



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Historic Landmarks
Commission

SUBJECT: SEE BELOW

DATE: June 1, 2020

COUNCIL DISTRICT: 8

SUBJECT: HISTORIC LANDMARK DESIGNATION AMENDMENT (FILE NO. HLA86-031-01) AT 3556 SAN FELIPE ROAD.

RECOMMENDATION

The Historic Landmarks Commission recommend that the City Council adopt a resolution amending the designation of the City Landmark (Smith House) with a reduced legal boundary (see Attachment 2).

OUTCOME

Amending the designation of the subject City Landmark (Smith House) with a reduced legal boundary would continue to preserve the integrity of the home and its recognized historic value, as well as ensure the preservation of a unique Gothic Revival Style architecture in San José. If the Landmark designation is not amended, the lot split will not occur along the boundary wall.

BACKGROUND

On February 7, 2020, the applicant, Oakmont of Evergreen LLC, applied for a Historic Landmark Designation Amendment to allow a reduction of the legal boundary of the Smith House and the associated tank house, pump house, and aviary structures, from a 2.14-gross acre original site to a smaller 0.44-gross acre parcel, and to allow a six-foot tall solid landscaped wall to be constructed along the new lot line at the rear, with an approximate five-foot setback from the historic house.

The property continues to qualify for City Landmark Status based on meeting the following five of the eight criteria enumerated in Section 13.48.110(H) 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.

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 of 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 school, named in her honor, 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.

On May 6, 2020, the Historic Landmarks Commission held a Public Hearing on the proposed Landmark Designation Amendment located at 3556 San Felipe Road. The subject structure is a City

Landmark (HL86-031 designated under Resolution No. 59146). Planning staff recommended that the Historic Landmarks Commission recommend approval of the City Landmark Designation Amendment to the City Council.

Staff and Historic Landmarks Commission Discussion

Staff introduced the project and explained that the land was being subdivided into two unequal parcels with a six-foot high wall which had already been constructed directly behind the Smith House on a boundary not approved in the previous entitlements. Staff further commented that the overall integrity of the house, the family's contribution to the community, and the Gothic Revival Architectural Style, added to the rich architectural history of the City and enhanced the cultural value of the house, and would continue to enable staff to make findings towards consideration for the City Landmark re-designation status. The addition of green landscaping and trees along the front of the boundary wall, located to the rear of the City Landmark building, would continue to preserve the green setting that the City Landmark (Smith House) once experienced. The addition of interpretive sign/markers and pathways leading to the relocated Smith House would continue to inform the public of the historic nature of the site and the associated Mills Act Contract will ensure the continued preservation of the house as well as preserve its history. Staff therefore recommended approval of the project.

Historic Landmarks Commission inquired staff about the adaptive reuse of the historic house and whether the transfer of ownership would still allow the Mills Act Contract to be valid and continued. Staff responded stating that the property had a commercial zoning which allowed all uses enumerated under that zoning district. Staff also added that the Mills Act Contract was transferable to new owners and tax assessments would be handled by the County of Santa Clara.

Public Testimony

John Frolli, representative of the property owner, introduced the project and explained that he had worked, along with the property owner, on restoring and rehabilitating the Smith House meeting the previous Historic Preservation Permit requirements. The house and the ancillary buildings had been maintained together as a cluster in a rural setting and in the historic context. In the course of construction, the wall was erected in its location during the permitting process.

The property owner, Bill Mabry, expressed his frustration regarding the approval of the wall and insisted that he had assumed that the wall was approved based on the previous Historic Preservation Permit and the only thing different was the request for the lot split along the boundary wall and green landscaping in front of the wall.

Andre Luthard, on behalf of PAC*SJ, stated that he supports the staff recommendations regarding the Smith House, including the Mills Act to help preserve this historic resource. He thanked the staff for achieving this result.

The Commission noted that the "Smith House" was well-preserved after its relocation and was a good example of a Gothic Revival architectural style. The Commissioners acknowledged that perhaps there was some miscommunication and they were willing to give the applicant the benefit of

the doubt and support the staff recommendations. The Commissioners agreed that the house needs ongoing special maintenance and care due to its age and unique history. The Commissioners appreciated the extra effort taken to add green vines, trees and landscaping on the side and front of the white stucco boundary wall. The Historic Landmarks Commission (HLC) voted in favor of the project, 5-1-1 (Boehm abstained, Polcyn absent), and recommended that that the City Council approve the City Landmark Designation Amendment (File No. HLA86-031-01).

ANALYSIS

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

CONCLUSION

With the preservation of this house through the City Landmark designation process, the City would be preserving and fostering the architectural history of the early 20th Century period in San José, more specifically, the Gothic Revival Style of architecture.

EVALUATION AND FOLLOW UP

If the proposal is approved, the subject 0.44-acre reduced site and structure will be amended for City Landmark designation.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum for File No. HLA86-031-01 will have no negative effect on the Climate Smart San José energy, water or mobility goals.

POLICY ALTERNATIVES

The City Council could opt to disapprove the recommended designation amendment of the “Smith House” as a City Landmark. If the property’s designation amendment is not approved the owners would be required to obtain a Historic Preservation Permit for all work to all structures and land including the new construction on the larger site. Without the designation amendment, the property would continue to be eligible for the Mills Act Program, but a special taxing subdivision of the parcel would have to be completed by the Santa Clara County Assessor to apply separate property tax assessments to the parcel thus making the Mills Act administrative process more cumbersome.

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 a negative effect on the home or 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, Historic Preservation Officer, at 408-535-7847.

Attachments: 1. May 6, 2020 Historic Landmarks Commission Staff Report with Attachments
2. Legal Description

EXHIBIT A

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