



## Legislation Details (With Text)

**File #:** ID18-1273    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Agenda Ready

**File created:** 10/18/2018    **In control:** Historic Preservation Commission

**On agenda:** 10/22/2018    **Final action:**

**Title:** CONSIDERATION OF APPROVAL OF REQUESTS BY PROPERTY OWNERS TO ENTER INTO MILLS ACT HISTORICAL PROPERTY CONTRACTS PURSUANT TO FMC 12-1706:

1. The J. H. Waller Home (HP #302) Located at 306 N Park Avenue.
2. The Cowdrey Home (HP #033) Located at 330 N Park Avenue.
3. The C. J. Ryland Home (HP #308) Located at 573 E Terrace Avenue.
4. The Nis Johnson Home (HP #245; contributor to Wilson Island Historic District) Located at 601 E Pine Avenue.
5. The Frank Bradford Home (contributor to Wilson Island Historic District) Located at 630 E Home Avenue.
6. The Elia Home (HP #311) Located at 634-640 Van Ness Avenue.
7. The Albert & Susie Clark Home (contributor to Wilson Island Historic District) Located at 667 E Pine Avenue.
8. The Thomas & Sadie Elliott Home (HP #301) Located at 934 E Mildreda Avenue.
9. The Mary Matson Home (HP #255) Located at 1440 E Divisadero Street.
10. The Senator Ray W. & Marie Hays Home (HP #310) Located at 1608/1616 S Minnewawa Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4.Mills Act Attachments

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

October 22, 2018

**FROM:** DANIEL ZACK, AICP  
Assistant Director  
Development and Resource Management Department

**BY:** LAURA VAN ONNA  
Historic Preservation Specialist  
Development and Resource Management Department

**SUBJECT:**  
CONSIDERATION OF APPROVAL OF REQUESTS BY PROPERTY OWNERS TO ENTER INTO MILLS ACT HISTORICAL PROPERTY CONTRACTS PURSUANT TO FMC 12-1706:

1. The J. H. Waller Home (HP #302) Located at 306 N Park Avenue.
2. The Cowdrey Home (HP #033) Located at 330 N Park Avenue.

3. The C. J. Ryland Home (HP #308) Located at 573 E Terrace Avenue.
4. The Nis Johnson Home (HP #245; contributor to Wilson Island Historic District) Located at 601 E Pine Avenue.
5. The Frank Bradford Home (contributor to Wilson Island Historic District) Located at 630 E Home Avenue.
6. The Elia Home (HP #311) Located at 634-640 Van Ness Avenue.
7. The Albert & Susie Clark Home (contributor to Wilson Island Historic District) Located at 667 E Pine Avenue.
8. The Thomas & Sadie Elliott Home (HP #301) Located at 934 E Mildreda Avenue.
9. The Mary Matson Home (HP #255) Located at 1440 E Divisadero Street.
10. The Senator Ray W. & Marie Hays Home (HP #310) Located at 1608/1616 S Minnewawa Avenue.

## **RECOMMENDATION**

Staff recommends that the Commission hold a public hearing and recommend that the Director of Development and Resource Management enter into Historical Property Contracts for the subject properties pursuant to FMC 12-1706. Upon approval, respective property owners shall return executed and notarized contracts to City staff, who will subsequently execute and record contracts with the County Recorder.

## **EXECUTIVE SUMMARY**

### **PURPOSE**

In California, Mills Act legislation grants participating local governments the authority to enter into contracts with owners of qualified historic property who actively participate in the restoration and maintenance of their historic properties and in exchange receive a reduction in property taxes. The City of Fresno adopted the Mills Act Program in 2016.

The minimum duration for a Mills Act Contract is 10 years. Once granted a Mills Act contract, a property owner saves approximately 40%-50% of the individual assessed tax valuation of the property. The estimated loss of revenue to the City for a property valued at \$1,000,000 would be approximately at \$800 to \$1,000 per year.

### **PROVISIONS**

#### *Qualified Historical Properties*

- 1) Properties must be privately owned within the City of Fresno and not exempt from property taxation;
- 2) Properties must be listed in the National Register of Historic Places, located in a registered historic district, or listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks;
- 3) Heritage Properties do not qualify for participation;

#### *Required Contract Provisions*

- 4) Contracts entered into must have a term of a minimum of 10 years;
- 5) Owners must preserve and, when necessary, restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation,

the Secretary of the Interior's Standards for the Treatment of Historic Properties, and the State Historical Building Code;

- 6) City officials must be granted permission to inspect the interior and exterior of the premises, prior to the execution of a new contract, and every five years thereafter, to determine the owner's continued compliance with the contract;
- 7) All successors in interest of the owner are bound to the benefits and burdens of the contract;
- 8) Unless written notice is provided by owners at least 90 days prior to the renewal date or by the City at least 60 days prior to the renewal date, 1 year shall automatically be added to the term of the contract on the anniversary date of the contract or such other annual date as is specified in the contract;
- 9) Owners must furnish the City with any information requested in order to determine the eligibility of the property involved; and
- 10) Owners or agents of the owners must provide written notice of a contract to the Office of Historic Preservation within six months of entering into a contract.

## PROCEDURE

10 Mills Act Program Application Submittals were received by August 31, 2018 and issued initial approval. Site visits were completed in September 2018 with the property owner, the Historic Preservation Specialist, and a Commission member present. A staff report as well as revised work plans and survey forms for each respective property are being presented to the Commission on October 22, 2018 for review. Once approved, property owners will return executed and notarized contracts to City staff, who will subsequently execute and record contracts with the County Recorder prior to the end of calendar year 2018.

Respective owners have requested to enter into a Historical Property Agreement (also known as a Mills Act contract) with the City.

In order to ensure compliance with the Mills Act Program, City staff and/or Commission members shall conduct periodic inspections of the properties to verify that the agreed-to improvements are being fulfilled by the owner.

Please note: Proposed exterior alterations that have the potential to affect the historic character of a designated property are still subject to review by the Historic Preservation Specialist upon project proposal and prior to the commencement of work. Furthermore, proposed projects which require a permit are subject to review by the Current Planning and Building & Safety divisions. Although anticipated projects may qualify for the Mills Act Program, approval of a Mills Act Application and execution of a Mills Act Contract do not equate with formal project approval.

## BACKGROUND

1. **The J. H. Waller Home** (1911) located at 306 N Park Avenue consists of a two-story, single-family residence with a one-car, board-and-batten garage in the rear portion of the property facing E McKenzie Ave. The residence is a vernacular expression of Late Greek Revival with Craftsman influences in the Lowell Neighborhood. The period of significance identified for this property is 1911.

The Resolution designating the J. H. Waller Home to the Local Register of Historic Resources was adopted by Fresno City Council on January 28, 2016. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because it is an example of vernacular architecture constructed for the working class and Criterion iii because it is an important and unusual housing type for the Lowell Neighborhood.

2. **The Cowdrey Home** (1903) located at 330 N Park Avenue consists of a two-story, single-family residence with a two-car garage (former carriage house) within the rear portion of the property with a driveway that leads to N Park Avenue along the north property line. The residence is an example of a middle class, turn of the century residence which displays a modified prairie style. It was owned and occupied by J. A. Cowdrey from 1904 to 1917. According to Census Records, Cowdrey was a gardener.

The Resolution designating the Cowdrey Home to the Local Register of Historic Resources was adopted by Fresno City Council on November 13, 1979. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, according to the Resolution it is significant for its age, and for its representation of a once typical but currently rare turn of the century prairie style residence.

3. **The C. J. Ryland Home** (c. 1924) located at 573 E Terrace Avenue consists of a Period Revival home with French eclectic detailing designed by and for architect C. J. Ryland, that has one main floor with a two-story bay on the northeast corner of the residence. The property also includes a two-car garage with workroom and attached greenhouse with a driveway that leads to E Terrace Avenue along the west property line. The period of significance identified for this property is 1924-1936, the period during which Ryland owned and occupied the residence.

The Resolution designating the C. J. Ryland Home to the Local Register of Historic Resources was adopted by Fresno City Council on March 9, 2017. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because it is a contributor to the proposed Terrace Gardens Historic District, Criterion ii because it is the work of a master C. J. Ryland, and Criterion iii because it is an architectural jewel which appears to reflect architect C. J. Ryland's tenure in France.

4. **The Nis Johnson Home** (1921) located at 601 E Pine Avenue consists of a one-story Mission Revival residence and two-car garage with a driveway that leads to E Pine Avenue along the east property line. It was constructed for a Danish born farmer, Nis Johnson, and his wife Katrina in the "Wilson Island" area of the Wilson's North Fresno Tract. The period of significance identified for this property is 1921.

The Resolution designating the Nis Johnson Home to the Local Register of Historic Resources was adopted by Fresno City Council on October 5, 2004. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because it is an early home in the prestigious Wilson Island Tract, a subdivision that drew business and community leaders northward as Fresno expanded and Criterion iii because it is an exemplary

and late example of the Mission Revival style applied to residential architecture.

Furthermore, the Nis Johnson Home is a contributor to the Wilson Island Historic District. The Resolution designating the Wilson Island Historic District as a Local Historic District was adopted by City Council on October 29, 2009 pursuant to FMC 12-1607(b) under Criteria i, ii, iii and iv. The “Wilson Island” is located within Fresno’s Tower District and encompasses 80 properties which are within the larger Wilson’s North Fresno Tract, a subdivision first developed in 1908 by Rosanna C. Wilson and her son A. Polette Wilson. It is one of the most architecturally distinct neighborhoods in Fresno, with a mix representing the major styles prevalent during the period of 1910-1954. Several of the homes in this 6-block neighborhood were designed by prominent local and regional architects (and/or building firms). From an earlier era when people lived in more socially mixed neighborhoods, the Wilson Island represents a move to a new “suburbia,” based to some extent on social standing and education.

- 5. The Frank Bradford Home** (1919) located at 630 E Home Avenue consists of a double lot with a two-story Neo-Classical style residence, a two-car garage with a driveway centrally positioned within the property that leads to E Home Avenue, an arbor, and extensive landscaping. It was constructed by Shorb and Meade for Frank Bradford, owner of the San Joaquin Banking Company - the largest banking company in the Valley and lived with his family in the home for 30 years.

The Frank Bradford Home is a contributor to the Wilson Island Historic District. The Resolution designating the Wilson Island Historic District as a Local Historic District was adopted by City Council on October 29, 2009 pursuant to FMC 12-1607(b) under Criteria i, ii, iii and iv. The “Wilson Island” is located within Fresno’s Tower District and encompasses 80 properties which are within the larger Wilson’s North Fresno Tract, a subdivision first developed in 1908 by Rosanna C. Wilson and her son A. Polette Wilson. It is one of the most architecturally distinct neighborhoods in Fresno, with a mix representing the major styles prevalent during the period of 1910-1954. Several of the homes in this 6-block neighborhood were designed by prominent local and regional architects (and/or building firms). From an earlier era when people lived in more socially mixed neighborhoods, the Wilson Island represents a move to a new “suburbia,” based to some extent on social standing and education.

- 6. The Elia Home** (1915, 1935) located at 634-640 Van Ness Avenue consists of a two-story duplex, or multiple-family residence, that exhibits elements of the Fold Victorian and Colonial Revival architectural styles with the addition of a one-story storefront commercial building that exhibits elements of the Art Deco architectural style in the Armenian Town neighborhood in Downtown Fresno. The period of significance identified for this property is 1915-2001. The Elia family occupied the property from the time of its construction up until the death of Anna Elia in 2001.

The Resolution designating the Elia Home to the Local Register of Historic Resources was adopted by Fresno City Council on May 24, 2018. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because it is associated with the early development of the Armenian Town neighborhood and Criterion iii because it has distinction as a Live/Work property type.

- 7. The Albert & Susie Clark Home** (1924) located at 667 E Pine Avenue consists of a two-story

Spanish Eclectic style residence, with a two-car garage in the rear portion of the property facing N Linden Avenue. It was built for Albert and Susie Clark. Mr. Clark was the Director of the Union National Bank and then President of the Fresno Savings Bank, which were the first incorporated banks in Fresno under local leadership. The Clarks lived in the home from 1922 to 1944. In 1944, the property ownership was transferred to a daughter, Eva C. Walker who was married to Ben Walker, a well-known figure in Fresno for his extensive newspaper files which he later bequeathed to the Fresno Historical Society.

The Albert & Susie Clark Home is a contributor to the Wilson Island Historic District. The Resolution designating the Wilson Island Historic District as a Local Historic District was adopted by City Council on October 29, 2009 pursuant to FMC 12-1607(b) under Criteria i, ii, iii and iv. The "Wilson Island" is located within Fresno's Tower District and encompasses 80 properties which are within the larger Wilson's North Fresno Tract, a subdivision first developed in 1908 by Rosanna C. Wilson and her son A. Polette Wilson. It is one of the most architecturally distinct neighborhoods in Fresno, with a mix representing the major styles prevalent during the period of 1910-1954. Several of the homes in this 6-block neighborhood were designed by prominent local and regional architects (and/or building firms). From an earlier era when people lived in more socially mixed neighborhoods, the Wilson Island represents a move to a new "suburbia," based to some extent on social standing and education.

- 8. The Thomas & Sadie Elliott Home** (c. 1904) located at 934 E Mildreda Avenue consists of a two-story American Foursquare style residence. The original owners were Thomas H. Elliott, president of Elliott Manufacturing Co. & Mineral Products Co., along with his wife Sadie. The period of significance identified for this property is 1900-1910. The property was first evaluated in 2008 through the North Park Survey, at which time it was vacant and boarded over. The property was in the process of full restoration by 2015.

The Resolution designating the Thomas & Sadie Elliot Home to the Local Register of Historic Resources was adopted by Fresno City Council on January 28, 2016. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because it is an important contributor to a proposed North Park Historic District, Criterion ii because the original resident was a person of importance in the business community in early Fresno as president and apparent owner of the Elliott Manufacturing Co. and Mineral Products Company, and Criterion iii because it is an excellent example of the American Foursquare property type which was popular for middle class families in early 20<sup>th</sup> century Fresno.

- 9. The Mary Matson Home** (1904) located at 1440 E Divisadero Street consists of a two-story American Foursquare style residence with Prairie and Craftsman detailing and a barn/garage in the rear portion of the property with a driveway that leads to the alley between M Street and N Street. The period of significance identified for this property is 1904-1918. According to the owner, the home was built for a Mary Matson by her parents. Polk Directories reveal that the first owner and resident was Thomas B. Snedden, a rancher, who may have been her father.

The Resolution designating the Mary Matson Home to the Local Register of Historic Resources was adopted by Fresno City Council on December 13, 2005. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because

it is among the oldest homes in its neighborhood established within the Central Addition and Criterion iii because it is a striking example of the American Foursquare type with Prairie details.

- 10. The Senator Ray W. & Marie Hays Home** (1937) located at 1608/1616 S Minnewawa Avenue is a single-family home/ranch complex in the Sunnyside Neighborhood, which draws from a variety of styles such as Craftsman, Tudor Revival, and Colonial Revival. The period of significance identified for this property is 1937-1993. The property was initially 44 acres and was purchased by Senator Ray Hays and his wife Marie Christina Hays in 1937. Hays was a member of the California State Senate from 1930 to 1942. Ray and Marie raised four children on the ranch. Senator Ray Hays died in 1973 and his wife in 1993.

The Resolution designating the Elia Home to the Local Register of Historic Resources was adopted by Fresno City Council on May 24, 2018. The property is greater than 50 years of age and possesses integrity of location, design, materials, workmanship, feeling, and association (FMC 12-1607). Additionally, it is significant under Local Register Criterion i because it is an early important suburban ranch property in the development of the Sunnyside neighborhood, Criterion ii because it is associated with a family of importance to the community - specifically Ray Hays who served as State Senator between 1930 and 1942, and Criterion iii because it is architecturally distinct as a rambling country estate and complex with multiple design influences prominent in Fresno and the country between the two World Wars.

#### **Mills Act Program Application Procedure:**

The City's Mills Act Program is located at Chapter 12, Article 17 of the Fresno Municipal Code. Section 1706 references the Mills Act Program Application Procedure:

Applications to the city shall be initially evaluated and reviewed by the Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing on every application for a Historical Property Contract. The public hearing shall be scheduled for a date not less than ten days but not more than ninety days from the date the application is filed. After the hearing, the Historic Preservation Commission shall recommend to the Director of Development and Resource Management Department that the application be denied, granted in whole or in part, or modified subject to such conditions as it deems appropriate. The Director of the Development and Resource Management Department may, in the Director's discretion, enter into Historical Property Contracts if all of the conditions of this article are met. The Director of the Development and Resource Management Department shall be responsible for assuring performance of the Historical Preservation Contracts including contract administration, extension, cancellation, and enforcement.

#### **Attachments**

Exhibit 1: Revised Work Plan (2019-2028) and Survey Forms for the J. H. Waller Home (HP #302) located at 306 N Park Avenue.

Exhibit 2: Revised Work Plan (2019-2028) and Survey Forms for the Cowdrey Home (HP #033) Located at 330 N Park Avenue.

Exhibit 3: Revised Work Plan (2019-2028) and Survey Forms for the C. J. Ryland Home (HP #308) Located at 573 E Terrace Avenue.

Exhibit 4: Revised Work Plan (2019-2028) and Survey Forms for the Nis Johnson Home (HP #245; contributor to Wilson Island Historic District) Located at 601 E Pine Avenue.

Exhibit 5: Revised Work Plan (2019-2028) and Survey Forms for the Frank Bradford Home (contributor to Wilson Island Historic District) Located at 630 E Home Avenue.

Exhibit 6: Revised Work Plan (2019-2028) and Survey Forms for the Elia Home (HP #311) Located at 634-640 Van Ness Avenue.

Exhibit 7: Revised Work Plan (2019-2028) and Survey Forms for the Albert & Susie Clark Home (contributor to Wilson Island Historic District) Located at 667 E Pine Avenue.

Exhibit 8: Revised Work Plan (2019-2028) and Survey Forms for the Thomas & Sadie Elliott Home (HP #301) Located at 934 E Mildreda Avenue.

Exhibit 9: Revised Work Plan (2019-2028) and Survey Forms for the Mary Matson Home (HP #255) Located at 1440 E Divisadero Street.

Exhibit 10: Revised Work Plan (2019-2028) and Survey Forms for the Senator Ray W. & Marie Hays Home (HP #310) Located at 1608/1616 S Minnewawa Avenue.