

RESOLUTION NO. 2022-187**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
APPROVING A MILLS ACT CONTRACT FOR PROPERTY LOCATED
AT 370 E. PEARL STREET**

WHEREAS, Section 50280 – 50290 of the California Government Code and Section 439 – 439.4 of the California Revenue and Taxation Code authorize cities to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief;

WHEREAS, Section .5809-13.I.2 of the City of Pomona Zoning Ordinance authorizes the use of Mills Act contracts to foster the preservation of historic buildings and assigns administration of such contracts to the Planning Division;

WHEREAS, on February 11, 2002, the City Council approved Resolution No. 2002-32 adopting standards and review procedures for implementation of the City of Pomona Mills Act Historic Preservation Tax Abatement Program;

WHEREAS, on April 21, 2008, the City Council approved Resolution No. 2008-39 adopting the City of Pomona Revised and Restated Mills Act Historic Preservation Tax Abatement Program (Mills Act program);

WHEREAS, May 24, 2022, the applicants and property owners, Megan and Mark Gearheart, submitted an application for a Mills Act Contract (MILLS-18520-2022) for a Restoration, Rehabilitation and Preservation Plan that includes a schedule of projects to be completed during the first ten (10) years following execution of a Mills Act contract for the property located at 370 E. Pearl Street;

WHEREAS, consistent with the Mills Act Program, the subject property is considered a “contributing” structure within the Lincoln Park Historic District, which was designated as a historic district by the Pomona City Council on May 4, 1998;

WHEREAS, at its regular meeting on September 7, 2022, the Historic Preservation Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing; carefully considered all pertinent testimony and the staff report offered in the case; and adopted Historic Preservation Commission Resolution No. 2022-020 approving the requested Mills Act Program MILLS-18520-2022 for a Restoration, Rehabilitation and Preservation Plan, subject to conditions; and

WHEREAS, the City and the property owners, for their mutual benefit, now desire to enter into a Mills Act contract to limit the use of the subject property to prevent inappropriate alterations; to ensure that the character-defining features are preserved and maintained; and to require the execution of the approved Restoration, Rehabilitation and Preservation Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The City Council finds that, pursuant to the Guidelines for Implementation of the Environmental Quality Act (CEQA), the proposed project is not a project under CEQA.

SECTION 2. Pursuant to Section B.9 of the City of Pomona Revised and Restated Mills Act Historic Preservation Tax Abatement Program (Mills Act program), the City Council makes the following findings regarding the Restoration, Rehabilitation and Preservation Plan for the subject property:

1. *Based on information contained in the program application including, but not limited to, the Restoration, Rehabilitation and Preservation Plan, cost estimates, estimated tax savings to the property owner and other related information, the approval of the Mills Act contract will serve to compensate the City for the reduction in property taxes received.*

As part of the proposed Mills Act Contract, the applicant is proposing to invest more than the estimated amount that they will save over the next 10 years. The improvements will help protect the historic resource. Approval of the contract will help improve the maintenance of homes in the Lincoln Park Historic District, increasing the property values, and thereby offsetting the loss of tax revenue to the City for this Mills Act Contract. Therefore, the project meets this finding.

2. *The Restoration, Rehabilitation and Preservation Plan will extend the life of the structure(s), protect the historic and aesthetic value of the property, and comply with the rules and regulations of the State Office of Historic Preservation of the Department of Parks and Recreation; the United States Secretary of the Interior's Standards for Rehabilitation; the State Historic Building Code; and the City of Pomona Municipal Code, Historic Preservation Ordinance and Design Guidelines.*

The proposed project will assist in the preservation of the historic resource and is required to comply with the Secretary of the Interior's Rehabilitation Standards and other requirements and any project on the rehabilitation plan still requires approval through a Certificate of Appropriateness to ensure compliance with Code Requirements. Therefore, the project meets this finding.

SECTION 3. The City Council hereby agrees to enter into a Mills Act contract for property located at 370 E. Pearl Street and authorizes the City Manager, or his or her designee, to execute said contract, subject to final review by the City Attorney.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 21st day of November, 2022.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on November 21, 2022 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 21st day of November 2022.

Rosalia Butler, City Clerk