

BOARD of SUPERVISORS



City Hall  
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

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 ~~*striketrough italics Times New Roman font*~~.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~striketrough 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. \_\_\_\_ and is incorporated herein by reference.  
20 The Board affirms this determination.

21 (b) Referral to Historic Preservation Commission. On \_\_\_\_\_, 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. \_\_\_\_ 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.

n:\landlas2019\0900449\01351558.docx