



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/08/2025

ITEM NO: 6

DATE: January 3, 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 on Property Zoned R-1:8. **Located at 55 Ellenwood Avenue.** APN 510-19-010. Exempt Pursuant to CEQA Section 15061(b)(3). Request for Review PHST-24-020. Property Owner: Pooja Goel. Applicant: Melina Padilla. Appellant: Vishal Jain. Project Planner: Sean Mullin.

RECOMMENDATION:

Deny the appeal and uphold the Community Development Director decision to deny the removal of a pre-1941 property from the Historic Resources Inventory (HRI) on property zoned R-1:8, located at 55 Ellenwood Avenue.

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: 21,000 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 and Town Attorney

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:

- As required to remove a pre-1941 property from the HRI.

ACTION:

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

BACKGROUND:

The subject property is located on the south side of Ellenwood Avenue, just south of the intersection of Ellenwood Avenue and Alexander Avenue (Exhibit 1). The property is currently developed with a single-family residence. The Santa Clara County Assessor's Database lists a construction date for the residence of 1918. The 1990 Anne Bloomfield Survey does not provide a construction date estimate, but provides a preliminary rating of "N-new, probably built since 1950" (Exhibit 3, Attachment 1). The Sanborn Fire Insurance Maps include the property beginning in 1928 and show the residence as having a consistent footprint through 1956 (Exhibit 3, Attachment 2).

On October 23, 2024, the Historic Preservation Committee (HPC) considered a request to remove the subject property from the HRI due to a lack of historic significance and loss of integrity resulting from previous modifications and additions (Exhibits 3 and 4). The HPC received the staff report and desk item, held a public hearing, and discussed the request. The HPC voted four to zero with one member recused to forward a recommendation of denial to the Community Development Director. In their motion, the HPC noted that the residence still represents a time and place, and that finding number 3 could not be made (Exhibit 5). The request was denied by the Community Development Director on October 25, 2024 (Exhibit 6). The audio from this meeting is available on the Town's website at <https://logatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-6>.

On October 31, 2024, the property owner appealed the decision of the Community Development Director to the Planning Commission (Exhibit 7).

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 one thousand (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 (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 on the south side of Ellenwood Avenue, just south of the intersection of Ellenwood Avenue and Alexander Avenue (Exhibit 1). The property is currently developed with a single-family residence. 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 a request to remove the 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 1918 for the residence; therefore, the subject property is included on 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 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.

Residential Design Guidelines Section 4.6 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 Anne Bloomfield 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 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 October 23, 2024, the HPC received the staff report and desk item, held a public hearing, and discussed the request (Exhibits 3 and 4). Following discussion, the HPC voted four to

zero with one member recused to forward a recommendation of denial to the Community Development Director. In their motion, the HPC noted that the residence still represents a time and place, and that finding number 3 could not be made (Exhibit 5). On October 25, 2024, the Community Development Director denied the request for removal (Exhibit 6).

C. Appeal to Planning Commission

The decision of the Community Development Director was appealed on October 31, 2024, by one of the property owners, Vishal Jain (Exhibit 7). In their reasons for why the appeal should be granted provided on the appeal form, the appellant notes that major remodels have eliminated the historic integrity of the residence and that the HPC review process was rushed and potentially biased. Additional information supporting the appellant's appeal was provided by their architect (Exhibit 8). This information addresses each of the five findings required for removing a property from the HRI. Below are the points raised by the appellant in Exhibit 7, followed by staff's response in *italics*.

1. Major remodels have eliminated the historic integrity of the residence.

The October 23, 2024, HPC staff report summarizes Town permit records for the subject property (Exhibit 3). The staff report notes that two significant additions were constructed in 1994 and 1998, and references an exhibit prepared by staff showing the approximate footprint of the residence prior to 1994 and the demolition impacts incurred to the residence resulting from the additions to the residence (Exhibit 3, Attachment 3). The staff report also notes that the Bloomfield Survey conducted in 1990 rating the residence as "new" occurred prior to completion of the 1994 and 1998 additions. Following review of the staff report and discussion of the request, the HPC was unable to make finding number 3 for removal and recommended denial of the request to the Community Development Director (Exhibits 5 and 6).

Exhibit 8 prepared by the property owner's architect and further discussed below, provides additional exhibits demonstrating the impact that the 1994 and 1998 additions had on the integrity of the original residence. Additionally, this exhibit provides a rough calculation of the demolition incurred through the two additions that concludes the residence experienced a technical demolition under the Town's definition as a result of the additions. These additional exhibits and calculation were not available during the October 23, 2024, HPC review.

2. The HPC review was rushed and potentially biased.

Staff has no comment on the claim that the HPC review was rushed and potentially biased raised by the appellant. The audio from the October 23, 2024 meeting is available on the Town's website at <https://losgatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-6>.

The supplemental information provided by the property owner's architect address each of the five findings required for removal of a residence and provides exhibits and statements concluding that all the findings for removal can be made (Exhibit 8). Below are the five required findings followed by a summary of the appellant's justification for each finding.

1. The structure is not associated with events that have made a significant contribution to the Town.
 - Extensive research at the Los Gatos Public Library revealed no mention of this property in historical newspapers, articles, notable real estate listings, or public records. The absence of such documentation strongly suggests the property lacks significant historical importance.
 - Research found no evidence linking this property to any historical significance.
2. No Significant persons are associated with the site.
 - The appellant's exhibit provides a list of people associated with 55 Ellenwood and concludes that no persons significant to the Town 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.
 - The Anne Bloomfield Survey documents the home, built in the 1950s, received preliminary rating of "N", due to major renovations by 1989. No distinctive architectural features were identified, and no construction changes are recorded in city archives through 1994. This undermines its historic integrity and diminishes its eligibility for historic designation.
 - Windows and other features reflect a nonhistoric typology.
4. The structure does not yield information to Town history.
 - Extensive research at the Los Gatos Public Library revealed no mention of this property in historical newspapers, articles, notable real estate listings, or public records. The absence of such documentation strongly suggests the property lacks significant historical importance.
 - Research found no evidence linking this property to any historical significance.

5. The integrity has been compromised such that the structure no longer has the potential to convey significance.
 - The exhibits provided by the applicant demonstrate the impact that the 1994 and 1998 additions had on the integrity of the original residence. Through a rough calculation of the demolition incurred through the two additions, the appellant concludes the residence experienced a technical demolition under the Town's definition.

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, January 3, 2025, are included as Exhibit 9.

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 a request to remove the pre-1941 property from the HRI.

B. Recommendation

For reasons stated in this report, which include the HPC not being able to make finding #3 in their recommendation, it is recommended that the Planning Commission deny the appeal and uphold the decision of the Community Development Director 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 the findings provided in Exhibit 2; or
3. Remand the appeal to the HPC with specific direction.

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SUBJECT: 55 Ellenwood Avenue/Appeal of PHST-24-020

DATE: January 3, 2025

EXHIBITS:

1. Location Map
2. Required Findings
3. Historic Preservation Committee Staff Report and Attachments, October 23, 2024
4. Historic Preservation Committee Desk Item Report and Attachments, October 23, 2024
5. Historic Preservation Committee Meeting Minutes for October 23, 2024
6. Historic Preservation Committee Action Letter, October 23, 2024
7. Appeal of the Community Development Director, Received October 31, 2024
8. Supplemental Information Provided by Applicant's Architect
9. Public Comment Received by 11:00 am, Friday, January 3, 2025