



Agenda Report

22-564

Agenda Date: 5/5/2022

REPORT TO HISTORICAL AND LANDMARKS COMMISSION

SUBJECT

Consideration of a Historical Preservation Agreement (Mills Act Contract) for 1356 Main Street

BACKGROUND

Property owners Brian Dawbin and Mary Ann Salyards are requesting a Historical Preservation Agreement (Mills Act Contract) for the property located at 1356 Main Street. A requirement of the Mills Act is that the building must be a qualified structure, listed on either a local, State or National register. The property is currently listed on the City's Historic Resource Inventory (HRI) for age and the architectural integrity of the residential structure.

The property is located on the west side of Main Street, approximately 135 feet south of Lewis Street. The existing residence is an approximately 2,236 square-foot, two-story Queen Anne Cottage architectural style constructed circa 1887. The main house features a cross-gabled roof and is clad in rustic siding. It is composed of two main blocks, one in the front and the other in the rear, of which the front is the larger. The front porch has an early or original wooden deck accessed by a short staircase with replacement wooden steps, but original carved newel posts and railings. The rear block of the house was originally one story in height but received a major addition in the 1990s. The addition consists of a second story over the original first floor, plus a two-story wrap-around balcony with Victorian-styled posts, newels, and balusters. The exterior of the front block is essentially unchanged since the time of construction, and the interior has many original features as well. The rear block, originally one story in height, has been greatly added to with a second story and two stories of balconies.

The proposal includes approval of a Mills Act Contract and adoption of a 10-Year Restoration and Maintenance Plan associated with the Historical Preservation Agreement.

DISCUSSION

A Department of Recreation (DPR) 523A Form was prepared by William Kostura in August 2021, assessing the historical significance of the property, and is attached to this report (Attachment 2). The evaluator finds 1356 Main Street has been well maintained and its architectural integrity has only been slightly diminished with the historic use of the building remaining the same. The evaluator concluded that the property continues to retain sufficient integrity to qualify as a historic property since first designated as a Historically Significant Property based on the National Register of Historic Places Criteria, the California Register of Historic Resources Criteria and the City's Local Significance Criteria as described in the report.

The property owners have submitted a Statement of Justification and 10-Year Plan for restoration and maintenance of the property. The Plan includes regrading around the perimeter of the residence, re-roofing, window restoration, exterior painting, and kitchen renovation. The property owners will

obtain Significant Property Alteration permits for the work described in the Plan as required by the Historic Preservation Ordinance.

Staff finds that the work proposed in the 10-Year Restoration and Maintenance Plan adheres to the Secretary of the Interior's Standards for Rehabilitation. The proposed improvements support the preservation, protection, and maintenance of a locally designated significant structure.

ENVIRONMENTAL REVIEW

The Mills Act program is exempt from the California Environmental Quality Act (CEQA) environmental review requirements per CEQA Section 15331, which exempts project limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior Standards.

PUBLIC CONTACT

No public comments have been received at the time of preparation of this report.

RECOMMENDATION

Staff recommends that the Historical and Landmarks Commission find that the Mills Act Application and associated 10-Year Plan for restoration and maintenance accomplish the intent of preserving and maintaining the historical significance of the property; and therefore, recommend Council approval of a Mills Act Contract, and the adoption of a 10-Year Restoration and Maintenance Plan associated with the Historic Preservation Agreement.

Prepared by: Nimisha Agrawal, Associate Planner, Community Development

Approved by: Lesley Xavier, Planning Manager, Community Development

ATTACHMENTS

1. Legal Property Description
2. Historic Survey (DPR 523A Form)
3. Secretary of the Interior's Standards for Rehabilitation
4. Statement of Justification
5. 10-Year Restoration and Maintenance Plan
6. Draft Historic Property Preservation Agreement (Mills Act Contract)

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 269-05-029

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

ALL OF LOT 6 IN BLOCK 4 NORTH, RANGE 2 WEST OF THE CITY OF SANTA CLARA, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF THE TOWN AND SUB-LOTS OF SANTA CLARA" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON AUGUST 22, 1866 IN BOOK B OF MAPS, AT PAGE 103, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF MAIN STREET, DISTANT THEREON 102.50 FEET SOUTHERLY FROM THE POINT OF INTERSECTION OF THE WESTERLY LINE OF MAIN STREET, WITH THE SOUTHERLY LINE OF LEWIS STREET: THENCE SOUTHERLY AND ALONG THE WESTERLY LINE OF MAIN STREET 63 FEET; THENCE RUNNING WESTERLY AND PARALLEL WITH THE SOUTHERLY LINE OF LEWIS STREET, 152.50 FEET; THENCE RUNNING NORTHERLY AND PARALLEL WITH THE WESTERLY LINE OF MAIN STREET 63 FEET; THENCE RUNNING EASTERLY AND PARALLEL WITH THE SOUTHERLY LINE OF LEWIS STREET, 152.50 FEET TO THE POINT OF BEGINNING.

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
 HRI # _____
 Trinomial _____
 NRHP Status Code _____

Other Listings _____
 Review Code _____ Reviewer _____ Date _____

Page 1 of 33 *Resource Name or #: (Assigned by recorder) 1356 Main Street

- P1. Other Identifier:** _____
P2. Location: Not for Publication Unrestricted *a: County Santa Clara
 and (P2c, P2e, and P2b or P2d. Attach Location Map as necessary.)
 *b. USGS 7.5' Quad _____ Date _____ T _____; R _____; _____ 1/4 of _____ 1/4 of Sec _____; _____ B.M.
 c. Address 1356 Main Street City Santa Clara Zip 95050
 d. UTM: (Give more than one for large and/or linear resources) Zone _____; _____ mE/ _____ mN
 *e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This property falls within the Old Quad area of Santa Clara, which contains hundreds of houses dating from the 19th century through the 1930s, along with many newer buildings. Old Quad encompasses the area bordered by Scott Boulevard to the west, Newhall Street to the south and east, and the railroad tracks to the north and east. A moderate number of houses in this area date to the 1850s-1880s, and very large numbers date to the 1890s-1900s. Along the eastern edge of the neighborhood is Santa Clara University, which consists of about eight large buildings dating from 1911-1930, plus newer buildings. By contrast, Santa Clara's historic downtown was razed in the 1960s through urban renewal.

(See Continuation Sheet, page 2.)



- *P3b Resource Attributes: (List attributes and codes) _____
***P4. Resources Present:** Building
 Structure Object Site District Element of District Other (isolates, etc.)
P5b. Description of Photo:
 (View, date, accession #)
View looking west, August 2021
***P6. Date Constructed/Age and Source:** Historic
 Prehistoric Both
ca. 1887
***P7. Owner and Address:**
Brian Dawbin
1356 Main St.
Santa Clara, 95050
***P8. Recorded by:** (Name, affiliation, and address)
William Kostura
P. O. Box 60211
Palo Alto, CA 94306
***P9. Date Recorded:** _____
August 2021
***P10. Survey Type:** (Describe). intensive

- P11. Report Citation*:** (Cite survey report and other sources, or enter "none".) none
***Attachments:** NONE Location Map Sketch Map Continuation Sheet Building, Structure and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List)

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Resource Identifier: 1356 Main Street

Recorded by William Kostura

*Date August 2021

Continuation Update

Description (continued)

The subject house, 1356 Main Street, is situated between Lewis and Harrison streets on a suburban lot measuring 63 feet in width by 152'-6" in depth. The house is set back from the front property line enough to allow for a spacious front yard. In the back yard are two outbuildings. Although two outbuildings existed in the back yard in historic times, the present buildings are almost certainly different structures and are relatively recent in date. One of them is a small shed with a hipped roof and greatly extended eaves that are supported by square posts. The other is an open car port with open sides that was built in the 1995 or a little later. Both of these small buildings employ shaped, curved brackets in emulation of the Victorian era.

The house itself is two stories in height, is wood-framed in construction, has a cross-gabled roof, and is clad in rustic siding. It is composed of two main blocks, one in the front and the other in the rear, of which the front is the larger. The next seven paragraphs describe the exterior of the front block.

This front block is L-shaped, with a forward wing at right, facing east (toward the street), a recessed wing at left, and a porch that fills the recess. The roof is gabled on three sides, with a front-facing gable over the forward wing (at right) and side gables facing north and south. On all sides the eaves are boxed and extend slightly beyond the walls of the house.

As mentioned above, the front porch fits into the angle of the two wings, all but filling the recess. It stretches almost, but not quite, the full width of the recessed wing behind it. Turned posts with decorative brackets and a course of spindles support the sloping wooden porch roof. The porch has an early or original wooden deck which is accessed by a short staircase with replacement wooden steps. The staircase has original carved newel posts and railings with stick-like balusters. These balusters, and similar balusters in the porch railing, are lightly scored to create texture.

The house is given its Queen Anne style through its form and a number of decorative elements. In the upper zone of the front gable, between the apex and a molded cornice, are courses of squares with incised bulls-eyes. Small curved brackets or corbels support the cornice. Beneath this, the second story is clad in decorative shingles with clipped bottom edges. The first story of this wing is expressed as a bay window with slanted sides. At the top of the bay window, curvilinear brackets with sunburst patterns and pendant knobs give visual support to the overhang of the second story. A panel filled with diagonal boards can be found over the first story window and transom. Rectangular panels can be found at the base of the bay window on all three sides.

On its south side, the recessed wing (at left) is treated similarly to the forward-facing wing: gabled, with boxed eaves; a cladding of fish-scale shingles in the gable; a first story treated as a bay window with slanted sides and sunburst brackets; panels filled with diagonal boards over the lower window; and panels at the base. The main difference is the lack of a cornice at the second floor level.

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Resource Identifier: 1356 Main Street

Recorded by William Kostura

*Date August 2021

Continuation Update

Description (continued)

On the north side (at right) is a gable that corresponds with the gable on the south side. This gable is flush with the wall and is also surfaced with fish-scale shingles.

All windows in the front block appear to be original, with wooden sash surrounded by flat board trim. With one exception, all windows are double-hung. The exception is in the first story of the forward-projecting wing at right. Here, a fixed transom window can be found over a large, fixed single-light window. The transom window is divided by muntins in a decorative pattern. All of the first story windows have wooden sills. The windows on two sides of the upper story — facing the street and on the south side — are paired, with narrow supporting moldings instead of sills. Two windows in the north side are similar, though they are slightly separated rather than engaged.

One more feature in the front block remains to be described. The front door is wooden, with five panels, of which the center panel is filled with decorative pyramidal studs. This door retains its original tooled brass hardware (knob and plate).

The rear block of the house was originally one story in height but received a major addition in the 1990s. (The plans for this addition are dated 1995. Building permits suggest the addition may not have been completed until 1999.) The only notable feature in the original first story is a set of paired windows with double-hung sash, flat board trim, a wooden sill, and narrow molded supporting brackets on the south side. The addition consists of a second story over the original first plus a two-story wrap-around balcony with Victorian-styled posts, newels, and balusters.

The interior has a number of original features, including a staircase with carved newel post and turned balusters, a fireplace with wooden mantle, an arched passageway with corbels between rooms, paneled doors, and window and door trim that is typical of late 19th century houses.

To sum up the integrity of this house: The exterior of the front block is essentially unchanged since the time of construction, and the interior has many original features as well. The rear block, originally one story in height, has been greatly added to with a second story and two stories of balconies.

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*NRHP Status Code _____

*Resource Name or # (Assigned by recorder) 1356 Main Street

B1. Historic Name: Nathan H. Downing house

B2. Common Name: _____

B3. Original Use: residence B4. Present Use: residence

*B5. Architectural Style: Queen Anne

*B6. Construction History: (Construction date, alterations, and date of alterations)
House built 1887. Rear addition and carport built in 1995 or 1999..

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features:

B9a. Architect: unknown b. Builder: unknown

*B10. Significance: Themes history, persons, architecture Area local (Santa Clara)

Period of Significance 1887-1925 Property Type residence Applicable Criteria 1, 2, 3

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

History

This section includes a timeline and brief history of the Old Quad neighborhood of Santa Clara; the history of the subject house; and a brief description of Queen Anne-style houses in Santa Clara that puts the architecture of this house in context.

Old Quad history

The Old Quad covers the quadrangle shown in an 1866 survey by J.J. Bowen. It encompasses the area bordered by Scott Boulevard to the west, Newhall Street to the south and east, and the railroad tracks to the north and east. The area includes Santa Clara University, which was once the site of Mission Santa Clara. Generally speaking, the Old Quad is the oldest part of Santa Clara. The overwhelming majority of its historic buildings are located here.

(See Continuation Sheet, page 5.)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

See Continuation Sheet.

B13. Remarks:

*B14. Evaluator: William Kostura

Date of Evaluation: August 2021

(This space reserved for official comments.)

(Sketch map with north arrow required)

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Resource Identifier: 1356 Main Street

Recorded by William Kostura

*Date August 2021

Continuation Update

Old Quad history (continued)

Major factors in Santa Clara's growth and economy include:

1777. Founding of Mission Santa Clara de Asis by the Franciscan order of Spain. This mission was secularized by Mexico in 1833 but the mission chapel continued to function as a church afterward. It was enlarged and rebuilt several times over the next century.

1851-present. After the takeover of California by the United States, the Jesuits acquired the mission and established Santa Clara College in 1851. It became known as the University of Santa Clara in 1912 and as Santa Clara University in 1985. The older buildings on this campus date to the period 1911-1930 and were designed by architects Will D. Shea, John J. Donovan, and Henry A. Minton. The chapel of 1928 was designed by Minton to replicate the old adobe mission building of ca. 1824.

1852. The City of Santa Clara incorporates.

1863. The railroad connecting San Francisco and San Jose reaches Santa Clara. The railroad depot still stands, now at 1005 Railroad Avenue.

1885-1990s. Agnew's State Hospital. The Victorian building of 1885 collapsed in the earthquake of 1906, with great loss of life. New buildings were built from 1908 through the 1910s to designs by the State Architect George C. Sellon. After the campus was sold to Sun Microsystems in the late 1990s, only the best four of the Agnew's buildings were retained, and the rest were demolished.

1890s-1950s. Santa Clara Tannery. This long-lasting business occupied many wooden buildings at the northeast corner of Lexington and Grant streets.

1890s-1960s. The Pacific Manufacturing Company was a huge business occupying many buildings in the block of Alviso, Bellomy, Grant, and Locust streets, plus warehouses and sprawling lumber yards in adjacent blocks. It made coffins, window sash, doors, blinds, cabinets, and windmills.

1910s-1960s. Fruit canning. There were several canneries in Santa Clara during these decades, but three were the largest and longest lasting: Rosenberg Brothers and Company; the Pratt-Low Preserving Company; and Libby, McNeill and Libby. Pratt-Low's complex included a huge one-story cannery building plus 25 seasonal workers' cabins in 1915, and by 1950 it had expanded to include over 100 workers' cabins. By 1950 Rosenberg Brothers had absorbed Libby, McNeill and Libby, and by 1961 Rosenberg Brothers had been taken over by the Mayfair Packing Company. Collectively, these canneries were probably the largest employer in the City of Santa Clara during most of the 20th century.

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Continuation Update

Old Quad history (continued)

1960s-present. The semiconductor industry becomes important in Santa Clara.

1963. The city's old downtown is razed in order to receive funding from the federal government for urban renewal.

To the above list should be added Santa Clara's close proximity to the city of San Jose, where some Santa Clara residents worked.

The demolition of the city's old downtown was a major historical loss, but the built environment in Santa Clara is otherwise able to represent, or evoke, important themes in Santa Clara's early history. An adobe house at 3260 The Alameda (now the Santa Clara Women's Club) is a ca. 1790s building that was part of the Spanish-era mission complex. The Berryessa adobe at 373 Jefferson Street (late 1840s) represents the Mexican or very early American period. Two other early properties evoke Santa Clara's early agricultural economy. The older is the James Lick flour mill complex, at 4101 Lick Mill Boulevard, at Mansion Park Drive. Its four buildings were built in 1857, the 1860s, and the 1880s and include a granary, a house, an office, and a hall. The Harris-Lass house at 1889 Market Street (1865) includes a farmhouse, a barn, a water tank, and farming implements. As mentioned above, four early twentieth century buildings survive at Agnew's State Hospital, and about eight buildings from 1911-1930 survive at Santa Clara University.

Most prolifically, the Old Quad area is filled with hundreds of 19th and early 20th century houses that retain good to high integrity. A few houses date to the 1850s, a moderate number date to each decade of the 1860s, 1870s, and 1880s, and very many date to the 1890s-1930s. While it is beyond the scope of this report to describe these houses in any detail, it can be said that they range from modest, vernacular working-class houses to large houses built for the well-to-do. Houses in the latter group are often elaborately decorated, but smaller houses, especially those built before the 1920s, often possess fine details as well.

Because the subject house is a Queen Anne dating from the 1880s, a number of similar houses of the period and style are illustrated below.

The first owners of this house, the Downings

This house is listed in the City of Santa Clara's Master Plan (in its Historic Preservation and Resource Inventory page) as the Nathan H. Downing house, with a construction date of "ca. 1887." Primary source research supports both this construction date and the identity of the first owner.

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The first owners of this house, the Downings (continued)

Nathan Hall Downing (1852-1905) was a native of Missouri, where he worked as a farmer. In 1878 he and his wife Ida (b. 1853) lived in Knox County, where their twin daughters Bertha and Bernice were born. The family came to California in about 1885, to the East Bay town of Livermore, and the following year, in April 1886, Nathan purchased a newspaper, the Livermore Valley *Review*. It was, a newspaper notice said, “to be independent in politics.”

The Downings stayed only briefly in Livermore. By January of 1887 they were living in Santa Clara and Nathan Downing had purchased another newspaper, the Santa Clara *Journal*, which had been founded in 1867 as the Santa Clara *News*. Under Downing’s proprietorship it became an energetic booster of Santa Clara’s prosperity. On July 4th, 1887, he published a special edition that touted the attractions of the Santa Clara Valley and of the town itself. A nearby newspaper, the San Jose *Herald*, offered high praise at the time. It said Downing “is determined to push his lovely town into the front rank, and... has with tireless energy and courage swept every obstacle aside and is rapidly bringing Santa Clara the prominence she deserves.” Until Downing came along, it said, “such enterprise was unknown” in Santa Clara, and the town “had no home Ajax to fight her battles.” Among other issues, the *Journal* favored the establishment of a cable railroad through the town. Both of the San Jose newspapers — the *Herald* and the *Mercury News* — made frequent mentions of the Downings, with occasional praise of his newspaper.

The paper was a semi-weekly in the 1890s and probably before then as well. To supplement his newspaper income, Downing may have done job printing on the side. This can be inferred by the fact that his occupation in the 1900 census is given as a “printer” and the fact that he issued a calendar on one occasion.

The Downings’ almost certainly built their residence at 1356 Main Street in 1887, soon after their arrival in Santa Clara. Many news items and city directory listings note their location here. To work backward in time: When Nathan H. Downing’s death in December 1905 was noted in the San Jose *Mercury News*, his residence was given as 1356 Main Street. City directory listings of 1901-1905 also list their address as 1356 Main, while directories of 1892 and 1894 list their address as Main near Lewis. In 1893, a brief notice in the San Jose *Herald* stated that the Downings celebrated their fifteenth wedding anniversary at their Main Street residence. In September 1889 the Downings’ son Carl, aged seven, died of diphtheria at the family home “on Main Street.” In 1888, close relatives and in-laws of the Downings, Mr. and Mrs. W. R. McQuoid of Kansas City, had come to reside in Santa Clara at the corner of Main and Lewis streets. They probably lived either with or very near the Downings. (Mr. McQuoid was in the area in order to work for Hubert Howe Bancroft in writing the history of California, Oregon, and Washington Territory.) Thus, the Downings appear to have been living in the subject house by 1888, and certainly in 1889.

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Recorded by William Kostura

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Continuation Update

The first owners of this house, the Downings (continued)

Upon N. H. Downing's death in December 1905 the *Journal* was inherited by his daughters Bertha and Bernice, each age 27, and they were the proprietors, publishers, and editors of the newspaper for the next 20 years. They probably divided the tasks among themselves; for instance, local city directories for this period list Bernice as the manager and Bertha as the editor. Bertha must have assumed greater duties in 1922, when Bernice was appointed Santa Clara's postmaster, a job she held for twelve years under three Republican presidents. Under the twin sisters, the *Journal* remained a semi-weekly. Without giving more detail, Bernice's entry in Wikipedia states that "They transformed the Santa Clara *Journal* from a free press to a paying proposition." Bernice sold the newspaper in September 1925, less than three months after Bertha's death. In the same year, Bernice moved out of this house to live on Franklin Street in Santa Clara.

Both women were state officers in a national organization, the League of American Pen Women. Bernice was also a state vice-president of the National Editorial Association. For several years she was a member of the Santa Clara County Republican Committee — in 1914 she received the most votes among its five candidates — and according to her obituary Bertha was a member of this committee also. Bernice clearly had a dynamic personality. Numerous newspaper articles mention her popularity as a speaker before different groups around the Bay Area and in cities further south. Some time after 1930 she moved to San Jose, where she died in 1940.

Subsequent owners and residents of the house

Because the Santa Clara County offices have been closed this year, performing a chain of title is not possible at present. Of the residents listed below, the Murrays and Pasins are known (from their census listings) to have owned this house as well as lived here; Johnson and the Macedos are only known to have resided here.

1926: Joseph F. Johnson, no known occupation.

1928-1934: William L. and Melba Murray, both natives of Louisiana. His work always involved the repair and driving of motor vehicles. In 1926 and 1928 he was a "batteryman," in 1927 he was a tractor operator, during 1930-1931 he was an auto mechanic in a garage, in 1932 he was a truck driver, and during 1933-1934 he was a chauffeur. In contrast to the Downing family, the Murray family members were registered as Democrats in the 1932 voter lists. In 1935 the Murrays moved to 1310 Main Street, and then, from 1939 into the 1960s, they lived at 1386 Main Street.

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Continuation Update

Subsequent owners and residents (continued)

1935-1950: Angelo C. and Catherine Pasin, natives of Italy and Spain, respectively. He always owned a barber shop on Franklin Street in Santa Clara. In 1935-1939 he co-owned this business as Lavinio and Pasin. The Pasins lived here with their daughters Rose and Victoria.

1955-1965. Mrs. Albertina Masedo, no known occupation, lived here through 1964. Her relative Julio (Jules), occupation also unknown, usually lived here, too, through 1965.

The Queen Anne style

The style of this house is Queen Anne. That style originated in England as an urban residential style that emphasized delicate surface ornament, usually on brick buildings. When the style was introduced to the United States in 1874 by Henry Hobson Richardson, with his W. Watts Sherman house in Rhode Island, it was in a very different, suburban, wood-framed mode.

East coast styles typically took a decade or so to arrive in California, and Queen Annes only began to be built in any numbers in San Francisco in about 1885. A few years more were required for the style to find its way to smaller cities and towns, but then it remained common through the 1890s and persisted into the first years of the 20th century. Thus, an 1887 construction date for the N. H. Downing house is both plausible and fairly early for Santa Clara.

In California, Queen Anne houses almost always have front-gabled roofs, a bay window with slanted sides beneath the gable, decorative shingles within the gable, and abstract surface ornament carved from redwood. In San Francisco, these houses are usually on narrow lots and have a vertical emphasis. In smaller cities and towns such as Santa Clara, where wider lots are the rule, houses are typically only one story plus an attic and basement in height, have a recessed wing fronted by a covered porch, and are horizontal in their emphasis.

Approximately 60 Queen Anne houses are listed on the “Historic Preservation and Resource Inventory” page of the City of Santa Clara’s website. Construction dates for these houses range widely, from 1866 to 1910. The few dates that pre-date the mid-1880s are almost certainly incorrect, and even 1885 (the date given to four houses) seems too early.

In all likelihood the subject house, with its construction date of 1887, is one of the very earliest Queen Anne-style houses in Santa Clara.

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Integrity

The only notable alteration to this house has been a second story addition with covered balconies to the rear block. This was a large addition that comprises perhaps a quarter or a third of the total bulk of the present house. It left the original one-story rear wing in place, building on top of it and preserving an original paired window on the south side of that wing.

This addition left all three sides of the front block of the house intact. As is usual with historic houses in Santa Clara, the front is the part that has the important style features and conveys the Queen Anne style. Important elements such as the covered porch with turned posts, window sash, siding, and other details remain. Thus, the house retains integrity of design, materials, workmanship, and feeling. Because the house has never been moved, it retains integrity of location. Because the house would be readily recognizable to the early residents, it also retains integrity of association.

Regarding setting, a slight majority of the houses on both sides of this block of Main Street date from the 19th or early 20th centuries and are little altered. Thus, the setting of this house is mostly retained for that period but is somewhat diminished.

Evaluation to California Register Criteria

The California Register of Historical Resources is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

In order for a property to be eligible for listing in the California Register, it must be found significant under one or more of the following criteria:

* Criterion 1 (Events): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

* Criterion 2 (Persons): Resources that are associated with the lives of persons important to local, California, or national history.

(See Continuation Sheet, page 11.)

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Continuation Update

Evaluation to California Register Criteria (continued)

* Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

* Criterion 4 (Information Potential): Resources or sites that yield or have the potential to yield information important to the prehistory or history of the local area, California, or the nation. This criterion relates mostly to archaeology and so is not considered here.

Criterion 1. A moderate number of houses in the Old Quad neighborhood of Santa Clara are older than this one. One has been dated to the 1770s, one has been dated to the 1840s, and a scattering date to the 1850s-1880s. As a percentage of all of the houses in the Old Quad area, however, this house is still one of the oldest. Only a small percentage date to the year 1887 or earlier. The house thus represents an early period in Santa Clara's history when the town was just starting to transition from rural to suburban in feeling. Because of its age, its high integrity, and its ability to represent this early period of Santa Clara's history, this house appears to be eligible for the California Register at the local level under this criterion. The Period of Significance under this criterion is 1887-1910s, the first three decades of the house's history and a period when much of the Old Quad area was still being developed.

Criterion 2.

Both collectively and individually, three of the Downing family members, Nathan and his daughters Bernice and Bertha, were important in Santa Clara's history. Nathan Downing purchased the city's only newspaper, the *Santa Clara Journal*, and according to another (San Jose) newspaper raised it to another level while he published it for nineteen years, from 1886 until his death in 1905. He used this newspaper as a means of advocating for Santa Clara's growth. His twin daughters then published and edited the paper for the next twenty years, until Bertha's death in 1925. They were prominent in Santa Clara society in other ways as well, including as members of the County's Republican Central Committee, and, in Bernice's case, as the local Postmaster and as a frequent public speaker.

These are strong credentials for the Downings' importance in Santa Clara's history from 1886 until 1925. The family lived in this house for almost all of that period, from 1887 to 1925.

For these reasons, the subject property appears to be eligible for the California Register under this criterion. The Period of Significance is 1887-1925.

(See Continuation Sheet, page 12.)

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Continuation Update

Evaluation to California Register Criteria (continued)

Criterion 3

This is a fine example of a Queen Anne residence, and is one of the oldest houses of this style in Santa Clara. It must also be one of the oldest in the Bay Area. It has many of the features that is commonly associated with suburban examples of the style, including its gabled roof, a recessed wing whose angle is filled by a covered porch with turned posts, decorative shingles in the gable, brackets with sunburst patterns, and other decorative elements. While the rear addition is large, it is all but invisible from the front of the house. On the front, north side, and south side this house still clearly expresses its original Queen Anne design.

For this reason, the property does appear to be eligible for the California Register under this criterion at the local level. The Period of Significance is 1887, the year of construction. If a census is ever performed on the earliest surviving Queen Anne houses in the wider Bay Area, this house might also be found to be eligible at the regional level.

Contributing features

All of the contributing features of this house are found in the two-story front block of the house. They include:

- * its footprint, height, and width
- * all three gables with their boxed eaves and decorative shingles
- * in the front gable, the courses of squares with bulls-eyes, and the molded cornice with supporting brackets of corbels
- * the bay windows with slanted sides on the front and south sides
- * the rustic siding
- * the front porch with its sloping roof, turned posts, newel posts, curved brackets at the top of the posts, the railing and the balusters, and the wooden deck
- * the paneled front door with its tooled hardware
- * the sunburst brackets at the top of the first story in the bay window

(See Continuation Sheet, page 13.)

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Evaluation to California Register Criteria (continued)

- * the double-hung windows with their sills and flat board trim
- * the fixed window in the front plane of the bay window, and its muntins, and
- * the panels with diagonal boards over the first story windows in the bay windows.

The parts of the property that are not character-defining include:

- * the landscaping of the front and back yards
- * the non-original steps of the front porch
- * the rear block of the house, because the addition of the 1990s overwhelms the part in the first story that is original, and
- * the shed and car port in the back yard.

Evaluation under City of Santa Clara criteria

The Criteria for Local Significance were adopted on April 20, 2004, by the City of Santa Clara City Council and are listed under Section 8.9.2 of the City of Santa Clara General Plan, Criteria for Local Significance. Under this section of the General Plan, any building, site, or property in the City that is 50 years old or older and meets certain criteria of architectural, cultural, historical, geographical or archeological significance is potentially eligible.

The subject property appears to meet the following local criteria:

Criterion for Historical or Cultural Significance

3. The property is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

The original owners of this house, the Downings, owned the *Santa Clara Journal* from 1886 through 1925. Nathan H. Downing, in particular, was noted for raising the importance of the newspaper and for using it as a vehicle for promoting the city of Santa Clara, while his daughters Bernice and Bertha, in addition to publishing and editing the paper, were notable figures in Santa Clara in other ways. Both were members of the County's Republican Central Committee, and Bernice was the local Postmaster and a frequent public speaker. *(See Continuation Sheet, page 14.)*

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Evaluation under City of Santa Clara criteria (continued)

4. The property is associated with a significant industrial, institutional, commercial, agricultural, or transportation activity.

This house is almost certainly the last building in Santa Clara that has a close association with the Santa Clara *Journal*, the city's only newspaper for many years.

5. A building's direct association with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.

This house was built in 1887 and is one of many in Old Quad that predate World War II. After that war, rapid suburban growth changed the character of the larger city. This house, and hundreds of other houses in Old Quad from the 1850s-1930s, collectively create the feeling that Santa Clara is a historic city. This feeling remains strong and depends on the fact that so many houses from these decades can still be found in almost all parts of Old Quad. In addition to its individual significance as an early Queen Anne house (see below), this house contributes to the historic feeling of the Old Quad area.

Criterion for Architectural Significance

1. The property characterizes an architectural style associated with a particular era and/or ethnic group.

Built in 1887, this house is a very early and a distinctive example of the Queen Anne style. Its notable features are listed elsewhere in this report.

7. A building's notable or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, details, fenestration, ornamentation, artwork or functional layout.

This house features a recessed wing with a covered porch filling most of the recessed area. This form is common among Queen Anne houses in Santa Clara and is both highly functional and aesthetically pleasing. The carved newel posts, turned porch posts, and balusters draw visual attention to this part of the house. Elsewhere, on the front and south sides, bay windows with slanted sides and with sunburst brackets highlight the house's Queen Anne style.

References

City of Santa Clara General Plan. 8.9. "Historic Preservation and Resource Inventory." 1356 Main Street is listed as the Nathan H. Downing house, built ca. 1887. Recent research supports this construction date.

(See Continuation Sheet, page 15.)

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References (continued)

San Jose and Santa Clara city directories 1892-1965 for residents of this house.

United States Voter Registrations of 1932 for William and Melba Murray. From Ancestry.com.

U. S. censuses of 1880 to 1940 for residents of this house.

“Bernice C. Downing.” Wikipedia website entry. Primary source research supports many of the points made in this profile.

Building permits at the City of Santa Clara. The earliest available permits, for foundation work and the rear addition, date to the 1990s.

Newspaper articles on the Downings (in chronological order):

“Oakland.” *Alta California*, April 6, 1886. N. H. Downing, a recent arrival from the East, has purchased the *Livermore Valley Review*.

“Santa Clara News.” *San Jose Mercury News*, January 16, 1887. N. H. Downing owns the *Journal* and lives in Santa Clara.

“Labor and Land Values.” *San Jose Herald*, July 5, 1887. N. H. Downing became proprietor of the Santa Clara Journal about one year ago. High praise for the paper.

“Santa Clara.” *San Jose Mercury News*, March 1, 1888. W. R. McQuoid of Kansas City, a close relation of N. H. Downing, is in town.

“A Severe Fall.” *San Jose Mercury News*, April 25, 1888. The McQuoids to reside at the corner of Main and Lewis streets.

San Jose Herald, April 18, 1893. The Downings’ anniversary party at their Main Street residence.

“The Santa Clara Journal.” *San Jose Mercury News*, April 1, 1894. Praise for N. H. Downing’s *Journal*.

“Died.” *San Jose Mercury News*, December 15, 1905. Death of Nathan H. Downing.

“Santa Clara Trustees....” *San Jose Mercury News*, September 9, 1914. Election of Bernice Downing to the Republican County Central Committee.

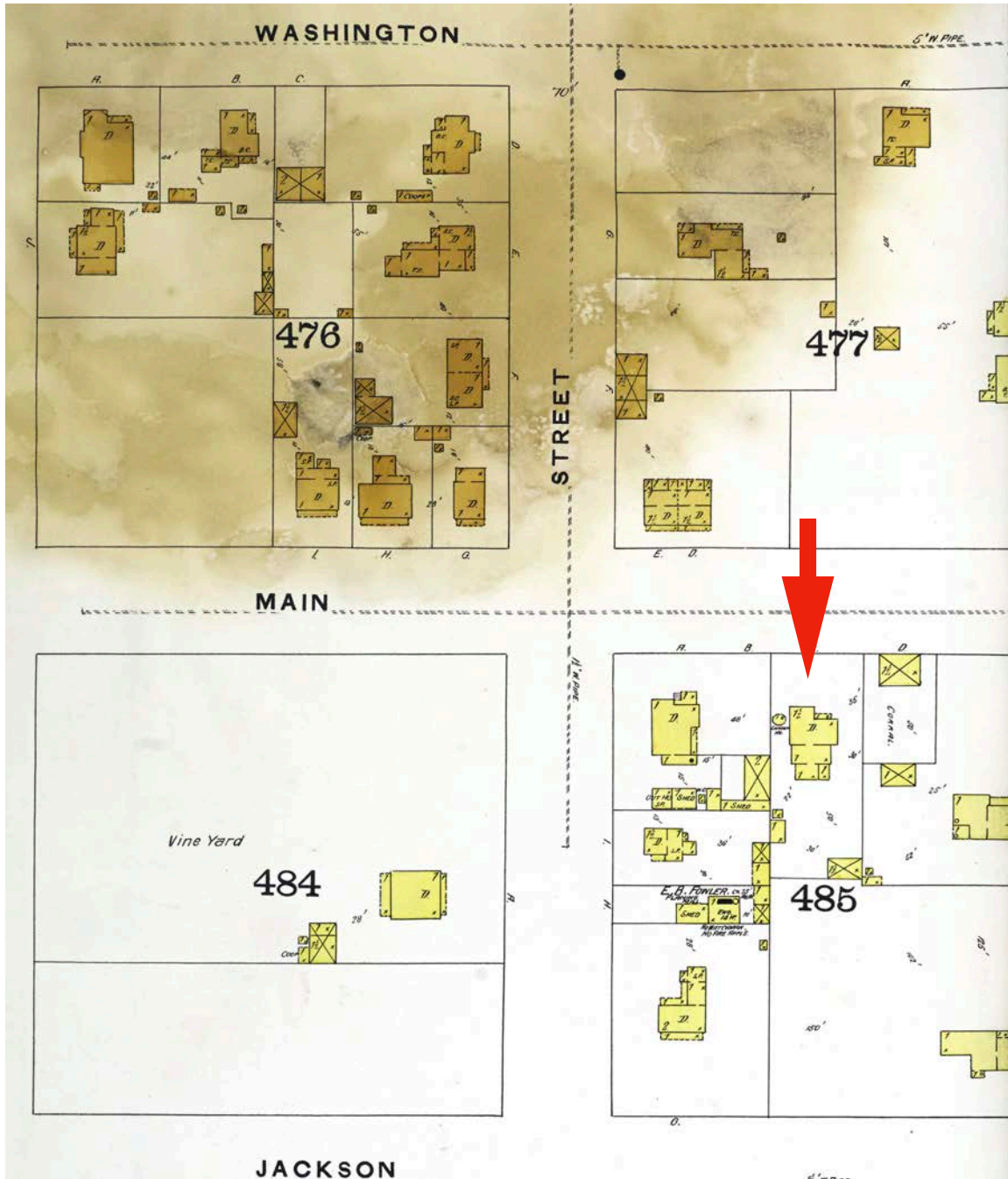
“California News Briefs.” *Livermore Journal*, June 20, 1925. Death of Miss Bertha Downing.

“Newspaper Is Sold.” *Humboldt Journal*, September 9, 1925. Bernice Downing sells the Santa Clara Journal.

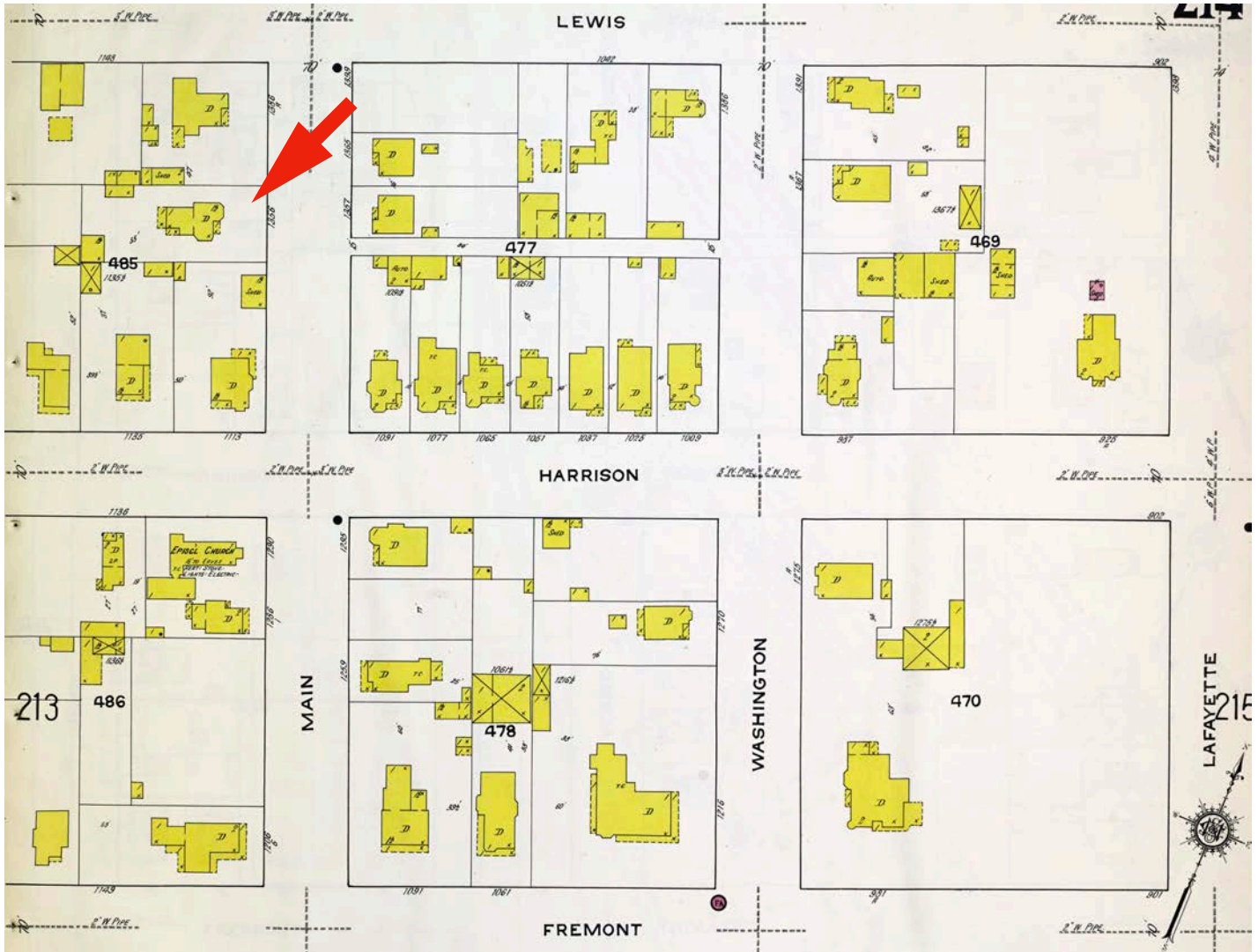
“Pen Women’s League.” *Press-Democrat*, March 26, 1927. Bernice C. Downing is the state v-p of the League of American Pen Women.

“Bernice Downing in San Jose.” *Santa Cruz Evening News*, September 27, 1940.

Sanborn insurance maps



1891 Sanborn map, page 35L. Red arrow points to subject house.



1915 Sanborn map, page 214

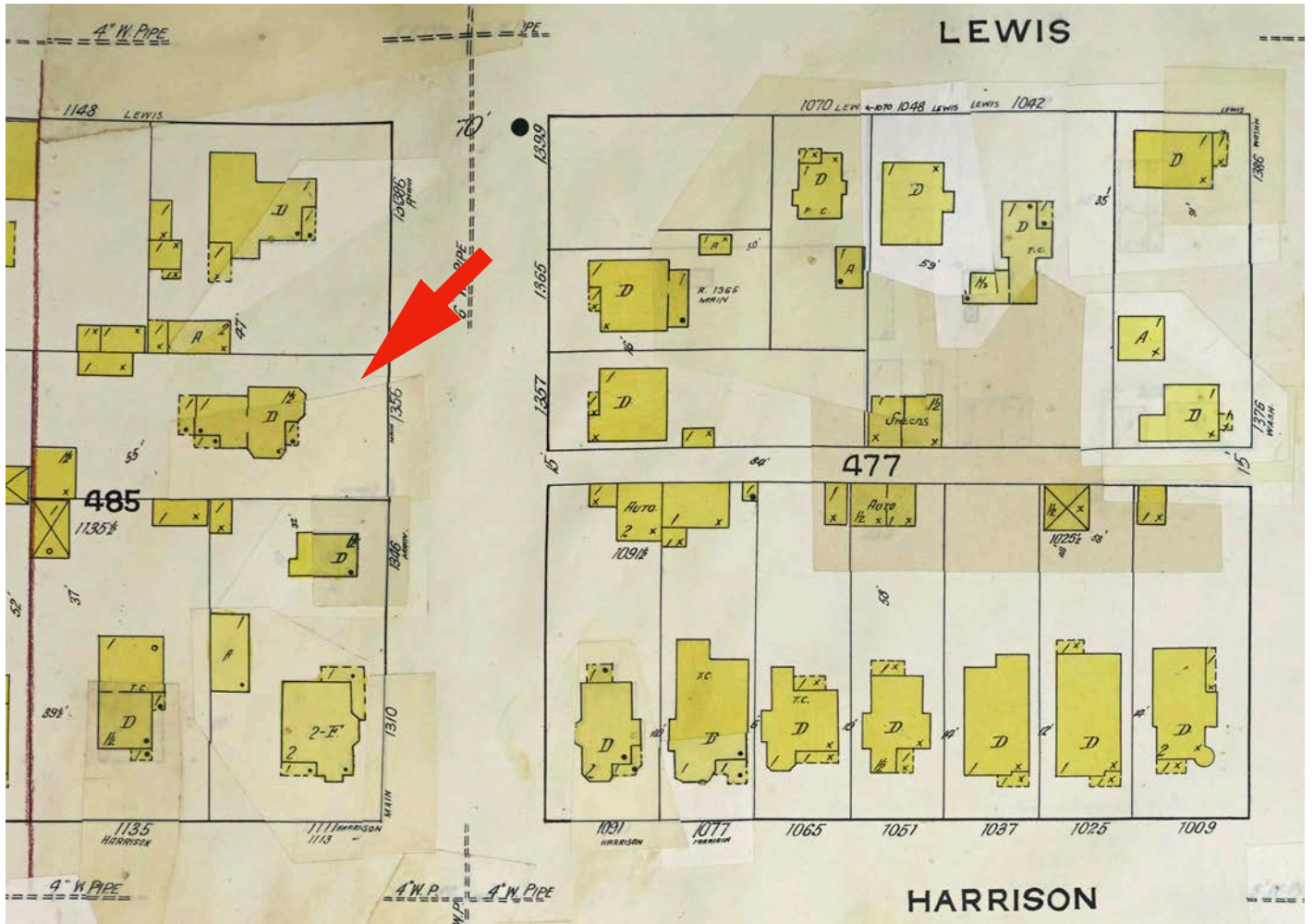
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1950 Sanborn map, page 214

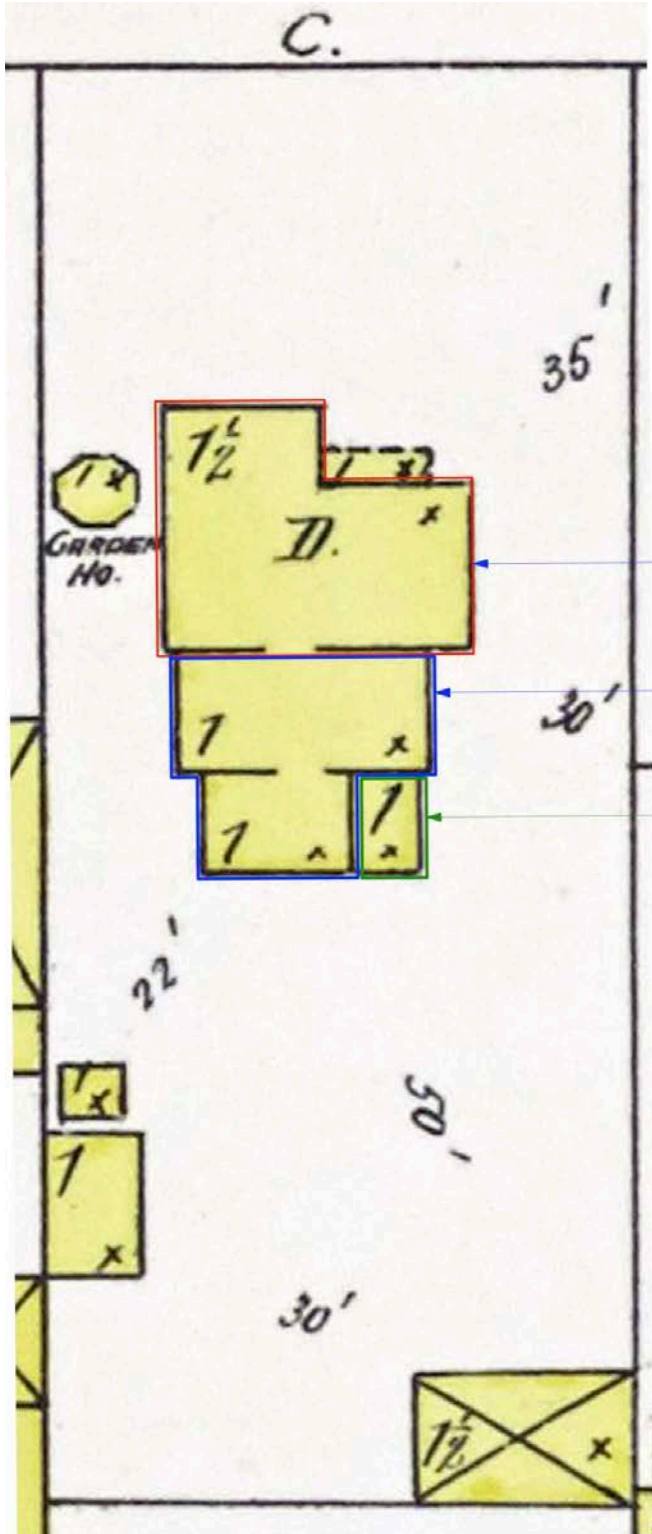
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THIS PORTION OF THE HOUSE WAS THE ONLY 2-STORY PORTION. NOTE THAT THEY LABELLED AS "1-1/2" BECAUSE IT HAS PARTIAL-HEIGHT WALLS. THE "D." MEANS DWELLING.

THIS PORTION OF THE HOUSE IS NOTED AS 1-STORY

BASED ON PHOTO, THIS AREA APPEARS TO BE THE ORIGINAL PORCH (ALTHOUGH A PORCH IS USUALLY SHOWN WITH A DASHED LINE (SEE FRONT PORCH))

1891 Sanborn map, annotated by Rob Meyer.

The front part of the house is outlined in red. It is two stories in height (though labeled as 1 1/2 stories on the map).

The rear block of one story, outlined here in blue and green, was retained in the 1990s addition, but a second story and a two-story balcony was added here.

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1980s historic inventory sheet, with enlarged cropped image below



2. 1356 Main 1887 (Est.)
2 Story Queen Anne cottage. The most impressive Victorian and the largest of the cluster, the structure shows an unusual amount of wooden ornament on the front porch and under the cut-out corners of the 2 angled bay windows. The lot size is also larger with a mature Washington palm which suggests that the house was one of the first in the neighborhood. 1356 Main is first listed in the 1889 City Directory and the 1891 Sanborn map.



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Photographs of the subject house



Front showing some of the yard with recent landscaping

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Front of house

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At left and above: Front gable with detail

At right and below: Fixed window with transom and panel in the first story bay window.



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Above: Front porch

At right: Sunburst brackets with knob pendant in the corner of the bay window.



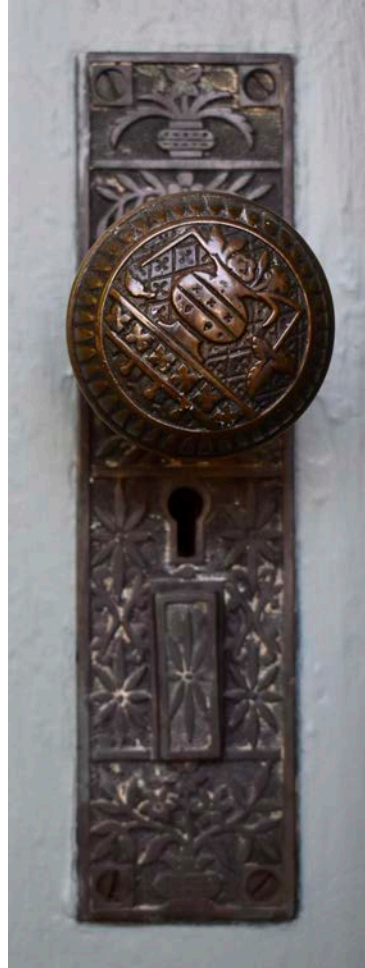
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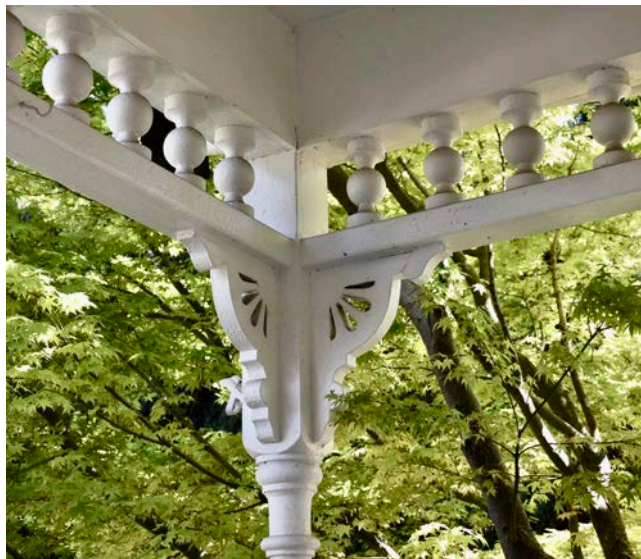
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Front door with detail of hardware.

Bottom row: Porch balusters and sunburst brackets.



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Front porch: Newel posts, balusters, railings, deck, and steps.

Below: The north side of the house.



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The gabled south side of the front block of the house, with detail.



At left: Paired double-hung windows on the south side of the original first story of the rear block of the house.

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Four photos of the rear addition, including a detail of the railing. All of this fabric dates to 1995 or 1999.



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Shed with Victorian style posts



Car port of 1995 (or 1999)



Back yard landscaping

Other Queen Anne houses in Santa Clara

This page shows a range of other houses in this style. The subject house is oldest of these. Dates are from the preservation chapter of city's Master Plan or from plaques on the houses.



981 Fremont Street (1892)



1309 Alviso Street (1890)



1009 Harrison (1895)



1494 Homestead (post-1890)



1065 Harrison Street (ca. 1891)



1051 Harrison (1891).



1474 Homestead Road (n.d.)



1380 Lincoln (1895)



1567 Lexington St. (1890)



1059 Madison Street (1890)



1695 Market Street (1895)



1116 Washington (1892)

At right:

1460 Main Street (ca. 1890)
784 Monroe Street (1895)



Plans for the rear addition of 1995

Existing

Addition

Radwood siding to match existing siding
 Composition Shingles
 Same roof pitch as existing roof
 Gingerbread to match existing back porch
 Posts & railings to match existing back porch
 Crown molding
 Windows to match existing windows (see details 2 - front view)
 Crown molding
 Triple wall metal Chimney (existing)
 Radwood siding to match existing siding
 Window decoration to match existing side window

<p><i>Addition to the Nathan H. Downing House Queen Anne Cottage Built in 1887 Restored 1982</i></p>	<p><i>South Elevation</i></p>	<p><i>The Reeves Family 1356 Main Street Santa Clara, CA 95050 (408) 249-0386</i></p>
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Existing

← to street

Addition

Tripple wall metal Chimney
 Redwood siding to match existing siding
 Composition Shingles
 Windows to match existing windows (see details on front view)
 Crown molding
 Same roof pitch as existing roof
 Gingerbread to match existing back porch
 Posts & railings to match existing back porch
 Crown molding
 Redwood siding to match existing siding
 Windows to match existing windows (see details on front view)
 Window decoration to match existing side window
 Wood door with glass panels with casings & trim to match existing doors
 Wood siding to match existing siding

<p>RECEIVED AUG 11 2021 THE RESOURCES AGENCY DEPARTMENT OF PARKS AND RECREATION</p>	<p>North Elevation</p>	<p>The Reeves Family 1356 Main Street Santa Clara, CA 95050 (408) 249-0386</p>
<p>Addition to the Nathan H. Downing House Queen Anne Cottage Built in 1887 Restored 1982</p>		

Existing

Addition

- Same roof pitch as existing roof
- Gingerbread to match existing back porch
- Wood door with glass panels with casings & trim to match existing doors
- Posts & railings to match existing back porch
- Crown molding
- Posts & railings to match existing back porch

- Composition Shingles
- Triple wall metal Chimney
- Wood siding to match existing siding
- Crown molding
- Railwood siding to match existing siding
- Windows to match existing windows (see details on front view)
- Wood siding to match existing siding

<p>RECEIVED AUG 11 2021 THE RESOURCES AGENCY DEPARTMENT OF PARKS AND RECREATION</p>	<p><i>Back Elevation</i></p>	<p><i>The Reeves Family 1356 Main Street Santa Clara, CA 95050 (408) 249-0386</i></p>
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Secretary of Interior's Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Nathan H. Downing House
1356 Main Street
Santa Clara CA

Greetings,

My wife Mary Ann and I moved to California many years ago and bought our first single family home in Santa Clara in 2011. We love this town with its history - the Mission, the classic homes in the Old Quad, the bells of the Monastery, the many family-owned businesses and restaurants. When we saw the listing for the Nathan H. Downing House in January 2021, we were immediately struck by its charm, its traditional look and character, and the location. I have lived in historic homes in New England and the idea of raising our children in one is a dream for both my wife and me. The previous owners clearly loved this home, and we were lucky enough to be able to purchase it and dedicate ourselves to caring for it. The story behind the home of Nathan Downing and his family are a part of what makes this house special - Nathan founding the Santa Clara Journal, and his daughters Bertha and Bernice Downing carrying it forward, and of course the renown that Bertha in particular holds in Santa Clara's history ([wikipedia](#)).

There are too many treasures found in and around this home to list them all. The interior captivates with its high ceilings, the antique doors and moldings, the oversized pocket door that sets off the front living room with original windows that gather all the morning sun. The expansive lot keeps us in fruit nearly year round - persimmons in the front (which we love to share with the neighbors!), apple on the side by the towering palm, and nectarines, lemons and two varieties of cherries out back. Waking up to the bells of the monastery, the birdsong, the sunrise lighting the trees that surround the house - it's magical.

We are now walking distance from our favorite places - the Farmer's Market, Mio Vicino and Fiorillo's, and the roses of the university for weekend walks. The kids kept their same schools and friends when we moved, and our generously-sized outdoor spaces have become a gathering spot for friends and fun. I continue to run over to San Tomas trail and even sometimes up to the stadium.

We will preserve the house, and are committed to investing to safeguard it. The plan we have put forward provides this house with the care it needs to continue its history in Santa Clara while we continue the traditions of home, holiday and neighborhood.

Sincerely,

Brian Dawbin and Mary Ann Salyards

October 13, 2021

Brian Dawbin & Mary Ann Salyards
1356 Main Street
Santa Clara, CA 95050

10-Year Restoration Maintenance Plan

Nathan H Downing House, c. 1887

Dear Planning Staff and Historic & Landmark Commissioners,

The following is our proposed 10-year plan for the restorations and maintenance of our historic home at 1356 Main Street. All items to meet the Secretary of Interiors standards for Treatment of Historic Properties:

Years 1-2 (2022-2023)

Foundation/Grading/Drainage: Improve rainwater management around the perimeter of the house: The existing grade (soil) around the house is inadequately sloped (towards the house) which can lead to foundation settlement and compromise the structural integrity of the historic residence. The grade also contacts the historic wood siding / framing which can lead to rot and termite damage. Therefore, we propose to regrade around the perimeter of the residence as required by the building code, correct improperly sloped roof gutters, and connect the rain water leader downspouts to concrete splash blocks or subsurface drain lines to outlet downhill and away from the residence.

Years 3-5 (2024-2026)

Roofing: Replace failing asphalt composition shingle roofing (improperly flashed resulting in leaks with water damage): Install new triple layer (tri-lam) asphalt composition shingle roofing (example: Certainteed Landmark TL) with a more similar profile and shadow line of wood shingles (what was originally on the home).

Years 6-7 (2027-2028)

Window Restoration: Restore / Repair existing historic wood window sashes. Where windows sashes are inoperable from being painted shut or where pulley ropes have been they will be restored to working order by cutting the paint and installing new pulley ropes where required. Any minor dry rot areas on the window sashes shall be repaired with epoxy filler and repainted to match. Where elements of the existing window sashes have excessive rot (stiles or rails) they shall be replaced with salvaged or custom milled wood to match. Glazing putty, where cracked, shall be replaced and the window sash shall be painted to match existing.
needed.

Years 8-9 (2029-2030)

Exterior Painting: Repaint entire exterior of residence including all exterior wood siding, eaves, gutters / downspouts, windows and doors and their associated trim, all porches and railings. Any minor dry rot or pest damage at all wood material shall be repaired with epoxy filler. Where wood elements have excessive damage, they shall be replaced with salvaged or custom milled wood to match existing.

Year 10 (2031)

Kitchen Renovation: Replace existing oak cabinets and/or cabinet doors to achieve a style that more closely matches the style of the historic residence (example: white shaker style doors). Replace vinyl faux tin ceiling with either wood beadboard or a tin ceiling material. Replace vinyl kitchen floor with wood flooring or marmoleum flooring that is more compatible with the historic home.

We absolutely love this historic home and the Old Quad neighborhood and will cherish the memories we will make here with our family. We are proud to be a part of the next chapter for this delightful treasure of Santa Clara's history.

Brian & Mary Ann

**RECORD WITHOUT FEE
PURSUANT TO GOV'T CODE SECTION 6103**

Recording Requested by:
Office of the City Attorney
City of Santa Clara, California

When Recorded, Mail to:
Office of the City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Form per Gov't Code Section 27361.6

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

HISTORIC PROPERTY PRESERVATION AGREEMENT

This Agreement, (herein, "Agreement"), is made and entered into this [REDACTED] day of [REDACTED], 2022, ("Effective Date"), by and between Brian Dawbin and Mary Ann Salyards, owners of certain real property located at 1356 Main Street, Santa Clara, CA 95050 ("OWNERS") and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("CITY"). CITY and OWNERS may be referred to herein individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

A. **Recitals.**

(1) California Government Code Section 50280, et seq. authorizes the CITY to enter into a contract with the OWNERS of qualified Historical Property to provide for the use, maintenance, and restoration of such Historical Property so as to retain its characteristics as property of historical significance.

(2) OWNERS possesses fee title in and to that certain real property, together with associated structures and improvements thereon, shown on the 2021 Santa Clara County Property Tax Rolls as Assessors' Parcel Number 269-05-029, and generally located at the street address 904 Madison Street, in the City of Santa Clara ("Historic Property"). A legal description of the Historic Property is attached hereto as "Legal Description," marked as "Exhibit "A," and incorporated herein by reference.

(3) The Historic Property is on the City of Santa Clara Architecturally or Historically Significant Properties list. OWNERS submitted a Mills Act Proposal to City on October 18, 2021. The Proposal included a Primary Record from the State of California's Department of Parks and Recreation. A true and correct copy of the Proposal is attached to this Agreement as "Exhibit B".

(4) CITY and OWNERS, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to Section 439.2 of the California Revenue and Taxation Code.

B. **Agreement.**

NOW, THEREFORE, CITY and OWNERS, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

(1) **Effective Date and Term of Agreement.** The term of this Agreement shall commence on the effective date of this Agreement and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such term will automatically be extended as provided in paragraph 2, below.

(2) **Renewal.**

(a) Each year on the anniversary of the effective date of this Agreement, ("renewal date"), one (1) year shall automatically be added to the term of this Agreement unless notice of nonrenewal is mailed as provided herein.

(b) If either the OWNERS or CITY desires in any year not to renew the Agreement, OWNERS or CITY shall serve written notice of nonrenewal of the Agreement. Unless such notice is served by OWNERS to CITY at least ninety (90) days prior to the annual renewal date, or served by CITY to OWNERS at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the balance of the remaining term of the Agreement as provided herein.

(c) OWNERS may make a written protest of a nonrenewal notice issued by CITY. CITY may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to OWNERS of nonrenewal. If either CITY or OWNERS serves notice to the other of nonrenewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, from either original execution date or the last renewal date of the Agreement, whichever is applicable.

(3) **Standards for Historical Property.** During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements, and restrictions:

(a) OWNERS shall preserve and maintain the characteristics of historical significance of the Historic Property. "The Secretary of the Interior's Standards for Rehabilitation," marked as "Exhibit C" to this agreement, and incorporated herein by this reference, contains a list of those minimum standards and conditions for maintenance, use, and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

(b) OWNERS shall, when necessary or as determined by the Director of Planning and Inspection, restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, the United States Secretary of the Interior Standards for Rehabilitation and the California Historical Building Code and in accordance with the attached schedule of potential home improvements, drafted by the OWNERS and approved by the City Council, attached hereto as "The Description of the Preservation and Restoration Efforts," marked as "Exhibit D" to this agreement, and incorporated herein by this reference.

(c) OWNERS shall allow, and CITY requires, that after five (5) years, and every five (5) years thereafter, an inspection of the property's interior and exterior shall be conducted by a Historic Property Preservation Agreement/1356 Main Street
Typed: 04/14/2022

party appointed by CITY, to determine OWNERS' continued compliance with the terms of this Agreement. OWNERS acknowledge that the required inspections of the interior and exterior of the property were conducted prior to the effective date of this Agreement.

(4) Provision for Information.

(a) OWNERS hereby agree to furnish CITY with any and all information requested by the CITY to determine compliance with the terms and provisions of this Agreement.

(b) It shall be the duty of the OWNERS to keep and preserve, for the term of the Agreement, all records as may be necessary to determine the eligibility of the property involved, and the OWNERS compliance with the terms and provisions of this Agreement, including, but not limited to blueprints, permits, historical and/or architectural review approvals, and schedules of potential home improvements drafted by the OWNERS and approved by the City Council.

(5) Cancellation.

(a) CITY, following a duly noticed public hearing as set forth in California Government Code Section 50280, et seq., shall cancel this Agreement or bring an action in court to enforce this Agreement if it determines any one of the following:

(i) the OWNERS breached any of the terms or conditions of this Agreement; or

(ii) the OWNERS have allowed the property to deteriorate to the point that it no longer meets standards for a qualified historic property.

(b) CITY may also cancel this Agreement if it determines that:

(i) the OWNERS have allowed the property to deteriorate to the point that it no longer meets building standards of the City Code and the codes it incorporates by reference, including, but not limited to, the Uniform Housing Code, the California Historical Building Code, the California Fire Code, and the Uniform Code for the Abatement of Dangerous Buildings or;

(ii) the OWNERS have not complied with any other local, State, or federal laws and regulations.

(iii) the OWNERS have failed to restore or rehabilitate the property in the manner specified in subparagraph 3(b) of this Agreement.

(c) In the event of cancellation, OWNERS shall pay those cancellation fees set forth in California Government Code Section 50280, et seq. As an alternative to cancellation, OWNERS may bring an action in court to enforce the Agreement.

(6) No Waiver of Breach.

(a) No waiver by CITY of any breach under this Agreement shall be deemed to be a waiver of any other subsequent breach. CITY does not waive any claim of breach by OWNERS if CITY does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for under the terms of this Agreement or in the City's laws and regulations are available to the City.

(7) Mediation.

(a) Any controversies between OWNERS and CITY regarding the construction or application of this Agreement, and claim arising out of this contract or its breach, shall be submitted to mediation upon the written request of one party after the service of that request on the other party.

(b) If a dispute arises under this contract, either party may demand mediation by filing a written demand with the other party.

(c) The parties may agree on one mediator. If they cannot agree on one mediator, there shall be three: one named in writing by each of the parties within five days after demand for mediation is given, and a third chosen by the two appointed. Should either party refuse or neglect to join in the appointment of the mediator(s) or to furnish the mediator(s) with any papers or information demanded, the mediator(s) may proceed ex parte.

(d) A hearing on the matter to be arbitrated shall take place before the mediator(s) in the city of Santa Clara, County of Santa Clara, State of California, at the time and place selected by the mediator(s). The mediator(s) shall select the time and place promptly and shall give party written notice of the time and place at least fifteen (15) days before the date selected. At the hearing, any relevant evidence may be presented by either party, and the formal rules of evidence applicable to judicial proceedings shall not govern. Evidence may be admitted or excluded in the sole discretion of the mediator(s). The mediator(s) shall hear and determine the matter and shall execute and acknowledge the award in writing and cause a copy of the writing to be delivered to each of the parties.

(e) The submission of a dispute to the mediator(s) and the rendering of a decision by the mediator(s) shall be a condition precedent to any right of legal action on the dispute. A judgment confirming the award may be given by any Superior Court having jurisdiction, or that Court may vacate, modify, or correct the award in accordance with the prevailing provisions of the California Mediation Act.

(f) Each party shall bear their own cost(s) of mediation.

(8) Binding Effect of Agreement.

(a) The OWNERS hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations, and restrictions as set forth in this Agreement. CITY and OWNERS hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the OWNERS successors and assigns in title or interest to the Historic Property. Each and every contract, deed, or other instrument hereinafter executed, covering, encumbering, or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered, and accepted subject to the covenants, reservations, and restrictions expressed in this Agreement, regardless of whether such covenants, reservations, and restrictions are set forth in such contract, deed, or other instrument.

(b) CITY and OWNERS hereby declare their understanding and intent that the burden of the covenants, reservations, and restrictions set forth herein touch and concern the land in that OWNERS' legal interest in the Historic Property.

(c) CITY and OWNERS hereby further declare their understanding and intent that the benefit of such covenants, reservations, and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the CITY, public (which includes, but is not limited to the benefit to the public street generally located at 1356 Market Street), and OWNERS.

(9) Notice.

(a) Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

CITY: City of Santa Clara
Attn: City Clerk
1500 Warburton Avenue
Santa Clara, CA 95050

OWNERS: Brian Dawbin and Mary Ann Salyards
1356 Main Street
Santa Clara, CA 95050

(b) Prior to entering a contract for sale of the Historic Property, OWNERS shall give thirty (30) days notice to the CITY and it shall be provided at the address of the respective parties as specified above or at any other address as may be later specified by the parties hereto.

(10) No Partnership or Joint Enterprise Created. None of the terms, provisions, or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors, or assigns; nor shall such terms, provisions, or conditions cause them to be considered joint ventures or members of any joint enterprise.

(11) Hold Harmless and Indemnification. To the extent permitted by law, OWNERS agree to protect, defend, hold harmless and indemnify CITY, its City Council, commissions, officers, agents, and employees from and against any claim, injury, liability, loss, cost, and/or expense or damage, however same may be caused, including all costs and reasonable attorney's fees in providing a defense to any claim arising there from for which OWNERS shall become legally liable arising from OWNERS' acts, errors, or omissions with respect to or in any way connected with this Agreement.

(12) Attorneys' Fees. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations, or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to costs and other relief ordered by the court.

(13) Restrictive Covenants Binding. All of the agreements, rights, covenants, reservations, and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner pursuant to this Agreement.

(14) **Mills Act Historic Property Contract Application Requirements.** An application for a Mills Act Historic Property Contract shall be made through the Planning Division and shall include the following:

- a. a Historic Resources Inventory form;
- b. the description of the preservation or restoration efforts to be undertaken as referenced in paragraph 3 (b) as Exhibit "D";
- c. a statement of justification for the Mills Act Historic Property designation and reassessment; and,
- d. the Mills Act Historic Property Contract filing fee pursuant to paragraph 17.

(15) **Mills Act Historic Property Contract Approval.** Based upon the Historical and Landmarks Commission's ("Commission") review of the Mills Act Historic Property Contract criteria and recommendation to Council, and based upon the recommendation and approval by Council, a Mills Act Historic Property Contract may be entered into with OWNERS. The decision of the City Council shall be final and conclusive in the matter.

(16) **Recordation and Notice.** No later than twenty (20) days after the parties execute and enter into this Agreement, the CITY shall cause this Agreement to be recorded in the office of the County Recorder of the County of Santa Clara.

(17) **Fees.** The Planning Department may collect such Mills Act Historic Property Contract application fee of \$7,564.00 (seven thousand, five hundred, and sixty-four dollars), or other fees for the administration of this contract as are authorized from time to time by the City Council. Such fees do not exceed the reasonable cost of providing the service for which these fees are charged. OWNERS shall pay the County Recorder's Office recordation fees for recordation of this Mills Act Historic Property Contract and the recordation of the OWNERS updated Historic Resources Inventory form.

(18) **Ordinary Maintenance.** Nothing in this contract shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any Historic Property covered by this contract that does not involve a change in design, material, or external appearance thereof, nor does this contract prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such external architectural feature when the Director of Planning and Inspection determines that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code and when such architectural feature can be replaced according to the Secretary of Interior's Standards.

(19) **California Historical Building Code.** The California Historical Building Code ("CHBC") provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures designated as Historic Properties. The CITY's building permit procedure shall be utilized for any Historic Property which is subject to the provisions of this Agreement, except as otherwise provided in this Agreement or the CHBC. Nothing in this Agreement shall be deemed to prevent any fire, building, health, or safety official from enforcing laws, ordinances, rules, regulations, and standards to protect the health, safety, welfare, and property of the OWNERS or occupants of the Historic Property or the public.

(20) Conservation Easements.

(a) Conservation easements on the facades of the Historical Property may be acquired by the CITY, or on the CITY's behalf, by a nonprofit group designated by the CITY through purchase, donation, or condemnation pursuant to California Civil Code Section 815.

(b) The OWNERS, occupant, or other person in actual charge of the Historical Property shall keep in good repair all of the exterior portions of the Historic Property, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

(c) It shall be the duty of the Director of Planning and Building Inspection to enforce this section.

(21) Severability. If any section, sentence, clause, or phrase of this Agreement is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, or by subsequent preemptive legislation, such decision shall not affect the validity and enforceability of the remaining provisions or portions of this Agreement. CITY and OWNERS hereby declare that they would have adopted this Agreement, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

(22) Integrated Agreement - Totality of Agreement. This Agreement embodies the agreement between CITY and OWNERS and its terms and conditions. No other understanding, agreements, or conversations, or otherwise, with any officer, agent, or employee of CITY prior to execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as unofficial information and in no way binding upon CITY.

(23) Captions. The captions of the various sections, paragraphs and subparagraphs are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

(24) Statutes and Law Governing Contract. This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California.

(25) Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, CITY and OWNERS have executed this Agreement on the day and year first written above.

**CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation**

APPROVED AS TO FORM:

Office of the City Attorney
City of Santa Clara

Rajeev Batra
Interim City Manager

ATTEST:

1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax Number: (408) 241-6771

“CITY”

**Brian Dawbin and Mary Ann Salyards,
Owners of 1356 Main Street**

By: _____
Brian Dawbin
1356 Main Street
Santa Clara, CA 95050

By: _____
Mary Ann Salyards
1356 Main Street
Santa Clara, CA 95050

“OWNERS”

Exhibits:

- A – Property Description
- B – Primary Record
- C – Standards for Rehabilitation
- D – Restoration Schedule

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