



## Agenda Report

24-312

Agenda Date: 4/4/2024

### REPORT TO HISTORICAL AND LANDMARKS COMMISSION

#### SUBJECT

Consideration of a Historical Preservation Agreement (Mills Act Contract) for 1059 Madison Street (Continued from the March 7, 2024 HLC Meeting)

#### BACKGROUND

Property owners Adalbert Wysocki and Huilin Kohare applied for a Historical Preservation Agreement (Mills Act Contract) (File No. PLN23-00507) for the property located at 1059 Madison Street. Enacted in 1972, the California Mills Act legislation grants participating local governments the authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. Santa Clara participates in the Mills Act Program. A requirement of the Mills Act Contract 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 subject property is a 7,798 square-foot lot located midblock on Madison Street between Franklin Street and Benton Street. Constructed in 1898, the existing residence on the property is a 2,658 square-foot, one-story house designed in the Queen Anne architectural style. The property has a detached garage that was legally constructed in 1997. The property has been altered since its original construction, including the removal of a chimney in 1995 and a basement addition in 1997.

The property owners submitted the requisite application, including a historic survey (DPR 523A Form) of the property, a Statement of Justification for the request, and a 10-Year Restoration and Maintenance Plan for evaluation of the proposed workplan to restore, rehabilitate, and maintain the property.

The Historical and Landmarks Commission (HLC) provides Mills Act Contract recommendations to the City Council for their final determination. Approved contracts are executed between the City and the property owner and recorded with the County for a minimum ten-year term. Contracts are automatically renewed each year and are transferred to new owners when the property is sold.

On March 7, 2024, the HLC moved to continue this item to the April 4, 2024 meeting in order to receive comment and ask questions of the homeowner.

#### DISCUSSION

The Mills Act Program allows a qualified property owner to receive a potential property tax reduction and use that savings to assist in offsetting the costs to rehabilitate, restore, and maintain their property. To qualify for the program, the property and/or building must be listed on either a local, State, or National register. The property owner must also have a plan to restore and rehabilitate the

property.

A Department of Parks and Recreation (DPR) 523A Form was prepared by Lorie Garcia of Beyond Buildings on January 17, 2024, assessing the historical significance of the property based on National and State (California) Register criteria and the City's local criteria for significance. The evaluator found the structure at 1059 Madison Street to be in overall good condition except for the alterations to the basement windows, the rear sliding entry doors, and the double-tiered deck. The evaluator stated that the residence appears to have had little external change since its construction in 1898. The evaluator concluded that the property continues to retain enough of its historic character and appearance to be recognizable as a historic resource and to convey the reason for its significance as a Historically Significant Property on the City's HRI.

The property owners submitted a Statement of Justification and 10-Year Plan for restoration and maintenance of the property. The Restoration and Maintenance Plan includes repainting and refinishing the exterior, fumigation, and pest control, restoring porch flooring and stairs, refurbishing floors throughout, window restoration, roof replacement, and exterior improvements to the gutters, driveway, landscaping, lighting, and fencing. The property owners will obtain Significant Property Alteration permits for the work described in the Restoration and Maintenance 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, and the owner's statement of justification, support the preservation, protection, and maintenance of a locally designated significant structure.

### **ENVIRONMENTAL REVIEW**

The Mills Act Program is exempt from CEQA environmental review requirements per CEQA Section 15061(b) (3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **PUBLIC CONTACT**

No public notice is required for a Mills Act Contract and no public inquiries have been made regarding the project.

### **RECOMMENDATION**

Staff recommends that the Historical and Landmarks Commission determine the project to be exempt from CEQA pursuant to CEQA Section 1561(b)(3) and 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 City Council approval of a Mills Act Contract, and the adoption of a 10-Year Restoration and Maintenance Plan associated with the Historical Preservation Agreement for the property located at 1059 Madison Street.

Prepared by: Daniel Sobczak, Associate Planner

Reviewed by: Sheldon Ah Sing, Development Review Officer

Approved by: Lesley Xavier, Planning Manager

**ATTACHMENTS**

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