

ORDINANCE NO. 328

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY ADDING CHAPTER 9.04.100 TO ARTICLE IX OF THE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BRADBURY DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: CHAPTER 9.04.100 – HISTORIC PRESERVATION is hereby added
to Article IX of the Bradbury Municipal Code which shall read as
follows:

Chapter 9.04.100

HISTORIC PRESERVATION

Sections:

9.04.100.010	Short title.
9.04.100.020	Purpose.
9.04.100.030	Authority for Mills Act Contracts
9.04.100.040	Definitions.
9.04.100.050	Limitations on eligibility
9.04.100.060	Application Procedures
9.04.100.070	Required provisions of historic property contracts
9.04.100.080	Annual review and recommendation of existing Mills Act Contracts

9.04.100.010 Short title.

This chapter shall be known as the "Historic Preservation Ordinance"

9.04.100.020 Purpose.

A. The City desires to foster the preservation of landmark and historic
properties in the City of Bradbury. In furtherance of this policy, the

purpose of this Chapter is to implement the Mills Act which is set forth in California Government Code Sections 50280 et seq., and California and Revenue Code Section 1161, and as those sections may be amended from time to time (hereafter collectively the "Mills Act") in order to establishing a uniform process to enter into contracts with the owners of property in the City of Bradbury that has previously been identified as a qualified historic resource, as identified herein, for property tax relief and for the preservation of those historic properties.

- B. The City Council finds that entering into a Mills Act Contract is an effective means of encouraging the preservation, rehabilitation and maintenance of historic properties.
- C. The Council further finds that the Mills Act preservation incentive will support the goals and objectives in the General Plan by encouraging the maintenance of historic structures (Open-Space Policy No. 6 of the Community Resources Element).

9.04.100.030 Authority for Mills Act Contracts.

The City Council hereby authorizes the use of Mills Act contracts in the City of Bradbury in accordance with the Mills Act, as it may be amended from time to time, and pursuant to the procedures as set forth in this Chapter.

9.04.100.040 Definitions.

For purposes of this Chapter, the following definitions shall apply:

- A. The term "qualified historic property" shall mean any of the following:
 - 1. The property is identified with persons or events significant in local, regional, state or national history.
 - 2. The property is representative of the work of a notable builder, designer or architect.
 - 3. The property contributes to the significance of an historic area, being a geographically definable area.
 - 4. The property embodies one or more distinctive characteristics of style, type, period, design, materials, or craftsmanship.
 - 5. The property has a unique location or physical characteristics or represents an established and familiar visual feature of neighborhood, community, or the City.

6. The property promotes awareness and appreciation of City, local and nation history, and demonstrates the value of historic preservation as a community value.
7. The property has yielded, or may be likely to yield information important in prehistory or history.

9.04.100.050 Limitations on Eligibility.

- A. A Mills Act contract shall be limited to qualified historic properties as defined in Section 9.04.130.
- B. A Mills Act contract shall be limited to:
 1. Properties in need of restoration and/or rehabilitation at the time of application; and
 2. Properties that have been restored and/or rehabilitated prior to the adoption of this Chapter, provided that such restoration was conducted after January 2010, and the applicant provides sufficient documentation to demonstrate the restorative work performed including, but not limited to, architectural plans, photographs, reports and invoices.
- C. In furtherance of this policy, approval of new Mills Act Contracts shall be limited so that the total property tax reduction of all contracts combined does not exceed \$10,000 per annum to the City of Bradbury.

9.04.100.060 Application Procedures.

- A. Applications for Mills Act contracts shall be accepted by the City Manager between January 1 and March 31 of each year, except that in the calendar year 2013, applications may be submitted no later than June 30, 2013.
- B. A property owner desiring to enter into a Mills Act contract shall submit an application to the City Manager along with any required supporting documents and any required fees approved by the City Council by resolution. The application shall be on a form approved by the City Manager.
- C. Following the deadline for submittal of applications, the City Manager shall schedule a public hearing before the Planning Commission for its review and consideration of all completed applications timely received.

D. At the scheduled public hearing, the Planning Commission shall do the following:

1. The Planning Commission shall make a determination as to whether each proposed property is a qualified historic property based on the criteria set forth in Section 9.04.130.
2. Should it determine that any proposed property is a qualified historic property; the Planning Commission may recommend to the City Council the approval of a Mills Act contract if it can make each of the following findings:
 - a. The estimated tax benefit over a ten (10) year period will not exceed the applicant's proposed financial investment.
 - b. The proposed work will provide a benefit to the public by restoring character defining features, preserving exemplary or exceptional features or structures, retrofitting unreinforced buildings, work that is necessary for the continued viability of the historic structure (system upgrades), or the work is clearly visible from the street or public right-of-way.

E. Following the public hearing, the Planning Commission shall:

1. Make a recommendation to the City Council that the City enter into one or more proposed Mills Act contracts, such that the total property tax reduction of all contracts combined does not exceed \$10,000 per annum to reduction of all contracts combined does not exceed \$10,000 per annum to the City of Bradbury. In such case as the Planning Commission desires to recommend multiple contracts to the City Council whereby the total property tax reduction of all proposed contracts combined exceeds \$10,000 per annum, the Planning Commission shall:
 - a. Determined the sequential order that the applications for Mills Act contracts were filed with the City Manager, and
 - b. Using the sequential order and beginning with the first application filed, recommend for approval of as many contracts such that the total property tax reduction of all contracts combined does not exceed a cost of \$10,000 to the City per annum.
2. Prepare and transmit a report of its recommendation to the Council on the merits of each proposal.

- F. Following transmittal of the report by the Planning Commission, the City Manager shall schedule a public hearing before the City Council whereby the City Council shall consider the recommendation of the Planning Commission. The City Council may approve, reject, and/or approve with modifications, the Planning Commission's recommendation in its sole and absolute discretion.

9.04.100.070 Required provisions of historic property standards

The required provisions for a contract authorized by this Chapter shall include:

- A. Those provisions required by applicable state law; and
- B. Additional provisions required by the City including, but not limited to:
 1. The term of the contract shall be a minimum of ten (10) years. On the anniversary date of the contract, or such other date as specific in the contract, a year shall be automatically added to the initial term of the contract unless a notice of nonrenewal is given to the owner at least sixty (60) days prior to the renewal date. In the event the property owner chooses to terminate the contract, then the property owner shall provide the City Manager with a notice of nonrenewal at least ninety (90) days prior to the renewal date.
 2. The contract agreement is to assist in the preservation of the historic resource; therefore, restoration and rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation (Department of Parks and Recreation) and the United States Secretary of the Interior Standards.
 3. The owner agrees to permit periodic examination of the interior (if applicable) and exterior of the premises by the County Assessor, the State Board of Equalization, the State Department of Parks and Recreation and the City, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement. Owner further agrees to allow the City to photograph the historic property.
 4. In addition to the requirement in Subsection "3" herein, the contract shall require the owner to file an annual report identifying progress of implementing the work plan or restoration or rehabilitation with the City until the work has been completed to the satisfaction of the City Manager. Thereafter, during the term of the contract, on an annual basis, the owner shall provide a report on the maintenance of the property, which report may require documentation of the owner's

expenditures and actions taken to maintain the qualified historic property.

5. The contract shall be binding on all successors in interest of the owner to the benefits and burdens of the contract. It shall stipulate escrow instructions that require a review and re-evaluation every three years.
6. The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.
7. The contract shall state that the City may cancel the contract after a duly noticed public hearing if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance under which it was designated (Government Code Sections 50284 and 50285).
8. The contract shall state that if the City cancels the contract pursuant to subsection "7" herein, the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historic Property Contract.
9. That contract shall provide that, as an alternative to cancellation, the City may bring an action for specific performance or other action necessary to enforce the contract.
10. The contract shall also provide that, in the event preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 50284 and 50285, that preservation, rehabilitation or restoration is infeasible.
11. The contract shall be recorded by the Los Angeles County Recorder's office and shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract. The City Clerk shall record the contract, at applicant's cost, no later than twenty (20) days after the City enters into the contract.

12. The contract may provide that modifications to the approved work plan require review and approval by the Planning Commission.

- C. The City Manager and the City Attorney shall prepare and maintain a sample Mills Act contract with all required provision specified by state law and this section.

9.04.100.080 Annual review and recommendation of existing Mills Act Contracts

The Planning Commission shall have the responsibility to recommend to the City Council the termination of any existing Mills Act Contracts as follows:

- A. After June 30th of each year, or as soon as reasonably possible, but in no event later than September 30th of each year, the Planning Commission shall review the progress made towards the completion of preservation work stipulated in the Mills Act Contracts that are schedule for review that year and that all properties subject to Mills Act Contracts are maintained in good order in accordance with the terms and conditions of the applicable Mills Act Contract and the provisions of Chapter 9.06.060 (Property Maintenance Standards) of the Bradbury Zone Code.
- B. In considering a recommendation to terminate a Mills Act Contract, the Commission shall determine whether the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that in no longer meets the significance criteria under which it was designated.
- C. The Commission shall prepare and transmit a report of its review of current Mills Act contracts as part of its annual report to the City Council.

SECTION 2. SEVERABILITY

If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and to that end the provisions of this ordinance are severable.

SECTION 3. EFFECTIVE DATE

The ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 4. CERTIFICATION.

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED, AND ADOPTED, this 21 day of May, 2013.

Mayor

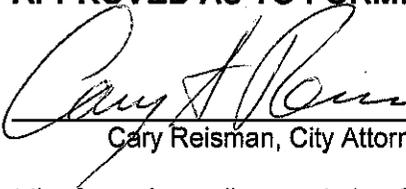


ATTEST:

Claudia Saldana
Claudia Saldana, City Clerk

APPROVED AS TO FORM:

Cary Reisman, City Attorney



"I, Claudia Saldana, City Clerk, hereby certify that the foregoing ordinance, being Ordinance No. 328, was introduced at a regular meeting of the City Council of the City of Bradbury, held on the 16th day of April, 2013, and was duly passed, approved and adopted at a regular meeting of said Council, held on the 21st day of May, 2013, by the following roll call vote:

AYES: Mayor Pycz, Councilmembers Lewis and Lathrop

NOES: None

ABSENT: Mayor Pro-Tem Barakat, Councilmember Hale

Claudia Saldana
Claudia Saldana, City Clerk

