

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE CITY LANDMARK DESIGNATION, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSE MUNICIPAL CODE, FOR THE SMITH HOUSE, LOCATED AT 3556 SAN FELIPE ROAD AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE

File No. HLA86-031-01

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 that has been designated as a City Landmark may have such designation amended by the City Council when the findings required for the designation in the first instance may be made with respect to the amended designation; 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 Amendment for the Smith House, located at 3556 San Felipe Road; and

WHEREAS, the subject property is all that real property located within the City of San José at 3556 San Felipe Road 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, said Chapter 13.48 of Title 13 provides that before this Council may amend a landmark designation, it shall hold at least one public hearing on such proposed

designation Amendment, 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 Amendment 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 May 6, 2020 at 6:30 p.m., conduct a public hearing on said landmark designation Amendment and recommend approval of the designation Amendment of the Smith House to a 0.44-gross acre parcel, located at 3556 San Felipe 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, the subject structure is a City Landmark (File No. HL86-031) designated under City Council Resolution No. 59146; 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 June 9, 2020 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 virtual public hearing on said landmark designation Amendment, at which hearing any and all persons interested in said proposed designation Amendment could participate and avail themselves of an opportunity to be heard and to present their views with respect to said proposed designation Amendment; 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 COUNCIL OF THE CITY OF SAN JOSE 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 Smith House, located at 3556 San Felipe 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.*

The Smith House meets Criterion 1 because it is associated with the beginning of the Agricultural and Viticulture Expansion era in San José, the basis for economic growth during this period. The association with the era is seen in the architectural style and the construction of materials and artisanship of the house; and

- **Criterion 2:** *Its location as a site of a significant historic event;*

The Smith House meets Criterion 2 as the home of an Evergreen pioneer Smith family that had lived on the 2.15-gross acre site since 1868. The family contributed significantly to the horticultural expansion of the Evergreen Valley with the operation of orchards and the Yerba Buena vineyards. The Smith House will now be reduced to a smaller parcel against a backdrop of a few mature trees that still exist, but the resource retains its associated historic features, and can still convey its significance due to its new and prominent landscaped frontage location along San Felipe Road.

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

The Smith House meets Criterion 3 because the property is associated with Frank J. Smith, the first postmaster of the Evergreen community, and who also managed the first general store on San Felipe Road. His daughter, Kate Smith, continued to reside at the site for almost 103 years. She was an educator and a teacher who contributed to the nearby Evergreen College. K.R. Smith Elementary School, named in her honor, is located in Evergreen Valley. A reduced parcel size does not affect the historic significance associated with the Smith family home.

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

The Smith House meets Criterion 4 because the property exemplifies development of horticulture and viticulture expansion of the early 20th century in the Evergreen Valley. A smaller parcel does not affect the historic significance associated with the Smith family home. An interpretive sign/marker will be placed at the site describing its significance to the history of San José.

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

The Smith House meets Criterion 6 based on its distinct Gothic Revival Style of architecture representing semi-rural construction built in circa 1874. The Smith House and associated structure is one of the very few examples of Gothic Revival Style of architecture with a high degree of integrity and is a rare example of the Gothic Revival Style of the mid-1870s that was preserved in San José.

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 ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI TABER, CMC
City Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION FOR
SMITH HOUSE
3556 San Felipe Road
HL86-031-01**

APN: 659-04-056

Real property in the City of San José, Count of Santa Clara, State of CA, described as follows:

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND BEING THE LANDS OF OAKMONT OF EVERGREEN, LLC, AS DESCRIBED IN DOCUMENT NUMBER 23671884 SANTA CLARA COUNTY RECORD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" IRON PIPE WITH BRASS TAG SHOWN ON THE RECORD OF SURVEY RECORDED IN BOOK 208 OF MAPS PAGE 38, SANTA CLARA COUNTY RECORDS, SAID PIPE BEING AT THE INTERSECTION OF THE NORTH LINE OF THE LANDS OF FRED DELLA MAGGIORE AND A LINE SHOWN AS "FUTURE STREET LINE", SAID LINE BEING PARALLEL AND DISTANT 60 FEET, MEASURED AT RIGHT ANGLES, TO THE CENTERLINE OF SAN FELIPE ROAD, FROM WHICH SAID PIPE A FOUND 3/4" IRON PIPE WITH WOOD PLUG NAIL BEARS NORTH 52°03'33" EAST 380.03 FEET (MAP=380.02 FEET); THENCE ALONG THE NORTH LINE OF SAID LANDS OF MAGGIORE SOUTH 79°47'29" WEST 18.79 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAN FELIPE ROAD, SAID POINT BEING THE SOUTHEASTERLY CORNER OF THE LANDS OF THE COUNTY OF SANTA CLARA AS DESCRIBED BY DEED RECORDED JULY 21, 1982 AS DOCUMENT NUMBER 7393981, SANTA CLARA COUNTY RECORDS, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE ALONG THE NORTHEASTERLY LINE OF SAN FELIPE ROAD NORTH 52°03'33" WEST 147.07 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE NORTH 37°56'27" EAST 56.61 FEET; THENCE NORTH 87°03'11" EAST 65.17 FEET; THENCE SOUTH 70°35'08" EAST 19.86 FEET; THENCE NORTH 79°13'54" EAST 18.92 FEET; THENCE SOUTH 28°07'49" EAST 62.11 FEET; THENCE SOUTH 61°52'11" WEST 11.06 FEET; THENCE SOUTH 28°08'21" EAST 96.15 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 25°33'26", AN ARC DISTANCE OF 31.22 FEET TO THE NORTH LINE OF THE LANDS OF CORTEZ FAMILY TRUST RECORDED JUNE 25, 2008 AS DOCUMENT NUMBER 19897261; THENCE ALONG SAID NORTH LINE SOUTH 80°43'47" WEST 52.71 FEET TO THE NORTHEASTERLY LINE OF SAN FELIPE ROAD AS DESCRIBED BY DEED RECORDED JULY 21, 1982 AS DOCUMENT NUMBER 7393982; THENCE ALONG THE NORTHEASTERLY LINE OF SAN FELIPE ROAD THE FOLLOWING TWO COURSES: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 989.00 FEET, A RADIAL POINT WHICH BEARS NORTH 35°34'21" EAST, A CENTRAL ANGLE OF 2°22'11", AN ARC DISTANCE OF 40.90 FEET; THENCE NORTH 52°03'33" WEST 27.37 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 19,093 SQUARE FEET MORE OR LESS

APN: PTN 659-04-056

DATE: OCTOBER 10, 2019

PREPARED BY: BRELJE & RACE, CONSULTING ENGINEERS

JOB NO.: 4259.02

Exhibit "A"