



**TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT**

MEETING DATE: 05/28/2025

ITEM NO: 2

**MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING
APRIL 23, 2025**

The Historic Preservation Committee of the Town of Los Gatos conducted a regular meeting on April 23, 2025, at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:00 PM

ROLL CALL

Present: Chair Lee Quintana, Vice Chair Martha Queiroz, Planning Commissioner Susan Burnett, and Committee Member Alan Feinberg.

Absent: Commissioner Emily Thomas.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS

None.

PUBLIC HEARINGS

1. 1 Orchard Street
Request for Review PHST-25-006

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:10. APN 529-32-041. Exempt Pursuant to CEQA Guidelines, Section 15061 (b)(3).

Property Owner/Applicant: Mahsa Nakhjiri

Project Planner: Samina Merchant

The project planner presented the staff report.

Vice Chair Queiroz notes, for the record, that Chair Lee Quintana has arrived.

Opened Public Comment.

Masha Nakhjiri, Owner/Applicant

We purchased this house about 12 years ago and didn't realize the house was historic until recently. There are some repairs needed. We are looking to remove this house from the historic inventory list. None of the houses on their street are considered historic. There is nothing significant about the house to remain on the list.

Committee Members ask the applicant questions.

Masha Nakhjiri, Owner/Applicant

We haven't drafted plans yet, but we know we need to replace the windows as water gets into the house. We need to replace the front door as there were shifts of the foundation and it's not operational. We want to remove it from the historic list, not only to bypass a review by the Committee, but if it remains historic, the cost of upkeep will be more expensive. It will restrict me from much needed renovations. I have talked with some architects but felt that coming before the Committee was the first step.

Closed Public Comment.

Committee members discussed the matter.

Susan Burnett

I find this house still very architecturally pleasing to our historic inventory. This is a unique house and exemplifies what our community is about. You can still refurbish or remodel but still maintain its integrity.

Lee Quintana

Just because changes were made, it doesn't mean that those changes were not consistent with the original structure.

MOTION: **Motion by Chair Quintana** to Continue to a Date Uncertain a Request to Remove a Pre-1941 on Property Zoned R1:10, Located at 1 Orchard Street, APN 529-32-041, to Give the Applicant Time to Work with an Architect and Bring the Item to the Committee When There is More Information on the Applicant's Plans with the Property. **Seconded by Commissioner Burnett.**

VOTE: **Motion passed unanimously (4-0).**

2. 446 San Benito Avenue
Request for Review PHST-25-005

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1D. APN 410-16-051. Exempt Pursuant to CEQA Section 15061(b)(3).

Property Owner/Applicant: Devendra Deshwal
Project Planner: Erin Walters

The project planner presented the staff report.

Opened Public Comment.

Devendra Deshwal, Owner/Applicant
I'm available to answer any questions.

Committee Members ask the applicant questions.

Devendra Deshwal, Owner/Applicant
All houses nearby have been remodeled. I haven't specifically spoken to the neighbors about possible changes to be proposed.

Closed Public Comment.

Committee members discussed the matter.

Erin Walters
The Anne Bloomfield rating shows this building is a contributor with some alterations, but only if it is located in a district. This house is not located in a district.

Lee Quintana
The home is very small, and we don't know what the plans are for this home yet.

Alan Fienberg
To be consistent, since there are no architectural plans, it is hard to determine the best recommendation, similarly to the first item on tonight's agenda.

MOTION: **Motion by Committee Member Fienberg** to Continue to a Date Uncertain a Request to Remove a Pre-1941 on Property Zoned R-1D, Located at 446 San Benito Avenue, APN 410-16-051, from the Historic Resources Inventory to Give the Applicant Time to Work with an Architect and Bring the Item to the Committee When There is More Information on the Applicant's Plans with the Property. **Seconded by Vice Chair Queiroz.**

VOTE: **Motion passed unanimously (4-0).**

3. 17269 Verdes Robles
Request for Review PHST-25-001

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:12. APN 424-30-103. Exempt Pursuant to CEQA Guidelines, Section 15061 (b)(3).

Property Owner/Applicant: Uma Nikhlesh

Project Planner: Suray Nathan

The project planner presented the staff report.

Opened Public Comment.

Bonnie Montgomery, Historian

The County records show that this house was likely built in 1915, though it is likely a little older. However, in 1993, the Town gave it a permit to completely alter the facade of the house, and it now looks more like a 1960s home in the subdivision. With the garage, new porch, and new front door really change the character of the house. The change that the applicant is requesting to the siding won't change the current facade, but it doesn't fit with the 1910s.

Uma Nikhlesh, Owner/Applicant

This topic started due to the inability to get home insurance on this property. It has to do with the redwood shingles on the home. When we tried to submit for a building permit to replace the damaged area, it was stated that we needed to go before this Committee. We are requesting to be removed from the inventory list to be able to change the shingles without issue and at a lower cost than what redwood shingling will cost.

Hector Alvarez, Contractor

We checked the house to determine what changes need to be made to protect the integrity of the home. We provided other options outside of redwood shingles as they are expensive, and maintenance can be difficult. Also, the insurance piece of it.

Closed Public Comment.

Committee members discussed the matter.

Lee Quintana

I was inclined to approve the removal, but I was not aware of the reason they were asking to be removed. Using the interpretation that it must be in-kind or be considered a demolition, which would remove it from the list, has me thinking about denying this request.

Alan Fienberg

The problem I have with this property is that it doesn't look historic. It looks like the standard 1970s home that you can see in other jurisdictions in the area.

MOTION:

Motion by Chair Quintana to Recommend Approval to Remove a Pre-1941 Property from the Historic Resources Inventory on Property Zoned R-1:12 as it Does Not Meet the Criteria of Finding Number Five, the

Integrity of the Home. APN 424-30-103. **Seconded by Committee Member Feinberg.**

VOTE: Motion passed unanimously (4-0).

OTHER BUSINESS

4. 117 Edelen Avenue
Review Application PHST-25-003

Consider a Request for Preliminary Review for Exterior Alterations and Construction of a Second-Story Addition of 100 Square Feet to an Existing Single-Family Residence on Property Zoned R-1D:LHP. Located at 117 Edelen Avenue. APN 529-02-020. Request for Review Application PSHT-25-003. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities.

Property Owner: Jeff and Julie Prince

Applicant: David Kuoppamaki

Project Planner: Maria Chavarin

The project planner presented the staff report.

Opened Public Comment.

David Kuoppamaki, Applicant

The house was built in 2000. We are proposing to remodel the entire house with a focus on the second floor. The client would like to have ten-foot-tall ceilings. We are proposing a three and twelve roof with a ten-foot plate height on the second floor. The same siding and windows as the rest of the home will be used.

Closed Public Comment.

Committee members discussed the matter.

Maria Chavarin

The property is not shown as removed from the inventory list since the house was approved for demolition in 2012. It still remains in the University-Edelen Historic District.

Joel Paulson

Homes within a historic district typically do not get removed from the historic inventory because it is located within the District. Ones that are not in a historic district that are pre-1941 are able to request removal from the inventory.

Maria Chavarin

It is premature to install the orange netting or story poles to this property because the application before you is preliminary.

Susan Burnett

The existing structure has a nice little gable roof with a window to the right. With the new design, it would be nice to have two windows which will help balance it out. There are issues with the new design feeling too tall. It is interesting that there are no windows on the left side elevation like there is currently.

Martha Queiroz

The houses in the area are rather Victorian and I think the design being presented is nice, but it feels like it is forcing the house to fit where it doesn't fit due to the lack of pitched or gabled roofing.

Lee Quintana

One of the character defining features of this home is the gable roofing which matches the neighborhood well. The proposed changes are not in line with the architecture of the neighborhood.

Maria Chavarin

The current proposed height is the maximum height it can be.

Alan Fienberg

What stands out to me is the existing versus proposed elevation. Both the front and the side are completely different from the current home. It completely changes the character.

No action was needed for this item.

5. Discussion regarding Pre-41 versus Landmark Designation

Committee Members discuss the matter.

Lee Quintana

In the Residential Design Guidelines, specific to historic preservation, there is a statement that says that extremely significant homes have been designated as landmarks. There is another statement about contributing structures in a historic district, which are not landmarks. Our codes are written in a confusing way. We say that pre-1941 are presumptive historic resources. Our Town has several ways to identify historic resources. One, by landmark status that meets state or federal criteria. Or if it doesn't meet the criteria, but because it is in a historic district, it is considered a contributing structure. What makes a pre-1941 presumptive historic resource not a historic resource? When looking at the Anne Bloomfield study survey, it often designates, in a historic district, that it is a contributing structure. The criteria for state and federal around landmark structures is basically the same five findings that the Town uses when we need to make findings with the exception that the state and federal have an "or" or "and" before the last and next to the last finding. The Town has an "or." The way I read this is that it doesn't have to meet all the previous findings, just the last one. It seems that the state and federal criteria are stricter. I've always been told that Los Gatos has a strong historic

program, but it isn't clear in our documents. I was finding myself not sure that I was making consistent decisions when requests were made to remove homes from the historic inventory. Do we have a historic inventory, or is it from the Bloomfield survey?

Joel Paulson

Staff are working on review of the historic inventory.

Lee Quintana

When I first joined the Committee, it was confusing and frustrating due to the lack of clarity with all our documents.

Alan Fienberg

The decision process is more difficult, and arbitrary because of the lack of clarity.

Susan Burnett

When I was on the Historic Preservation Committee, it was much easier when I first joined many years ago. Now, there are more challenges to be able to save historic homes.

Lee Quintana

When a project comes in with an evaluation, they are using the state and federal criteria rather than the Town's criteria. This makes it more challenging to assess a project.

Susan Burnett

How do we fix this?

Lee Quintana

What I can figure out is the criteria. If the structure qualifies as a contributing structure in a historic district, it would be considered a Los Gatos historic resource.

Alan Fienberg

So, anything less than that is not historic.

Lee Quintana

We need criteria to help establish whether it would be a contributor. Part of the problem is, after reading many of the historic reports that have been provided, that they all have different criteria, so it is not consistent. This was an issue in San Jose, so they established criteria that historic architects had to use to analyze historic buildings to allow for consistency. We would hire a historic architect to help with consistency.

Alan Fienberg

What can we do? What can we ask staff to do to fix this? I agree with the comments about being clear and consistent with our discussions and decisions.

Lee Quintana

I think it is easier for appeals to be approved because of the lack of consistency. Joel, is this something that staff can define better, or can we form an ad hoc committee and come up with some suggestions that can be forwarded to the Council or Policy Committee?

Joel Paulson

If you want to share the ideas and thoughts that you have with staff. We have directives from the Town Manager and Council, whether it is ad hoc committees, or subcommittees, if it involves very much time, unless it is directed by Council, we are not going to be participating in that effort. You are free to do what you want as an ad hoc. I will check to see, since you are a recommending body, if there are any special rules. There could be trouble with the Brown Act and bringing people in. There have been issues with other subcommittees in the past. Write down the ideas you have. We will look into the state and federal criteria that is different from the Town's. It is in the Town Code that we have modified over the years.

Lee Quintana

We make findings and we make considerations. I am not sure why one or why the other. The findings that we make are in the introductions to the zoning code chapter. The considerations we make are referred to as standards in the zoning code. The historic overlay refers to standards that are in the historic overlay portion of the code. They refer to the Residential Design Guidelines standards. We don't have standards. The last thing is, it is easy to conclude whether a pre-1941 structure is contributing or not. That doesn't cover the issues that Susan brought up that we are losing these smaller, Los Gatos, historic-defining structures because we don't have the tools to not.

Joel Paulson

The HPC has roles, duties, and responsibilities, continuing items to see plans that are not your purview doesn't make any sense. If you can't make one of the findings to remove or keep the structure on the list, just make the recommendation to deny it. You have two instances tonight, where one, you have a property owner who isn't doing this all the time and one who has a historian, which is a leg up. There are times when we have applicants come forward who think they are requesting something that seems simple, and the amount of research they did before coming forward, just for the discussion to be continued because you don't know what they want to do, you should just deny the request if you can't make the findings.

Lee Quintana

If we deny them, what happens?

Joel Paulson

They either appeal or they don't. If they appeal, it will go before the Planning Commission. Your recommendation comes to me, then I will go with your recommendation unless there is specific evidence that shows that I should go against the recommendation. From there, the applicant can decide what they want to do.

Lee Quintana

Part of the problem is that I don't think most homeowners, even doing the research that they do, really have the skills to assess historic structures. I don't know how to get around that.

Joel Paulson

It's a cost, right? Not everyone wants to spend the money to hire a historian.

Susan Burnett

If a house has major work done, but keeps its integrity then they sell it, and the new owners say it's been completely remodeled. Now it isn't historic, but it follows our current guidelines. You are kind of stuck because it is technically new but still looks historic. What would we do in this situation?

Joel Paulson

There are so many different iterations of what can happen. Let's say you have a pre-1941 home outside of a historic district. They come in and want to do some remodeling. They are matching in-kind. They are doing an addition that doesn't need discretionary review. Staff asks does it meet the criteria for historic resources, yes or no? If it does, it gets a building permit. In those cases, they are replacing materials in-kind. If they aren't, then it comes to the HPC. There are other processes where if they are replacing the siding, do they want a building permit because they aren't demolishing because they are not historic, or do they want to pay \$30+ thousand dollars in applications fees and get six to nine months of application processing and meetings for what should be a simple permit. Another thing is if you touch more than 25% of the façade facing the street, it is considered a technical demo.

Lee Quintana

Having that at 25% being considered a demo encourages demos. I think that number would be higher than for a regular house.

Joel Paulson

The point is to try and maintain the integrity of the existing structure and existing materials. That is why it is lower than a non-historic house. Non-historic homes don't have a front façade number at all. It is 50% of the entire perimeter.

Erin Walters

For historic homes, it is the exterior wall covering, and for non-historic homes, it is the framing.

Joel Paulson

We are running into issues with in-kind materials with homes in the hillside and fire safety. If the home is pre-1941, they will have to come to HPC for review and request to replace with the hardie siding. What someone wants to do with their home is irrelevant to the decision-making of their application. We care about the five findings and whether you can make any of those findings.

Lee Quintana

It makes sense for certain things, but if someone wants to be removed from the list because they want to demolish it. When you do a demo, you must have a replacement structure. We're setting it up so that the replacement structure doesn't have to be consistent with the historic anymore because we took it off the list. The demolition ordinance works against historic homes. It is not very strict in that it says if you can make any of these types of findings, it can be demolished. In the General Plan language has "prohibit" throughout for the historic section, but when you get the body of the section, it's not prohibited at all. There is inconsistency in our General Plan.

Alan Fienberg

To that point, if we recommend denial of an application, and the applicant takes issue with the decision and takes it to Planning Commission, our recommendation goes out the window. Or, if they don't like the Commission's decision, they take it to the Town Council, and if they uphold the request of the applicant, we potentially lose another historic home.

Erin Walters

That is just like every application we have.

Susan Burnett

Are we able to have houses come back to us to review their new design?

Joel Paulson

You would have to change the code to do that.

Susan Burnett

How do we do that?

Joel Paulson

You would have to go to Council with the request as we must be directed by them to work towards making that change. You can ask Council if you would like.

Alan Fienberg

I had this conversation with Matthew (Hudes), and he said that I would be glad to know that one of his top priorities for his term as Mayor is Historic Preservation, but that comes below several other critical issues he has before him. This means there might not be any movement on this during his term.

Joel Paulson

Previously, there came a time when we worked through our strategic priorities and listed out ordinances that people asked us to review and update or create and staff share what staff priorities are. It was done differently this year, and we haven't met to review these topics this year.

Lee Quintana

If we can make a suggestion to the Council, how do we provide it to the Council from the Committee? That will have a lot more weight.

Joel Paulson

I will check with Gabrielle, Town Attorney, to see what her thoughts are on this. The reality is that it doesn't matter if it's one of you or all of you, it is the same issue.

Susan Burnett

We have so many new people moving into Town, and they don't understand what we are trying to preserve.

Lee Quintana

We love this Town because of its historic character.

Joel Paulson

The pre-1941 criteria will be tied into the code and/or policy document revisions to include a criterion to help make the distinction around this. We still need Council to direct staff to work on this.

REPORT FROM THE DIRECTOR

None.

COMMITTEE MATTERS

ADJOURNMENT

The meeting adjourned at 5:53 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the April 23, 2025, meeting as approved by the Historic Preservation Committee.

Prepared by:

Sean Mullin, AICP, Planning Manager

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