

RESOLUTON NO. 73955

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DESIGNATING AS A CONSERVATION AREA, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSE MUNICIPAL CODE, THE MARTHA GARDENS CONSERVATION AREA, AN AREA GENERALLY BOUNDED ON THE NORTH BY INTERSTATE 280, ON THE EAST GENERALLY BY THE REAR PROPERTY LINES OF THE LOTS ON THE EAST SIDE OF SOUTH THIRD STREET, ON THE WEST BY THE ALLEY BETWEEN SOUTH FIRST AND SECOND STREETS, AND ON THE SOUTH BY MARTHA STREET, AND WITH IDENTIFIABLE ATTRIBUTES EMBODIED BY (1) ARCHITECTURE, URBAN DESIGN, DEVELOPMENT PATTERNS, SETTING, OR GEOGRAPHY; AND (2) HISTORY

WHEREAS, Chapter 13.48 of Title 13 of the San Jose Municipal Code provides for the designation of a geographically definable area of urban or rural character with identifiable attributes embodied by: (1) architecture, urban design, development patterns, setting or geography; and (2) history; and

WHEREAS, said Chapter 13.48 of Title 13 provides that any such geographically defined area that meets the definition set forth in Section 13.48.610 and the criteria of Section 13.48.620 may be nominated for designation as a Conservation Area by the City Council, the Planning Commission, the Historic Landmarks Commission, or by application of persons who own at least fifty-one percent of the parcels of land proposed to be included in the Conservation Area or the authorized agents of those property owners; and

WHEREAS, the City Council, upon nomination by the same, adopted Resolution No. 73722 on April 10, 2007, initiating proceedings pursuant to said Chapter 13.48 of Title 13 for consideration of a Conservation Area designation as more specifically described in Resolution No. 73722; and

WHEREAS, said Chapter 13.48 of Title 13 provides that before this Council may designate any area as a Conservation Area, 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: (1) to the Historic Landmarks Commission of the City of San Jose for its consideration at a public hearing and for its report and recommendation to the Planning Commission, and (2) to the Planning Commission for its consideration at a public hearing and for its report and recommendation to the City Council; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did on May 2, 2007, at the hour of 5:30 p.m., conduct a public hearing on said Conservation Area designation and did recommend approval of the designation of the Martha Gardens Conservation Area, described hereinafter in Section 1 of this Resolution, as a Conservation Area with identifiable attributes embodied by: (1) architecture, urban design, development patterns, setting or geography; and (2) history, and made certain findings with respect thereto; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Planning Commission did on May 16, 2007, at the hour of 6:30 p.m., conduct a public hearing on said Conservation Area designation and recommend approval of the designation of said Martha Gardens Conservation Area as a Conservation Area with identifiable attributes embodied by: (1) architecture, urban design, development patterns, setting or geography; and (2) history, and made certain findings with respect thereto; and

WHEREAS, a copy of the City of San Jose Historic Nomination Form No. CA07-001 upon which such recommendation was made is on file in the Office of the City Clerk of the 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 June 5, 2007 at the hour of 7:00 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, 801 North First Street, San Jose, California, hold a public hearing on said Conservation Area 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 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 Conservation Area designation.

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

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 "Martha Gardens Conservation Area" as a Conservation Area with identifiable attributes embodied by: (1) architecture, urban design, development patterns, setting or geography; and (2) history.

Said “Martha Gardens Conservation Area” is that area of the City of San José consisting of approximately 13.5 gross acres and which is generally bounded on the north by Interstate 280, on the east by the property lines of the abandoned Southern Pacific Railroad alignment (approximately a continuation of South Fourth Street), on the west by the alley between South First and Second Streets, and on the south by Martha Street; provided, however, that said location is more fully described on Exhibit “A” attached hereto and incorporated herein by this reference.

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

- A. The Martha Gardens Conservation Area neighborhood meets the criteria for listing as a Conservation Area for the reasons set forth in this Section 2. While portions of the neighborhood meet the criteria for listing on the National Register of Historic Places, or designation as a local landmark district, the area as a whole is too diverse in its representative architecture to qualify for historic district status. This diverse architecture however has historic value within the context of greater San Jose, and the sense of cohesiveness that has evolved over time through its urban fabric, physical setting, and preservation of original construction materials meets the criteria for designation as a Conservation Area for the following reasons:
1. It has clear and understandable boundaries that accentuate its sense of community; and
 2. It has fairly consistent lot sizes with reasonably consistent setbacks; and
 3. The predominant vernacular single-family residences are of a homogeneous scale and massing; and
 4. The neighborhood buildings, although of different styles, are from a definable period of significance-mid-1870’s to 1940; and
 5. There is a concentration of historic buildings dating from the period of development; and

6. The present built environment as a whole represents the period of development through the retention of original exterior materials, building form, streetscape rhythm, and setting; and
7. Recent changes—to individual houses as well as to lots—have not adversely affected the scale and massing of the rhythm of the neighborhood.

SECTION 3. The City Clerk is hereby directed to notify those persons designated in San Jose Municipal Code, Section 13.48.630, Subsection D, in the manner specified by said Section of the adoption of this resolution 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 14th day of August, 2007 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUJYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk