



HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 1255

HEARING DATE: JULY 20, 2022

Project Name: 621 WALLER STREET
Case Number: 2014.0746U
Staff Contact: Michelle A. Taylor, Current Planning
Michelle.Taylor@sfgov.org, 628-652-7352
Reviewed by: Elizabeth Gordon-Jonckheer, Principal Preservation Planner
Elizabeth.gordon-jonckheer@sfgov.org, (628) 652-7365

ADOPTING FINDINGS RECOMMENDING TO THE BOARD OF SUPERVISORS NON-RENEWAL OF THE MILLS ACT HISTORICAL PROPERTY CONTRACT FOR 621 WALLER STREET, ASSESSOR'S BLOCK 0864, LOT 023:

WHEREAS, The Mills Act, California Government Code Sections 50280 et seq. ("the Mills Act") authorizes local governments to enter into contracts with owners of private historical property who assure the rehabilitation, restoration, preservation and maintenance of a qualified historical property; and

WHEREAS, 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, the City and County of San Francisco may provide certain property tax reductions, such as those provided for in the Mills Act; and

WHEREAS, Ordinance No. 191-96 amended the San Francisco Administrative Code by adding Chapter 71, to implement Mills Act locally; and

WHEREAS, The Planning Department has determined that the actions contemplated in this Resolution are categorically exempt from with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) under section 15331; and

WHEREAS, The existing building located at 621 Waller Street is listed under Article 10 of the San Francisco Planning Code as a contributor to the Duboce Park Landmark District and thus qualifies as a historic property; and

WHEREAS, At a public hearing on October 1, 2014, in Resolution 0739, the Historic Planning Commission recommended that the Board of Supervisors approve the Mills Act Historical Property Contract for the historic building located at 621 Waller Street; and

WHEREAS, At a public hearing on November 25, 2014, in Resolution No. 440-14, and after reviewing the Historic Preservation Commission's recommendation and the information provided by the Assessor's Office, the Board of Supervisors approved the Mills Act Historical Property Contract for the historic building located at 621 Waller Street; and

WHEREAS, The property owner recorded the approved Mills Act Historical Property Contract with the San Francisco Assessor-Recorder on December 19, 2014; and

WHEREAS, When the Board of Supervisors considered the approval of the Mills Act Historical Property Contract, it balanced the benefits of the Mills Act to the owner of 621 Waller Street with the cost to the City of providing the property tax reductions authorized by the Mills Act, as well as the historical value of 621 Waller Street and the resultant property tax reductions, and determined that it was in the public interest to enter into a Mills Act Historical Property Contract with the applicants; and

WHEREAS, The Mills Act Historical Property Contract and Rehabilitation Plan for 621 Waller Street included six specific scopes of work scheduled for completion between 2014 and 2020; and

WHEREAS, To date, the property owner has not legally completed any of the Rehabilitation scope items as required under the Mills Act contract. Specifically, the property owner completed or partially completed four scope items without benefit of permits, partially completed one scope item that does not require a permit (painting), and has not begun work on one scope item; and

WHEREAS, On September 9, 2020, Planning Department Enforcement Staff opened Enforcement Case No. 2020-008528ENF to legalize work performed without benefit of a permit as outlined in Planning Case No. 2020-006466PRJ/COA and Building Permit Application No. 202010035800; and

WHEREAS, At a public hearing on March 16, 2022 for the legalization of work performed without benefit of a permit under Planning Case No. 2020-006466PRJ/COA, the Historic Preservation Commission expressed concern that the property owner has not acted in a good faith to complete scope of work items in a timely manner in accordance with the Mills Act contract for 621 Waller Street; and

WHEREAS, At a public hearing on March 16, 2022 for the legalization of work performed without benefit of a permit under Planning Case No. 2020-006466PRJ/COA, the Historic Preservation Commission requested that the Certificate of Appropriateness application be revised to include Rehabilitation Scope Item #3, which was scheduled for completion in 2014;

WHEREAS, The property owner's failure to timely comply with its obligations under the Mills Act contract for this property has deprived the City of benefits to which it is entitled under the contract, specifically the legal completion of specified preservation and rehabilitation work on this historic property between 2014 and 2020;

THEREFORE BE IT RESOLVED, that the Historic Preservation Commission hereby recommends non-renewal of the Mills Act Historical Property Contract for 621 Waller (Assessor's Block No. 0864, Lot No. 023) to the Board of Supervisors; and

BE IT FURTHER RESOLVED That the Historic Preservation Commission hereby directs its Commission Secretary to transmit this Resolution and other pertinent materials in the case file 2014.0746U to the Board of Supervisors.

I hereby certify that the foregoing Resolution was ADOPTED by the Historic Preservation Commission on July 20, 2022.



Jonas P. Ionin
Commission Secretary

AYES: Black, Foley, Johns, So, Matsuda
NAYS: None
ABSENT: Nageswaran
RECUSED: Wright
ADOPTED: July 20, 2022