

BOARD of SUPERVISORS



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MEMORANDUM

TO: John Rahaim, Director, Planning Department
Carmen Chu, Assessor-Recorder, Office of the Assessor-Recorder
Jonas Ionin, Commissions Secretary, Historical Preservation Commission

FROM: Erica Major, Assistant Clerk, Government Audit and Oversight Committee,
Board of Supervisors

DATE: October 25, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Farrell on October 18, 2016:

File No. 161097

Resolution approving a Mills Act historical property contract between Dominique Lahaussois and David N. Low, the owners of 1338 Filbert Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department
Edward McCaffrey, Office of the Assessor-Recorder

1 [Mills Act Historical Property Contract - 1338 Filbert Street]

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3 **Resolution approving a Mills Act historical property contract between Dominique**
4 **Lahaussais and David N. Low, the owners of 1338 Filbert Street, and the City and**
5 **County of San Francisco, under Administrative Code, Chapter 71; and authorizing the**
6 **Planning Director and the Assessor-Recorder to execute the historical property**
7 **contract.**

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

13 WHEREAS, The Planning Department has determined that the actions contemplated in
14 this Resolution comply with the California Environmental Quality Act (California Public
15 Resources Code, Sections 21000 et seq.); and

16 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
17 File No. 161097, is incorporated herein by reference, and the Board herein affirms it; and

18 WHEREAS, San Francisco contains many historic buildings that add to its character
19 and international reputation and that have not been adequately maintained, may be
20 structurally deficient, or may need rehabilitation, and the costs of properly rehabilitating,
21 restoring, and preserving these historic buildings may be prohibitive for property owners; and

22 WHEREAS, Administrative Code, Chapter 71, was adopted to implement the
23 provisions of the Mills Act and to preserve these historic buildings; and

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1 WHEREAS, 1338 Filbert Street is San Francisco Landmark No. 232, 1338 Filbert
2 Cottages and thus qualifies as an historical property as defined in Administrative Code,
3 Section 71.2; and

4 WHEREAS, A Mills Act application for an historical property contract has been
5 submitted by Dominique Lahaussais and David N. Low, the owners of 1338 Filbert Street,
6 detailing completed rehabilitation work and proposing a maintenance plan for the property;
7 and

8 WHEREAS, As required by Administrative Code, Section 71.4(a), the application for
9 the historical property contract for 1338 Filbert Street was reviewed by the Assessor's Office
10 and the Historic Preservation Commission; and

11 WHEREAS, The Assessor-Recorder has reviewed the historical property contract and
12 has provided the Board of Supervisors with an estimate of the property tax calculations and
13 the difference in property tax assessments under the different valuation methods permitted by
14 the Mills Act in its report transmitted to the Board of Supervisors on October 12, 2016, which
15 report is on file with the Clerk of the Board of Supervisors in File No. 161097 and is hereby
16 declared to be a part of this Resolution as if set forth fully herein; and

17 WHEREAS, The Historic Preservation Commission recommended approval of the
18 historical property contract in its Resolution No. 793, including approval of the Rehabilitation
19 Program and Maintenance Plan, attached to said Resolution, which is on file with the Clerk of
20 the Board of Supervisors in File No. 161097 and is hereby declared to be a part of this
21 resolution as if set forth fully herein; and

22 WHEREAS, The draft historical property contract between Dominique Lahaussais and
23 David N. Low, the owners of 1338 Filbert Street, and the City and County of San Francisco is
24 on file with the Clerk of the Board of Supervisors in File No. 161097 and is hereby declared to
25 be a part of this resolution as if set forth fully herein; and

1 WHEREAS, The Board of Supervisors has conducted a public hearing pursuant to
2 Administrative Code, Section 71.4(d) to review the Historic Preservation Commission's
3 recommendation and the information provided by the Assessor's Office in order to determine
4 whether the City should execute the historical property contract for 1338 Filbert Street; and

5 WHEREAS, The Board of Supervisors has balanced the benefits of the Mills Act to the
6 owner of 1338 Filbert Street with the cost to the City of providing the property tax reductions
7 authorized by the Mills Act, as well as the historical value of 1338 Filbert Street and the
8 resultant property tax reductions, and has determined that it is in the public interest to enter
9 into a historical property contract with the applicants; now, therefore, be it

10 RESOLVED, That the Board of Supervisors hereby approves the historical property
11 contract between Dominique Lahaussois and David N. Low, the owners of 1338 Filbert Street,
12 and the City and County of San Francisco; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Planning
14 Director and the Assessor to execute the historical property contract.