



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/24/2026

ITEM NO: 1

DATE: June 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-1:10. Located at 142 Wheeler Avenue. APN 532-37-034. Request for Review PHST-26-011. Not Subject to CEQA Review Pursuant to CEQA, Section 15061 (b)(3), Because it can be Seen with Certainty that Removing the Property from the Historic Resources Inventory will not Significantly Affect the Physical Environment. Property Owners/Applicants: Rodd and Wendy Rowalt. Appellant: Rodd Rowalt. Project Planner: Erin Walters.

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-1:10, located at 142 Wheeler Avenue.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:10; Single Family Residential (10,000 square foot minimum)
Applicable Plans & Standards: General Plan, Town Code, Residential Design Guidelines
Parcel Size: 14,440 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:10
East	Residential	Low Density Residential	R-1:10
West	Residential	Low Density Residential	R-1:10

PREPARED BY: Erin M. Walters
Senior Planner

Reviewed by: Planning Manager, Community Development Director

CEQA:

The request to remove a pre-1941 property from the historic resources inventory is not subject to CEQA review pursuant to CEQA, Section 15061 (b)(3), because it can be seen with certainty that removing the property from the historic resources inventory will not significantly affect the physical environment.

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 Historic Resources Inventory (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 Wheeler Avenue, adjacent to its intersection with Yosemite Way (Exhibit 1). The property is currently developed with an approximately 1,181-square foot single-family residence constructed in 1918 per the Santa Clara County Assessor's Database. The 1990 Anne Bloomfield Survey provides an estimated construction date of 1920's and provides a preliminary rating of historic and some altered, but still a contributor to the district if there is one (Exhibit 3, Attachment 1). The Bloomfield Survey notes the Bungalow-style residence has had a porch alteration and shingles added. The property is not within a historic district or LHP overlay. The 1928, 1944, and 1956 Sanborn Fire Insurance Maps show the residence's original footprint prior to the additions constructed at the rear and side of the structure (Exhibit 3, Attachment 2). The Town has no permit history for these additions.

On April 22, 2026, the Historic Preservation Committee (HPC) considered a request to remove the subject property from the HRI (Exhibit 3). The applicant provided materials including a request letter, an evaluation of the property's physical condition, alterations over time, and potential historic significance. The applicant's request included a letter indicating that the existing structure has undergone a series of additions that have nearly doubled its original floor area (Exhibit 3, Attachment 4). The majority of these additions do not appear in the Town's building permit records and are presumed to be unpermitted. Supporting documentation, including Sanborn map comparisons, floor plan analysis, and a home inspection report, indicates that the cumulative effect of these alterations has substantially modified the original

form and layout of the residence. The HPC received the staff report, held a public hearing, and discussed the request. The HPC recommended denial of the request to the Community Development Director with a three-to-two vote (Exhibit 4). The HPC was unable to make Finding #3, “there are no distinctive characteristics of type, period, or method of construction or representation of work of a master.” The audio from this meeting is available on the Town’s website at <https://losgatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-18>. The request was denied by the Community Development Director on April 23, 2026 (Exhibit 5).

Following the April 23, 2026 decision, the applicant submitted a request for reconsideration by the HPC and provided additional information (Exhibit 6). The applicant’s materials included a letter asserting that the property meets all criteria for removal from the HRI and a slide deck demonstrating how the findings can be made for removal (Exhibit 6, Attachment 2).

On May 27, 2026, the HPC received the staff report with additional information from the applicant, held a public hearing, and discussed the request (Exhibit 6). A motion to recommend approval of the request failed with a tie vote (two-to-two), thereby resulting in a recommendation of denial being forwarded to the Community Development Director (Exhibit 7). 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>. The request was denied by the Community Development Director on May 28, 2026 (Exhibit 8).

On June 2, 2026, the decision of the Community Development Director was appealed to the Planning Commission by an interested person, Rodd Rowalt, property owner of 142 Wheeler Avenue (Exhibit 9). On the appeal form, the appellant indicated that the property meets the criteria for removal from the HRI. Additionally, the appellant notes that the use of the term “integrity” as interpreted by the two-to-two vote is not consistent with state and federal standards.

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 hearing for the appeal must set for the first regular meeting of the Planning Commission more than five days after the date of filing the appeal. Due to legal noticing timelines, the June 24, 2026, Planning Commission meeting is the first regular meeting available to consider 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 Wheeler Avenue, adjacent to its intersection with Yosemite Way (Exhibit 1). The adjacent properties to the north are zoned R-1:8. The adjacent properties to the east, south, and west are zoned R-1:10. 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 (Exhibit 9).

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 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 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 environment for such structures.
3. The enhancement of property values, the stabilization of neighborhood 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 an 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 April 22, 2026, the HPC received the staff report, held a public hearing, and discussed the request (Exhibit 3). The HPC recommended denial of the request to the Community Development Director with a three-to-two vote (Exhibit 4). The HPC was unable to make Finding #3, "There are no distinctive characteristics of type, period, or method of construction or representation of work of a master." The request was denied by the Community Development Director on April 23, 2026 (Exhibit 5).

Following the April 23, 2026 decision, the applicant submitted a request for reconsideration by the HPC and provided additional information (Exhibit 6). On May 27, 2026, with one committee member absent, the HPC received the staff report with additional information from the applicant, held a public hearing, and discussed the request. A motion to recommend approval of the request failed with a tie vote (two-to-two), thereby resulting in a recommendation of denial being forwarded to the Community Development Director (Exhibit 7). The request was denied by the Community Development Director on May 28, 2026 (Exhibit 8).

C. Appeal to Planning Commission

The decision of the Community Development Director was appealed on June 2, 2026, by the property owner, Rodd Rowalt (Exhibit 9). On the appeal form, the appellant indicated that the property meets the criteria for removal from the HRI. Additionally, the appellant notes that the use of the term "integrity" as interpreted by the two-to-two vote is not consistent with state and federal standards. Additional materials from the appellant were provided in support of the appeal on June 10, 2026 (Exhibit 10). The additional materials provide four

points supporting the appeal, which are discussed below followed by staff analysis in *italic font*.

1. The subject property is listed on the HRI by age alone.

142 Wheeler was placed on the HRI solely because it predates 1941. No finding of architectural merit, historic significance, or integrity was ever made.

Staff Response: As detailed above, the Town Code 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 as a presumptive historic residence.

The pre-1941 date provided in the definition of Historic Structure casts a wide net when classifying homes as presumptive historic resources. This date was selected during consideration of the completed Bloomfield Survey in 1991. The date represents the first year on record that the County Assessor had surveyed the Town thoroughly. In recognition that the wide net would inevitably classify many homes as presumptive historic resources that would not be found to have historic significance or architectural merit, the Town Code and Residential Design Guidelines provides a process for removal from the inventory. 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.

In addition to the pre-1941 construction date, the Anne Bloomfield Survey provides an estimated construction date of 1920’s and provides a preliminary rating of historic and some altered, but still a contributor to the district if there is one (Exhibit 3, Attachment 1). The Bloomfield Survey notes the Bungalow-style residence has had a porch alteration and shingles added.

2. All five Town findings are met.

The Town's own criteria require all five findings for removal. The HPC presentation documented that 142 Wheeler satisfies every single one.

Regarding Finding 3, No distinctive characteristics of type, period, or method of construction; not work of a master: The 1941 Tax Assessment officially rated this structure's quality as 'Cheap' - the government's own contemporaneous record. The Anne Bloomfield Survey assigned no historic designation or recognition. Both the County and the Town's own surveyor confirmed this was not a structure of architectural distinction.

Finding 3 - Distinctive Characteristics

HPC: House HAS characteristics

- 1941 Tax Assessment: Officially rated construction quality as 'Cheap' —the government's own record confirms no distinctive construction existed at time of building.
- Anne Bloomfield Survey: The Town's own architectural surveyor assigned no historic designation or recognition - if distinctive characteristics existed, she would have noted them.
- 33 Walnut (Approved): Planning Commission approved removal after finding: “Being on the historic inventory means the house was built before 1941, nothing more. It does not reflect historic merits.”

Finding 5 - Integrity compromised - structure can no longer convey significance. (NPS Bulletin 15, 7 Aspects):

553 sq ft (1941) → 1,100+ sq ft today. Facade alterations: 50 percent front, 36 percent left, 56 percent right, 100 percent rear. Post-war materials and mixed foundation types throughout confirm extensive modification across multiple decades.

HPC: Integrity SURVIVES

- Analysis: 664 sq ft (1928) → 1,181 sq ft today. 50 percent front, 56 percent right, 100 percent rear facade affected. Mixed pre/post-war foundations throughout. Unrebutted physical evidence.
- 136 Wheeler (Same Street, Approved): HPC approved removal based on “alterations that have impacted the integrity.” 142 Wheeler's alterations are documented as far more extensive.
- Town Litmus Test: “Would a person familiar with the property before modification recognize it today?” The answer - documented by physical record - is no.

Staff Response: The property is currently developed with a single-family residence constructed in 1918 per the Santa Clara County Assessor's Database. The 1990 Anne Bloomfield Survey provides an estimated construction date of 1920's and provides a preliminary rating of historic and some altered, but still a contributor to the district if

there is one (Exhibit 3, Attachment 1). The Bloomfield Survey notes the Bungalow-style residence has had a porch alteration and shingles added.

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.

The HPC was twice unable to make these required findings for removal. On April 22, 2026, the HPC recommended denial of the request to the Community Development Director with a three-to-two vote; unable to make Finding #3. On May 27, 2026, with one committee member absent, a motion to recommend approval of removing the property from the HRI failed with a tie vote (two-to-two), thereby resulting in a recommendation of denial being forwarded to the Community Development Director.

3. National Park Service (NPS) Integrity aspects – Fails six.

NPS Bulletin 15 requires a property to possess 'several, and usually most' of the seven aspects of integrity. 142 Wheeler passes only Location — One of seven. One aspect is neither 'several' nor 'most.' The paramount aspects for architectural significance - Design, Materials, and Workmanship - all fail completely and are unrebutted. (The appellant's evaluation of the seven criteria provided in NPS Bulletin 15 are detailed in the sixth slide of Exhibit 10).

Staff Response: 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.

The appellant provides a detailed discussion of the integrity of the residence as it relates to NPS Bulletin 15, which provides guidance on how to apply the National Register Criteria for evaluation (Exhibit 11). While the Town's findings are derived from the criteria used by the National and State Registers of Historic Places, their structure is distinct from the Town's. The Town's criteria considers integrity as a finding independent of the other findings. The National criteria are structured such that Criteria 1 through 4 speak to the whether a potential resource conveys significance, and Criterion 5 speaks to whether the integrity has been compromised such that it no longer has the potential to convey significance.

As reflected in the meeting audio and minutes, the HPC was twice unable to make the required findings for removal. The April 22, 2026, recommendation of denial was founded on the inability for the HPC to make Finding #3. On May 27, 2026, with one committee member absent, a motion to recommend approval of removing the property from the HRI request failed with a tie vote (two-to-two), thereby resulting in a recommendation of denial being forwarded to the Community Development Director.

The appellant asserts that this integrity of the residence has been compromised such that it is unable to convey the significance found by the HPC through Finding #3. This assertion is based on the structure of the National Register findings described above and does not reflect the structure of the findings utilized by the Town. The HPC's recommendation of April 22, 2026, found that the residence included distinctive characteristics of type, period, or method of construction or representation of work of a master, independent of the integrity of the structure.

4. Neighbor precedent: Same street.

Four properties on Wheeler Avenue and nearby streets were removed from the HRI under identical criteria. Consistency in Town policy requires the same result for 142 Wheeler Ave. 125 Wheeler Avenue and 136 Wheeler Avenue - direct neighbors - were both removed from the HRI using identical arguments. Consistency demands the same outcome. Additional nearby properties removed from the HRI include 122 Whitney Avenue and 16805 Loma Street.

Staff Response: The property at 125 Wheeler Avenue was removed from the HRI on May 11, 2016, and the property at 136 Wheeler Avenue was removed on December 16, 2020. While these adjacent properties and those nearby properties listed by the appellant have been removed from the HRI, their removal does not set precedent for the subject property or other nearby residences. All requests for removal from the HRI are considered independently and evaluated individually against the Town's criteria.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At the time that this report was drafted, no public comments had been received.

ENVIRONMENTAL REVIEW:

The request to remove a pre-1941 property from the historic resources inventory is not subject to CEQA review pursuant to CEQA, Section 15061 (b)(3), because it can be seen with certainty that removing the property from the historic resources inventory will not significantly affect the physical environment.

CONCLUSION:

A. 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 for property zoned R-1:10, located at 142 Wheeler Avenue.

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 to deny the request to remove a pre-1941 property 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: 142 Wheeler Avenue/Appeal of PHST-26-011

DATE: June 18, 2026

EXHIBITS:

1. Location Map
2. Required Findings
3. Historic Preservation Committee Staff Report and Attachments, April 22, 2026
4. Historic Preservation Committee Meeting Minutes for April 22, 2026
5. Historic Preservation Committee Action Letter, April 22, 2026
6. Historic Preservation Committee Staff Report and Attachments, May 27, 2026
7. Historic Preservation Committee Draft Meeting Minutes for May 27, 2026
8. Historic Preservation Committee Action Letter, May 27, 2026
9. Appeal of the Community Development Director decision, received June 2, 2026
10. Supplemental information from appellant
11. National Park Service Bulletin 15