

1 [Conditional approval of an historical property contract for the Chronicle Building.]

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3 **Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally**
4 **approving an historical property contract between 690 HTC LLC and 690B LLC, the**
5 **owners of the existing Chronicle Building, a structure with an eleven story tower and**
6 **adjoining sixteen story tower located at 690 Market Street, also known as conditional**
7 **landmark No. 243 and the City and County of San Francisco, conditionally authorizing**
8 **the Director of Planning and the Assessor to execute an historical property contract at**
9 **such time as the Chronicle Building becomes Landmark No. 243, the Board of**
10 **Supervisors determines that the rehabilitation plan for the Chronicle Building has been**
11 **completed, and the City is fully compensated for its time and material costs in**
12 **processing and administering the application for an historical property contract for the**
13 **Chronicle Building.**

14

15 WHEREAS, The California Mills Act (Government Code Section 50280 et seq.)
16 authorizes local governments to enter into a contract with the owner of a qualified historical
17 property who agrees to rehabilitate, restore, preserve, and maintain the property in return for
18 property tax reductions under the California Revenue and Taxation Code; and

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

23 WHEREAS, Chapter 71 of the San Francisco Administrative Code was adopted to
24 implement the provisions of the Mills Act in order to preserve these historic buildings; and,

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1 WHEREAS, the Board of Supervisors by Ordinance No. 72-04, a copy of which is on
2 file with the Clerk of the Board of Supervisors under File No. 040366 and is incorporated
3 herein and made part hereof as though fully set forth, has conditionally landmarked the
4 existing eleven story tower and adjoining sixteen story tower known as the Chronicle Building
5 as San Francisco Landmark No. 243, and should that condition executes the Chronicle
6 Building will qualify as an historical property under Administrative Code Section 71.2, making
7 it eligible to enter into an historical property contract with the City; and

8 WHEREAS, A Mills Act application for an historical property contract for the existing
9 eleven story tower and adjoining sixteen story tower, including its interior, known as the
10 Chronicle Building, has been submitted by 690 HTC LLC and 690B LLC, the owners of the
11 Chronicle Building, proposing both a rehabilitation and a maintenance plan; and

12 WHEREAS, As required by Administrative Code Section 71.4, the application for an
13 historical property contract for the Chronicle Building was reviewed by the Assessor's Office,
14 the Landmarks Preservation Advisory Board, and the Planning Commission; and

15 WHEREAS, The Assessor provided her recommendation to the Board of Supervisors
16 regarding the proposed historical property contract for the Chronicle Building in her report of
17 November 15, 2004, which report is on file with the Clerk of the Board of Supervisors under
18 File No. 040329 and is incorporated herein and made part thereof as though fully set forth;
19 and

20 WHEREAS, The Landmarks Preservation Advisory Board recommended conditional
21 approval of an historical property contract in its Resolution No. 572, which Resolution is on file
22 with the Clerk of the Board of Supervisors under File No. 040329 and is incorporated herein
23 and made part hereof as though fully set forth; and

24 WHEREAS, The Planning Commission recommended conditional approval of an
25 historical property contract in its Resolution No. 16752, which Resolution is on file with the

1 Clerk of the Board of Supervisors under File No. 040329 and is incorporated herein and made
2 part hereof as though fully set forth; and

3 WHEREAS, Pursuant to Administrative Code Section 71.6, once an historical property
4 contract is executed, 690 HTC LLC and 690B LLC will compensate, by cashiers check, the
5 City's various departments for their actual costs of inspecting the Chronicle Building and
6 enforcing the historical property contract; and

7 WHEREAS, A draft historical property contract between 690 HTC LLC and 690B LLC
8 and the City is on file with the Clerk of the Board of Supervisors under File No. 040329 and is
9 hereby declared to be a part of this resolution as if set forth fully herein; and

10 WHEREAS, The Board of Supervisors has conducted a public hearing pursuant to
11 Administrative Code Section 71.4(d) to review the Planning Commission's recommendation
12 and the information provided by the Assessor's Office in order to determine whether the City
13 should, at such time as the Chronicle Building becomes eligible to enter into an historical
14 property contract, execute an historical property contract for the Chronicle Building; and

15 WHEREAS, The Board of Supervisors has balanced the benefits of the Mills Act to the
16 owners of the Chronicle Building with the cost to the City of providing the property tax
17 reductions authorized by the Mills Act to the existing eleven story tower and adjoining sixteen
18 story tower, including its interior, known as the Chronicle Building and as identified by the
19 Assessor, as well as the historical value of the Chronicle Building and has determined that, in
20 this instance, it is in the public interest to enter into an conditional historical property contract
21 with the owners of Chronicle Building; now, therefore, be it

22 RESOLVED, That the Board of Supervisors hereby conditionally approves an
23 historical property contract between 690 HTC LLC and 690B LLC, owner of the existing
24 eleven story tower and adjoining sixteen story tower at 690 Market Street known as the
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1 Chronicle Building and also known as conditional Landmark No. 243 and the City and County
2 of San Francisco subject to the following conditions:

3 (1) Pursuant to Administrative Code Section 71.6, 690 HTC LLC and 690B LLC will,
4 within nine calendar days of the adoption of this Resolution, compensate by cashiers checks
5 the Planning Department, the City Attorney, the Assessor, and the Board of Supervisors for
6 each department's time and materials costs to date in processing and administering the
7 application for an historical property contract for the Chronicle Building.

8 (2) The Chronicle Building must become Landmark No. 243, per the conditions set
9 forth by the Board of Supervisors in its Ordinance No. 72-04.

10 (3) Within 45 days of receipt of notice from the Director of the Planning Department
11 that the Chronicle Building has become Landmark No. 243, the Board of Supervisors must, by
12 resolution, reasonably determine that the rehabilitation plan contained in Clerk of the Board of
13 Supervisors File No. 040329 has been completed (Final Approval).

14 (4) Pursuant to Administrative Code Section 71.6, 690 HTC LLC and 690B LLC will,
15 within nine calendar days of the date of Final Approval, make an additional payment by
16 cashiers check to the Planning Department, the City Attorney, the Assessor and the Board of
17 Supervisors for each department's subsequent time and materials costs incurred in
18 processing and administering the application for an historical property contract for the
19 Chronicle Building; and be it

20 FURTHER RESOLVED, If the above-listed conditions are satisfied, the Board of
21 Supervisors shall authorize the Director of Planning and the Assessor to execute an historical
22 property contract in substantially the form as it is contained in Clerk of the Board of
23 Supervisors File No. 040329, subject to approval by the City Attorney, and to provide those
24 property tax reductions authorized by the Mills Act as determined by the Assessor at the time
25 of execution of the historical property contract.