

LANDMARK PRESERVATION COMMISSION
RESOLUTION NO. 2019-01

A RESOLUTION APPROVING THE UPDATED PLANS FOR IMPROVEMENT
FOR PROPERTIES SUBJECT TO A LANDMARK PRESERVATION (MILLS
ACT) CONTRACT (CITY OF MODESTO)

WHEREAS, by Resolution 96-151 adopted on April 2, 1996, the City Council adopted a process for the administration of so called Mills Act Contracts ("Contract"); and,

WHEREAS, Section B.3.c of the City's standard Contract requires the property owner to allow periodic examinations of the interior and exterior of the premises to determine compliance with the Contract; and,

WHEREAS, Sections B.4.a and B.4.b of the City's Contract requires the property owner to furnish the City with any information requested by the City to determine compliance with the Contract and to preserve records necessary to determine the eligibility of the property and compliance with the Contract, including schedules of potential improvements; and,

WHEREAS, staff has requested updated improvement and maintenance information from those property owners whose properties are subject to a Contract in order to update and maintain the City's records and to determine compliance with the Contract; and,

WHEREAS, a public hearing was held by the Landmark Preservation Commission on June 18, 2018, at 1010 Tenth Street, Modesto, California, at which the responses of nine of the 12 affected properties were presented and considered; and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on June 17, 2019, at 1010 Tenth Street, Modesto, California, at which the responses of two of the remaining three properties were presented and considered.

NOW, THEREFORE, BE IT RESOLVED by the Landmark Preservation Commission that it finds and determines as follows:

1. A total of 11 of 12 property owners affected by Contracts have now responded by providing an updated Plan for Improvements form;
2. The two updated Plans for Improvements received in 2019 reflect maintenance and improvement activities necessary to maintain distinguishing characteristics of significance and to preserve the property in good order; and
3. No action will be taken at this time regarding the one remaining property for which no updated Plan for Improvements has been received.

BE IT FURTHER RESOLVED by the Landmark Preservation Commission that staff perform a review of Contracts for the remaining property for an additional year before deciding whether to initiate the Contract non-renewal process for failure to comply with the terms of the Contract.

The foregoing resolution was introduced at a regular meeting of the Landmark Preservation Commission held on June 17, 2019, by Commissioner Goriel, who moved its adoption, which motion was seconded by Commissioner Leamon, and carried by the following vote:

Ayes:	Cavanah, Goriel, Leamon, Roddick
Noes:	None
Absent:	Cahill, Crew, Lippert
Recused:	None

BY ORDER OF THE LANDMARK PRESERVATION COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Steve Mitchell, Secretary