

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ DESIGNATING, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSÉ MUNICIPAL CODE, THE BOWMAN-SWEIGERT HOUSE LOCATED AT 429 NORTH THIRD STREET AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE**

**HL11-197**

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

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

WHEREAS, the Director of Planning, Building and Code Enforcement initiated the procedure pursuant to said Chapter 13.48 of Title 13 for consideration of such landmark designation for the Bowman-Sweigert House located at 429 North Third Street; and

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

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 9, 2011 at 6:00 p.m.,

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conduct a public hearing on said proposed landmark designation and recommend approval of the designation of the Bowman-Sweigert House, located at 429 North Third Street, described hereinafter in Section 1 of this Resolution, as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature and made certain findings with respect thereto; and

WHEREAS, a copy of the City of San José Historic Landmark Nomination Form No. HL11-197 upon which such recommendation was made is on file in the Planning Division of the City of San José at City Hall and available for review; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Director of Planning, Building and Code Enforcement gave notice that on November 29, 2011 at 1:30 p.m., or as soon thereafter as said matter could be heard, this City Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said proposed landmark designation, at which hearing any and all persons interested in said proposed landmark designation could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed landmark designation; and

WHEREAS, the subject property is all that real property located within the City of San José at 429 North Third Street and described in Exhibit "A," which exhibit is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this City Council duly met, convened, and gave all persons full opportunity to be heard and present their views with respect to said proposed landmark designation.

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

**SECTION 1.** In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Historic Preservation Ordinance, this Council does hereby designate the hereinafter described Bowman-Sweigert House, located at 429

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North Third Street, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.

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

- *Criterion 1.* Its character, interest or value as part of the local, regional, state or national history, heritage or culture, as a distinctive building within the Hensley Historic Landmark District; and
- *Criterion 3.* Identification with a person or persons who significantly contributed to the local, regional, state or national culture and history, including the architect George W. Page, the Reverend George B. Bowman family, Jonathan Sweigert and Marshal Pomeroy; and
- *Criterion 4.* Exemplification of the cultural, economic, social or historic heritage of the City of San José in its distinctive Queen Anne residential architectural design; and
- *Criterion 6.* Embodiment of distinguishing characteristics of an architectural type or specimen in its distinctive Victorian-era design with an underlying late-1880's Queen Anne era form and footprint; and
- *Criterion 7.* Identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José, representing one of the high-points of the work of architect George W. Page, whose most recognized work is San José's Hayes Mansion; and
- *Criterion 8.* Embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique in that the building has a distinctive character and composition that is expressed through its preserved materials, workmanship, and eclectic Queen Anne style design.

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

**ADOPTED** this        day of                    2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS HAWKINS, CMC  
City Clerk

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