

ORDINANCE NO. 10-03

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, AMENDING THE MAYWOOD MUNICIPAL CODE BY ADDING CHAPTER 45 TO TITLE 5 AND ESTABLISHING A VOLUNTARY HISTORIC RESOURCE DESIGNATION PROGRAM**

**WHEREAS**, the Maywood City Council ("City Council") has determined that the character, history, and spirit of the city, state, and nation are reflected in the historic structures, improvements, natural features, objects, sites, and areas of significance located within the City of Maywood ("City");

**WHEREAS**, due to increasing pressures of modernization and urbanization, historic resources located within the City are at risk of alteration, demolition or removal;

**WHEREAS**, the City Council has further determined that these threatened historic resources, which represent the city's unique cultural, historical, and social foundations, should be preserved as a living part of community life and development in order to build a greater understanding of the City's past and to give future generations the opportunity to appreciate, enjoy, and understand the City's rich heritage;

**WHEREAS**, the City Council has further determined that the recognition, preservation, protection and designation of the City's limited number of historic resources are required for the preservation of the public peace, health and safety of the City;

**WHEREAS**, the City currently does not have any regulations establishing a process allowing for landowners to voluntarily apply for designation as an historic resource;

**WHEREAS**, under its general police powers and Government Code section 36937(b), the City Council has determined that the creation of a Voluntary Historic Resource Designation Program is necessary for the immediate preservation of the health, safety, prosperity, social and cultural enrichment and general welfare of the City's residents;

**WHEREAS**, the City has been notified that the Los Angeles Unified School District ("LAUSD") intends to use its power of eminent domain to acquire approximately 9 acres of land in the City, including a number of buildings scheduled to be demolished in order to make room for the construction of the new proposed high school;

**WHEREAS**, a number of these buildings are potentially historic structures;

**WHEREAS**, given the ongoing community planning process, and the fact that the loss of potentially historic buildings can permanently alter the character of the neighborhood, the City Council supports the establishment of an historic preservation program allowing an individual to voluntarily apply to have his or her structure designated as a historic resource; and

**WHEREAS**, the City Council under Government Code section 36937 may adopt, this program as an urgency measure, as this program is for the immediate preservation of the public peace, health and safety.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**SECTION 2.** A new Chapter 45 entitled "Voluntary Historic Resource Designation Program" is hereby added to Title 5 of the Maywood Municipal Code to read as follows:

**Sections:**

- |         |                                                                              |
|---------|------------------------------------------------------------------------------|
| 5-45.01 | Purpose and Intent.                                                          |
| 5-45.02 | Definitions.                                                                 |
| 5-45.03 | Criteria For Designation Of Historic Resources Or Historic Sites.            |
| 5-45.04 | Procedure For Voluntary Designation Of Historic Resources Or Historic Sites. |
| 5-45.05 | Permit Required For Alteration Or Removal Of Historic Sites.                 |
| 5-45.06 | Duty To Maintain Structures And Premises.                                    |

**CHAPTER 45  
VOLUNTARY HISTORIC RESOURCE DESIGNATION  
PROGRAM**

- 5-45.01**      **Purpose and Intent.**

It is the purpose of this chapter to:

A. Protect, enhance and perpetuate historic resources and sites that represent or reflect elements of the City's cultural, social, economic, political and architectural history for the public health, safety and welfare of the people of the City.

B. Safeguard the City's historic heritage as embodied and reflected in its historic and cultural resources, sites, and historic districts.

C. Foster civic pride in the character and accomplishments in the City's past.

D. Strengthen the City's economy by protecting and enhancing the City's attractions for residents, tourists, and visitors and serve as a support and stimulus to business and industry.

E. Enhance the visual character of the City by encouraging the preservation of unique and established architectural traditions.

F. Promote historic resources and districts for the use, education, pleasure, and welfare of the people of the City.

G. Integrating the preservation of historic resources and historic resource sites into public and private land use management and development processes.

H. Preserving diverse architectural styles, patterns of development, and design preferences reflecting phases of the City's history and encouraging complementary contemporary design and construction and inspiring a more livable urban environment.

I. Stabilizing neighborhoods through the preservation of historic resources and historic resources sites.

**5-45.02 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Historic Resource" or "Historic Site" shall mean any site or specific improvement, manmade or natural, which has special character or special historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the City or the United States or which has been designated as historically significant in federal or state registers of historic places.

B. "Property Owner" shall mean the person or persons shown of record as holding title in fee.

**5-45.03 Criteria For Designation Of Historic Resources Or Historic Sites.**

Prior to any site or specific improvement (or any portion thereof) being designated as an historic resources or historic site, any or all of the following National Register of Historic Places criteria shall be applied:

A. It exemplifies or reflects special elements of the City's cultural, social, economic, civic aesthetic, engineering, architectural, or natural history.

B. It is identified with persons or events significant in local, regional, state or national history.

C. It embodies distinctive characteristics of a style, type, period, design ideology, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship.

D. It is representative of the work of a notable builder, designer, or architect.

E. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of not less than fifty (50) percent of historic or scenic properties or thematically related grouping of

properties which contribute to each other and are unified aesthetically by plan or physical development.

F. It has a unique location or singular physical characteristic(s) or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the City.

G. It embodies elements of architectural design, detail materials, or craftsmanship that represent a significant structural or architectural achievement or innovation.

H. It is similar to other distinctive properties, sites, areas, or objects based on an historic, cultural, or architectural motif.

I. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.

J. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

**5-45.04 Procedure For Voluntary Designation Of  
Historic Resources Or Historic Sites.**

A. A landowner of a possibly historic property, structure, or improvement may voluntarily apply for designation as an historic resource or historic site under this ordinance by requesting an historic designation in writing with the Planning Director. The written request shall contain the name of the landowner and the address of the property, structure, or improvement for which the landowner is seeking historic designation. The written request must also detail which, if any, of the criteria specified in section 5-45.03 applies to the property for which the landowner is seeking a historic designation.

B. If the Planning Director receives a written request for a property that meets one or more of the criteria specified in

section 5-45.03, the Planning Director will submit that written request to the City Council for approval by minute order or resolution.

C. A property, structure, or improvement approved by the City Council as a designated historic resource or site shall then be listed as such in the City of Maywood's Register of Designated Historic Resources and Historic Sites.

**5-45.05 Permit Required For Alteration Or Removal Of Historic Sites.**

No person shall demolish, construct, move, change the appearance of or make alterations to any designated historic resource or site without first obtaining a "permit to alter or remove an historic site." An application for such permit shall be filed with the Planning Director, who shall thereupon transmit the written request to the City Council. The application shall contain such information and materials as are prescribed in any duly adopted City rules and regulations. The Planning Director may require that the permit be supplemented by such additional information and materials as he/she believes may be necessary for a complete review by the City Council. The City Council shall have sixty (60) days from the date the application was deemed complete to adopt a resolution stating whether the proposed demolition, construction, alteration or relocation will significantly affect the purpose of this article.

**5-45.06 Duty To Maintain Structures And Premises.**

Every owner of a designated historic resources or site shall maintain and keep in good repair such premises. Good repair includes and is defined as that level of maintenance and repair which clearly ensures the continued availability of such premises for lawful and reasonable uses, and which prevents deterioration, dilapidation and decay of any exterior portion of such place or structure.

**SECTION 3.** This Urgency Ordinance is adopted pursuant to California Government Code Section 36937(b) and shall take effect immediately upon its passage by a four-fifths vote of the City Council.

**SECTION 4.** The City Council finds that this Urgency Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirectly physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 5.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of the Urgency Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City council hereby declares that it would have adopted this Urgency Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

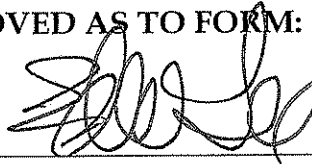
**PASSED, APPROVED and ADOPTED** this 8th day of March 2010.

  
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ANA ROSA RIZO  
MAYOR

**ATTEST:**

  
\_\_\_\_\_  
PATRICIA BRAVO  
CITY CLERK

**APPROVED AS TO FORM:**

  
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EDWARD W. LEE  
INTERIM CITY ATTORNEY

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## MEMORANDUM

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**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL  
**FROM:** CITY ATTORNEY  
**SUBJECT:** ADOPTION OF VOLUNTARY HISTORIC RESOURCE  
DESIGNATION ORDINANCE  
**DATE:** MARCH 8, 2010

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### RECOMMENDATION:

Recommended the City Council of Maywood review the information contained in this report and consider:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYWOOD, CALIFORNIA, AMENDING THE MAYWOOD MUNICIPAL CODE BY ADDING CHAPTER 45 TO TITLE 5 AND ESTABLISHING A VOLUNTARY HISTORIC RESOURCE DESIGNATION PROGRAM

### DISCUSSION:

The City of Maywood ("City") does not currently have an historical preservation program in place through which an historical feature, structure, or site can be designated and preserved as an historic resource. The proposed Voluntary Historic Resource Designation Program ("Program") will establish a mechanism for allowing individual landowners to voluntarily request in writing that their property or structure be designated as an "historic resource" or "historic site."

Recently, the Los Angeles Unified School District ("LAUSD") has indicated its intent to acquire approximately 9 acres of land within the limits of the City through eminent domain, demolish structures within those 9 acres, and construct a new high school. Several of these structures are considered to have historical and cultural value and will be destroyed if LAUSD is permitted to realize its stated goals. Such a loss would damage the public welfare and reduce the City's valuable historical and cultural resources.

The intention of the Program is to encourage the preservation of structures, buildings, features, and districts which reflect a character, history and spirit unique to the City. The Program permits landowners to submit a written request for an historical designation to the Planning Director. The written request must



detail which of the City's identified historical preservation goals as codified under this proposed ordinance the structure, feature or site meets.

Under the Program, if the Planning Director finds that the landowner has submitted sufficient evidence that the feature, structure, or site has historical value, the Planning Director will submit the request for historic designation to the Maywood City Council ("City Council") for approval.

The Program requires that an approved historic resource or historic site be listed on the City's Register of Designated Historic Resources and Historic Sites. Thereafter, an individual who wishes to alter or remove the Resource or Site must file an application to obtain a "permit to alter or remove an historic site," thereby restricting the ability of any party to demolish these structures. Furthermore, the proposed ordinance imposes a duty to maintain the Historic Resource or Site on the landowner.

This is an urgency ordinance based on Government Code section 36937(b), which authorizes cities to adopt urgency measures for the immediate preservation of the public peace, health, and safety. As required under Government Code section 36937(b), this ordinance must be adopted by a four-fifths vote of the City Council.

**Attachment:**

Urgency Ordinance