

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: December 19, 2023  
To: Planning Department  
From: Monique Crayton, Assistant Clerk  
Subject: Board of Supervisors Legislation Referral - File No. 231281  
Non-Renewal of a Mills Act Historical Property Contract - 988 Market Street

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Resolution
  - Ballot Measure
  
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - General Plan     Planning Code, Section 101.1     Planning Code, Section 302
  
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
  
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
  
- Historic Preservation Commission
  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department determination to Alisa Somera at [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

1 [Non-Renewal of a Mills Act Historical Property Contract - 988 Market Street]

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3 **Resolution regarding non-renewal of a Mills Act historical property contract with 140**  
4 **Partners, L.P., a California Limited Partnership and Marlin Cove, Inc., a California**  
5 **corporation, the owners of 988 Market Street, The Warfield Building, Assessor’s Parcel**  
6 **Block No. 0342, Lot No. 019, under Chapter 71 of the San Francisco Administrative**  
7 **Code; notifying the Assessor Recorder’s Office of such non-renewal; and authorizing**  
8 **the Planning Director to send notice of the non-renewal of the historical property**  
9 **contract to the owner and record a notice of non-renewal.**

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11 WHEREAS, The California Mills Act (Government Code, Section 50280 et seq.)  
12 authorizes local governments to enter into a contract with the owners of a qualified historical  
13 property, as defined in the Act, who agree to rehabilitate, restore, preserve, and maintain the  
14 property in return for property tax reductions under the California Revenue and Taxation  
15 Code; and

16 WHEREAS, Chapter 71 of the Administrative Code was adopted to implement the Mills  
17 Act in San Francisco and to preserve these historic buildings; and

18 WHEREAS, Under the Mills Act and Chapter 71, a year is added automatically to the  
19 initial term of the contract at the anniversary date of the contract, unless notice of non-renewal  
20 is given as provided as prescribed in the Mills Act; and

21 WHEREAS, A Mills Act application for an historical property contract was submitted by  
22 140 Partners, L.P., a California Limited Partnership and Marlin Cove, Inc., a California  
23 corporation, the owners of 988 Market Street, Assessor’s Parcel Block No. 0342, Lot No. 019,  
24 detailing rehabilitation work and proposing a maintenance plan for the property; and

25

1           WHEREAS, At a public hearing on November \_\_\_\_, 2023, in Resolution No. \_\_\_\_, and  
2 after reviewing the Historic Preservation Commission’s recommendation and the information  
3 provided by the Assessor’s Office, the Board of Supervisors approved the historical property  
4 contract between 140 Partners, L.P., a California Limited Partnership and Marlin Cove, Inc., a  
5 California corporation, the owners of 988 Market Street, and the City and County of San  
6 Francisco; and

7           WHEREAS, When it considered the approval of the historical property contract, the  
8 Board of Supervisors balanced the benefits of the Mills Act to the owner of 988 Market Street  
9 with the cost to the City of providing the property tax reductions authorized by the Mills Act, as  
10 well as the historical value of 988 Market Street and the resultant property tax reductions, and  
11 determined that it was in the public interest to enter into a historical property contract with the  
12 applicants; and

13           WHEREAS, The historical property contract for 988 Market Street was recorded at the  
14 Assessor Recorder Office on December \_\_\_\_, 2023, which is the anniversary date of the  
15 contract; and

16           WHEREAS, The historical property contract for 988 Market Street is binding on all  
17 successors and assigns, as are all Mills Act contracts; and

18           WHEREAS, The Planning Department has determined that the actions contemplated in  
19 this Resolution comply with the California Environmental Quality Act (California Public  
20 Resources Code Sections 21000 et seq.); said determination is on file with the Clerk of the  
21 Board of Supervisors in File No. \_\_\_\_, is incorporated herein by reference, and the Board  
22 herein affirms it; and now, therefore, be it

23           RESOLVED, That the Board of Supervisors hereby elects not to renew the historical  
24 property contract for 988 Market Street Assessor’s Block No. 0342, Lot No. 019 in 2033; and,  
25 be it

1 FURTHER RESOLVED, That the Board of Supervisors hereby notifies the Assessor  
2 Recorder of the non-renewal of the historical property contract for 988 Market Street; and, be  
3 it

4 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Planning  
5 Director to send notice at least 60 days prior to the anniversary date to the current owner of  
6 988 Market Street, informing them that the historical property contract will not be renewed;  
7 and be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Planning  
9 Director to cause a notice of the non-renewal of the contract to be recorded in the City  
10 Recorder's office.

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## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor  inquires..."
- 5. City Attorney Request
- 6. Call File No.  from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: