

## ORDINANCE NO. 2637

AN ORDINANCE OF THE COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTION 18-62 OF ORDINANCE NO. 1673, ALSO KNOWN AS THE CODE OF THE CITY OF POMONA, BY ADDING THERETO A NEW SUBSECTION "10" AND ALSO ADDING A NEW ARTICLE TO SUCH CHAPTER TO BE NUMBERED "ARTICLE VII" AND ENTITLED "HISTORICAL MONUMENTS".

BE IT ORDAINED by the Council of the City of Pomona, California, as follows:

SECTION 1. That Section 18-62 of Ordinance No. 1673, also known as the Code of the City of Pomona, is hereby amended by adding a new Subsection 10, which shall read as follows:

"10. Designate historical monuments pursuant to the procedures set forth in Article VII of this Chapter."

SECTION 2. That Chapter 18 of Ordinance No. 1673, also known as the Code of the City of Pomona, is hereby amended by adding a new article, Article VII, which shall read as follows:

"ARTICLE VII - HISTORICAL MONUMENTS"

SEC. 18-65. Definitions.

"MONUMENT" of the purpose of Article VII shall be any site (including "specimen" trees or other plant life located thereon), building or structure of particular historical, architectural or cultural significance to the City of Pomona, such as historical structures or sites in which the cultural, political, economic or social history of the nation, state or community is reflected or exemplified, or which are identified with historical personages or with important events in the main currents of national, state or local history, or which embody the distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer or architect whose individual genius influenced his age.

1 "DEMOLITION" for the purpose of Article VII shall  
2 include the destruction, substantial alteration,  
3 change in use or removal of a monument.

4 "PUBLIC HEARING" for the purpose of Article VII shall  
5 mean a hearing before the Cultural Arts Commission  
6 or City Council upon at least 10 days notice by first  
7 class mail to the owner of the real property affected  
8 as shown on the last equalized assessment roll. The  
9 public hearing shall also be noticed by publication  
10 once in a newspaper of general circulation in Pomona  
11 at least 10 days prior to the said hearing. Evidence  
12 may be presented at such hearing both for and against  
13 the classification of the site, building or structure  
14 as a monument. The technical legal rules of evidence  
15 shall not apply to such hearing. Parties may be  
16 represented by counsel at such hearing.

17 "OWNER" for the purpose of Article VII shall mean the  
18 owner (as shown on the last equalized assessment roll  
19 of Los Angeles County) and the lessee and the occupier  
20 of the real property upon which a monument or pros-  
21 pective monument is located.

22 "COMMISSION" for the purpose of Article VII shall mean  
23 the Cultural Arts Commission.

24 "SITE" for the purpose of Article VII shall include  
25 buildings, structures and specimen trees and plant  
26 life.

27 SEC. 18-66. The commission shall authorize investigation  
28 of any site, in the City of Pomona which it has  
29 reason to believe is a prospective monument.

30 SEC. 18-67. In the event that after such inspection  
31 and investigation the commission preliminarily  
32 determines that the said site might be classified as

1 a monument, the commission shall give written notifi-  
2 cation by first class mail to the owners of the real  
3 property upon which the proposed monument is located,  
4 the Historical Society of Pomona Valley, and the  
5 City Clerk that the property is proposed to be des-  
6 ignated as a monument and setting forth the time and  
7 place that has been set for a hearing thereon. After  
8 such hearing, the commission shall recommend to the  
9 City Council whether or not the site should be desig-  
10 nated as a monument. Written notice of said recom-  
11 mendation shall be given by first class mail to the  
12 persons entitled to notice of the commission hearing,  
13 within 10 days after the recommendation is filed.  
14 The Council shall hold a public hearing thereon to  
15 determine whether the site, should be classified a  
16 monument within 30 days of the filing of the recom-  
17 mendation of the commission with the City Clerk.

18 SEC. 18-68. In the event that the Council determines  
19 that the site is a monument, such decision shall be  
20 transmitted to the City Departments of Administration,  
21 Community Development, Parks and Recreation, Public  
22 Works and Attorney and furthermore to the Board of  
23 Education of the Pomona Unified School District.

24 SEC. 18-69. The Department of Community Development  
25 shall notify the commission that a permit for demolition  
26 of any monument has been requested. No such permit  
27 shall be issued by said department until the request  
28 has been referred to the commission, except when the  
29 City determines that demolition of any such monument  
30 is immediately necessary in the interest of the public  
31 health, safety or general welfare.  
32

1 SEC. 18-70. The commission shall have 10 days from the  
2 date of such notification within which to object to  
3 the proposed demolition. If the commission objects  
4 to the proposed demolition, it shall file its written  
5 objection with the Department of Community Development  
6 and with the City Clerk. The filing of such objection  
7 shall suspend the issuance of any permit for demolition  
8 for a period of 30 days, during which time the com-  
9 mission shall take such steps as it determines are  
10 necessary to preserve the monument. Prior to the  
11 expiration of the 30 days, the City Council shall hold  
12 a public hearing to determine whether the permit should  
13 be issued. If the City Council determines after public  
14 hearing that said monument should be preserved, the  
15 City Council may extend the suspension of the issuance  
16 of the permit for an additional period of time not to  
17 exceed 180 days, with the approval of the owners of  
18 the monument or upon the further determination after  
19 said public hearing of a sum as a monetary equivalent  
20 for the loss of the proposed use of the monument for  
21 the period of time proposed by the Council to extend  
22 the suspension of the permit. The sum shall be tendered  
23 to said owners by the City within the first 30-day  
24 suspension period. At the expiration of the additional  
25 suspension period, the City Council shall either allow  
26 the issuance of the permit or resolve that public con-  
27 venience and necessity requires that the monument be  
28 taken by eminent domain. In this event, the permit  
29 shall not be issued unless the City abandons the  
30 eminent domain proceedings.

31 SEC. 18-71. The issuance of a permit for the demolition  
32 of monuments shall be considered a project under

1 Section 2100, et seq., Public Resources Code (The  
2 Environmental Quality Act) for which an environmental  
3 impact report shall be required.

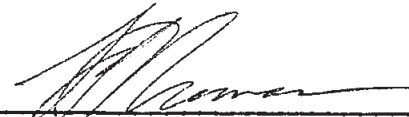
4 SEC. 18-72. The City shall award to the owner of each  
5 monument, when such status is determined by the City  
6 Council, an appropriate plaque designating the monument  
7 as a historical monument of the City of Pomona. The  
8 City shall, furthermore, install in the City right-of-  
9 way adjacent to the monument, a marker designating  
10 such as an historical monument of the City of Pomona."

11 SECTION 2. The City Clerk shall certify to the passage and  
12 adoption of this ordinance, causing it to be published as  
13 required by law and it shall thereafter be in full force and  
14 effect thirty days from the date of its final reading.

15 APPROVED, PASSED AND ADOPTED this 19th day of March,  
16 1973.

17 ATTEST:

THE CITY OF POMONA

18   
19 \_\_\_\_\_  
20 City Clerk


  
Mayor

21 APPROVED AS TO FORM:

22   
23 \_\_\_\_\_  
24 City Attorney

I, L. B. THOMAS, City Clerk of the City of Pomona, California, DO  
HEREBY CERTIFY that the foregoing Ordinance was introduced at a ---  
regular meeting of the Council of said City, duly held on the 12th day of  
March, 1973, and thereafter at a --- regular meeting  
of said Council duly held on the 19th day of March, 1973 was reread,  
duly passed and adopted by the said Council and signed and approved by the  
Mayor of said City, and that said Ordinance was so passed and adopted by the  
following vote, to wit:

AYES: Councilmen French, Bryant, Bader, (Vice-Mayor) Wright  
 " " \_\_\_\_\_  
 NOES: " \_\_\_\_\_  
 ABSENT: " (Mayor) Brownell

  
\_\_\_\_\_  
City Clerk



## PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA, }  
 } ss.  
 County of Los Angeles, }

CITY OF POMONA  
 ORDINANCE NO. 2637

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Progress-Bulletin, a newspaper of general circulation, printed and published daily in the City of Pomona, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of June 15, 1945, Decree No. Pomo. C-606; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Mar. 30,

all in the year 1973.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Date April 2, 1973

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**"DEMOLITION"** for the purpose of Article VII shall include the destruction, substantial alteration, change in use or removal of a monument.

**"PUBLIC HEARING"** for the purpose of Article VII shall mean a hearing before the Cultural Arts Commission or City Council upon at least 10 days notice by first class mail to the owner of the real property affected as shown on the last equalized assessment roll. The public hearing shall also be noticed by publication once in a newspaper of general circulation in Pomona at least 10 days prior to the said hearing. Evidence may be presented at such hearing both for and against the classification of the site, building or structure as a monument. The technical legal rules of evidence shall not apply to such hearing. Parties may be represented by counsel at such hearing.

**"OWNER"** for the purpose of Article VII shall mean the owner (as shown on the last equalized assessment roll of Los Angeles County) and the lessee and the occupier of the real property upon which a monument or prospective monument is located.

**"COMMISSION"** for the purpose of Article VII shall mean the Cultural Arts Commission.  
**"SITE"** for the purpose of Article VII shall include buildings, structures and specimen trees and plant life.

**SEC. 18-66.** The commission shall authorize investigation of any site, in the City of Pomona which it has reason to believe is a prospective monument.

**SEC. 18-67.** In the event that after such inspection and investigation the commission preliminarily determines that the said site might be classified as a monument, the commission shall give written notification by first class mail to the owners of the real property upon which the proposed monument is located, the Historical Society of Pomona Valley, and the City Clerk that the property is proposed to be designated as a monument and setting forth the time and place that has been set for a hearing thereon. After such hearing, the commission shall recommend to the City Council whether or not the site should be designated as a monument. Written notice of said recommendation shall be given by first class mail to the persons entitled to notice of the commission hearing, within 10 days after the recommendation is filed. The Council shall hold a public hearing thereon to determine whether the site should be classified as a monument within 30 days of the filing of the recommendation of the commission with the City Clerk.

**SEC. 18-68.** In the event that the Council determines that the site is a monument, such decision shall be transmitted to the City Departments of Administration, Community Development, Parks and Recreation, Public Works and Attorney and furthermore to the Board of Education of the Pomona Unified School District.

**SEC. 18-69.** The Department of Community Development shall notify the commission that a permit for demolition of any monument has been requested. No such permit shall be issued by said department until the request has been referred to the commission, except when the City determines that demolition of any such monument is immediately necessary in the interest of the public health, safety or general welfare.

**Progress-Bulletin**

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Ph. NA 2-1201

Pomona, California

SEC. 18-70. The commission shall have 10 days from the date of such notification within which to object to the proposed demolition. If the commission objects to the proposed demolition, it shall file its written objection with the Department of Community Development and with the City Clerk. The filing of such objection shall suspend the issuance of any permit for demolition for a period of 30 days, during which time the commission shall take such steps as it determines are necessary to preserve the monument. Prior to the expiration of the 30 days, the City Council shall hold a public hearing to determine whether the permit should be issued. If the City Council determines after public hearing that said monument should be preserved, the City Council may extend the suspension of the issuance of the permit for an additional period of time not to exceed 180 days, with the approval of the owners of the monument or upon the further determination after said public hearing of a sum as a monetary equivalent for the loss of the proposed use of the monument for the period of time proposed by the Council to extend the suspension of the permit. The sum shall be tendered to said owners by the City within the first 30-day suspension period. At the expiration of the additional suspension period, the City Council shall either allow the issuance of the permit or resolve that public convenience and necessity requires that the monument be taken by eminent domain. In this event, the permit shall not be issued unless the City abandons the eminent domain proceedings.

SEC. 18-71. The issuance of a permit for the demolition of monuments shall be considered a project under Section 2100, et seq., Public Resources Code (The Environmental Quality Act) for which an environmental impact report shall be required.

SEC. 18-72. The City shall award to the owner of each monument, when such status is determined by the City Council, an appropriate plaque designating the monument as a historical monument of the City of Pomona. The City shall, furthermore, install in the City right-of-way adjacent to the monument, a marker designating such as an historical monument of the City of Pomona."

SECTION 2. The City Clerk shall certify to the passage and adoption of this ordinance, causing it to be published as required by law and it shall thereafter be in full force and effect thirty days from the date of its final reading.

APPROVED, PASSED AND ADOPTED this 19th day of March, 1973.

THE CITY OF POMONA  
BY RICHARD G. BROWNELL  
Mayor

ATTEST:  
L. B. THOMAS  
City Clerk

APPROVED AS TO FORM:  
PATRICK J. SAMPSON  
City Attorney

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I, L. B. THOMAS, City Clerk of the City of Pomona, California, DO HEREBY CERTIFY that the foregoing Ordinance was introduced at a regular meeting of the Council of said City, duly held on the 12th day of March, 1973, and thereafter at a regular meeting of said Council duly held on the 19th day of March, 1973, was reread, duly passed and adopted by the said Council and signed and approved by the Mayor of said City, and that said Ordinance was so passed and adopted by the following vote, to wit:

A Y E S: Councilmen French, Bryant, Bader, (Vice-Mayor) Wright

ABSENT: (Mayor) Brownell  
L. B. THOMAS  
City Clerk

MR-188 Pomona P-B  
Pub. Mar. 30, 1973.





OFFICE OF THE CITY ATTORNEY

CITY HALL  
505 SOUTH GAREY AVENUE  
POST OFFICE BOX 660  
POMONA, CALIFORNIA 91769

March 8, 1973

Honorable Mayor and Council  
City of Pomona  
Pomona, California

RE: ORDINANCE CONCERNING HISTORICAL MONUMENTS

Gentlemen:

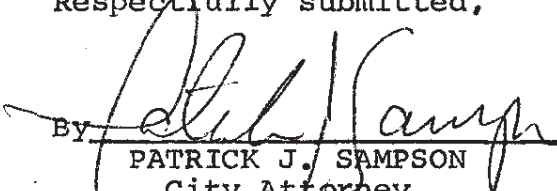
Attached hereto is an ordinance concerning Historical Monuments.

As per Dr. Davis' letter, the Cultural Arts Commission decided that the Council should designate what landmarks in the City should be deemed monuments. I am in strong concurrence with this proposal for I believe that it would certainly give more weight to the City designation of historical monuments if the City Council formally finds such.

Consequently, the ordinance was drafted incorporating the suggestion of the Cultural Arts Commission.

Respectfully submitted,

BY

  
PATRICK J. SAMPSON  
City Attorney

PJS:ds

Attachment

approved  
3-19-73  
4-0

B2