



MEMO TO THE BOARD OF SUPERVISORS

August 29, 2022

Case Number: 2014.0746U
Project Address: 621 WALLER ST
Zoning: RTO RESIDENTIAL TRANSIT ORIENTED DISTRICT Zoning District
40-X Height and Bulk District
Block/Lot: 0864/023

Staff Contact: Michelle A. Taylor – 628-652-7352
Michelle.Taylor@sfgov.org

Enclosed is an Executive Summary for a duly noticed hearing conducted by the Historic Preservation Commission on July 20, 2022. The hearing considered two items: a Certificate of Appropriateness for the property at 621 Waller Street and a Resolution recommending Non-renewal of the Mills Act Historical Property Contract for 621 Waller Street. To assist with review of the Executive Summary, relevant sections of the document have been highlighted as it relates to the Non-Renewal of the Mills Act Contract (pages 1-2, 5-6).



CERTIFICATE OF APPROPRIATENESS/ NON-RENEWAL OF MILLS ACT HISTORICAL PROPERTY CONTRACT EXECUTIVE SUMMARY

HEARING DATE: July 20, 2022

Record No.: 2020-006466COA, 2014.0746U
Project Address: 621 Waller Street
Landmark: Contributor, Duboce Park Landmark District
Zoning: RTO RESIDENTIAL TRANSIT ORIENTED DISTRICT Zoning District
40-X Height and Bulk District
Block/Lot: 0864/023
Project Sponsor: David Penn, GBA
201 Noe Street
San Francisco, CA 94117
Property Owner: Claude and Renee Zellweger
621 Waller Street
San Francisco, CA 94117
Staff Contact: Michelle A. Taylor - 628-652-7352
Michelle.Taylor@sfgov.org

Certificate of Appropriateness Recommendation: Approve with Conditions

Property Description

621 Waller Street is located on the south side of Waller Street between Carmelita Street and Pierce Street (Assessor's Block 0864; Lot 023). The subject building is a contributor to the Duboce Park Landmark District, locally designated under Article 10, Appendix N of the Planning Code.

The 3 ½ story, single-family residence was built c.1900 in the Queen Anne style. The wood-framed building has front facing gable roof, entry staircase and porch with decorative railings, and clad in a mix of wood siding, shingles, and panels.

621 Waller Street has a Mills Act Historical Property Contract. The property owner recorded the Contract with the San Francisco Assessor-Recorder on December 19, 2014.

Project Description

The proposed Certificate of Appropriateness project is to abate Planning Enforcement Case No. 2020-008528ENF. The project scope includes legalization of work performed without benefit of a permit including reconstruction of front entry wood stairs, repair and reconstruction of front decorative railings, re-roofing, and the addition of four new skylights. Additional unpermitted work proposed for legalization includes alterations to the rear of the building such as repair/restoration of the wood siding, removal of window openings, new window and door openings, new fencing, and a new rear platform/deck. Proposed new work will include site grading and drainage improvements at front of property, window repairs, and the removal of two skylights added without permits. Please see photographs and plans for details.

Compliance With Planning Code

PLANNING CODE DEVELOPMENT STANDARDS.

The proposed project is in compliance with all other provisions of the Planning Code.

In order to proceed, a building permit from the Department of Building Inspection is required.

APPLICABLE PRESERVATION STANDARDS.

The proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 1006.6 of the Planning Code, and complies with the *Secretary of the Interior's Standards for Rehabilitation*, in that:

- the proposal respects the character-defining features of the subject building;
- the architectural character of the subject building will be maintained and that replacement elements will not affect the building's overall appearance;
- the integrity of distinctive stylistic features and examples of skilled craftsmanship that characterize the building shall be preserved; and,
- all new materials shall match the historic material in composition, design, color, texture, finish and other visual qualities and shall be based on accurate duplication of features.

The Department has determined that the proposed work will be in conformance with the requirements of Article 10 and the *Secretary of Interior's Standards for Rehabilitation*. Proposed work will not damage or destroy distinguishing original qualities or character of the subject building. The overall proposal includes restoration of exterior stairs and railing, repair of front facing windows, to match existing in size, design, profile, color, texture, and finish of visible features. The proposal also includes replacement of the roof and removal of two skylights

visible from the public right of way and non-visible alterations to the rear of the property. The Department finds that the historic character of the building will be retained and preserved and will not result in the removal of historic fabric.

Public/Neighborhood Input

The Department has not received any public feedback about the proposed project.

Issues & Other Considerations

- **Enforcement:**

On September 9, 2020, Planning Department Enforcement Staff opened Enforcement Case No. 2020-008528ENF to legalize unpermitted work and review proposed work as outlined in in Planning Case No. 2020-006466PRJ/COA and Building Permit Application No. 202010035800.

- **Mills Act:**

Enacted in 1972, the Mills Act legislation allows local jurisdictions such as San Francisco to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. Property owners who participate in the program adhere to a schedule of maintenance repairs and upkeep on their historic property for the duration of the contract. In exchange, the property owner is entitled to an alternate evaluation of the property for tax purposes, which usually results in a reduced property tax bill.

In 2014 the property owner of 621 Waller Street recorded a Mills Act Historical Property Contract and Rehabilitation Plan with specific scopes of work scheduled for completion between 2014 and 2020. The property owner has not legally completed any of the six Rehabilitation scope items as required under the Mills Act contract. Specifically, the property owner completed or partially completed four scope items without permits, partially completed one scope item that does not require a permit (painting), and has not completed the remaining scope item. The proposed project (Planning Case No. **2020-006466COA**) will both legalize unpermitted work and fulfill most commitments of the Mills Act Contract's Rehabilitation Plan.

The table below summarizes the property's Rehabilitation Scope Items and their status. Please see also **Exhibit F: Mills Act Property Contract, Including Rehabilitation and Maintenance Plans.**

Rehabilitation Scope Item Number and Description per the Mills Act Contract¹	Scheduled Year per Contract	Current Status	Scope to be addressed per 2020-006466COA
1. Repair or replace wrought iron at front stairs and porch eaves	2016	Repair and replacement completed without permit.	Legalization of work completed.
2. Repair or replace windows	2016	<ul style="list-style-type: none"> Rear windows replaced without permit. No work performed to front windows. 	<ul style="list-style-type: none"> Legalization of rear window replacement. Repair of all front windows proposed for completion under this permit.
3. Site grading and drainage work at front of property	2014	Work not performed.	Scope of work proposed for completion under this permit.
4. Waterproofing exterior at south elevation; repair or reconstruction of rear balconies	2014	Waterproofing and siding replacement completed without permit. Balconies to be completed under Building Permit App. No. 201312305216	<ul style="list-style-type: none"> Legalization of waterproofing of exterior. Complete Existing BPA per Condition of Approval #5.
5. Repaint exterior	2018	Rear elevation complete. Front elevation not complete.	Scope of work proposed for completion under this permit.
7. Repair or replace roof	2020	Roof replaced without permit.	Legalization of work completed.

Certificate of Appropriateness Conditions of Approval

The proposed Conditions of Approvals are consistent with management of Enforcement cases, including, timeliness and oversight. Recommendations also ensure that Mills Act-related work will be completed within a reasonable time period.

¹ Scope Item No.'s 6 and 8 are on-going Maintenance items performed on a regular basis.

1. That at the end of the 30-day appeal period of the Certificate of Appropriateness approval, the project sponsor shall pursue permit issuance within 30 days.
2. That upon permit issuance, the project sponsor shall submit a copy of the Issued Job Card showing the permit number, and a construction schedule with start and end dates to Planning staff.
3. That if construction lasts for more than 30 days, the project sponsor shall provide monthly updates sent via email to Planning Department staff with description of work completed and photos showing the progress of abatement.
4. That upon completion of abatement and proposed work as requested in Application No. 2020-006466COA, and in conformance with the architectural plans dated June 3, 2022, and labeled Exhibit B, the project sponsor shall send photos of completed work to Planning Department staff for review. Once the Planning Department has determined all work is consistent with approvals and approves the work, the project sponsor shall move forward with obtaining a final sign off of the permit and send a photo of this sign off to Planning staff.
5. Mills Act Rehabilitation Scope Item #4 related to reconstruction of rear balconies will be completed under Building Permit App. No. 201312305216 by December 1, 2022. Upon completion, the property owner shall move forward with obtaining a final sign off of the permit and send a photo of this sign off to Planning staff.

Environmental Review Status

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

Certificate of Appropriateness - Basis for Recommendation

The Department recommends approval WITH CONDITIONS of the proposed project as it meets the provisions of Article 10 of the Planning Code regarding Major Alteration to a contributing resource in a Landmark District and the *Secretary of the Interior Standards for Rehabilitation*.

Additional Items for Consideration - Non-Renewal of Mills Act Historical Property Contract

Under the State Law and Chapter 71 of the San Francisco Administrative Code, a Mills Act Contract is a ten-year rolling contract. As such one year is added automatically to the initial term of the Contract at the anniversary date of the Contract, unless notice of non-renewal is given. If a Contract is not renewed, scopes of work detailed in the Rehabilitation/Restoration and Maintenance plans must still be completed according to the schedule stated in each plan.

The Contract allows either the property owners or the City to not renew the Contract in advance of the annual renewal date. If the property owners desire not renew the Contract, they must serve written notice to the City at least ninety (90) days prior to the date of renewal. If the City desires not to renew the Contract, the City must serve written notice to the property owners sixty (60) days prior to the date of renewal. If written notice is not served prior to the renewal date, one year will be automatically added to the term of the Contract. The Board of Supervisors will make the City's determination that the Contract will not be renewed by either party.

The Department recommends that the Commission adopting findings recommending to the Board of Supervisors non-renewal of the Mills Act Historical Property Contract for 621 Waller Street.

Basis for Recommendation

At the hearing on March 16, 2022, the Commission expressed interest in limiting the Contract for 621 Waller Street to a term of ten years in order to better achieve a balance between the benefits of the Mills Act and the costs to the City.

Attachments

~~Draft Resolution — Recommending Non-Renewal of the Mills Act Historical Property Contract~~

~~Draft Motion — Certificate of Appropriateness~~

~~Exhibit A — Certificate of Appropriateness Conditions of Approval~~

~~Exhibit B — Plans and Renderings~~

~~Exhibit C — Environmental Determination~~

~~Exhibit D — Maps and Context Photos~~

~~Exhibit E — Administrative Certificate of Appropriateness No. ACOA19.0402~~

~~Exhibit F — Mills Act Historical Property Contract, including Rehabilitation and Maintenance Plans~~