



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: September 8, 2005

COUNCIL DISTRICT: 3

SUBJECT: MA05-001. HISTORICAL PROPERTY CONTRACT FOR THE JOHN C. MORRILL HOUSE (FORMERLY NAMED BRIAR ROSE INN) CITY LANDMARK NO. HL05-151, LOCATED AT 897 JACKSON STREET.

RECOMMENDATION

The Historic Landmarks Commission recommends that the City Council adopt a resolution approving a historical property contract for the John C. Morrill House (formerly named Briar Rose Inn), City Landmark No. HL05-151. The property's common name is Briar Rose Inn.

BACKGROUND

The owner, Eric Thacker is requesting a Historical Property Contract to allow property tax relief to rehabilitate and maintain the John C. Morrill House (Historic Landmark No. HL05-151) located at 897 Jackson Street. In 1986, the property was rezoned A(PD) Planned Development to allow for a residence and bed and breakfast inn named Briar Rose Inn. The site is designated Medium Low Density (8DU/AC) on the adopted San Jose 2020 Land Use and Transportation Diagram, and is surrounded by residential development. The City Council adopted its Resolution No. 72828 thereby declaring and designating the John C. Morrill House as a Historic Landmark on June 28, 2005. The designation was based upon the building's embodiment of distinguishing characteristics of the 1880's Stick/Eastlake architectural type or specimen, which include its hipped center mass with extended wings, square bay windows, and shingled frieze with trim.

On September 7, 2005 the Historic Landmarks Commission held a public hearing. Commissioner Colombe asked whether the single-family residential use was an allowable use in this A(PD) Planned Development Zoning District. Planning Staff responded that the Planned Development Zoning allows for a Bed and Breakfast Inn and a Private Residence. The current use of the property is a private residence.

ANALYSIS

Required Provisions of Historical Property Contracts

Municipal Code Chapter 13.48 requires provisions of historical property contracts as follows:

- A. A description of the Landmark Property subject to the Contract;
- B. A provision that the term of the Contract is a minimum period of ten years;
- C. Specific conditions requiring preservation of the Landmark Property and where appropriate, restoration and rehabilitation of the Landmark Property to conform to the requirements of the City, and the rules and regulations of the Office of Historic Preservation of the State of California Department of Parks and Recreation;
- D. Provision for the periodic examination of the interior and exterior of the Landmark Property by the City of San Jose, Santa Clara County Assessor, and the State Board of Equalization as may be necessary to determine the owner's compliance with the Contract.
- E. A requirement that the property owner annually expend an amount equal to a minimum of 10% of the tax savings attributed to the Contract to the preservation and maintenance of the Landmark Property; and
- F. A provision that the Contract is binding upon and shall inure to the benefit of, all successors in interest of the owners; and that a successor in interest shall have the same rights and obligations under the Contract as the original owners who entered into the Contract.

In addition to the Municipal Code provisions above, the proposed historical property contract includes a condition that the owner shall rehabilitate the property in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995), Weeks and Grimmer. By agreeing to the provisions of the Historical Property Contract, the property owner will assure the City that the Landmark property will be preserved and rehabilitated. In exchange, the property owner will enjoy property tax relief that will enable him to maintain the property. In this way, the City and the applicant become partners in the preservation of the Landmark property.

State legislation requires the City Clerk to record a Historical Property Contract with the County Recorder by December 31st of any calendar year in order to be effective during the following calendar year.

Required Findings of Historic Property Contracts

In accordance with Municipal Code Chapter 13.48, the City Council may approve a Historical Property Contract only if the following findings are made:

- A. The proposed contract is consistent with the General Plan;
- B. The proposed contract would provide greater protection for the landmark property than is otherwise provided by the provisions of Municipal Code Chapter 13.48; and
- C. The proposed contract complies with the required provisions of historical property contracts listed above.

Historic Landmarks Commission Public Hearing

On September 7, 2005 the Historic Landmarks Commission held a public hearing to consider the proposed contract. The Commission voted 7-0-0 to recommend that the City Council approve the Historical Property Contract. The Commission recommended that the City Council make the following findings:

- A. The proposed contract is consistent with the General Plan because (1) the proposed single family residence is consistent with the Land Use/Transportation Diagram Designation of Medium Low Density Residential (8DU/AC), and (2) the proposal encourages the continuation and appropriate expansion of Federal and State programs which provide tax and other incentives for the rehabilitation of historically or architecturally significant structures.
- B. The proposed contract provides greater protection for the landmark property than is otherwise provided by the provisions of Municipal Code Chapter 13.48 because the owner, in partnership with the City, may use property tax relief to rehabilitate and maintain the property in accordance with the standards for historic property, Exhibit "B" and the preservation plan, Exhibit "C".
- C. The proposed contract complies with the required provisions of Historical Property Contracts, which are listed above.

OUTCOME

Approval of the Historical Property Contract would allow the property owner to utilize property tax relief to maintain the property. In this way, the City and the applicant become partners in the preservation of the Landmark property.

PUBLIC OUTREACH

The property owner has requested the Historical Property Contract. The Historic Landmarks Commission held a public hearing on the proposed Historical Property Contract at the September 7, 2005 meeting. Public Notices were published and mailed to property owners within a 500-foot radius.

COORDINATION

Preparation of the Historical Property Contract has been coordinated with the City Attorney's Office.

CEQA

Exempt. MA05-001



STEPHEN M. HAASE

Secretary, Historic Landmarks Commission



File No: MA05-001

District: 03

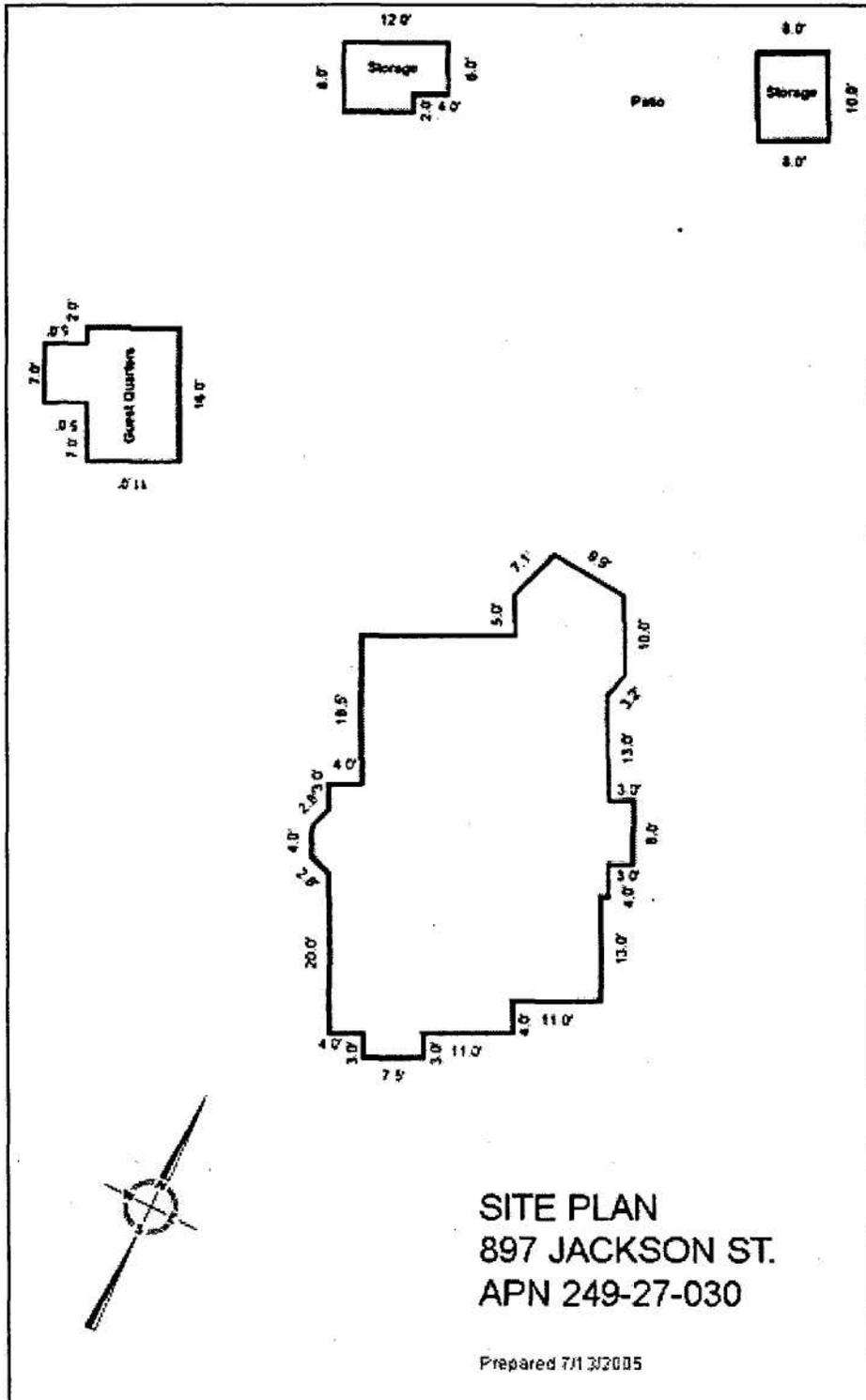
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Scale: 1"=200'
Map Created On: 07/13/2005



90 feet

140 feet

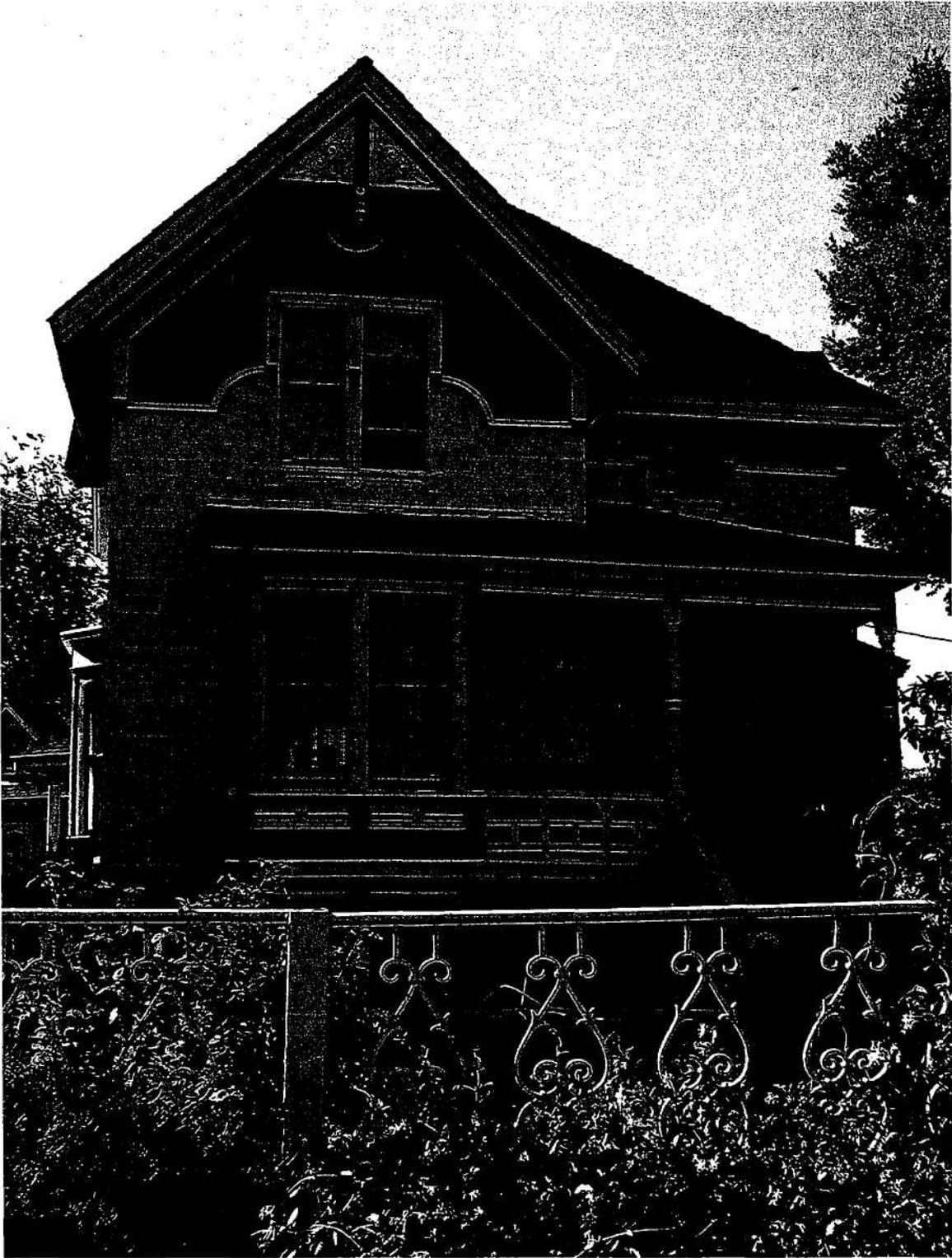


19TH STREET

JACKSON STREET

SITE PLAN
897 JACKSON ST.
APN 249-27-030

Prepared 7/13/2005



897 Jackson Street / Morrill House
Photo 1 of 7
Front Elevation facing Jackson Street