



City of Santa Clara

Meeting Agenda

Historical & Landmarks Commission

Thursday, October 7, 2021

6:00 PM

Virtual Meeting

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented the following method for the public to participate remotely:

- Via Zoom:

- o <https://santaclaraca.zoom.us/j/97233262035> or

- o Phone: 1 (669) 900-6833

Webinar ID: 972 3326 2035

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@santaclaraca.gov no later than noon on the day of the meeting. Clearly indicate the project address, meeting body, and meeting date in the email. Historical and Landmarks Commissioners and Staff Liaison will be participating remotely.

PUBLIC PARTICIPATION IN ZOOM WEBINAR:

Please follow the guidelines below when participating in a Zoom Webinar:

- The meeting will be recorded so you must choose 'continue' to accept and stay in the meeting.
- If there is an option to change the phone number to your name when you enter the meeting, please do so as your name will be visible online and will be used to notify you that it is your turn to speak.
- Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
- Use the raise your hand feature in Zoom when you would like to speak on an item and lower when finished speaking. Press *9 to raise your hand if you are calling in by phone only.
- Identify yourself by name before speaking on an item.
- Unmute when called on to speak and mute when done speaking. If there is background noise coming from a participant, they will be muted by the host. Press *6 if you are participating by phone to unmute.
- If you no longer wish to stay in the meeting once your item has been heard, you may leave the meeting.

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Historical and Landmarks Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Historical and Landmarks Commission meeting when the Chair calls for these requests during the Consent Calendar review.

1.A 21-1339 [Historical and Landmarks Commission Minutes of September 2, 2021](#)

Recommendation: Approve the Historical and Landmarks Commission Minutes of September 2, 2021.

PUBLIC PRESENTATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

GENERAL BUSINESS

The following items from this Historical and Landmarks Commission agenda will be scheduled for further review following the conclusion of hearings and recommendations by the Historical and Landmarks Commission. Please contact the Planning Division office for information on the schedule of hearings for these items.

2. 21-1301 [Public Hearing: Consideration of a Historical Preservation Agreement \(Mills Act Contract\) for 1390 Madison Street](#)

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 Historical Property Preservation Agreement (Mills Act Contract), and the adoption of a 10-Year Restoration and Maintenance Plan included with the Agreement.

STAFF REPORT

1. Berryessa Adobe Maintenance

COMMISSIONERS REPORT

1. Subcommittee Reporting - 20 minutes
2. Board and Committee Assignments - 15 minutes

Board/Committee

Santa Clara Arts and Historic Consortium
Historic Preservation Society of Santa Clara
Old Quad Residents Association
Development Review Hearing
BART/ High Speed Rail/ VTA BRT Committee
Zoning Ordinance Update
El Camino Real Specific Plan Community Advisory Committee
Downtown Revitalization

Lead/Alternate

Leung / Romano
Vargas-Smith / Leung
Leung / Romano
Romano / Vargas-Smith
Vargas-Smith / Swartzwelder
Romano / Swartzwelder
Leung
Vargas-Smith / Romano

3. Announcements and Other Items - 10 minutes
4. Commissioner Travel and Training Requests - 10 minutes

ADJOURNMENT

The next regular scheduled meeting is on Thursday, November 4, 2021 at 6 p.m.

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

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City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

21-1339

Agenda Date: 10/7/2021

REPORT TO HISTORICAL AND LANDMARKS COMMISSION

SUBJECT

Historical and Landmarks Commission Minutes of September 2, 2021

RECOMMENDATION

Approve the Historical and Landmarks Commission Minutes of September 2, 2021.

Reviewed by: Jeff Schwilk, Associate Planner

Approved by: Gloria Sciara, Development Review Officer

ATTACHMENTS

1. Historical and Landmarks Commission Minutes of September 2, 2021



City of Santa Clara

Meeting Minutes

Historical & Landmarks Commission

09/02/2021

6:00 PM

Virtual Meeting

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CALL TO ORDER AND ROLL CALL

Chair Leung called the meeting to order at 6 p.m.

Present 6 - Commissioner Amy Kirby, Chair Patricia Leung, Vice Chair Ana Vargas-Smith, Commissioner Michael Celso, Commissioner Megan Swartzwelder, and Commissioner Kathleen Romano

CONSENT CALENDAR

A motion was made by Commissioner Romano, seconded by Commissioner Swartzwelder to approve the consent calendar with a modification to Item 1.A.

Aye: 6 - Commissioner Kirby, Chair Leung, Vice Chair Vargas-Smith, Commissioner Celso, Commissioner Swartzwelder, and Commissioner Romano

1.A [21-8081](#) Historical and Landmarks Commission Minutes of July 1, 2021

Recommendation: Approve the Historical and Landmarks Commission Minutes of July 1, 2021.

Chair Leung noted a minor change to be made on the July 1, 2021 Meeting Minutes.

1.B [21-8080](#) Historical and Landmarks Commission 2022 Calendar of Meetings

Recommendation: Approve the Historical and Landmarks Commission 2022 Calendar of Meetings.

1.C [21-1092](#) Informational Report on the Role of the HLC in CEQA Review

Recommendation: Note and file the informational report.

PUBLIC PRESENTATIONS

None.

GENERAL BUSINESS

2. [21-865](#) Public Hearing: Significant Property Alteration (SPA) Permit to allow the replacement of all windows and interior reconfiguration of an existing single-family residence at 1511 Harrison Street (continued from the July 1, 2021 meeting)

Recommendation: Recommend that the Historical and Landmarks Commission finds that the proposed project located at 1511 Harrison Street retains the essential character defining elements that make it significant; that the proposed project does not destroy or have a significant adverse effect on the integrity of the designated property; that the alterations are compatible with the existing structure; and that the rehabilitation of the residence meet the Secretary of the Interior's Standards for Rehabilitation, and recommend approval to the Director of Community Development, subject to the conditions of approval of the SPA permit.

Historical and Landmarks Staff Liaison/Senior Planner Rebecca Bustos provided a staff presentation. **Applicant Elias Cortez** spoke briefly regarding the project. There were no public speakers.

A motion was made by Commissioner Vargas-Smith, seconded by Commissioner Celso to close public hearing.

Aye: 6 - Commissioner Kirby, Chair Leung, Vice Chair Vargas-Smith, Commissioner Celso, Commissioner Swartzwelder, and Commissioner Romano

The Commission voiced their support for the project and thanked the applicant for working with Staff and Advisors to revise the plans.

A motion was made by Commissioner Celso, seconded by Commissioner Vargas-Smith to approve staff recommendation.

Aye: 6 - Commissioner Kirby, Chair Leung, Vice Chair Vargas-Smith, Commissioner Celso, Commissioner Swartzwelder, and Commissioner Romano

3. [21-1093](#) Public Hearing: Consideration of an Environmental Impact Report for the demolition of historically significant properties and the new construction of a data center at 1200-1310 Memorex Drive (continued from the July 1, 2021 meeting)

Recommendation: Staff recommends that the Historical and Landmarks Commission recommend that the City Council approve and certify the Environmental Impact Report for the proposed data center project at 1200-1310 Memorex Drive.

Commissioner Vargas-Smith recused herself from this item due to the proximity of her business to the project property.

Assistant Planner I Tiffany Vien and **Staff Liaison Rebecca Bustos** updated the Commission that public comments for this project were received from Bay Area Air Quality Management District. **Rob Morris, Skybox Development**, answered the Commission's questions regarding the project's timeline, alternatives, and plinths.

Public Speaker(s): Joe Martinez
James Klimowski

A motion was made by Commissioner Romano, seconded by Commissioner Swartzwelder to close public hearing.

Aye: 5 - Commissioner Kirby, Chair Leung, Commissioner Celso, Commissioner Swartzwelder, and Commissioner Romano

Recused: 1 - Vice Chair Vargas-Smith

Environmental Consultant Michael Lisenbee, David J. Powers and Associates, answered the Commission's clarifying questions regarding the language in the EIR and other historically significant resources. **Staff Liaison Rebecca Bustos** answered questions regarding historical resource designation requirements. The Commission discussed possible recommendations.

A motion was made by Commissioner Celso, seconded by Commissioner Kirby to approve staff recommendation with the added conditions that:

- 1) the Historical and Landmarks Commission Advisors review HABS documentation of recordation prior to the documentation of the demolition permit**
- 2) the applicant bring the plinths back to the Historical and Landmarks Commission at a later meeting date for review prior to the Certificate of Occupancy issuance**
- 3) The character-defining elements of the original structure are incorporated as much as possible into the new building**

Aye: 3 - Commissioner Kirby, Commissioner Celso, and Commissioner Swartzwelder

Nay: 2 - Chair Leung, and Commissioner Romano

Recused: 1 - Vice Chair Vargas-Smith

A motion was made by Commissioner Romano, seconded by Commissioner Celso to recommend that the City Council approve Preservation Alternative 1, Preservation Alternative - Retain Historic Resource. If another alternative is chosen, to recommend the following:

- 1) the Historical and Landmarks Commission Advisors review Historical Architectural Building Survey documentation of recordation prior to the documentation of the demolition permit**
- 2) the applicant bring the plinths back to the Historical and Landmarks Commission at a later meeting date for review prior to the Certificate of Occupancy issuance**
- 3) The character-defining elements of the original structure are incorporated as much as possible into the new building**

Aye: 5 - Commissioner Kirby, Chair Leung, Commissioner Celso, Commissioner Swartzwelder, and Commissioner Romano

Recused: 1 - Vice Chair Vargas-Smith

STAFF REPORT

1. Berryessa Adobe Maintenance

Staff Liaison Rebecca Bustos updated the Commission that **Architectural Advisor Craig Mineweaser** is continuing the research and condition assessment process.

2. Liaison Staffing Update

Staff Liaison Rebecca Bustos informed the Commission that she would be on leave until April 2022 and that **Associate Planner Jeff Schwilk** would be the **Interim Staff Liaison** during her absence.

COMMISSIONERS REPORT

1. Subcommittee Reporting - 20 minutes

There were no subcommittee reports.

2. Board and Committee Assignments - 15 minutes

Board/Committee	Lead/Alternate
Santa Clara Arts and Historic Consortium	Leung / Romano
Historic Preservation Society of Santa Clara	Vargas-Smith / Leung
Old Quad Residents Association	Leung / Romano
Development Review Hearing	Romano / Vargas-Smith
Agnews Historic Cemetery Museum Committee	Kirby / Romano
BART/ High Speed Rail/ VTA BRT Committee	Vargas-Smith / Swartzwelder
Zoning Ordinance Update	Romano / Swartzwelder
El Camino Real Specific Plan Community Advisory Committee	Leung
Downtown Revitalization	Vargas-Smith / Romano

Commissioners reported on assignments.

3. Announcements and Other Items - 10 minutes

Commissioner Vargas-Smith invited the Commission to attend the annual Parade of Champions occurring on October 9, 2021. **Chair Leung** informed the Commission that the deadline to accept applications for the Historical and Landmarks Commissioner vacancy was on September 10, 2021.

4. Commissioner Travel and Training Requests - 10 minutes

Chair Leung encouraged the Commission to attend the webinars offered by the California Preservation Foundation.

ADJOURNMENT

A motion was made by Commissioner Vargas-Smith, seconded by Commissioner Romano to adjourn the meeting.

The meeting adjourned at 8:41 p.m.

The next regular scheduled meeting is on Thursday, October 7, 2021 at 6 p.m.

Aye: 6 - Commissioner Kirby, Chair Leung, Vice Chair Vargas-Smith, Commissioner Celso, Commissioner Swartzwelder, and Commissioner Romano

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Agenda Report

21-1301

Agenda Date: 10/7/2021

REPORT TO HISTORICAL AND LANDMARKS COMMISSION

SUBJECT

Public Hearing: Consideration of a Historical Preservation Agreement (Mills Act Contract) for 1390 Madison Street

BACKGROUND

Property owner Giacomo Russo is requesting a Historical Preservation Agreement (Mills Act Contract) for the property located at 1390 Madison 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).

The approximately 9,500 square foot property is located on the southwest corner of Madison Street and Lewis Street. The existing two-story residence is of Queen Anne style architectural style constructed circa 1890. The property was initially designated as a Historically Significant Property and placed on the City's list of Architecturally or Historically Significant Properties in 1981. The property is zoned R1-6L-HT (Historic Combining), which allows for both the current residential use and which has also permits commercial use of the house and property as a bed and breakfast inn, which operated from the mid-1980's until it closed in 2020.

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 State Department of Parks and Recreation (DPR) 523 Form was prepared by William Kostura in January, 2021, assessing the historical significance of the property, and is attached to this report. According to the evaluation, the distinguishing architectural features of the building include the front and side gables with their decorative bargeboards, shingles, and the trim around the attic vents; brackets with spindles at the top of the front bay window; the covered front porch and turned porch posts with brackets; the staircase's newel posts; window trim; flash glass in the upper sash of the front bay window; and the ornamental front door. The L-shape form of the house is also an effective distinguishing architectural feature with a covered porch that fills the angle of the ell, and the hipped roof. Major alterations to this property include a rear addition to the home in 1972 (this is the western-most 15 feet), addition of a detached two-story accessory unit and garage structure in 1988, and a swimming pool and other backyard features (1980). The evaluator finds this house to be an excellent, and early, example of a Queen Anne working-class cottage, and appears to retain sufficient integrity to continue to be eligible for listing on both the California Register and the City's Historic Resource Inventory.

The property owner has submitted a statement of justification and 10-Year Plan for restoration and maintenance of the property. The Plan includes gutter repair and minor regrading around house perimeter for improved rainwater drainage away from house foundation, repair of dry rot at existing roof rafters, soffits and fascia, repair and restoration of existing historic wood windows, roof replacement and repainting of the house.

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 Historical Property Preservation Agreement (Mills Act Contract), and the adoption of a 10-Year Restoration and Maintenance Plan included with the Agreement.

Prepared by: Jeff Schwilk, Associate Planner

Approved by: Gloria Sciara, Development Review Officer

ATTACHMENTS

1. Legal Property Description
2. Historic Survey (DPR 523 Forms A and B)
3. Secretary of the Interior's Standards for Rehabilitation
4. 10-Year Restoration and Maintenance Plan
5. Draft Historic Preservation Agreement

Exhibit A

Legal Description

1390 Madison Street, Santa Clara, CA

Portion of Lot 1, Block 4 North, Range 5 West, Map of the Town and Sub Lots of Santa Clara, in the City of Santa Clara, County of Santa Clara, State of California, recorded August 22, 1866 in Book B, Page 103 of Maps, Santa Clara County Records, as follows:

Beginning at the point where the South line of Lewis Street intersects the West line of Madison Street; thence South and along said West side of Madison Street 94 3/4 feet; thence at right angles West and parallel with said line of Lewis Street 101 1/2 feet; thence at right angles North and parallel with said line of Lewis Street 101 1/2 feet to the point of beginning.

Excepting therefrom:

Beginning at the intersection of the Southeasterly line of Lewis Street with the Southwesterly line of Madison Street as said Street are shown upon that map of the Town of Santa Clara filed for record on August 22, 1866 and subsequent recorded in Book B of Maps at Page 103, Santa Clara County Records.

Thence, from said point of beginning, along said Southwesterly line, South 24°15' East, 19.91 feet;

Thence Westerly along the arc of a tangent curve concave to the South, having a radius of 20 feet, through a central angle of 89°45' an arc length of 31.33 feet to the point of tangency with said Southeasterly line of Lewis Street;

Thence, along said Southeasterly line, North 66° East, 19.91 feet to the point of beginning.

Assessor's Parcel Numbers(s): 269-03-063

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 26

*Resource Name or #: (Assigned by recorder) 1390 Madison 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 1390 Madison 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 neighborhood of Santa Clara, which contains hundreds of 19th century and early 20th century houses along with many newer buildings. This neighborhood is roughly bounded by El Camino Real on the north, the Caltrain tracks on the east, Newhall Street on the south, and Scott Boulevard on the west. 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.

(Please see Continuation Sheet, page 2.)



*P3b Resource Attributes: (List attributes and codes) _____

*P4. Resources Present:
☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5b. Description of Photo:
(View, date, accession #)
View West, Dec 2020

*P6. Date Constructed/Age and

Source: ☒ Historic
☐ Prehistoric ☐ Both
ca. 1890

*P7. Owner and Address:
Leigh Souter Russo

*P8. Recorded by: (Name, affiliation, and address)
William Kostura
P. O. Box 60211
Palo Alto, CA 94306

*P9. Date Recorded: January 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)

Page 2 of 26

Resource Identifier: 1390 Madison Street

Recorded by William Kostura

*Date January 2021

☒ Continuation ☐ Update

Description (continued)

Introduction, landscaping, and the newer building

The subject property contains two buildings. The older is a Queen Anne-style residence dating to about 1890, and the other is a house or multi-unit building that dates to recent decades. The recent building is located on the southern half of the lot, has two stories (rooms over a garage and basement), is wood-framed in construction, and is clad with horizontal wood siding. Though of recent construction (it was built in 1988), it has a number of features that resemble Victorian houses, namely a gabled roof with decorative shingles in the gables, a bay window with slanted sides (on its long north side), decorative window trim, and a staircase with wooden balusters and railings. This building was clearly meant to relate visually to the older Queen Anne style house on the property.

Most of the front yard is devoted to a lawn, and a white picket fence surrounds the yard on three sides. A large, mature pepper tree is in the far northeast corner of the yard. While the tree is clearly of some age, when it was planted, and whether it dates to the property's early years, is unknown. The back yard contains a swimming pool, a small filter and pump shed for the pool, and a paved area around the pool.

The main house of ca. 1890

The main house is located on the northern half of the lot. It is set well back from Madison Street, allowing space for the front yard, and is set several feet back from Lewis Street, allowing for a narrow side yard. The house is wood-framed in construction, is one story over a raised basement in height, and is clad in rustic siding. The main body of the house was built in ca. 1890, and a rear addition was built in 1972.

In composition, the house is L-shaped, with a living room wing projecting forward from the main block of the house. The front of the projecting wing has a flat front flanked by angled sides, very much like the bay windows in typical Queen Anne houses of the period. The angle between the main body of the house and the projecting wing is filled by a covered porch. On the north side of the house (facing Lewis St.) there is a very shallow projecting bay, only about one foot in depth. The two sides just mentioned — the front and north — are the principal facades; while the south and rear facades are more utilitarian.

The roof over the original (ca. 1890) part of the house is hipped in most places, although there are two gables as well. One gable is over the projecting living room wing, and the other is over the shallow bay on the north side. Both gables are trimmed with decorative bargeboards that are incised by steam-driven jigsaws with curvilinear lines. They serve as framing for other ornament in the gables, namely, small vents with fancy trim, and decorative shingles. Finally, the roof over the rear addition of 1972 is expressed in its rear facade as a gable, with plain bargeboard.

(See Continuation Sheet, page 3.)

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Resource Identifier: 1390 Madison Street

Recorded by William Kostura

*Date January 2021

☒ Continuation ☐ Update

Description (continued)

Other ornament is not profuse, but it is effective and is consistent with the ornament on other Queen Anne houses in California. Curved brackets with spindles and pendants give visual support to the front gable. In the covered porch, four posts — two freestanding posts, and two half-posts or pilasters connected with the body of the house — are turned, with grooved skirts near the base. Sunburst brackets spring from the tops of the posts to support the porch roof. The staircase has square newel posts that are incised with vertical lines and topped by knobs. These newel posts appear to be original. The staircase risers and treads are wooden and may be original, but the treads are covered with a non-original coating.

A water-table (or belt course) runs around the perimeter of the house at the first floor level. It is profiled on the front, north, and south sides; and is flat in the rear addition. Flat, vertical stickwork, all likely original, lines the corners on all sides.

The front door is paneled, with molded trim around the door and around each of the three panels. The glazing in the upper half consists of one large light surrounded by fourteen lights of colored flash glass. The door hardware is brass and appears to be early but not original.

In the older (ca. 1890) part of the house, all windows are wooden and have what appears to be original double-hung sash set in profiled trim with sills. Those in the main story have one-over-one sash, while those in the basement story have one-over-one or four-over-four sash. All of the windows in the main story have flat wooden pendants beneath each sill. The front window in the projecting wing has colored flash glass in the upper sash.

The rear addition is about fifteen feet in depth and is equal in width to the older part of the house. Its windows have variously one-over-one, three-over-three, and six-over-six sash, with decorative trim that imitates that in the older part of the house.

The front, north, and south sides of the older (ca. 1890) part of the house appear to be in original condition.

BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____
HRI # _____

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*NRHP Status Code _____

*Resource Name or # (Assigned by recorder) 1390 Madison Street

B1. Historic Name: _____

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)
Built in ca. 1890.

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

*B8. Related Features:
none

B9a. Architect: unknown b. Builder: unknown

*B10. Significance: Theme history architecture Area City of Santa Clara

Period of Significance ca. 1890 Property Type house Applicable Criteria 1, 3

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

History of this house

The earliest history of this house remains uncertain, in part because the Santa Clara County Recorder's Office is closed at present, making a title search impossible, and in part because of conflicting information from available sources. The construction date can be estimated, however. In the San Francisco Bay Area, the Queen Anne style of this house was common in the 1890s, but not before then. This house is clearly shown in the Santa Clara Sanborn map of 1891, which is at the early end of the likely range. For these reasons, a construction date of ca. 1890 therefore seems most likely, and is the date estimated in this report. It is also the date given in a historical plaque on the house.

(Please see Continuation Sheet, page 5.)

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

***B12. References:**

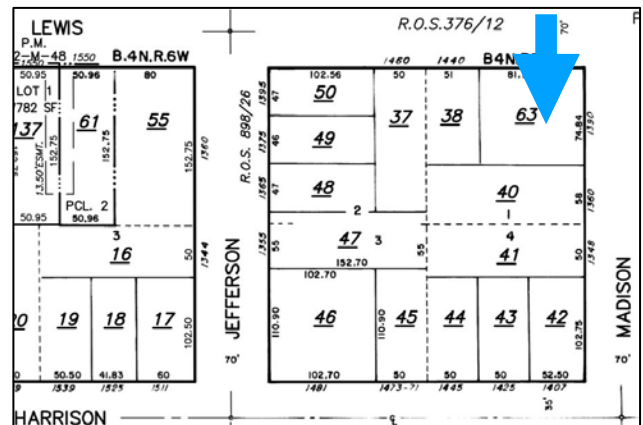
See Continuation Sheet, page 13.

B13. Remarks: _____

*B14. Evaluator: William Kostura

Date of Evaluation: January 2021

(This space reserved for official comments.)



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Resource Identifier: 1390 Madison Street

Recorded by William Kostura

*Date January 2021

☒ Continuation ☐ Update

History of this house (continued)

There is evidence that this house and 1360 Madison Street (next door to the south) were in common ownership during the early decades of the 20th century, that the owners of these two houses lived in #1360, and that #1390 was usually a rental property. This is supported by the fact that from 1900 to 1930 the subject house was occupied by eighteen different persons and families, none of whom lived here for more than a few years, and almost all of whom were blue-collar workers. This history of frequently-changing occupants suggests that most of them were renters. The occupants were:

1900. John Hancock, farmer, and his wife Spy. They are listed as living at 1390 Madison Street in the 1900 census. However, the city directories of 1898, 1899, and 1900 list him as living at 1390 Monroe Street in Santa Clara; so it is not certain that they lived in the subject house. Where Hancock farmed is also unknown.

1901. The *San Jose Mercury News* of June 20 of this year mentions that Mr. and Mrs. H. E. Hazelton lived at this address. The 1900 census, however, states that Hiram E. Hazelton, a blacksmith, and his wife Helen lived at 1412 Madison Street in Santa Clara. It seems likely that this couple lived here only briefly, in 1901. See also another Hazelton resident of 1906, below.

1902. Albert F. Nist, a boxmaker, and Joseph Wiedner, occupation unknown.

1904. Chester S. Wilson and Harry A. Wilson, both millhands; Miss Irma E. Wilson; and William A. Wilson, an engineer for the Enterprise Laundry, all lived here.

1906. Frank H. Hazelton, a plumber for J. Stock Sons Company, lived here. In this year many relatives lived next door at 1360 Madison. They included George and Herbert Hazelton, of Hazelton Brothers, florists; G. Clyde Hazelton, a dairyman; and Mrs Helen J. Hazelton. Although this is not certain, it seems that the Hazelton family owned both houses.

1908. Fred Linde, and Margaret Engel a widow; occupations unknown, lived here.

1910-1911. Maria O. Daniels, widow of Antone, lived here. In these same years Manuel T. Nandarrae, a tanner born in Portugal, is also listed as living here in city directories; however, the 1910 census lists him as living on Washington Street in Santa Clara.

1912. Fred Browne, a painter, and James M. Hooper, occupation unknown, both lived here.

1915. William Brown, a painter

(See Continuation Sheet, page 6.)

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Resource Identifier: 1390 Madison Street

Recorded by William Kostura

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History of this house (continued)

1917. John Doherty, a teamster

1919. John Rodriguez, a laboreer

1920. Mrs. Christina Weidner and R. Edward Weidner, occupations unknown. They could not be found listed in the 1920 census.

1922-1923. Ralph Boynton, a laborer. He also could not be found in the 1920 census.

1925-1926. Mrs. Annie Cardoza. In 1926 Jesse V. Cardoza also lived here. Their occupations are unknown.

1930. Antone R. Burgos, a laborer born in Spain, his wife Norma, and their daughter lived here as renters according to the 1930 census. The census also lists Amato Burgos, a laborer born in Spain, and his family, as owners and residents of 1360 Madison, next door.

1934, 1940. Sebastian Burgos, farm laborer, and his wife Annie lived here these two years, and presumably the years between as well.

Information supplied by the owner states that the Sisters of the Holy Family of the Roman Catholic church taught catechism classes in this house in 1929 and 1946, and presumably in the intervening years. This information could not be verified and is not supported by the city directory research cited above. The owner also supplied some chain-of-title information from recent decades that does support a history of Roman Catholic Church ownership:

1963: Roman Catholic Archbishop of San Francisco to the Roman Catholic Welfare Corporation of San Francisco

1967: Roman Catholic Welfare Corporation of San Francisco to John J. Kiely

1983: John, Joseph and Mary Kiely to Ralph and Theresa Wiggington.

Because the Office of the Santa Clara County Clerk-Recorder is closed, not all of this information could be verified. The Kiely and Wiggingtons' ownerships could be verified, however, for Kiely is listed as living here in a 1972 phone book; and building permits list the Wiggingtons as owners during 1972-1988.

(See Continuation Sheet, page 7.)

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Resource Identifier: 1390 Madison Street

Recorded by William Kostura

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☒ Continuation ☐ Update

History of this house (continued)

Building permits list the following work to be performed for the Wiggingtons:

July 1972: Construct a one bedroom and bath “on one side.” This is the gabled north addition.

October 1980. Build swimming pool and fence; demolish garage.

December 1984. Remodel interior and add mechanical.

March 1988. Add accessory unit. This is the new building to the south.

Old Quad history

As mentioned above, the Old Quad area is roughly bounded by El Camino Real on the north, the Caltrain tracks on the east, Newhall Street on the south, and Scott Boulevard on the west. 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.

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 the University of Santa Clara in 1912 and 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 1930 was designed by Minton to replicate the old adobe mission building of ca. 1824.

1852. The City of Santa Clara incorporates.

1850s-1880s. Agriculture is the city’s primary industry. To some degree this remains true into the 1940s.

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Old Quad history, continued

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 San Microsystems in the late 1990s, all but four of the Agnew's buildings were demolished. It was the best four, however, that were retained.

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 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. The oldest 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-1920s. While it is beyond the scope of this report to describe these houses, 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 possess fine details and ornament as well. Because the subject house is Queen Anne in style, a number of houses in that style are illustrated below.

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Recorded by William Kostura

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Integrity

The major alterations to this property are the rear addition of 1972 (this is the westernmost 15 feet), the accessory unit of 1988, and the swimming pool and other backyard features (1980). It is possible that the four-over-four windows in the basement are sympathetic alterations, though this is not known.

Aside from these, the exterior of the house is largely unaltered. Regarding the seven areas of integrity:

Location. The house has not been moved, and so retains integrity of location.

Design. Except for its rear addition, the exterior of this house is largely unchanged. It clearly expresses its Queen Anne style, one-story-over-basement form, and hipped roof. It thus retains integrity of design.

Materials. The wooden siding, porch, front door, and window sash and trim are all in place. So is the flash glass in the upper sash of the front window. Thus, the house retains integrity of materials.

Workmanship. The turned porch posts and their brackets, the ornamental trim, and other millwork must have been created using steam-driven saws. This house exhibits its late 19th-century construction techniques. It thus retains integrity of workmanship.

Feeling. This house's appearance still exhibits the feeling of a late-19th century ornamental blue-collar cottage. It retains integrity of feeling.

Association. The early residents of this house would likely recognize this house as the one they lived in, so it retains integrity of association.

Setting. Regarding the setting *within* this property's boundaries: the newer building of 1988, the swimming pool of 1980, and the back yard landscaping are clearly of recent dates, while the pepper tree is of unknown date. Regarding the *surrounding* neighborhood: the neighborhood is still residential, but most buildings are not very old. Overall, integrity of setting is mostly lost.

California Register evaluation

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

(See Continuation Sheet, page 10.)

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California Register evaluation, continued

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.
- * 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 1890 or earlier. The house thus represents an early period in Santa Clara's history when the town was just starting to become 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 the 1890s-1910s, the first thirty years of the house's history and a period when much of the Old Quad area was still being developed.

Criterion 2. Most of the residents of this house were blue-collar workers who lived here briefly. They represent the blue-collar history of Santa Clara, but this is probably true for the vast majority of old houses still standing in Old Quad. Nothing about the residential history of this house distinguishes it from that of other houses in the neighborhood, and so the house does not appear to be eligible for the California Register under this criterion.

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California Register evaluation, continued

Criterion 3. This is an excellent example of a raised-basement Queen Anne cottage. The distinguishing features include the front and side gables with their decorative bargeboards, shingles, and the trim around the attic vents; brackets with spindles at the top of the front bay window; the covered front porch and turned porch posts with brackets; the staircase's newel posts; window trim; flash glass in the upper sash of the front bay window; and the ornamental front door. The form of the house is also effective. It includes the L-shape of the house; the covered porch that fills the angle of the ell, and the hipped roof. For these reasons, the house appears to be eligible for the California Register at the local level under this criterion. The Period of Significance is ca. 1890, when the house was most likely built.

Character-defining features of the significant property. They include:

- * the presence of a large front yard and a narrow side yard facing Lewis Street; these establish the suburban character of the house and afford views of the principle facades. The specific plantings in the yards are not character-defining, however.
- * the height of the house: one-story-plus-attic-and-raised-basement
- * the form of the house: ell-shaped, with a bay window at right and a shallow (one-foot-deep) projecting bay on the north side (but not counting the 15-foot rear addition of 1972)
- * the width of the house
- * the hipped roof with gables on the front and north sides
- * the covered porch that fills the angle of the ell
- * decorative features, including window and front door trim, trim around the vents in the gables, bargeboard and shingles in the gables, brackets with spindles at the top of the bay window in the projecting wing, turned porch posts, brackets at the top of the porch posts, and the belt course at the first floor level
- * double-hung window sash, and flash glass in the front part of the projecting wing
- * the paneled front door.

It is uncertain to what degree the front staircase is original. The newel posts, at least, seem to be, and so these should be considered to be character-defining features.

The rear addition that is fifteen feet in depth, the newer building on the south part of the lot, and the swimming pool and other landscape features in the back yard are not character-defining.

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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 criteria that this property meet are listed below.

Criterion for Historical or Cultural Significance

To be historically or culturally significant, a property must meet at least one of the following criteria:

1. *The site, building or property has character, interest, integrity and reflects the heritage and cultural development of the city, region, state, or nation.*

With its high integrity and expressive style details, this is an excellent example of a 19th century house built for blue-collar residents.

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 is one of many houses in the Old Quad area that date to the 19th century and the early 20th century. Having been built in ca. 1890 (or perhaps slightly earlier) it is one of the older houses in the neighborhood. It also has high integrity. Under this criterion, the house is important along with other 19th and early 20th century houses for their collective ability to evoke early Old Quad history.

Similarly, this house and its 19th century neighbors are important in the history of Santa Clara and San Mateo counties. No other city or town on the peninsula, between San Francisco and San Jose, possesses such a large and coherent collection of 19th century houses as Old Quad does. Along with many other houses, this house helps to evoke the period better than any other collection of houses on the peninsula.

Criterion for Architectural Significance

To be architecturally significant, a property must meet at least one of the following criteria:

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

This is an excellent, and early, example of a Queen Anne working-class cottage. With its porch, decorative gables, brackets, and other ornament, it is one of the better examples of a late 19th century house of this size and style in Old Quad.

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Evaluation under City of Santa Clara criteria (continued)

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's most notable features — the recessed covered porch that fills an ell, ornamental gables, and other ornament and trim — are not unique in Old Quad, but they are of a high enough quality to be notable. The porch is both functional and aesthetic.

Criterion for Geographic Significance

To be geographically significant, a property must meet at least one of the following criteria:

1. A neighborhood, group or unique area directly associated with broad patterns of local area history.

As mentioned above under "Historical or Cultural Significance" (5), this house strongly contributes to Old Quad, a striking collection of 19th and early 20th century houses. No other city on the peninsula between San Francisco and San Jose possesses so many fine examples with high integrity.

Criterion for Archaeological Significance

This property is not being evaluated under this criterion.

References

Santa Clara and San Jose city directories and Santa Clara County voter registrations, 1902 to 1926, for residents at this address. Searched via Ancestry.com.

1900, 1930, and 1940 U. S. censuses, for John Handcock, Antone Burgos, and Sebastian Burgos, respectively, at this address. Searched via Ancestry.com.

"Santa Clara's Latest News." *San Jose Mercury News*, June 20, 1901; re: Hazelton.

1891 Sanborn map (page 38) and 1915 Sanborn map (page 211) for Santa Clara and San Jose. This house is shown in both maps.

"Santa Clara General Plan: Historic Preservation and Resource Inventory." This document lists about three hundred old houses in the Old Quad area. The subject house is listed as a "Queen Anne Cottage" (that style name is correct) that was built in "ca. 1880" (this seems too early).

(See Continuation Sheet, page 14.)

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Resources (continued)

Building permits for this address (all for owner Wiggington):

July 1972: Construct a one bedroom and bath “on one side.” This is the gabled north addition.

October 1980. Build swimming pool and fence; demolish garage.

December 1984. Remodel interior and add mechanical.

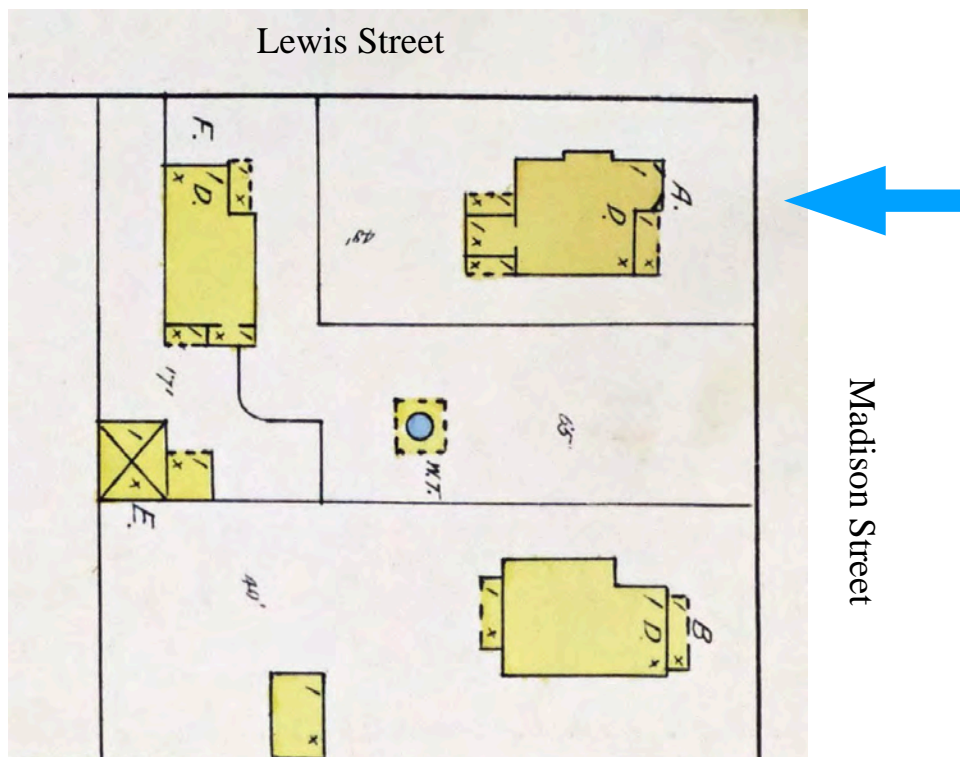
March 1988. Add accessory unit. This is the new building to the south.

Note: No permits for exterior alterations (except for the rear addition) could be found.

Susan Dinkelspiel Cerny, ed. *An Architectural Guidebook to San Francisco and the Bay Area*. Gibbs Smith, Publisher, 2007. A short but useful chapter on the City of Santa Clara can be found on pages 188-190.

The author of this report made two trips to the Old Quad area to photograph over one hundred early houses for purposes of historic context, as well as to photograph the subject house, in December 2020 and January 2021.

1891 Sanborn insurance map, page 38



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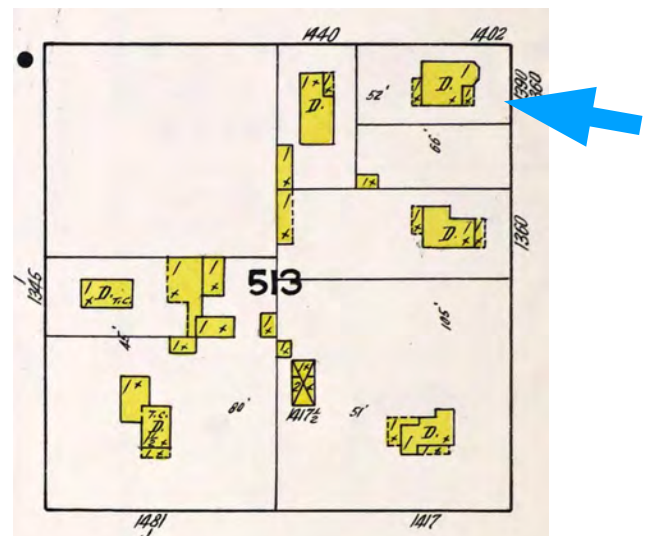
☒ Continuation ☐ Update

1891 Sanborn map, showing a larger field



1915 Sanborn map, page 211

The footprint of the house in the 1891 and 1915 Sanborn maps was the same as it is now, except for rear additions.



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Photos of the house

Front



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The slanted side of the projecting front wing, with brackets, spindles, and pendant at the top.

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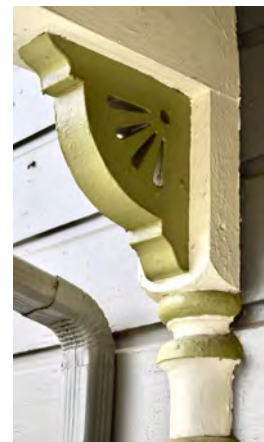
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Front porch, turned
porch post, and
incised brackets



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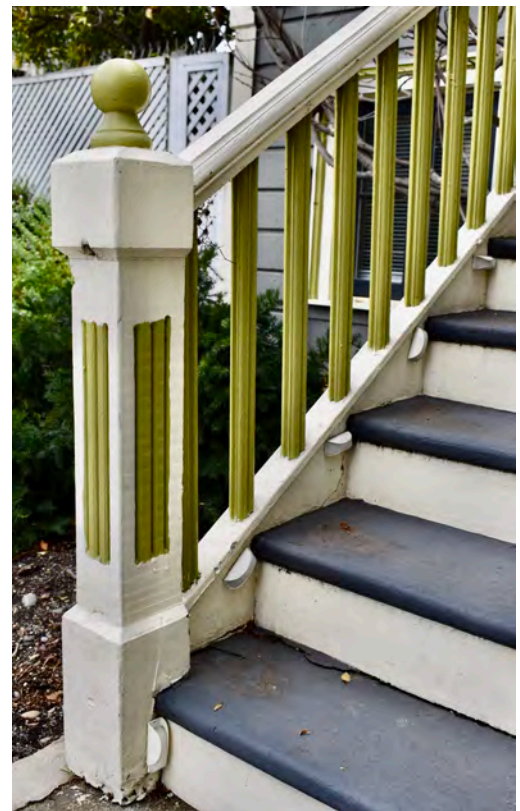
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Paneled front door, with flash glass glazing, and staircase with newel post detail.



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North side of house, facing Lewis Street



Note the gable over the one-foot-deep projecting bay, the hipped roof over the original building (shown below), and the rear addition of 1972 (shown below at far right).



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The south side



Showing the one-over-one windows in the main story, with trim; the molded belt course at the first floor level; and the four-over-four windows in the basement.

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The rear addition of 1972



Above: As viewed from Lewis Street

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DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

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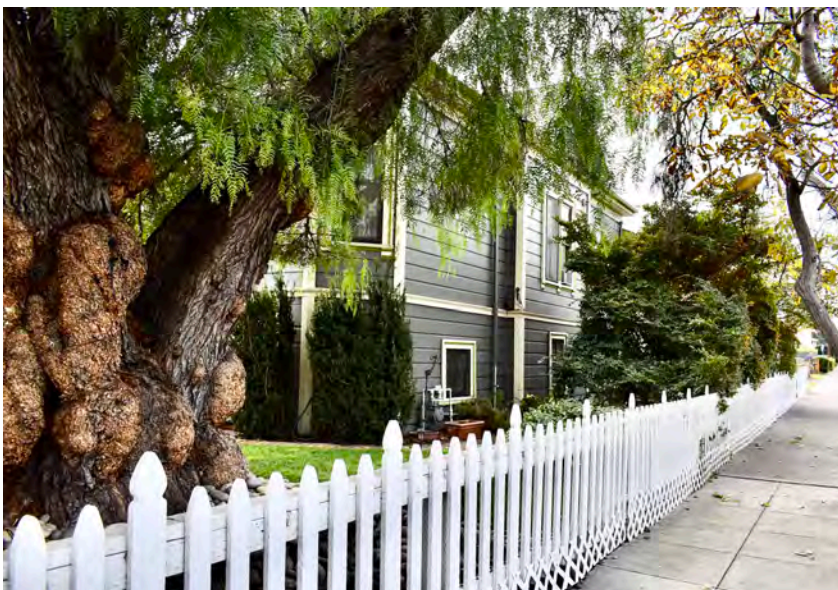
Recorded by William Kostura

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Front and side yards



While the specific plantings are not considered character-defining features, the open spaces in front of and on the north side are so considered because they define the relationship of the house to the streets and afford views of these two facades.

The pepper tree shown at left is clearly a mature tree, but its date of planting is unknown.

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The new building of 1988 and rear landscaping

Above: Two views of the “accessory unit” built in 1988. In its siding and window trim it mimics the older house.

Below: Rear view of both houses (at left, the rear addition to the old house, and at right the new building of 1988) with swimming pool, paving, and trellis.



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Other Queen Anne houses in Old Quad, Santa Clara

Construction dates, where given, are from secondary sources and have not been confirmed.



Above: 981 Fremont Street (1892)
At right: 1009 Harrison Street (1895)



Above left: 1065 Harrison Street (ca. 1891)
Above right: 1077 Harrison Street



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Lefty to right, and top to bottom:

1474 Homestead Road
1380 Lincoln Street (1895)
1567 Lexington Street (1890)

975 Lewis Street
1409 Lexington Street (1894)
1680 Market Street (1895)

1311 Lewis Street
1435 Lexington Street
1116 Washington (1892)

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.

July 21, 2021

Giacomo A. Russo
1390 Madison Street
Santa Clara, CA 95050

10-Year Restoration Maintenance Plan

Dear Planning Staff and Historic & Landmark Commissioners,

The following is the proposed 10-year plan for the restorations and maintenance of the historic home at 1390 Madison Street. All items to meet the Secretary of Interiors standards for Treatment of Historic Properties:

1. Year 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. The dry rot at the existing rafters, soffits and fascia shall be repaired with epoxy and repainted to match existing. Add drip edge flashing on the entire perimeter of the roof.

2. Year 3 (2024)

Exterior Window Restoration:

Restore / Repair existing historic exterior wood windows: Special attention will be given to the Bay Window (West Facing, Front) and the original windows in the back the backyard (South Facing, Back). Any minor dry rot areas on the windows shall be repaired with epoxy filler and repainted to match. Where elements of the

existing window have excessive rot or gaps, they shall be replaced with salvaged or custom milled wood to match. Glazing putty, where cracked, shall be replaced and the window shall be painted to match existing. Replace window pulley rope where needed.

3. Years 4-5 (2025-2026)

HVAC

Remove AC window units to preserve streetscape (8 total): Upgrade all existing heating and ventilation systems to accommodate cooling which will require the installation of an AC condenser and sealing or replacing of existing ducting in the attic as required by the building code.

4. Year 6-7 (2027-2028)

Repaint Entire House

Painting of the structure: Repaint entire exterior of residence including all exterior wood siding, eaves, gutters / downspouts, all windows, doors and associated trim.

5. Years 8-10 (2029-2031)

Roofing

Replace damaged asphalt composition shingle roofing: 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).

I am excited about restoring and rehabilitating this wonderful historic home so that it can be preserved and enjoyed for many years to come. It is a landmark building in Santa Clara County and for the State of California; it is a perfect example of what the Mills Act was meant to protect and preserve.

Sincerely,
Giacomo A. Russo

**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 day of , 2021, ("Effective Date"), by and between Giacomo A. Russo, owner of certain real property located at 1390 Madison 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 OWNER 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) OWNER possesses fee title in and to that certain real property, together with associated structures and improvements thereon, shown on the 2020 Santa Clara County Property Tax Rolls as Assessors' Parcel Number 269-03-063, and generally located at the street address 1390 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. OWNER submitted a Mills Act Proposal to City on August 25, 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 OWNER, 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 OWNER, 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 OWNER or CITY desires in any year not to renew the Agreement, OWNER or CITY shall serve written notice of nonrenewal of the Agreement. Unless such notice is served by OWNER to CITY at least ninety (90) days prior to the annual renewal date, or served by CITY to OWNER 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) OWNER 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 OWNER of nonrenewal. If either CITY or OWNER 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) OWNER 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) OWNER 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 OWNER 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) OWNER 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 party appointed by CITY, to determine OWNER'S continued compliance with the terms of this Agreement. OWNER acknowledges 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) OWNER hereby agrees 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 OWNER 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 OWNER'S 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 OWNER 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 OWNER breached any of the terms or conditions of this Agreement; or

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

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

(c) In the event of cancellation, OWNER shall pay those cancellation fees set forth in California Government Code Section 50280, et seq. As an alternative to cancellation, OWNER 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 OWNER 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 OWNER 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 OWNER hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations, and restrictions as set forth in this Agreement. CITY and OWNER 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 OWNER'S 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 OWNER 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 OWNER'S legal interest in the Historic Property.

(c) CITY and OWNER 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 1390 Madison Street), and OWNER.

(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

OWNER: Giacomo A. Russo
1390 Madison Street
Santa Clara, CA 95050

(b) Prior to entering a contract for sale of the Historic Property, OWNER 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, OWNER agrees 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 OWNER shall become legally liable arising from OWNER'S 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 OWNER. 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 \$7,694.00 (seven-thousand, six-hundred, and ninety-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. OWNER shall pay the County Recorder's Office recordation fees for recordation of this Mills Act Historic Property Contract and the recordation of the OWNER'S 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 OWNER 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 OWNER, 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 Community Development 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 OWNER 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 OWNER 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 OWNER 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:

City Attorney

Deanna J. Santana
City Manager

ATTEST:

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

Hosam Haggag
City Clerk

“CITY”

**Giacomo A. Russo,
Owners of 1390 Madison Street**

By: _____
Giacomo A. Russo
1390 Madison Street
Santa Clara, CA 95050

“OWNER”

Exhibits:

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