



2021 MILLS ACT HISTORICAL PROPERTY CONTRACTS EXECUTIVE SUMMARY

HEARING DATE: OCTOBER 6, 2021

Re: 2021 Mills Act Historical Property Contracts
Staff Contact: Shannon Ferguson - 628-652-7354
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Record No.: 2021-004327MLS
Project Address: 714 Steiner Street
Zoning: RH-2 - Residential- House, Two-Family
Height & Bulk: 40-X Height and Bulk District
Historic District: Alamo Square Historic District
Block/Lot: 0803/019
Project Sponsor: Leah Culver
Property Owner: Leah Culver Revocable Trust
30 Walter Street
San Francisco, CA 94114
412-608-7984
leah.culver@gmail.com

Property Description

714 Steiner Street is a contributing building to the Article 10 Alamo Square Historic District. It is located on the east side of Steiner Street between Hayes and Grove Streets, Assessor's Block 0803 Lot 019. The subject property is located within a RH-2 (Residential-House, Two-Family District) zoning district and a 40-X Height and Bulk district. 714 Steiner Street is one of the Queen Anne buildings on "Postcard Row" directly across from Alamo Square. The building is a three story over garage, wood-frame, two-unit residential building constructed in 1895 and features a gable roof and bay window.

Project Description

This project is for Mills Act Historical Property Contracts for 714 Steiner Street.

Ordinance No. 191-96 amended the San Francisco Administrative Code by adding Chapter 71 to implement the California Mills Act, California Government Code Sections 50280 et seq (the Mills Act). The Mills Act authorizes local governments to enter into contracts with owners of a qualified historical property who will rehabilitate, restore, preserve, and maintain the property. As consideration for the rehabilitation, restoration, preservation and maintenance of the qualified historical property, the City and County of San Francisco may provide certain property tax reductions in accordance with Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

San Francisco contains many historic buildings that add to its character and international reputation. Many of these buildings have not been adequately maintained, may be structurally deficient, or may need rehabilitation. The costs of properly rehabilitating, restoring and preserving historic buildings may be prohibitive for property owners. Implementation of the Mills Act in San Francisco will make the benefits of the Mills Act available to many property owners.

The benefits of the Mills Act to the individual property owners as well as the historical value of the individual buildings proposed for historical property contracts must be balanced with the cost to the City and County of San Francisco of providing the property tax reductions set forth in the Mills Act.

Eligibility

QUALIFIED HISTORICAL PROPERTY

An owner, or an authorized agent of the owner, of a qualified historical property may apply for a historical property contract. For purposes of Chapter 71, "qualified historical property" means privately owned property that is not exempt from property taxation and that either has submitted a complete application for listing or designation, or has been listed or designated in one of the following ways on or before December 31 of the year before the application is made:

- (1) Individually listed in the National Register of Historic Places;
- (2) Listed as a contributor to an historic district included on the National Register of Historic Places;
- (3) Designated as a City landmark pursuant to San Francisco Planning Code Article 10;
- (4) Designated as contributory to a landmark district designated pursuant to San Francisco Planning Code Article 10; or
- (5) Designated as significant (Categories I or II) or contributory (Categories III or IV) to a conservation district designated pursuant to San Francisco Planning Code Article 11.

LIMITATIONS ON ELIGIBILITY

Eligibility for historical property contracts is limited to sites, buildings, or structures with an assessed valuation as of December 31 of the year before the application is made of \$3,000,000 or less for single-family dwellings and \$5,000,000 or less for multi-unit residential, commercial, or industrial buildings, unless the individual property is granted an exemption from those limitations by the Board of Supervisors. For the purposes of this section, "assessed valuation" shall not include any portion of the value of the property that is already exempt from payment of property taxes.

EXEMPTION FROM LIMITATIONS ON ELIGIBILITY

The Historic Preservation Commission may recommend that the Board of Supervisors grant an exemption from the limitations imposed by this section upon finding that:

- (1) The site, building, or structure is a particularly significant resource; and
- (2) Granting the exemption will assist in the preservation of a site, building, or structure that would otherwise be in danger of demolition, substantial alteration, or disrepair.

Properties applying for an exemption must provide evidence that it meets the exemption criteria, including a Historic Structure Report (HSR) to substantiate the exceptional circumstances for granting the exemption.

The Board of Supervisors may approve a historical property contract not otherwise meeting the eligibility requirements if it finds that the property is a qualified historical property that meets exemption criteria listed above and is especially deserving of a contract due to the exceptional nature of the property and other special circumstances.

Application for Mills Act Historical Property Contract

WHO MAY APPLY AND APPLICATION CONTENT

An owner, or an authorized agent of an owner, of a qualified historical property may submit an application for a historical property contract to the Planning Department on forms provided by the Planning Department. The property owner is required to provide, at a minimum, the address and location of the qualified historical property, evidence that the property is a qualified historical property and meets the valuation requirements of Chapter 71, the nature and cost of the rehabilitation, restoration or preservation work to be conducted on the property, financial information necessary for the Assessor-Recorder to conduct the valuation assessment under the Mills Act, including any information regarding income generated by the qualified historical property, and a plan for continued maintenance of the property. The Planning Department, the Historic Preservation Commission, or the Assessor-Recorder may require any further information necessary to make a recommendation on or conduct the valuation of the historical property contract.

APPLICATION DEADLINES

The annual application deadline for a historical property contract is May 1. Application for a historical property contract may be submitted to the Planning Department between January 1 and May 1 of each year.

Approval Process

ASSESSOR-RECORDER REVIEW

Once an application has been received and found to be complete, the Planning Department refers the application for a historical property contract to the Assessor-Recorder for review and recommendation. Within 60 days of the receipt of a complete application, the Assessor-Recorder is required to provide to the Board of Supervisors and Historic Preservation Commission a report estimating the yearly property tax revenue to the City under the proposed Mills Act contract valuation method and under the standard method without the proposed Mills Act contract, and showing the difference in property tax assessments under the two valuation methods. If the Assessor-Recorder determines that the proposed rehabilitation includes substantial new construction or a change of use, or the valuation is otherwise complex the Assessor-Recorder may extend this period for up to an

additional 60 days by providing written notice of the extension to the applicant, the Historic Preservation Commission, and the Board of Supervisors. Such notice shall state the basis for the extension. If the Assessor-Recorder fails to provide a report and recommendation within the time frames set forth here, the Historic Preservation Commission and Board of Supervisors may proceed with their actions without such report and recommendation.

HISTORIC PRESERVATION COMMISSION REVIEW

The Historic Preservation Commission has the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors. For this purpose, the Historic Preservation Commission is required to hold a public hearing to review the application for the historical property contract and make a recommendation regarding whether the Board of Supervisors should approve, disapprove, or modify the historical property contract within 90 days of receipt of the Assessor-Recorder's report or within 90 days of the date the report should have been provided if none is received. The recommendation of the Historic Preservation Commission may include recommendations regarding the proposed rehabilitation, restoration, and preservation work, the historical value of the qualified historical property, and any proposed preservation restrictions or maintenance requirements to be included in the historical property contract. The Planning Department forwards the application and the recommendation of the Historic Preservation Commission to approve or modify a historical property contract to the Board of Supervisors. Failure of the Historic Preservation Commission to act within the 90-day time limit constitutes a recommendation of disapproval, and the Planning Department is required to notify the property owner in writing of the Historic Preservation Commission's failure to act. If the Historic Preservation Commission recommends disapproval of the historical property contract, such decision is final unless the property owner files an appeal with the Clerk of the Board of Supervisors within 10 days of the final action of the Historic Preservation Commission or within 10 days of the Planning Department's notice of the Historic Preservation Commission's failure to act.

BUDGET ANALYST REVIEW

Upon receipt of the recommendation of the Historic Preservation Commission or upon receipt of a timely appeal, the Clerk of the Board of Supervisors is required to forward the application and Assessor-Recorder's report to the Budget Analyst, who, then prepares a report to the Board of Supervisors on the fiscal impact of the proposed historical property contract.

BOARD OF SUPERVISORS DECISION

The Board of Supervisors is required to conduct a public hearing to review the Historic Preservation Commission's recommendation, the Assessor-Recorder's report if provided, the Budget Analyst's report, and any other information the Board requires in order to determine whether the City should execute a historical property contract for a particular property. The Board of Supervisors has full discretion to determine whether it is in the public interest to enter into a historical property contract regarding a particular qualified historical property. The Board of Supervisors may approve, disapprove, or modify and approve the terms of the historical property contract. Upon approval, the Board of Supervisors authorizes the Director of Planning and the Assessor-Recorder to execute the historical property contract.

Terms of the Mills Act Historical Property Contract

The historical property contract sets forth the agreement between the City and the property owner that as long as the property owner properly rehabilitates, restores, preserves and maintains the qualified historical property as set forth in the contract, the City shall comply with California Revenue and Taxation Code Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1, provided that the specific provisions of the Revenue and Taxation Code are applicable to the property in question. A historical property contract is required to contain, at a minimum, the following provisions:

- (1) The initial term of the contract, which shall be for a minimum period of 10 years;
- (2) The owner's commitment and obligation to preserve, rehabilitate, restore and maintain the property in accordance with the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation and the United States Secretary of the Interior's Standards for the Treatment of Historic Properties;
- (3) Permission to conduct periodic examinations of the interior and exterior of the qualified historical property by the Assessor-Recorder, the Department of Building Inspection, the Planning Department, the Office of Historic Preservation of the California Department of Parks and Recreation and the State Board of Equalization as may be necessary to determine the owner's compliance with the historical property contract;
- (4) That the historical property contract is binding upon, and shall inure to the benefit of, all successors in interest of the owner;
- (5) An extension to the term of the contract so that one year is added automatically to the initial term of the contract on the anniversary date of the contract or such other annual date as specified in the contract unless notice of nonrenewal is given as provided in the Mills Act and in the historical property contract;
- (6) Agreement that the Board of Supervisors may cancel the contract, or seek enforcement of the contract, when the Board determines, based upon the recommendation of any one of the entities listed in Subsection (3) above, that the owner has breached the terms of the contract. The City shall comply with the requirements of the Mills Act for enforcement or cancellation of the historical property contract. Upon cancellation of the contract, the property owner shall pay a cancellation fee of 12.5 percent of the full value of the property at the time of cancellation (or such other amount authorized by the Mills Act), as determined by the Assessor-Recorder without regard to any restriction on such property imposed by the historical property contract; and
- (7) The property owner's indemnification of the City for, and agreement to hold the City harmless from, any claims arising from any use of the property.

The City and the qualified historical property owner shall comply with all provisions of the Mills Act, including amendments thereto. The Mills Act, as amended from time to time, shall apply to the historical property contract process and shall be deemed incorporated into each historical property contract entered into by the City.

The Planning Department shall maintain a standard form "Historical Property Contract" containing all required provisions specified by this section and state law. Any modifications to the City's standard form contract made by the applicant shall be subject to approval by the City Attorney prior to consideration by the Historic Preservation Commission and the Board of Supervisors.

Departmental Monitoring Report

Since March 31, 2013 and every three years thereafter, the Assessor-Recorder and the Planning Department has submitted a joint report to the Board of Supervisors and the Historic Preservation Commission providing the Departments' analysis of the historical property contract (Mills Act) program. The next report will be calendared for hearing before the Board of Supervisors and the Historic Preservation Commission in 2022. In addition, the Planning Department conducts annual monitoring to determine the owner's compliance with the historical property contract. Please see Attachment B for an update on annual monitoring.

Priority Criteria Considerations

In addition, the Department reviews all applications on the merits of five Priority Consideration. The five priority considerations are:

Necessity: The project will require a financial incentive to help ensure the preservation of the property. This criterion will establish that the property is in danger of deterioration and in need of substantial rehabilitation and restoration that has significant associated costs. Properties with open complaints, enforcement cases or violations will not meet this criterion.

Investment: The project will result in additional private investment in the property other than for routine maintenance. This may include seismic retrofitting and substantial rehabilitation and restoration work. This criterion will establish that the owner is committed to investing in the restoration, rehabilitation and maintenance the property.

Distinctiveness: The project preserves a distinctive example of a property that is especially deserving of a contract due to its exceptional nature.

Recently Designated City Landmarks: properties that have been recently designated landmarks will be given priority consideration.

Legacy Business: The project will preserve a property at which a business included in the Legacy Business Registry is located. This criterion will establish that the owner is committed to preserving the property, including physical features that define the existing Legacy Business.

Issues & Other Considerations

714 Steiner Street: The subject property is listed as a contributor to the Alamo Square Historic District and is thus a qualified historical property. The subject property is currently valued by the Assessor's Office as over \$3,000,000 and required a Historic Structure Report (see attached) to substantiate the exceptional circumstances for granting an exemption from the limitations on eligibility.

The property meets the requirements for granting an exemption from the limitations on eligibility. The property is a particularly significant resource because it was constructed as early as 1895, survived the 1906 earthquake and fires, and went on to become internationally renowned as one of the buildings forming "Postcard Row"

directly across from Alamo Square. 714 Steiner Street is an important contributor to the Alamo Square Historic District for its early construction date, its survival through the ravages of the 1906 earthquake and fires, and for its architectural design, which includes its gabled roof and bay window. The building contributes to the narrative of Alamo Square as a highly intact, significant collection of residential architecture designed by distinguished architects spanning from the 1870s into the 1920s. Although the property is not in danger of demolition or substantial alteration, staff supports an eligibility exemption because of the applicant's commitment to preserving the building, including address deferred maintenance and remove the non-original garage/driveway in order to restore lower-level windows and siding. The proposed rehabilitation program also includes the repair and/or restoration of the front entry stair, windows throughout, decorative trim and window surrounds, and the front door and entryway millwork, among other items.

The owner of the qualified historical property submitted an application for a historical property contract and a Historic Structure Report to the Department by the May 1, 2021 application deadline.

The Assessor-Recorder estimated the property owner will receive an estimated \$31,578 in property tax savings in the first year as a result of the Mills Act Contract. Please refer to the attached Market Analysis and Income Approach Report and Preliminary Valuation spreadsheet prepared by the Assessor-Recorder for detailed information.

As detailed in the application, the applicant proposes to rehabilitate and maintain the historic property. The proposed Rehabilitation Plan (Exhibit A) proposes to perform seismic work, replace the roof, repair and paint the siding, remove the garage, restore historic location of two street-facing windows, restore historic low wall and railing, replace steps, and restore/repair windows and doors. The estimated cost of the proposed rehabilitation work is \$1,259,900.00

The proposed Maintenance Plan (Exhibit B) proposes to inspect and make any necessary repairs to the foundation, roof, siding, windows and doors, and stairs on an annual basis. The estimated cost of maintenance work is \$5,400 annually.

No changes to the use of the property are proposed. The Department has determined that the proposed work, as detailed in Exhibits A and B, will be in conformance with the *Secretary of Interior's Standards for Rehabilitation*. Please refer to the attached Rehabilitation and Maintenance Plan for a full description of the proposed work.

The subject property meets three of the five Priority Considerations: Necessity, Investment and Distinctiveness. The proposed rehabilitation will require significant associated costs to ensure the preservation of the subject property. The property owner will invest additional money towards the rehabilitation other than for routine maintenance, including structural upgrades. Finally, the proposed rehabilitation project will preserve and enhance the integrity of one of the renowned "Postcard Row" buildings. The subject property does not meet the Recently Designated City Landmarks or the Legacy Business criteria. Alamo Square was designated an Article 10 landmark district in 1984 and therefore is not a recent landmark. A Legacy Business is not located at the subject property.

Public/Neighborhood Input

The Department has received no inquiries from the public about the proposed project.

Environmental Review Status

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 31 categorical exemption as the proposed project is limited to maintenance, repair, stabilization, restoration, conservation, or reconstruction of the subject property in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Basis for Recommendation

714 Steiner Street: The Department recommends **APPROVAL** of the Mills Act Historical Property Contract as it meets the provisions of Chapter 71 of the Administration Code and the Priority Considerations. The proposed rehabilitation and maintenance work conforms with the *Secretary of Interior’s Standards for Rehabilitation*. Granting the Mills Act historical property contract will help the property owner mitigate rehabilitation expenditures and adequately maintain the property in the future.

Attachments

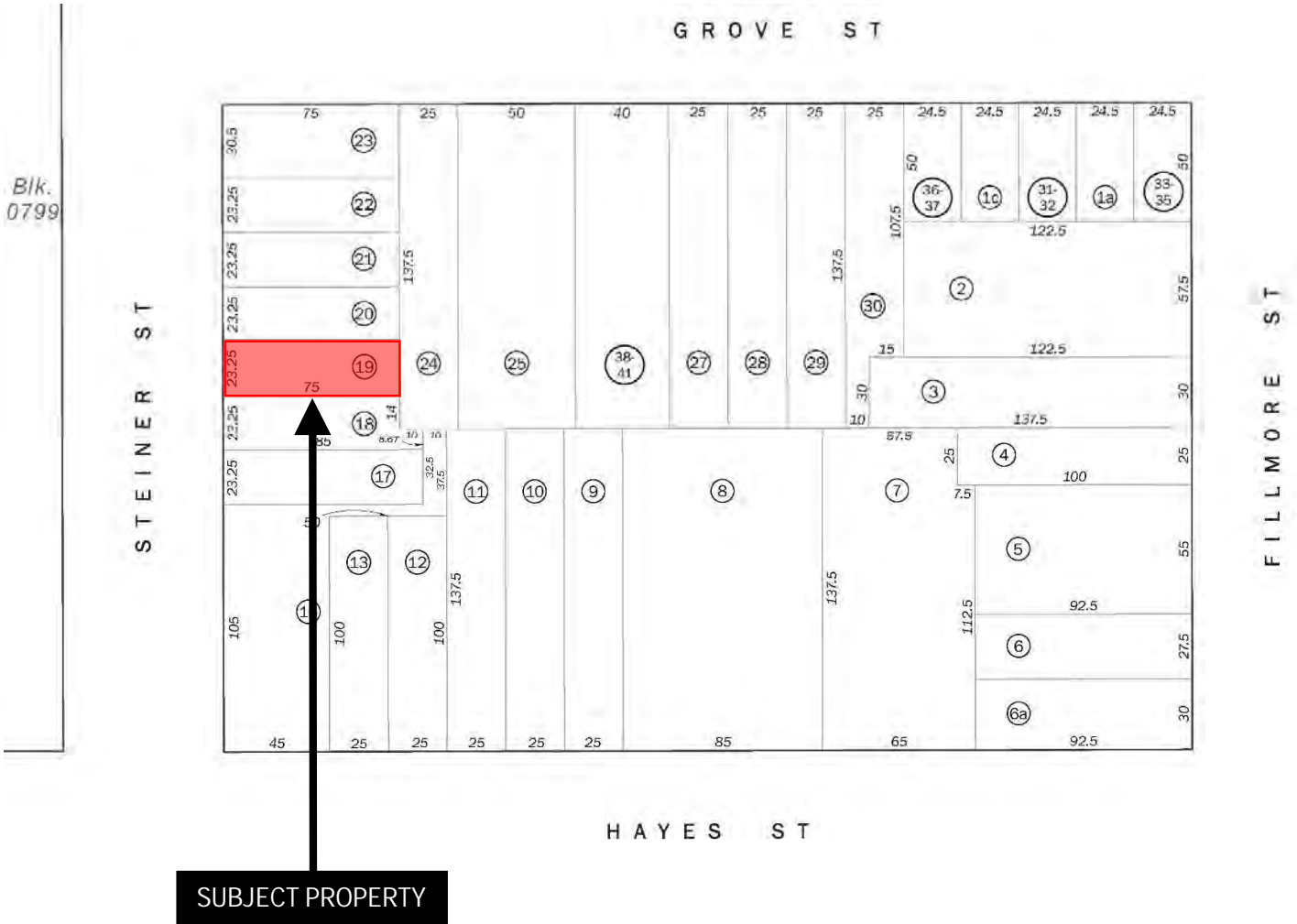
Attachment A – 714 Steiner Street

- Maps and Context Photos
- Draft Resolution
- Draft Mills Act Contract
- Exhibits A & B: Draft Rehabilitation and Maintenance Plan
- Draft Mills Act Valuation provided by the Assessor-Recorder’s Office
- Categorical Exemption
- Pre-Approval Inspection Report
- Mills Act Application & Historic Structure Report

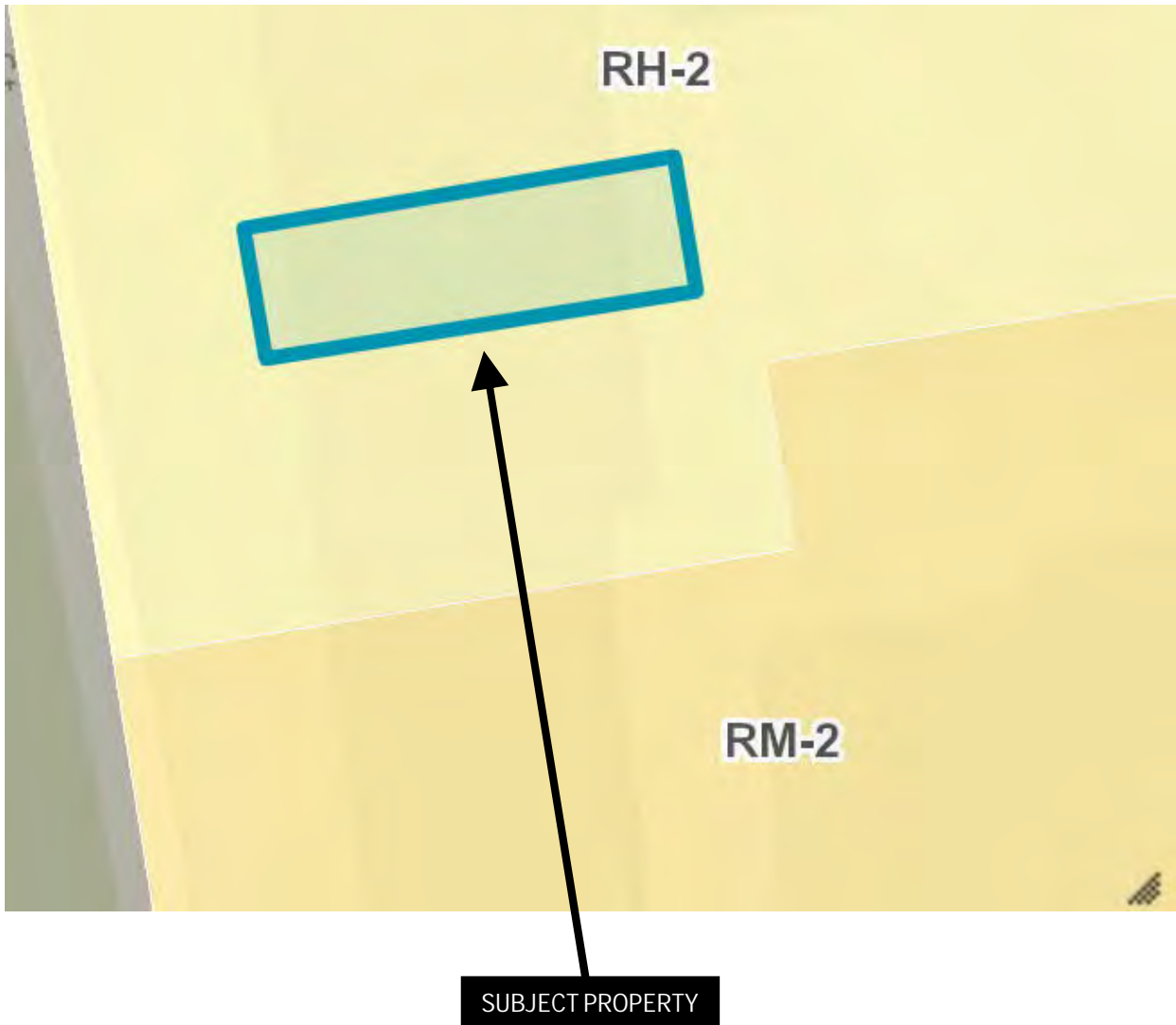
Attachment B – Planning Department Annual Monitoring Information

Attachment C – Current Mills Act Valuations provided by the Assessor-Recorder’s Office

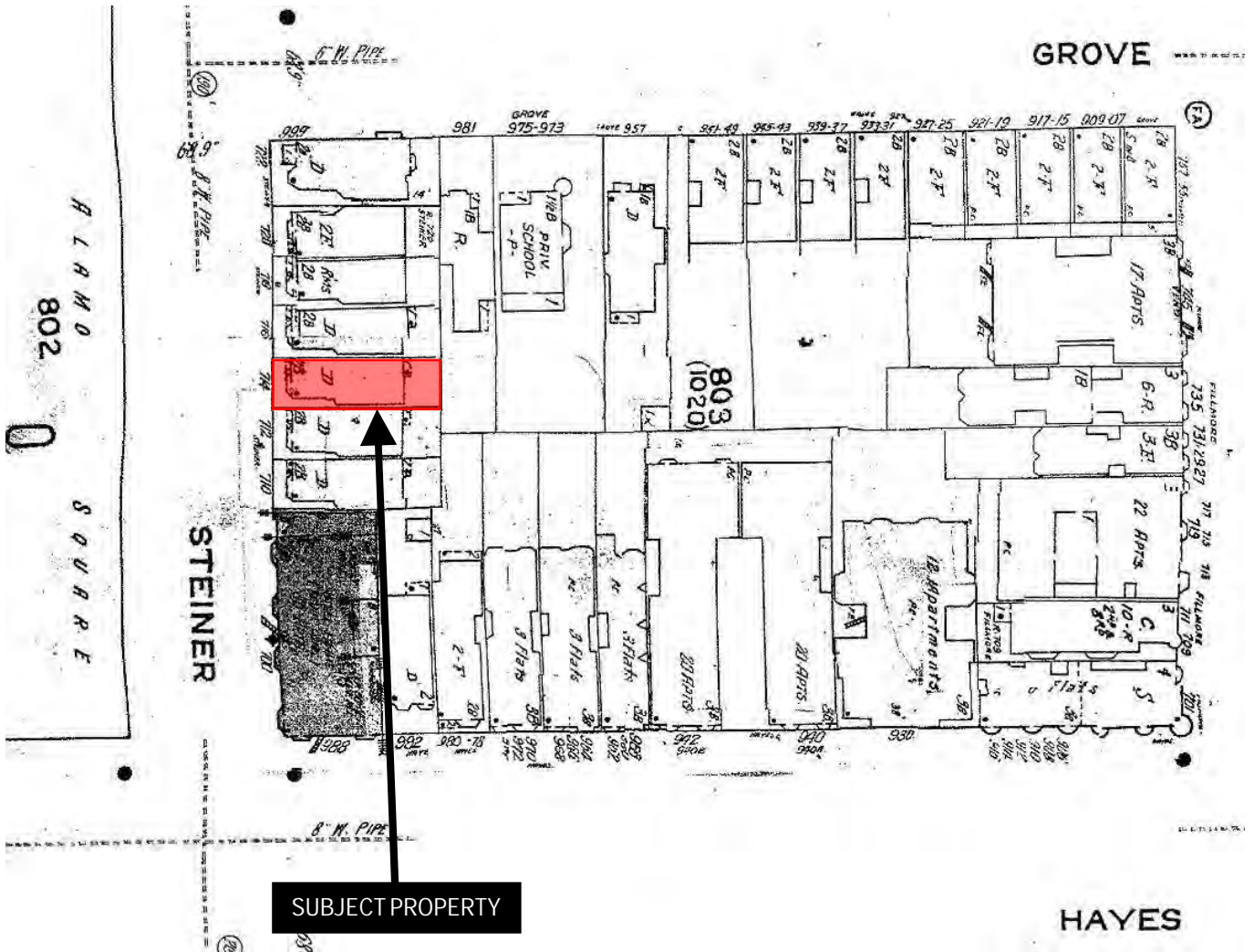
Parcel Map



Zoning Map



Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Record Number: 2021-004327MLS
714 Steiner Street
Mills Act Historical Property Contract

Aerial Photo



SUBJECT PROPERTY



Record Number: 2021-004327MLS
714 Steiner Street
Mills Act Historical Property Contract

Site Photo



Record Number: 2021-004327MLS
714 Steiner Street
Mills Act Historical Property Contract

Attachment B
Annual Monitoring Information

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
1	460 Bush Street	2002	No	Complete	
2	1080 Haight Street	2007	Yes	Complete	Emailed applicant on 9/9/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time. Noted that painting will need to occur in 2021.
3	1735 Franklin Street	2007	No	Complete	Emailed applicant on 4/27/21 to confirm the Dept.'s receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.
4	690 Market Street	2009	Yes	Complete	Property is in compliance
5	1818 California Street	2009	Yes	Complete	Emailed applicant on 7/29/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time. Property in compliance.

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
6	201 Buchanan Street	2011	Yes	Complete	Emailed applicant on 5/7/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.
7	2550 Webster Street	2013	No	Complete	Inspections completed
8	3769 20th Street	2013	No	Complete	emailed them on 9/9/21 to ask if annual maintenance work was complete. Responded 9/9 annual maintenance complete.
9	1019 Market Street			In process	Waiting for further info. on facade survey, otherwise property is in compliance. Holding off on sending compliance letter pending further information on facade survey.
10	1772 Vallejo Street	2013	Yes	Complete	Property is in compliance
11	50 Carmelita Street	2013	Yes	Complete	Emailed applicant on 5/7/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.
12	66 Carmelita Street	2013	Yes - postponed to 2021	Complete	Emailed applicant on 5/7/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time. Noted that painting will need to occur in 2021.

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
13	56 Pierce Street	2013	Yes	Complete	Emailed applicant on 5/27/21 to confirm the Dept.'s receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.
14	64 Pierce Street	2013	Yes	Complete	
15	56 Potomac Street	2013	Yes	Complete	Property is in compliance. Owners to update 2021 cycle with window repair for 3 windows at rear. BPA for this work obtained (2021-0910-8130)
16	66 Potomac Street	2013	Yes	Complete	Property is in compliance
17	68 Pierce Street	2014	Yes	Complete	Completed work carried over from 2016 permit. Inspections also completed.
18	563-567 Waller Street	2014	No	Complete	emailed notice of completeness on 9/15/21
19	621 Waller Street	2014	No	Under enforcement	Enforcement case open and application submitted to address years of delinquent and incomplete scopes of work.
20	722 Steiner	2015	Yes	Complete	Property is in compliance

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
21	807 Montgomery	2015	Yes	Complete	
22	761 Post	2015		In Process	Emailed applicant that affidavit has not been received. Former contact had left the company, and same email notice was sent to new contact within the organization.
23	1036 Vallejo Street	2016	Yes	Complete	Property is in compliance
24	101-105 Steiner Street	2016	Yes - postponed to 2021	Complete	BPA for scopes of work are being sought but are delayed due to COVID-19. Emailed applicant on 5/27/21 to confirm the Dept.'s receipt of 2020
25	361 Oak Street	2016	Yes	Complete	Property is in compliance, and notice of compliance was emailed to property owner and uploaded to M Files on 4/22/2021
26	215 and 229 Haight Street / 55 Laguna (Filed under 200 Buchanan)	2017	No	Complete	Emailed applicant on 4/27/21 to confirm the Dept.'s receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
27	101 Vallejo Street	2017		Complete	Property is in compliance, and notice of compliance was emailed to property owner and uploaded to M Files on 8/2/2021
28	627 Waller Street	2017	Yes per 2019 affidavit/2020 differs	In Process	New owner has purchased property. Staff working with new property owner to ensure that work from previous owner is completed in a timely manner.
29	940 Grove Street	2017	Yes	Complete	
30	973 Market Street	2017		In process	Emailed applicant (and other managing director of organization that affidavit has not been received. 9/20 Applicant following up with assest manager regarding affidavit.
31	60-62 Carmelita Street	2017	No	Complete	Emailed applicant on 7/1/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time. Noted that painting will need to occur in 2021.
32	2253 Webster Street	2018	Yes	Complete	Inspection work completed; Owner requested to postpone Mills Act work (handrail) to 2021
33	353 Kearny Street	2018		In Process	Emailed applicant that affidavit has not been received.

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
34	465-467 Oak Street	2018	Yes	Complete	Property is in compliance, and notice of compliance was emailed to property owner and uploaded to M Files on 4/27/2021
35	587 Waller Street	2018	Yes	Complete	Emailed applicant 9/15 to confirm complete affidavit.
36	354-356 San Carlos Street	2018	Yes	Complete	Emailed applicant on 5/7/2021 to confirm receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.
37	811 Treat Avenue	2018	No	Complete	Emailed applicants on 8/26 as a few maintenance requirements were not listed on the affidavit. Once applicants confirmed work was complete, emailed applicants on 8/30/2021 to inform them that no further action is needed at this time.
38	2251 Webster Street	2019	Yes	Complete	Emailed applicant on 4/6/21 to confirm the Dept.'s receipt of 2020 monitoring affidavit and to inform them that no further action is needed at this time.

Contract #	Mills Act Property Address	Contract Year	2020 Work Scheduled?	Status	Notes
39	1401 Howard Street	2019	No	Complete	emailed applicant on 8/26 to ask about annual maintenance as those were not mentioned on affidavit. Once applicants confirmed work was complete, emailed applicants on 9/2/2021 to inform them that no further work is necessary.
40	64 Potomac Street	2019	Yes	Complete	Property in compliance. Letter issued 8/2/21 to document 4 scopes of work now proposed for 2021 cycle. Window repair will now be window replacement under BPA No. 201812219020
41	2168 Market Street	2019	Yes	Complete	
42	2731-2735 Folsom Street	2019	Yes	Complete	

Attachment C
Current Mills Act Valuations
Provided by the Assessor-Recorder

