



Landmark Preservation Contract Application Submittal Requirements

GENERAL REQUIREMENTS:

- 1. The first two pages of the Uniform Application must be typed or printed and filled in completely. Please recycle the remaining sheets.
If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.
- 2. Landmark Preservation Contract Plan for Improvements (final list will be attached to contract). Possible improvements include:
 - (a) The cost of ongoing maintenance.
 - (b) Clean up of the exterior, such as removal of dirt, obsolete ducts, wires, and other clutter, repainting
 - (c) Restoration of exterior features as they wear out.
 - (d) Removal of add-ons and restoration to original façade (e.g. remove stucco, replace vinyl windows with double-hung glass)*Include photos, if needed, to illustrate.*
- 3. All applicable filing fees (see adopted fee schedule).

FOR YOUR INFORMATION: Staff may deem additional information necessary to adequately review the application, complete environmental review for the project, or make recommendations to the Landmark Preservation Commission. Completion of the application does not presume approval or staff support of the application. Such approval is discretionary with the Director, Planning Commission, and/or City Council. The Director, Planning Commission, or City Council may deny, modify, or conditionally approve the application.

In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

About Landmark Preservation Contracts

What is a Landmark Preservation contract?

Old buildings are more costly to maintain and repair than more contemporary buildings. A Landmark Preservation contract—often referred to as a “Mills Act” contract-- acknowledges the value of maintaining historic buildings in good condition by exchanging a reduction in property tax for a plan for restoration and maintenance of a particular building. (In Modesto, these are officially referred to as “Landmark Preservation contracts.”) Mills Act contracts are 10-year contracts that automatically renew annually if neither party to the contract takes action to terminate the contract. Contract termination may start a 10-year process of winding down or may terminate immediately. Immediate termination results in a financial penalty.

Can I get a Mills Act contract on my old building?

Any property or structure that meets the criteria in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code) and which has been designated as a landmark is eligible for the Mills Act. Applications for Landmark Preservation contracts are heard before the Landmark Preservation Commission, which makes a recommendation to City Council. City Council makes the final decision at a public hearing.

Are there any other responsibilities I should know about?

The approved plan for improvements and maintenance is reviewed periodically to ensure that work is being performed in accordance with the contract. The property owner may submit a letter with receipts attached indicating the work performed since the last review. Staff may make appointments with the property owner to review the work. If the schedule of improvements and maintenance will change, the property owner should inform staff as part of the report.

What happens if I don't make the improvements?

The Landmark Preservation Commission can determine whether the contract should be terminated and makes a recommendation to City Council. City Council makes the final decision whether to terminate the contract.

What happens if I sell my house?

The Landmark Preservation contract follows the property and the contract will be disclosed as part of the sale. Property tax reduction is a positive selling point for the property.

Modesto's Municipal Code (Title 9, Chapter 10) includes these definitions of historic significance:

- (a) Significance: The quality of the information, example, interest or meaning represented by the site for understanding and appreciating the past, development or culture.
- (b) Historic Significance: Associated with activities, processes, events, trends or persons of importance to the community, state or nation.
- (c) Architectural Significance: Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.
- (d) Cultural Significance: A significant setting of manmade or natural features (including significant trees or other plant life located thereon), or a combination, possessing meaning primarily by long association or identification with the community and/or its citizens.
- (e) Archaeological Significance: A setting possessing the potential to reveal information important to historic or prehistoric studies.
- (f) Engineering Significance: A work demonstrating a technology, design or method characteristic of a historic period or activity.
- (g) Modesto Landmark Preservation Site: An area, district, building, structure or object, which has been designated for preservation for reasons of its significance by the City Council.