

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE OF THE CITY OF SALINAS AMENDING CHAPTER 2 OF THE CITY OF SALINAS MUNICIPAL CODE TO ESTABLISH A MILLS ACT HISTORIC PROPERTY TAX SAVINGS PROGRAM AND TO MAKE OTHER MINOR CHANGES FOR CLARIFICATION

WHEREAS, the Salinas City Council has adopted General Plan, Economic Development Strategy and Vibrancy Plan documents which recommend establishment of a historic property tax savings program allowed by the State Mills Act; and

WHEREAS, the City Council wishes to establish such a program in order to stimulate rehabilitation and preservation of historic resources within the downtown area and other areas of the City; and

WHEREAS, establishment of a five-year pilot program will allow the City to understand the mechanics and financial effects of such a program; and

WHEREAS, it is appropriate to make other minor change to Chapter 2 for clarification purposes; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Salinas to establish a historic property tax savings program, and make minor changes to Chapter 2 for clarification purposes; and

WHEREAS, the ordinance amendment qualifies for Categorical Exemptions from the provisions of the California Environmental Quality Act (Section 15305 - Minor Alterations to Land Use Limitations and Section 15331 – Historical Resource Restoration/Rehabilitation).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1: Chapter 2, Article XI, Section 2-71 is hereby added to the Salinas Municipal Code to read as follows:

Article XI, Section 2-71. – Historic Preservation Incentive - City of Salinas Mills Act Tax Savings Program for Historic Properties

Pursuant to California Government Code, Article 12, Section 50280 (known as the Mills Act), the City Council may establish a Mills Act Program providing for contractual agreement with an owner of an historic property as designated by the City Council or on any official federal, state or county register, for the purpose of preservation, rehabilitation, and maintenance of a designated historic resource. The terms of the Mills Act Agreement allow the owner to receive a reduction in property taxes in exchange for the property owner's commitment to specific repair, rehabilitation improvements and satisfactory maintenance of the historic property. The Agreement shall include, but not be limited to, the contract provisions as required under state law, and shall extend for a

minimum period of 10 years, with automatic renewal on an annual basis, until and unless a notice of non-renewal or cancellation is filed. The application process, review procedures, and required contract provisions for Mills Act Agreements shall be established by separate resolution of the City Council and shall be implemented by the Community Development Director or his/her designee.

SECTION 2: Chapter 2, Article XI, Section 2-59 – Definitions – Subsection (d) is hereby amended to read as follows:

"Historic resource" means any building, structure, sign, site, place, area, or district that is identified ~~in the Salinas City General Plan as being~~ on:

- (1) The National Register of Historic Places;
- (2) The State Historic Landmark Register;
- (3) The California Register of Historic Resources; or
- (4) One that has been voluntarily nominated as an historic resource by the property owner and which designation has been considered by the historic resources board and approved by the Salinas City Council.

SECTION 3: Chapter 2, Article XI, Section 2-63 – Alteration of demolition of an historic resource – subsection (a) is hereby amended to read as follows:

- (a) No person may alter or demolish an historic resource ~~within~~ without first obtaining a certificate of ~~approval~~ appropriateness as provided for in this section.

SECTION 4: Chapter 2, Article XI, Section 2-63 – Alteration or demolition of an historic resource – subsection (c) (3) is hereby amended to read as follows:

Alterations Accompanied by Planning Entitlement. All proposed alterations that are accompanied by a request for planning entitlement shall be, in the discretion of the city planner ~~planning manager~~, routed to the board ~~planning commission~~ for their recommendation to the ~~board~~ planning commission.

SECTION 5: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Chris A. Callihan, City Attorney