

APPENDIX C: CULTURAL RESOURCES

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C-1: Confidential NWIC Records Search Results

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7/25/2016

NWIC File No.: 16-0062

Dana DePietro
First Carbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Re: Oakmont of Evergreen Assisted Living

The Northwest Information Center received your record search request for the project area referenced above, located on the Mountain View, Milpitas, Cupertino, & San Jose West USGS 7.5' quad(s). The following reflects the results of the records search for the project area and a ½ mi. radius:

Resources within project area:	None listed
Resources within ½ mi. radius:	P-43-000199, P-43-000200
Reports within project area:	S-4576, 5194, 7939, 11682, 16260
Reports within ½ mi. radius:	See attached list
Other Reports within records search radius:	Included is a list of the 23 “Other Reports” within or encompassing your project area. These reports are classified as Other Reports; reports with little or no field work or missing maps. The electronic maps do not depict study areas for these reports, however a list of these reports has been provided. In addition, you have not been charged any fees associated with these studies.

- Resource Database Printout (list):** enclosed not requested nothing listed
- Resource Database Printout (details):** enclosed not requested nothing listed
- Resource Digital Database Records:** enclosed not requested nothing listed
- Report Database Printout (list):** enclosed not requested nothing listed
- Report Database Printout (details):** enclosed not requested nothing listed
- Report Digital Database Records:** enclosed not requested nothing listed
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed
- OHP Historic Properties Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed

<u>CA Inventory of Historic Resources (1976):</u>	<input checked="" type="checkbox"/> enclosed	<input type="checkbox"/> not requested	<input type="checkbox"/> nothing listed
<u>Caltrans Bridge Survey:</u> **	<input checked="" type="checkbox"/> enclosed	<input type="checkbox"/> not requested	<input type="checkbox"/> nothing listed
<u>Ethnographic Information:</u>	<input type="checkbox"/> enclosed	<input checked="" type="checkbox"/> not requested	<input type="checkbox"/> nothing listed
<u>Historical Literature:</u>	<input type="checkbox"/> enclosed	<input checked="" type="checkbox"/> not requested	<input type="checkbox"/> nothing listed
<u>Historical Maps:</u>	<input checked="" type="checkbox"/> enclosed	<input type="checkbox"/> not requested	<input type="checkbox"/> nothing listed
<u>Local Inventories:</u>	<input checked="" type="checkbox"/> enclosed	<input type="checkbox"/> not requested	<input type="checkbox"/> nothing listed
<u>GLO and/or Rancho Plat Maps:</u>	<input type="checkbox"/> enclosed	<input type="checkbox"/> not requested	<input checked="" type="checkbox"/> nothing listed
<u>Shipwreck Inventory:</u> **	<input type="checkbox"/> enclosed	<input checked="" type="checkbox"/> not requested	<input type="checkbox"/> nothing listed

*Notes:

- ** Current versions of these resources are available on-line:
 - Caltrans Bridge Survey: <http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>
 - Soil Survey: <http://alabamamaps.ua.edu/historicalmaps/soilsurvey/California/california.html>
- Shipwreck Inventory: <http://www.slc.ca.gov/Info/Shipwrecks.html>

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

Annette Neal

Researcher

C-2: Smith Residence Historic Resource Assessment

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HISTORICAL ASSESSMENT

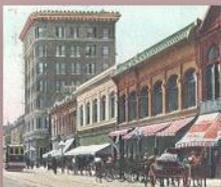
Landmark Smith House Site
3550 San Felipe Road
San José, Santa Clara County, California
(APN #659-04-016, -017)



Prepared for:

Oakmont Senior Living
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Revised 04.21.2016



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Cover image: 2015
(Site overview, from Bing)

Introduction

Oakmont Senior Living of Windsor, California, is a family owned and operated company founded by William P. Gallaher in 1997. The company is proposing to construct an assisted living facility on a 4.42-acre site in the community of Evergreen within the City of San Jose. The ninety-four-unit residential project will be sited on an L-shaped property on the northeast side of San Felipe Road just north of its intersection with Fowler Road. The property is presently owned by Charles D. and Shirley A. Poston Trusts, and was acquired by the Postons in two transactions. The first transaction included the northwestern most parcel of 2.14 net acres, which contains an 1874 residential structure associated with early Evergreen residents Francis J. and Catherine Smith. This property initially included a small parcel at its northwest corner, now under separate ownership, which is not a part of this project. These two above-mentioned properties were acquired by the Postons in the early 1970s from the estate of Kate Smith, the daughter of early Evergreen residents Francis J. and Catherine Smith.

The second transaction was for a 2.01-net-acre parcel located to the east, which separately fronts on San Felipe Road just north of its intersection with Fowler Road. It was added to the Smith property sometime in the past, and then sold by Kate Smith by the 1960s. The property was later acquired by the Postons and is now a part of the property proposed for development by Oakmont Senior Living.

The Smith House is presently a San Jose City Landmark, designated by the San Jose City Council in 1986 (HL86-31).

The preparation of this report was requested by Hannah Daugherty, Project Manager for Oakmont Senior Living, and the investigation was conducted by Franklin Maggi and Leslie A.G. Dill of Archives & Architecture, LLC.

The following report includes a historical background, technical description of the house and site, a review of the historical significance of the property, a discussion of potential impacts of the project proposed by Oakmont Senior Living, and an historic preservation design review.

Project Description

Oakmont Senior Living is proposing to develop the site for assisted living services. According to the proposed project documents, the project consists of a new, state-of-the-art, senior assisted living community on the subject property of 4.42 acres located at 3550 San Felipe Rd. northwest of the intersection with Fowler Road in the Evergreen community of southeast San Jose.

The proposed project will provide ninety-four (94) assisted living residential units and related ancillary space offering a wide range of services in a secure environment. All the residential units of this senior health care facility will be operated under license by the

State of California Department of Social Services as a Residential Care Facility for the elderly under the classification of “assisted living.”

A two-story structure will be built, approximately 88,000 square feet in size. The building will be designed to provide for the special needs of seniors. All the residential units will be supplemented with common areas to promote friendships and create a sense of open community.

The complex will provide amenities such as private and formal dining rooms, a café, entertainment and activity rooms, beauty salon, library, outside courtyard and more. There will be an in-house fitness center and a private theater. Conversation areas will be strategically located throughout the building to promote socializing.

Residents will receive healthy meals in the dining room, housekeeping, assistance, an emergency response system, programs, and health screening. The dining room and exhibition kitchen will be operated like a restaurant directed by a chef.

Progressive care needs of the residents will be addressed by providing high levels of assisted living in their individual units. This will fulfill Oakmont’s aging-in-place philosophy allowing residents to stay in their chosen unit. At move-in, the majority of new residents will be in their early-to-late eighties and will be offered a myriad of assisted living services. Memory care is offered in a specifically designed area for residents with Alzheimer’s or Dementia.

Since few residents will drive, Oakmont will take care of their transportation needs by providing a small bus and driver along with a town car to take residents to shops, doctor appointments, and community activities.

Amenities will include housekeeping services, residential and grounds maintenance, and 24-hour on-site management. Oakmont promotes intergenerational opportunities and works closely with the community to develop ongoing programs.

The facility will operate on a 24-hour basis, seven days a week, with the number of employees to fluctuate throughout the day, with an anticipated 16 employees during the day and evening shifts and three employees for the night shift. Shifts will not start during the AM/PM peak commute times. The morning shift will start at 6:00 AM, the afternoon shift at 2:00 PM, and the night shift at 10:00 PM.

Purpose and Methodology of this Study

This report is intended to clarify the historical significance of the property, identify the character-defining features, and assess the potential impacts of the Oakmont Senior Living project on the historic resource known as the Smith House. The methodology included a site survey conducted by Franklin Maggi and Leslie A.G. Dill in November 2015, and supplemental archival research that included a review of primary and secondary records at the California Room of the San Jose Public Library and the Heritage Room at the Evergreen Valley College Library. There was also a review of prior investigations, evaluations, and designation, historic newspaper sources, and an

evaluation of the project in terms of impacts on historic resources according to the Guidelines of the California Environmental Quality Act.

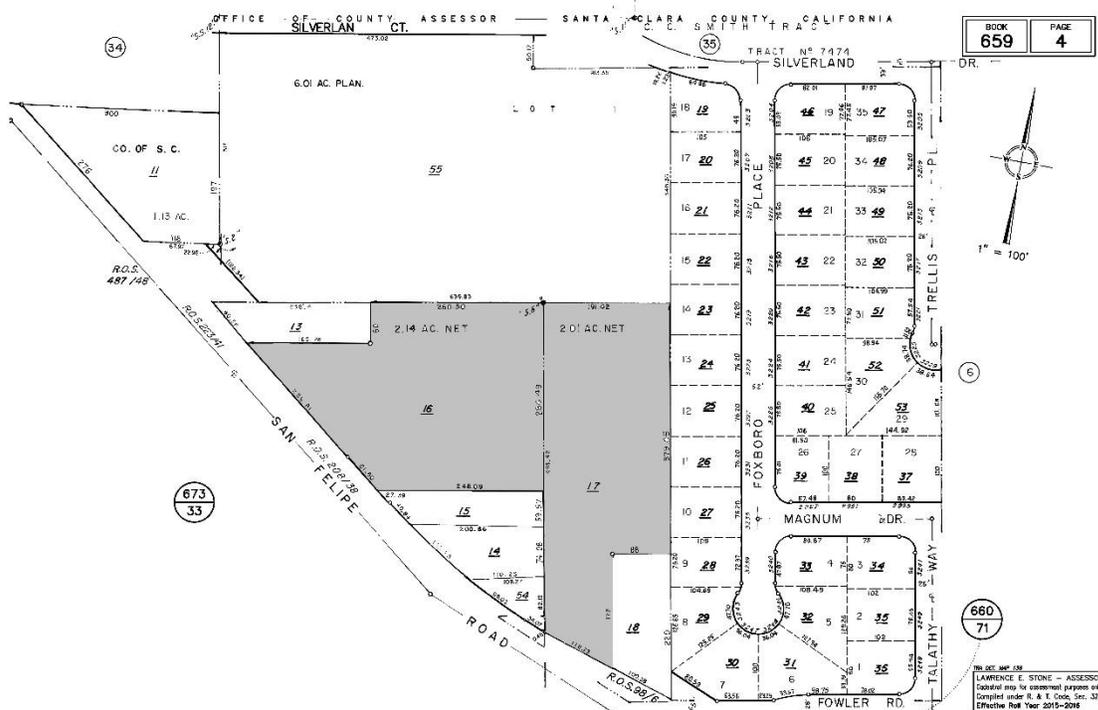
Previous Surveys and Historical Status

The Smith House was first identified as a historic resource in 1961 by the County of Santa Clara Planning Department as a part of the *Preliminary Inventory of Historical Landmarks in Santa Clara County*. Noted as the home of an Evergreen pioneer family that had lived on the site since 1868 and the site of the first Evergreen store, it was listed as number 85 of 123 properties included in this first step towards creating the County’s Heritage Resources Inventory.

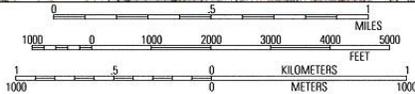
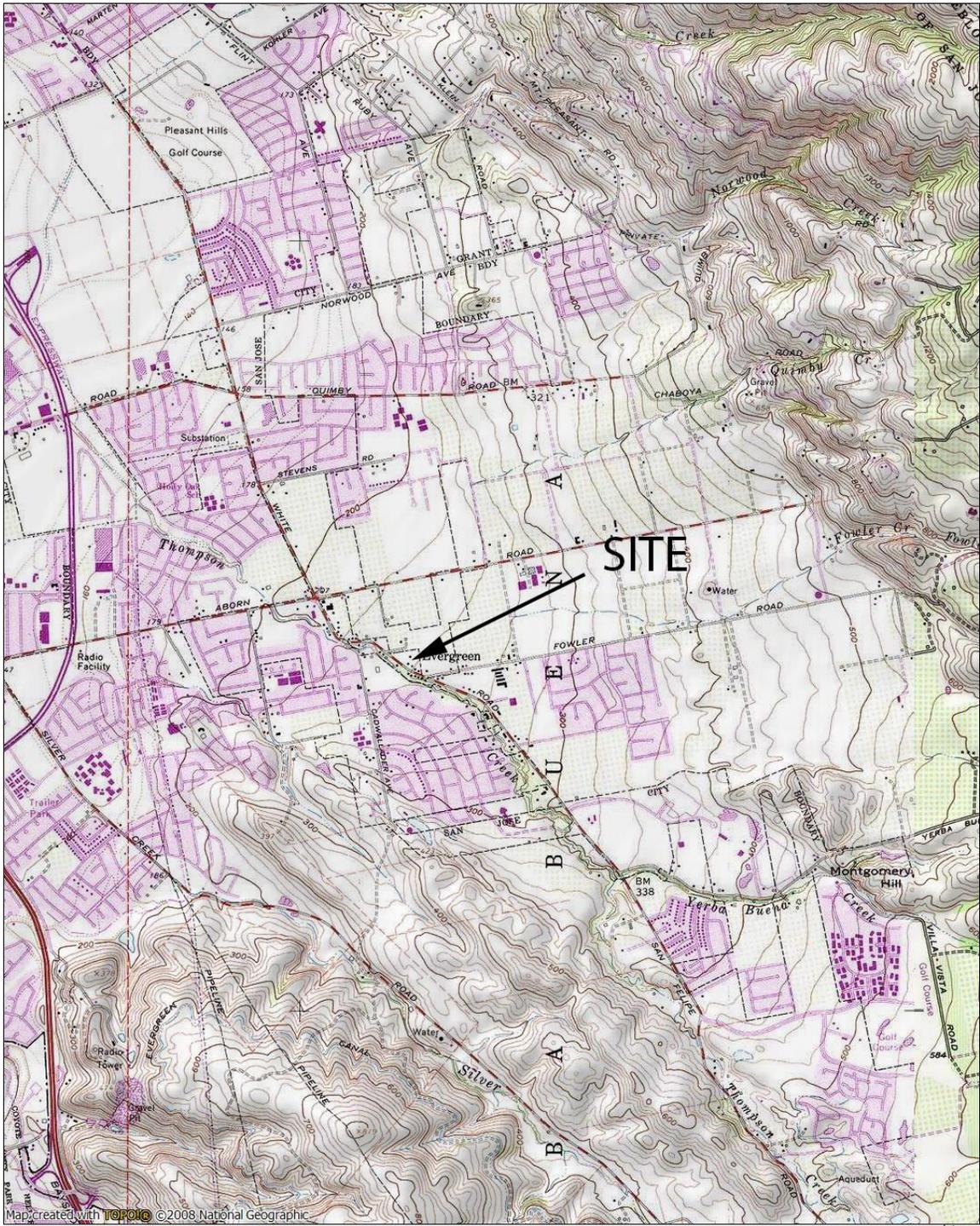
In 1973, although the 4.3-acre property was still in unincorporated Santa Clara County, the City of San Jose included the Smith House site within its first historic resources survey, the *Visual Inventory of Historic and Archaeological Sites*. The house, referred to as the “Joseph Smith House at 388 White Rd.¹ off Fowler Rd.” (Inventory Number 8BS/166), was empty at the time, but access was apparently gained from Smith family descendants, and both the interior and grounds were described in detail as a part of the recording. Huge eucalyptus and pepper trees were noted, as well as a large magnolia and live oak, all said to have been planted by Joseph Smith (see attachment).

The property was annexed into the City of San Jose as a part of Evergreen No. 144 on July 27, 1981, and in 1986, landmark proceedings were initiated by the San Jose City Council, who designated the property a City Landmark on May 20, 1986 (HL86-31 / Resolution #59146 – see attachment).

Assessor’s Map



Location Map



TN / MN
13 1/2
12/01/15

Summary of Findings

Because the property has been recognized as a San Jose City Landmark, it is considered a historic resource under the California Environmental Quality Act (CEQA).

The relocation of the house on-site and the removal and alteration of the setting of the house (e.g., the demolition of one of the outbuildings and the removal of some historic trees), as shown in the most-current site plan "F" (dated December 2015), could constitute a substantial adverse change as defined by CEQA. A project that may "cause a substantial adverse change in the significance of an historical resource" may have a significant impact on the environment unless mitigated to a "less than adverse level."

Alterations to historic resources that meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards) are defined as having less than significant impact under CEQA. It is understood that the project intent and design is to meet the Standards and mitigate the project to a "less than adverse level."

The proposed project, as presented in the current site development drawings, meets the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards). The potential impacts of the project as proposed would be "mitigated to a less than adverse level" and the project therefore would not have a significant effect on the environment.

Note that the review is limited at this phase of design to analyzing the proposed site massing and density of the overall project, the initial design approach for the proposed new buildings on the property, the relocation of and outlined preservation intent for the historic resources on the property, and the proposed site design of the historic and new landscaping features. The specific design, use, and physical treatments of the historic buildings and structures must be reviewed separately, during the historic preservation planning and building permit phase of the overall project.

Background and Historic Context

The project area, referred to as the Smith House (site), was initially part of the 23,000-acre *Rancho Yerba Buena y Socayre*, granted by the Mexican government to Antonio Chaboya in 1833. Chaboya may have occupied the property as early as 1821 (Hendry and Bowman 1940). The earliest rancho structures, constructed around 1833, were located near what is now the intersection of Quimby and White Roads to the north of the subject site. By 1835, Chaboya had about 3,000 head of cattle, and 100 mares and domesticated horses. The rancho boundaries extended from Coyote Creek to the Evergreen hills, and from the present Tully Road south to Metcalf Road. About 1845, a residence was built near the northeastern boundaries of the rancho in the foothills.

After the discovery of gold in 1848, the population of California exploded as immigrants arrived from throughout the world. Following Statehood, in 1853 the United States government created the California Land Claims Commission to ascertain validity of the Mexican land titles by determining legal ownership and establishing fixed boundaries for Mexican-claimed real property. Chaboya had a difficult time working through this

new legal process. By the time the Commission issued a patent to Chaboya for his rancho, he had deeded most of the land to his lawyers. By 1861, so many squatters had settled on the rancho that eviction notices ignited what became known as the Settler's War of 1861. Eventually, Chaboya, his lawyers, and the squatters came to a compromise whereby the settlers were able to purchase their lands at what has been referred to as a reasonable price (Payne 1987).

At the time the Santa Clara Valley began to develop agriculturally, the trip to San Jose was time-consuming, and a number of small communities evolved throughout the valley to supply the primary needs of the local residents and served as social centers of the community. These small villages were an inherent part of the settlement pattern of the local Early American Period. Often located at crossroads on the main highways, between larger towns, or scattered over the valley on secondary roads, these villages usually consisted of a general merchandise store, a post office, a blacksmith shop, a school, a social hall, perhaps a church, and a number of surrounding residences (Broek 1932).

The Village of Evergreen developed near the crossroads of White and Aborn Roads on land that was obtained by attorney J. B. Hart from Antonio Chaboya for payment of legal fees. The earliest American pioneers began settling in the area in the 1850s, before the confirmation of the rancho to Chaboya. The village served the growing agricultural district in the Evergreen Valley, named for the dense cover of live oaks in the valley and foothills.

By 1852, the first pioneer nurserymen in the Santa Clara Valley were importing and experimenting with various types of fruit trees; and by the 1860s, orchards were spreading throughout the valley replacing wheat and barley fields. Vineyards had been introduced to the Evergreen area by Pierre Pellier in 1861. This agricultural operation ultimately passed to the Mirassou family through Pierre Pellier's daughter and son-in-law, Henrietta and Pierre Mirassou (Arbuckle 1985).

In 1868, Charles C. and Francis J. Smith opened Evergreen's blacksmith shop and general merchandise store. A saloon was opened in 1869, followed by a butcher shop in 1872. Francis Smith established a post office in his store in 1870, with his winery being constructed shortly thereafter. During the 1880s, a Social Hall was constructed and the Women's Relief Corps Home was established for the widows and orphans of Union veterans of the Civil War. The 1880s saw orchards expanding into the Evergreen Valley and by the 1890s the earlier grain and stock ranches of this area were giving way to orchards and vineyards (*SJMH* July 22, 1900). Numerous vineyards and wineries were established by this time, and by 1913, Evergreen Valley was known for its wine production, boasting 2,500 acres of vines and a production of 600,000 gallons of wine (Cortese 1988).

Today, the Evergreen Valley's horticultural heritage has all but disappeared. Since the late 1950s, the valley's orchards and vineyards have been replaced by residential development. In the 1970s, Evergreen Valley College was established to serve the

expanding population in this part of Santa Clara County. The Village of Evergreen continued to serve the surrounding farms and ranches with little change until the development of the large suburban shopping centers and residential neighborhoods during the second half of the twentieth century (Cortese 1988).

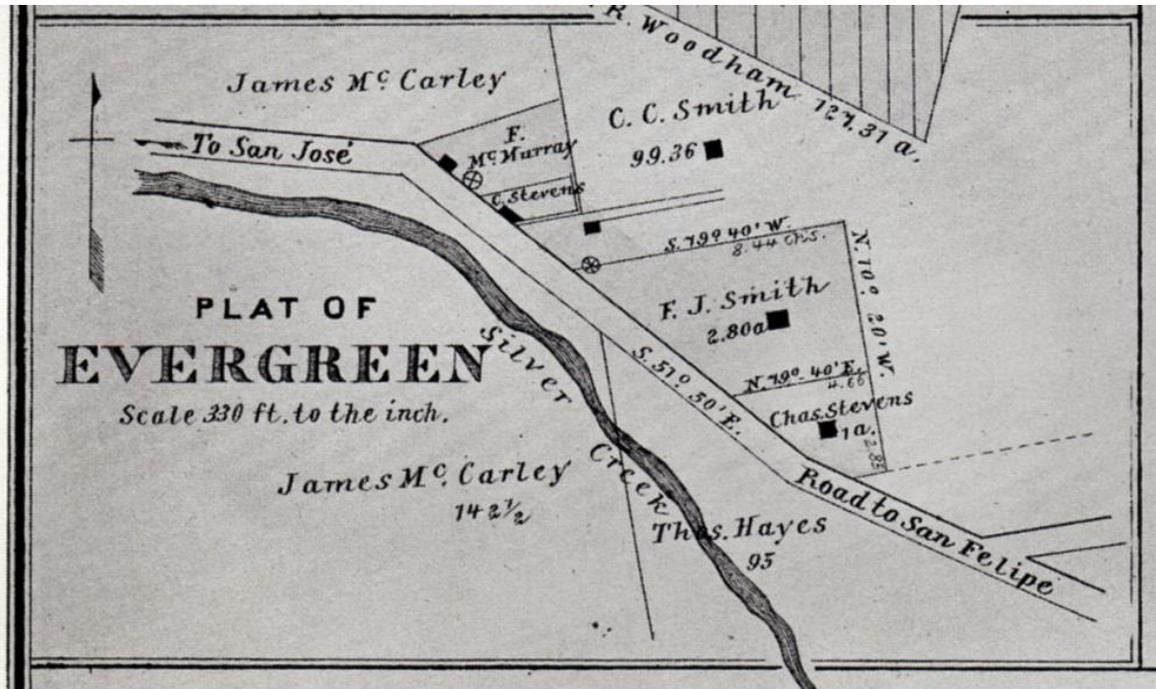
Historical Development of the Study Area

The project site was settled by Francis Joseph Smith by late 1867. Born in Hesse-Darmstadt, Germany in 1843, Francis had followed his brother Charles to the United States in 1861. Charles Christian Smith had arrived in New York in 1856, and by 1860 he had settled in the Evergreen Valley to pursue farming, stock raising and viticulture. He also established the first blacksmith and wagon repair shop in what was then called the Village of Evergreen.

Before coming to Evergreen, Francis J. Smith spent a short time in New York, and then went to Titusville, Pennsylvania, where he ran a grocery store. In 1865 in Titusville, he married Catherine Shiely. Francis and Catherine moved to Evergreen in 1867, arriving in San Francisco by way of Panama. On May 15, 1868, Francis and his brother Charles opened the first general store in the Village. Francis and Catherine lived above the store. In 1870, their daughter Kate was born. The same year, Francis was appointed the first postmaster of Evergreen, and he traveled twice each week to San Jose to pick up the mail².

In 1872, the couple returned to Pennsylvania with the intention of Francis joining his father-in-law in business, but after a year's stay they returned to Evergreen to live next door to Francis's brother Charles. Upon their return in 1874, Francis built a house, which exists on the site today. The store was moved onto Francis's property, and he built a winery to the southeast of the store. He called his winery operation Yerba Buena Vineyards.

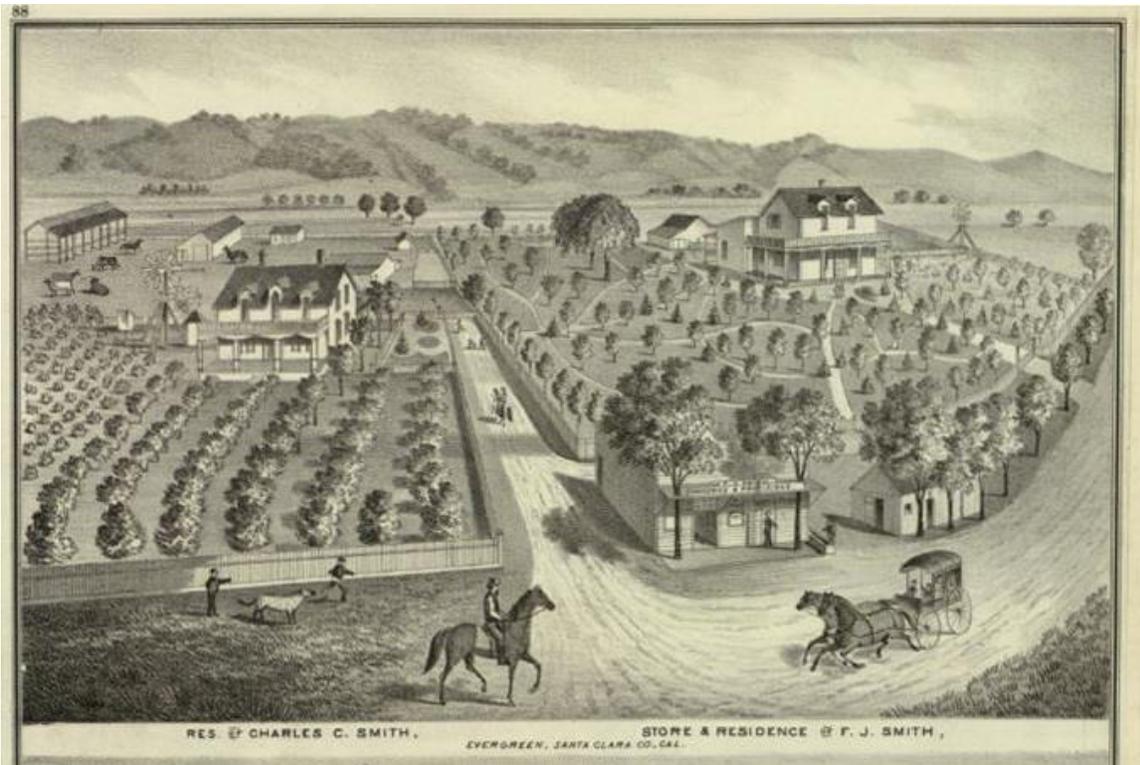
² Francis J. Smith was noted in a 1915 news article as the first, last, and only postmaster of Evergreen. The Farmer's Club, which met at the Smith General Store, lobbied the federal government in 1870 to establish the post office after the State Legislature had passed a resolution giving its support. Smith remained postmaster until January 1914, when the Evergreen Post Office was discontinued (*SJMH*, Dec. 25, 1919).



1876 map from the Thompson and West Atlas showing the F. J. Smith property

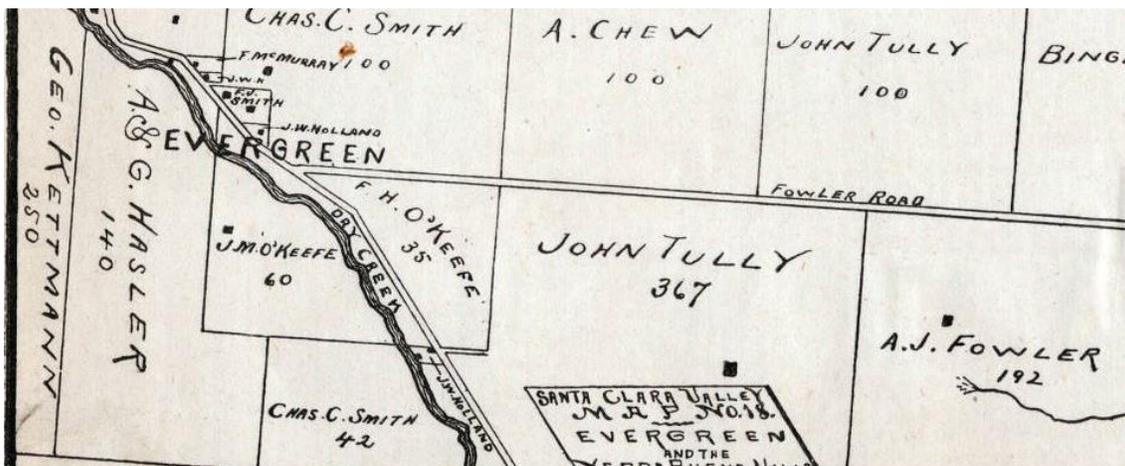
The property was said to have been three acres of land on which the Smiths planted ornamental trees. They named their home “Cozy Nook,” and proceeded over the next few years to landscape their grounds into a picturesque park, adding pine, eucalyptus, and pepper trees as well as ivy and bulbous plants in both containers and open ground flower beds around rustic seats and tables. The lush setting was described in news accounts at the time of their golden anniversary celebration in 1915 (*SJMH* 6/6/1915).

The Francis Smith property extents in the mid-1870s appear to be similar to the 2.14-net-acre parcel that exists today. The “Road to San Felipe” shown on the Thompson and West map was also known then as Dry Creek. The 2.8 acres shown on the map include a now-divided property at the northwest corner of the site under separate ownership. The index of property owners in the Atlas shows F.J. Smith as owning eight acres, but other property beyond what is shown in the map has not been identified as a part of this study.



1876 drawing from the Thompson and West Atlas showing the Smith Store in the lower center and the newly planted two-year old residence of F.J. Smith House in the upper right corner

The 1880 Brainard Agricultural Atlas notes that F. J. Smith had a “family orchard of 80-100 acres containing apple, pear, apricot, cherry, plum, lemon, orange, fig and walnut trees, with numerous ornamental and shade trees about the residence, and a vineyard for home use.” The actual location of this orchard is not evident in the Atlas, although the site of the F.J. Smith property is shown with two buildings.



Excerpt from the 1880 Brainard Agricultural Atlas

Francis became the sole owner of the store in the 1880s when Charles moved to San Jose to become a real estate agent. By this time, the store had become the social center of the village, and Francis became the settlement's titular mayor. (Munro-Fraser 1881.)



Smith General Store. F.J. Smith standing in front, with Isaac Bingham and his four-horse team (published in the Dec. 25, 1919 Mercury Herald – Image on file at Evergreen Valley College library)

Francis Joseph Smith died in 1920 at the age of 77, and Catherine died in 1929. The Smith General Store Francis operated for 51 years burned in 1929 (Douglas 1993).

Francis and Catherine Smith had five children. Their daughter Kate, born in 1870, continued to live in the family home after her parents' deaths. In an interview, Kate remembered:

Our house was built in 1874 ... Mother was here when the 1868 earthquake came and she lived above the store and held her arms on the walls as though to keep them from falling down. She said, "if I ever build a house it will be all lumber." Father had only \$400 to invest in a house and this redwood house was built for that sum. It has ten rooms and never succumbed to earthquake tremors.

Kate lived in the house until her death in 1973 at age 103. By then the orchard had been removed from the eastern parcel and a house built at the southeast corner on Fowler Road. Kate was a graduate of the rural Evergreen School and attended San Jose Normal School to become a teacher. She taught at the Evergreen School for four years and later taught for 16 years at Grant School in San Jose. Other teaching assignments took her to Palo Alto and to the Central Valley. For many years, she was San Jose State's oldest living graduate and the K.R. Smith School in Evergreen is named in her honor (Douglas 1993).

Landscape Context

A sketch view in the *Thompson and West Historical Atlas* published in 1876 (page 11) shows the Francis Smith House site as an evolving ornamental residential landscape, with meandering pathways within a garden of trees placed in a romanticized arrangement. This arrangement is in contrast to the more rigid rows of plants of the adjacent property of Charles Smith located to the north. The trees appear young; the only mature trees identified are two large trees to the north of the residence and one large tree at the southern corner of the site at the road. Conceptual in nature, the sketch provides an early, historic character-defining description of the site. Later descriptions of the property indicate that Francis Smith had intended to establish a place of general resort and recreation on the site (Munro-Fraser 1881). In a 1960s interview with Kate Smith, she indicated that there were four large live oaks on the property, “one by the side of the house here, one out in the garden and two down there in the park.”

The only remaining evidence of large native trees, which could be related to this historic sketch, was a valley oak that had been noted in recent reports as located near the north property line. The large specimen oak directly south of the residence may have been established later, as it was not included in the sketch by Thompson and West. The remaining extant oaks on the site are relatively small in size and appear to have not been a part of the original garden planting.

Historical geographer Jan Broek provided context in his writings to the use of the pepper tree, palm, eucalyptus and rose bush in local residential landscaping (Broek 1932). Of these four plant types, the pepper tree (California pepper tree) and eucalyptus are abundant on this site. Pepper trees (*Schinus molle*), originally brought to California from Peru in the mid-nineteenth century, include a row of four trees bordering the north side of the main driveway to the residence, while others are scattered, apparently randomly, throughout the site. Most of the pepper trees are moderate in size and appear to be secondary growth. A large grove of specimen eucalyptus trees is situated in the area framed by the residence, the north property line and San Felipe Road. An additional specimen eucalyptus was located south of the residence at the property line; it fell in recent times. The eucalyptus trees appear to be original to the landscape development of the site.

The eucalyptus tree, principally the blue gum (*Eucalyptus globulus*) and red gum (*Eucalyptus rostrata*) originated in Australia and first appeared in California in the early 1850s. The oldest tree (1856) is attributed to Captain Joseph Aram, who opened a nursery at Oakland (Old Oakland) and Schallenberger Roads in San Jose.

During the 1850s and 1860s, much of California's native landscape near populated areas was stripped of timber due to heavy cutting of trees by the early settlers (Santer 1997). In 1862, a State law was passed to protect timber from over cutting, and later the Tree Culture Act of 1868 was adopted, which encouraged the planting of shade and fruit trees along California roads.

A eucalyptus "craze" started in the early 1870s due to the work of Ellwood Cooper in Santa Barbara, with 50,000 trees there by 1876. By 1873, there were two million planted in the East Bay foothills and large stands started in the South Bay, such as one at Sierra Road (San Jose News 1973).

General Naglee planted a large number on his estate near San Jose Normal School and in 1872 Andrew J. Fowler donated eucalyptus trees that framed Alum Rock Avenue from Capital Avenue to the present Miller Avenue. This impressive stand of trees was cut down in 1959 due to complaints of local business owners who were concerned with the threat of dropping tree limbs.

The planting of eucalyptus trees was advocated during the 1870s as a moneymaking business to be used for medicinal oil, cosmetic base, nectar, tannin and fireplace fuel. In 1872, the magazine *California Farmer*, founded by James Lloyd La Fayette Warren, offered customers packets of eucalyptus seeds with a four-dollar subscription (Santer 1997). The era of extensive eucalyptus planting came to a close in 1912-1913 when extensive cutting occurred (Johnson 1976).

Small groves continue to exist throughout the valley. Due to problems associated with their size, the large blue and red gum varieties have been declining in numbers as the valley has urbanized. The grove on the subject property is associated with the eucalyptus "craze" of the 1870s and was likely planted by Francis Smith as an ornamental component of the site as well as for potential economic uses. The grove appears to be substantially intact in its original configuration.

A citrus orchard in the southwest corner of the property south of the main driveway to the residence is another remaining historic component of the site. The trees are small in scale and due to the extent of time that has lapsed from the original planting of the site, these trees cannot be directly attributed to the original landscaping without further detailed investigation.

Description of Resource and Character-Defining Features

The 1874 Smith House is a rare local example of a vernacular Gothic Revival house from the mid-nineteenth century. The one-and-one-half- and one-story house features a distinctive pair of wall dormers at the front of its side-gabled main roof, along with original balloon framing, a one-story early rear kitchen wing, original porch trim, eave trim and double-hung windows, and other intact historic elements. The Gothic Revival style was employed for frame residences in the region starting in the mid-1860s when small rural settlements were developing during San José's Early American period. In the Eastern United States, the Gothic Revival style was popularized as early as the 1840s, by two famous pattern-book authors: Andrew Jackson Downing and Alexander Jackson Davis. The style continued in use, along with the locally more-common Italianate designs, until early Victorian-era designs were popularized in the 1880s. The one-story

wing on the rear of the building was likely original since it is also shown in the 1876 lithograph. Houses of this era commonly had two-story front wings and a one-story rear wing with a shed roof. The rear section of the Smith house was remodeled in the 1890s. Angled bay windows were added to the north and south elevations. The roof of the rear wing has been extended above an enclosed porch. The original rear wall is extant within the porch area. The walls of the extension are clad in what appears to be salvaged siding materials. Overall, the house retains most of its 1874 Gothic Revival architectural character and associations. Changing ideas of architectural beauty and the needs for updated kitchen and bathroom facilities are reflected in the circa 1890 and 1920 alterations. As noted by Glory Anne Laffey in 1990, the house shows some signs of deferred maintenance and neglect, but appears to have all its architectural elements intact or in salvageable condition.

The one-and-one-half-story main wing of the house features a largely symmetrical front (west) façade, with a centered entrance, a full-width porch, and the pair of symmetrical wall dormers rising distinctively above the main roof. A moderately pitched side-gabled main roof covers the wing; the two dormers feature gabled roofs that are above the eave line of the main roof. Typical of early wood structures in the region, the compact house has the historic proportions of a balloon-frame building, including the simple vertical walls and the high eaves. The front porch wraps around the north side of the house in an “L” shape and terminates at a door into the rear wing. At the rear of the house is a one-story wing with a shed roof. The roof is set slightly below the eaves of the main roof, similar to regional mid-nineteenth-century barn construction. The rear wing projects to the north, creating the side entrance from the front porch. Each side of the rear wing features an angled bay window with a separate low-slope hipped roof, typical of the Victorian era. The shed roof of the rear wing has been extended over small rear addition that includes an enclosed, semi-recessed porch. The house is set fairly close to grade, on a mudsill. The front porch has been retrofitted with a concrete foundation. There is a single metal chimney vent that projects at the rear roof.

The house is clad in nine-inch California channel-rustic siding with flat-board corner trim; commensurate with the age of the house, there are no water tables or belly bands. The wood shingles noted in previous documentation reports have been concealed by thin, diagonal-cut composition shingles at the main roof, the rear roof, and the dormers. The eaves are shallow and boxed above a plain board frieze; the eaves feature narrow ogee trim at the outer fascia, and a flat-board soffit. Both wall dormers are clad in the same channel rustic siding and have sloped boxed eaves and a plain frieze to match the house. The wall faces of the dormers interrupt the eaves and frieze trim of the main house. The applied molding on the cornices of the dormers and the north elevation has been damaged by woodpeckers. The rear wing also features a boxed sloping eave; a distinctive upper eave projects at the north corner.

The porch's shed roof is supported by chamfered square posts that feature built-up trim at the top and a simple board wrap at the base. The posts frame the front of the house symmetrically, and a fifth post supports the northwest corner. A single post supports the

center of the north span of the porch roof, and a pilaster, or engaged post, is located at the south end of the porch at the main wing, and at the northwest end, at the rear wing. The sawn balustrade has a decorative lyre design, in keeping with styles of the 1870s. The 1876 lithograph sketch of the property indicates that a balustrade was originally located on the second floor and none is shown at the ground level (Thompson & West 1876). Parts of the porch have been repaired and/or altered over time. The roof of the porch consists of exposed plywood sheathing with no ceiling; a perimeter foundation has been added. The porch floor has also been replaced or overlain with plywood. The rear porch has a solid vertical tongue-in-groove balustrade.

Fenestration at the main wing consists of 6/6 double-hung wood windows with crown moldings, flat-board side casings, and hardware for shutters. One of the upper dormer sashes has been broken and repaired with a single pane of glass. A few of the windows still have shutters; previous documentation indicated that the shutters had only recently been removed and were being stored at the property. The front façade design features symmetrically placed individual 6/6 double-hung wood windows that flank the front door. These windows align with the upper wall dormers that also feature 6/6 double-hung windows. The composition of the south wing is symmetrical as well. It features four individually placed windows, symmetrical at each level and stacked. At the north elevation, there are three windows. At the first floor, two individually placed windows are set near the rear (east) corner of the wing. A single window at the second floor is located near the rear corner of that level; it is not aligned with the windows below. The windows in the side bays are 2/2 double-hung wood windows. The muntins are very thin, indicating an early manufacture date. The windows rest on a shared sill band above a channel-rustic wall. They are set into flat-board frames, and are surmounted by recessed panels that feature diagonal and vertical board siding. The bay windows extend to grade, and each features a lattice vent at the central face. At the southeast corner of the rear wing are a couple of individually placed 1/1 double-hung wood windows, likely from the 1920s alteration project. The front door is trimmed with the original flat board side casings and upper crown molding, but the door itself is recent. The side door under the front porch is a 1-lite door with a 2-lite screen door, related in style to the bay windows. The rear door, recessed within the enclosed porch, consists of an upper viewing window with four lites; three across the top and a central focal lite; the base of the door has two panels.

According to previous documentation, only briefly observed in the most current site visit, the interior floor plan includes four main rooms downstairs and two bedrooms upstairs. The downstairs has two front parlors separated by a pocket door. The ceilings of the parlors are tongue-in-groove planks. The northern parlor has decorative beams and brackets, probably part of the remodeling done in the 1890s. (The southern parlor features floral linoleum in excellent condition.) Each of the parlors has pine flooring. In the one-story rear wing there is a dining room and kitchen separated by a narrow hallway. The dining room features a tongue-in-groove wainscoting, a built-in corner cabinet, and a bay window with a plain casing. The kitchen also has a bay window,

tongue-in-groove wainscoting, and a tongue-in-groove plank ceiling. There is a pantry with a sink off the kitchen that appears to date to the 1920s. At the east end of the central hallway is a half-bath that appears to be a relatively new addition; however, the door is old and features a rim lock with a Bennington ware ceramic knob. The enclosed rear porch serves as a utility room. A stairway ascends from the central hallway to the second floor landing. Each of the two bedrooms has a dormer window with a plain casing and a tongue-in-groove plank ceiling. A small bathroom has a claw-foot tub.

The historic Smith House is set near the center of a relatively large parcel of land in the heart of the Evergreen neighborhood of San José. It is across San Felipe Road from Thompson Creek, a feature that adds vegetation and rural character to the immediate setting. Large eucalyptus, pepper, magnolia, plane (sycamore family), and oak trees immediately surround the house. There are also the remains of a citrus orchard. The improvement of nineteenth-century farmsteads in the Santa Clara Valley found expression in the planting of trees around the yards and along driveways. Historical geographer Jan Broek, in his study of the changing landscape of the Santa Clara, described trees favored for early American residential landscaping during the 1870s:

Very popular became the pepper tree (Schinus molle) imported from Chili, the Washington Palm from Southern California, the eucalyptus from Australia-- especially the "blue gum" (Eucalyptus globulus)—and the rose bush. This group, although not always found together, formed the typical "pioneer planting assemblage." From the landscape point of view, the eucalyptus was by far the most dominant tree of the Valley because of its frequency as well as its height. This tree was extensively planted about 1870 as a result of the anxiety aroused by the rapid destruction of trees during the sixties. Not only were the mountains being denuded of trees, but the Valley also: the groves of oak were rapidly vanishing, the wood generally used for fuel and bark of the live oak for tanning purposes Valley. (Broek 1932)

The eucalyptus, imported to California from Australia in 1858 and first planted in the Santa Clara Valley in the early 1860s, thrived vigorously in its new environment. The tree was quickly accepted as a landscaping element because of its rapid growth, the value of the wood as fuel, and its refreshing odor and medicinal properties. Groves also offered protection from the wind.

The Thompson & West lithograph of the Smith House in 1876 shows the beginning of the extensive landscaping of the parcel. Undoubtedly, many of the specimen trees on the parcel today were planted by Francis Smith. These trees add to the unique character of the historical setting of this Landmark property. The rear of the combined parcel is open and not landscaped.

Historic outbuildings on the property include the remnants of a tank house, a storage shed, an aviary, and a gazebo. The tank house is located to the south of the house, across a driveway area and in a setting of trees and other vegetation. It is a state of considerable disrepair. The siding is falling off and hanging from the exposed structure, and the water tank is missing. Most of the adjacent water pump appears to be intact in a collapsed shed area. To the north of the house is an octagonal aviary. It has a hipped

roof with composition shingles and a low wall of horizontal boards. To the northeast of the house is a storage shed with a pyramidal hipped roof. It appears to have been constructed of salvaged lumber and doors. A previous report noted a gazebo with lattice siding, to the northeast of the house. It was reportedly in poor condition and was not observed during the recent site visit. To the northwest and north of the house, set into the eucalyptuses, are two additional residences. These are prefabricated dwellings and not associated with the historic status of the property.

Character-defining features: The house is an intact composition of the historic features noted above including, but not limited to: setting, massing, siding and wall trim, eaves and eave trim, front porch, original windows and doors and associated trim, back porch, side bay windows, etc. The setting is a critical element, as well, including the density and species of the trees, and the rural/agricultural outbuildings.

Integrity: The property maintains almost all of its historic integrity as per the National Register's seven aspects of integrity. The house maintains its significant original location in the center of the Evergreen neighborhood of San Jose. It remains centered in a visually expansive parcel of land, and is surrounded by many of its historic orchard trees eucalyptuses, peppers, and sycamores. In particular, it is highlighted focus by an allée of pepper trees at the front drive. This area and these trees provide an historic setting that provides a buffer from the surrounding, more suburban, neighborhood. The house, outbuildings, and property continue to embody a rural nineteenth-century residential feeling and continue to illustrate the property's associations with the Smith family ranch and settlement. Although some of the house has been altered slightly; these alterations are associated with the Smith family, and the house has significant integrity with its vernacular Gothic Revival design, its original trim and underlying structure are intact and represent the era's workmanship and use of materials, and its original character-defining materials have been preserved, including its siding, doors, windows, trim, and much of the interior finishes. Per California definitions of integrity, the property continues to embody an authentic historic resource.

Policy and Regulatory Context

The Smith House is a San Jose City Landmark, designated in 1986 under City Council Resolution #59146.

The purpose and policy regarding historic preservation under Chapter 13.48 of the San Jose Municipal Code is two-fold:

- In order to promote the economic and general welfare of the people of the City of San José, and to ensure the harmonious, orderly and efficient growth and development of the municipality, it has been deemed essential that the qualities relating to the history of the City of San José and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved; some of these qualities are the continued existence and preservation of historic districts and landmarks; continued construction of structures in the historic

styles and a general harmony as to style, form, color, proportion, texture and material between buildings of historic design and those of more modern design; that such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and neighborhoods which impart a distinct aspect to the City of San José and which serve as visible reminders of the historical and cultural heritage of the City of San José, the state, and the nation.

- The purpose of the historic preservation ordinance is to promote the public peace, health, safety and welfare through the preservation of landmarks and districts and thereby stabilize neighborhoods and areas of the city; enhance, preserve and increase property values; carry out the goals and policies of the city's general plan, increase cultural, economic and aesthetic benefits to the city and its residents; preserve, continue and encourage the development of the city to reflect its historical, architectural, cultural, and aesthetic value or tradition; protect and enhance the city's cultural and aesthetic heritage; and promote and encourage continued private ownership and utilization of such structures.

Smith House Landmark Designation

The Smith House was designated a City Landmark with the following findings:

1. The Smith House was built by the pioneer Evergreen settler Francis J. Smith on land purchased from the Chaboya family. It was originally part of the Chaboya Spanish land grant known as *Rancho Yerba Buena*. Together with his brother, Charles C. Smith, they established the Smith Store and Post Office in 1867, which functioned as the social center of Evergreen until it burned down in 1928.
2. The Smith House, built in 1874, is feature in Thompson and West's *Historical Atlas Map of Santa Clara Co.* (1876) and remains today in much the same configuration. Francis Smith's daughter, Kate Smith, highly respected local school teacher, for whom an Evergreen school is named, lived in the house until her death in 1973 at the age of 103.
3. In an area that is rapidly losing its identity, the Smith House stands as a symbol of when Evergreen was an independent community.

Period of Significance

The City Council resolution designating the Smith House a City Landmark includes findings related to the occupancy of the house by Kate Smith, a person considered important to the past in Evergreen. It is noted that Kate Smith lived in the house until her death in 1973.

The Period of Significance is therefore 1874-1973, the span of years from when the property was first developed by Francis J. Smith, until Kate Smith's death.

City of San José Council Policy on Preservation of Historic Landmarks

The San José City Council's Preservation of Historic Landmarks Policy (adopted December 8, 1998, revised May 23, 2006) states that Historically and architecturally significant structures, sites, and districts provide an irreplaceable link to the City's past, enrich the present and future with their rich tradition and diversity, and add inestimable character and interest to the City's image.

The policy requires that proposals to alter or demolish such buildings, structures and/or sites require early public notification, public input and City Council review, preparation of complete information regarding opportunities for preservation, findings justifying alteration or demolition, and identification of financial resources for preservation.

(See appendix for full policy.)

Historic Preservation Permits

Any work to be performed on a city landmark must be undertaken with a Historic Preservation Permit, obtained from the Director of Planning, Building and Code Enforcement. Work includes construction, reconstruction, alteration, basic color change, repair, rehabilitation, restoration, remodeling, or any other change to the exterior, and includes installation of new or additional pavement or sidewalks or the erection of new or additional structures, and demolition, removal, or relocation of any structure or portion.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) requires regulatory compliance in regard to projects involving historic resources throughout the state. Under CEQA, public agencies must consider the effects of their actions on historic resources—a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment (Public Resources Code, Section 21084.1).

The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) (see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)).

The California Register of Historical Resources was created to identify resources deemed worthy of preservation and was modeled closely after the National Register of Historic Places. The criteria are nearly identical to those of the National Register, which includes resources of local, state, and regional and/or national levels of significance.

Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be

significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

Integrity

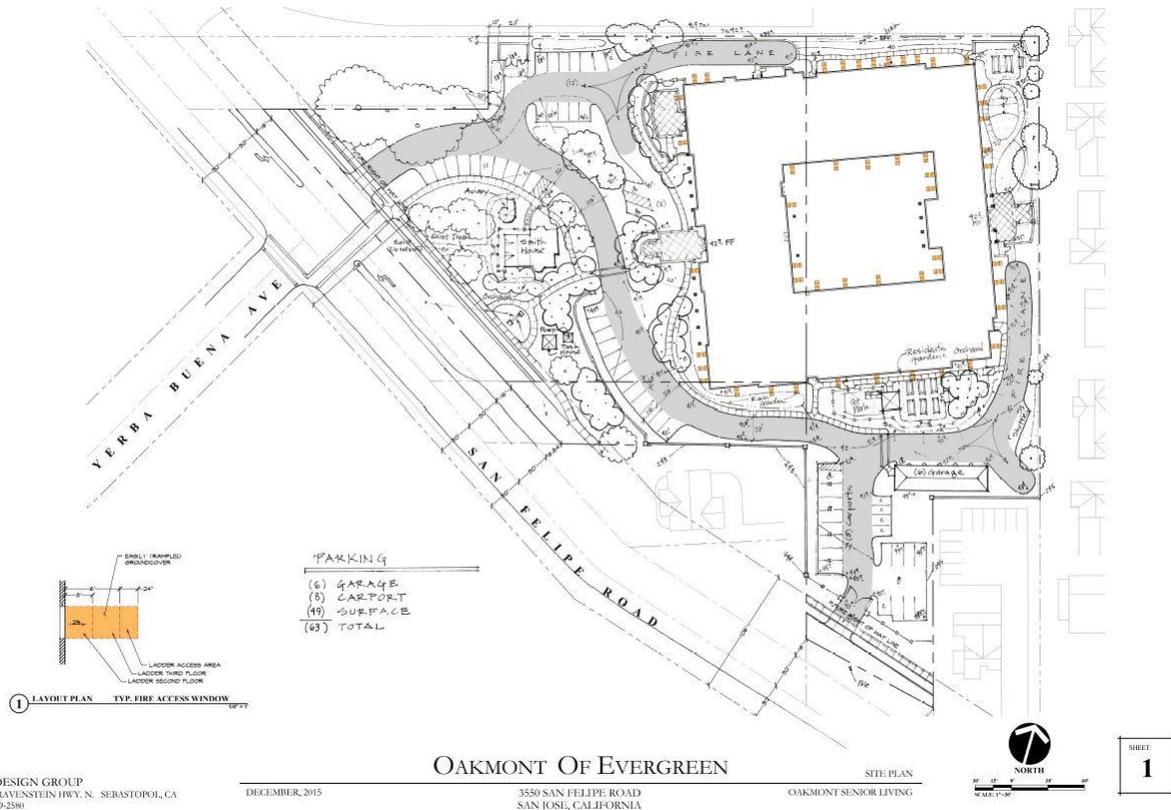
California Code of Regulations Section 4852(c) addresses the issue of “integrity” which is necessary for eligibility for the California Register. Integrity is defined as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” Section 4852(c) provides that historical resources eligible for listing in the California Register must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

Project Assessment

An onsite review of the property found the house to be intact, although related ancillary buildings are in a state of deterioration. The setting continues to present aspects of the historic landscape, although the plants are individually near the end of their life expectancy. The house and site retain sufficient integrity to maintain the authenticity of its physical identity evidenced by characteristics that existed during the Smith House’s period of significance.

In order for the project to avoid significant impacts to the City Landmark Smith House, the project must be designed to preserve the building and sufficient aspects of its setting to retain its authenticity and identity.

The present proposal (Site Plan "F" by Landesign Group (dated December 2015) shows the house being relocated forward/directly west, along the existing driveway, from its original location. It is shown continuing to face San Felipe Road and maintaining its east-west alignment. The project proposes to preserve the entire structure (historic front and rear wings), and the project provides a spacious immediate setting for the house, somewhat separated from the asphalt paving in other parts of the site. The project is proposed to preserve nearby landscape features, spatial relationships, trees, and other vegetation, which are tied to the building's history. Proposed is the preservation and/or appropriate partial reconstruction of the aviary, tank house and related pump structure. The design of the assisted living facility takes cues from the historic building, and is compatible in scale and materials of the detailing.



Proposed project site plan "F" as of December 2015

The project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards (Standards) with regard to the initial environmental review/CEQA process as required by the City of San José. The review is limited at this phase of design to analyzing the proposed site massing and density of the

overall project, the initial design approach for the proposed new buildings on the property, the relocation of and outlined preservation intent for the historic resources on the property, and the proposed site design of the historic and new landscaping features. The specific design, use, and physical treatments of the historic buildings and structures must be reviewed separately, during the historic preservation planning and building permit phase of the overall project.

Disclaimers

This report addresses the project plans in terms of historically compatible design of the exterior of the reoriented residence. The consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist at the site and building, and will not review the proposed project for structural soundness or other safety concerns. The Consultant has not undertaken analysis of the site to evaluate the potential for subsurface resources.

Secretary of the Interior's Standards Review:

The *Secretary of the Interior's Standards for Rehabilitation* (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to repair, while preserving those portions or features that convey a resource's historical, cultural, or architectural values. Accordingly, Standards states that, "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values". Following is a summary of the review with a list of the Standards and associated analysis for this project:

1. "A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships."

Analysis: *The relocated historic house is not currently proposed to continue being used as a residence in the new development. No new use is currently proposed for the historic buildings on this property.*

Note: In our professional experience, if a project meets the remaining nine standards that follow, it is clear that the proposed use is appropriate and compatible. If a proposed project requires incompatible alterations to support a new use, the use could not be considered compatible with the Standards. It is understood that the evaluation of the proposed use will be included as part of the Historic Preservation Permit process of the City of San José.

2. "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided."

Analysis: *The overall form of the Smith House is shown to retain its character-defining footprint during the relocation project; the site plan sketch shows the wrap-around porch, the pair of roof gables, the rear one-story wing, the Victorian-era bay windows, and the rear porch extension.*

The significant spatial relationships are also shown as being preserved. Specifically, the house continues to be located in the general area of the site where it was historically constructed, with a landscaped setback from the street and a reasonable amount of plants and surrounding landscape elements (paths/outbuildings) being retained. The historic house continues to face due west, as it does now, and it is in line with the original driveway, as it is now. The rear wing is shown as being retained, as are the significant existing ancillary structures (the tank house and pump house in addition to the aviary), providing a built setting for the historic house. Historic landscape features, including both plants and built elements of the original layout are shown as preserved.

3. “Each property will 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 elements from other historic properties, will not be undertaken.”

Analysis: *With regard to massing, footprint, and the adjacent new construction at this initial review level, there are no proposed changes that might be mistaken for original features. See also Standard 9.*

4. “Changes to a property that have acquired historic significance in their own right will be retained and preserved.”

Analysis: *The Victorian-era changes to the rear wing of the house have acquired historic significance in their own right. Specifically, the north and south bay windows and rear porch area are character-defining features from the period of significance of the property and need to be retained and preserved; these features are shown as preserved on the proposed site plan.*

5. “Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.”

Analysis: *The features, finishes, and construction techniques or examples of craftsmanship that characterize the property are not reviewed in this initial report.*

6. “Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.”

Analysis: *The current project plans in their early stages, do not specifically address the replacement of deteriorated features. This Standard is not reviewed in this initial report.*

7. “Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.”

Analysis: *No chemical treatments are shown as proposed in this level of project development/environmental review, so this Standard is not reviewed in this report.*

8. “Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”

Analysis: *Archeological resources are not evaluated in this report.*

9. “New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”

Analysis: *The house, tank house, pump house, and aviary are not shown as having abutted building additions. All exterior alterations at the historic buildings will be reviewed during appropriate historic preservation permit review with regard to the compatibility of the scale, location, and other detailing. None are currently proposed.*

The proposed new construction is appreciably separated from the relocated house and its outbuildings; proposed for the area between the historic house and the assisted living facility is a parking lot and driveway, along with plants, paths, and other new landscaping elements. The new construction is easily differentiated from the old because of the size, massing, new materials, and site layout. The proposed new construction will also be compatible with the historic house with regard to the scale and proportions of the exterior form, detailing, and materials. The proposed new building has a moderately pitched gable roof, compatible with the traditional gable form of the Smith House. The roof is shown with shingled roofing, a material that has a style and scale compatible with the historic design. The new elevations conceptually illustrate a building with shingled and horizontal siding, also in keeping with the historic scale. Further reinforcing the compatible scale are the proposed multi-lite windows in a double-hung style. With regard to proportion, the proposed new construction has a traditional balance between wall surface and window openings.

The spatial relationships that characterize the property are proposed to be preserved. The proposed site plan shows each of the significant historic buildings as being preserved (see also Standard 2) with some space between them that allows for comfortable viewing. The preservation of much of the surrounding historic landscape plantings, and the design of the proposed landscape and new parking areas provide a compatible and authentic immediate setting for the historic buildings. The proposed landscaping materials are shown as generally compatible with the historic design, such as the curving sidewalks and gravel driveway/pathway design.

10. "New additions and adjacent or related new construction will 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."

Analysis: *The essential form and integrity of the historic property would be maintained in this project. The new building is proposed to be a completely separate structure, and, therefore, adequately reversible. The historic structures could be returned to their historic locations with new plantings.*

Conclusion

With an understanding that final planning approval for the development will be based on future review of the specific design, use, and physical treatments of the historic buildings, structures, and landscaping during the relocation and rehabilitation project under a Historic Preservation Permit, the currently proposed project can be considered to meet the *Secretary of the Interior's Standards for Rehabilitation* with regard specifically to the relocation and placement of the house, its outbuildings, and the design of the surrounding landscaping, as well as with regard to the compatibility of the size, massing, form, and location of the proposed two-story new building complex at the rear of the property.

By meeting the Standards, this phase of design can be considered to be mitigated to a "less than significant level" impact as defined by CEQA, and the project therefore would not have a significant effect on the environment.

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Qualifications of the Consultants

The principal author of this report was Franklin Maggi, Architectural Historian, who consults in the field of historic architecture and urban development. Mr. Maggi has a professional degree in architecture with an area of concentration in architectural history from the University of California, Berkeley.

Leslie A.G. Dill, Historic Architect, provided the technical architectural description for this report, analyzed the project with regard to the *Secretary of the Interior’s Standards*, and assessed the project for impacts and mitigation recommendations. Ms. Dill has a

Master of Architecture with a Historic Preservation Program Certificate from the University of Virginia, Charlottesville. She is licensed in California as an architect.

Franklin Maggi and Leslie Dill meet the Secretary of the Interior's qualifications to perform identification, evaluation, registration, and treatment activities within the field of Architectural History and Historic Architecture respectively, in compliance with state and federal environmental laws. CHRIS utilizes the criteria of the National Park Service outlined in 36 CFR Part 61.

Attachments

Visual Inventory of Historic and Archaeological Sites Form 8BS/166, Nov. 24, 1973.

City Council Resolution No. 59146 (May 20, 1986)

City Council Policy on Preservation of Historic Landmarks (May 23, 2006)

DPR523K Sketch Map / Smith House schematic floor plans

DPR523L Continuation Sheets / Smith House and site photographs (Nov. 2015)

RESOLUTION NO.59146

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
DESIGNATING, PURSUANT TO CHAPTER 13.48 OF TITLE 13,
THE SMITH HOUSE AS A LANDMARK OF SPECIAL HISTORICAL,
ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING
INTEREST OR VALUE OF AN HISTORIC NATURE.

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

WHEREAS, Chapter 13.48 of Title 13 of the San Jose Municipal Code provides for the designation of structures and/or sites of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature as landmarks by the City Council of San Jose; 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 City Council upon nomination, adopted on May 6, 1986, Resolution No. 59096, initiating proceedings pursuant to said Chapter 13.48 of Title 13 for consideration of such Landmark designation; and

WHEREAS, said Chapter 13.48 of Title 13 provides that before this Council may designate any structure as a landmark, it shall hold at least one public hearing on such proposed designation and that before it holds said public hearing, the Council shall refer said proposed designation to the Historic Landmarks Commission of the City of San Jose 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 said Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on May 7, 1986, at the hour of 7:00 p.m., conduct a public hearing on said proposed landmark designation, and adopt its Resolution No. 86-1 recommending the approval of the designation of the Smith House, described hereinafter in Section 1 of this Resolution, as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature and making certain findings with respect thereto; and

WHEREAS, the original San Jose Historic Landmark Nomination Form No. 31 upon which such recommendation was made is on file in the Office of the City Clerk, City of San Jose; 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 May 20, 1986, at the hour of 1:30 p.m. of said day, or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San Jose, First and Mission Streets, San Jose, 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, at the aforesaid time and place set for said 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 landmark designation.

NOW, THEREFORE,

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San Jose Municipal Code, this Council does hereby designate the hereinafter described Smith House as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature:

SECTION 2. Said designation is based upon the following findings:

1. The Smith House was built by the pioneer Evergreen settler Francis J. Smith on land purchased from the Chaboya Family. It was originally part of the Chaboya Spanish land grant known as Rancho Yerba Buena. Together with his brother, Charles C. Smith, they established the Smith Store and Post Office in 1867, which functioned as the social center of Evergreen until it burned down in 1928.
2. The Smith House, built in 1874, is featured in Thege and West's Historical Atlas Map of Santa Clara Co. (1970) and remains today in much the same configuration. Francis Smith's daughter, Kate Smith, highly respected local school teacher, for whom an Evergreen school is named, lived in the house until her death in 1973 at the age of 103.
3. In an area that is rapidly losing its identity, the Smith House stands as a symbol of when Evergreen was an independent community.

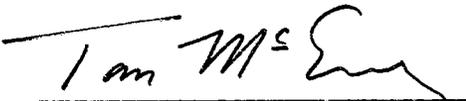
SECTION 3. The City Clerk is hereby directed to notify those persons designated in San Jose Municipal Code Section 13.48.110, Subsection L, in the manner specified by said Section and to record a certified copy of this resolution in the Office of the Recorder of the County of Santa Clara.

ADOPTED this 20th day of May, 1986, by the following vote:

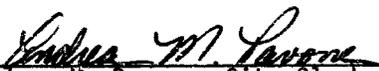
AYES: ALVARADO, BEALL, HAMMER, IANNI, LEWIS, PUTNAM, RYDEN,
SAUSED0, STABILE, WILLIAMS; McENERY

NOES: NONE

ABSENT: NONE


Thomas McEnery, Mayor

ATTEST:


Andrea M. Pavone, City Clerk

1456L:5-8

SITE SUMMARY SCORE	Historical Evaluation			Architecture	
	CLYDE ARBUCKLE	PAT LOOMIS	LYNN VERMILION	MARVIN BAMBURG	BRUCE RADDE
	A	A	A	C	C

Inventory Number	885
	166

VISUAL INVENTORY OF HISTORIC AND ARCHAEOLOGICAL SITES
San Jose, California

1. Planning area Evergreen County Santa Clara
2. Name of site Joseph Smith House 3. Date or period 1874
 Street No. 388 White Rd. off Fowler Style _____
 Original owner Joseph Smith Architect _____
 Original use home Builder _____
 Present owner heirs--3 daughters Wall Constr. Redwood frame
 Present use empty--may be sold No. Stories 2--no basement
 Permission to call: Phone No. 274-3354 Mrs. Nieman

4. Notable features, historical significance, description:

Home of "Aunt Kate" Smith, ^(died) ~~oldest living~~ graduate of San Jose Normal School, now San Jose State University.
 Home was built by her father, German immigrant Joseph Smith in 1873. In the 1980's Joseph Smith built and operated the first general store in the Evergreen area. He also operated a small winery, and was the first post master of Evergreen. The first living quarters of Joseph Smith and his wife were behind store, where Kate was born. She was four when house was built, her sister, Clara was born in small bedroom in house.

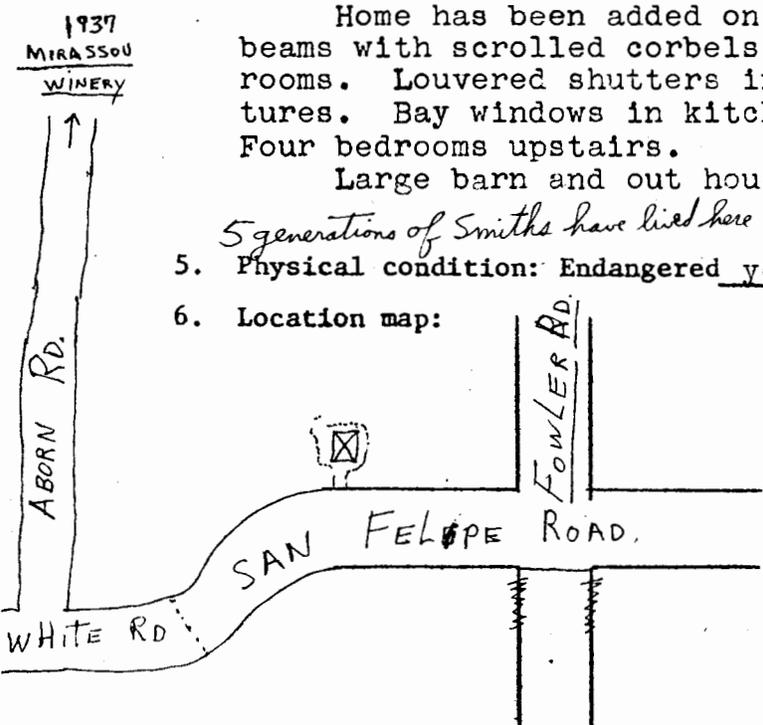
Home has been added on to at various times. Frontroom has beams with scrolled corbels. Sliding doors between two front rooms. Louvered shutters in windows. Bowl-on-chains light fixtures. Bay windows in kitchen and dining room. Large pantry. Four bedrooms upstairs.

Large barn and out houses, two aviaries--one for canaries (over)

5 generations of Smiths have lived here - *4 1/2 acres of land for sale*

5. Physical condition: Endangered yes Interior fair Exterior fair

6. Location map:



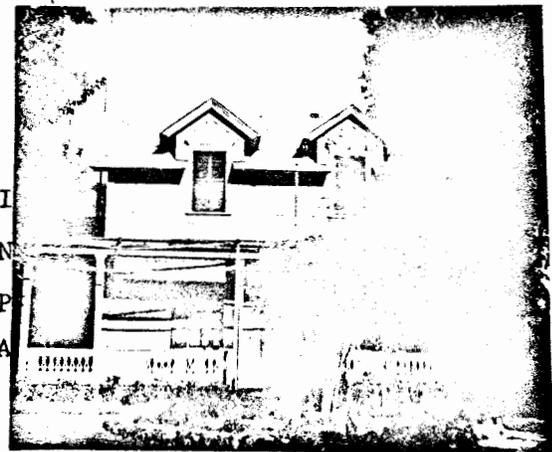
7. Picture:

Photographer Tom King
 Frame No. 20-21
 Date Nov. 24/73

8. Published sources, interviews, records, photos, etc.

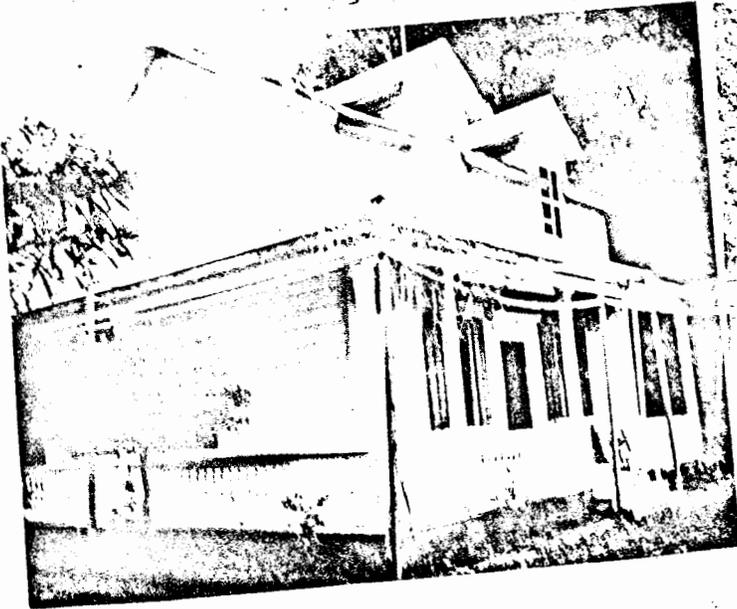
Neices of Kate:
 Mrs. Georgene Blauer-Rte. 3, Box 422, San Felipe Rd.
 Mrs. Catherine Blauer ^{Nieman} ~~Neiman~~
 "SAN JOSE NEWS," TUES., Oct. 23, 1973, p. 18.

9. I
N
P
A



and one for doves. Beautiful embossed solid brass hardware on sliding doors.

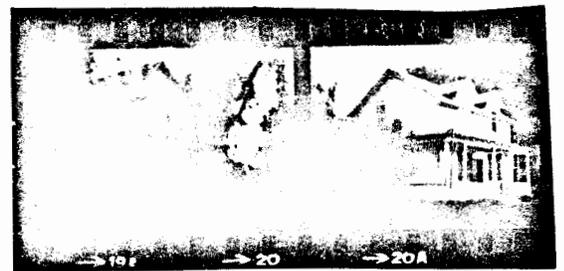
Five generations have lived in house. Huge ecalyptus and pepper trees around house and large magnolia and live oak in back yard were planted by Joseph Smith. 4.7 acres and house will probably be sold by heirs.



EVERGREEN

85. SMITH HOUSE- Home of Evergreen family that has lived on same site since 1868. Site of first Evergreen store. San Felipe Rd. Evergreen.

SANTA CLARA COUNTY SURVEY 1970



City of San José, California

CITY COUNCIL POLICY

TITLE	PAGE
PRESERVATION OF HISTORIC LANDMARKS	1 of 2
APPROVED BY Council Action - Adopted December 8, 1998, Amended May 23, 2006	

PURPOSE/INTENT STATEMENT

Historically and architecturally significant structures, sites, and districts provide an irreplaceable link to the City's past, enrich the present and future with their rich tradition and diversity, and add inestimable character and interest to the City's image. Preservation of structures, sites, and districts is a part of the San Jose General Plan Urban Conservation/Preservation Major Strategy. At a strategic level, preservation activities contribute visual evidence to a sense of community identity that grows out of the historical roots of San Jose's past.

It is the policy of the City of San Jose that candidate or designated landmark structures, sites, or districts be preserved wherever possible. Proposals to alter such structures, sites, or districts must include a thorough and comprehensive evaluation of the historic and architectural significance of the structure, site, or district and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate candidate or designated landmark structures into the future plans for their site and the surrounding area and to preserve the integrity of landmark districts.

APPLICABILITY

This policy affects any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, structure listed on the National Register of Historic Places and/or the California Register of Historical Resources, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above (candidate), based on the applicable City, State, or National qualification criteria. (hereafter "landmark structure"). This policy also affects new construction within designated City, State, and National Landmark districts for purposes of district integrity.

REQUIREMENTS

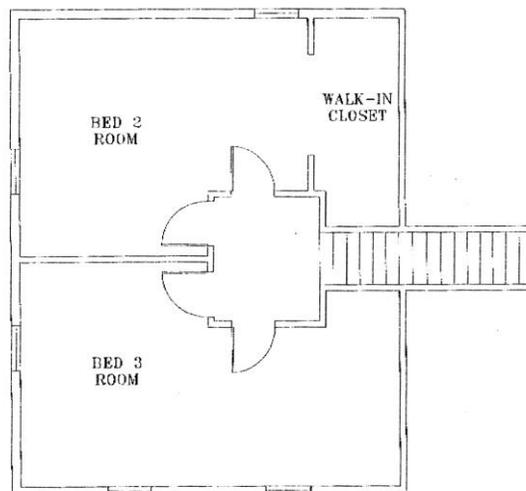
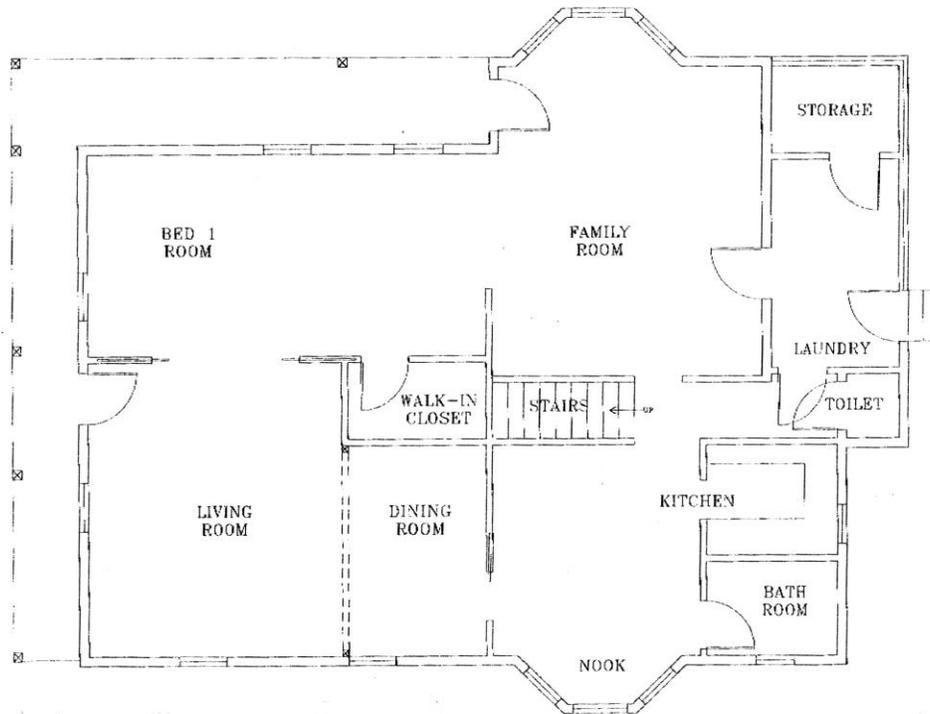
- 1. Early Public Notification of Proposals to Alter or Demolish a Candidate or Designated Landmark Structure, or to Impact the Integrity of a Historic District.** In order to allow greater public input into decisions affecting historic landmarks, early public notification should be initiated in response to either of the following: 1) receipt by the City of a development application for a project proposing to alter the original character of a candidate or designated landmark structure or to potentially impact the integrity of a landmark district, or 2) prior to action by the City Council or Redevelopment Agency Board of Directors to commit public funding or other assistance to such a project or for acquisition of property containing a candidate or designated landmark structure or potentially impacting the integrity of a landmark district. Such notification shall be provided to the City Council, Historic Landmarks Commission and representatives of the historic preservation community.
- 2. Public Input and City Council Review.** As soon after the public notification as possible, public meetings on the proposed project shall be scheduled, as follows. In the case of a private development project with no City or Redevelopment Agency funding involved, the Historic Landmarks Commission shall hold a public meeting on the proposed project, to receive public comment and provide recommendations regarding information to be included in the analysis of the proposed project. In the case of a project incorporating City or Redevelopment Agency funding or other assistance, or acquisition of property containing a candidate or designated landmark structure or a structure or site located within a landmark district, the City Council shall agendaize

discussion of the project to receive public comment and provide early direction to the appropriate staff that either: 1) the project should continue forward through the appropriate review process, or 2) the Council does not support the proposed project and further staff work shall be discontinued.

3. **Preparation of Complete information regarding Opportunities for Preservation of the Landmark Structure, and/or the Integrity of the Landmark District.** The analysis of a proposed project which will alter the original character of a candidate or designated landmark structure or potentially impact the integrity of a landmark district shall include complete historic, architectural, and cultural documentation of the significance of the candidate or designated landmark structure, site, district, or compatibility of new construction within a landmark district, a comprehensive evaluation of the economic and structural feasibility of preservation and/or adaptive reuse of the structure, and an analysis of potential funding sources for preservation. This information shall be carefully reviewed and then be given strong consideration in the decision-making process for a project proposing to alter a candidate or designated landmark structure or the integrity of a district. Every effort should be made to preserve and incorporate existing

landmark structures into the future plans for a site and the surrounding area, and to preserve the integrity of landmark districts.

4. **Findings Justifying Alteration or Demolition of a Landmark Structure, or Impact to the Integrity of a Landmark District.** Final decisions to alter or demolish a candidate or designated landmark structure or to impact the integrity of a landmark district, must be accompanied by findings which either 1) document that it is not reasonably feasible for any interested party to retain the candidate or designated landmark structure or the integrity of the district, or 2) which record the overriding considerations which warrant the loss of the candidate or designated landmark structure or district integrity. The financial profile and/or preferences of a particular developer should not, by themselves, be considered a sufficient rationale for making irreversible decisions regarding the survival of the City's historic resources.
5. **Financial Resources for Preservation.** The City and Redevelopment Agency should identify City, State, and Federal funding resources to support and encourage the preservation and adaptive reuse of candidate or designated landmark structures, sites, or districts.



Schematic floor plans of Smith House, source not determined. (not to scale)

Page 1 of 4

*Resource Name or # (Assigned by recorder) Smith House

*Recorded by Franklin Maggi & Leslie Dill

*Date Dec. 3, 2015 Continuation Update



Front elevation, viewed facing northeast.



Front and north side elevations, viewed facing east.



Detail view of upper front elevation, viewed facing east.



Detail view of rear shed addition, viewed facing north.



Driveway to Smith House from San Felipe Road, viewed facing east.



Entry from San Felipe Road into north portion of site, viewed facing east.



Remains of tank house to south of house, viewed facing southeast.



Aviary, to north of house, viewed facing west.

C-3: NAHC Sacred Lands File Search and Example Consultation Letter

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**Native American Heritage Commission
Native American Contact List**

8/1/2016

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
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Galt, CA, 95632
Phone: (916)743-5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

**Indian Canyon Mutsun Band of
Costanoan**

Ann Marie Sayers, Chairperson
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Costanoan

Amah Mutsun Tribal Band

Edward Ketchum,
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Costanoan
Northern Valley
Yokut

**Muwekma Ohlone Indian Tribe
of the SF Bay Area**

Rosemary Cambra, Chairperson
P.O. Box 360791
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muwekma@muwekma.org

Costanoan

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

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789 Canada Road
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Fax: (650)332-1526
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Costanoan

**Ohlone/Costanoan-Esselen
Nation**

Louise Miranda-Ramirez,
Chairperson
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ramirez.louise@yahoo.com

Costanoan
Esselen

**Costanoan Ohlone Rumsen-
Mutsun Tribe**

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yanapvoic@earthlink.net

Costanoan

**Ohlone/Costanoan-Esselen
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Chairperson
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Phone: (831)235-4590

Costanoan
Esselen

**Costanoan Rumsen Carmel
Tribe**

Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA, 91766
Phone: (909)629-6081
Fax: (909)524-8041
rumsen@aol.com

Costanoan

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3152
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510)687-9393
chochenyo@AOL.com

Bay Miwok
Costanoan
Patwin
Plains Miwok

**Esselen Tribe of Monterey
County**

Tom Little Bear Nason,
38655 Tassajara Road
Carmel Valley, CA, 93924
Phone: (408)659-2153

Costanoan
Esselen

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Oakmont of Evergreen Assisted Living.

August 9, 2016

Irene Zwierlein Chairperson
Amah Mutsun Tribal Band Mission San Juan Bautista
789 Canada Road
Woodside, CA 94062

Subject: Proposed Oakmont of Evergreen Assisted Living Facility IS/MND

Dear Irene Zwierlein Chairperson,

FirstCarbon Solutions (FCS) is preparing an Initial Study/ Mitigated Negative Declaration (IS/MND) for the proposed Oakmont of Evergreen Assisted Living Facility on behalf of the City of San Jose. As part of the environmental review process, we are conducting a cultural resources assessment.

The City of Oakmont is proposing a 94-unit assisted living facility located at 3550 San Felipe Road in the Evergreen are of the City of San Jose. The proposed site would be licensed by the State of California Department of Social Services as a Residential Care Facility for the elderly. The site is accessed via San Felipe Road at Yerba Buena Avenue. A Records Search Map with a one mile buffer around the site is enclosed for your reference. The area surrounding the Project site is predominately residential, with single-family homes on small lots, several schools and some neighborhood-serving commercial and retail uses. The Project site is bounded by a Montessori school to the north, single-family homes to the east, a small commercial building to the southeast, and a single-family residential property with smaller commercial buildings to the southwest. Across San Felipe road approximately 180 feet to the west runs Thompson Creek, a natural channel creek lined with trees and vegetation. There are also remnants of a citrus orchard in the southwestern portion of the site. The eastern portion of the site is an undeveloped open grass field and existing development is clustered around a circular driveway on the western portion of the property near San Felipe Road. Existing development includes several historic structures and two prefabricated dwellings not associated with the historic status of the property. The historic Smith House is a City landmark.

As part of the cultural resources assessment, FCS conducted a Sacred Lands File search and a California Historical Resources Information System (CHRIS) search, neither of which produced results. FCS contacted the Native American Heritage Commission (NAHC), and they suggested you might be able to provide further information. If you have any additional information regarding potential historic or cultural resources in proximity or relation to the proposed project area, we would greatly appreciate your input.

Please note that this letter is a request for information pertaining to a cultural resources assessment and is not notification of a project under Senate Bill (SB) 18, Assembly Bill (AB) 52 or

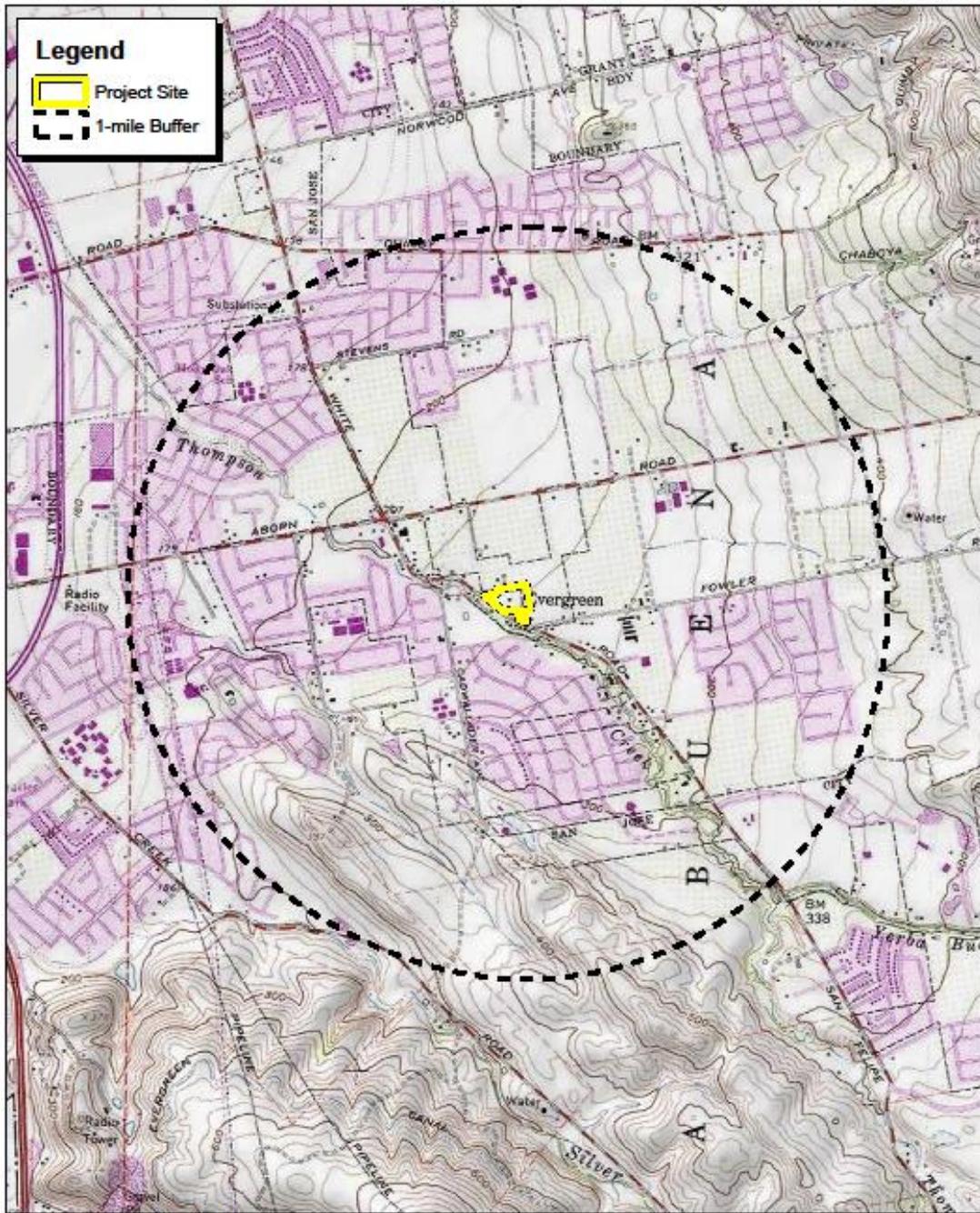
Section 106 of the National Historic Preservation Act. Project notification and consultation requirements are being handled by designated lead agencies under CEQA and NEPA. Please feel free to contact me at 925.357.2562 or via email at ddepietro@fcs-intl.com and thank you for your valuable assistance.

Sincerely,

A handwritten signature in black ink that reads "Dana DePietro". The signature is written in a cursive style with a large, sweeping initial 'D'.

Dana Douglas DePietro, Ph.D.
Senior Scientist, Archaeology
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597

Enc: Project location map for the Oakmont of Evergreen Assisted Living Facility



Source: USGS San Jose East (1980) 7.5' Quadrangle

FIRSTCARBON SOLUTIONS



Exhibit 1 Records Search Map

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C-4: Survey Photographs

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Photograph 1: View from the northeast corner of the project area; facing south



Photograph 2: View from the northeast corner of the project area; facing west



Photograph 3: Typical soils and soil visibility within the project area



Photograph 4: View of eastern church building; facing north



Photograph 5: View of western church building; facing northwest



Photograph 6: View of church parking lot; facing east



Photograph 7: View from northwest corner of project area; facing east



Photograph 8: View from northwest corner of project area; facing south



Photograph 9: View of historic Smith residence; facing east



Photograph 10: View of temporary building to the northwest of the Smith residence; facing southeast



Photograph 11: View of temporary building to the north of the Smith residence; facing southwest



Photograph 12: View from the southeastern boundary of the project area; facing north

C-5: Paleontological Records Search Results

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Kenneth L. Finger, Ph.D. Consulting Paleontologist

18208 Judy St., Castro Valley, CA 94546-2306

510.305.1080

klfpaleo@comcast.net

August 10, 2016

Dana DePietro
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

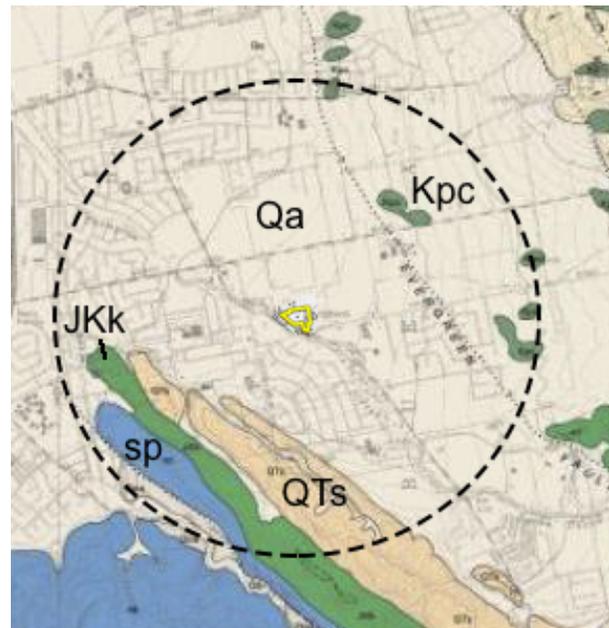
Re: Paleontological Records Search: Oakmont of Evergreen Assisted Living Project (3316.0024), Santa Clara County, California

Dear Dr. DePietro:

As per your request, I have performed a records search on the University of California Museum of Paleontology (UCMP) database for the Oakmont of Evergreen Assisted Living project. The project site is located in the town of Evergreen, north-adjacent to the conjunction of Fowler Road and San Felipe Road, just east of Thompson Creek, in the San Jose East quadrangle (1980 USGS 7.5-series topographic map). Google Earth imagery this flat terrain has been disturbed by extensive community development.

Geologic Units

The part of the geologic map of Dibblee and Minch (2005) shown here indicates that about 75% of the search area (dashed circle) consists mostly of Quaternary alluvium (Qa), which is what the project site consists of. The search area also includes some outcrops of Cretaceous Panoche conglomerate (Kpc) in the northeast, while the southwest has more extensive deposits of the Plio-Pleistocene Santa Clara Formation (Qts) partially overlying the Jurassic-Cretaceous Knoxville Formation (JKk), which in turn partially overlies Jurassic serpentinite (sp). Serpentinite is a nonfossiliferous metamorphic rock, while all of the other units are sedimentary with paleontological potential.



Key to geologic units on map: **Qa**, Quaternary alluvium; **QTs**, Plio-Pleistocene Santa Clara Formation; **Kpc**, Cretaceous Panoche conglomerate, **Jkk**, Jurassic-Cretaceous Knoxville Formation; **sp**, Jurassic serpentinite

UCMP Records Search

For the four units mapped in the search area, the UCMP database lists for Santa Clara County 16 vertebrate localities (13 in the Santa Clara Formation, 2 in the Panoche Formation, and 1 in the Knoxville Formation), but none of the localities are within the search area. The nearest to it are V99597 and V99893, approximately 11 miles to the northwest. In 2005, the Columbian mammoth (referred to as “Lupe”) was recovered in 2005 from V99597, which is located on the flood channel of the Guadalupe River. The composite faunal recoveries for each unit are as follows:

- Late Pleistocene alluvium (28 Rancholabrean specimens): *Bison* (bison), *Mammuthus columbi* (Columbian mammoth)*; *Camelops* (camel), *Platygonus* (peccary), *Capromeryx* (pronghorn), *Paramylodon* (ground sloth), *Equus* (horse). [*Lamm (2013: figs 4.11, 4.42)]
- Santa Clara Formation (6 specimens): Osteichthyes (bone fish), *Bison latifrons* (long-horned bison), *Equus* (horse).
- Panoche Formation: no specimens databased.
- Knoxville Formation: no specimens databased.

Remarks and Recommendations

Considering that the project is located very close to Thompson Creek and significant paleontological resources have been recovered from other floodplain deposits in the San Jose area, but none have been found within 10 miles of Evergreen, I assign a low-to-moderate paleontological potential and high sensitivity to the Quaternary alluvium that will be impacted by this project. A paleontological walkover survey of the site prior to construction is not warranted because the entire surface has been disturbed, but it would be prudent to have a cultural resources monitor onsite during all excavations of previously undisturbed sediments. At the very least, a professional paleontologist should perform a weekly inspection of the site during the phase of excavations. Prior to any earth-disturbing activities, the construction crew should be made aware that such fossils may be very fragile and it is therefore vital to their preservation that they do not attempt to move them out of the way; instead, all construction activity should be diverted away from the discovery until a professional paleontologist evaluates it and applies any necessary procedures to avoid irreparable damage (i.e., shattering) upon removal. All recovered specimens are to be deposited in an appropriate repository, such as the UCMP.

If I can be of further assistance on this project, please do not hesitate to contact me.

Sincerely,



References Cited

- Dibblee, T.W., and Minch, J.A, 2005. Geologic map of the San Jose East quadrangle. Dibblee Foundation Map DF-155, scale 1:24,000.
- Lamm, E.-T., 2013, Preparation and sectioning of specimens. Chapter 4 (p. 55–160) in Padian, K. and Lamm, E.T., eds.) Bone histology of fossil tetrapods: advancing methods, analysis, and interpretation. University of California Press, Berkeley.