

File No. 190391 Committee Item No. 2  
 Board Item No. 16

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date May 20, 2019

Board of Supervisors Meeting Date JUNE 4, 2019  
 Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral CEQA 041719      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral HPC 041719       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Referral Admin PLN 050619 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CEQA Determination 050219 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | HPC Response 051719       |
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Completed by: Erica Major Date May 16, 2019  
 Completed by: Erica Major Date 05/31/2019

1 [Administrative Code - Requirements for Mills Act Applications]

2  
3 **Ordinance amending the Administrative Code to allow applications for Mills Act**  
4 **contracts for historic properties to be filed concurrently with applications for**  
5 **designation of the same properties; and affirming the Planning Department's**  
6 **determination under the California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings.

16 (a) Environmental Findings. The Planning Department has determined that the  
17 actions contemplated in this ordinance comply with the California Environmental Quality Act  
18 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with  
19 the Clerk of the Board of Supervisors in File No. 190391 and is incorporated herein by  
20 reference. The Board affirms this determination.

21 (b) Referral to Historic Preservation Commission. On May 15, 2019, the Historic  
22 Preservation Commission considered this ordinance, and thereafter submitted written  
23 comment to the Board of Supervisors regarding the effects of the ordinance on historic  
24 resources, as required by Charter Section 4.135. Said written comment is on file with the  
25 Clerk of the Board of Supervisors in File No. 190391 and is incorporated herein by reference.

1 Section 2. The Administrative Code is hereby amended by revising Section 71.2, to  
2 read as follows:

3 SEC. 71.2. ELIGIBILITY.

4 (a) Qualified Historical Property. An owner, or an authorized agent of the owner, of a  
5 qualified historical property may apply for a historical property contract. For purposes of this  
6 Chapter 71, "qualified historical property" shall mean privately owned property that is not  
7 exempt from property taxation and that *either has submitted a complete application for listing or*  
8 *designation, or* has been listed or designated in one of the following ways on or before  
9 December 31 of the year before the application is made:

10 (1) Individually listed in the National Register of Historic Places or the California  
11 Register of Historical Resources;

12 (2) Listed as a contributor to a historic district included on the National Register  
13 of Historic Places or the California Register of Historical Resources;

14 (3) Designated as a City landmark pursuant to Planning Code Article 10;

15 (4) Designated as contributory to a historic district designated pursuant to  
16 Planning Code Article 10; or

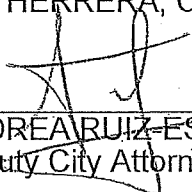
17 (5) Designated as Significant (Categories I or II) or Contributory (Categories III  
18 or IV) pursuant to Planning Code Article 11.

19  
20 Section 3. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By:

  
11 ANDREA RUIZ-ESQUIDE  
12 Deputy City Attorney

13 n:\land\as2019\0900449\01351524.docx

**LEGISLATIVE DIGEST**

[Administrative Code - Requirements for Mills Act Applications]

**Ordinance amending the Administrative Code to allow applications for Mills Act contracts for historic properties to be filed concurrently with applications for designation of the same properties; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

The Mills Act is a state law that authorizes local governments to enter into contracts with owners of qualified historical properties who will rehabilitate, restore, preserve, and maintain those properties. As consideration for the rehabilitation, restoration, preservation and maintenance of the qualified historical properties, the City provides certain property tax reductions to the owners.

Chapter 71 of the Administrative Code implements the Mills Act in San Francisco. It sets forth, among other things, the processes for application and approval of a Mills Act contract in the City, eligibility criteria, and fees. As part of the eligibility criteria, Chapter 71 requires a property to be listed in the National or California registers of historic properties, or landmarked under City law, in order to apply for a Mills Act contract.

Amendments to Current Law

This Ordinance would amend Chapter 71 of the Administrative Code to allow a property owner to apply to landmark his or her property concurrently with applying for a Mills Act contract.

Background Information

This Ordinance would make the process to obtain a Mills Act contract easier, by allowing the Mills Act contract application to be processed concurrently with a landmarking application.

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BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

April 17, 2019

File No. 190391

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On April 9, 2019, Supervisor Peskin introduced the following legislation:

**File No. 190391**

**Ordinance amending the Administrative Code to allow applications for Mills Act contracts for historic properties to be filed concurrently with applications for designation of the same properties; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guildines 15378 and 15060(c) (2) because it would not result in a direct or indirect physical change in the environment. Any physical project would require environmental review.

joy  
navarrete

Digitally signed by Joy Navarrete  
DN: dc=org, dc=sfgov, dc=cityplanning,  
ou=CityPlanning, ou=Environmental  
Planning, cn=joy.navarrete,  
email=joy.navarrete@sfgov.org  
Date: 2019.05.02.15:59:11 -07'00'



# SAN FRANCISCO PLANNING DEPARTMENT

## Historic Preservation Commission Resolution No. 1056

HEARING DATE: MAY 15, 2019

*Project Name:* Mills Act Amendment  
*Case Number:* 2019-006789PCA [Board File No. 190391]  
*Staff Contact:* Michelle Taylor, Preservation Planner  
[michelle.taylor@sfgov.org](mailto:michelle.taylor@sfgov.org), 415-575-9197  
*Reviewed by:* Timothy Frye, Historic Preservation Officer  
[tim.frye@sfgov.org](mailto:tim.frye@sfgov.org), 415-575-6822

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**ADOPTING A RESOLUTION RECOMMENDING APPROVAL FOR A PROPOSED ORDINANCE THAT WOULD AMEND ADMINISTRATIVE CODE CHAPTER 71 TO ALLOW APPLICATIONS FOR MILLS ACT CONTRACTS FOR HISTORIC PROPERTIES TO BE FILED CONCURRENTLY WITH APPLICATIONS FOR DESIGNATION OF THE SAME PROPERTIES; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on April 9, 2019 Supervisors Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190391, which would amend Chapter 71 of the Administrative Code to allow applications for local designation concurrent with filing of a Mills Act application;

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 15, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Commission hereby **adopts** a recommendation for approval of the proposed ordinance.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Currently, eligibility is limited to those properties that are listed or designated on or before December 31 of the year before the application is made.
2. Eligible properties with a demonstrated need for restoration, rehabilitation and preservation could apply for Article 10 or 11 designation at the same time as the Mills Act.
3. Modification to the designation timeframe would expand eligibility to more property owners with a preservation need and give property owners more of an incentive to seek historic designation.
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

## URBAN DESIGN ELEMENT

### OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

#### Policy 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

*The proposed Ordinance will partner a financial incentive that with local designation to encourage the protection of historic and cultural resources associated with San Francisco and its communities.*

#### Policy 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

*The proposed Ordinance will provide a financial incentive for newly designated properties to leverage resources for the care of rehabilitating these important historic and cultural assets.*

5. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:
  1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;



*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

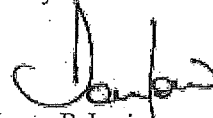
*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

Resolution No. 1056  
May 15, 2019

CASE NO. 2019-006789PCA  
Mills Act Amendment

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS a recommendation for approval of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 15, 2019.



Jonas P. Ionin  
Commission Secretary

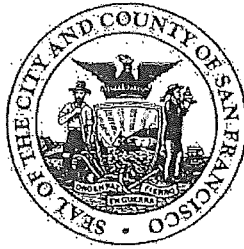
AYES: Hyland, Matsuda, Black, Pearlman, Johnck, Wolfram

NOES: None

ABSENT: Johns

ADOPTED: May 15, 2019

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 6, 2019

Planning Department  
Attn: John Rahaim  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Mr. Rahaim:

On April 9, 2019, Supervisor Peskin introduced the following proposed legislation:

**File No. 190391**

**Ordinance amending the Administrative Code to allow applications for Mills Act contracts for historic properties to be filed concurrently with applications for designation of the same properties; and affirming the Planning Department's determination under the California Environmental Quality Act.**

The proposed ordinance is being transmitted pursuant to the Rules of Order 3.22 for review and comment. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

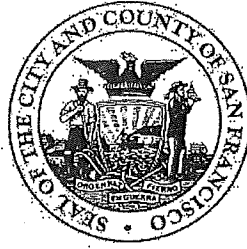
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

- c: Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning  
Tim Frye, Principal Planner

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By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

- c: Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

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## MEMORANDUM

TO: Jonas Ionin, Director of Commission Affairs, Historic Preservation Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: April 17, 2019

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Historic Preservation Commission, pursuant to Charter, Section 4.135, for comment and recommendation.

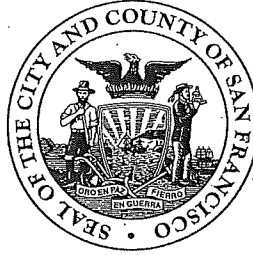
**File No. 190391**

**Ordinance amending the Administrative Code to allow applications for Mills Act contracts for historic properties to be filed concurrently with applications for designation of the same properties; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: John Rahaim, Director  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Legislative Affairs  
Tim Frye, Preservation Coordinator  
Andrea Ruiz-Esquide, Deputy City Attorney  
Joy Navarrete, Major Environmental Analysis  
Georgia Powell, Planning Misc. Permits Routing

BOARD of SUPERVISORS



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April 17, 2019

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Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 APR -9 PM 4:28

Time stamp  
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission.
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Peskin

Subject:

[Administrative Code - Requirements for Mills Act Applications]

The text is listed:

Ordinance amending the Administrative Code to allow applications for Mills Act contracts for historic properties to be filed concurrently with applications for designation of the same properties; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor:

For Clerk's Use Only





## LEGISLATIVE AIDE REVIEW MEETING - LIST OF THINGS TO DISCUSS

### Legislative Division

- Meeting absences/excusals - protocols around notifying the COB/Clerks/President when a Supervisor may be absent from a Board/Committee meetings
- Amendments:
  - Proper way to handle amendments in Board/Committee (headers, copies, sending us the e-version)
  - Find out before the meeting if they are substantive; if so, will need another hearing.
- New or Increased Fees: require special noticing and additional lead time before hearing
- Privilege of the Floor – who should be afforded, unanimous consent, etc.
- Resolutions support/opposing state/federal legislation – complete package and required position papers
- Mayoral Appearance – proper notification and process
- Introduction Deadlines - 5:00 or end of Board, any extension allowed on Wednesday (but no later than 11:00) is an accommodation that shouldn't be anticipated
- Power Point Presentations - Provide hard copies for Supervisors/Clerk
- Special Committee Meetings - approval is required from COB, and notification to Clerk in order for them to confirm time slot, room availability, staff availability, etc.
- Quorum of Board in Committee
  - Can only occur if blurb is on committee agenda
  - Chairs should contemplate ahead of time and when Clerk advises, please consider
- Quorum in Board/Committee - quorum of the body must always be present. If you anticipate losing quorum, coordinate with President on retrieving a temporary assignment. Supervisors MAY NOT leave the room if it will break quorum during a meeting, the Chair must recess if it is necessary.
- Agenda Approval - agendas must be approved by the deadline given and any additional changes after the deadline must be approved by the COB.
- In Memoriams - must be received by the COB (or Sgt. at Arms on her behalf). at least 15 minutes before adjournment; suggest it should be submitted by the end of Roll Call for Introductions.
- Post-Passage Directives - if language is included in legislation for the COB to send the final to individuals, bodies, organizations, etc. you must provide the name, address and contact information for each recipient or we cannot fulfill the directive.
- Committee Meeting Length and Heavy Topics - consideration of the length of your agenda and scheduling multiple heavy topics on the same day; quorum issues, public waiting for later hearing, etc.
- Leading Hearings - proper protocols when a Chair hands over lead of hearings to the sponsor; who sets the time, calls up speakers, etc.
- Staff/Expert presentation length - mindful of timing presentation lengths, privilege of the floor, etc.

- Substitutes - cannot substitute legislation that has been agendaized for hearing, already been heard, or if it has been noticed (special noticing).
- Committee Reports - deadlines for Chair submission of memo and ensuring Committee Members state the motion correctly for the record.
- Roll Call for Introductions - don't give Supervisors "committee talking points" for statements during Roll Call

### Operations Division

- Conference Room scheduling
- Translation Requests: 48 hours prior to the hearing

### Administration Division

- Legislative Account Balance and New Funding for FY2019-2020
- Local 21 Employee Development Fund for FY2019-2020
- Year-End Carryforward of Accrued Balances