



City of San Clemente Planning Division

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PURPOSE AND REVIEW PROCESS

Purpose

The City of San Clemente offers various incentives for owners of designated historically significant structures, including parking waivers, use of the state Historical Building Code, Historic Property Preservation Agreements, and relief from the non-conforming provisions of the Zoning Ordinance. These incentives are intended to help preserve and protect the historical, cultural, and architectural heritage of the City

The purpose of a “Historic Property Preservation Agreement” is to provide an opportunity for owners of qualified historic structures to receive potentially property tax relief. The owner agrees to preserve, maintain, and, if necessary, restore their historic property. In return for continued preservation of the property, the owner is eligible for a different method of property valuation and property tax assessment, which may reduce the property taxes each year the contract, is in effect. Although the City and the property owner enter into the Agreement, the County Tax Assessor is responsible for administering the valuation terms of the contract.

Owners of any property on the City’s Designated Historic Structures List may apply to enter into a “Historic Property Preservation Agreement.” In reviewing and processing the application, staff and the Design Review Sub-Committee of the Planning Commission will evaluate whether or not restoration will be required as conditions of entering into the contract. The City Council makes the final decision to approve a “Historic Property Preservation Agreement.”

If your property is not on the City’s Designated Historic Structures List and would like to get it on the list, please see Section 17.16.160 of the Zoning Ordinance for designation criteria and procedures.

Review Process

Step 1 - Applicant Consideration of Project

Early in the consideration of whether to apply for a “Historic Property Preservation Agreement,” the property owner should determine what their goals are for the property. Since the intent of the Agreement is preservation of the property, long-term goals, which include significant modifications that would negatively impact the integrity of the building, may not be consistent with the goals and requirements of the Agreement and state law.

Step 2 - Pre-Application Conference

Prior to submitting a formal application, the property owner is required to make an appointment with the designated Historic Preservation Planner to discuss the detailed requirements of the “Historic Property Preservation Agreement.” Zoning Ordinance Section 17.16.175 contains an outline of these requirements, but the Planner will discuss the specific details of the contracts themselves, which are

Historic Property Preservation Agreement

legal and binding documents once executed. Current snapshot photographs of the property should be brought to the pre-application conference.

Step 3 - Filing of Application

Only five applications for “Historic Property Preservation Agreements” (i.e., one application for five separate historic properties) will be accepted per quarter for the first three quarters of each year. Complete applications accepted in a given quarter are then processed in the following quarter (e.g., applications submitted January through March are processed in April through June).

NO APPLICATIONS ARE ACCEPTED BETWEEN OCTOBER 1 AND DECEMBER 31.

The owner may submit the completed application and other required information either at the end of the pre-application conference or later to the Planning Division of the Community Development Department. It is important to submit a complete application, as incomplete applications cause delay in the processing of the project.

Step 4 - Assignment of a Project Planner

Once an application has been submitted to the City, the City Planner assigns the designated Historic Preservation Planner as the project planner to process the application. The project planner is the project manager for the discretionary application, acting as the applicant’s contact person during the process, coordinating the application through various review procedures, and noticing requirements. Processing a project requires significant coordination between the applicant, project planner, and all of the other various components of this process. Whenever you have questions as to where your application is in the process or what steps need to be taken, please contact the project planner.

Step 5 - Determination of an Application’s Completeness

The project planner’s first task will be to review the application to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required. If the application is incomplete, all processing will stop until the application is made complete by the applicant.

Step 6 – Site Meeting

Following submittal of a complete application and in the appropriate processing quarter, the project planner will contact the owner to schedule a site meeting. The purpose of the site meeting is for the planner to inspect the condition of the property and discuss any potential items for restoration that may need to be completed during the first ten years of the Agreement or sooner.

Because the Agreements require adherence to the Secretary of the Interior’s Guidelines for Rehabilitation, any changes to the property in the past that are not consistent with those Guidelines are prime candidates for restoration as a condition of entering into the contract. If the property is in need of repair or paint, these can also be conditions of entering into the contract.

Step 7 – Design Review Sub-Committee (Cultural Heritage Board) Consideration

Once a draft Agreement has been completed, staff will schedule the Agreement application for consideration by the Design Review Sub-Committee [Cultural Heritage Board (a sub-committee of the City’s Planning Commission)]. Sub-Committee meetings do not require a public hearing. They are intended to be an informal meeting between the committee, staff, and the applicant to discuss the particular parts of the draft Agreement that have been tailored to a specific property including any list of potential restoration improvements.

Historic Property Preservation Agreement

At the meeting, staff makes a brief oral presentation to the committee, after which a discussion takes place between the committee, staff, and the applicant. At the conclusion of the discussion, the Sub-Committee makes specific recommendations regarding the provisions of the Agreement. The recommendation is forwarded to the City Council for their consideration at the public hearing regarding the project.

Step 8 - City Council Review

The City Council is required to hold at least one public hearing on the “Historic Property Preservation Agreement” application. At least ten days prior to the meeting, owners of property within 300 feet of the subject site will be notified by mail of the forthcoming hearing, and a notice of the public hearing will be posted at City Hall, the library, and at the property site, and will be published in the local newspaper.

At the public hearing, staff will first present an oral report, staff recommendation, and Design Review Sub-Committee (Cultural Heritage Board) recommendation. This presentation will be followed by a presentation from the applicant and then by any interested persons who wish to comment on the application. The City Council may then question staff, the applicant, or the public and then close the public hearing following their deliberations; the City Council makes a decision approving or conditionally approval the Agreement, denying the Agreement, or postponing the decision to a later date. Alternatively, the Council may keep the public hearing open and continue it to a specified time, date, and place. The City Council’s decision on a “Historic Property Preservation Agreement” is final.

Step 9 – Payment of Fee

When and if the City Council approves a “Historic Preservation Agreement,” the require fee must be submitted to the Planning Division before the Agreement can be executed by either party.

Step 10 – Execution of Approved Agreement

Once the required fee has been submitted to the City, the property owner is required to place a notarized signature on the Agreement. The project planner will then coordinate the execution of the Agreement by the City. Within 20 days after the Agreement is executed, the City will forward the Agreement to the County Recorder for recordation. Upon receipt of the recorded copy from the County, the City will then forward the recorded Agreement to the County Tax Assessor’s office for implementation.

In order for an Agreement to take effect for a given tax year, the Agreement must be executed any time during the preceding calendar year up to December 31 (e.g., for the 2005 tax year beginning July, 2005, the Agreement must be execute by December 31, 2004. An Agreement executed in January 2005, will not take effect until the 2006 tax year). The County Tax Assessor will assess the property based on the Agreement each year it is in effect, and is obligated to use the lowest of either the value based on the Agreement, the Proposition 13 value, or the full market value of the property.

A General Note About Meeting Schedules

The Design Review Subcommittee (Cultural Heritage Board) generally meets on the 2nd and 4th Thursday of the month and the City Council generally meets the 1st and 3rd Tuesday of each month. The schedule for your project can be affected by these established meeting dates. To allow Planning staff to process an application as expediently as possible, please make sure the application package is complete and that information requested by staff is provided by indicated deadlines. For further information regarding the review of your project and processing periods, please contact the project planner assigned to your application.

INITIAL SUBMITTAL

Completed Application

To assure that your project is reviewed as expeditiously as possible, please submit a complete package as summarized below. An incomplete application will delay the processing of your project. If you have questions regarding this application or what constitutes a complete application, please contact Planning staff.

Application Certification (see page 8 of this application)

This form must be signed and notarized by the property owner (and the applicant if other than the property owner) before an application may be submitted.

Historic Property Description (see page 9 of this application)

This form provides the City with project data necessary for determining potential impacts of the proposed project.

Project Narrative

In addition to the information requested in this section, please provide on an attached sheet a detailed description of the proposed improvements, which the owner intends to take place over the next 10 years, including interior and exterior modifications. List them in order of owner's priority.

Fees

The established fee for Historic Property Preservation Agreements is collected only when and if the City Council approves the Agreement. The fee is used solely to cover the City's cost of processing the application.

Home Inspection Report

Submit a report conducted by a home inspector or other qualified professional regarding the structural/electrical/plumbing systems of the structure for informational purposes only.

Estimated Tax Benefit

Estimate your potential tax benefit if enrolled in the Mills Act program for the next year. Please use the formula sheet provided in the Mills Act information packet available in the Planning Division offices.

Estimated Costs of Improvements

Estimate the costs of your proposed improvements. Staff will request an updated estimate after the initial site visit. Submit this information in a table.

Photographs and Photographic Location Map

Please mount the photographs on 8 ½” x 11” paper and include a photographic location map as shown below. Electronic submittals are encouraged and are to be submitted on a CD-ROM.

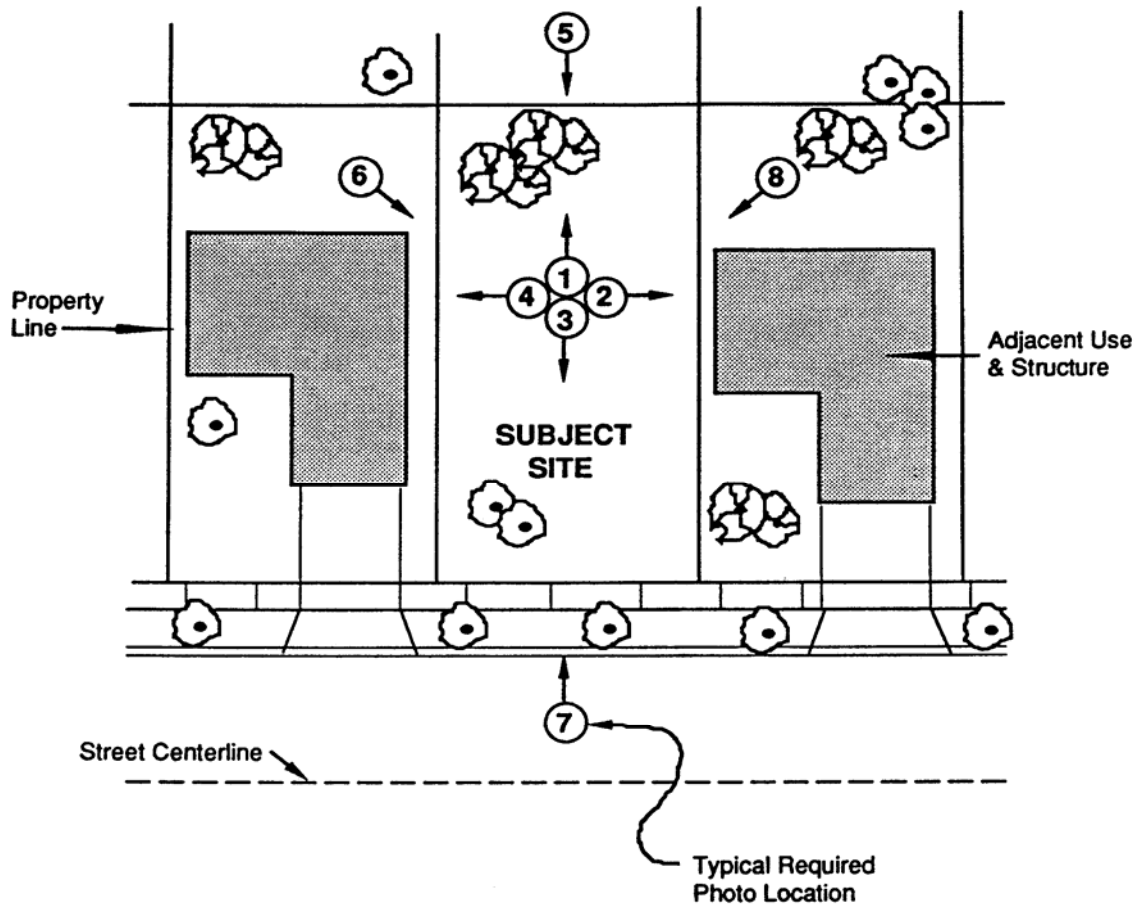


Figure 2. Photographic Location Map

Public Noticing Information

The City of San Clemente requires that applicants for development proposals be responsible for providing certain information in the public notice process. The information for which the applicant is responsible is detailed below. All required noticing information must be submitted to the City before an application will be accepted.

Property Owner List

From the current county tax assessor’s rolls, the applicant shall compile a mailing list containing the names, addresses, and assessor’s parcel numbers of all the owners of real property within 300 feet, as measured from the exterior boundaries of the subject property.

The mailing list shall also include the property owners of the subject property, the principal agents, and/or consultants involved in the application, and homeowners or property owners’ associations covering adjacent property or properties within 300 feet of the subject property. The mailing list shall be submitted with the application. Typically the list can be prepared by a title company or ownership listing service which will issue the list on a set of gummed labels. These labels can be used

to address the noticing envelopes (See below). A copy of the labels will be acceptable as the property owner list.

Notification Radius Map

The applicant shall prepare a map at 1:100 scale, which indicates the location of the subject property and illustrates the 300-foot radius boundary and all parcels within the boundary. The map shall be submitted with the application.

Notification Envelopes

The applicant shall prepare a business-sized envelope for mailing to each name on the property owner list. Envelopes must be return addressed to the City of San Clemente. The assessor’s parcel number must appear on the envelope and should not be placed at or near the bottom of the address as it may be mistaken for a zip code. It is the applicant’s responsibility to pay for postage. Each envelope shall include a postage stamp. One set of envelopes must be provided with the application unless a Tentative Parcel Map, Tentative Tract Map, General Plan Amendment, Specific Plan Amendment, Zoning Amendment, Abandonment, or Encroachment application is included, in which case two sets of envelopes are required.

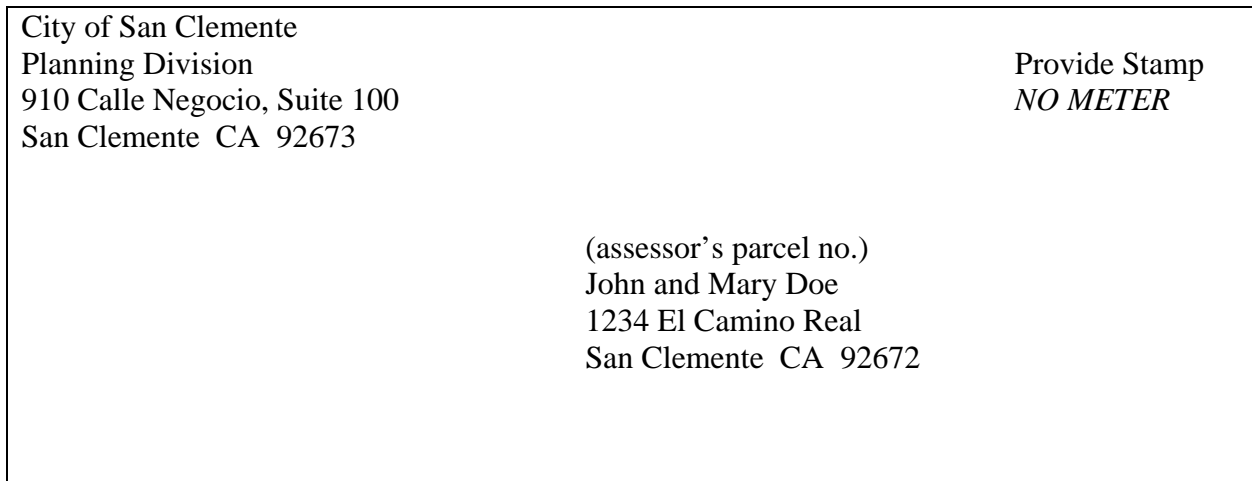


Figure 3. Properly Prepare Envelope

Letter of Notification Certification

The applicant shall submit with the application, a letter of certification (attached) which assures that the property owner list contains the names, addresses and assessor’s parcel numbers of all persons to whom all property is assessed as they appear on the latest available assessment rolls of the County of Orange within the area described by the appropriate radius as measured from the exterior boundaries of the subject property.

Mailing, Posting and Publishing

Ten (10) calendar days prior to the schedule public hearing, the City will mail the public notices, and cause a public notice to be published in a newspaper of general circulation. The applicant shall be responsible for posting notification of the public hearing upon the subject property. The City will notify the applicant of this obligation and will provide the posting notification. Failure to comply with these procedures will result in delays in the scheduling of public hearings.

APPLICATION CHECKLIST

(TO BE COMPLETED BY PLANNING DIVISION)

Application Date _____	File Number _____
Received By _____	Receipt Number _____
Fees _____	Related File(s) _____

NA on submittal

NA

	Submitted	Not Submitted
Completed Application		
Application Certification (Form) (pg. 8)	<input type="checkbox"/>	<input type="checkbox"/>
Property Description (Form) (pg. 9)	<input type="checkbox"/>	<input type="checkbox"/>
Project Narrative (Letter)	<input type="checkbox"/>	<input type="checkbox"/>
Related Information		
Home Inspection Report (pg. 4)	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Preliminary Title Report (current within last six months) available from Title Insurance company.	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Grant Deed	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Tax Benefit—submitted in a table (pg. 4)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated costs of proposed improvements—submitted in a table (pg. 4)	<input type="checkbox"/>	<input type="checkbox"/>
Photographic Location Map (see attached “Photographic Location Map” exhibit) (pg. 10)	<input type="checkbox"/>	<input type="checkbox"/>
8” x 10” color photographs per the location map (Electronic copies are acceptable if submitted on CD-ROM)	<input type="checkbox"/>	<input type="checkbox"/>
Public Noticing Requirements (pg. 5)		
Property Owner List	<input type="checkbox"/>	<input type="checkbox"/>
Notification Radius Map	<input type="checkbox"/>	<input type="checkbox"/>
Notification Envelopes (1 Set)	<input type="checkbox"/>	<input type="checkbox"/>
Letter of Notification Certification (pg. 10)	<input type="checkbox"/>	<input type="checkbox"/>

APPLICATION CERTIFICATION

[TO BE COMPLETED BY THE APPLICANT AND THE OWNER(S)]

AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF SAN CLEMENTE)

I, _____ (print), being duly sworn, depose and say that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge.

Applicant (Signature)

Address

Telephone

Application Authorization

IF YOU ARE THE APPLICANT AND THE OWNER(S), YOU MUST SIGN IN BOTH LOCATIONS

I, _____ (print), the owner of the real property involved in this application, do hereby consent to the filing of this application.

Owner (Signature)

Address

Telephone

Subscribed and sworn before me this _____ day of _____, _____.

Notary Public

PROJECT DESCRIPTION

(TO BE COMPLETED BY APPLICANT)

Name of Proposed Project _____

Location of Project _____

Lot(s) _____ Block _____ Tract _____

Assessor's Parcel Number(s) _____

General Plan Designation _____ Zoning Designation _____

APPLICANT:

Name _____

Street/city/state/zip _____

Phone Number _____ Cell Number _____

FAX number _____

Email address _____

OWNER:

Name _____

Street/city/state/zip _____

Phone Number _____ Cell Number _____

FAX number _____

Email address _____

ARCHITECT:

Name _____

Street/city/state/zip _____

Phone Number _____ Cell Number _____

FAX number _____

Email address _____

ENGINEER:

Name _____

Street/city/state/zip _____

Phone Number _____ Cell Number _____

FAX number _____

Email address _____

PRIMARY CONTACT FOR APPLICANT

Name _____

Phone Number _____ Cell Number _____

FAX number _____

Email address _____

Revised 5/4/10

LETTER OF NOTIFICATION CERTIFICATION

(TO BE COMPLETED BY APPLICANT)

I _____, hereby certify that the attached list contains the names, addresses and assessor's parcel numbers of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County of Orange within the area described by the required 300 foot radius measured from the exterior boundaries of the property legally described as:

Applicant/Representative: _____ Date: _____