



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/23/2026

ITEM NO: 2

DATE: September 18, 2026
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-1D. **Located at 226 Caldwell Avenue.** APN 529-20-031. Request for Review PHST-26-014. Not Subject to CEQA Review Pursuant to CEQA Guidelines Section 15061 (b)(3). Property Owner: Jignesh Mehta. Applicant: Amir Afifi. Project Planner: Suray Nathan.

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 (HRI) for property zoned R-1D, located at 226 Caldwell Avenue.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D – Single-Family Residential Downtown
Applicable Plans and Standards: General Plan, Town Code, Residential Design Guidelines
Parcel Size: 7,746 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D
South	Residential	Medium Density Residential	R-M:5-12:PD
East	Residential	Low Density Residential	R-1:8
West	Residential	Medium Density Residential	R-1:8

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

PREPARED BY: Suray Nathan
Assistant Planner

Reviewed by: Planning Manager, Town Attorney, and Community Development Director

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 HRI.

ACTION:

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

BACKGROUND:

The subject property is located on the northwest corner of Caldwell Avenue and Los Gatos Boulevard (Exhibit 1). The property is 7,746 square feet and developed with an existing 2,260-square foot single-story residence constructed in 1928 per the Santa Clara County Assessor's Database. The property is not within a historic district or Landmark and Historic Preservation (LHP) overlay. The 1990 Anne Bloomfield Survey provides a preliminary rating of "plus (+)," classifying it as a historic and intact structure or worthy of special note (Exhibit 3, Attachment 3). The house first appears on the Sanborn Fire Insurance Maps in 1944 (Exhibit 3, Attachment 2). Subsequent maps show that the footprint of the residence remained consistent through 1956.

On May 27, 2026, the Historic Preservation Committee (HPC) considered a request to remove the subject property from the HRI. The applicant's request letter noted that, based on their research, the findings for removal can be made, noting that the residence is not associated with events important to the Town, not associated with significant persons, and the residence has lost integrity from previous modifications and additions (Exhibit 3, Attachment 4).

The HPC received the staff report, held a public hearing, and discussed the request. The HPC voted unanimously to recommend denial to the Community Development Director, finding that the residence still retains integrity and that the overall design is consistent with the Colonial Revival style of that period (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-19>.

On May 28, 2026, the Community Development Director denied the request for removal from the HRI (Exhibit 5).

On June 8, 2026, the decision of the Community Development Director was appealed to the Planning Commission by an interested person, Jignesh Mehta, property owner of 226 Caldwell Avenue (Exhibit 6).

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 appeal shall be set for the first regular meeting of the Planning Commission in which the business of the Planning Commission will permit, more than five (5) days after the date of filing the appeal. At the request of the appellant, the public hearing was scheduled for the September 23, 2026, Planning Commission meeting to allow the appellant time to conduct additional research. 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 northwest corner of Caldwell Avenue and Los Gatos Boulevard (Exhibit 1). Adjacent properties to the east and west are zoned R-1:8. The property to the north is zoned R-1D and the properties to the south are zoned R-M:5-12:PD. All surrounding properties are 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 1926 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 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 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 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 a 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 27, 2026, the HPC received the staff report, held a public hearing, and discussed the request. The HPC voted unanimously to recommend denial to the Community Development Director, finding that the residence still retains integrity and that the overall design is consistent with the Colonial Revival style of that period (Exhibit 4). On May 28, 2026, the Community Development Director denied the request for removal (Exhibit 5).

C. Appeal to Planning Commission

On June 8, 2026, the decision of the Community Development Director was appealed to the Planning Commission by an interested person, Jignesh Mehta, property owner of 226 Caldwell Avenue (Exhibit 6).

The appellant submitted a letter dated August 24, 2026, in support of the appeal (Exhibit 7). This submittal contains historical research regarding the proposed removal of the Colonial Revival-style residence and addresses the five findings required to remove a property from the HRI.

The five required findings and the appellant's italicized corresponding justifications are provided below:

1. The structure is not associated with events that have made a significant contribution to the Town.
 - *The house is not associated with events that have made a significant contribution to the Town.*
2. No Significant persons are associated with the site.
 - *The house was associated with Alexander S. and Jennie Daziel (1928–1948), Daniel J. and Olive E. Linehan (1948–1949), Alice G. and Douglas B. Wilson (1949–1970). None of these individuals were significant in the history of Los Gatos, the state, or the nation.*
3. There are no distinctive characteristics of type, period, or method of construction or representation of work of a master.
 - *There are no distinctive characteristics of type, period, or method of construction. The architect and builder are unknown. The house was built in 1928, a simple hipped-roof one-story residence of six rooms clad in stucco, according to the 1941 assessment book. It had no distinctive architectural features.*
4. The structure does not yield information to Town history.
 - *Nothing about the buildings, structures, or objects on the site contains information important in prehistory or history.*
5. The integrity has been compromised such that the structure no longer has the potential to convey significance.
 - *The integrity of the house to its period of construction has been significantly compromised. The house has additions, and the front entry of the house has been shifted to Caldwell Avenue.*

PUBLIC COMMENTS:

Written notice was sent to property owners and residents within 300 feet of the subject property. At the time of preparation of this report, no public comment has been received.

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 appealed the Community Development Director's decision to deny the request to remove a pre-1941 property from the HRI for property zoned R-1D, located at 226 Caldwell Avenue.

B. Recommendation

For reasons stated in this report, which include the HPC being unable to make findings #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 Planning 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.

EXHIBITS:

1. Location Map
2. Required Findings
3. Historic Preservation Committee Staff Report and Attachments, May 27, 2026
4. Historic Preservation Committee Meeting Minutes for May 27, 2026
5. Historic Preservation Committee Action Letter, May 28, 2026
6. Appeal of the Community Development Director, Received June 8, 2026
7. Appellant letter, dated August 24, 2026

This Page Intentionally Left Blank