Article 26:
HISTORIC PRESERVATION

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Sec. 9-1.2600:
Title
This article shall be known as the Historic Preservation Ordinance of the City of Ontario.

Sec. 9-1.2605:
Purpose and authorization
The purpose of the Historic Preservation Article is to promote the public health, safety, and general welfare by:

A. Safeguarding the character and history of the City which is reflected in its unique cultural, historical, and architectural heritage, with emphasis on the “Model Colony” as recognized by an Act of Congress and presented at the St. Louis World’s Fair in 1904;

B. Promoting public knowledge, appreciation, and understanding of the City’s past;

C. Fostering civic and neighborhood pride in the beauty and accomplishments of the past;

D. Promoting the enjoyment and use of Historical Resources appropriate for the education and recreation of the people of the City;

E. Enhancing the visual and aesthetic character, diversity and interest of the City;

F. Enhancing property values and stabilizing neighborhoods within the City;

Design Guidelines The principles contained in a document, which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design, intent, materials, feelings, patterns of development, and historical character of a Historical Resource.

Designated Site A parcel or part thereof on which an Historical Resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the Historical Resource is situated, and which has been designated a Historic Landmark or District pursuant to this ordinance.

Eligible Historic Districts Any area and neighborhood surveyed at the Intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined to meet the designation criteria for historic districts, as set forth in Section 9-1.2615, by the Historic Preservation Subcommittee shall be determined to be Eligible Historic Districts.

Eligible Historical Resources Any property listed on the City's List of Historical Resources prior to September 1, 2003, or after September 1, 2003, surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined to meet the designation criteria for historic landmarks, as set forth in Section 9-1.2615 by the Historic Preservation Subcommittee shall be determined to be Eligible Historical Resources.

Eligible Historical Resources may include, but are not limited to, improvements, buildings, structures, signs, features, trees, or other objects of cultural, architectural, or historical significance.

Historical Resources Survey A survey conducted to identify, record, and evaluate historic properties within a community, neighborhood, project area, or region.

Historical Resources Survey, Reconnaissance Level A survey conducted to identify and record properties within a community, neighborhood, project area, or region that may be historic. A reconnaissance survey does not evaluate properties for historic significance. Reconnaissance level surveys involve the preparation of primary record forms (DPR523A) for properties within the survey area.

Historical Resources Survey, Intensive Level A survey conducted to identify, record, and evaluate properties within a community, neighborhood, project area, or region. An intensive survey records properties using the primary record form (DPR523A) as well as evaluating properties for historic significance using other record forms (typically a Building Structure, and Object Record form, DPR523B). The Intensive survey will also evaluate areas and neighborhoods for historical significance using the District Record form (DPR523D).

Historic District Any defined geographical area containing a concentration of improvements which have a special historical interest or value, which possess integrity of location, design, setting, materials, workmanship, feeling, and association, or which represent one or more architectural periods or styles typical to the history of the City, and that has been designated a Historic District pursuant to this ordinance or placed on the National Register of Historic Places or California Register of Historical Resources.

Historic Landmark	Any eligible Historical Resource that has been designated pursuant to this ordinance or placed on the National Register of Historic Places or the California Register of Historical Resources. The designation shall specify the significant designation criteria that are expressly found by the Commission to meet one or more of the criteria in Section 9-1.2615.
Improvement	Any building, structure, fence, gate, tree, wall, or other specified object constituting a historical physical feature of real property, or any part of such feature.
List of Eligible Historical Resources	A list maintained by the City, which contains all properties determined to be Eligible Historical Resources and all properties within neighborhoods or areas determined to be Eligible Historic Districts.
Mills Act Contract	A property contract entered into between the City and a property owner that provides for lower property taxes in return for the rehabilitation, restoration, and preservation of a qualified historical property pursuant to California Government Code Section 50280 et. seq.
Non-contributing Resource	Any Improvement, building, structure, sign, feature, tree, or other object that does not add to the historical, architectural, or cultural significance of a district.
Object	A material thing of historical, cultural, or architectural value.
Ordinary Maintenance and Repair	Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.
Preservation	The identification, study, protection, restoration, rehabilitation, or acquisition of Historical Resources.
Secretary of the Interior Standards for Rehabilitation	The guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects prepared by the National Park Service with Guidelines for Applying the Standards.
Significant Feature	The man-made elements embodying style or components of an improvement, including but not limited to, the kind, and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.
State Historic Building Code	Part 2.7 of the California Health and Safety Code, commencing with Section 18950, and the regulations promulgated thereunder, as they may be amended from time to time (Cal. Code Regs., Title 24, Part 8.).

Sec. 9-1.2615: Designation Criteria

The following criteria are established for the designation of Historical Resources into one of the following categories:

A. Historic Landmarks. Historic Landmarks shall include any property designated as an Historic Landmark prior to September 1, 2003 or any Historical Resource designated under this ordinance as an Historic Landmark. Any Historical Resource may be designated an Historic Landmark by the City Council pursuant to Section 9-1.2620 if:

1. It meets the criteria for listing in the National Register of Historic Places; or

2. It meets the criteria for listing in the California Register of Historic Resources; or

3. It meets one or more of the following criteria:

a. It exemplifies or reflects special elements of the City's history;

b. It is identified with persons or events significant in local, state, or national history;

c. It is representative of the work of a notable builder, designer, architect, or artist;

d. It embodies distinguishing architectural characteristics of a style, type, period, or method of construction;

e. It is a noteworthy example of the use of indigenous materials or craftsmanship;

f. It embodies elements that represent a significant structural, engineering, or architectural achievement or innovation;

g. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City; or,

h. 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.

B. Historic Districts. Historic Districts shall include any neighborhood or area previously designated as an Historic District prior to September 1, 2003 or any Historical Resource designated under this ordinance as an Historic District. Any neighborhood or area listed as a Historical Resource may be designated a Historic District by the City Council pursuant to Section 9-1.2620 if the neighborhood:

1. Meets the criteria for listing in the National Register of Historic Places; or

2. Meets the criteria for listing in the California Register of Historic Resources; or

3. Meets any one of the following criteria:

a. Is a geographically definable area possessing a concentration of Historical Resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

b. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning.

c. Is associated with, or the contributing resources are unified by, events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

d. Is or the contributing resources are, associated with the lives of persons important to Ontario, California, or national history;

C. Automatic Designation. Any property listed in the National Register of Historic Places or the California Register of Historic Resources will automatically be designated as a Local Historic Landmark. Any neighborhood or area listed in the National Register of Historic Places or the California Register of Historic Resources will automatically be designated as a Local Historic District. Any property identified as a contributing structure to a District listed on the National Register of Historic Places or the California Register of Historic Resources will be considered a contributing structure in the Local Historic District.

D. Architectural Conservation Areas. An Architectural Conservation Area is intended to provide the ability to protect the character of unique neighborhoods that may not have historical significance. An Architectural Conservation Area shall be designated using the process for designating Historic Landmarks and Districts but using the criteria listed below. Properties within an Architectural Conservation Area are not evaluated for historic significance, and therefore, are not considered eligible historic structures or eligible historic districts.

Any neighborhood may be designated as an Architectural Conservation Area by the City Council pursuant to Section 9-1.2620 if:

1. The neighborhood meets any one of the following criteria:

a. **Architecture:** It is a geographically definable area that conveys a sense of architectural cohesiveness through its design, setting, materials, workmanship or association or

b. **Development / Settlement:** It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning or represents established and familiar visual features in the community.

2. A Conservation Plan has been prepared in accordance with Section 9-1.2627, outline the character defining features of the neighborhood, and appropriate design guidelines that will keep the character of the neighborhood.

E. Considerations in evaluating properties (Integrity). In addition to having significance, resource(s) must have integrity for the time in which it is significant. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance. Only after significance has been established, should the issue of integrity be addressed. The following should be considered when evaluating properties for integrity.

1. Design. Any alterations to the property should not have adversely affected the character defining features of the property. Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance.

2. **Setting.** Changes in the immediate surroundings of the property (buildings, land use, topography, etc.) should not have adversely affected the character of the property.

3. **Materials and Workmanship.** Any original materials should be retained, or if they have been removed or altered, the replacements have been made that are compatible with the original materials.

4. **Location.** The relationship is between the property and its location is an important part of integrity. The place where the property was built and where historic events occurred is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in a few cases, the relationship between a property and its historic associations is destroyed if the property is moved.

5. **Feeling.** Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district such as the Guasti Winery, retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century.

6. **Association.** Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

   Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility.

Historical Resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.

Sec. 9-1.2620: Designation Procedures

Historic Landmarks and Districts shall be established by the City Council in the following manner:

A. Historical Resource Surveys. The City shall conduct, from time to time, a survey to identify properties that have the potential to become eligible historic resources as well as areas and neighborhoods that due to the concentration of potential historic resources have the potential to be historic districts. These properties, surveyed at the reconnaissance level in accordance with the standards set forth by the California Office of Historic Preservation, are identified but not evaluated for historic significance, and therefore are not considered eligible historic structures or eligible historic districts.

B. Eligible Historical Resources.

1. Any property listed on the City's List of Historical Resources prior to September 1, 2003, or after September 1, 2003, surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined to meet the designation criteria for historic landmarks, as set forth in Section 9-1.2615 by the Historic Preservation Subcommittee shall be determined to be Eligible Historical Resources. Any area and neighborhood surveyed at the Intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined to meet the designation criteria for historic districts, as set forth in Section 9-1.2615, by the Historic Preservation Subcommittee shall be determined to be Eligible Historic Districts.

C. Removal from list of Historic Resources. A property may be removed from the List of Historical Resources under the following conditions:

1. Removal by the Planning Department.

a. The property has lost all historical and/or cultural significance due to catastrophe which cause a loss of integrity, or

b. The property has lost all historical and/or cultural significance due to legal extensive alterations which cause a loss of integrity, after the property was initially surveyed.

2. Removal by the Historic Preservation Subcommittee. Any property listed on the City's list of Historical Resources may be reevaluated upon the request of property owner or the City when the survey conducted on the property is over 5 years old.

a. All Applications shall include:

i. Documentation showing how the resource fails to meet the designation criteria; and

ii. Required Fee(s).

b. The Historic Preservation Subcommittee shall evaluate the property using the designation criteria for historic landmarks as set forth in Section 9-1.2615. In addition, when a property is located within an eligible historic district, the area or neighborhood shall also be evaluated for using the designation criteria for historic districts, as set forth in Section 9-1.2615, and the property shall be evaluated to determine if it contributes to the significance of the district.

c. Any reevaluation of a property is valid for 5 years.

D. Applications for Nomination.

1. Any person or group, including the City, may request the designation of an Historical Resource as an Historic Landmark or District, by submitting an application to the Planning Department.

2. All Applications shall include:

a. Documentation indicating how the nominated resource satisfies the designation criteria; and

b. Any other information determined to be necessary for review of the proposed ~~work~~ *designation*.

c. Required Fee(s).

E. Historic Preservation Subcommittee.

1. The Subcommittee shall evaluate the property for significance using the criteria set forth in Section 9-1.2615.

2. The Subcommittee shall make a preliminary determination within thirty (30) days of the filing of a complete application as to whether the nomination is appropriate for further consideration. If the application merits consideration, the resource shall be forwarded to the Historic Preservation Commission. If the application does not merit consideration due to the failure of the property to meet the applicable designation criteria, the resource shall be determined to be ineligible for designation and removed from the City's list of Historical Resources.

3. The Subcommittee's determination shall be in writing and filed with the Planning Department and shall be mailed to the applicant. A public hearing shall then be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

F. Historic Preservation Commission.

1. The Commission shall hold a public hearing, at the conclusion of which, the Commission shall make a recommendation in writing that includes findings of fact relating to the criteria for designation in Section 9-1.2615 that constitute the basis for its decision.

2. The Commission shall transmit its recommendation to the City Council, the property owner(s), and the applicant.

G. City Council.

1. The Council, upon the recommendation from the Commission shall, by resolution, approve or disapprove the application in a timely manner.

H. Permits. No building, alteration, demolition, or removal permits for any Historical Resource shall be issued after its nomination while public hearing or appeal proceedings are underway.

I. Removal. The Commission shall not recommend that a resource be removed from the City's List of Designated Historic Landmarks or Districts unless it is discovered that the information relied on by the Commission and the City Council in making the original designation was erroneous or false, or that circumstances wholly beyond the owner's control have rendered the resources ineligible for designation based on the criteria listed in Section 9-1.2615 and it would be infeasible to restore the resource.

Sec. 9-1.2625: Certificates of Appropriateness

A Certificate of Appropriateness process is established to ensure that any alteration to an Historical Resource is in keeping with the historic character of the resource.

A. General Requirements.

1. A Certificate of Appropriateness is required for any :

a. Alteration, addition, restoration, rehabilitation, remodeling, or relocation of an Historical Resource. Approval of such work shall be required even if the City requires no other permits.

b. For any work to the exterior of any non-contributing resource in a Historic District. A reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.

c. Infill development within an Historic District

2. No permit shall be issued for work on a Historical Resource until a Certificate of Appropriateness or Waiver has been issued in accordance with the provisions of this section.

3. Once a Certificate of Appropriateness has been issued, the Planning Department, shall, from time to time, inspect the work to ensure that the work complies with the approved Certificate of Appropriateness and shall issue a Certificate of Completion prior to any final inspection or occupancy by any City Department to ensure the work has been satisfactorily completed.

B. Planning Department Review

1. The Planning Department shall review all proposed work on any Historical Resource to determine if a Certificate of Appropriateness is required.

a. If the Planning Department determines the proposed work is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the guidelines set forth in Section 9-1.2625(h), a waiver shall be issued.

b. If the Planning Department determines the proposed work is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the guidelines set forth in Section 9-1.2625(h), a Certificate of Appropriateness shall be required. If a Certificate of Appropriateness is required for an Historical Resource, the procedures for Eligible Historical Resources shall be followed. If the property is designated as an Historic Landmark or a contributing structure in a designated Historic District then the procedures for designated Historic Landmarks and Districts shall be followed.

c. Determinations by the Planning Department shall be made within thirty (30) days.

C. Applications

1. All applications shall be filed with the Planning Department. The applicant is encouraged to confer with the Planning Department before submittal of the application.

2. All Applications shall include:

a. Plans and specifications showing the proposed exterior appearance;

b. Materials and colors to be used on the exterior of the resource;

c. Relationship of the proposed work to the surrounding environment, if necessary;

d. Relationship to the existing scale, massing, architectural style, site and streetscape, landscaping and signage, for new construction in Historic Districts; and

e. Any other information determined to be necessary for review of the proposed work.

f. Required Fee(s).

D. Procedures for Eligible Historical Resources

1. The Planning Department shall review all applications.

2. The Planning Department shall determine the completeness of the application within thirty (30) days.

3. Once an application is determined complete, it shall be reviewed by the Planning Department to determine whether the application adequately addresses the requirements and required findings as provided in this section and to conduct an initial study in accordance with the requirements of California Environmental Quality Act (CEQA). It shall also be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450 to review the property for significance.

4. Determination of Significance. The Subcommittee shall evaluate the proposed property for significance in accordance with Section 9-1.2632(D) below. If it is determined that the property does not meet the

criteria for designation, as set forth in Section 9-1.2615, it shall be removed from the List of Eligible Historical Resources and the Certificate of Appropriateness shall be deem approved. If it is determined that the property does meet the designation criteria, as set forth in Section 9-1.2615, it shall continue to be an Eligible Historical Resource and the application shall be continued to be processed. The Subcommittee shall transmit its determination of significance to the property owner(s), and the applicant.

5. Once a property has been determined significant and a Certificate of Appropriateness is required, the application shall be processed in conjunction with the environmental review as required by the CEQA. Should the environmental review determine that an EIR be required, the application shall be scheduled in conformance with those noticing requirements.

6. If an EIR is not required, the application shall be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

7. The Subcommittee shall approve or disapprove the application within thirty (30) days of the meeting date.

8. The applicant shall be notified of the Subcommittee's decision by mail within ten (10) days.

E. Procedures for Designated Historic Landmarks and Districts

1. The Planning Department shall review all applications.

2. The Planning Department shall determine the completeness of the application within 30 days.

3. Once an application is determined complete, it shall be reviewed by the Planning Department to determine whether the application adequately addresses the requirements and required findings as provided in this section and to conduct an initial study in accordance with the requirements of California Environmental Quality Act (CEQA). It shall also be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450 to review the property for significance.

4. Determination of Significance. The Subcommittee shall evaluate the proposed property for significance in accordance with Section 9-1.2632(D) below. If it is determined that the property does not meet the criteria for designation, as set forth in Section 9-1.2615, it shall be removed from the List of Eligible Historical Resources and the Certificate of Appropriateness shall be deem approved. If it is determined that the property does meet the designation criteria, as set forth in Section 9-1.2615, it shall continue to be an Eligible Historical Resource and the application shall be continued to be processed. The Subcommittee shall transmit its determination of significance to the property owner(s), and the applicant.

5. Once a property has been determined significant and a Certificate of Appropriateness is required, the application shall be processed in conjunction with the environmental review as required by CEQA. Should the environmental review determine that an EIR be required, the application shall be scheduled in conformance with those noticing requirements.

6. If an EIR is not required, the application shall be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

7. The Subcommittee shall make a recommendation in writing that includes findings of fact relating to the criteria established in this section that constitutes the basis for its decision. The Subcommittee shall transmit its recommendation to the Historic Preservation Commission, the property owner(s), and the applicant.

8. The Historic Preservation Commission, within sixty (60) days of receipt of the recommendation from the Subcommittee, shall approve or disapprove the application.

9. The applicant shall be notified of the Commission's decision by mail within ten (10) days.

F. Findings of Fact. The following findings shall be made for all Certificate of Appropriateness applications.

1. The proposed alteration, restoration, relocation, or construction, in whole or in part, will not:

a. Detrimentally change, destroy, or adversely affect any significant architectural feature of the resource.

b. Detrimentally change, destroy, or adversely affect the historic character or value of the resource.

c. Will be compatible with the exterior features of other improvements within the District.

d. Adversely affect or detract from the character of the District, or

2. The Applicant has obtained a Certificate of Economic Hardship, in accordance with Section 9-1.2630.

G. Infill Development

1. New structures constructed within a Historic District shall be designed to be compatible with the architectural style, features and historic character of the district.

2. New buildings shall be compatible with the original style of the contributing buildings within an Historic District. The design of the new building shall incorporate the following considerations:

a. The design shall incorporate the design features and details of contributing structures.

b. The height, width, and length of the new building shall be consistent with the original characteristic of the contributing structures.

c. The exterior materials and treatment shall be similar to the contributing structures.

H. Waivers. When alterations, restorations, rehabilitations, remodeling and additions to Historical Resources are accomplished in substantial accord with the Guidelines set forth in this section, as determined by the City Planner, a Certificate of Appropriateness from the Ontario Historic Preservation Commission is not required prior to issuance of a building permit.

1. Minor Alterations. The City Planner may deem that certain alterations to Historical Resources are "minor". Those alterations may include, but are not limited to the following, if no change in appearance occurs or the proposed change restores period features:

a. Roofing, provided that for replacing asphalt shingles or wood shingles, a 40 year dimensional shingle is used;

b. Foundation;

c. Chimney;

d. Construction, demolition or alteration of side, rear and front yard fences;

e. Landscaping, unless the Landmark designation specifically identifies the landscape, layout, features, or elements as having particular historical, architectural, or cultural merit.

f. Wall or Monument Signs

2. **Additions and Accessory Structures.** A waiver may be issued for the construction of accessory structures or small additions to Historic Resources not visible from a public right-of-way if the new construction is accomplished in substantial accord with the design guidelines set forth in this section. New construction, where a waiver can be issued, may include, but is not limited to the following, if the construction is consistent with the design guidelines:

    a. Additions under 500 square feet.

    b. Accessory structures as provided in Sec. 9-1.1435.

Sec.9-1.2627: Conservation Plan

A conservation plan process is established to expedite the review process for project areas in which multiple Historic Resources within the project area would require one or more Certificates of Appropriateness to be issued for proposed work to those Historic Resources.

A. Contents. A conservation plan should include the proposed work to be completed within the plan area, what type of work requires further review, what structures are affected and covered by the plan, etc.

B. Procedures. The process for approving a conservation plan shall be the same as the procedures for a Certificate of Appropriateness for designated Historic Landmarks and Districts.

C. Amendments. Conservation plans may be amended with the approval of the Historic Preservation Commission.

D. Findings of Fact. The following findings shall be made for all Conservation Plan applications.

1. The proposed alterations, restorations, relocations, or construction, in whole or in part, within the plan area will not:

2. Detrimentally change, destroy, or adversely affect any significant architectural feature of Historic Resources.

3. Detrimentally change, destroy, or adversely affect the historic character or value of Historic Resources.

4. Will be compatible with the exterior features of other improvements within the plan area.

5. Adversely affect or detract from the character of the plan area.

Sec. 9-1.2630: Certificates of Economic Hardship

A Certificate of Economic Hardship process is established to ensure that denial of a Certificate of Appropriateness does not create any undo hardship upon the owner of an Historical Resource.

A. General Requirements

1. No action shall be taken to demolish or otherwise alter an Historical Resource for a period of fourteen (14) days following the issuance of a Certificate of Economic Hardship.

B. Applications

1. All applications shall be filed with the Planning Department. The applicant is encouraged to confer with the Planning Department before submittal of the application.

2. All Applications should include:

a. Cost estimates of the proposed construction, addition, alteration, demolition, or relocation, and an estimate of the additional cost(s) that would be incurred to comply with the recommendations of the Commission for issuance of a Certificate of Appropriateness;

b. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

c. The estimated market value of the property in its current condition;

d. The estimated market value of the property after completion of the proposed construction, alteration, demolition, or relocation;

e. The estimated market value of the property after any condition recommended by the Commission;

f. In the case of demolition; the estimated market value of the property after renovation of the existing property for continued use;

g. In the case of demolition; an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

h. For income-producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes

i. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.

j. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

k. The amount paid for the property if purchased within the previous thirty-six (36) months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

l. Any listing of the property for sale, rent, price asked, and offers received, if any within the previous two (2) years;

m. Any other information considered necessary by the Commission to determine whether or not the property does or may yield a reasonable return to the owners.

n. Required Fee(s).

C. Procedures

1. The Planning Department shall review all applications.

1. All applications shall be filed with the Planning Department on forms required by the Planning Department. The applicant is encouraged to confer with the Planning Department before submittal of the application.

2. All Applications should include:

a. Such information, as is determined by the Planning Department, to be necessary for review of the Certificate of Appropriateness for the proposed demolition.

b. Submittal of applications for Replacement Structures, as required in this section.

c. Required Fee(s).

C. Procedures

1. The Planning Department shall review all applications.

2. The Planning Department shall determine the completeness of the application within 30 days.

3. Once an application is determined complete, it shall be reviewed by the Planning Department to determine whether the application adequately addresses the requirements and required findings as provided in this section and to conduct an initial study in accordance with the requirements of CEQA. It shall also be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450 to review the property for significance.

4. Determination of Significance. The Subcommittee shall evaluate the proposed property for significance in accordance with subsection D below. If it is determined that the property does not meet the criteria for designation, as set forth in Section 9-1.2615, it shall be removed from the List of Eligible Historical Resources and the Certificate of Appropriateness shall be deem approved. If it is determined that the property does meet the designation criteria, as set forth in Section 9-1.2615, it shall continue to be an Eligible Historic Resource and the application shall be continued to be processed. The Subcommittee shall transmit its determination of significance to the property owner(s), and the applicant.

5. Once a property has been determined significant and a Certificate of Appropriateness is required, the application for demolition shall be processed in conjunction with the processing of plans for replacement structures as required by section G3 below and an environmental review as required in subsection F below. Should the environmental review determine that an EIR be required, the demolition application shall be scheduled in conjunction with the requirements for that environment review.

6. Within a month of the plans for the replacement structures being approved by the Development Advisory Board, the application shall be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

7. The Subcommittee shall make a recommendation in writing that includes findings of fact relating to the criteria established in this section that constitutes the basis for its decision. The Subcommittee shall transmit its recommendation to the Historic Preservation Commission, the property owner(s), and the applicant.

8. The Historic Preservation Commission, within sixty (60) days of receipt of the recommendation from the Subcommittee, shall approve or disapprove the application.

9. The applicant shall be notified of the Commission's decision by mail within ten (10) days.

D. Review for Significance. Properties on the Eligible Historic Properties List shall be evaluated for significance in conjunction with any application for Certificate of Appropriateness.

1. Planning Department shall review the property for significance and its eligibility for listing on the National Register of Historic Places, the California Register of Historic Resources, or local designation in conjunction with the Certificate of Appropriateness.

2. The Review may include, but is not limited to, the conducting of a historic resource survey at the intensive level, in accordance with standards set forth by the California Office of Historic Preservation.

3. The Planning Department shall make a recommendation to the Historic Preservation Subcommittee regarding the property's eligibility. The Historic Preservation Subcommittee shall make any determination of significance.

E. Findings of Fact. The following findings shall be made for all Certificate of Appropriateness applications.

1. The proposed, demolition, in whole or in part, is necessary because:

a. All efforts to restore, rehabilitate, and/or relocate the resource have been exhausted.

b. Restoration/rehabilitation is not practical because the extensive alterations required would render the resource not worthy of preservation.

c. Failure to demolish the resource would adversely affect or detract from the character of the District, or

2. The Applicant has obtained a Certificate of Economic Hardship, in accordance with Section 9-1.2630.

F. Environmental Review. All applications for demolition shall be reviewed for compliance with the California Environmental Quality Act.

1. Tier System. In determining the appropriate level of environmental review, the Tier system established in Sec. 9-1.2633 shall be used.

2. Mitigated Negative Declarations. For any property that is determined to be within Tier III, a Mitigated Negative Declaration shall be prepared and approved in conjunction with any approval of a demolition application. The Mitigation Measures addressed in subsection G below shall be incorporated into the Mitigated Negative Declaration.

3. Environmental Impact Report. For any property that is determined to be within Tier I or II, an Environmental Impact Report (EIR) shall be prepared and certified in conjunction with any approval of a demolition application. The Mitigation Measures addressed in subsection G below, in addition to any other additional mitigation measures determined to be necessary to mitigate the impact to the environment shall be incorporated as mitigation measures of the EIR.

G. Mitigation Measures. Prior to the issuance of a permit to demolish an Historical Resource in accordance with this section, the following mitigation measures must be completed.

1. Documentation. Each historic structure shall be documented in provide a record of the structures.

a. Plans shall include, but are not limited to, a site plan, floor plans, elevations, detail drawings of character defining features, such as moldings, stairs, etc.

b. Photographs shall include the exterior, interior, and interior and exterior character defining features, such as moldings, light fixtures, trim patterns, etc.

2. **Mitigation Fee.** A mitigation fee, as established by the City Council, must be paid into the Historic Preservation Trust Fund in accordance with the requirements of Section 9-1.2633, prior to the issuance of a demolition permit for Tier III structures. Fees for Tiers I and II shall be determined during the Environmental Impact Report process. The fees established for Tier III will be used as a reference point for establishing such fee for Tiers I and II.

3. **Replacement Structures.**

   a. A Certificate of Appropriateness shall not be issued for the demolition, in whole or in part, of an Historical Resource unless the Development Advisory Board or Planning Commission has approved a Site Plan for a replacement structure(s), unless a waiver of the replacement structure requirement is issued in accordance with Subsection H below.

   b. No permit shall be issued for the demolition, in whole or in part, of an Historical Resource unless a permit has been issued for a replacement structure(s), unless demolition is required in conformance with Section 9-1.2675 (Unsafe or Dangerous Conditions).

4. **Salvaged Features and Artifacts.** In an effort to preserve features and artifacts from historic structures, a determination whether items within or on the building should be salvaged must be made by the Planning Department and may include the local historical society prior to the issuance of the demolition permit.

H. Waiver of Replacement Structure Requirement. The Historic Preservation Commission, upon the recommendation of the Historic Preservation Subcommittee, may waive the requirement for replacement structures if the ultimate project proposed for the site of the demolition provides and exceptional benefit to the community.

1. **Findings.** A minimum of one of the following findings must be made to waive the replacement structure requirements:

   a. The demolition is necessary to allow the acquisition and assembly of land for a future redevelopment or housing project within a redevelopment project area.

   b. The future project will provide exceptional benefits to the City with respect to employment, fiscal, social, housing and economic needs of the community or will provide new public facilities which are needed by the City (i.e. off-site improvements, parks, open space, recreation, or other community facilities, not including parking lots);

   c. Failure to demolish the historic structures could hinder the ability of the City to revitalize or redevelop a blighted parcel or area of Ontario or meet housing production requirements.

2. **Conditions of Approval.** When the Historic Preservation Commission approves a waiver of the replacement structure requirements, the following conditions, shall be applied to the approval.

   a. Any new project on the site shall be reviewed by the Historic Preservation Subcommittee in accordance with the infill guidelines listed in Section 9-1.2625(G) to insure compatibility with the surrounding area or neighborhood. The Subcommittee shall make a recommendation to the approving body on the project's compliance with the guidelines;

Sec. 9-1.2633: Historic Preservation Mitigation Fee

The Historic Preservation Mitigation Fee is established to mitigate the impacts caused by the demolition of historic resources and to provide a source of funds for the conservation, preservation, restoration, and rehabilitation of historic resources in the City of Ontario.

A. Payment of Mitigation Fee. A Mitigation Fee, the amount to be ~~as~~ established by the City Council by resolution, shall be paid prior to the issuance of any permit for the demolition, in whole or in part, of an historic resource. All fee payments shall be deposited in the Historic Preservation Trust Fund, as defined in Section 9-1.2642.

B. Formula. The mitigation fee shall be a set fee based on the size of the building, the type of building and the significance of the building. The fee amount shall be established by the City Council and periodically reviewed and updated.

C. Residential Garages / Other Accessory Structures. Accessory buildings that do not contain living space, such as garages and workshops, which contribute to the significance of the property, shall be assessed a mitigation fee, as established by City Council.

D. Non Historic Buildings. Additions and accessory buildings and structures determined not to be contributing to the significance of the property shall not be assessed a mitigation fee.

E. Modification of Fee. The Historic Preservation Commission may only reduce the amount of the mitigation fee if the fee amount would constitute a regulatory taking of property.

F. Tier System. The Tier system ranks Historical Resources in Ontario based on their significance. The system is divided into 3 levels. When an Historic District meets the criteria for a certain Tier, a contributing structure within that District may also be considered as part of that Tier for purposes of this section, as determined by the Historic Preservation Commission.

1. **Tier I:** Consists of properties, which should not be demolished or significantly altered under any circumstances, regardless of their designation status. Properties in this Tier are determined to be Ontario's most significant historical or cultural properties. In order to be considered a Tier I property, the property must meet any of the following:

    a. A property listed on the City's List of Eligible Historical Resources and meets at least 1 of the criterion in the architecture category and 3 criteria in the history category as listed below; or

    b. A contributing structure in a district where the district meets at least 1 of the criterion in the architecture category and 3 criteria in the history category as listed below.

2. **Tier II:** Consists of properties where demolition of these properties should be avoided. In order to be considered a Tier II property, the property must meet any of the following:

    a. Any property listed or determined eligible for listing in the National Register of Historic Places; or

    b. Any property listed or determined eligible for listing in the California Register of Historic Resources; or

    c. A property listed on the City's List of Eligible Historical Resources and meets at least 2 of the criteria in either the architecture or history categories as listed below; or

    d. A contributing structure in a Eligible Historic District where the district meets at least 2 of the criteria in either the architecture or history categories as listed

3. Tier III: Consists of all properties that are Designated Historic Landmarks, are contributing structures in Designated Historic Districts, or are Eligible Historical Resources as defined in Section 9-1.2612. Demolition of these properties should be avoided where possible, but may be appropriate under certain circumstances.

The Historic Preservation Commission, upon the recommendation of the Historic Preservation Subcommittee, shall adopt a list of properties that will be listed in Tiers I and II. Any alterations to this list shall be made by the Historic Preservation Commission. A list of properties in Tier III shall be based on the local designation status of eligible historical properties. This list shall be maintained by the Historic Preservation Subcommittee.

J. Tier Criteria. The following is the list of Criteria used to determine the significance of a structure.

1. Individual Properties

a. Architecture. (Note: Only preeminent examples should be listed under architectural importance. Good representative examples of a style, period or method of construction are not appropriate.)

i. It is prototype of, or one of the finest examples of, a period, style, architectural movement, or construction in the City of a particular style of architecture or building type; or

ii. It is the first, last, only, or one of the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, state or nation;

b. History.

i. It is the location of an historic event(s) that have had a significant contribution to the history of the City, State, or Nation; or

ii. It is associated with a business, company, or individual that has made a significant, cultural, social, or scientific contribution to the City, State, or Nation; or

iii. It is identified with a person(s) who has exerted a major influence on the heritage or history of the City, State, or Nation;

iv. It embodies the ideals or principles of the “Model Colony” or furthers the ideals or principals established by the Chaffey Brothers.

v. It has a direct relationship to one of the principal historic contexts in the City’s history including:

1. The “Model Colony”, which includes the Chaffey Brothers, the Ontario Land and Improvement Company, and the Citrus industry; or

2. The Guasti Winery, or the Wine industry; or

3. The Dairy Preserve, or the Dairy Industry

vi. It is related with a business, company or individual significant in the agricultural history of the City.

2. Districts

a. Architecture. (Note: Only preeminent examples should be listed under architectural importance. Good representative examples of a style, period or method of construction are not appropriate.)

i. It contains resources that are a prototype of, or the finest examples of, or the first, last, only, or few remaining clusters of buildings of a period, style, architectural movement, or construction in the City of a particular style of architecture or building type; or

ii. It contains resources that are the first, last, only, or the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, state or nation;

b. History.

i. It is the location of an historic event(s) that have had a significant contribution to the history of the City, State, or Nation; or

ii. It is associated with a business, company, or individual that has made a significant, cultural, social, or scientific contribution to the City, State, or Nation; or

iii. It is identified with a person(s) who has exerted a major influence on the heritage or history of the City, State, or Nation;

iv. It embodies the ideals or principles of the "Model Colony" or furthers the ideals or principals established by the Chaffey Brothers.

v. It has a direct relationship to one of the principal historic contexts in the City's history including:

1. The "Model Colony", which includes the Chaffey Brothers, the Ontario Land and Improvement Company, and the Citrus industry; or

2. The Guasti Winery, or the Wine industry; or

3. The Dairy Preserve, or the Dairy Industry

vi. It is related with a business, company or individual significant in the agricultural history of the City.

Sec. 9-1.2635: Time Extensions for Certificates of Appropriateness

A. A Certificate of Appropriateness shall lapse and become void eighteen (18) months from the date of approval, unless a building permit (if required) has been issued and work authorized by the Certificate of Appropriateness has commenced prior to such expiration date and is diligently pursued to completion.

B. Upon request of the property owner, the City Planner may extend a Certificate of Appropriateness for an additional period of twelve (12) months. The Planning Department may approve, approve with conditions, or deny any request for extension.

Sec. 9-1.2640: Revocation of Certificates of Appropriateness and Economic Hardship

A. A Certificate of Appropriateness or Economic Hardship may be revoked or modified if due to:

1. Noncompliance with any terms or conditions of the Certificate,

2. Noncompliance with any provision in this article, or

3. A finding of fraud or misrepresentation used in the process of obtaining the Certificate.

B. Procedures. Any member of the Historic Preservation Subcommittee may initiate revocation proceedings.

1. Once Revocation proceedings have been initiated, it shall be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

2. The Historic Preservation Commission, within sixty (60) days of initiation of the proceedings, shall revoke or continue the certificate.

3. The applicant shall be notified of the Commission's decision by mail within ten (10) days.

C. Once revocation proceedings have been initiated work being done relative to the Certificate shall be immediately suspended until a final determination by the Historic Preservation Commission can be made.

Sec. 9-1.2642: Historic Preservation Trust Fund

The Historic Preservation Trust Fund is established to provide funding for the conservation, preservation, restoration, and rehabilitation of historic resources in the City of Ontario. The Ontario City Council provide the policy direction for expenditures from the Trust Fund.

A. Program Administration. Program administration for the Historic Preservation Trust Fund shall be administered by the Ontario Planning Department (program administrator), or any other department responsible for the administration of Ontario's Historic Preservation Program.

B. Funds. The Historic Preservation Trust Fund (Fund) is hereby established to provide funds for Historic Preservation projects within the City of Ontario. All funds deposited in the Historic Preservation Trust Fund shall be used solely for the conservation, preservation, restoration, and rehabilitation of historical resources as provided in this Section.

1. Financial Administration. The financial administration (financial administrator) of the Historic Preservation Trust Fund shall be the City Manager, or his designee, in accordance with State and Local laws.

2. Deposits. All funds received by the City of Ontario for Historic Preservation purposes shall be deposited in the Fund. The Finance Department may establish separate accounts within the Fund for the purpose of separating deposits according to their origin or intended purpose.

3. Grants, Gifts and Donations. In addition to any public funds appropriated expressly for the purpose of this section, the program administrator may apply for grants, gifts, donations, subventions, rents, royalties, and other financial support, or real or personal property, from private sources, pursuant to City policies. All money received from private sources shall be deposited in a separate account established pursuant to Section 9-1.2642(B)(1) and shall be appropriated to the program administrator for expenditures for Historic Preservation projects pursuant to this Section.

4. Deposit of Proceeds. All proceeds from any lease, rental, sale, exchange, or transfer of real property, or any interest therein or option thereon, made pursuant to Section 9-1.2642(D)(3) shall be deposited in the fund together with any other reimbursements, repayments, and income received by the program administrator.

C. Historic Preservation Commission. The Historic Preservation Commission (Commission) shall act as an Advisory Board to the City Council for the Historic Preservation Trust Fund. They shall have the authority to make recommendations to the City Council for:

1. Applications for grants and loans;

2. Acquisition of property in accordance with the provisions of this section.

3. Entering into any contract, lease, agreement, etc., in accordance with the provisions of this section.

4. Undertake any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation Trust Fund.

D. Historic Preservation Trust Fund Program Activities

1. Properties.

a. **Acquisition.** Pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), the City of Ontario may acquire, fee title, or any lesser interest, in any real property whose preservation is required to meet the policies and objectives of the Ontario's Historic Preservation Program. The City may accept gifts or dedications of real property in order to meet the purposes of this chapter. The City may enter into an option to purchase real property in order to meet the purposes of this chapter.

b. **Agreements for Preservation and Management.** The financial administrator may, in order to carry out historic preservation projects for purposes of Section 9-1.2642(A), initiate, negotiate, and participate in agreements for the preservation and management of historical resources under its control with public agencies, nonprofit organizations, private entities, or individuals, and enter into any other agreements authorized by state law, as approved by the City Council.

c. **Real Property Transactions; Authorization.** Notwithstanding any other provision of law, the financial administrator may lease, rent, sell, exchange, or otherwise transfer any real property, or interest therein or option to purchase, acquired under this section, provided that the City Council, determines that the action is in the best interests of the City.

d. **Acquisition, conservation, return and transfer of title.**

i. The City Council may acquire any interest in real property pursuant to Section 9-1.2642(C)(1), with historical, including archaeological, significance, or necessary for the preservation or management of any such property, in order to prevent the loss of historic integrity or imminent destruction or to otherwise secure the preservation of the historical resource.

ii. The program administrator may undertake conservation or preservation activities for historical resources acquired under this section.

iii. The program administrator shall encourage, to the greatest extent feasible, the acquisition of historical resources by other qualified purchasers.

iv. The City Council shall take all feasible action to return or transfer title to the historical resources to a nonprofit organization, another public agency, private entity, or individual, for all properties acquired for historical resources preservation under this section.

2. Loans and Grants. Money in the fund shall be available, upon appropriation by the City Council and recommendation of the Commission, for loans and grants to public agencies, nonprofit organizations, and private entities, to carry out the purposes of this Section.

a. **Grant Agreements.** No loan or grant shall be made except pursuant to an agreement with the City, and subject to terms and conditions approved by the City Council, upon recommendation of the Commission, that ensure that the loan or grant carries out the purposes of this section.

b. **Authorization to contract and issue grants.** The financial administrator, or his designee, may, as approved by the City Council, enter into contracts and make grants with public agencies, nonprofit organizations, or private entities for the purposes of Ontario's Historic Preservation program as listed in Section 9-1.2605 and to carry out activities for this purpose.

c. **Grants award; maximum amount.** The City Council may award grants on a competitive basis to public agencies, nonprofit organizations, and private entities for the preservation of historical resources. A grant may be awarded on a noncompetitive basis for emergency purposes only. Provisions for emergency grants will be adopted by the City Council.

d. **Matching funds.** The City Council shall adopt guidelines for determination of the amount of matching funds required, if any, for a grant.

e. **Excess funds.** After completion of the historic preservation project, the grant recipient shall return to the Trust Fund the amount of the grant that exceeds the eligible project costs.

3. Grant Projects.

a. **Type of Projects.** Grants and loans are hereby established for the following types of projects:

i. Development Projects. These are projects that involve the acquisition, preservation, restoration, or exterior rehabilitation of a historic property.

ii. Planning Projects. These are projects that identify, document and record historic resources according to applicable local, state and federal standards, and/or contribute to the development of the City's historic context, and/or contribute to the development of a conservation or preservation plan.

iii. Interpretative Projects. These are projects that create interpretative media to educate the public on Ontario's history and/or historic resources.

b. **Qualifying Properties.** For ~~a~~ development projects and planning projects for a specific property, the property must be a designated Local Historic Landmark, a contributing structure in a designated Local Historic District, or listed on the California Register of Historic Resources or the National Register of Historic Places.

c. **Project Selection Criteria.** The Commission shall develop criteria and a selection process for the awarding of grants. The City Council shall adopt the criteria and selection process.

Sec. 9-1.2645: Mills Act

A Mills Act contract process is established to provide economic incentives for the preservation of a Designated Historic Landmark or contributing structure within a Designated Historic District.

A. General Requirements.

1. All Designated Historic Landmarks, contributing structures in Designated Historic Districts and properties listed on the National Register of Historic Places or the California Register of Historic Resources are eligible for Mills Act Contracts, pursuant to the provisions of Article 12, Section 50280 through Section 50289, Chapter 1, Part 1, Title 5, of the California Government Code.

B. Required provisions of a Mills Act contract. All Mills Act contracts shall comply with the provisions listed in Section 50281 of the California Government Code, which includes, but is not limited to, the following:

1. The term of the contract shall be for a minimum of ten (10) years.

2. Compliance with the U.S. Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and the State Historic Building Code.

3. Periodic inspections to determine the owner's compliance with the contract.

4. For it to be binding upon, and insure to the benefit of, all successors in interest of the owner.

5. Written notice to the State office of Historic Preservation within six months of entering into the contract

C. Applications

1. All applications shall be filed with the Planning Department. The applicant is encouraged to confer with the Planning Department before submittal of the application.

2. All Applications shall include:

a. A copy of the latest grant deed for the property

b. A rehabilitation plan / maintenance list of the work to be completed within the ten (10) year contract period, including cost estimates and the year in which the work will be completed.

c. A financial analysis form showing current property taxes and estimated taxes for the property under a Mills Act contract.

d. Required Fee(s).

D. Mills Act Contract Procedures

1. The Planning Department shall review all applications.

2. The Planning Department shall determine the completeness of the application within thirty (30) days.

3. Once an application is determined complete, it shall be scheduled for the next Historic Preservation Subcommittee meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

4. The Subcommittee shall make a recommendation in writing. The Subcommittee shall transmit its recommendation to the Historic Preservation Commission, the property owner(s), and the applicant.

5. Upon receipt of the recommendation from the Subcommittee, the application shall be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

6. The Historic Preservation Commission shall make a recommendation in writing and transmit its recommendation to the City Council, the property owner(s), and the applicant.

7. The City Council, within sixty (60) days of receipt of the recommendation from the Commission, shall approve or disapprove the application.

8. The applicant shall be notified of the Council's decision by mail within ten (10) days.

9. The approved contract shall be recorded with the County Recorder within twenty (20) days of approval.

E. Non-renewal.

1. A Mills Act contract shall be a perpetual 10 year contract that automatically renews annually.

2. Non-renewal can be filed by either party by written notice.

F. Cancellation. A Mills Act contract may be cancelled or modified if due to:

1. Noncompliance with any terms or conditions of the contract,

2. Noncompliance with any provision in this article, or

3. A finding of misrepresentation or fraud used in the process of obtaining the contract.

4. Destruction of the Historic Resource by fire, flood, wind, earthquake or other calamity, or the public enemy,

5. Taking of the Historic Resource by eminent domain.

G. Cancellation Procedures. Cancellation proceedings may be initiated by any member of the Historic Preservation Subcommittee.

1. Once cancellation proceedings have been initiated, it shall be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing requirements in conformance with Section 9-1.0450.

2. The Commission shall make a recommendation to the City Council. The Commission shall transmit its recommendation to the City Council, and the property owner(s).

3. City Council, within sixty (60) days of initiation of the proceedings, shall cancel or continue the contract.

4. The property owner shall be notified of the Council's decision by mail within ten (10) days.

H. Cancellation Fee. If a Mills Act contract is cancelled due to subsections F1, F2 or F3 above, a cancellation fee equal to 12½ percent of the current fair market value shall be assessed.

Sec. 9-1.2647:
Historic Rehabilitation Financing Program

The Marks Historic Rehabilitation Act of 1976 was established by the State of California to allow cities and counties to provide long term, low interest loans to finance the preservation, restoration, and rehabilitation of historic resources. The City of Ontario hereby establishes a Historic Rehabilitation Financing Program in accordance with and subject to, the provisions of the Marks Historic Rehabilitation Act of 1976.

A. Rehabilitation Areas.

1. **Downtown – Euclid Avenue Area.** This area consists of Downtown Ontario and extends north to include the Historic Districts adjacent to Euclid Avenue. The Boundaries of the area are as follows: Starting at the intersection of the centerlines of State Street and San Antonio Avenue, north to the Northern city limits, east to the centerline Sultana Avenue south to the centerline of "G" Street, east to the centerline of Campus Avenue, south to the Centerline of State Street, west to the starting point.

2. **Guasti.** This area consists of the Historic Guasti Winery. The boundaries of the area are as follows: Starting at the intersection of the centerline of Archibald Avenue and the Southern Pacific Railroad Mainline, East to 550.19 feet east of the centerline of Turner Avenue, North 492.08 feet, west to the centerline of Turner Avenue, north to the centerline of the San Bernardino Freeway (Interstate 10), west to the centerline of Archibald Avenue, south to the starting point.

B. Eligible Structures. Any building, structure, object, site, etc. eligible for funding under this program must be within a rehabilitation area as defined in subsection A, and must be a designated Local Historic Landmark, a contributing structure to a designated Local Historic District, or listed or determined eligible for listing, on the California Register of Historic Resources or the National Register of Historic Places.

C. Rehabilitation Requirements. Any building, structure, object, site, etc. rehabilitated with funding from this program, must meet the following requirements:

1. **Rehabilitation Standards.** Any rehabilitation must use the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring Reconstructing Historic Buildings and any local preservation and design guidelines.

2. **Maintenance.** Any building, structure, object, site, etc. rehabilitated with funding from this program must be maintained for a period of at least ten (10) years from the completion of the rehabilitation.

D. Advisory Board. An Advisory Board will be created pursuant to and in accord with State Law, if and when the provisions of this section are deemed warranted.

Sec. 9-1.2650:
State Historic Building Code

The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures surveyed and identified as an Historical Resource. The SHBC may be used for any Historical Resource in the City's building permit procedure.

Sec. 9-1.2652:

Incentives for Historic Preservation

The following section is provided to allow for incentives to be used to support the preservation, maintenance and appropriate rehabilitation of the city's designated historic resources.

A. Eligible Properties. Preservation incentives shall be made available to owners of the following types of properties:

1. Properties listed on the National Register of Historic Places; or

2. Properties listed on the California Register of Historic Resources; or

3. Properties designated as Local Historic Landmarks

4. Properties that are contributing structures in designated Local Historic Districts

B. Eligible Projects. The following types of projects would be eligible for preservation incentives. Any project listed below must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and is approved by the Historic Preservation Commission.

1. Restoration or Exterior Rehabilitation that includes the restoration, repair or replacement, in kind, of significant architectural features and that complies with the Secretary's Standards; or

2. Re-roofing with similar material or repair and replacement of roofing where the roof is a significant architectural feature; or

3. Relocation to another site; or

4. Restoration of designated interior spaces and that complies with the Secretary's Standard; or

5. Seismic reinforcement or structural rehabilitation; or

6. Replacement of building systems that will further the preservation of the historical resource.

7. Additions (eligible for development incentives only).

C. Types of Incentives. The following incentives may be used for eligible projects as listed above:

1. Economic and Financial Incentives. The following incentives may be applied to a project approved by the Historic Preservation Commission, or where applicable the Historic Preservation Trust Board of Trustees, and subject to approval by the City Manager, or where applicable, the City Council:

a. Grants approved through the Historic Preservation Trust, as prescribed in Sec. 9-1.2642;

b. Approval of a Mills Act contract, as prescribed in Sec. 9-1.2645;

c. Approval of funding through the Historic Rehabilitation Financing Program, as prescribed in Sec. 9-1.2647;

d. Grants or loans through other City Funding Sources , including but not limited to Redevelopment funds and Housing funds;

e. Preservation Easements;

f. Reduction or elimination of building plan check or permit fees;

g. Reduction or elimination of development impact fees;

h. Reduction or elimination of any other applicable City fees.

i. Federal Rehabilitation Tax Credits (applied through the California Office of Historic Preservation)

2. Development Incentives.

a. State Historic Building Code.

b. Parking Variances. For single family residences, the zoning requirement for 2 parking spaces within an enclosed garage when adding floor area shall be waived if an existing 1-car garage contributes to the significance of the property and/or district and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the residence.

c. Setback Reduction. Reductions in required setbacks or height requirements may be granted when the reduction allows for the restoration of a character defining feature, or allows for character defining features to be replicated in additions to historic structures. In no case shall a reduction in a setback be granted when the reduction will cause an adverse affect to the property, of cause an adverse affect to the character of the neighborhood or district.

Sec. 9-1.2655: Preservation Easements

Preservation easements on the facades of buildings designated as an Historical Resources may be acquired by the City, or on the City's behalf, by a nonprofit group designated by the City through purchase, donation, or condemnation pursuant to California Civil Code 815.

Sec. 9-1.2660: Transfer of Development Rights

(SECTION RESERVED)

Sec. 9-1.2665: Duty to Keep in Good Repair

A. The owner, or other person in charge of an Historical Resource has a duty to keeping in good repair all of the exterior features of such Resource, and all interior features thereof which, if not maintained, may cause or tend to cause the exterior features of such resource to deteriorate, decay become damaged or fall into a state of disrepair.

B. All Historical Resources shall be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:

1. Facades which may fall and injure a member of the public or property,

2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports,

3. Members of ceilings, roofs and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration,

4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors,

5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering,

6. Any fault or defect in the building, which renders it not properly watertight or structurally unsafe.

C. A Certificate of Appropriateness shall not be issued for the demolition of an Historical Resource because of the failure of the owner to comply with the provisions of this section.

D. It shall be the duty of the Building Official to enforce this section with guidance from the Commission.

Sec. 9-1.2670:
Ordinary Maintenance and Repair

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof.

Sec. 9-1.2675:
Unsafe or Dangerous Conditions

A. Nothing contained in this Article shall prohibit the construction, alteration, restoration, demolition, or relocation of any Historical Resource when such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.

B. The Planning Department shall, upon an assessment and recommendation of the Building Official, certify to the Commission that such a condition exists. In such a case, a Certificate of Appropriateness shall not be required.

Sec. 9-1.2680:
Enforcement and Penalties

A. Any person who violates a requirement of this ordinance or fails to obey an order issued by the Commission or comply with a condition of approval of any certificate or permit issued under this article shall be guilty of a misdemeanor.

B. Any alteration or demolition of an Historical Resource in violation of this Article is expressly declared to be a nuisance and shall be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition of a structure, in violation of the provisions of this Article, shall be liable for a civil penalty.

C. Alteration or demolition of an Historical Resource in Violation of this Article shall authorize the City to issue a temporary moratorium for the development of the subject property for a period not to exceed twenty-four (24) months from the date the City becomes aware of the alteration or demolition in violation of this article. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by

the Planning Department, Historic Preservation Subcommittee and/or Historic Preservation Commission shall be imposed as a condition of any subsequent permit for development of the subject property.

D. In the case of demolition, the civil penalty shall be equal to one-half the assessed value of the Historical Resource prior to the demolition. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the Historical Resource. Once the civil penalty has been paid, building and construction permits and/or a Certificate of Occupancy may be issued.

E. The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered or partially altered in violation of this Article.

Sec. 9-1.2685: Historic Preservation Guidelines

In order to ensure that Ontario's historic buildings are preserved for future generations, the following guidelines have been developed to assist owners in the preservation, rehabilitation, protection and maintenance of their historic building. The guidelines are adapted from the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Any proposed work on an Historical Resource should follow the intent of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. These standards were developed by the federal government to set up very broad, general philosophical principles regarding work done to historic properties. Any proposed work should follow these general principles while meeting the guidelines set forth in this section.

ADDITIONS

A. CONVERTING EXISTING SPACE – Using existing areas of the structure can provide additional usable square footage.
Conversions of basements and attics to habitable space are the most preferred way of adding square footage. Consider introducing dormers to facilitate conversions. Small bays, if strategically spaced and in keeping with the overall design of the house, can accommodate more habitable space while maintaining the integrity of the overall design.

B. NEW CONSTRUCTION – All new construction shall be consistent with the existing structure.
Large additions should be placed at the rear or side of structures to minimize visual impacts. New additions should be handled in one of two ways:

1. **Seamless additions.** Additions that forms a new dominant building mass consistent with the historic style and uses materials and architectural designs indistinguishable from what exists;

2. **Accented additions.** Additions that expresses a new building projection as an additive element, reinforcing the identify of the original building, and is made from compatible, but not necessarily identical materials.

3. New construction along the front of a building should generally maintain the proportion and arrangement of openings, projections, and other features.

4. Upper-story additions are discouraged unless they are consistent with the original design and character of the house style.