



Staff Reports

File #: 1599-2018, **Version:** 1

To: Honorable Mayor and Members of City Council
From: Lark Ferrell, Acting Community Development Director
Prepared By: Michael Walker, Senior Planner

TITLE:

Preservation of Qualified Historical Property at 1043 Vallejo Street

RECOMMENDED ACTION:

Authorize the City Manager, on behalf of the City, to execute the Mills Act Historic Preservation Agreement for the Joseph Schuppert House (Shay Residence) at 1043 Vallejo Street.

DISCUSSION:

BACKGROUND

The City has received a request for approval of a Mills Act Contract on a property that has been restored. The Mills Act Contract is being requested for the purpose of obtaining financial resources to help offset the cost of repairs that the owners incurred in their efforts to restore and preserve the subject historic building and for ongoing preservation of the building. No new work is proposed with this request. The full restoration plan is further described in the Plans and Supporting Documents (see Attachment 2).

MILLS ACT CONTRACT OVERVIEW

Mills Act: The Mills Act was adopted by the State legislature in 1972. The Mills Act provides a means for an owner to reduce property taxes on a historic property in exchange for an agreement with a local government entity that the owners maintain the property's historic character. The purpose is to encourage the renovation and maintenance of historic properties throughout the State by providing a tax incentive. It is similar to the Williamson Act, which encourages the preservation of agricultural land in return for a lower property tax rate.

The Mills Act enables local governments to enter into a voluntary contract with owners of historic properties. In order for a property to be eligible, it must be listed on the National Register of Historic Places, be listed on the California Register of Historic Places, or be listed on a local inventory. The subject property is eligible because, although it is not listed on the National Register of Historic Places, it is listed on the City's local historic inventory.

The City is not obligated to enter into contracts even if properties are eligible. However, if approved, the contract extends for an initial term of 10 years, and will automatically be extended each year on its anniversary date for an additional year unless the property owner or the City provides a notice of non-renewal. In such case, the contract will terminate at the end of the remaining term.

Responsibility of Parties: The property owner must agree to restore (if necessary) and maintain the property in a manner appropriate to its historic character. The local government is responsible for monitoring the property to ensure implementation of the restoration and/or maintenance of the property. Many communities use the Secretary of Interior's Standards for Rehabilitation as their restoration standard. However, each community makes its own determination as to what will be required of property owners.

If the City decides the property owner has breached the terms of the contract, the City can bring legal action against the owner or simply cancel the contract. If the contract is cancelled for this reason, a penalty of 12.5% of the market value of the property at the time of cancellation is assessed. Although the contract is initially made between the property owner and the City, it remains with the property even after it is sold. When the property transfers, it is not re-assessed at its new market value, thereby allowing the new property owners to enjoy a pre-existing reduced tax rate. This can contribute to the overall value of the historic property.

SCOPE OF REVIEW

The Mills Act Contract and associated *Rehabilitation, Restoration and Preservation Plan* requires review and approval by the City Council. Any restoration or reconstruction work proposed in conjunction with a Mills Act Contract request is subject to the provisions of the City's Historic Preservation Ordinance and may require review and approval of a Certificate of Appropriateness by the Cultural Heritage Commission.

The Mills Act Contract request for 1043 Vallejo Street does not include improvements that require an additional Certificate of Appropriateness. In order to be considered eligible for the subsequent tax year assessment, a contract must be approved by the end of the calendar year.

GENERAL PLAN AND ZONING

No modifications are proposed to site use, density or building setbacks. The Restoration Plan is consistent with General Plan and Zoning requirements.

VERIFICATION OF ELIGIBLE HISTORIC STATUS

The subject property is on the City's Historic Resources Inventory as a Local Landmark (LLM) and is a Contributing structure in the St. John's potential historic district. This Local Landmark Property is officially named the Joseph Schuppert House. The Italianate Victorian residence was built for Joseph Schuppert in the 1870's. Previous owners completely renovated the property beginning in late 2001. Renovations included repairing the original windows, doors, and moldings and maintaining the original floors. The configuration of the rooms remained the same, retaining many 19th Century details including two fireplaces. The owners received an Award of Merit from Napa County Landmarks in 2004 for their efforts in restoring the property. More information regarding the history of the property may be found in the supporting documentation within the Applicant's Plans and Supporting Documents (see Attachment 2).

CULTURAL HERITAGE COMMISSION MEETING SUMMARY

On November 8, 2018, the Cultural Heritage Commission held a public hearing and reviewed the Mills Act Contract request. The Commission's primary role was to determine whether the site continues to have historic integrity for historic status eligibility and is in compliance with the Secretary of the Interior Standards for Rehabilitation in order to make a recommendation to the City Council regarding the proposed Contract. The property owner addressed the Commission during the public hearing and explained their interest in maintaining and restoring the property. The Commissioners

expressed that the repairs to the historic resource were thoughtfully performed, and that the Contract would provide ongoing protection and would ensure that future plans for reconstruction will comply with the Secretary's Standards and the City's Historic Preservation Ordinance. The Cultural Heritage Commission unanimously passed a motion recommending approval of the Mills Act Contract.

FINANCIAL IMPACTS:

The City's share of annual tax revenue could be reduced from the current \$2,601 per year down to approximately \$780 per year (see Attachment 3). Because the initial term of the contract is ten years and the term is automatically extended each year for an additional year unless a notice of non-renewal is provided by the owner or the City, the reduction would continue for at least ten years. Once the renewed notice of non-renewal is provided by the owner or the City, the property tax reduction would terminate at the end of the remaining term of the contract.

CEQA:

The Community Development Director has determined that the Recommended Action described in this Agenda Report is not subject to CEQA pursuant to CEQA Guidelines Section 15060.

DOCUMENTS ATTACHED:

ATCH 1: Draft Mills Act Contract for 1043 Vallejo Street

ATCH 2: Plans and Supporting Documents

EX A: Property Description

EX B: Site Plan

EX C: Preservation Plan

ATCH 3: Table 1 - Estimated Property Tax Reduction

NOTIFICATION:

Legal notice of the public hearing was published in the Napa Valley Register at least 10 days prior to the hearing date.