

RESOLUTION NO. 74147

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DESIGNATING, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSE MUNICIPAL CODE, THE MOJMIR APARTMENTS LOCATED AT 470 SOUTH THIRD STREET AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE

HL07-166

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 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 application of the owner of the property, adopted Resolution No. 74054 on October 16, 2007, 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 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 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 Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 7, 2007 at 6:00 p.m., conduct a public hearing on said landmark designation and recommend approval of the designation of the Mojmir Apartments, located at 470 South 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 Jose Historic Landmark Nomination Form No. HL07-166 upon which such recommendation was made is on file in the Planning Division of the City of San Jose and available for review; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Council gave notice that on December 4, 2007 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 Jose, 200 East Santa Clara Street, 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, the subject property is all that real property described in Exhibit "A," which 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 to present their views with respect to said proposed landmark 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, the Historic Preservation Ordinance, this Council does hereby designate the hereinafter described Mojmir Apartments, located at 470 South 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 criterion of the Historic Preservation Ordinance:

- Criterion (6), as a prominent local example of the Renaissance Revival architectural type.

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 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 4th day of December, 2007 by the following vote:

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

NOES: NONE

ABSENT: LICCARDO, NGUYEN

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

Exhibit "A" attached: Legal Description