

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Historic Landmarks
Commission

SUBJECT: SEE BELOW

DATE: June 2, 2011

COUNCIL DISTRICT: 3
SNI AREA: University

SUBJECT: HL10-196 & MA10-003, Historic Landmark Nomination (HL) and Mills Act
Historical Property Contract (MA) for 96 S. Seventeenth Street, Curtis House

RECOMMENDATION

The Historic Landmarks Commission recommend that the City Council: (1) approve the proposed Landmark Designation (4-0-2, Commissioners Colombe and Jackson absent, one seat vacant), and (2) approve the proposed Historic Property Contract with modifications to Exhibit C Preservation Plan of the Contract to remove or reduce the amount of landscaping work, remove the kitchen remodel, and add in work associated with façade improvements and replacing the roof with tile (4-0-2, Commissioners Colombe and Jackson absent).

ANALYSIS

On June 1, 2011, the Historic Landmarks Commission held a public hearing on the proposed Landmark Designation and Historic Property Contract for the Curtis House, located at 96 S. Seventeenth Street. No one gave testimony on these items.

The Commissioners present unanimously voted to recommend the Landmark designation.

With the context of a potential Historic Landmark, the Commission discussed the purpose of the Historic Property Contract. The Commission expressed concern that the property owner intended to do landscaping and a kitchen remodel as part of the Preservation Plan. These items are part of the normal maintenance of any home and would not contribute to the historic nature of the building. For this reason, the Commission recommended modifications to Exhibit C Preservation Plan of the Contract to remove or reduce the amount of landscaping work, remove the kitchen remodel, and add in work associated with façade improvements and replacing the roof with tile. With that modification, the Commissioners present unanimously recommended that the City Council approve the Contract.

HONORABLE MAYOR AND CITY COUNCIL

June 2, 2011

Subject: HL10-196 & MA10-003, 96 S. Seventeenth Street

Page 2

The staff report containing an analysis of this proposal is attached.

/s/

JOSEPH HORWEDEL, SECRETARY
Historic Landmarks Commission

For questions please contact Laurel Prevetti at 408-535-7901.

STAFF REPORT
HISTORIC LANDMARKS COMMISSION

FILE NO.: HL10-196 & MA10-003, 96 S. Seventeenth Street, Curtis House

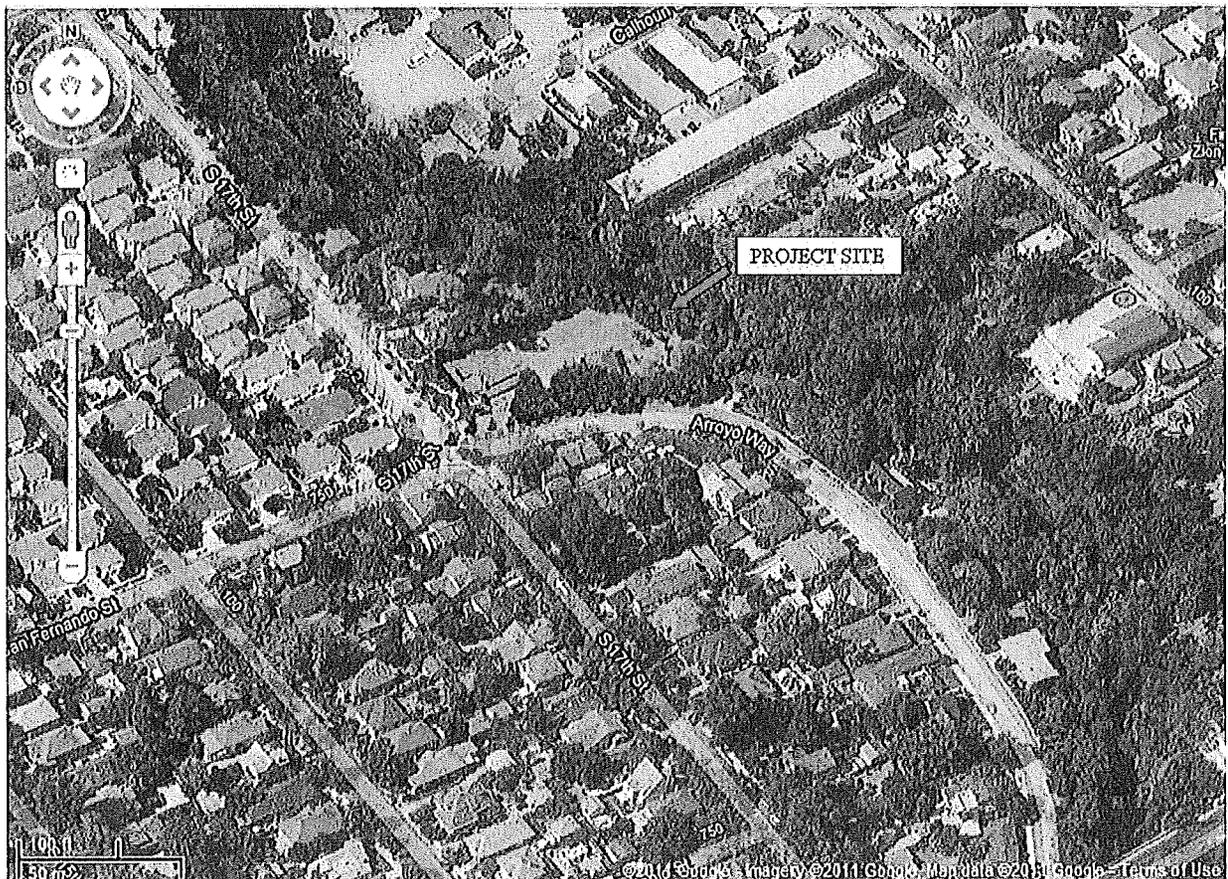
APPLICATION TYPE:

Historic Landmark Nomination (HL) and Mills Act Historical Property Contract (MA)

PROJECT DESCRIPTION:

1. Nomination of the subject building as a designated City Landmark Structure
2. Historical Property Contract (Mills Act) to allow partial property tax relief to rehabilitate and maintain the subject building

Existing Zoning	R-1-8 – Residence District
General Plan	Medium Low Density Residential (8 DU/AC)
Council District	3
Annexation Name	Original City
Annexation Date	March 27, 1850
Historic Classification	Identified Structure
Historic Area	Naglee Park Conservation Area
SNI	University
Redevelopment Area	SNI
Specific Plan	N/A



OWNERS/APPLICANTS

Norwita & Preston Powell, 96 South Seventeenth Street, San Jose, CA 95112

BACKGROUND

On June 18, 2009, the single-family house, located at 96 South Seventeenth Street was evaluated in a Department of Parks and Recreation (DPR) form and historic evaluation sheet. This house, an Identified Site/Structure (IS) in the City's Historic Resources Inventory as 96 South Seventeenth St, contributes to the locally significant Naglee Park Conservation Area. Its form and detailing maintain the integrity of the residence, and contribute to patterns of neighborhood development during the first two decades of the twentieth century. Typical of larger houses in the area, it was converted to boarding house use in the later part of the twentieth century and was known by different names over the years. The building also briefly served as a fraternity house in mid-1980s, and then continued with its boarding house use until 2000. The Curtis House is distinctive within its setting; its Mediterranean Revival- style design has architectural merit due its form and excellent detailing. Some of the detailing in the house is also influenced by Prairie style. The house exemplifies the expertise of architect George W. Page, who had a direct influence over its design. The building is representative of the residential architecture from San Jose's period of *Horticultural Expansion*.

The house was built by the owner himself, Frederick Curtis for himself and his family. He was a masonry and building contractor, and specialized in brick and stone. He built many significant buildings. Frederick was also associated with local politics and ran an unsuccessful campaign as a candidate for mayor. His son, Ernest Curtis continued in the tradition of his father Frederick, and worked in the construction industry as a draftsman and later owned a prestigious firm as an architect. The Curtis family remained in the house till 1920, and then the house was owned by Glen and Hazel Crow.

Designation of the structure as a City Landmark would establish the requirement for the issuance of Historic Preservation (HP) permits for City approval of any exterior changes proposed to the structure. The designation would also allow the owner to apply for the Historical Property Contract property tax reduction under the Mills Act and for exemption from the Building and Structure construction tax and the Commercial-Residential-Mobile Home Park (CRMP) building tax for work approved with HP permits.

A Historical Property Contract is an incentive for ownership of designated City Landmark structures. It allows the owner of a landmark structure to enjoy a reduced property tax rate in exchange for the preservation, and in some cases restoration and rehabilitation, of the owner's historic property (see attached article). Please refer to the Analysis section, below, for additional discussion of Historical Property Contracts.

ANALYSIS

I. Historic Landmark Criteria (HL10-196)

In making the findings that a proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, the Commission may consider, among other relevant factors, the following:

- (1) Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
- (2) Its location as a site of a significant historic event;
- (3) Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
- (4) Its exemplification of the cultural, economic, social or historic heritage of the city of San José;
- (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (6) Its embodiment of distinguishing characteristics of an architectural type or specimen;
- (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José;
- (8) Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Summary: Based on the information in the historical evaluation prepared by Archives and Architecture for the property, as discussed below, the building merits designation as a historic landmark based on its historical, cultural and architectural significance. The DPR form states that the building appears to significantly contribute to the existing designated area, which is considerate eligible as a National Register District.

Under the definition for historical significance within the City of San Jose Historic Preservation Ordinance, the house clearly has historic, architectural, and aesthetic value of an historical nature. Its quality derives from its distinguished architecture due to its style and design, and meets the criteria for designation as a City of San Jose Historic Landmark Structure in conformance with San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code). Under the definition for historical significance within the City of San José Historic Preservation Ordinance, the house clearly has historic, architectural, and aesthetic value of a historical nature. The building qualifies for City Landmark status based on: Criterion (1), its character, interest or value as part of the local, regional, state or national history, heritage or culture for the recognized historic context within the Naglee Park Conservation Area; and Criterion (6), as an embodiment of distinguishing characteristics of an architectural type or specimen from its distinguished architecture due to the distinctive nature of the building.

II. Mills Act Historical Property Contract (MA10-003)

The Historic Landmark Preservation Agreement is an incentive for ownership and rehabilitation of City Landmarks. It is a contract between the City of San Jose and the owner of a designated City Landmark, which allows the owner to enjoy a reduced property tax rate from the County

Assessor in exchange for the preservation, and in some cases restoration and rehabilitation, of the owner's historic property. The purpose of the agreement is to provide greater protection for the City Landmark property than is otherwise provided by the historic preservation regulations in the City Municipal Code. The County Assessor sets the property tax rate based on an appraisal of the market value of the land and improvements. A property under contract will receive a property tax reduction based on an appraisal of the rental value of the land and improvements.

Required Provisions of Historical Property Contracts

Municipal Code Chapter 13.48 requires provisions of Historical Property Contracts as follows:

- A. A description of the Landmark Property subject to the Contract;
- B. A provision that the term of the Contract is a minimum period of ten years;
- C. Specific conditions requiring preservation of the Landmark Property and, where appropriate, restoration and rehabilitation of the Landmark Property to conform to the requirements of the City, and the rules and regulations of the Office of Historic Preservation of the State of California Department of Parks and Recreation;
- D. Provision for the periodic examination of the interior and exterior of the Landmark Property by the City of San Jose, Santa Clara County Assessor, and the State Board of Equalization as may be necessary to determine the owner's compliance with the Contract.
- E. A requirement that the property owner annually expend an amount equal to a minimum of 10% of the tax savings attributed to the Contract to the preservation and maintenance of the Landmark Property; and
- F. A provision that the Contract is binding upon, and shall inure to the benefit of, all successors in interest of the owners; and that a successor in interest shall have the same rights and obligations under the Contract as the original owners who entered into the Contract.

In addition to the Municipal Code provisions above, State legislation requires the City Clerk to record a Historic Property Contract with the County Recorder by December 31st of any calendar year in order to be effective during the following calendar year.

The Mills Act Historical Property Contract is a standardized form document, the majority of which is the same for each individual property. The proposed year-by-year repairs, upgrades, and maintenance are described in the Preservation Plan (Exhibit "C" of the contract). The Preservation Plan differs from property to property, based on the specific needs of each individual historical building and situation. The draft contract with the proposed Preservation Plan (Exhibit "C" of the contract) is attached to this report.

The Preservation Plan (Exhibit "C") includes an itemized list of proposed upgrades, maintenance, and repair tasks for the first ten years of the Historical Property Contract. Each of the Preservation Plans identifies specific anticipated work that is planned to be performed. However, the Preservation Plan should be viewed as an outline of anticipated work which will be done to preserve and enhance the historic resource given the annual tax savings afforded by the Historical Property Contract. For any given year, other preservation work that would represent a similar expenditure may be substituted as different site specific needs arise over time. All work being done to meet the requirements of the Contract remains subject to approval of any applicable permits, including Historic Preservation Permits (or Permit Amendment/Adjustments)

and building permits. Any work being reviewed under a Historic Preservation Permit/Amendment/Adjustment undergoes design review to ensure compatibility with the guidelines.

Required Findings of Historic Property Contracts

In accordance with Municipal Code Chapter 13.48, the City Council may approve a Historic Property Contract only if the following findings are made. Planning staff recommends that the Historic Landmarks Commission recommend the City Council make the following findings and approve the proposed Historical Property Contract, based on the text added in italics.

- A. The proposed Contract is consistent with the General Plan;

Preservation of specific structures or special areas is a part of the San Jose 2020 General Plan Urban Conservation/Preservation Major Strategy. The proposed Contract is consistent with General Plan Historic, Archeological and Cultural Resources Policies, which state that the City should utilize a variety of techniques and measures to serve as incentives toward fostering the rehabilitation of individual buildings and districts of historic significance.

- B. The proposed Contract would provide greater protection for the Landmark Property than is otherwise provided by the provisions of Municipal Code Chapter 13.48;

The proposed Contract provides greater protection for the Landmark Property than is otherwise provided by the provisions of Municipal Code because the owner, in partnership with the City, may use property tax relief to rehabilitate and maintain the property in accordance with the preservation plan, Exhibit "C".

- C. The proposed Contract complies with the required provisions of Historical Property Contracts listed above.

The proposed Contracts incorporate the required provisions for Historical Property Contracts listed in Section 13.48.520 of the San José Municipal Code.

GENERAL PLAN CONFORMANCE

The Landmark Designation for these structures conforms to, and furthers, the San Jose 2020 General Plan *Urban Conservation/Preservation Major Strategy*. This strategy recognizes that preservation activities contribute visual evidence to a sense of community. The structures also further the policies in the *Historic, Archaeological, and Cultural Resources (HACR), in particular Policy No. 2* states that the City should use the Area of Historic Sensitivity overlay and the landmark designation process of the Historic Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures. In addition, the proposed historical property contracts specifically further the objectives of:

- *HACR Policy No. 6*, which states that the City should use a variety of techniques and measures to serve as incentives toward fostering the rehabilitation of individual buildings and districts of historic significance; and
- *HACR Policy No. 11*, which states that The City should encourage the continuation and appropriate expansion of Federal and State programs which provide tax and other incentives for the rehabilitation of historically or architecturally significant structures.

CEQA

The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that the project has been determined exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15331. The project is limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

COMMUNITY OUTREACH

The proposed Landmark nomination and Historical Property Contract was initiated by the property owner. A public hearing notice for the project was published in a local newspaper, posted at the site, and mailed to all property owners and tenants within at least 300 feet of the subject site. Information about the proposed projects and the associated public hearings has been made available through the Planning Division web site, and staff has been available to answer questions.

RECOMMENDATIONS

HL10-196– Landmark Designation

Planning Staff recommends that the Commission, after holding a public hearing on the subject proposal, recommend that the City Council approve the proposed Landmark Designation of the Curtis House at 96 S. Seventeenth Street as Historical Landmark No. 191 at the City Council hearing scheduled for June 14, 2011 at 1:30 PM.

MA10-003– Mills Act Historical Property Contract

Planning staff recommends that the Historic Landmarks Commission, after holding a public hearing on the subject proposal, recommend that the City Council make the following findings and approve the Historic Property Contract of the Curtis House at 96 S. Seventeenth Street at the City Council hearing scheduled for June 14, 2011 at 1:30 PM.

- The proposed contract is consistent with the San José 2020 General Plan;
- The proposed contract would provide greater protection for the landmark property than is otherwise provided by the provisions of Chapter 13.48 of the Municipal Code; and
- The proposed contract complies with the requirements of Section 13.48.520 of the San José Municipal Code.

Project Manager: Laurel Prevetti

Approved by:

Laurel Prevetti Date: 5-25-11

Attachments: Department of Parks and Recreation (DPR) form
Location map
Article regarding Mills Act
Draft historical property contract including Proposed Preservation Plan (Exhibit "C")

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 13

*Resource Name or #: (Assigned by recorder)

Frederick A. Curtis House

P1. Other Identifier: Toad Hall / (original address prior to 1913 – 96 South Fourteenth St.)

*P2. Location: Not for Publication Unrestricted *a. County Santa Clara
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad San Jose East Date 1980 photorevised T.7S.; R.1E.; Mount Diablo B.M.

c. Address 96 South Seventeenth Street City San Jose Zip 95112

d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 599832mE/ 4133450mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Number: 467-29-028,

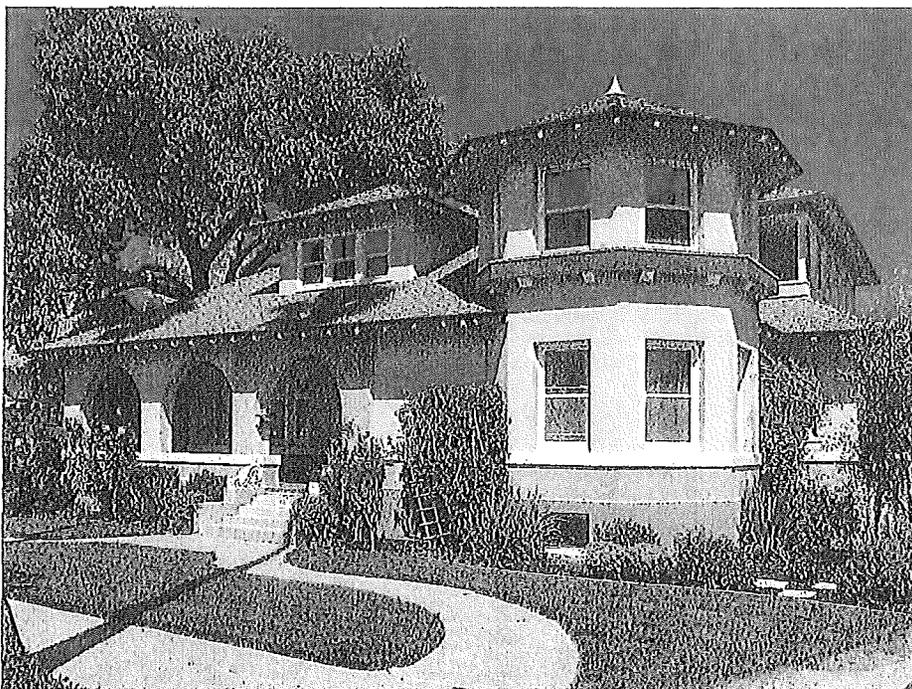
northeast corner of South Seventeenth Street and Arroyo Way.

*P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This one-and-one-half-story house, although altered at the rear, illustrates, through its form and detailing, an excellent, Mediterranean-style revival design that is unique to the Naglee Park Conservation Area in San Jose's downtown frame. The design can be attributed to (or directly influenced by) locally prominent architect George W. Page, for at the time of its construction the owner, Frederick Curtis, had just completed building Page's design for the Hayes Mansion, and the owner's son, Ernest Curtis, was Page's draftsman. For this house, the architect used a brick structure that shapes a variety of traditional elements into a unified composition. The house's asymmetrical massing, octagonal corner tower, and arcaded porch combine with its deep eaves, massive hipped main roof, smooth stucco finish, and clean lines to embody a distinctive local Mediterranean design from the early-twentieth century. (Continued on page 2, DPR523L)

*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property

*P4 Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)



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

View facing northeast, April 2009.

*P6. Date Constructed/Age & Sources: Historic Prehistoric Both

1909, 100 years old, city directories.

*P7. Owner and Address:

Norwita & Preston Powell
 96 South Seventeenth St.
 San Jose, CA 95112

*P8. Recorded by: (Name, affiliation, and address)

Franklin Maggi & Leslie Dill
 Archives & Architecture
 PO Box 1332
 San Jose CA 95109-1332

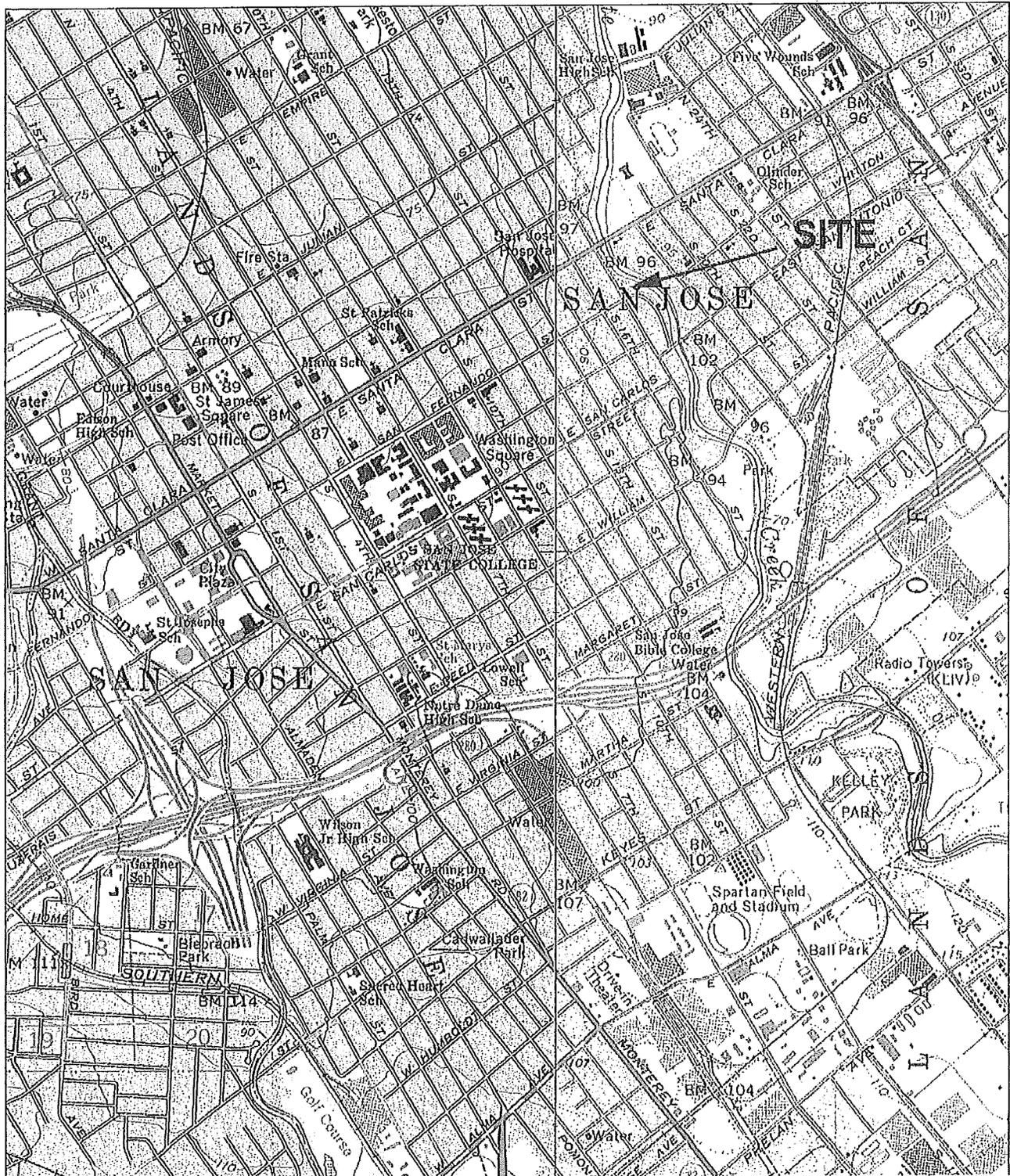
*P9. Date Recorded: June 18, 2009

*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 State Record Rock Art Record Artifact Record Photograph Record Other (List)



(Continued from page 1, DPR523a, P3a)

The property is on a corner within Naglee Park, a recognized historic residential neighborhood, currently designated as a San José Conservation Area. Naglee Park was subdivided and developed relatively quickly and consistently around the turn of the last century, creating a coherent neighborhood character. The neighborhood has maintained many of its original residential features; therefore, the house is surrounded by much of its historic setting, including adjacent houses of similar age, scale, and design, surrounding properties of a similar scale and setbacks, mature street trees and other landscaping, and the regular pattern of the streets. The house and parcel are slightly larger than the rest of the immediate neighborhood.

The immediate setting for the house is a mostly open, corner lot that slopes from Seventeenth Street and Arroyo Way down to Coyote Creek at the rear of the property to the east. The parcel is deep, and has a curving rear property line that follows the streambed. The parcel includes a moderately sized, level front yard that faces Seventeenth Street (nominally west). The large, rectangular footprint of the house aligns with the regular street frontage; it is one-and-one-half stories at the front and has a full-height walkout basement at the rear. The wide planting strip at the sidewalk primarily features very tall palm trees that are found on both sides of Seventeenth Street in this block. The front entrance of the house is accessed by a pair of curving concrete walkways that converge at the front steps from the outer corners of the sidewalk in an arc. Most of the front yard is landscaped as a lawn, with some shrubs and other foundation plantings. The north side yard continues the level front yard landscaping. It features a massive, mature deciduous tree; the yard is landscaped with low plantings and mulch and terraces steeply at the rear corner into a recent concrete dog run. The south side of the house encompasses a gravel driveway that begins at an older concrete driveway apron. The driveway leads downhill to a new three-car garage set at a slight angle to the side and rear of the house. Along the side property line, where it curves to follow Arroyo Way, are a number of mature trees. The open rear yard, primarily planted as lawn, includes the foundation of a former accessory structure, a tankhouse. The foundation has full-height brick retaining walls where the yard terraces to the creek. Along the creek is a wooded riparian area.

The proportions of the asymmetrical house are broad; the moderately sloped hipped roof extends across the entire structure, including a sizeable, recessed wrapped front porch and deep eaves. The wide expanse of roof is punctuated by a corner turret. This element has proportions very different from those of the previous century; its room-sized octagonal form has deep eaves and a hipped roof with a lower pitch than the main roof. The broad roof is also accented by dormers on the front and north side; on the south side, a wide second-story porch dormer is more prominent. The asymmetrical rear massing is wrapped in a symmetrical two-story new porch addition.

The eaves are deeply overhanging and feature shaped rafter tails. The tails are clipped at the exposed ends in a concave curve and notched at the top to support metal gutters in an ogee shape. The roof is presently covered with composition shingles that replaced original roofing that was possibly Spanish tile, and the sheathing is v-groove. The original walls are clad in smoothly textured stucco; the new walls match the original stucco. The house is raised above a full basement with brick foundation. Original fenestration consists primarily of deeply recessed, 1/1 double-hung wood windows that are surrounded by standard wood recessed stucco molding. The windows rest on a moderately heavy stucco sill band that wraps the house on most sides. Most of the window sash have been replaced by vinyl inserts; this is intended to be a temporary installation, according to the current owner, but a few wood windows remain.

(Continued on next page)

(Continued from previous page)

The front façade is asymmetrical. The two-story octagonal turret and the brick structure, clad in stucco but apparent in the forms and detailing, are the primary character-defining features of the house. The first floor of the front façade primarily features an asymmetrical recessed porch. The porch has three half-round arches above a low solid porch wall with a heavy caprail. The front entry is at the innermost arch of the porch, which places it at the center of the main mass of the house. The arch is accentuated by a slightly projecting wall surround. Centered above the main opening is a hipped-roof dormer. This element features a tripartite ribbon of wood 1/1 double-hung windows. These are capped by a unique wood design that outlines the top of the windows with applied square-cut trim. To each side of the concrete steps at the entry is a heavy decorative corbel with a scroll form. The porch floor is smooth concrete and the ceiling is beaded-board. The front door is a wide door, typical in size of the early-twentieth-century; it features a large single viewing window. Beneath the porch overhang is a tripartite focal window that features original leaded glass at all three transoms. The two-story turret balances the remainder of the side front façade. Its proportions embody the early twentieth century: it has wide eaves and a moderately low-pitched roof, a high planter at the second story windows creates a heavy base, influenced by the Prairie style, and the roof is capped by a curving finial, very simple in its execution. The wood planter wraps the turret on five sides, and is supported by curved corbels.

The north side elevation includes a central wall area flanked by the original recessed front porch and new recessed rear porch addition. The central wall area features four individually placed, stacked windows: a pair of 1/1 windows at the main level and a pair of smaller ones at the basement level. The dormer has a ribbon of three 1/1 windows. The trim matches the front dormer. The front porch wraps onto this elevation; there are three equal arches. The rear porch addition has a single arch.

The turret is visually distinct at the south side façade. It projects from a low point of the roof, in front of a separate, long two-story side wing. The first floor steps outward in plan behind the turret, and a second story colonnade projects from the roof. The width and height of the colonnade dormer on this elevation creates a different effect than the front and north side elevations where the roof is more prominent and the dormers act as accents. The colonnade area was likely historically used as an open sleeping porch; it features a hipped roof and a row of simple posts. At the wall beneath the porch is a variety of window types. The ground floor features a transition from the original house to the rear addition; at this point there is a shallow pilaster, the sill band drops, and the foundation is revealed at the new addition. An original tripartite window opening with transoms is located at the original portion of the wall; a similar window with stucco mullions is located in the addition. At the original elevation is a pair of 1/1 basement windows; there are no windows within the new addition. At the rear of this façade is an archway at the end of the new rear porch. This elevation has a relatively consistent ground plane; the initial driveway slope occurs within the front setback of the house, and the remainder of the topographic change occurs in the rear yard.

The original, asymmetrical rear façade has been wrapped by a full-width, symmetrical two-story porch wing. The form of the original design is visible; the original roof and attic half-story rise above the new, lower, hipped roof. The original upper floor is served by inset roof balconies. At the walkout basement level, the recent porch has square openings; the main level is an arcade. At the main walls, recessed within the porch, are some original 1/1 double-hung windows.

Although the floor plan had been modified somewhat to create apartments, the interiors are in the process of restoration, and include many original features that are integrated into the overall character of the house, including, but not limited to: flooring; baseboards; plaster walls and ceilings; coved ceilings; window and door trim; picture molding; doors and pocket doors; columns; fireplaces and surround; ceiling beams in dining room; built-in buffet; dining room wainscoting; staircase; and some light fixtures.

State of California – The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #
 HRI #

Page 5 of 13

*NRHP Status Code 3CS

*Resource Name or # (Assigned by recorder) Frederick A. Curtis House

B1. Historic Name: Frederick A. and Eleanor Curtis House

B2. Common Name: None

B3. Original use: Single family residential B4. Present Use: Single family residential

*B5. Architectural Style: Mediterranean Revival

*B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1909. Reroof in 1975. New garage constructed 2001. Restored to single family 2002-2005 (SF00-082 and SP02-014), including removal of prior addition at rear and rebuilding/expansion of rear.

*B7. Moved? No Yes Unknown Date: n/a Original Location: n/a

*B8. Related Features:

Recently constructed garage (2001). Foundation of prior tankhouse.

B9a Architect: George W. Page (attributed based on associations) b. Builder: Frederick Curtis

*B10. Significance: Theme Architecture & Shelter Area Downtown Frame / Naglee Park Conservation Area
 Period of Significance 1909-1922 Property Type Residential Applicable Criteria (1) & (3)
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The single-family house located at 96 South Seventeenth St. was constructed in 1909 by Frederick Curtis for himself and his family. The property configuration appears to have been created by deed within the southerly portion of the lands east of South Seventeenth Street (previously South Fourteenth Street), East Santa Clara Street, Coyote Creek, and what was once the future right-of-way of East San Fernando Street.

Naglee Park is a 140-acre neighborhood that was once the estate of General Henry M. Naglee, a veteran of the Civil War and local property developer during the later part of the nineteenth century. Although originally platted within the 84-block unrecorded Naglee & Sainsevain's Addition, the estate was re-surveyed in the early twentieth century. The first phase, between East Santa Clara and East San Antonio Streets was subdivided by the Naglee Park Improvement Company, although the subject area adjacent Coyote Creek was not subdivided into house lots. Established as a prestigious urban residential subdivision with many architect-designed homes and recorded deed restrictions governing use, house orientation and cost, it was built-out by the beginning of World War II. During the late 1970s, it was identified as a potential conservation area by the City of San Jose, and designated as such in the 1980s.

(Continued on next page, DPR523L)

B11. Additional Resource Attributes: (List attributes and codes) HP3. Multiple family property

*B12. References:

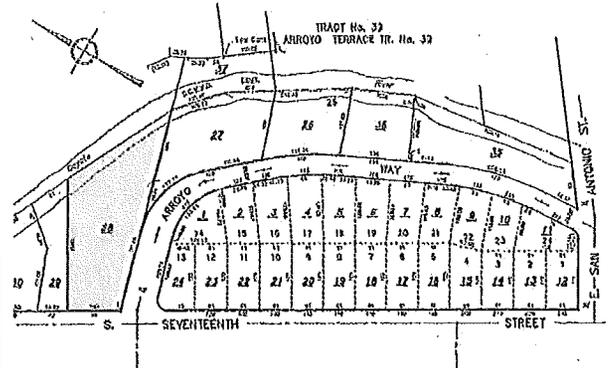
- Sanborn Fire Insurance Maps, 1915-1962.
- San Jose Block Books, 1924.
- San Jose city (Polk) directories.
- San Jose, City of, building permits.
- San Jose Mercury, Death in Santa Clara Cnty, 7/1/1928.
- Word About F.A. Curtis, Candidate for Myr, 4/3/1910.

B13. Remarks: Proposed landmark nomination

*B14. Evaluator: Franklin Maggi

*Date of Evaluation: June 18, 2009

(This space reserved for official comments.)



State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomlal

Page 6 of 13

*Resource Name or # (Assigned by recorder) Frederick A. Curtis House

*Recorded by Franklin Maggi and Leslie Dill

*Date 6/18/2009

Continuation Update

(Continued from previous page, DPR523b, B10)

In 1908 Frederick Curtis acquired the subject property, an irregularly shaped parcel adjacent the Coyote Creek, from the Naglee Park Improvement Company. He had recently retired, after a long career as a masonry and building contractor, a career that had begun in Chicago.

Frederick Curtis had emigrated from England in 1881, and returned to marry Eleanor Trigg in their hometown Gloucester in 1885. Returning to America with his wife and son William, Frederick engaged in the contracting business in Chicago specializing in brick and stone. The family relocated to San Jose in 1888 with William and subsequently had four additional children in San Jose: Ernest, Harry, Viola, and Mildred.

The Curtis family first lived at 526 North Third St. (this house is still extant). During the 1890s until the 1906 Earthquake, Frederick was a successful masonry contractor in San José. Among his more significant commissions were: the St. James Hotel, Carnegie Library at Washington Square, Porter Bldg., St. James Hotel, Moir Bldg., the Jose Theater, and the Hayes Mansion. George Page designed the Hayes Mansion, and also designed a number of houses that Curtis built speculatively. Frederick Curtis retired in 1906, and spent some time involved in a City inspection committee analyzing buildings damaged by the earthquake. His son Ernest had began work with George Page as a draftsman at the time of the Hayes Mansion project in 1905; he continued to work for Page until 1910 when Page retired.

In 1910 Frederick Curtis participated in the ill-fated campaign to unseat incumbent Mayor Charles W. Davidson. The United People's Party, backed by the Hayes family, owners of the San Jose Mercury, ran a ticket with Frederick Curtis as candidate for mayor. The campaign failed, and subsequently Curtis appeared to retire from local politics.

The Curtis family remained in the house until after 1920, and then sold the property and lived on South Eleventh Street. Son Harry relocated to Los Angeles and was involved in the auto business, and son William moved to Oakland and worked in advertising. Son Ernest went to work with William Binder, Architect, and by World War I and become Binder's partner. The firm of Binder & Curtis would evolve into San Jose's most prestigious commercial architectural firm during the first half of the twentieth century.

Glen H. and Hazel Crow, ranchers, owned the property for about 15 years after the Curtis family. During World War II, the house was occupied by a number of short-term tenants, until acquired by Walter M. Spears. Spears was a millman, and with his wife, Gertrude, converted the building to a student boarding house in 1955, constructing \$8500 in improvements that year. The following year the facility was known as the Continental. The boarding house had a number of different names over the following years, including the Pink Tub Annex and Century House Annex until named Toad Hall in 1968. It remained Toad Hall for about seven or eight years, but is remembered locally for that name within the neighborhood. The building briefly served as a fraternity house in the mid-1980s (Alpha Tau Omega) after the property was sold by San Jose Medical Clinic, and continued the boarding house use until 2000.

Integrity and character-defining features:

The property maintains most, but not all, of its historic integrity as per the National Register's seven aspects of integrity. The house maintains its original location on South Seventeenth Street, in the historically significant Naglee Park Conservation Area of San Jose. The property is surrounded by a traditional residential setting to the east of downtown San José, including surrounding properties of a similar scale and setback and adjacent houses of similar age, scale, and design. The subject property retains its early-twentieth-century residential scale and feeling and continues, through its massing and detailing, to illustrate its associations with high-quality architectural work attributed to architect George Page. This building has a distinctive character and composition that is expressed through its brick structure, preserved exterior materials, integral workmanship, and Mediterranean-style design. The replacement of the windows with vinyl sash affects the integrity of design and materials, but it is understood to be a temporary measure, and appears to be reversible. Other alterations, such as the rear addition, have an impact on the character of the house, but the underlying form and detailing have been preserved.

(Continued on next page)

(Continued from previous page)

STATUS

The property appears to have been initially surveyed and listed as an Identified Structure (IS) in the San Jose Historic Resources Inventory as 86 South Seventeenth St. It presently is listed as 96 South Seventeenth St.

EVALUATION

This house, an Identified Structure with the Naglee Park Conservation Area, sits within a distinguished neighborhood of early-twentieth-century residences. The building has a distinctive character that is expressed through its preserved materials and overall design. The Curtis House represents a local implementation of Mediterranean-style architecture, and is a distinguished example of this style in San Jose.

Frederick Curtis is a person of some significance in the development of San Jose during the late-nineteenth and early-twentieth centuries, during San Jose's *Period of Horticultural Expansion*. He is a notable person in San Jose's history, a prolific contractor who built many of the major buildings of his time.

The Curtis House is prominent within the context of residential buildings in Naglee Park, and is a distinctive design that is likely associated with both George Page and his protégé Ernest Curtis. It remains today as a clear representation of its period, in both design and detailing, and is distinguished among many fine houses built with the neighborhood. Given the recognized historic context within the Naglee Park Conservation Area, and the distinctive nature of the building, it qualifies for the California Register under Criteria (1) and (3). It may also qualify for the National Register under Criterion C for its distinctive architecture given a reversal of some of the changes, and may qualify in the future under Criterion A as a contributor to the residential pattern of development for which Naglee Park has been recognized. It would not qualify under Criterion (2) of the California Register or Criterion B of the National Register, as the personage associated with this house, Frederick Curtis, is prominent, but did not play a decisive roles in the history of the community.

Under the definitions for historical significance within the City of San Jose Historic Preservation Ordinance, the house clearly has historic, architectural, and aesthetic value of an historical nature. Its quality derives primarily from its distinction as an important architectural work due to its style and design, and for its association with Frederick Curtis, a notable person who contributed to the development of San Jose.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 8 of 12

*Resource Name or # (Assigned by recorder) Frederick A. Curtis House

*Recorded by Franklin Maggi and Leslie Dill

*Date 6/18/2009

Continuation

Update



Front façade, viewed facing southeast.



North elevation, viewed facing east.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

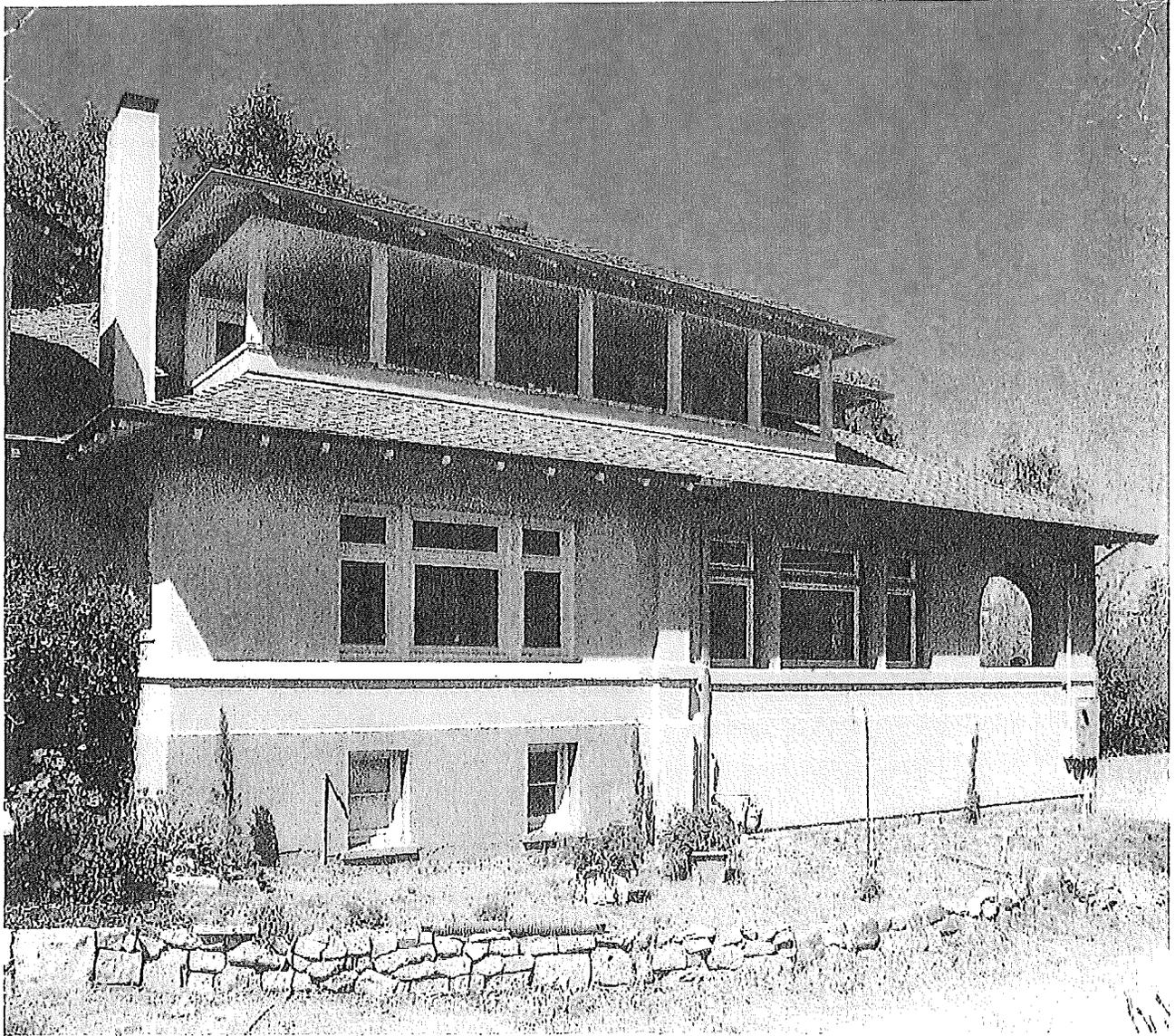
Page 10 of 13

*Resource Name or # (Assigned by recorder) Frederick A. Curtis House

*Recorded by Franklin Maggi and Leslie Dill

*Date 6/18/2009

Continuation Update



South elevation at Arroyo Way, viewed facing north.



Rear elevation, viewed facing northwest.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

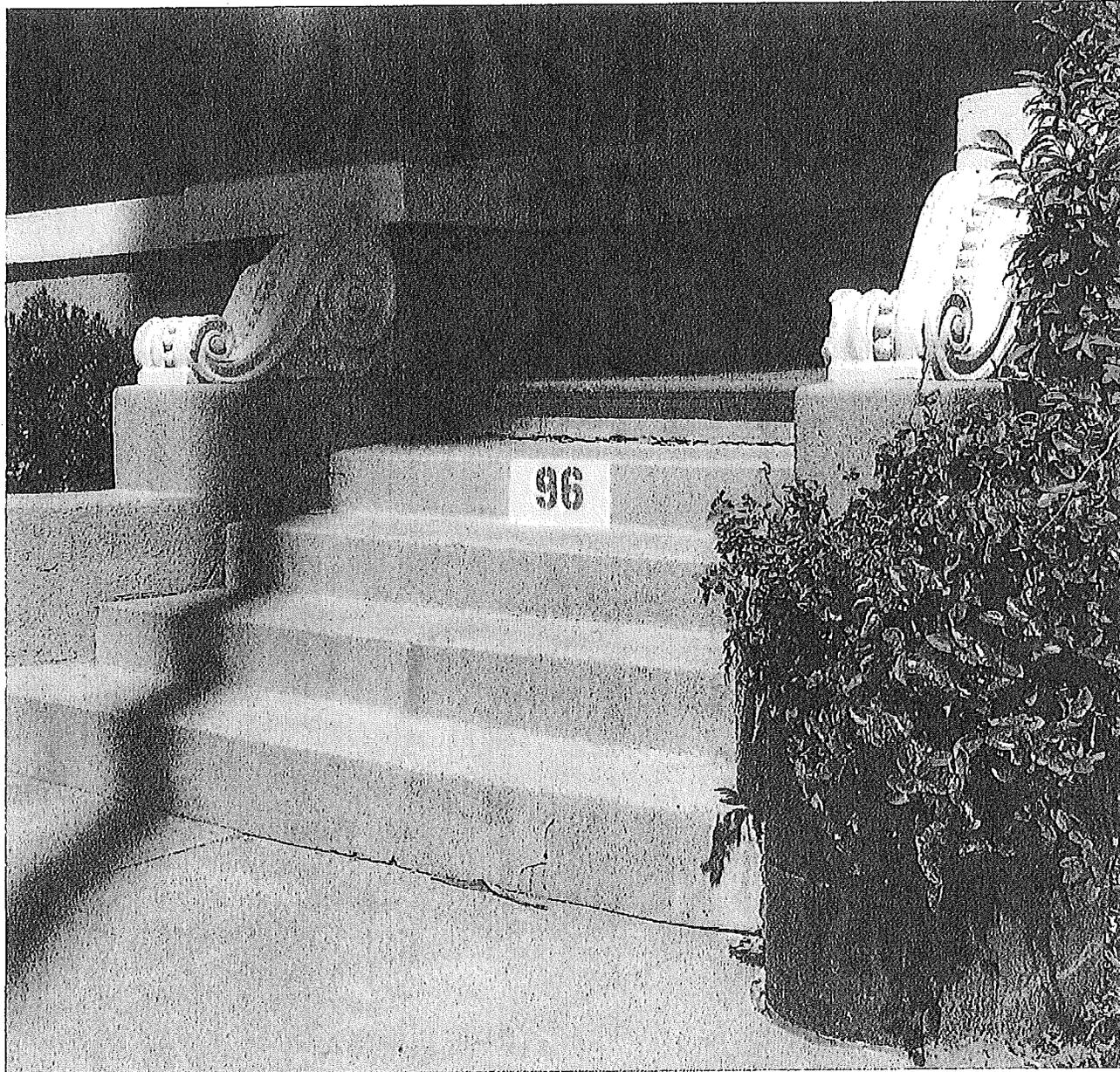
Primary #
HRI #
Trinomial

Page 12 of 13

*Resource Name or # (Assigned by recorder) Frederick A. Curtis House

*Recorded by Franklin Maggi and Leslie Dill

*Date 6/18/2009 Continuation Update



Front entry steps, viewed facing northeast.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 13 of 13

*Resource Name or # (Assigned by recorder) Frederick A. Curtis House

*Recorded by Franklin Maggi and Leslie Dill

*Date 6/18/2009

Continuation Update



Replacement garage, viewed facing east.



File No: HL10-196
District: 3



Prepared by the Department of Planning,
Building and Code Enforcement
12/07/2010

AERIAL

Reducing Property Taxes with the Mills Act

By Ken Fowler

Anyone who owns an older home would love to have more money available to maintain and restore it. The good news is that the state Mills Act can help free up those funds by reducing your real estate taxes. If you promise to use those tax savings to preserve your property's historic character, your recalculated property taxes using the special Mills Act assessment method can be reduced 50% or more!

What Property Is Eligible and How It Works

The City of San Jose has adopted the Mills Act and will enter into contracts only with property owners of designated city landmarks. The landmarking process must be completed before a Mills Act contract is initiated. See the accompanying story for how PAC* SJ member Rusty Lutz just obtained city landmark status for his North Second Street apartment building. (If you outside San Jose, check with your local planning office for what they have deemed a qualified historic property. Property owners in unincorporated Santa Clara County should contact the County Historical Heritage Commission.)

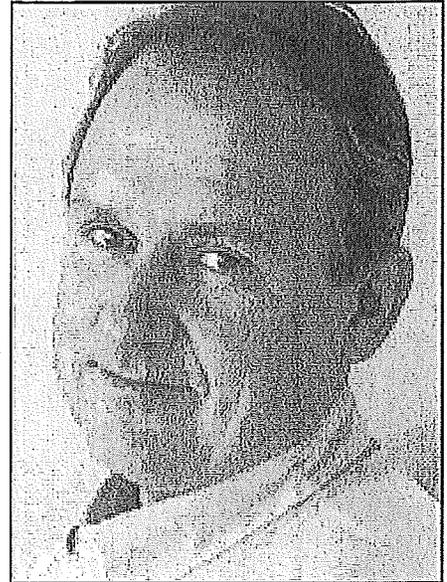
A Mills Act contract runs for 10 years and renews itself automatically. If the city or property owner chooses not to renew, the contract

will terminate at the end of the current 10-year term. The city or property owner may also cancel the contract, but a penalty may be assessed.

How the Reduced Property Tax Is Computed

Mills Act contracts are available for income property and for owner-occupied property. Property valuation is determined by the "income" method. Generally, the income, or projected income, less certain expenses, is divided by a capitalization rate to determine the assessed value of the property. When a property is owner occupied, the determination of "income" is based on what a property could reasonably be expected to yield in rental income. In the case of income-producing property, the income amount is based on rent actually received and on typical rents received for similar property in similar use.

Here's an example of how much money would be saved on a historic residence assessed at \$800,000. At a 1% property tax rate, current taxes would be \$8,000. Let's say the property does or could generate a \$5,000 monthly income, or a \$60,000 annual gross. Let's say expenses (things like insurance, repairs, and utilities) run \$10,000 a year. That would be a net income of \$50,000. To determine the



capitalization rate, we add up four components:

1. Your mortgage rate (for this example, let's say 4%)
2. A historical property risk component (4% for owner-occupied single-family residences, 2% for other cases)
3. Amortization (for this example, let's say 5%)
4. Your property tax rate (for this example, 1%)

These four components add up to 14%. Divide \$50,000 by 0.14, and you get the new assessed value of the residence, \$357,143. Instead of the original \$8,000 in property taxes, the new taxes would be \$3,571. That's a yearly savings of \$4,429.

EXHIBIT - C

Suson-Nale, Maggie

From: Norwita Williams-Powell [nwpowell@apple.com]
Sent: Tuesday, November 09, 2010 10:27 AM
To: Suson-Nale, Maggie
Subject: Fwd: Outstanding Items for Historic Preservation Application attached
Attachments: 100806 Powell - County Assessor Map.pdf; ATT152461765.htm; 100806 Powell - Legal Description.pdf; ATT152461766.htm; 100806 Powell - Plot Plan.pdf; ATT152461767.htm

Here is the information to complete the applications. Appreciate your support this morning. I will follow-up with John Davidson on the timing of the hearings.

Preservation Plan

- 1st Year - Fireplace Restoration
- 2nd Year - Basement waterproofing
- 3rd Year - Backyard landscaping
- 4th Year - Repaint Exterior
- 5th Year - Kitchen Restoration/remodel
- 6th Year - Backyard landscaping
- 7th Year - Window restoration
- 8th Year - Basement construction/restoration
- 9th Year - Repaint Interior
- 10th Year - Exterior Landscaping

Thank You!
Norwita

Begin forwarded message:

From: Glenn Katz <glenn@bearington.com>
Date: August 8, 2010 5:40:48 PM PDT
To: Norwita Powell <nwpowell@apple.com>, Preston Powell <peepow62@yahoo.com>
Subject: Outstanding Items for Historic Preservation Application attached