

**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 BURNS HOUSE, LOCATED AT 255 NORTH FIFTH STREET, AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE**

**HL12-204**

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 Burns House located at 255 North Fifth 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 to the Historic Landmarks Commission of the City of San José for its consideration at a public hearing and for its report and recommendation thereon; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 7, 2012 at 6:00 p.m., conduct a public hearing on said landmark designation and recommend approval of the

designation of the Burns House, located at 255 North Fifth 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. HL12-204 upon which such recommendation was made is on file in the Planning Division of the City of San José at City Hall, 200 East Santa Clara Street, Third Floor Tower, 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 27, 2012 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a 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, the subject property is all that real property located within the City of San José at 255 North Fifth 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 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 Burns House, located at 255 North Fifth 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 Horace Mann neighborhood;
- Criterion 3: Identification with a person or persons who significantly contributed to the local, regional, state or national culture and history, John Burns, who is associated with the founding of the region's horticultural industry and significantly contributed to local and regional history with his role in San José's pioneer first cannery, the San José Fruit Packing Company in 1875; and
- Criterion 6: Embodiment of distinguishing characteristics of an architectural type or specimen with its distinguishing characteristics of the Italianate residential type within the nineteenth century era of residential architectural design.

///

///

///

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

**PASSED FOR PUBLICATION** of title this            day of            2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

CHUCK REED  
Mayor

ATTEST:

---

DENNIS D. HAWKINS, CMC  
City Clerk