

RESOLUTION NO. 2020-163

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
APPROVING A MILLS ACT CONTRACT FOR PROPERTY LOCATED
AT 350 E. MCKINLEY AVENUE**

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, in June of 2020, the applicants and property owners, Jeffrey and Dana Geibel, submitted an application for Mills Act Program Certificate of Appropriateness MILLS No. 13887-2020 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 350 E. McKinley Avenue;

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 November 4, 2020, 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. 20-016 (attached hereto as Exhibit A) approving the requested Mills Act Program Major Certificate of Appropriateness MILLS No. 13887-2020 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 meets the criteria for a Class 31, Section 15331 Categorical Exemption in that the project involves rehabilitation of a historic resource in a manner that meets the Secretary of Interior's Standards for the Treatment of Historic Properties.

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.*

Staff has determined that the estimated tax savings during the first ten years of the Mills Act contract will be approximately \$37,395.00 The proposed RR&P Plan includes projects with a total estimated cost of \$41,390.00 as follows in *Table 1*:

Table 1. Estimated Costs of Projects

Repair and Refinishing of Hardwood Flooring	\$5,900.00
Exterior Painting	\$22,440.00
Interior Painting	\$13,050.00
TOTAL	\$41,390.00

As indicated above, the estimated cost of the projects included in the Preservation Plan exceeds the estimated tax savings over the first ten years of the Mills Act contract. Furthermore, completion of the projects will extend the life of the subject residence and help to restore its historic appearance, thus contributing to property value increase and the aesthetic enhancement of the surrounding Lincoln Park Historic District neighborhood.

- 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.*

As conditioned, the projects included in the Preservation Plan will extend the life of the subject residence, 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, as follows:

The proposed interior and exterior repainting, and refinishing and repair of the original hardwood flooring do not propose the removal of distinctive features, finishes, and construction techniques or examples of craftsmanship. The proposed restoration projects propose only the replacement of materials, as necessary to California Building Code. There are no proposed materials to be replaced and all repairs will be consistent with the existing material and overall design.

SECTION 3. The City Council hereby agrees to enter into a Mills Act contract for property located at 350 E. McKinley Avenue and authorizes the City Manager, 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.

APPROVED AND ADOPTED THIS 16th DAY OF NOVEMBER 2020.

ATTEST:

CITY OF POMONA:

Rosalia Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 16th day of November 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Pomona, California, this 16th day of November 2020.

Rosalia Butler, City Clerk

HPC RESOLUTION NO. 20-016

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF POMONA APPROVING A MILLS ACT PROGRAM CERTIFICATE OF APPROPRIATENESS (MILLS 13887-2020) FOR A RESTORATION, REHABILITATION AND PRESERVATION PLAN THAT INCLUDES A SCHEDULE OF PROJECTS TO BE COMPLETED DURING THE FIRST TEN YEARS FOLLOWING EXECUTION OF A MILLS ACT CONTRACT FOR A PROPERTY LOCATED AT 350 EAST MCKINLEY AVENUE IN THE LINCOLN PARK HISTORIC DISTRICT.

THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

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

WHEREAS, under the Mills Act Program, the City Council may enter into contracts (Mills Act contracts) with owners of qualified historic properties who actively participate in restoring and maintaining their historic properties while receiving property tax relief;

WHEREAS, the Mills Act Program specifies that, in order to grant approval of a Mills Act contract, the City Council must make findings pertaining to the adequacy of a Restoration, Rehabilitation and Preservation Plan that includes a schedule of projects to be completed during the first ten (10) years following execution of the Mills Act contract;

WHEREAS, pursuant to City Council Resolution No. 2008-39, the Mills Act Program requires Historic Preservation Commission approval of a Certificate of Appropriateness for the Restoration, Rehabilitation and Preservation Plan;

WHEREAS, there has been initiated by the applicants, Christopher Psuj and Ryan Mancari, a proposed Mills Act Program Certificate of Appropriateness (MILLS 13887-2020) 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 property located at 350 East McKinley Avenue;

WHEREAS, consistent with the Mills Act Program, the subject property is privately owned and is located within Lincoln Park Historic District, which was designated as a historic district by the Pomona City Council on May 4, 1998;

WHEREAS, the Historic Preservation Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on November 4, 2020, concerning the requested Mills Act Program Major Certificate of Appropriateness (MILLS 13887-2020) for a Restoration, Rehabilitation and Preservation Plan (hereafter "the Preservation Plan"); and

WHEREAS, the Historic Preservation Commission has carefully considered all pertinent testimony and the staff report offered in the case presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. Pursuant to the Guidelines for Implementation of the Environmental Quality Act (CEQA), the proposed project meets the criteria for a Class 31, Section 15331 Categorical Exemption in that the project involves rehabilitation of a historic resource in a manner that meets the Secretary of Interior's Standards for the Treatment of Historic Properties.

SECTION 2. Section B.9 of the City of Pomona Revised and Restated Mills Act Historic Preservation Tax Abatement Program (Mills Act Program) requires that, prior to the approval of a Mills Act contract, the following findings be made regarding the Restoration, Rehabilitation and Preservation Plan and supporting materials 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.*

Staff has determined that the estimated tax savings during the first ten years of the Mills Act contract will be approximately \$37,395.00. The proposed RR&P Plan includes projects with a total estimated cost of \$41,390.00 as follows in *Table 1*:

Table 1. Estimated Costs of Projects

Repair and Refinishing of Hardwood Flooring	\$5,900.00
Exterior Painting	\$22,440.00
Interior Painting	\$13,050.00
TOTAL	\$41,390.00

As indicated above, the estimated cost of the projects included in the Preservation Plan exceeds the estimated tax savings over the first ten years of the Mills Act contract. Furthermore, completion of the projects will extend the life of the subject residence and help to restore its historic appearance, thus contributing to property value increase and the aesthetic enhancement of the surrounding Lincoln Park Historic District neighborhood.

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.*

As conditioned, the projects included in the Preservation Plan will extend the life of the subject residence, 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, as follows:

The proposed interior and exterior repainting, and refinishing and repair of the original hardwood flooring do not propose the removal of distinctive features, finishes, and construction techniques or examples of craftsmanship. The proposed restoration projects propose only the replacement of materials, as necessary to California Building Code. There are no proposed materials to be replaced and all repairs will be consistent with the existing material and overall design.

SECTION 3. The Historic Preservation Commission hereby approves Mills Act Program Certificate of Appropriateness (MILLS 13887-2020) 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 property located at 350 East McKinley Avenue, subject to the following conditions of approval:

1. The subject projects shall be completed in substantial conformity with the Restoration, Rehabilitation and Preservation Plan and supporting documentation, as approved by the Historic Preservation Commission on November 4, 2020, in accordance with the revisions and/or additional conditions specifically required in this resolution of approval.
2. As specified in the approved Restoration, Rehabilitation and Preservation Plan, all work shall be completed by the tenth year following execution of a Mills Act contract, unless at least thirty (30) days prior to the applicable deadline, the property owner submits a letter to the Planning Manager requesting an extension of the deadline, not to exceed the first ten (10) years following contract execution and subject to Planning Manager approval.
3. Prior to commencing work on any of the subject projects, all applicable building permits shall be obtained.
4. Pursuant to City Council Ordinance 2008-39, the subject structure shall be made accessible to the public during the term of contract once every three years for a tour, upon request by Pomona Heritage, The Historical Society of Pomona Valley, or the Auxiliary of the Pomona Valley Hospital Medical Center.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 4th DAY OF NOVEMBER 2020.

ANN TOMKINS
HISTORIC PRESERVATION COMMISSION
CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ
HISTORIC PRESERVATION COMMISSION
SECRETARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

AYES: Gallivan, Gomez, Gonzalez, Kercheval, and Williams.

NOES:

ABSTAIN: Tomkins.

ABSENT: Martin.

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6.