HLC AGENDA: 9-07-16
ITEM: 3.a.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HISTORIC LANDMARKS COMMISSION

FROM: Harry Freitas
Director of Planning, Building and Code Enforcement

SUBJECT: **CONDITIONAL USE PERMIT (FILE NO. CP16-029) THE SMITH HOUSE (HL86-31/RESOLUTION #59146)**

DATE: August 10, 2016

COUNCIL DISTRICT: 8

RECOMMENDATION

Review the proposed Conditional Use Permit (File No. CP16-029) to move the Smith Residence approximately 80 feet from its original location, receive public comment, and provide comments regarding the scope of the analysis for the proposed project, as required by the City Council Policy on the Preservation of Historic Landmarks.

BACKGROUND

The proposed Conditional Use Permit (File No. CP16-029), if approved, would allow for the construction of a 91,714 square foot, 94-unit Residential Care Facility on an approximately 4.9 gross acre site located on the easterly side of San Felipe Road, approximately 360 feet northerly of Fowler Road.

The proposed Conditional Use Permit includes the relocation of the Smith House and preservation of the significant aspects of its historic landscape. The existing Eucalyptus Grove, the alley of Pepper trees, the London Plane tree, the Coast Live Oak tree and the Loquat tree will all remain.

Designation as a City Landmark

The Smith House was designated as a City Landmark in 1986 based on 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 for Evergreen until it burned downed in 1928.
2. The Smith House, built in 1874, is featured 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.

EVALUATION AND FOLLOW-UP

The subject Conditional Use Permit was filed on June 16, 2016, and is in the initial stages of review. The City Council's Preservation of Historic Landmarks Policy requires that the Historic Landmarks Commission hold a public meeting on proposals to alter City Landmark Structures early in the project review process. The purpose of this meeting is not to make a recommendation to support or deny the alteration of the City Landmark, but instead, to provide feedback to staff regarding the type of information that should be included in the analysis of the applicant's proposal.

The applicant is required to submit an Initial Study discussing the project's compliance with the California Environmental Quality Act. This study has not yet been submitted. Among other environmental impact categories, this study will analyze the impact of the project on cultural resources. Environmental review analysis will be complete prior to the Historic Landmarks Commission's consideration of the project.

The applicant submitted a Historic Preservation Permit on August 8, 2016, pursuant to the Historic Preservation Ordinance. This Historic Preservation Permit is currently under review. After environmental review is complete, the Conditional Use Permit and the Historic Preservation Permit will be referred to the Historic Landmarks Commission. The Commission will receive a full analysis of the project, consider the project design, and make a recommendation to the Director of Planning, Building, and Code Enforcement whether to approve, conditionally approve, or deny the Historic Preservation Permit.

Rosalyn Hughes /FOR

HARRY FREITAS, SECRETARY
Historic Landmarks Commission

For questions please contact Martina Davis, Historic Preservation Officer, at (408) 535-7888.

Attachments:

City Council Policy on Preservation of Historic Landmarks

City Landmark Designation File

Photos of the Smith House

Project Site Plan

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 agendize

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.

JRG.DC:lsr
5/19/86

8795938
Book J704
Pages 825-829
May 27, 1986

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 Concil 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 Th[illegible] and West's Historical Atlas Map of Santa Clara Co. ([illegible]) and remains today in much the same configuration. Franc[illegible]s daughter, Kate Smith, highly respected local school teac[illegible], 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.

JRG.DC:lsr
5/19/86

Res. 59146

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, SAUSEDO, STABILE, WILLIAMS; McENERY

NOES: NONE

ABSENT: NONE

Tom McEnery

Thomas McEnery, Mayor

ATTEST:

Andrea M. Pavone

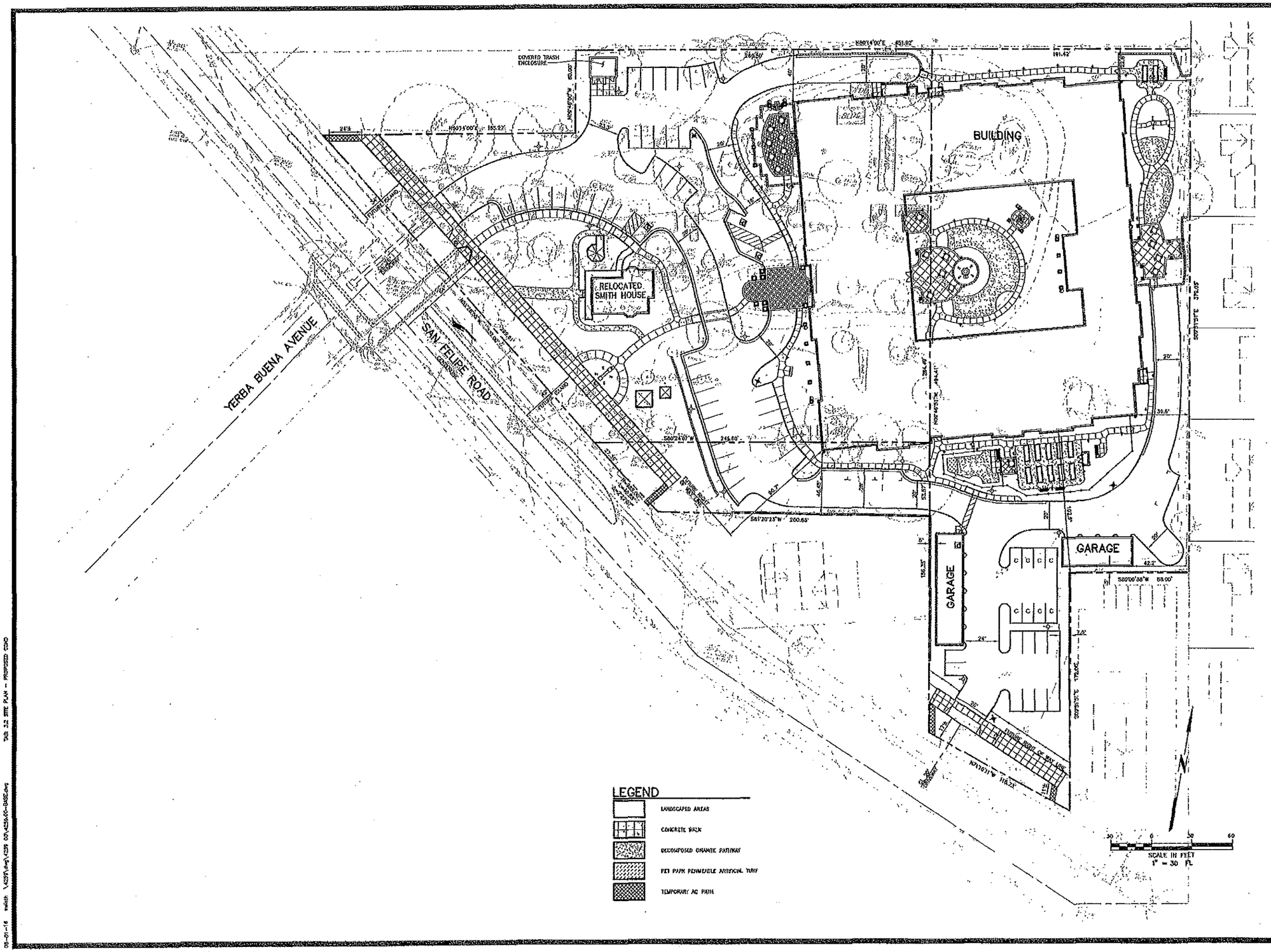
Andrea M. Pavone, City Clerk

1456L:5-8

Smith House

Front elevation, viewed facing northeast.

Front and north side elevations, viewed facing east.



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3550 SAN FELIPE ROAD
SAN JOSE, CALIFORNIA

PRELIMINARY
FOR STUDY PURPOSES ONLY
DATE 08-05-16

REVISIONS

NO.	DATE	DESCRIPTION

ON A FULL-SCALE DRAWING, LENGTH OF BAR BELOW IS 1-INCH. IF BAR MEASURES LESS THAN 1-INCH, THIS SHEET WAS PLOTTED AT A REDUCED SCALE, WHICH MAY REQUIRE ADJUSTMENT OF SCALE(S) SHOWN ON DRAWING.

PROJECT	DATE
4259.00	AUGUST 5, 2016
DRAWN BY	CHECKED BY
PIT	FVD

SITE PLAN - PROPOSED CONDITIONS

SHEET NO.
3.2

08-01-16 swalth \4259\dwg\4259 00\4259-00-SHSE.dwg TAB 3.2 SITE PLAN - PROPOSED COND