

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Historic Landmarks
Commission

SUBJECT: SEE BELOW

DATE: June 2, 2011

COUNCIL DISTRICT: 7
SNI AREA: None

SUBJECT: MA11-001, a Historic Property Contract for the Ashworth - Remillard House Site/Structure, located at 755 Story Road

RECOMMENDATION

The Historic Landmarks Commission voted 4-0-2 (Commissioners Colombe and Jackson absent, one seat vacant) to recommend that the City Council approve Historic Property Contract.

ANALYSIS

On June 1, 2011, the Historic Landmarks Commission held a public hearing on the proposed Historic Property Contract. The property owner gave testimony, explaining her efforts to restore the property and its structures. The Commissioners present commended her efforts and unanimously recommended that the City Council approve the Contract.

The staff report containing an analysis of this proposal has 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.: MA11-001, 755 Story Road, San Jose, CA- 95122, Ashworth-Remillard House

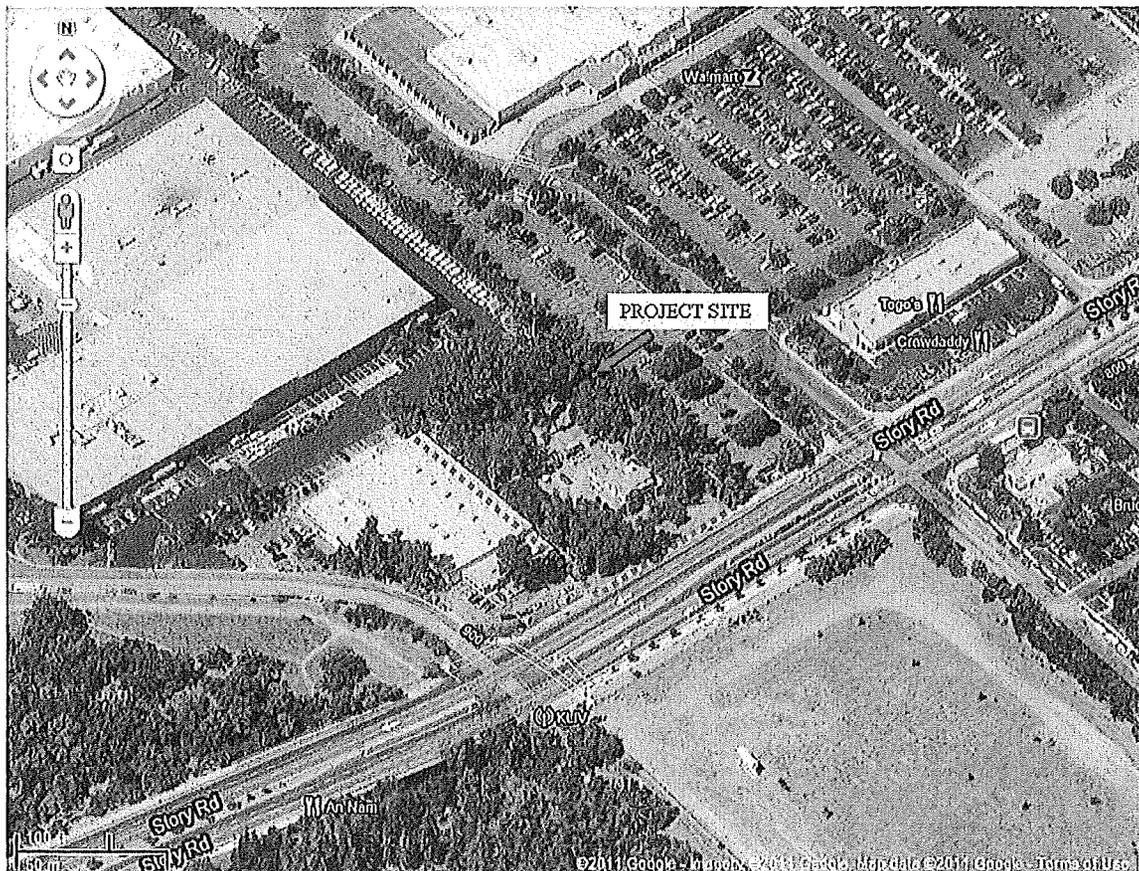
APPLICATION TYPE:

Mills Act Historical Property Contract (MA)

PROJECT DESCRIPTION:

1. Historical Property Contract (Mills Act) to allow partial property tax relief to rehabilitate and maintain the subject building

Existing Zoning	IP – Industrial Park
General Plan	IP – Industrial Park w/ Mixed Industrial Overlay
Council District	7
Annexation Name	McLaughlin No. 14
Annexation Date	November 4, 1974
Historic Classification	City Landmark
Historic Area	n/a
SNI	n/a
Redevelopment Area	Olinder
Specific Plan	n/a



OWNERS/APPLICANTS

Sue Cucuzza, 975 Trifine Dr, San Jose, CA 95117

BACKGROUND

On December 12, 1976, the property, located at 755 Story Road was evaluated for nomination to the National Register of Historic Places Inventory. The Ashworth-Remillard House embodies distinguishing characteristics of the Victorian architectural style. The two story structure features elaborate decorative carpentry and retains substantial integrity with its original design.

On March 10, 2011, the applicant submitted an application for a historical property contract. A historical property contract is an agreement 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.

ANALYSIS

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 Historical Property Contracts to contain the following information:

- 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 the tax savings attributed to the Contract to the preservation and maintenance of the Landmark Property; averaged over the ten- year span of the contract; 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, representing the amount of work that 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. In particular, the *Historic, Archaeological, and Cultural Resources (HACR) 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 of the CEQA Guidelines. 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

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 Ashworth- Remillard House at 755 Story Road 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: Draft City Council Resolution
National Register of Historic Places Inventory- Nomination Form
Location map
Article regarding Mills Act
Draft historical property contract including Proposed Preservation Plan (Exhibit "C")

DRAFT

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ APPROVING A HISTORIC LANDMARK PRESERVATION AGREEMENT WITH SUE CUCUZZA FOR THE ASHWORTH- REMILLARD HOUSE

MA11-001

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

WHEREAS, California Government Code Section 50280, et seq. and Chapter 13.48 of Title 13 of the San José Municipal Code authorize the City of San José to enter into agreements with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so to retain its characteristics as property of historical significance; and

WHEREAS, Sue Cucuzza possesses fee title in and to that certain real property, together with associated structures and improvements thereon, generally located at the street address 755 Story Road, (hereinafter referred to as the "Historic Landmark") and

WHEREAS, on August 4, 1992 the City Council of the City of San José adopted its Resolution No. 63971 thereby declaring and designating the Historic Landmark as a historic landmark structure pursuant to the terms and provisions of Chapter 13.48 of the San José Municipal Code; and

WHEREAS, the City of San José and Sue Cucuzza, for their mutual benefit, now desire to enter into an agreement both to protect and preserve the characteristics of historical significance of the Historic Landmark and to qualify the Historic Landmark for an assessment of valuation pursuant to the provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on June 1, 2011 at 6:00 p.m., conduct a public hearing on a Historic Landmark Preservation Agreement for the Historic Landmark and recommend approval of that agreement (hereinafter "Agreement"); and

WHEREAS, a copy of the Agreement upon which such recommendation was made is on file in the Office of the City Clerk of the City of San José; and

WHEREAS, the subject property upon which the Historic Landmark is situated is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Council did give notice that on June 14, 2011 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said Agreement at which hearing any and all persons interested in said Agreement could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed Agreement; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard to present their views with respect to said proposed Agreement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ THAT:

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, this Council does hereby approve the Historic Landmark Preservation Agreement with Sue Cucuzza, owner of the Ashworth- Remillard House located at 755 Story Road and makes the following findings:

- a. The Agreement is consistent with the General Plan, in that the proposed Contract is consistent with General Plan Historic, Archeological and Cultural Resources Policies that 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 Agreement would provide greater protection for the Historic Landmark property than is otherwise provided by the provisions of San José Municipal

Code Chapter 13.48 in that 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" of the contract; and

- c. The Agreement complies with the requirements of Section 13.48.520 of Chapter 13.48 of Title 13 of the San José Municipal Code. Contracts incorporate the Municipal Code's required provisions for Historic Property Contracts, including the following: A description of the Landmark Property subject to the Contract, a provision that the term of the Contract is a minimum period of ten years, specific conditions requiring preservation of the Landmark, provision for the periodic examination of property, and a requirement that the property owner annually expend an amount equal to a minimum of 10% of the annual tax savings resulting from the Contract, and a provision that the Contract is binding upon – and shall inure to the benefit of – all successors in interest of the owners in the property.

SECTION 2. Pursuant to the San José Municipal Code, Chapter 13.48, the City Clerk is hereby directed to notify the owner of the Historic Landmark subject to the Agreement and directed to record the Agreement in the Office of the Recorder of the County of Santa Clara.

ADOPTED this _____ day of _____ 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR NPS USE ONLY
RECEIVED JUL 30 1976
DATE ENTERED DEC 12 1976

SEE INSTRUCTIONS IN HOW TO COMPLETE NATIONAL REGISTER FORMS
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC

AND/OR COMMON

House
Ashworth-Remillard Home

2 LOCATION

STREET & NUMBER

755 Story Road

NOT FOR PUBLICATION

CITY, TOWN

San Jose

CONGRESSIONAL DISTRICT

VICINITY OF Tenth Congressional District

STATE

California

CODE

06

COUNTY

Santa Clara County

CODE

085

3 CLASSIFICATION

CATEGORY

- DISTRICT
- BUILDING(S)
- STRUCTURE
- SITE
- OBJECT

OWNERSHIP

- PUBLIC
- PRIVATE
- BOTH
- PUBLIC ACQUISITION
- IN PROCESS
- BEING CONSIDERED

STATUS

- OCCUPIED
- UNOCCUPIED
- WORK IN PROGRESS
- ACCESSIBLE
- YES: RESTRICTED
- YES: UNRESTRICTED
- NO

PRESENT USE

- AGRICULTURE
- COMMERICAL
- EDUCATIONAL
- ENTERTAINMENT
- GOVERNMENT
- INDUSTRIAL
- MILITARY
- MUSEUM
- PARK
- PRIVATE RESIDENCE
- RELIGIOUS
- SCIENTIFIC
- TRANSPORTATION
- OTHER:

4 OWNER OF PROPERTY

NAME

Cabot, Cabot & Forbes

STREET & NUMBER

#1 Maritime Plaza

California

CITY, TOWN

San Francisco

VICINITY OF

STATE

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,
REGISTRY OF DEEDS, ETC.

Santa Clara Co. Records Office, basement of County Courthouse

STREET & NUMBER

191 N. 1st Street

CITY, TOWN

San Jose,

STATE

California

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

San Jose Visual Inventory of Historic and Archeological Sites

DATE

Sept. to Dec. 1973

FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR

SURVEY RECORDS (original) City of San Jose Main Library, Calif. Rm., 180 W. San Carlos St.

CITY, TOWN

San Jose,

STATE

California

NATIONAL REGISTER OF HISTORIC PLACES
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DATE ENTERED DEC 12 1976

CONTINUATION SHEET

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A total of nine buildings on the grounds are included in the nomination. Most of the outbuildings have no historical significance in themselves. Only the brick building, once used as a wash house, holds substantial importance. This building was probably constructed near the time of the construction of the main house, though its date is uncertain. Surely the materials and style of construction utilized show the wash house to have been built prior to 1900. The remaining outbuildings were established between 1900 and 1940, usually for temporary purposes. As a result, these buildings are in fairly poor condition. A wood garage, for example, built by one of the caretakers in 1940 is not structurally sound at the present time. The outbuildings are currently used for storage, by the occupants of the property, and provide no other significant function. The main house and grounds are the essential parts of the nomination.

The Ashworth-Remillard Home faces South and Story Road, the main road from San José just after it crosses Coyote Creek at Ashworth crossing. The trees and other vegetation protect the home from the noise and fumes of the busy road. A wide drive enters the property just East of the Coyote Creek bridge passing North through the eucalyptus grove and then turning East toward the side and rear of the home. Several small outbuildings line this drive on its North side, behind the home.

The home and grounds have had only two owners. After the Remillard family acquired the Ashworth farm and residence in 1891, the home was used only during the summer months. Its interior is in excellent condition and has original wood work, plaster, and doors.

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

RECEIVED	JUL 30 1976
DATE ENTERED	FEB 19 1976

CONTINUATION SHEET

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Basically the original structure was a 2 story farmhouse with a pitched gable roof with many Victorian cornice eave pieces and had a vertical feeling to the house. The house is what is commonly referred to as a "Victorian" in the San Francisco Bay Area.

In the early 1930's Lillian Remillard Dandini added one room on the west side and one room on the east side and the house took on a more horizontal feeling. The room on the west side was a large sun room with glass windows around the entire perimeter. The east room is a bedroom with an adjoining bath. This room has an interesting bay window facing the street. In all her additions Lillian Remillard took the effort to have cornice pieces added so as to tie in with the existing structure and used the same wood siding to match the existing. Mr. Ray Girvigian the Architect member of the State Historic Resources Commission when asked at the hearing stated that he was satisfied that the additions were done in such a manner as to tie in well with the existing structure.

Interesting Architectural features which are typical of this early farm home are as follows:

1. Most rooms have 12 foot ceilings with heavy plaster ceiling moldings.
2. Four panel 8 foot high doors (interior)
3. 3 fireplaces in various rooms to heat the house in early days.
4. Carved front double doors with oval beveled glass lights.
5. All redwood lumber structural framing which is common for a house of this vintage but will not be seen in later structures.
6. All wood frame windows with a large amount of the original glass with the imperfections and bubbles which were common at that time.

7. The kitchen is in near original condition with an adjoining pantry complete with fold down flour bins, etc. The kitchen has 12 ft. high ceilings, plaster walls with tongue and groove wood wainscot up to about 30 inches. There is a large wood burning cook stove still in use for heat in the winter months.

DESCRIPTION

CONDITION

EXCELLENT
 GOOD
 FAIR

DETERIORATED
 RUINS
 UNEXPOSED

CHECK ONE

UNALTERED
 ALTERED

CHECK ONE

ORIGINAL SITE
 MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

This 1860s home is basically a Victorian farmhouse. It has two stories and a small basement under the kitchen area. The roof line is a steep gable with Victorian cornice pieces at most eave overhangs. The siding is redwood drop siding down to the original brick foundation.

The home is structurally sound with no sign of termites or dry rot as all the framing lumber is redwood. The brick foundation is in excellent shape and there are no signs of uneven settling or cracking. All floors are level. The building does need normal upkeep, such as painting and roof repair.

The original house had a more vertical appearance, but the addition of two rooms on the west and east sides in the early 1930s have given it a more horizontal feeling. The room on the west side is a large sun room with glass windows around the entire perimeter. The east room is a bedroom with an adjoining bath. This room has an interesting bay window facing the street. In these additions care was taken to have cornice pieces added so as to tie in with existing structure, and the wood siding matches the original. At some time in its history the second story was extended slightly, above the first story porch.

The plan of the home, with additions, is T shape. The structural framing is redwood which is common for a house of this vintage. The windows are wood frame and a large amount of the glass is original with the imperfections and bubbles which were common at that time. The front double doors with oval beveled glass lights are carved with a wreath motif.

The interior of the original section of the house contains black carved wood trim imported by Count Dandini from Mexico. Most rooms have twelve foot ceilings with heavy plaster ceiling moldings. Many of the interior doors are four panel and eight feet high. The three fireplaces were used in early days to heat the home. Ornate fibre or paper wainscoting decorates the walls and stairways. The kitchen is in near original condition with an adjoining pantry complete with fold down flour bins. The kitchen has twelve foot high ceilings, plaster walls with thirty inch high tongue and groove wood wainscoting. There is a large wood burning cook stove still in use for heat in the winter months.

The outbuildings on the site include one small brick building with a red clay tile roof, situated directly behind the home, which was used as a wash house. The other buildings on the property are of a temporary nature and have no particular significance. At present they are being used for storage and could be removed.

The physical description would be incomplete without mention of the impressive grounds surrounding the home. The eucalyptus grove on the West next to the San Jose city park land (Kelly Park, with its Historical House Museum, is part of the Coyote Creek Park Chain) was planted by the Remillard family. The large black walnut tree (198 inches circumference) just east of the home is at least one hundred years old and may predate the home.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input checked="" type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input checked="" type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES _____ BUILDER/ARCHITECT _____

STATEMENT OF SIGNIFICANCE

This home is one of the oldest well preserved structures in San Jose. It was built as the farmhouse of James Ashworth, a goldrush pioneer who acquired 250 acres of farm land in 1854 on the east side of Coyote Creek "two and one half miles southeast of San Jose" (an 1890 city directory description).

James Ashworth came from Kentucky with two brothers, one who settled in Oregon and the other in Mariposa County, California. James later brought his wife and seven children to live on the farm and built the appropriate home for his farm in the 1860s. Originally the home faced on Archer Road, but the name was changed to Story Road in the 1870s. Judge Archer's estate and farm land were just across Coyote Creek and South of Story Road in what is now San Jose's Kelly Park.

James' oldest son, John A. Ashworth, married Rose Ann Tully in 1864 (Tully Road is the next road to the South of Story Road) and moved away from the farm to town, but as late as 1878 five of James Ashworth's children are listed individually in the San Jose City Directory as "Farmer, res first house n s street at Ashworth's crossing (sic), e Coyote creek", along with their father. The Ashworth's must have lived well or been uninspired farmers for the 250 original acres shrank to 192 acres (1876 Thompson & West New Historical Atlas of Santa Clara County, Third Ward map, page 41) and then 183 and 163 acres (The 1884-85 and 1887 San Jose City Directories, respectively) so that in 1890, after the death of his wife, James Ashworth could sell only 163 acres. He moved to a house in San Jose and died in 1895.

In 1891 Peter Remillard took possession of the 160 remaining acres and the Ashworth Home. This new owner had come from Canada in 1854 and spent his first years in California in the gold fields at the Malakoff-Diggins near Grass Valley (his daughter, Lillian Remillard-Dandini donated a plaque in 1973 commemorating his stay at the Malakoff Diggins). Peter Remillard then moved to Oakland, California, and took over a brick company which became his own Remillard Brick Co. in 1861.

In 1892 Peter Remillard established a new brickyard behind the former Ashworth home next to Coyote Creek. He was a pioneer in bringing industry to the Santa Clara Valley.

9 MAJOR BIBLIOGRAPHICAL REFERENCES

"The Countess and the Brickyard", in The Independent-Journal of San Rafael, Sat., July 14, 1973, p. M-1. (Remillard Family history, by Dorothy Gardiner).
 "Remillard Heiress Succumbs at 93", in San Jose Mercury, Friday, July 20, 1973, p. 38. (Obituary of Lillian Remillard Dandini).
 "Big Wine Works Planned", San Jose Mercury, July 26, 1974. (Includes a history of the home).
 "Family Visits were the Thing", in the San Jose News, Friday, August 16, 1974, p. 41+ (Story on the Ashworth Family and the Remillard Family).

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY 2
 UTM REFERENCES

A	10	601060	4131740	B			
	ZONE	EASTING	NORTHING		ZONE	EASTING	NORTHING
C				D			

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
California		Santa Clara	

11 FORM PREPARED BY

NAME/TITLE: Mr. Richard Gilbert
 ORGANIZATION: Tenness
 STREET & NUMBER: 755 Story Road
 CITY OR TOWN: San Jose
 DATE: December 1974
 TELEPHONE: 408-294-8607
 STATE: California

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:
 NATIONAL STATE LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE: [Signature]
 TITLE: State Historic Preservation Officer
 DATE: JUL 23 1974

FOR NPS USE ONLY
 I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE: 12/12/84
 DIRECTOR, OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 DATE: 12-5-26
 ATTEST: [Signature]
 KEEPER OF THE NATIONAL REGISTER

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

FORM NO. 101 (REV. 10-18-73)
RECEIVED OCT 24 1975
DATE ENTERED DEC 12 1976

CONTINUATION SHEET

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No. 8: SIGNIFICANCE

Statement of Significance, Continued

This brickyard produced most of the bricks used in building San Jose and southern San Francisco Bay Area buildings of brick after 1892. The clay found here was of very high quality with high yield when fired and the brickyard was one of the finest sand mold brick producers on the West Coast and the only source of this type of brick in its later years. It was operated until 1968 when the hand labor and horse drawn sleds became uneconomical.

The former Ashworth Home became the summer home of the Remillard family. Countess Lillian Remillard-Dandini, perhaps the best known person today who was historically linked to this home, often told of the buggy rides with her older sister from Oakland to San Jose at the beginning of the summer. She also told of walking from the gate of the home's grounds down Story Road and across Coyote Creek to catch the urban streetcar for the ride into San Jose.

She was born in 1880 and grew up from age 12 spending her summers at this home. Her family did move to New York for a brief period and she was able to study opera, but they returned in 1906 to help rebuild the San Francisco area with Remillard bricks after the earthquake.

Lillian gave small concerts in San Jose and became known as a great patron of the arts. She was one of the founders of the San Francisco Opera Co. and in later years attended each season of the opera until her 92nd year. She died in the summer of 1973 at the age of 93.

In 1950 she purchased the Carolands, a French style chateau in Hillsborough, California, near San Francisco, built by Henriette Pullman, the heiress to the Pullman Car fortune. Through all the excitement and parties in her 96 room mansion in Hillsborough, Countess Remillard-Dandini remained partial to her summer home in San Jose as it had strong family ties and memories of a casual and leisurely life that no longer exists. The home is almost as it was fifty years ago--as if time had passed it by--surrounded by many large trees, brick pathways and terraces, and a park-like setting.

The San Jose Visual Inventory of Historic Sites recorded this home in December of 1973. (Form Number 1 AM, 113 East Side). It was given the highest possible historical evaluation of "A" on a scale of "A,B,C", and an architectural evaluation of "B".

Ashworth-Remillard Home
San Jose, California
UTM References

A 10/601060/4131740

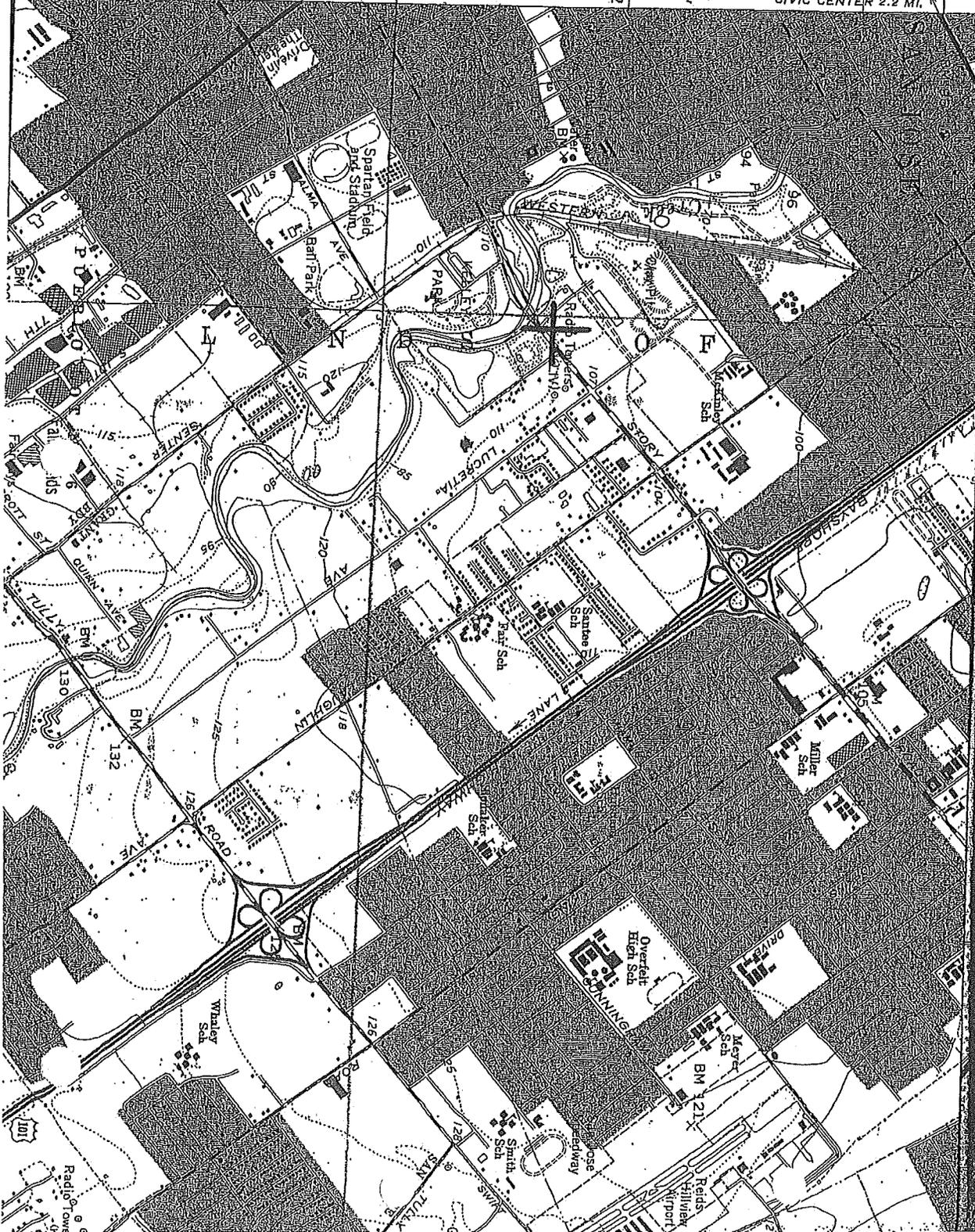
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(SAN JOSE WEST)

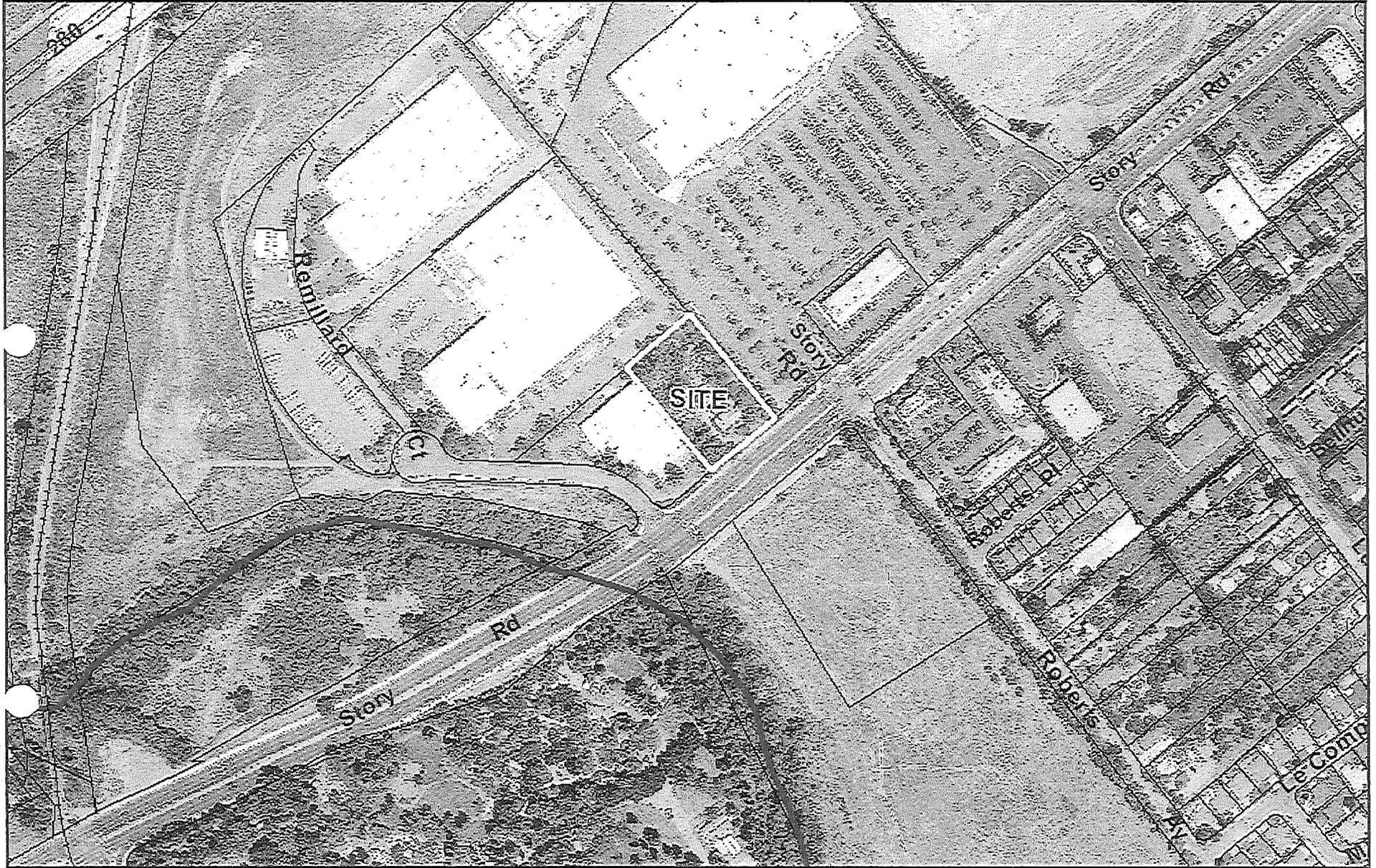
SANTA CLARA 5.4 MI.
CIVIC CENTER 2.8 MI.

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CIVIC CENTER 2.2 MI.





File No: MA11-001

District: 7

AERIAL



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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.)

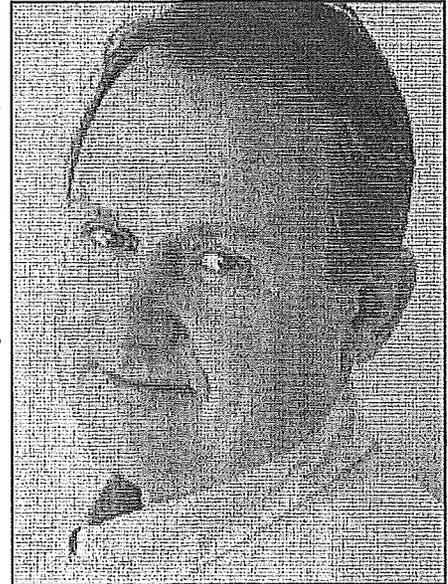
A Mills Act contract runs for 10 years and renews itself automatically. If the city or property owner chooses not to renew, the contract

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

This schedule is based on current priority. Safety issues may re-arranged this order.

10 year Maintenance Repair Plan

<u>Year</u>	<u>Planned Maintenance / Repair</u>
1st	Finish Ext & Int Painting, Finish window door repair.
2nd	Porch Support, lower level
3rd	Porch Support, upper level
4th	Electrical
5th	Plumbing 1st floor
6th	Plumbing 2nd floor
7th	Roof and Gutters
8th	FirePlaces, Chimneys
9th	SunRoom Insulation, window replacement
10th	Historic Fountain Reassemble, Mrs Pierre Remillards Memorial
10 - 15 yrs	Fencing for front of house Exterior & Interior Paint Cellar Access Repair City Sewer hook up