

## INSTRUCTIONS FOR FILING A HISTORIC PROPERTY CONTRACT

### INSTRUCTIONS

Please prepare the plans, forms and other required information listed below and return them, by appointment, to the Department of Planning, Building and Code Enforcement. Applications will only be accepted for processing if they are complete. Please read "*The Secretary of the Interior's Standards for Rehabilitation*" are included in exhibit B of this application. The Standards for Rehabilitation are basic principles to help preserve the distinctive character of a historic building and its site.

1. **Completed Application Forms.** A separate application shall be filed for each site. Each application shall be signed by all owners of the real property included in the site or by a person having the lawful power of attorney therefore or by a qualified tenant. The application may designate an agent who has full authority to act on behalf of the applicant, except that the agent may not sign the application, Historic Property Contract acceptance or withdrawal. Original signatures are required.
  - a. **Signature Authorization:**  
In addition, each application that is not an individual (e.g., a corporation or partnership) shall provide an official document of that entity evidencing those persons who are authorized to sign contracts on behalf of and bind that entity.
2. **Description of Parcel Property, Exhibit "A".** A legible, separate legal metes and bounds description on a 8 1/2" x 11" page(s) covering the area of this application, or lot and tract numbers on a 8 1/2" x 11" page(s) with a copy of the recorded tract map attached, and a plot map delineating the permit area.
3. **County Assessor's Parcel Map.** Provide a copy of the Assessor's Parcel Map (APN) showing the subject property. This map can be obtained from the County Assessor's Office at 70 West Hedding Street, 5th Floor, San Jose, CA or from the Development Services Center, City Hall.
4. **Standards and Conditions for Maintenance, Exhibit "B".** OWNER shall comply with the Secretary of the Interior's Standards for Rehabilitation (the "Standards") in effect when OWNER commences any rehabilitation. (See example)
5. **Photographs.** Photographs of existing elevations of all structures. Each photograph shall be labeled.
6. **Fees.** Application fees are required for the Historical Property Contract. An Environmental Exemption Application fee is required and a Public Noticing Fee is applicable (see fee schedule). Checks are made payable to the "City of San Jose".
7. **Name of Property.** Provide the name of the Landmark, the street address and the City Landmark Number. (These names should be consistent with the names on the Historic Resources Inventory). If it is in a registered historic district, provide the name of the district.
8. **Preservation Plan, Exhibit "C".** Describe each work item to be completed over the next 10 years and thereafter during extension periods. (See Example)
9. **Plot Plan:** drawn to scale, "Site Plan" to include the information listed below:
  - a. Location map and Assessor's Parcel Numbers
  - b. Dimensions of subject property and all existing lot lines.
  - c. All existing buildings and structures.

This application is accepted by **APPOINTMENT ONLY**. To arrange an appointment, please visit the Planning Division's website: <http://www.sanjoseca.gov/index.aspx?nid=1725>. For assistance, call (408) 535-3555

**PROCESSING SCHEDULE**

**Planning Staff:**

- Checks the application for completeness.
- Logs in application, assigns a File Number and collects application fees.
- Reviews application with other City departments and obtains any pertinent data.
- Environmental review for project is assessed and completed.
- Sends Draft Contract to owner for signature.
- Prepares project for Historic Landmarks Commission and City Council Hearings including public hearing notices and recommendations.

**Historic Landmarks Commission:**

- Conducts a public hearing.
- Recommends approval, conditional approval, or denial of the requested contract.

**City Council:**

- The City Council will consider and act on the Historic Landmarks Commission recommendation.
- If the contract is denied, the decision of the City Council shall be final.

**City Clerk:**

- The City Clerk will file a notarized signed copy of the approved contract and the City Council Resolution with the County Recorder.

## HISTORIC PROPERTY CONTRACT

### TO BE COMPLETED BY THE PLANNING STAFF

FILE NUMBER <b>MA</b>	GENERAL PLAN	QUAD	RECEIPT #: _____
PROJECT LOCATION			AMOUNT: _____
			DATE: _____
			BY: _____

### TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)

CITY LANDMARK NAME:	CITY LANDMARK LANDMARK NUMBER:
CITY LANDMARK PROPERTY ADDRESS:	
DATE OF PROPERTY ACQUISITION	
EXISTING USE	PROPOSED USE
GENERAL PLAN DESIGNATION	EXISTING ZONING
GROSS ACRES	ASSESSOR'S PARCEL NUMBER(S)

### CONTACT PERSON

**That for the purpose of processing and coordination of this application, the following person is my (our) designated representative/contact person:**

PRINT NAME OF CONTACT PERSON		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # (    )	FAX TELEPHONE # (    )	E-MAIL ADDRESS	

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## AFFIDAVIT OF OWNERSHIP

**THE UNDERSIGNED HEREBY DECLARE WITH KNOWLEDGE THAT THE CITY SHALL RELY THEREON THAT THE FOLLOWING IS TRUE AND CORRECT:**

1. The undersigned are all the owners of all the property described in Exhibit A - Legal Description of Subject Property. In addition, each application that is not an individual (e.g., a corporation or partnership) shall provide an official document of that entity evidencing those persons who are authorized to sign contracts on behalf of and bind that entity.

PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE # (    )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
<b>*PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC...</b>			
IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE USE THE FOLLOWING PAGE TO PROVIDE THE ABOVE INFORMATION.			

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## AFFIDAVIT OF OWNERSHIP (ONLY FOR ADDITIONAL PROPERTY OWNERS)

THE UNDERSIGNED HEREBY DECLARE THAT ITEM 1 ON PAGE 2 OF THIS APPLICATION IS TRUE AND CORRECT:			
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE # (    )	FAX TELEPHONE # (    )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE # (    )	FAX TELEPHONE # (    )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE # (    )	FAX TELEPHONE # (    )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE # (    )	FAX TELEPHONE # (    )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*		
SIGNATURE		DATE	

\* PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC...

IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE ATTACH A SEPARATE COPIES OF THIS PAGE TO PROVIDE THE ABOVE INFORMATION.

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## HISTORIC PROPERTY CONTRACT CHECK SHEET

**NOTICE TO APPLICANT: Do not complete** this form. Present at time of application. Your application will be accepted **only** if **all** items are included in correct form and numbers. Please be advised, however, that the items on this check sheet do not necessarily constitute a complete application. Additional items may be required to complete the review of your project.

FILE NUMBER		STAFF	DATE RECEIVED
REQUIRED COPIES	DOCUMENTS		
1	<b>APPLICATION FORM correctly filled out</b> <input type="checkbox"/> Applicant(s) - listed as owner(s) or qualified tenants of subject property <input type="checkbox"/> Affidavit Page signed by owner(s) <input type="checkbox"/> Contact Person identified <input type="checkbox"/> Document Authorizing Signature		
1	<b>LEGAL DESCRIPTION (Labeled Exhibit "A")</b> <input type="checkbox"/> Single metes and bounds description of entire property or Lot and tract number from recorded subdivision map, and copy of said tract map		
1	<b>PLOT PLAN</b> <input type="checkbox"/> Location and boundary dimensions clearly shown <input type="checkbox"/> North arrow and bar scale <input type="checkbox"/> Date Plot Plan was prepared		
1	<b>PRESERVATION PLAN (Labeled Exhibit "C")</b>		
1	<b>STANDARDS FOR MAINTENANCE (Labeled Exhibit "B")</b>		
1 set	<b>PHOTOGRAPHS</b> <input type="checkbox"/> Black and White - mounted on 8 1/2 x 11 sheet.		
	<b>FEES</b> <input type="checkbox"/> Application Fees <input type="checkbox"/> Public Noticing Fees <input type="checkbox"/> Record Retention Fees		

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## - EXAMPLE -

### EXHIBIT "B"

OWNER shall, where necessary, restore and rehabilitate the Historic Landmark and shall do so only in full accordance and compliance with the rules and regulations of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as the same may be amended from time to time.

A summary of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (the "Standards") is provided below for convenient reference. OWNER shall comply with the Standards in effect when OWNER commences any rehabilitation or restoration work on the Historic Landmark.

The Standards (Department of the Interior Regulations, 36 CFR 67) pertain to historic buildings of all materials, construction, types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- 1) A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural element from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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**-EXAMPLE-**

**EXHIBIT "C"**

OWNER shall annually expend an amount equal to a minimum of 10% of the tax savings attributed to this Agreement for the preservation and maintenance of the Historic Landmark. The rehabilitation of the Historic Landmark shall be completed on or before the 10th anniversary of the Effective Date of this Agreement, and such rehabilitation shall include all of the following tasks.

<b>Year</b>	<b>Description</b>
One	Foundation repairs
Two	Plumbing Upgrades
Three	Electrical Upgrades
Four	Basement waterproofing
Five	Repaint Exterior
Six	Original door, window and hardware restoration
Seven	Re-roofing and downspout restoration
Eight	Repair exterior trim and siding
Nine	Front iron fencing restoration
Ten	Repaint Exterior

After the 10th Anniversary date of the Effective Date of this Agreement, Owner shall expend an amount to a minimum of 10% of the tax savings attributed to this Agreement for the continued preservation and maintenance of the Historic Landmark and more specifically shall perform and complete but without limitation the following tasks each year:

Maintenance

Painting

Repairs