



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/11/2023

ITEM NO: 3

DATE: January 6, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of the Historic Preservation Committee Decision to Deny the Removal of a Presumptive Historic Property (Pre-1941) from the Historic Resources Inventory on Property Zoned C-2. **Located at 301-307 N. Santa Cruz Avenue.** Request for Review PHST-22-020. APN 510-14-048.
Property Owner/Applicant/Appellant: Mike Millen.
Project Planner: Ryan Safty.

RECOMMENDATION:

Deny the appeal of the Historic Preservation Committee decision to deny the removal of a presumptive historic property (pre-1941) from the Historic Resources Inventory on property zoned C-2, located at 301-307 N. Santa Cruz Avenue.

PROJECT DATA:

General Plan Designation: Central Business District
Zoning Designation: C-2
Applicable Plans & Standards: General Plan, Commercial Design Guidelines
Parcel Size: 21,000 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Commercial	Central Business District	C-2
South	Commercial	Central Business District	C-2
East	Commercial	Central Business District	C-2
West	Commercial	Central Business District	C-2

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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CEQA:

The request to remove the property from the Historic Resources Inventory is not considered a project under the California Environmental Quality Act.

FINDINGS:

- As required to remove a pre-1941 property from the Historic Resources Inventory.

ACTION:

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

BACKGROUND:

The subject property is located at the northwest corner of Bachman Avenue and N. Santa Cruz Avenue (Exhibit 1). The property contains five existing primary buildings: 208 Bachman Avenue (old location of CB Hannegans); and 301, 303, 305, and 307 N. Santa Cruz Avenue. The structure at 208 Bachman Avenue was removed from the Historic Resources Inventory (HRI) by the Town Council in 1996.

On October 18, 2022, the property owner submitted materials requesting that the Historic Preservation Committee (HPC) formally remove the primary buildings on the site from the HRI due to a lack of historic significance and loss of integrity resulting from previous modifications and additions (Exhibit 3, Attachment 4).

On November 16, 2022, the HPC considered the property owner's request, including the letter of justification, research materials, and site photographs of the subject property (Exhibit 3, Attachment 4). The HPC approved the removal of 301 N. Santa Cruz from the HRI, but denied the removal of the primary buildings at 303, 305, and 307 N. Santa Cruz Avenue from the HRI (Exhibits 3, 4, and 5).

On November 18, 2022, the property owner appealed the decision of the HPC to the Planning Commission (Exhibit 6). The property owner indicated that the information provided to the HPC proved that the buildings at 303, 305, and 307 N. Santa Cruz Avenue are not historic and must be removed from the HRI.

Pursuant to Section 29.20.258 of the Town Code, the decision of the HPC may be appealed to the Planning Commission by any interested party as defined by Section 29.10.020 within 10 days of the decision.

BACKGROUND (continued):

For non-residential and mixed-use projects an interested person is defined as, “any person or persons or entity or entities who 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 (5) days after the date of filing 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 at the northwest corner of Bachman Avenue and N. Santa Cruz Avenue (Exhibit 1). The surrounding properties are zoned C-2 with commercial uses.

B. Project Summary

The property owner is appealing the HPC decision to deny a request to remove the subject presumptive historic property (pre-1941) from the HRI.

DISCUSSION:

A. Removal from the Historic Resources Inventory

Town Code Section 29.10.020 defines “Historic Structure” and includes, “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 property owner is requesting approval to remove the subject presumptive historic property (pre-1941) from the HRI. The property owner provided a Letter of Justification, research materials, and site photographs of the subject property within their submittal (Exhibit 3, Attachment 4).

DISCUSSION (continued):

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.

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 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.

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DISCUSSION (continued):

B. Historic Preservation Committee

On November 16, 2022, the HPC received the staff report (Exhibit 3), opened the meeting, and considered testimony from the property owner (Exhibit 4). After asking questions of the property owner, the HPC closed the public hearing and discussed the project. The HPC voted unanimously (5-0) to deny the overall request to remove the entire property from the HRI; however, within the motion, the HPC confirmed the previous Town Council decision to remove 208 Bachman Avenue from the HRI and approved of the removal of 301 N. Santa Cruz Avenue from the HRI. The primary buildings at 303, 305, and 307 N. Santa Cruz Avenue were not removed.

C. Appeal to Planning Commission

The decision of the HPC was appealed on November 18, 2022, by the property owner, Mike Millen (Exhibit 6). Per the property owner, the appeal should be granted for the four following reasons. The four points made in the appeal are followed by staff analysis in *italic font*.

1. Appellant: 305 N. Santa Cruz Avenue was constructed in 1956 and must be removed because it is post-1941.

At the November 16, 2022, HPC meeting, the HPC noted that the structures at 301 and 305 (formerly 303) no longer have historical significance (Exhibit 4). The letter of justification and historic research (Exhibit 3, Attachment 4) states that the structure originally built at 305 N. Santa Cruz Avenue was substantially changed in the 1960s. The original building at 305 N. Santa Cruz Avenue, which is now called 303 N. Santa Cruz Avenue, currently adjoins the corner building at 301 N. Santa Cruz Avenue, and both the left and right walls of the building no longer exist in their original form as those walls have been made into party walls with the adjoining buildings.

The building permit records presented to the HPC (Exhibit 3, Attachment 3) show that a building at 305 ½ N. Santa Cruz Avenue was built in 1956. Town records only included the building permit and no plans, so it is not clear what was built in 1956 as the 305 ½ address does not currently exist. The Town's 1990 Anne Bloomfield Survey notes the building at 305 N. Santa Cruz Avenue had been altered and gave the structure a historic status code of "historic and some altered but still contributor to district if there is one."

DISCUSSION (continued):

Lastly, the current building footprint at 305 N. Santa Cruz Avenue does not match the 1928 Sanborn Map. The Town prepared an exhibit comparing the footprints from the 1928 Sanborn Map (last edition prior to 1941) and a building permit from 2013 (Exhibit 7). Comparing 1928 footprints to 2013 footprints, the building at 305 N. Santa Cruz has been extensively altered over the years. Additionally, staff analyzed aerial photography for the site from 1931, 1948, and 1968 (Exhibit 8). Exhibit 8 shows that the building footprints along N. Santa Cruz Avenue were separated in 1931 and remained separated through 1948 (following the 1941 HRI cut-off), and then appear to have been combined by the 1968 aerial.

2. Appellant: The integrity of 303 and 307 N. Santa Cruz Avenue are such that the structures no longer have the potential to convey significance.

At the November 16, 2022, HPC meeting, the HPC noted that the structures at 303 and 307 still have historical significance (Exhibit 4). As noted in Exhibit 3, the 1990 Anne Bloomfield Survey notes that both 303 and 307 N. Santa Cruz Avenue are "intact" with a Town of Los Gatos Historic Status Code of "historic and intact or worthy of special note." Building Permit records for 303 and 307 N. Santa Cruz Avenue show interior remodels and minor exterior alterations; meanwhile, Exhibits 7 and 8 show that the building footprints of 301-307 N. Santa Cruz Avenue were significantly altered sometime between 1928 and 2013.

3. Appellant: The structures are not associated with significant events, persons, types, periods, construction methods, or master work.

Pursuant to Town Code Section 29.80.215, there are five findings for the HPC to consider when reviewing HRI removal requests (listed above in Section A of this report). The appellant claims that findings 1, 2, and 3 can be made, but did not mention findings 4 (Town history) and 5 (historic integrity). The HPC members commented that 301 and 305 N. Santa Cruz Avenue no longer have historic significance, although only 301 N. Santa Cruz was removed from the HRI. The HPC determined that the structures at 303 and 307 N. Santa Cruz Avenue still have historic significance (Exhibit 4).

DISCUSSION (continued):

4. Appellant: Anne Bloomfield and Town staff previously decided that the buildings are not worthy of inclusion in the inventory.

The 1990 Anne Bloomfield Survey (Exhibit 3, Attachment 2) includes 208 Bachman Avenue, and 301, 303, 305, and 307 N. Santa Cruz Avenue. The 1990 Anne Bloomfield survey does not determine whether or not a property or structure is historic and should be included in the HRI; instead, the survey identified potentially historic properties within the Town and provided an analysis on the status of each structure. This survey is used by the Town's deciding bodies to help determine if a property or structure should be included in the HRI. For the buildings fronting N. Santa Cruz Avenue (301-307), the HRI evaluation sheet within the survey noted that the cumulative rating of these buildings, "appears ineligible for designation because newer than 1941." The individual structures at 301 and 305 N. Santa Cruz Avenue are noted to have been altered with a historic status code of "historic and some altered but still contributor to district if there is one;" however, the structures at 303 and 307 N. Santa Cruz Avenue are noted to be intact with a historic status code of "historic and intact or worthy of special note."

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comment.

ENVIRONMENTAL REVIEW:

The request to remove the property from the HRI is not considered a project under the California Environmental Quality Act.

CONCLUSION:

A. Summary

The property owner is requesting that the Planning Commission reconsider the HPC decision to deny the removal of the presumptive historic property (pre-1941) from the HRI.

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CONCLUSION (continued):

B. Recommendation

For reasons stated in this report, it is recommended that the Planning Commission deny the appeal and uphold the decision of the HPC to deny the removal of the presumptive historic property (pre-1941) 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 one or more of 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, November 16, 2022
4. Historic Preservation Committee Meeting Minutes for November 16, 2022
5. Historic Preservation Committee Action Letter, November 16, 2022
6. Appeal of the Historic Preservation Committee, received November 18, 2022
7. Historic Building Footprint Comparisons
8. Historic Aerial Photographs