

PROGRAMMATIC AGREEMENT COMPLIANCE REPORT

CITY OF ONTARIO
Thirteenth Reporting Period
January 1, 2010- June 30, 2010

Prepared for:

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I. Introduction

1.1 Overview

On July 1, 2003, The City of Ontario (City) and the State Historic Preservation Officer (SHPO) entered into a Programmatic Agreement (PA) regarding historic properties affected by the funding and administration of projects and programs (Undertakings) with monies from the U.S. Department of Housing and Urban Development (HUD) programs (Programs) including: the Community Development Block Grant Program under Title I of the Housing and Community Development Act of 1974; the Emergency Shelter Grant Program under Title IV of the Stewart B. McKinney Homeless Assistance Act; the Home Investment Partnership Program under the Cranston-Gonzales national Affordable Housing Act; and other federally funded programs delegated to the City of Ontario pursuant to 24 CFR Part 58 or any other pertinent HUD regulations. The PA provides stipulations to satisfy the City's Section 106 responsibility for all individual Undertakings of the above-referenced Programs because the City has determined the implementation of these Undertakings and Programs may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (Historic Properties).

Under the terms of the PA, the City is required to document in writing all actions pursuant to the PA and to report the activities to the SHPO in a Programmatic Agreement Compliance Report (PACR) every six months. This PACR submitted July 12, 2010, includes the thirteenth reporting period (January 1, 2010 through June 30, 2010).

1.2 Statement of Purpose

The purpose of this thirteenth reporting period PACR is to:

- Summarize for the SHPO the activities carried out under the PA from January 1, 2010 through June 30, 2010.
- Provide a list of the property addresses for all Undertakings, including those set forth in Appendix A that were reviewed pursuant to the PA.
- Document all decisions made with respect to "Identification and Evaluation of Historic Properties," "Treatment of Historic Properties," "Resolutions of Adverse Effects," and "Considerations and Treatment of Archeological Resources".
- Provide copies of all Standard Mitigation Measures Agreements (SMMA), as applicable.
- Present the views of the City regarding the usefulness of the PA promoting the efficiency and the effectiveness of both the Programs and the consideration of Historic Properties.

II. Methodology

This section summarizes the methodology used by the City to carry out applicable Stipulations of the PA. Copies of the State Historic Resources Inventory Forms (DPR 523 forms) and other documentation prepared under the PA have not been included in this report, but are available upon request.

2.1 Methodology for Identification and Evaluation

2.1.1 City's Historic Resource Inventory Database

For the purpose of identifying and evaluating Undertakings under the PA and facilitating the PA reporting process, the City's Historic Resource Inventory Database (Database) was used. The Database houses all of the pertinent information needed which includes the project address and description, NRHP Status Codes, rehabilitation options and conditions, resolution of adverse effects and consideration and treatment of archeological resources.

2.1.2 Undertakings Not Requiring Review

Stipulation III (Undertakings Not Requiring Review by SHPO or Advisory Council) of the PA delineates specific types of Undertakings, which do not require review or determinations of eligibility. These include Undertakings which only affect properties which are less than 50 years old, Undertakings limited to interior portions of single-family residential properties where the proposed work will not be visible on the exterior, and Undertakings limited exclusively to activities named exempt and listed in Appendix A of the PA.

Under the terms of the PA, the exempt determinations were not submitted to the SHPO for concurrence, but are documented in the thirteenth reporting period PACR (see Appendix A). The City authorized exempt Undertakings to proceed without review in accordance with Stipulation III of the PA.

2.1.3 Undertaking Requiring Review

No Undertakings during the thirteenth reporting period PACR required review under Stipulation III.

2.1.4 Evaluation and Preparation of Inventory Forms

All of the Undertakings during the thirteenth reporting period were determined exempt under Stipulation III of the PA and therefore did not require a signatory to determine the National Register of Historic Places eligibility of properties.

2.2 Methodology for the Treatment of Historic Properties

This section summarizes the process used by the City in reviewing the effects of Undertakings that require review under the PA.

2.2.1 Rehabilitation –Option 1

In accordance with the PA, rehabilitation Undertakings that had the potential to affect properties listed in or determined eligible for listing in the National Register, and were not exempt from review, were evaluated for conformance with the *Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995* (Standards) and, to the greatest extent feasible, the California Historic Building Code (CHBC).

As part of the PA, the evaluation process would include meetings with the project applicant(s), as needed, assessment of proposed plans, review of the Standards and CHBC, and recommendations for changes, if any.

Under Stipulation VIII of the PA, when the City determines that an Undertaking does not conform to the Standards and when recommended changes that would bring the project into conformance are not adopted, the City is required to enter into consultation with the Standard Mitigation measures Agreement (SMMA). If a SMMA is determined appropriate by the SHPO, the city and the SHPO would consult to develop an SMMA in compliance with Appendix B of the PA and the SMMA would be implemented by the City and reported in the PACR. During the thirteenth reporting period, no SMMA was needed or developed.

2.2.2 Rehabilitation-Option 2 (Internal Revenue Code-IRC)

No Undertakings during the thirteenth reporting period involved the use of investment tax credits pursuant to the IRC. Therefore, no projects required evaluation under Stipulation VII(C) of the PA.

2.2.3 Rehabilitation-Relocation, Demolition, and New Construction

No Undertakings during the thirteenth reporting period involved the Relocation of Historic Properties. Therefore, no Relocation projects required evaluation under Stipulation VI (D) of the PA.

No Undertakings during the thirteenth reporting period involved Demolition of Historic Properties. Therefore, no Demolition projects required evaluation under Stipulation VI (E) of the PA.

No Undertakings during the thirteenth reporting period involved New Construction to Historic Properties. Therefore, no New Construction projects required evaluation under Stipulation VI (F) of the PA.

2.2.4 Emergency Undertakings

No Undertakings during the thirteenth reporting period involved a threat to a Historic Property due to the imminent threat to the public health and safety. Therefore, no projects required evaluation under Stipulation IX of the PA.

2.2.5 Archaeological Resources

No Undertakings during the thirteenth reporting period involved an affect to archaeological resources. Projects, which underwent related ground-disturbance activities, as listed in Stipulation X, were considered exempt from review due to the activities occurring wholly within the legal lot lines of such a parcel and confined to areas that have been previously disturbed by such activities. Therefore, no projects required evaluation under Stipulation X of the PA.

III. Results of Activities

3.1 Summary of Activities

Activities carried out under the PA between January 1, 2010 and June 30, 2010, are listed by address in Appendix A along with all of the components required by the PA for the PACR as set forth in Stipulation XVIII (B). All Undertakings occurring during the thirteenth reporting period were determined exempt by the City, under the Stipulation III of the PA. See Appendix A for a complete listing of all projects by property address.

VI. Programmatic Agreement Compliance

4.1 Effectiveness of Programmatic Agreement

The City considers the PA to be efficient and effective in considering Historic Properties while fulfilling its Section 106 review responsibilities. In particular, the activities that have been most efficient during the thirteenth reporting period are the Undertakings not requiring review by the SHPO. The PA allows the City to quickly identify properties that do not require review or are exempt from review. In addition, the PA minimizes the need for SHPO'S 30-day review. Thus, the City has been more responsive to urgent rehabilitation needs by shortening and simplifying the interagency portion of the Section 106 review process.

The City advocates the use of the Standards and the CHBC with building contractors and applicant(s) and takes every opportunity to educate the public on the use of design materials and techniques to implement these standards.

The PA has provided a practical way for the City to fulfill its Section 106 responsibilities in the review of HUD funded and administered projects. Its implementation has been efficient and effective. Currently, the City has been using the California Historic Resource Inventory Database (CHRID) to record and track the details that are incorporated in the PA. The CHRID, a web interface, also has the ability to store other information such as photographs, sketch maps, and survey documentation and produce DPR Forms. The City will continue to use and improve upon the CHRID.

V. Conclusion

This thirteenth reporting period PACR summarizes the activities carried out under the PA from January 1, 2010 to December 31, 2009. In compliance with Stipulation XVIII of the PA, this report will be forwarded to the SHPO and will be sent to the Los Angeles area office of the U.S. Department of Housing and Urban Development (HUD). This PACR will also be made available to the public for inspection at the City's Planning Department and on the City's Web Site. In addition, the PACR will be scheduled for a public Historic Preservation Subcommittee meeting for review, where we will accept comments and encourage contact with SHPO.

This thirteenth reporting period PACR documents all decisions and activities regarding the Identification and Evaluation of Historic Properties, Treatment of Historic Properties, Resolution of Adverse Effects, Consideration and Treatment of Archaeological Resource, and Undertakings Not Requiring Review between January 1, 2010 and June 30, 2010. The PACR also documents the City's views regarding the efficiency and effectiveness of the PA in reviewing Undertakings of the Program and the consideration of Historic Properties. The thirteenth reporting period PACR, which documents the activities carried out under the PA from January 1, 2010 through June 30, 2010, will be submitted to the SHPO on July 12, 2010.

Appendix A