

**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.