



COUNCIL AGENDA: 11/05/19
FILE: 19-996
ITEM: 10.1(a)

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Historic Landmarks
Commission

SUBJECT: SEE BELOW

DATE: October 21, 2019

COUNCIL DISTRICT: 6

**SUBJECT: HISTORIC LANDMARK DESIGNATION (FILE NO. HL19-002) AND
HISTORICAL PROPERTY CONTRACT (FILE NO. MA19-001) FOR THE
“WINSOR AND SUSIE GOODENOUGH HOUSE” AT 1725 DRY CREEK
ROAD**

RECOMMENDATION

The Historic Landmarks Commission voted unanimously to recommend that the City Council:

- a. Adopt a resolution designating the “Winsor and Susie Goodenough House” located at 1725 Dry Creek Road as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
- b. Adopt a resolution to approve the Historical Property Contract (California Mills Act Contract) between the City of San José and property owner, Andrea Greene, for the “Winsor and Susie Goodenough House located at 1725 Dry Creek Road (APN: 429-45-038), on a 0.53-gross acre site.

OUTCOME

Designation of the subject property as a City Landmark would preserve the integrity of the area and its recognized historic value, as well as ensure preservation of a unique residential Shingle-style architecture in San José. Adoption of the Mills Act would result in a reduced property tax rate for the property owner over a ten-year period, provided that the property owner uses the property tax savings for the preservation, restoration and rehabilitation of the City Landmark property.

BACKGROUND

On July 8, 2019, the property owner of 1725 Dry Creek Road submitted an application to nominate her house as a City Landmark and if designated, to enter into a Mills Act Contract. The

property qualifies for City Landmark based on meeting the following five of the eight criteria enumerated in Section 13.48.110(H) of the San Jose Municipal Code as follows:

- **Criterion 1:** Its character, interest, or value as part of the local, regional, state or national history, heritage, or culture, in that the property itself is associated with important early twentieth-century agriculture in San Jose, as a part of the locally significant Kirk brothers ranch as well as a working prune, apricot, and cherry orchard.
- **Criterion 3:** Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history, in that the original property owners were significant contributors to the development of San José.
- **Criterion 4:** Its exemplification of the cultural, economic, social, or historic heritage of the City of San José, in that the Goodenough House is representative of a locally prominent farming family who were part of the successful orchard era in Willow Glen in the latter half of the 1800s and beginning of the 1900s.
- **Criterion 6:** Its embodiment of distinguishing characteristics of an architectural type or specimen, in that the subject property is an excellent example of a distinctive residential Shingle-style architecture that is expressed through its preserved materials and overall design as unique to San José.
- **Criterion 8:** Its embodiment of elements of architectural or engineering design, detail, materials, or craftsmanship which represents a significant architectural innovation, or which is unique, in that the work of a locally prominent orchardist and banker Louis Booksin's design is a unique and eclectic interpretation of Shingle-style architecture.

On October 2, 2019, the Historic Landmarks Commission held a Public Hearing on the proposed Landmark Designation and Historical Property Contract for the “Winsor and Susie Goodenough House” located at 1725 Dry Creek Road. Planning staff recommended that the Historic Landmarks Commission recommend approval of the City Landmark designation and Historical Property Contract to the City Council.

Staff commented that the overall integrity of the house, the family’s contribution to the community, the Shingle-style architecture which adds to the rich architectural history of the City, and the cultural value of the house would make the property a strong candidate for City Landmark designation as well as a Historical Property Contract.

Public Testimony

The historical consultant, Krista Van Laan of Archives & Architecture, LLC, gave testimony, explaining briefly her extensive research on the house and its history that qualifies as a City Landmark based on several criteria under the Historic Preservation Ordinance.

Staff and Historic Landmarks Commission Discussion

The Commission noted that the “Winsor and Susie Goodenough House” was a beautiful house and a good example of Shingle-style architecture. The Commissioners agreed that it needs ongoing special maintenance and care due to its age. Commissioner Boehm requested that the

work plan include installation of a plaque at the house. The Commission recommended approval of the house with the condition that a plaque be included in the recommendation of the Mills Act Program.

The Commissioners unanimously recommended that the City Council designate the house as a City Landmark and approve the Mills Act Contract.

The proposed improvements include the following, as recommended by the Historic Landmarks Commission:

Year 1: Install a plaque, repair front steps and porch, match & recreate missing scrollwork.

Year 2: Repair rear steps, porch, and perimeter fencing.

Year 3: Repaint exterior siding and walls.

Year 4: Replace HVAC system and electrical upgrades as necessary.

Year 5: Repair, plaster, and paint cracks on the interior wall surfaces.

Year 6: Refinish interior main floor wood and seal.

Year 7: Basement waterproofing and maintenance.

Year 8: Evaluate and make required repairs to (or replacement of) roof. Termite work to prevent termites from causing damage to structure, as applicable.

Year 9: Repair and repaint windows, exterior trim, and details.

Year 10: Repair, plaster, and paint cracks on the interior wall surfaces.

ANALYSIS

A complete analysis, including the General Plan and the Historic Preservation Ordinance conformance, is contained in the attached Historic Landmarks Commission staff report.

EVALUATION AND FOLLOW UP

If the proposal is approved, the subject site will be deemed a City Landmark and the County Assessor will determine the tax reduction which the property owner would reinvest in the City Landmark, pursuant to the Historical Property Agreement. All work on the exterior of the house would require issuance of a Historic Preservation Permit/Adjustment and will need to conform to all applicable standards and guidelines.

POLICY ALTERNATIVES

The City Council could opt to disapprove the recommended designation of the “Winsor and Susie Goodenough House” as a City Landmark. If the building is not designated a City Landmark, the owners would not be required to obtain a Historic Preservation Permit to

demolish or otherwise alter the building but may still be subject to CEQA review. The designation is at the request of the property owner.

PUBLIC OUTREACH

Staff followed the public notification requirements of Section 13.48.110 of the San José Municipal Code. A public hearing notice for the project was published in a local newspaper and posted at the site. Information about the proposed designation and the associated public hearings has been made available through the Planning Division website, and staff has been available to answer questions.

COORDINATION

This Memorandum was coordinated with the City Attorney's Office.

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.

/s/
ROSALYNN HUGHEY, Secretary
Historic Landmarks Commission

For questions please contact Juliet Arroyo, Principal Planner, at 408-535-7847.

Attachments: October 2, 2019 Historic Landmark Commission Staff Report and Attachments



HISTORIC LANDMARKS COMMISSION STAFF REPORT

File Nos.	HL19-002 and MA19-001
Application Type	Historical Landmark Nomination and Historical Property Contract
Applicant	Andrea Greene
Location	1725 Dry Creek Road
APN	429-45-038
Zoning	R-1-2 Single Family Residence
Council District	6
Historic Area	N/A
Historic Resource Inventory	Yes
Annexation Date	February 1, 1986 (Meridian No. 71)
CEQA	Exempt per CEQA Guidelines Section 15331

APPLICATION SUMMARY:

File No. HL19-002: Historical Landmark Nomination to designate the Winsor and Susie Goodenough House as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature; and

File No. MA19-001: Historical Property Contract (California Mills Act) between the City of San Jose and the property owners for the subject property on a 0.53-gross acre site.

RECOMMENDATION:

Planning staff recommends that the Historic Landmarks Commission recommend that the City Council approve the proposed City Landmark Designation and Historic Property Contract (California Mills Act).

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation	Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent		
Consistent Policies	LU-13.1, LU-13.13		
Inconsistent Policies	None		
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	R-1-5 Single-Family Residence	Single-Family Residence
South	Residential Neighborhood	R-1-5 Single-Family	Single-Family Residence

		Residence	
East	Public/Quasi-Public	R-1-5 Single-Family Residence	Church and parking lot
West	Residential Neighborhood	R-1-2 Single-Family Residence	Single-Family Residence

RELATED APPROVALS	
Date	Action
2/1/1986	Subject property was incorporated as part of the Meridian No.71 annexation.
7/5/2011	Building Permit No. 11-005714: Remove existing driveway and install new driveway in different location.
10/13/2011	Building Permit No. 11-03293 for the following: <ol style="list-style-type: none"> 1. Replace Existing Foundation 183 linear feet. 2. Existing 5'-11" underfloor to become basement of 8'-6" 3. Addition of full bathroom, furnace and water heater 4. Remove and replace existing stairs at same location.
9/12/2013	Building Permit No. 13-122249 for re-roofing

PROJECT DESCRIPTION

On July 8, 2019, the property owners of 1725 Dry Creek Road submitted an application to designate their single-family residence as a City Landmark and to enter into a Mills Act Contract to restore, rehabilitate and maintain the property over a 10-year period in consideration for a reduced property tax rate in return for restoration and maintenance over a 10-year period.



Figure 1: Location Map

The subject house is located on the north side of Dry Creek Road, on the corner of Dry Creek Road and Peregrino Way, at 1725 Dry Creek Road (see Figure 1). The house is surrounded by

single-family homes on the west and north, a Presbyterian church and its surface parking lot on the east, across Peregrino Way, and single-family homes to the south, across Dry Creek Road.

The subject residence, built in 1897 and designed by Louis Booksin, is a distinctive two-story single-family residence in the Willow Glen residential district of San José. The architecture of the subject house exhibits Shingle-Style Victorian house with irregular lines, multiple roof forms, and varied fenestrations, with upper floors clad in wood shingles.

The typical Shingle architectural style emphasizes horizontal continuity and visual tautness of flat shingled surfaces, highly ornamented geometric patterns, spindles, low relief carvings, and designs which are artistically complex.

The Goodenough house incorporates many of the Shingle style features, such as continuous horizontal wood siding on exterior walls, a front tower with polygonal pointed roof and bay windows and a wide wraparound porch featuring columns with decorative wooden scrolled brackets (see Figure 2). There has been no addition done to the original house design and it is a well-cared for period style home with a high level of integrity.

The house was constructed for Booksin's sister-in-law, Susan Kirk Goodenough, and her husband Winsor Simon Goodenough, whose family lived in the house from 1897 until 1981. Susan was the daughter of Socrates Kirk, a locally prominent orchardist who, along with his brother Theophilus, owned a large estate (approximately 800 acres) of ranch land in 1849 in the Willows of San José, which they had ploughed and developed into profitable orchards. They also developed innovative irrigation techniques in Willow Glen and were considered pioneers in the fruit-growing industry. Socrates Kirk and his wife Louisa Guerrraz also owned and operated the Guerrraz family ranch which is now a portion of the Alum Rock Park. Socrates and Louisa built a Queen Ann-style Victorian home on the Kirk ranch. Their home, located at the intersection of Maykirk Road and Dry Creek Road (2050 Maykirk Road), is still standing.

Susan and Winsor Goodenough's daughter Helen Goodenough lived in the house until 1981 and upon her death the house was transferred to Lawrence Feal. In 1999, the house was bought by Kenneth and Mona Wallace, who sold it in 2005 to the current owner, Andrea Greene.

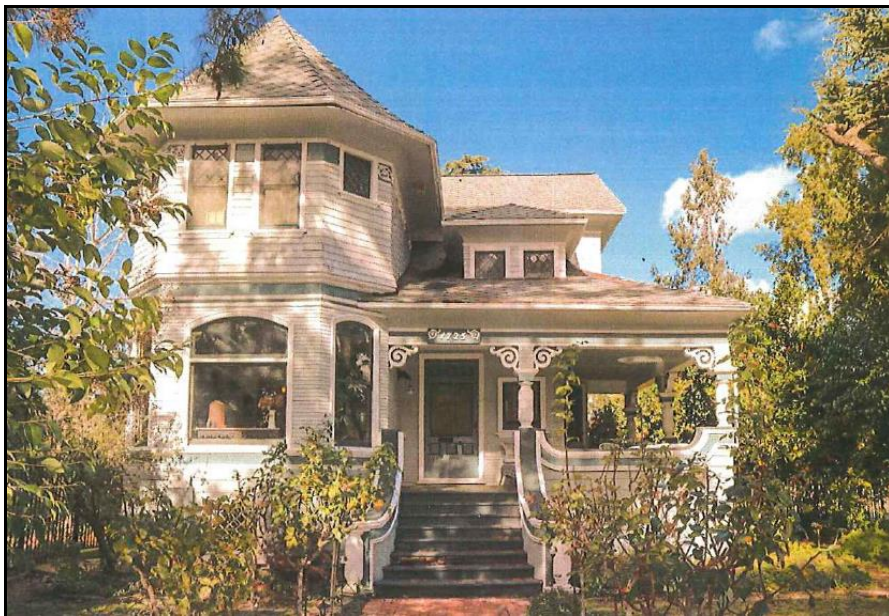


Figure 2: Front Façade

The front of the house faces south-southwest on Dry Creek Road with a central walkway extending from Dry Creek Road to the front entrance, with a tree-filled lot surrounding the house on all sides. On the north (rear) side of the house is a detached shed/garage with a short driveway extending from the rear onto Peregrino Way. The rear yard is enclosed by a black Victorian-style metal fence with spear finials along the top on three sides; the west side is enclosed by a wood fence.

ANALYSIS

Designated City Landmarks require the issuance of Historic Preservation (HP) Permits for City approval of any exterior changes to the structure and ancillary construction on the lot. If the Council approves a Landmark designation, then the Council can consider the Mills Act Contract for the property. The Mills Act Contract reduces property taxes for property owners of designated historical landmarks, in exchange for a commitment to spend property tax savings over a ten-year period on maintenance, restoration, and rehabilitation of the property. The proposed Historical Landmark Nomination and Historical Property Contract were analyzed with respect to conformance with: 1) the Envision San Jose 2040 General Plan; and 2) the Historic Preservation Ordinance.

Envision San José 2040 General Plan Conformance

The proposed project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Residential Neighborhood, which applies to established single-family residential neighborhoods in which the subject single-family residence is located. Additionally, the proposed project promotes the following policies of the General Plan with respect to historic preservation:

Historic Preservation Goal LU-13 – Landmarks and Districts: Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

1. Historic Preservation Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

Analysis: The designation of the Goodenough house as a historic landmark and approval of the Mills Act contract will preserve the integrity of this area and its recognized historic value, as well as ensure the preservation of a unique Victorian-Shingle architectural style not typical in San Jose. There are approximately a dozen properties located with this architectural style within the City of San Jose that are listed in the City's Historic Resources Inventory.

2. Historic Preservation Policy LU -13.13: Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

Analysis: By encouraging the preservation of this house through the City Landmark Designation process, the City is preserving and fostering the architectural and horticultural history of the orchardist period of San Jose.

The designation of this site as a landmark will provide the owners with potential tax relief, which will allow the home owner to reinvest those savings into maintenance of the house. Further, the designation of this site as a City landmark would require careful review by the City and the Historic Landmarks Commission prior to any future exterior alterations.

Historic Preservation Ordinance Conformance for Historic Landmark Nomination

Per the Historic Preservation Ordinance (Municipal Code Chapter 13.48), the Commission may consider, among other relevant factors, the following criteria in making the findings that a proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature:

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; and
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation, or which is unique.

Based on the information in the historical evaluation prepared by Krista Van Laan of Archives & Architecture, LLC, dated May 31, 2019, the Goodenough House merits designation as a City Landmark based on five of the eight criteria listed above.

The residential Shingle style contributes to the character of the neighborhood due to its uniqueness and integrity. The surrounding properties are predominately Ranch and Mediterranean Revival styles built in a later period. Not many Shingle style houses exist in this area and they are rare in San Jose.

This architectural design is important within the greater San Jose area in that the form and front façade detailing of this building, with its significant features are still intact, exhibits distinctive characteristics of a Victorian-Shingle style, which is uncommon in San Jose.

The property meets the criteria for designation as a City of San Jose Historic Landmark Structure based on:

Criterion 1: *Its character, interest or value as part of the local, regional, state or national history, heritage or culture.*

Analysis: The Goodenough property is portion of a larger ranch which operated during the early Horticultural Expansion period from 1869 to 1918. This residential property contributes to the Willow Glen neighborhood and the orchard history as well as to the history of San Jose.

The property itself is associated with important early twentieth-century agriculture in San Jose, as a part of the locally significant Kirk brothers ranch as well as a working prune, apricot, and cherry orchard. The Kirk brothers were among the first to cultivate fruit orchards in Willow Glen and among the most successful leaders in the field with their pioneering irrigation techniques. By the mid-1880s, as canneries, commercial dryers, and most importantly, the local railroad became established, nearly all of the Willow Glen farms had been turned into fruit orchards, growing fruits of all types, especially prunes, which had been introduced to the Santa Clara Valley in 1854 when French immigrant and nurseryman Louis Pellier brought them from France.

Criterion 3: *Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history.*

Analysis: The subject property is closely identified with Socrates and Theophilus Kirk and Henry and Louis Booksin, all of whom contributed to the development of San José. This association provides an important context for the property, but their association with the property is connected to their larger contributions towards a fruit growing industry, and, therefore, eligible under the City's preservation ordinance.

Criterion 4: *Its exemplification of the cultural, economic, social or historic heritage of the City of San José.*

Analysis: The Goodenough House is a look into the past of a locally prominent farming family; part of the successful orchard era in Willow Glen in the latter half of the 1800s and beginning of the 1900s.

Criterion 6: *Its embodiment of distinguishing characteristics of an architectural type or specimen.*

Analysis: The subject property is a distinctive example of a Shingle-style architecture. Its character-defining features include a front tower with polygonal pointed roof and bay windows, continuous horizontal wood siding and a wide wraparound porch featuring heavy turned columns and wooden scrolled brackets, complex roof and wall forms, overhanging gables, dormers, and varied window types.

Criterion 8: *Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation, or which is unique.*

Analysis: The house has the unique distinction of being one of only two known remaining examples of the work of locally prominent orchardist and banker Louis Booksin. Booksin's design is a unique and eclectic interpretation of the Shingle-style architecture.

Historic Preservation Ordinance Conformance for Mills Act Historical Property Contract

The Historical Property Contract 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 land and improvements. The Historical Property Contract proposed for this property is as follows:

Year 1: Repair front steps and porch, match & recreate missing scrollwork.

Year 2: Replace HVAC system and electrical upgrades as necessary.

Year 3: Repair, plaster and paint cracks on the interior and exterior wall surfaces.

Year 4: Repair rear steps, porch and wood fence.

Year 5: Repaint exterior siding and walls.

Year 6: Refinish interior main wooden floor and seal.

Year 7: Repair, plaster and paint cracks on the interior wall surfaces.

Year 8: Foundation repairs to maintain the structural integrity of the home. Termite repair work to prevent termites from causing damage to structure, as applicable.

Year 9: Repair and repaint windows, exterior trim and details.

Year 10: Basement waterproofing and maintenance.

All work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and "Your Old House guide for preserving San Jose Homes."

After the 10th Anniversary date of the Effective Date of this Agreement, Owner shall expend tax savings attributed to this Agreement for the continued preservation and maintenance of the Historic City Landmark and more specifically shall perform and complete but without limitation the following tasks each year: Maintenance, Painting and Repairs.

Required Findings of Historical Property Contract

In accordance with the Historic Preservation Ordinance, the City Council may approve a Historic Property Contract pursuant to making certain findings. Planning staff recommends that the Historical Landmarks Commission recommend the City Council make the following findings and approve the proposed Historical Property Contract:

1. The proposed contract is consistent with the General Plan.

Analysis: Preservation of specific structures of historic significance advances the goals of the Envision San Jose 2040 General Plan, specifically Historic Preservation Policy LU-13.13. The proposed contract is consistent with General Plan's historic, archeological and cultural resources policies as the contract serves as incentives toward fostering the rehabilitation of the subject building of historic significance.

2. The proposed contract would provide greater protection for the landmark property than is otherwise provided by the provisions of Municipal Code Chapter 13.48.

Analysis: The proposed contract provides greater protection for the landmark property in that it will allow the owner, in partnership with the City, to use property tax relief to rehabilitate and maintain the property in accordance with the preservation plan (see Exhibit C of the attached draft Resolution of the Historical Property Contract).

3. The proposed contract complies with the required provisions of Historical Property Contracts listed above.

Analysis: The proposed contract incorporates the required provisions for Historical Property Contract listed in Section 13.48.520 of the San José Municipal Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (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.

PUBLIC HEARING NOTIFICATION

Staff followed the public notification requirements of Section 13.48.110 of the San Jose Municipal Code. A notice of this hearing appeared in a newspaper of general record at least 10 days prior to the hearing, a mailing of the notice to the property owner and occupants and posting the notification of the hearing along the frontage of the site. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: Rina Shah, Planner

Approved by: *ty Novak*, Division Manager for Rosalynn Hughey, Planning Director

Date: 9/24/19

Attachments:

- | |
|---|
| 1. Nomination Letter dated 5/31/19, prepared by Archives and Architecture |
| 2. State Department of Parks and Recreation form (DPR523A), dated May 31, 2019, prepared by Archives and Architecture |
| 3. Draft Designation Resolution for HL19-002 |
| 4. Draft Resolution for MA19-001 |
| 5. Draft Historical Property Contract and 10-Year Preservation Plan for MA19-001 |

Owner/Applicant:

Andrea Greene 1725 Dry Creek Road San Jose, CA 95125
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ARCHIVES
ARCHITECTURE

May 31, 2019

Andrea Greene and Bob Sublett

1725 Dry Creek Rd.

San José CA 95125

RE: Landmark nomination/Historic Property Contract application for 1725 Dry Creek Rd.

APN#: 429-45-038

Dear Andrea and Bob:

Please find enclosed DPR523 forms prepared for the Winsor and Susie Goodenough House, your residential property at 1725 Dry Creek Rd. in San José. These forms are for your use in submitting an application to the City of San José for City Landmark status for your property.

Your house is a distinctive example of residential Shingle-style architecture, designed by orchardist and banker Louis Booksin, who acted as an architect for some of his family members. The house was constructed in 1897 for Booksin's sister-in-law, Susan ("Susie") Kirk Goodenough, and her husband Winsor Simon Goodenough, whose family lived in the house from 1897 until 1981. Susie was the daughter of Socrates Kirk, the locally prominent orchardist who, with his brother Theophilus Kirk, developed innovative irrigation techniques in Willow Glen and were considered pioneers in the fruit-growing industry. The house has had very few owners and has maintained its original design and materials. When the Goodenoughs' daughter Helen died in 1981, the house transferred to Lawrence Feal. In 1999, the house was acquired by Kenneth and Mona Wallace. You became the fourth owner when you acquired it in 2005.

We reviewed your house using the City of San José Landmark designation criteria, which is used to consider historical significance for properties within the San José city jurisdiction. The actual nomination process and decision by the San José City Council is based on the requirements of Chapter 13 of the San José Municipal Code (Section 13.48.110 / Procedure for designation of a landmark).

We believe the property is eligible for individual designation as a San José City Landmark based on the following criteria as set out in Municipal Code 13.48.110 (H):

1) Its character, interest or value as part of the local, regional, state or national history, heritage or culture;

This residential property contributes to the Willow Glen neighborhood and its orchard history as well as to the history of San José, its prominence reflecting a period of early agricultural

development from the valley's Period of Horticultural Expansion (1869-1918). The property itself is associated with important early twentieth-century agriculture in San José, as a part of the locally significant Kirk Brothers Ranch as well as a working prune, apricot, and cherry orchard.

The Kirk Brothers were among the first to grow fruit in Willow Glen and among the most successful, being leaders in the field with the Kirk Ditch and their pioneering irrigation techniques. By the mid-1880s, as canneries, commercial dryers, and most importantly, the local railroad became established, nearly all of the Willow Glen farms had been turned into fruit orchards, growing fruits of all types, especially prunes, which had been introduced to the Santa Clara Valley in 1854 when French immigrant and nurseryman Louis Pellier brought them from France.

3) Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;

The subject property is closely identified with Socrates and Theophilus Kirk and Henry and Louis Booksin, all of whom contributed to the development of San José. This association provides an important context for the property, but their association with the property in itself is loosely connected to their larger contributions, and therefore in itself would not enable eligibility under the City's preservation ordinance.

4) Its exemplification of the cultural, economic, social or historic heritage of the City of San José;

The Goodenough House is a look into the past of a locally prominent farming family; part of the successful orchard era in Willow Glen in the latter half of the 1800s and beginning of the 1900s.

6) Its embodiment of distinguishing characteristics of an architectural type or specimen;

The subject property is a distinctive example of a Shingle-style house. Its character-defining features include a front tower with polygonal pointed roof and bay windows and a wide wraparound porch featuring heavy turned columns and wooden scrolled brackets, complex roof and wall forms, overhanging gables, dormers, and varied window types.

8) Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

The house has the unique distinction of being one of only two known remaining examples of the work of locally prominent orchardist and banker Louis Booksin. Booksin's design is a unique and eclectic interpretation of the Shingle style.

Nomination for City Landmark status can be made by a property owner. Following notification from the Director of Planning, Building, and Code Enforcement that your application is complete, the procedure for the designation for your property is initiated. A public hearing before the Historic Landmarks Commission will take place, and following that hearing, a report with recommendations will be submitted to the City Council, who will then hold a public hearing to formally consider the designation.

In order for the designation to take place, the San José City Council must make findings that the property has historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature, and that its designation as an individual city landmark conforms to the goals and policies of the Envision San José 2040 General Plan. In reviewing the possible historical and architectural values associated with the property at 1725 Dry Creek Rd., we consider the following statement applicable:

The residential property at 1725 Dry Creek Road, San José, has special historical, architectural and aesthetic interest and value to the community, due to the distinctive design of the residence, which is an uncommon example of Shingle-style residential architecture, and its association with persons and cultural events important to San José's past.

Sincerely,

A handwritten signature in black ink that reads "Krista Van Laan" followed by a stylized flourish.

Krista Van Laan, Architectural Historian
Archives & Architecture LLC

Enclosures (DPR523 series recording forms)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 26 *Resource Name or #: (Assigned by recorder) Winsor and Susie Goodenough House

P1. Other Identifier: None

*P2. Location: Not for Publication Unrestricted

*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

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

c. Address 1725 Dry Creek Rd. City San José Zip 95125

d. UTM: (Give more than one for large and/or linear resources) Zone 10S.; 597079 mE/ 4129517 mN

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

Assessor's Parcel Number: 429-45-038,
north side of Dry Creek Road on the corner of Peregrino Way.

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

The house at 1725 Dry Creek Road is a distinctive two-story single-family residence in the Willow Glen residential district of San José. Built in 1897 and designed by Louis Booksin, the subject property is illustrative of a Shingle-style Victorian house with irregular outlines, multiple roof forms, and varied fenestration, with the upper floors clad in wood shingles. The house maintains its integrity, with original siding, doors, windows, and exterior walls. Distinguishing character-defining features are a front tower with polygonal pointed roof and bay windows and a wide wraparound porch featuring heavy turned columns and wooden scrolled brackets. It is designated on the San José Historic Inventory as a Structure of Merit.

Once part of the nearly one thousand acres of ranchland belonging to the locally prominent Kirk brothers, the subject property was the lifelong home of Susan (Susie) Anne Kirk and her

(Continued on next page, 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 #)

Front façade, viewed with camera facing north, May 2019

*P6. Date Constructed/Age and Sources:

Historic Prehistoric Both

Ca. 1897, 122 years old, tax assessor.

*P7. Owner and Address:

Andrea Greene
1725 Dry Creek Rd.
San José CA 95125

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

Krista Van Laan
Archives & Architecture, LLC
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*P9. Date Recorded: May 31, 2019.

*P10. Survey Type: (Describe) Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") None

*Attachments: NONE Location 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)

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husband, orchardist Winsor Simon Goodenough, as well as the lifelong home of their daughter Helen. The house is on an irregularly shaped lot of .53 acres at the northwest corner of Dry Creek Road and Peregrino Way, set back about fifty feet from the road and nestled among mature pine, oak, citrus, palm trees, and shrubbery, its lushness a sign of its past life as the head farmhouse on orchard land that grew cherries, prunes, and apricots.

The front of the house faces south-southwest on Dry Creek Road with a central walkway extending from Dry Creek Road to the front entrance, with tree-filled lot surrounding the house on all sides. On the north (back) side of the house is a detached shed (not part of this evaluation), with a short driveway extending from its back onto Peregrino Way. The yard is enclosed by a black Victorian-style metal fence with spear finials along the top on three sides; the west side is enclosed by a wood fence.



The house from the street shows it in its tree-filled setting. Viewed with camera facing north.

The subject property is surrounded by a compatible residential setting, with adjacent houses of similar scale and setback, many of them also set among or partially obscured by trees and foliage. Nearby buildings are of mixed vintage, as Peregrino Way was developed around 1965 and residential building has continued on that street until the present. The property at the northeast corner of Peregrino Way, at 1721 Dry Creek Road, has been used for a church since 1963 when the Pilgrim Congregational Church was established in that location. Today it is Silicon Valley Presbyterian Church.

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Nearby on and around Dry Creek Road are several remaining homes that once belonged to the Kirk brothers and their descendants, giving a sense of the vast size of the Kirk Ranch. At 1615 Dry Creek Road is the home of Theophilus and Lizzie Chestnutwood Kirk, an Italianate-style house built in 1878. Today known as the Kirk-Farrington House, it is a San José City landmark and now headquarters of the Junior League of San José. At 1675 Dry Creek Road is the 1917 house built for John Dorrance and wife Edith Kirk Dorrance, daughter of Theophilus Kirk. West of Meridian Avenue at 2050 Maykirk Road is a house built in 1899 for Susie's brother Albert Kirk and his wife Mary Kathleen Hamilton Kirk, its architecture also attributed to Louis Booksin.

The subject property at 1725 Dry Creek Rd. is a wood-frame structure clad in wide-board tongue-and-groove wood siding below the water table and on the porch wall, narrow clapboard beveled siding at the first-floor level, and wood shingles on the second-story and attic level. The roof is covered in composition shingles, a replacement of what was believed to have originally been wood shingle material.

Shingle-style architecture gained some popularity in the United States between 1880 and 1900; it was most prevalent in the northeast United States and not very common in Northern California and San José. Shingle is defined by asymmetrical façades and complex roof lines enclosed within a unifying surface of continuous wood shingles. While borrowing some features from the more popular Queen Anne style, the Shingle style focused more on the irregular and complex outline of the house shape than on decorative features. Intersecting cross-gables and multi-level eaves, towers, large wraparound porches, and free-form placements are characteristic of the Shingle style.

These complex and sometimes whimsical forms are evident in the subject property. There are several styles of roof, with a side-gabled roof covering the main block of the building. On the front façade, the roof is accented by the polygonal roof of a projecting bay. A secondary flared hipped roof projects from the front façade to cover the wraparound porch, with a hipped roof dormer. On the back (north) side of the house is a cross-gabled wing with a hipped roof, lower than the central roof, with a triangular eyebrow dormer.

The walls avoid flat planes or symmetry. The second story exterior walls overhang the first with a flared base; the upper east and west gable ends are cantilevered over the second story with deep eaves with coved soffits. On the west side, a vertical wall projects just enough to contain a six-inch wide window while on the east side, the second story overhangs a first-story bay window.

Windows are of all different types, shapes, and styles, and irregularly placed, perhaps due to the desires of the original homeowners, perhaps as a design attempt by the architect to create more irregular forms. Windows are vertical or square or arched, single-pane or double or tri-part or bay, some covered with wood latticework of diamond shapes, all with simple surrounds. On the west end of the front façade is a single small round window (oculus); below it is a very narrow vertical double-hung window. Other walls unexpectedly have no windows.

The dominating features of the front of the house are its distinctive asymmetrically placed polygonal front tower with two stories of bay windows, and its large wraparound porch. Trim includes a frieze board under the eaves of the tower, with lathe-cut scrollwork (some is broken off in parts) and a wide course band molding around the tower between the first and second story and under the eaves of the porch roof. A similar belly band molding wraps entirely around the house at the apron height of the first-floor windows. The first-floor vertical windows are set directly into this molding; part of their lower casing has been removed to give the effect that they merge into it. An analogous effect was achieved with the upper-story windows in the tower, where the windows were set high and the tops of the window casings were aligned to blend in with the horizontal molding on the frieze band below the eave.

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The tower is a wing that projects from the roof and front façade, blended into the house by a continuous roof line (characteristic of the Shingle style as opposed to Queen Anne, in which a tower is typically a separate structure). The tower is capped with a polygonal roof with pointed top on which is a weather vane. The roof of the tower wing has wide overhanging boxed eaves with a coved soffit. The tower has two stories of bay windows, the lower a set of three wood-framed windows, each with a segmented arch shape; the central window has an arched transom. The second-story tower windows are two vertical double-hung windows flanked by two small single-pane windows on the angled walls of the bay, set at the top of the wall where they break the frieze band. The upper panes of the front windows and the single panes of the angled windows are covered with wood lattice work to create the effect of diamond-shaped window panes. Wood latticework also appears on the single-pane basement level window in the center front of the lowest level of the tower.



Tower roof closeup.

The tower is offset from the west side of the house, with about five feet of the width of the wall on the west side of the front facade exposed, containing a narrow vertical double-hung window on the first floor and an oculus on the upper floor. The decorative frieze below the tower eaves terminates at this western portion of the wall, as does the course band below the second story. The second story overhangs with a bell-shaped flare at the base; below the overhang there are three simple bow-shaped brackets that appear to be decorative in nature. At the lowest level is a stairwell and door to the basement; this entrance was added by the current owners in 2013.

The western and eastern façades of the tower wing are windowless. This is especially noticeable on the western elevation where the remainder of the wall has many windows of different sizes, shapes, and types.

At the front (southern) façade of the house, the porch with fir flooring wraps around the house from the tower wing to halfway around the eastern side of the house where there is a

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second set of porch steps. Within the recesses of the porch are the original wood-paneled front entrance door with large central glass pane and a side entrance, a wooden screened side door that appears to be original. Beside the main entrance is a single-pane window.

The porch is covered with a distinctive flared hipped roof that projects from the front façade and curves in the front under the overhanging second story of the tower; it wraps around the east side of the house the full length of the porch. The porch roof has deep overhanging boxed eaves and a coved soffit. The fascia below the eaves of the porch roof is a wide course band faced with three strips of narrow wood siding.



Porch roof.

The porch roof narrows at the top and flares out to connect to the front eave of the pitched roof on the main block, creating a small partial hipped roof with a coved soffit under the eave. Set into the porch roof is a hipped roof dormer with two front square windows with wood diamond-shaped latticework. The dormer's small hipped roof also has overhanging boxed eaves and a coved soffit.

The porch supports are four thick round turned spherocylinder-shaped wood columns about three feet high, each with six lathe-turned beads in the center and rounded plinth and cap. The capital above each column has a square neck with flared molding. Each column is extended by a square post clad in narrow wood beveled siding. In each corner where the square posts meet the fascia are lathe-cut wood scrolled brackets.

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The columns sit on a solid parapet that curves upward at the corners and wall terminations. The top of the parapet forms a concave drop between each pillar, topped with wide band molding trim matching the course band around the house. The current owners have extended the band molding and added a curved railing to the front steps with matching wood-turned columns at the foot of the railing. (The original porch steps had no railing.)



Porch detail.

The western and eastern elevations of the house have features similar to each other but are deliberately asymmetrical. On both sides, the second story of the house is cantilevered out and bells at the base. On the eastern side, below the base are bow-shaped brackets similar to those on the front facade, although longer and set into edged molding on the soffit.

On the eastern side of the house, the first floor has a bay window. In the center of the bay is a square window with a transom, which features wood latticework with diamond forms. The southern angled wall of the bay contains the screened side door recessed within the porch. The northern angled wall contains a double-hung window, and to the right of the bay is another double-hung window. The upper story includes a tri-part central window flanked by two double-hung windows of the same height; all have rounded corners on the window casings. The western side of the house has only a single tri-part window with rounded corners.

Both western and eastern sides have cantilevered upper gables, with a strong eave return on the western gable. There is a small arched single-pane window in each. On the eastern gable, the shingles are arranged in a quarter-circle fan shape and cut behind the arched window.

The back (northern) part of the house is a wing with hipped roof; on the roof is a triangular eyebrow dormer with a small square single-pane window. The back façade includes an enclosed back porch with corner windows and a recessed entry; the current owners have added a set of steps with a heavy railings with turned posts and balustrade which extends from the ground up to the back porch door. A small high single-pane window is beside the back porch entry and a narrow vertical double-hung window is some distance away toward the eastern end of the wall.

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It has been suggested that the back wing was added or modified later than the original 1897 build date, perhaps in an effort to expand the kitchen; if so, the change was made some time ago when the house was still young. The clapboard siding appears to be unbroken, there are windows that span what would be a natural break between the main block and the back wing, and the window trim on the back wing matches that of the rest of the first-story windows.



Front (southern) elevation viewed with camera facing north-northeast. The front stair railings with matching lower pillars were added by the current owners. The original porch steps had no railing.

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Southern and eastern elevation viewed with camera facing north.

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Eastern elevation viewed with camera facing west-northwest.



Eastern elevation and back wing viewed with camera facing southwest.

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Northern (back) elevation viewed with camera facing south-southwest. The porch was enclosed at an earlier unknown date. The current owners added the railing on the back steps.



Northwest corner of the house. The current owners added the basement entrance and stairwell to the northern facade when the house was raised.

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Western elevation viewed with camera facing south.

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Western elevation viewed with camera facing east.

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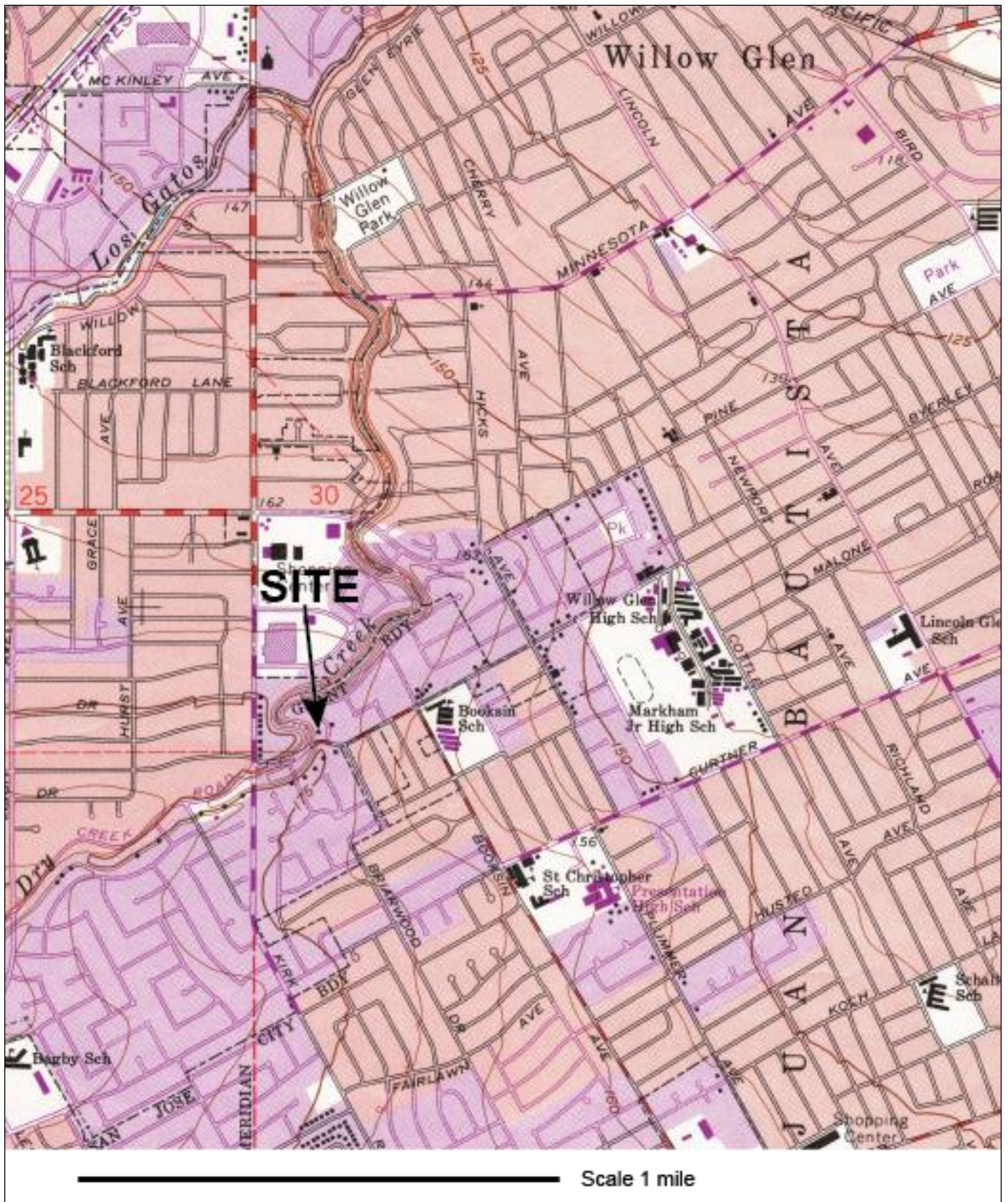


Back yard with shed, viewed with camera facing west.



Western side of yard.

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

**Primary #
HRI #**

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***NRHP Status Code** 3CS / 5S3 / 3S

***Resource Name or # (Assigned by recorder)** Winsor and Susie Goodenough House

B1. Historic Name: Winsor and Susie Goodenough House

B2. Common Name: 1725 Dry Creek Road, 1789 Dry Creek Road

B3. Original use: Single-family residential

B4. Present Use: Single-family residential

***B5. Architectural Style:** Shingle

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

Constructed 1897. Alterations: Driveway moved (Permit 2011 021375 DW). Foundation raised and basement excavated, two basement entrances added and bulkhead doors removed. (Permit 2011-032937-000-RS). Roof replaced (Permit 2013-122249-000-RS).

***B7. Moved?** No Yes Unknown **Date:** N/A **Original Location:** N/A

***B8. Related Features:** None

B9a Architect: Louis Booksin b. Builder: Unknown

***B10. Significance:** Theme Architecture and Shelter Area Willow Glen

Period of Significance 1897-1933 Property Type Residential Applicable Criteria (3)

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

The two-story house at 1725 Dry Creek Rd. in the Willow Glen neighborhood of San José was constructed in 1897 for Susan ("Susie") Anne Kirk Goodenough (1869-1952) and her husband, orchardist Winsor Simon Goodenough (1868-1933), on land belonging to Susie's father, wealthy Willow Glen rancher Socrates Kirk. The house is closely associated with families whose names are significant in the development of San José—the Kirks, the Booksins, the Guerrazes—all of whom contributed greatly to the Santa Clara Valley's Period of Horticultural Expansion (1869-1918).

The nearly thousand acres of Kirk property lay within the original boundaries of the *Rancho Narváez* (also known as Rancho San Juan Bautista), land that had been granted to José Agustin Narváez in 1844 by Manuel Micheltorena, the last non-Californian Mexican governor. Starting in 1821, after Mexico gained independence from Spain and secularized the missions in California, the Mexican government offered large land grants to encourage Mexicans to settle in California. Forty-one grants were given for rancho property, most of them several thousand acres, with two of them—*Rancho Narváez* and *Rancho de Los Coches*—covering the area of what is today known as Willow Glen. Narváez's grant was about 8,900 acres in size.

In 1848, the Mexican-American War resulted in the United States taking ownership of California, and the population of the Santa Clara Valley began to grow as settlers from all

(Continued on next page, DPR523L)

B11. Additional Resource Attributes: (List attributes and codes) N/A

***B12. References:**

Alley, Bowen & Co. *History of Santa Clara County, California*. San Francisco: Alley, Bowen & Co. 1881.

Ancestry.com: Census reports, Polk directory listings, and birth, marriage, draft cards, and death records.

Bamburg, Bonnie. *Primary Record*, Recorded by Urban Programmers, September 9, 2003.

(References continued on page 24)

B13. Remarks: Proposed San José City Landmark

***B14. Evaluator:** Krista Van Laan

***Date of Evaluation:** May 31, 2019.

(This space reserved for official comments.)



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over the country came to the area looking to acquire its rich farmland. Willow Glen, then known as The Willows, had some of the richest farmland due to its high water table and fertile soil and the owners of the land grants began to subdivide and sell off the ranchland to eager buyers.

Asa Vestal, a pioneer from Missouri, acquired several hundred acres of the *Rancho Narváez* in the early 1850s. Born in North Carolina in 1801 into a family of Quakers who had originally emigrated from England, Vestal was a carriage-maker who, in 1839, moved by horse and wagon with his wife Elizabeth to Missouri. They farmed for ten years, when Asa, overtaken by rheumatism, decided to move to California to improve his health. The couple and two of their six children spent six months traveling by oxcart to settle in Placer County where Vestal had some success mining before they continued south to San José in 1850. The Vestals stopped to camp their first night in San José and so liked the campsite, they purchased the seventeen and one-half acres surrounding it, on which they had a house built. For the next four years, Vestal bought property in The Willows, where he farmed and raised stock, but also became involved in other aspects of community life in San José. In 1854, the University of the Pacific was founded in San José. Vestal, whose father had been a teacher, became a member of the Board of Trustees and wanted his sons to attend the university. To support them in their higher learning, he sold 460 acres of land to John, Socrates, and Theophilus Kirk, three brothers from Jefferson County, Ohio who had recently arrived in San José looking for land. Asa Vestal continued to farm on his remaining forty-five acres, where he and Elizabeth lived until they both died in 1884.

John, Socrates, and Theophilus Kirk were born in Jefferson County, Ohio, in 1825, 1832, and 1834, respectively, to Irish immigrants Theophilus and Elizabeth Lowe Kirk. In the late 1830s, the Kirk family moved to Illinois where the senior Theophilus Kirk purchased a saw mill. He died there in 1840 and his widow and five children moved to a ranch near Dubuque, Iowa. In 1849, John came to California to seek his fortune. Theophilus and Socrates followed him shortly thereafter, an arduous trip by wagon. In 1857, the brothers bought 460 acres of orchard land from Asa Vestal and worked the land jointly, originally growing wheat, but soon planting it with fruit trees that yielded prunes, peaches, apricots, and cherries. In 1865, John Kirk died intestate and Theophilus and Socrates acquired his share of the property (an event that later became subject of a long-lasting suit by their sister Susan, who maintained that Theophilus and Socrates had improperly taken John's portion and that his estate should have been shared among John's heirs).

The Kirk brothers bought the adjoining land in 1881, their holdings now totaling nearly one thousand acres west of what is now Booksin Avenue and south of the Los Gatos Creek down to Foxworthy Avenue. The Kirk brothers were among the first to cultivate fruit orchards in the Willows, causing them to be recognized as pioneers in the local fruit industry. They were also recognized as pioneers in the irrigation methods used in the Santa Clara County orchard industry. Along with four other partners, they built a ditch in 1857 and formed the Kirk Ditch Company in 1859. This was the first irrigation system in the area to deliver water from the Los Gatos Creek to the nearby ranches. The Kirk Ditch Company became one of the three largest local irrigating companies and the Kirk land was some of the most valuable orchard land in the area.

In 1859, Socrates Kirk married Louise Guerraz, educated at Notre Dame College and daughter of a ranching family that owned much land in the east San José foothills. Theophilus married Lizzie Chestnutwood in 1878 and had a house built at 1615 Dry Creek Road that is today a San José City Landmark.

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The 1890 official county Hermann and Hermann map shows how huge the Kirk Brothers holdings were. Their ranch was nearly one thousand acres of rich farmland.

Louise Guerraz was born in Missouri in 1842. Her father, John Guerraz, was originally from Switzerland and had come to the United States when he was in his teens, settling first in Tennessee where he married Elizabeth Bridges, then to Missouri where Louise was born and finally to California in 1848 by ox and wagon, a journey that took six months. They stopped in Placerville, where John ran a grocery store. He made enough money selling to the miners to enable the family to move to Santa Clara County in 1850, where they acquired farmland. In the 1870s, they acquired a very large ranch on land that later became the site of Alum Rock Park.

Socrates and Louise had a large house built at what is today Adele Place and Dry Creek Road. (The Socrates and Louise Kirk house was demolished in the 1960s when a housing tract was built.) The couple had six children: Mary Elizabeth, Emma, Susie, Eva, Albert, and John (who died at ten years old after being thrown from a horse). Mary Elizabeth and Emma married Louis and John Booksin, sons of neighboring orchardist Henry Booksin. Susie married orchardist Winsor Simon Goodenough on June 24, 1896.

Winsor Goodenough was born in New York in 1868, the third of four children to parents Reverend Simon Goodenough and Ellen Halliday of Brattleboro, Vermont. Simon Goodenough was

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a minister who spent twenty-five years in the Universalist Church in Vermont, New York, and Maine. The family moved to California in 1882 for Ellen's health. Reverend Goodenough purchased fifty acres off Saratoga Avenue and turned it into a successful fruit orchard while simultaneously organizing a new congregation in Oakland. By 1888, the charismatic elder Goodenough was engaged full-time as a pastor and very well-known in Northern California as the head of the Oakland Universalist Church, a man whose sermons and speeches were frequently quoted in the state newspapers. Winsor took over management of the orchard.

When Susie married Winsor Goodenough in 1896, Socrates Kirk was said to have had the house built for them as a gift, according to their daughter Helen in a 1973 interview [King]. Socrates and Louise Kirk let Susie and Winsor Goodenough live on the land that 1725 Dry Creek Road is today a part of, although the Goodenoughs did not own it until 1906. In 1890, Theophilus and Socrates had divided most of their land into ten- and twenty-acre parcels, and the Goodenough house was on a seven-acre parcel in Lot 2.

The house was designed by Susie's brother-in-law Louis Booksin (1858-1948), who had married Mary Elizabeth Kirk in 1886. Louis was an apparently untrained architect whose sole work seems to have been done for the family. He was the oldest son of Henry Booksin and Elizabeth Kroft, both natives of Germany who came to California in 1851. They settled in Colusa County where Louis, one of four children, was born. In 1873, the family moved to San José, where Henry Booksin attained great wealth. He became involved in banking with the Kirk brothers, helped to found the Security State and Savings Bank. He also acquired two large fruit ranches in The Willows, becoming one of the first and largest fruit growers in the Santa Clara Valley and one of the first to advocate irrigation for orchards. [Davis].

Louis acquired his own ninety-acre orchard near the Kirk and Booksin land, and settled into a life as an orchardist, eventually taking over full management of his father's holdings when the elder Booksin died in 1907. Louis also took on his father's role as a director of the Security State and Savings Bank. Mary Elizabeth died in 1912. Booksin remarried in 1917 to Louisa Elner, who preceded him in death in 1939. When Booksin died childless in 1948, he bequeathed his estate to his five nieces and nephews.

Louis had attended the San José Normal school (today San José State University) in 1880, where he studied art, which perhaps was the source of his interest in architecture. He is said to have designed his own home, since demolished, at the corner of Booksin and Hicks Avenues, as well as that of his brother-in-law, Albert Kirk (still standing at 2050 Maykirk Rd.), in addition to the house of Susie and Winsor Goodenough [King].

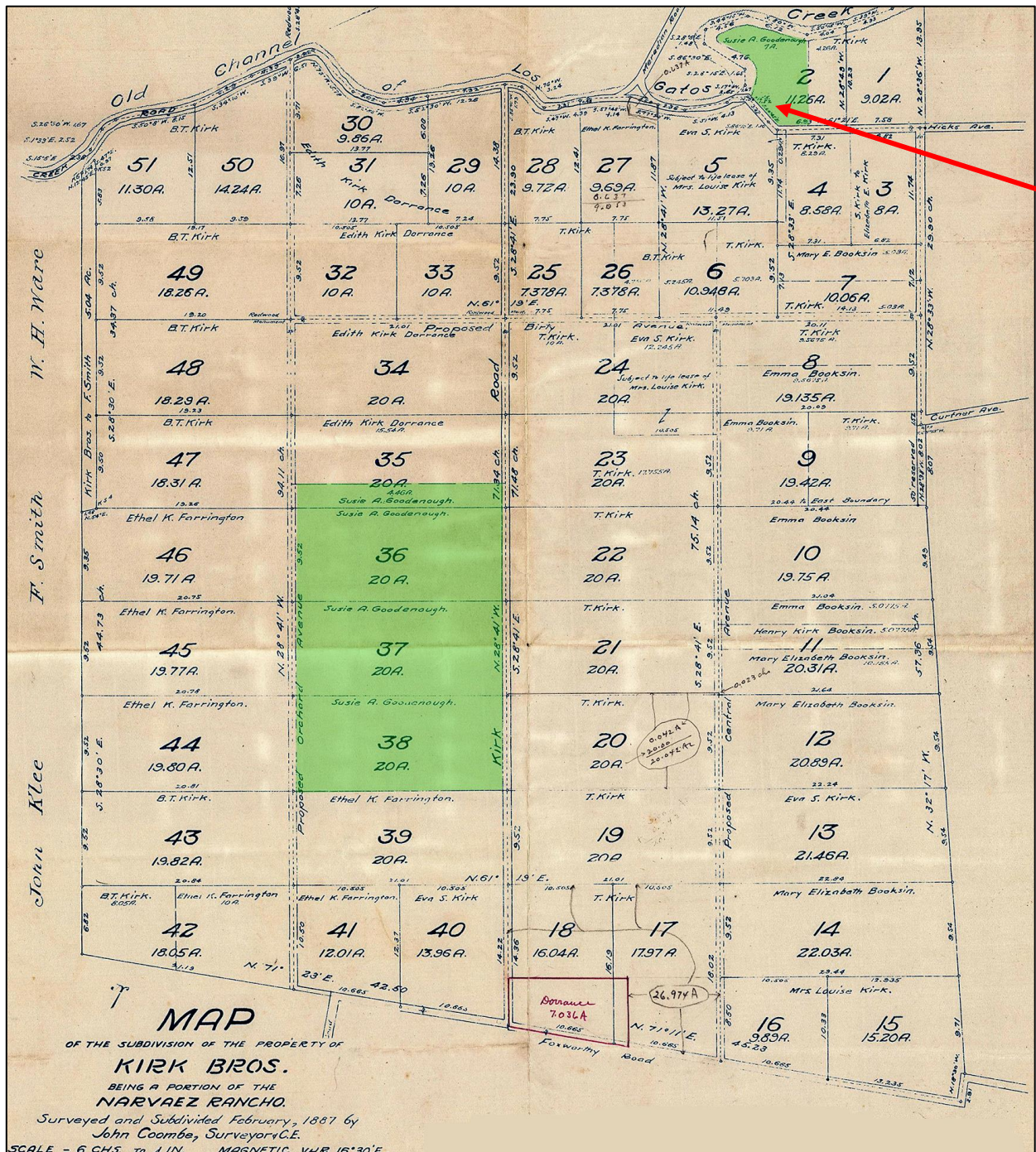
In April of 1906, Socrates Kirk, who was 73 years old and ailing, made plans for his death. On April 6, he deeded all of his land to his wife and children. Socrates Kirk died April 19, 1906, a San José casualty of the San Francisco earthquake. It was said that as he was already very ill, the shock of the earthquake hastened his death. The houses on the Kirk ranches suffered varying degrees of damage—Theophilus Kirk's house at 1615 Dry Creek Rd suffered extensive damage to the house and foundation, while the Goodenough house was said to have lost only a brick chimney.

His will, dated April 12 and probated February 15, 1907, formalized the property bequests. Susie Goodenough was to receive the westerly seven acres of Lot number 2 (the land upon which the subject house is located), the southerly 4.46 acres of Lot number 35, and lots number 36, 37, and 38. This gave her more than seventy acres of land, along with one-sixth interest of Socrates's share of the Casey-Ware-Kirk Ditch and its associated water rights.

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In 1915, after the death of Theophilus, the Kirk Brothers property map was redrawn to show the redistribution of the ten- and twenty-acre lots to the Kirks' heirs. Susie Goodenough's land is highlighted in green. The western portion of Lot 2, shown at the top of the page, is the site of 1725 Dry Creek Rd. (Courtesy of History San José.)

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The Goodenoughs lived a modest life; there are no known surviving photographs of them and although they were associated with one of the wealthiest ranching families in the Santa Clara Valley, and after the death of Socrates had substantial wealth themselves, they were never mentioned in the society columns and rarely referred to in the newspapers at all. Susie seemed to belong to no social organizations; Winsor was a grower of prunes and cherries and was only occasionally mentioned in the newspaper in his role as an orchardist.

Susie and Winsor Goodenough lived in the house until their deaths (Winsor in 1933 and Susie in 1952). The couple had five children: Ellen Louise (1897-1963), Helen Winifred (1899-1981), Theophilus, called "Theo" (1901-1987), Elizabeth Eva (1902-1989), and Dorothy (1905-2003), all of whom, except for Theo, remained unmarried and lived out their lives at or near the subject property.

Louise Goodenough lived with Susie's sister Eva in the nearby Socrates and Louise Kirk house. Helen Goodenough lived in the subject property until her death in 1981 and was the owner of record. Elizabeth and Dorothy lived on adjoining property, then addressed as 1726 Peregrino Way.

Theo was the only one of the five to marry, to wife Elizabeth Hooe, and the only Goodenough child to live away from the Kirk ranch. Theo and his wife had one daughter, Susan Elizabeth Goodenough, born February 14, 1944, who married Reid Green in 1968 and divorced in 1983 in Connecticut. The couple had two children.

Helen attended the University of California at Berkeley, class of 1925, and became a nurse, the only child of the Goodenoughs to attend college. She worked as director of the Santa Clara County Health Department in the 1960s. When she died in 1981, she left the house and most of her assets to Lawrence Edward Feal, with whom she had had a relationship for more than forty years.

In 1999, the subject property was purchased by Kenneth and Mona Wallace. In 2005, the property was purchased by Andrea Greene, the current owner.

Today, the house is a neighborhood landmark, and is called out in several books as being a distinctive and familiar sight on Dry Creek Road. It is mentioned in *Old Willow Glen: A Photographic Sketchbook* by Elizabeth Giarratana, *The Valley of Santa Clara: Historic Buildings, 1792-1920* by Phyllis Filiberti Butler, and *Touring Historic Willow Glen* by the Willow Glen Neighborhood Association. The house has also been shown on the Willow Glen Heritage WGNA Facebook site as part of the Kirk Ranch history.

Survey status

The subject property is listed in the San José Historic Inventory as a Structure of Merit.

Build History and Alterations

The subject property was built in 1897, according to the Santa Clara County tax assessor and 1966 property record. There is no Sanborn map available of the property in the 1915-1950 collection in the San Jose Public Library as the area was out of the city boundaries at the time, but the Goodenoughs' ownership of the land and house is well-documented.

The land was annexed into the City of San José February 1, 1986. The house was recorded in 2003 [Bamburg] and was named a Structure of Merit by the City of San José.

The exterior of the house today is understood to be essentially original with the following modifications, which were done according to the Single-Family House Permit pursuant to the provisions of Part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code:

- In 2012, the current owners had the foundation of the house raised and the basement excavated (Permit 2011-032937-000-RS). The original window frames were retained in the basement of the house. The excavation resulted in the creation of two outside stairwells

(Continued on next page)

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*Recorded by Krista Van Laan *Date May 31, 2019 Continuation Update

(Continued from previous page)

and doors leading to the basement: one on the front façade of the house to the west of the tower wing and the other in the back (northern side of the house). Wooden bulkhead doors were removed from the back of the house.

- The roof was replaced in 2013 with compatible roofing material (Permit 2013-122249-000-RS).
- A driveway was removed from alongside the fence and another was added that led up to the back of the shed (Permit 2011 021375 DW).
- The current owners added compatible stair railings to the back and front steps.

Earlier DPR forms produced in 2003 suggested that the subject property may have been modified or rebuilt in 1906, but no documentation supports this. In 1973, Helen Goodenough, while residing in the house, stated that the only thing destroyed in the house by the 1906 earthquake was the brick chimney, but says nothing about the house being rebuilt at that time [King].

Integrity

The subject property remained in the original family, essentially unchanged, for eighty-four years and has had few owners since, all of whom have been sensitive to its history and design. The house maintains most of its historic integrity as per the National Register's seven aspects of integrity.

- **Location.** The house is on its original location on Dry Creek Road in the Willow Glen neighborhood of San José.
- **Design.** The house retains its original form and features. It is a unique Shingle-style residence designed by one of San José's leading orchardists and bankers, marked by features such as a distinctive tower and front porch, complex roof forms, and eclectic window and wall structures.
- **Setting.** The Goodenough house is on a generous-sized lot with mature trees and foliage in a setting evocative of the early farmland of which it was once a part.
- **Materials.** The house's materials are preserved, in particular the clapboard and shingle siding and original window frames.
- **Workmanship.** The house has a distinctive character and composition that is expressed through its preserved workmanship and unique Shingle-style design.
- **Feeling.** The subject property evokes the aesthetic sense of the period in which it was built and evokes the feeling of the farming life of the Goodenough family.
- **Association.** The subject property is associated with the Kirk Brothers and the Booksin family and their large close families and progressive farming methods. The Kirks and Booksins were instrumental in advancing orcharding practices in the Santa Clara Valley in the late 1800s and early 1900s. The house, with its distinctive architectural style and its lovingly preserved material, is a remaining representative of that era and those family ties.

Evaluation

The subject property appears to be eligible for Landmark status in the City of San José based on the following criteria as set out in Chapter 13 of the San José Municipal Code Section 13.48.110(H), Procedure for designation of a landmark.

- 1) **Its character, interest or value as part of the local, regional, state or national history, heritage or culture;**

(Continued on next page)

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(Continued from previous page)

This residential property contributes to the Willow Glen neighborhood and its orchard history as well as to the history of San José, its prominence reflecting a period of early agricultural development from the valley's Period of Horticultural Expansion (1869-1918). The property itself is associated with important early twentieth-century agriculture in San José, as a part of the locally significant Kirk Brothers Ranch as well as a working prune, apricot, and cherry orchard.

The Kirk Brothers were among the first to grow fruit in Willow Glen and among the most successful, being leaders in the field with the Kirk Ditch and their pioneering irrigation techniques. By the mid-1880s, as canneries, commercial dryers, and most importantly, the local railroad became established, nearly all of the Willow Glen farms had been turned into fruit orchards, growing fruits of all types, and especially prunes, which had been introduced to the Santa Clara Valley in 1854 when French immigrant and nurseryman Louis Pellier brought them from France.

3) Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;

The subject property is closely identified with Socrates and Theophilus Kirk and Henry and Louis Booksin, all of whom contributed to the development of San José. This association provides an important context for the property, but their association with the property in itself is loosely connected to their larger contributions, and therefore in itself would not enable eligibility under the City's preservation ordinance.

4) Its exemplification of the cultural, economic, social or historic heritage of the City of San José;

The Goodenough House is a look into the past of a locally prominent farming family; part of the successful orchard era in Willow Glen in the latter half of the 1800s and beginning of the 1900s.

6) Its embodiment of distinguishing characteristics of an architectural type or specimen;

The subject property is a distinctive example of a Shingle-style house. Its character-defining features include a front tower with polygonal pointed roof and bay windows and a wide wraparound porch featuring heavy turned columns and wooden scrolled brackets, complex roof and wall forms, overhanging gables, dormers, and varied window types.

8) Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

The house has the unique distinction of being one of only two known surviving examples of the work of locally prominent orchardist and banker Louis Booksin. Booksin's design is a unique and eclectic interpretation of the Shingle style.

California Register Eligibility

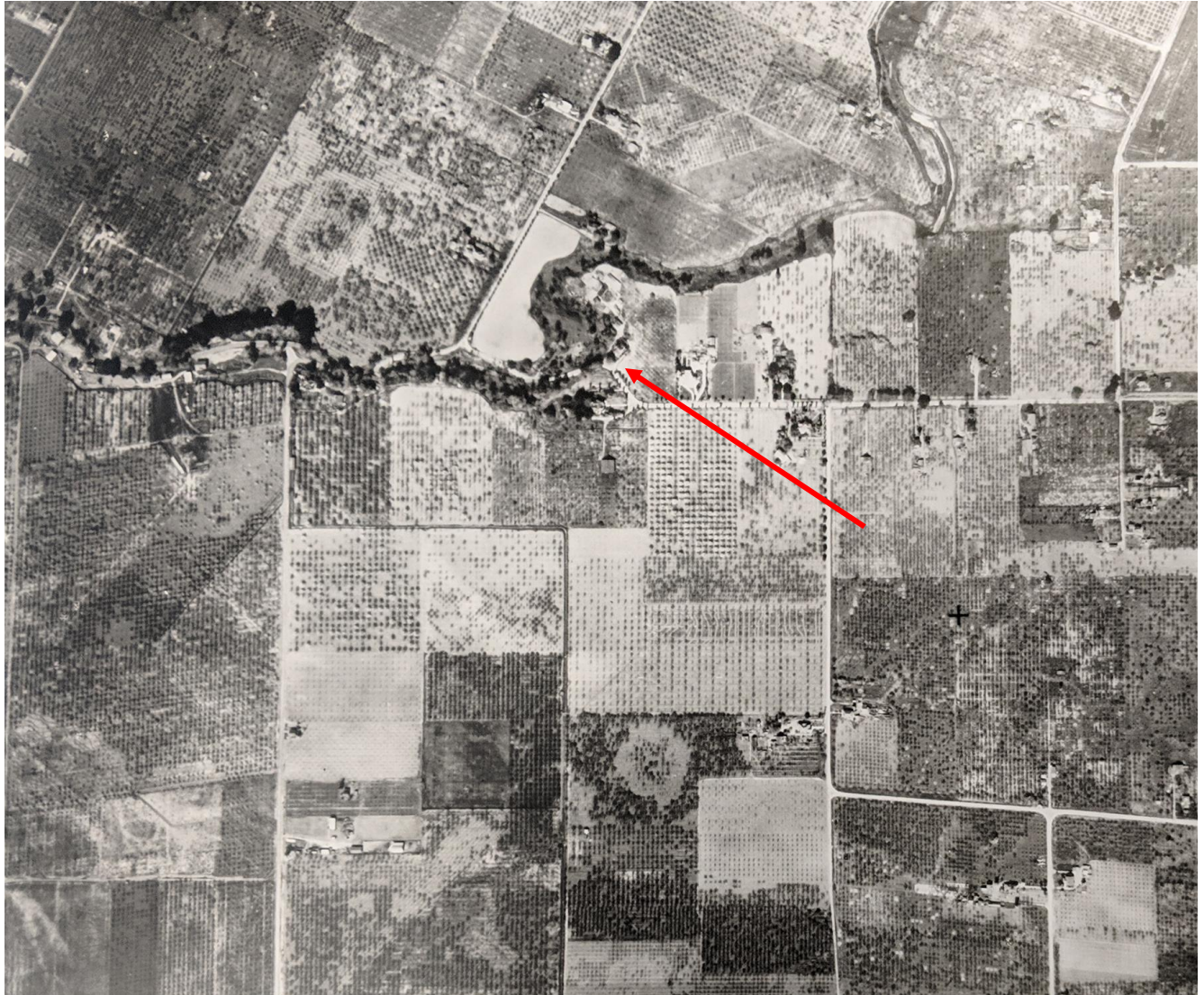
The subject property may be eligible for the California Register under Criterion (3) as it is representative of a distinctive style of architecture and is a unique interpretation of the style.

The subject property may be eligible for the National Register of Historic Places under Criterion (C) as it is representative of a distinctive style of architecture and is a unique interpretation of the style.

(Continued on next page)

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(Continued from previous page)



1931 aerial shows the Goodenough house when it was still part of a working farm. (Courtesy of California Room.)

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*Recorded by Krista Van Laan *Date May 31, 2019 Continuation Update

(Continued from previous page)



1973 photographs of the Goodenough house. (King Survey, courtesy of History San José.)

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*Recorded by Krista Van Laan *Date May 31, 2019 Continuation Update

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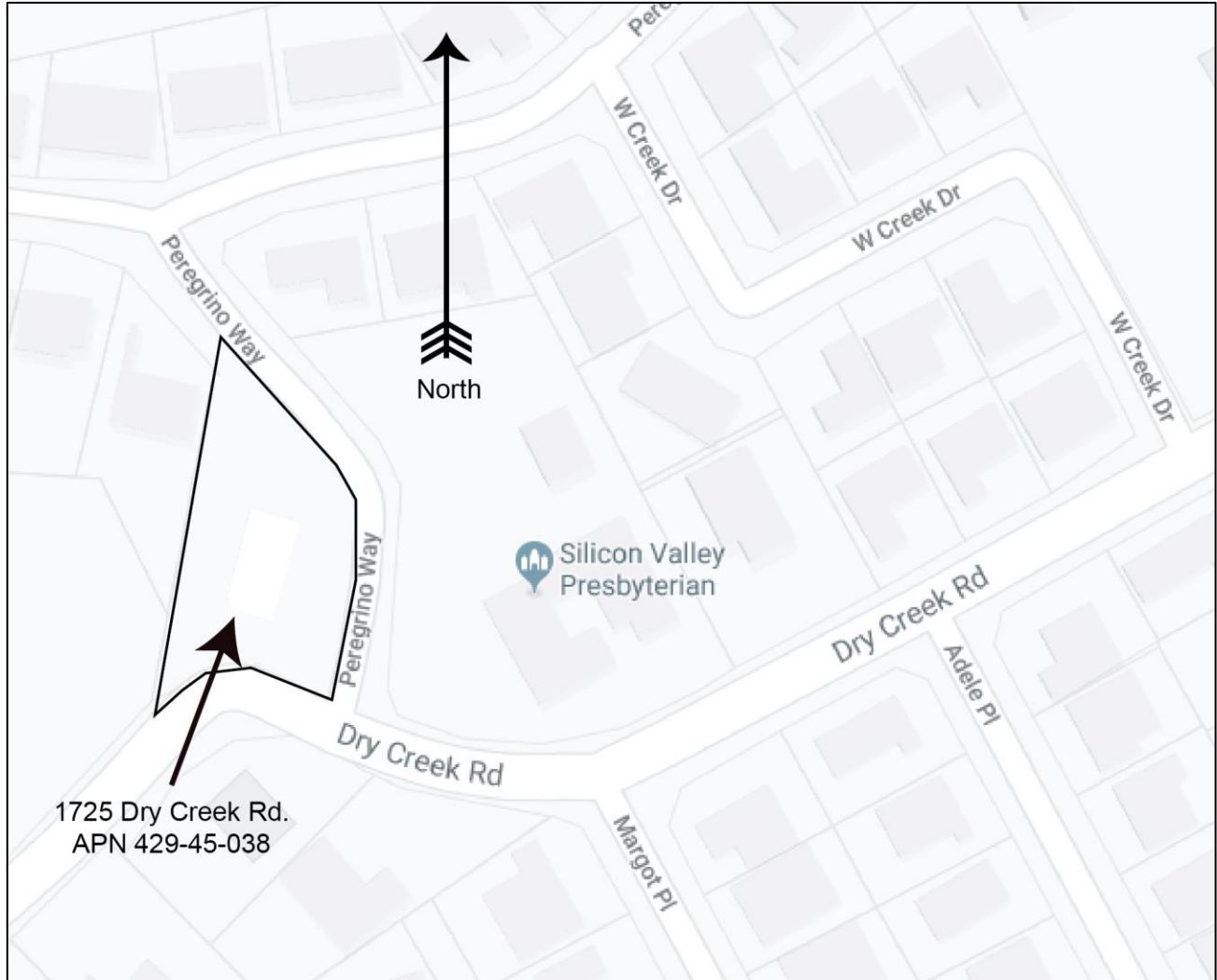
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*Resource Name or #: (Assigned by recorder)

Winsor and Susie Goodenough House

Drawn by Krista Van Laan

*Date May 31, 2019



RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ DESIGNATING, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSÉ MUNICIPAL CODE, THE GOOENOUGH HOUSE, LOCATED AT 1725 DRY CREEK ROAD AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE

HL19-002

APN: 429-45-038

WHEREAS, Chapter 13.48 of Title 13 of the San José Municipal Code provides for the designation of structures and/or sites of special historical, architectural, cultural, aesthetic or engineering interest or value of a historical nature as landmarks by the City Council of the City of San José; and

WHEREAS, said Chapter 13.48 of Title 13 provides that any historic property can be nominated for designation as a City Landmark by the City Council, the Historic Landmarks Commission, or by application of the owner or the authorized agent of the owner of the property for which designation is requested; and

WHEREAS, the Director of Planning, Building and Code Enforcement initiated the procedure pursuant to said Chapter 13.48 of Title 13 for consideration of such landmark designation for the Goodenough House located at 1725 Dry Creek Road; and

WHEREAS, said Chapter 13.48 of Title 13 provides that before this Council may designate any building as a landmark, it shall hold at least one public hearing on such proposed designation, and that before it holds said public hearing, the Director of Planning, Building and Code Enforcement shall set the public hearing of said proposed landmark designation to the Historic Landmarks Commission of the City of San José for its consideration at a public hearing and for its report and recommendation thereon; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on October 2, 2019 at 6:30 p.m., conduct a public hearing on said landmark designation and recommend approval of the designation of the Goodenough House, located at 1725 Dry Creek Road, described hereinafter in Section 1 of this Resolution, as

a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature and made certain findings with respect thereto; and

WHEREAS, a copy of the City of San José Historic Landmark Nomination Form No. HL19-002 upon which such recommendation was made is on file in the Planning Division of the City of San José and available for review; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Director of Planning, Building and Code Enforcement gave notice that on November 5, 2019 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 landmark designation, at which hearing any and all persons interested in said proposed designation could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed designation; and

WHEREAS, the subject property is all that real property located within the City of San José at 1195 Willow Street and described in Exhibit "A," which exhibit is attached hereto and made a part hereof by this reference as if fully set forth herein; 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 and present their views with respect to said proposed landmark designation.

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

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Historic Preservation Ordinance, this Council does hereby designate the hereinafter described Goodenough House, located at 1725 Dry Creek Road, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.

SECTION 2. Said designation is based on the following criteria of the Historic Preservation Ordinance:

- **Criterion 1:** *Its character, interest or value as part of the local, regional, state or national*

history, heritage or culture.

Analysis: The Goodenough property is portion of a larger ranch which operated during the early Horticultural Expansion period from 1869 to 1918. This residential property contributes to the Willow Glen neighborhood and the orchard history as well as to the history of San Jose.

The property itself is associated with important early twentieth-century agriculture in San Jose, as a part of the locally significant Kirk brothers ranch as well as a working prune, apricot, and cherry orchard. The Kirk brothers were among the first to cultivate fruit orchards in Willow Glen and among the most successful leaders in the field with their pioneering irrigation techniques. By the mid-1880s, as canneries, commercial dryers, and most importantly, the local railroad became established, nearly all of the Willow Glen farms had been turned into fruit orchards, growing fruits of all types, especially prunes, which had been introduced to the Santa Clara Valley in 1854 when French immigrant and nurseryman Louis Pellier brought them from France.

- **Criterion 3:** *Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history.*

Analysis: The subject property is closely identified with Socrates and Theophilus Kirk and Henry and Louis Booksin, all of whom contributed to the development of San Jose. This association provides an important context for the property, but their association with the property in itself is loosely connected to their larger contributions towards a fruit growing industry, and, therefore, in itself would not enable eligibility under the City's preservation ordinance.

- **Criterion 4:** *Its exemplification of the cultural, economic, social or historic heritage of the City of San José.*

Analysis: The Goodenough House is a look into the past of a locally prominent farming family; part of the successful orchard era in Willow Glen in the latter half of the 1800s and beginning of the 1900s.

- **Criterion 6:** *Its embodiment of distinguishing characteristics of an architectural type or specimen.*

Analysis: The subject property is a distinctive example of a Shingle-style architecture. Its character-defining features include a front tower with polygonal pointed roof and bay windows, continuous horizontal wood siding and a wide wraparound porch featuring heavy turned columns and wooden scrolled brackets, complex roof and wall forms, overhanging gables, dormers, and varied window types.

- **Criterion 8:** *Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.*

Analysis: The house has the unique distinction of being one of only two known remaining examples of the work of locally prominent orchardist and banker Louis Booksin. Booksin's design is a unique and eclectic interpretation of the Shingle style architecture.

SECTION 3. The City Clerk is hereby directed to notify those persons designated in San José Municipal Code Section 13.48.110, Subsection L, in the manner specified by said Section and to direct the recordation of a Notice of Granting of this resolution in the Office of the Recorder of the County of Santa Clara.

PASSED FOR PUBLICATION of title this 5th day of November 2019, by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI TABER, CMC
City Clerk

DRAFT

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
GOODENOUGH HOUSE
1725 DRY CREEK ROAD
HL19-002
APN: 429-45-038**



BEGINNING AT A POINT IN THE CENTERLINE OF HICKS AVENUE (NOW KNOWN AS DRY CREEK ROAD) AS SHOWN UPON THE MAP OF THE KIRK BROS. SUBDIVISION RECORDED JULY 12, 1980 IN BOOK "E" OF MAPS, AT PAGE 29, SANTA CLARA COUNTY RECORDS, DISTANT ALONG SAID CENTERLINES. 61 ° 21' W. 457.38 FEET, N. 84° 10' W., 72.60 FEET AND N. 64° 45' W.168.02 TO THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING AND CONTINUING ALONG SAID LINE OF HICKS AVENUE N. 64° 45' W. 59.68 ANDS. 56° 15' W. 74.7 TO THE SOUTHWEST CORNER OF LOT 2 OF SAID KIRK BROS. SUBDIVISION; THENCE N. 17° 00' E ALONG THE WESTERLY LINE OF SAID LOT 2 IN THE OLD CHANNEL OF THE LOS GATOS CREEK, A DISTANCE OF 95.17 FEET TO AN ANGLE POINT THEREIN; THENCE LEAVING SAID LINE OF LOT 2 N. 11 ° 16' 20" E. 187.14 FEET TO THE SOUTHWESTERLY LINE OF PEREGRINO WAY AS SHOWN UPON THE MAP OF TRACT NO. 3522 PILGRIM SUBDIVISION, RECORDED AUGUST 12, 1963 IN BOOK 165 OF MAPS, AT PAGES 2 AND 3, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID LINE OF PEREGRINO WAY THE FOLLOWING (6) COURSES, CURVES AND DISTANCES; 1) S. 39° 54' E. 1.88 FEET, 2) S. 42° 22' E. 105.74', 3) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 68.44 FEET THROUGH A CENTRAL ANGLE OF 49° 35' AN ARC DISTANCE OF 59.23 FEET, 4) S. 7° 31' W. 85.23 FEET, 5) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 92° 50' 50" AN ARC DISTANCE OF 32.51 FEET, AND 6) S. 10° 3' 50" W. 24.87 FEET TO THE TRUE POINT OF BEGINNING AND BEING ALL THAT PORTION OF LOT "B" AS SHOWN ON THE MAP OF THE PARTITION OF THE LANDS OF SUSIE A. GOODENOUGH, RECORDED IN BOOK "Z" OF MAPS, AT PAGE 18, SANTA CLARA COUNTY RECORDS, LYING WESTERLY AND SOUTHWESTERLY OF SAID PEREGRINO WAY.



RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ
APPROVING A HISTORICAL PROPERTY CONTRACT WITH
ANDREA GREENE FOR THE GOODENOUGH HOUSE LOCATED
AT 1725 DRY CREEK ROAD (APN: 429-45-038)**

MA19-001

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, Andrea Greene possess fee title in and to that certain real property, together with associated structures and improvements thereon, generally located at the street address 1725 Dry Creek Road, (hereinafter referred to as the “Historic Landmark”) and

WHEREAS, the City of San José and Andrea Greene, for their mutual benefit, now desire to enter into an agreement both to protect and preserve the characteristics of historical significance of the Historical Landmark and to qualify the Historical 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 October 2, 2019 at 6:30 p.m., conduct a public hearing on a Historical Property Contract for the Historical Landmark attached hereto as Exhibit “B” (hereinafter “Agreement”); and the Historic Landmarks Commission recommended to approve the 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 Historical 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 January 29, 2018 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 Historical Property Contract with Andrea Greene, owners of the Goodenough House located at 1725 Dry Creek Road and makes the following findings:

- a. The Agreement is consistent with the General Plan, in that preservation of specific structures or special areas is a part of the Envision San José 2040 General Plan Historic Preservation Policy LU-13.13 to foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance; utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives; and
- b. The Agreement would provide greater protection for the Historical 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 Agreement; 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 Historical Property Contracts, including the following: A

description of the Landmark Property subject to the Agreement, a provision that the term of the Agreement 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 the annual tax savings resulting from the Contract, and a provision that the Agreement 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 Historical 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 _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

ATTEST:

TONI TABER, CMC
City Clerk

SAM LICCARDO
Mayor

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
GOODENOUGH HOUSE
1725 DRY CREEK ROAD**

APN: 429-45-038

BEGINNING AT A POINT IN THE CENTERLINE OF HICKS AVENUE (NOW KNOWN AS DRY CREEK ROAD) AS SHOWN UPON THE MAP OF THE KIRK BROS. SUBDIVISION RECORDED JULY 12, 1980 IN BOOK "E" OF MAPS, AT PAGE 29, SANTA CLARA COUNTY RECORDS, DISTANT ALONG SAID CENTERLINES. $61^{\circ} 21' W.$ 457.38 FEET, $N. 84^{\circ} 10' W.$, 72.60 FEET AND $N. 64^{\circ} 45' W.$ 168.02 TO THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING AND CONTINUING ALONG SAID LINE OF HICKS AVENUE $N. 64^{\circ} 45' W.$ 59.68 AND $S. 56^{\circ} 15' W.$ 74.7 TO THE SOUTHWEST CORNER OF LOT 2 OF SAID KIRK BROS. SUBDIVISION; THENCE $N. 17^{\circ} 00' E$ ALONG THE WESTERLY LINE OF SAID LOT 2 IN THE OLD CHANNEL OF THE LOS GATOS CREEK, A DISTANCE OF 95.17 FEET TO AN ANGLE POINT THEREIN; THENCE LEAVING SAID LINE OF LOT 2 $N. 11^{\circ} 16' 20" E.$ 187.14 FEET TO THE SOUTHWESTERLY LINE OF PEREGRINO WAY AS SHOWN UPON THE MAP OF TRACT NO. 3522 PILGRIM SUBDIVISION, RECORDED AUGUST 12, 1963 IN BOOK 165 OF MAPS, AT PAGES 2 AND 3, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID LINE OF PEREGRINO WAY THE FOLLOWING (6) COURSES, CURVES AND DISTANCES; 1) $S. 39^{\circ} 54' E.$ 1.88 FEET, 2) $S. 42^{\circ} 22' E.$ 105.74', 3) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 68.44 FEET THROUGH A CENTRAL ANGLE OF $49^{\circ} 35'$ AN ARC DISTANCE OF 59.23 FEET, 4) $S. 7^{\circ} 31' W.$ 85.23 FEET, 5) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF $92^{\circ} 50' 50"$ AN ARC DISTANCE OF 32.51 FEET, AND 6) $S. 10^{\circ} 3' 50" W.$ 24.87 FEET TO THE TRUE POINT OF BEGINNING AND BEING ALL THAT PORTION OF LOT "B" AS SHOWN ON THE MAP OF THE PARTITION OF THE LANDS OF SUSIE A. GOODENOUGH, RECORDED IN BOOK "Z" OF MAPS, AT PAGE 18, SANTA CLARA COUNTY RECORDS, LYING WESTERLY AND SOUTHWESTERLY OF SAID PEREGRINO WAY.

EXHIBIT “B”

**HISTORICAL PROPERTY CONTRACT
FOR
GOODENOUGH HOUSE
1725 DRY CREEK ROAD
MA19-001**

THIS AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2019, by and between the City of San Jose, a municipal corporation (hereinafter referred to as the “CITY”) and Andrea Greene (hereinafter referred to as the “OWNER”).

R E C I T A L S

WHEREAS, California Government Code Section 50280, *et seq.* and Chapter 13.48 of the San Jose Municipal Code authorize CITY to enter into contracts with the owner of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance; and

WHEREAS, OWNER possesses fee title in and to that certain real property, together with associated structures and improvements thereon, known as the Goodenough House located at 1725 Dry Creek Road (hereinafter such property and structures shall be referred to as the “Historical Landmark” or the “Historical Landmark Property”), and a legal description of the Historical Landmark Property is attached hereto as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, CITY and OWNERS for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historical Landmark and to qualify the Historical 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.

AGREEMENT

NOW, THEREFORE, CITY and OWNER, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on _____ (the “Effective Date”), and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the Effective Date, such initial term will automatically be extended as provided in Section 2 below, subject to cancellation as provided in Section 6 below.

2. Renewal. Each year on the anniversary of the Effective Date of this Agreement (hereinafter referred to as the “Renewal Date”), a year shall automatically be added to the initial term of this Agreement unless notice of nonrenewal is mailed as provided herein. If OWNER desires in any year to not renew the Agreement, OWNERS shall serve written notice of nonrenewal of this Agreement on CITY in advance of the annual Renewal Date of this Agreement. Unless such notice is served by OWNER to CITY at least ninety (90) days prior to the annual Renewal Date, one (1) year shall automatically be added to the term of the Agreement as provided herein. If OWNERS serve notice to CITY of nonrenewal in any year, the Agreement shall remain in effect, and the Historical Landmark Property shall remain enforceably restricted, for the balance of the term then remaining, either from its original execution or from the past renewal of the Agreement, whichever may apply. The Director of Planning, Building and Code Enforcement shall record the Notice of Nonrenewal and file a copy with the Assessor of Santa Clara County. Nonrenewal shall not be deemed a cancellation pursuant to Section 6 of this Agreement.

3. Standards for Historical Property. During the term of this Agreement, the Historical Landmark shall be subject to the following conditions, requirements and restrictions:

a. OWNERS shall preserve and maintain the characteristics of historical significance of the Historical Landmark in no less than equal to the condition of the Historical Landmark Property as of _____. OWNER of the Historical Landmark Property shall allow CITY to inspect the interior and exterior of the Historical Landmark Property to determine with OWNERS the specific conditions of the Historical Landmark Property requiring

preservation, restoration and/or rehabilitation to conform to the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the United States Secretary of the Interior Standards for Rehabilitation, the California State Historical Building Code, and the requirements of CITY as of the Effective Date. Attached hereto as Exhibit “B”, and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historical Landmark, which shall apply to such Historical Landmark Property and with which OWNERS shall comply fully throughout the term of this Agreement.

b. OWNERS shall, where necessary or required, restore and rehabilitate the Historical Landmark Property in full accordance with the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, the United States Secretary of the Interior Standards for Rehabilitation, the California State Historical Building Code, and the requirements of CITY, including any permits or approvals granted pursuant to Chapter 13.48 of the San Jose Municipal Code. Without limiting the forgoing, OWNERS shall perform all of the restoration and rehabilitation activities of the Historical Landmark Property set forth on Exhibit “C,” attached hereto and incorporated herein by this reference, within any timelines that may be set forth in said Exhibit C.

c. OWNERS shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historical Landmark Property by CITY and the County of Santa Clara as may be necessary to determine OWNER's compliance with this Agreement, which periodic examinations shall occur at least five (5) years after the Effective Date of this original Agreement and then at least every five (5) years thereafter.

d. OWNERS shall annually expend an amount equal to a minimum of ten percent (10%) of the tax savings attributed to this Agreement to the preservation and maintenance of the Historical Landmark Property, and make this documentation available to the CITY at the time of the respective periodic examination described above.

4. Force Majeure. OWNERS shall not be held responsible for repair or replacement of the Historical Landmark if damaged or destroyed through “Acts of God,” such as flood, tornado, lightning, earthquake or fire or other cause resulting therefrom; CITY shall, however, have the right to cancel this Agreement pursuant to terms of Section 6, Cancellation.

5. Provisions of Information of Compliance. OWNERS hereby agree to furnish CITY with any and all information requested by CITY that may be necessary or advisable to determine compliance with the terms and provisions of this Agreement. OWNERS shall retain, store and preserve during the term of this Agreement all records that are related to or that evidence the eligibility of the Historical Landmark or OWNERS' compliance with the terms and provisions of this Agreement.

6. Cancellation. CITY, following a duly noticed public hearing, may cancel this Agreement or bring any action in court necessary to enforce this Agreement (including without limitation an action to enforce this Agreement by specific performance or injunction) if it has been determined by enforcement staff with CITY's Planning, Building and Code Enforcement Department that OWNERS have breached any of the provisions or conditions of this Agreement, has allowed the Historical Landmark Property to deteriorate to the point that it no longer meets the standards for a qualified historical property, or has otherwise failed to restore or rehabilitate the Historical Landmark Property or Historical Landmark in the manner specified in this Agreement. In the event of cancellation pursuant to this Section 6, OWNERS may be subject to payment of those cancellation fees set forth in the California Government Code. Prior to any procedures set forth in this Section, CITY shall give notice of breach to OWNERS, and OWNERS shall have one hundred and twenty (120) days to cure such breach to the reasonable satisfaction of CITY.

7. Binding Effect of Agreement. This Agreement shall be binding upon, and inure to the benefit of, all successors in interest of OWNERS. A successor in interest shall have the same rights and obligations under this Agreement as OWNERS.

8. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

CITY:

City Clerk
City of San José
200 East Santa Clara Street
San José, CA 95113

OWNERS: Andrea Greene
1725 Dry Creek Road
San Jose, CA 95125

9. General Provisions.

a. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

b. OWNERS agree to and shall hold CITY and its elected officials, officers, agents and employees harmless from liability from damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct use or operations of OWNERS or those of OWNER's contractor, subcontractor, agent, employee or other person acting on OWNERS' behalf which relate to the use, operation and maintenance of the Historical Landmark. OWNERS hereby agree to and shall defend the CITY and its elected officials, officers, agents and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of OWNERS' activities in connection with the Historical Landmark. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the CITY prepared, supplied or approved the plans, specifications or other documents for the Historical Landmark.

c. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

“CITY”

CITY OF SAN JOSE, a municipal corporation

APPROVED AS TO FORM:

ROSA TSONGTAATARRII
Senior Deputy City Attorney

By _____
TONI TABER, CMC
City Clerk

“OWNER”

By _____
ANDREA GREENE
Property Owner

DRAFT

EXHIBIT "A"

LEGAL DESCRIPTION

1725 Dry Creek Road

APN: 429-45-038



BEGINNING AT A POINT IN THE CENTERLINE OF HICKS AVENUE (NOW KNOWN AS DRY CREEK ROAD) AS SHOWN UPON THE MAP OF THE KIRK BROS. SUBDIVISION RECORDED JULY 12, 1980 IN BOOK "E" OF MAPS, AT PAGE 29, SANTA CLARA COUNTY RECORDS, DISTANT ALONG SAID CENTERLINES. 61 ° 21' W. 457.38 FEET, N. 84° 10' W., 72.60 FEET AND N. 64° 45' W. 168.02 TO THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING AND CONTINUING ALONG SAID LINE OF HICKS AVENUE N. 64° 45' W. 59.68 AND S. 56° 15' W. 74.7 TO THE SOUTHWEST CORNER OF LOT 2 OF SAID KIRK BROS. SUBDIVISION; THENCE N. 17° 00' E ALONG THE WESTERLY LINE OF SAID LOT 2 IN THE OLD CHANNEL OF THE LOS GATOS CREEK, A DISTANCE OF 95.17 FEET TO AN ANGLE POINT THEREIN; THENCE LEAVING SAID LINE OF LOT 2 N. 11 ° 16' 20" E. 187.14 FEET TO THE SOUTHWESTERLY LINE OF PEREGRINO WAY AS SHOWN UPON THE MAP OF TRACT NO. 3522 PILGRIM SUBDIVISION, RECORDED AUGUST 12, 1963 IN BOOK 165 OF MAPS, AT PAGES 2 AND 3, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID LINE OF PEREGRINO WAY THE FOLLOWING (6) COURSES, CURVES AND DISTANCES; 1) S. 39° 54' E. 1.88 FEET, 2) S. 42° 22' E. 105.74', 3) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 68.44 FEET THROUGH A CENTRAL ANGLE OF 49° 35' AN ARC DISTANCE OF 59.23 FEET, 4) S. 7° 31' W. 85.23 FEET, 5) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 92° 50' 50" AN ARC DISTANCE OF 32.51 FEET, AND 6) S. 10° 3' 50" W. 24.87 FEET TO THE TRUE POINT OF BEGINNING AND BEING ALL THAT PORTION OF LOT "B" AS SHOWN ON THE MAP OF THE PARTITION OF THE LANDS OF SUSIE A. GOODENOUGH, RECORDED IN BOOK "Z" OF MAPS, AT PAGE 18, SANTA CLARA COUNTY RECORDS, LYING WESTERLY AND SOUTHWESTERLY OF SAID PEREGRINO WAY.



EXHIBIT "B"

OWNER shall, where necessary, restore and rehabilitate the Historical Landmark and shall do so only in full accordance and compliance with the rules and regulations of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as the same may be amended from time to time.

A summary of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (the "Standards") is provided below for convenient reference. OWNERS shall comply with the Standards in effect when OWNERS commence any rehabilitation or restoration work on the Historical Landmark.

The Standards (Department of the Interior Regulations, 36 CFR 67) pertain to historic buildings of all materials, construction, types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- 1) A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural element from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- 8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

DRAFT

**EXHIBIT “C”
PRESERVATION PLAN
FOR
GOODENOUGH HOUSE
MA19-001
APN: 429-45-038**

OWNER shall annually expend tax savings attributed to this Agreement for the preservation and maintenance of the Historical Landmark. The rehabilitation of the Historical Landmark shall be completed on or before the 10th anniversary of the Effective Date of this Agreement, and such rehabilitation shall include all of the following tasks:

Scope of Work

Year	Description
1	Repair front steps and porch, match & recreate missing scrollwork.
2	Replace HVAC system and electrical upgrades as necessary.
3	Repair, plaster and paint cracks on the interior and exterior wall surfaces.
4	Repair rear steps and porch, wood fence repair.
5	Repaint exterior siding and walls.
6	Refinish interior main wooden floor and seal.
7	Repair, plaster and paint cracks on the interior wall surfaces.
8	Foundation repairs to maintain the structural integrity of the home. Termite repair work to prevent termites from causing damage to structure, as applicable.
9	Repair and repaint windows, and exterior trim and details.
10	Basement waterproofing and maintenance.

All work shall comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and “Your Old House guide for preserving San Jose Homes.”

After the 10th Anniversary date of the Effective Date of this Agreement, the property owner shall expend tax savings attributed to this Agreement for the continued preservation and maintenance of the Historic Landmark. More specifically, the property owner shall perform and complete, without limitation, the following tasks each year: Maintenance, Painting, and Repairs.