report was not available to the HPC during their September 25, 2024, consideration of the request for determination.

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, January 17, 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 determining that the residence at 228 Bachman Avenue remain a contributor to the Almond Grove Historic District.

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 determining that the residence at 228 Bachman Avenue remain as a contributor to the Almond Grove Historic District.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Grant the appeal and determine that the residence is a non-contributor to the Almond Grove Historic District, making the findings provided in Exhibit 2; or
3. Remand the appeal to the HPC with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings
3. Historic Preservation Committee Staff Report and Attachments, September 25, 2024
4. Historic Preservation Committee Meeting Minutes for September 25, 2024
5. Historic Preservation Committee Action Letter, September 26, 2024
6. Appeal of the Community Development Director, received October 7, 2024
7. Historic Analysis Report by MBA Architects
8. Public Comments received by 11:00 am, Friday, January 17, 2024