

1 [Amending Ordinance No. 49-17 - 180 Jones Street Affordable Housing Fund]

2
3 **Ordinance amending Ordinance No. 49-17 to change the timeline, for the first payment**
4 **of \$1,500,000 from the project sponsor of the project at 950-974 Market Street to the 180**
5 **Jones Street Affordable Housing Fund, from “the issuance of the first construction**
6 **document for that project or July 1, 2017, whichever comes first”, to “the issuance of**
7 **the first construction document.”**

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

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

16 Section 1. Background and Findings.

17 (a) On March 17, 2017, the City enacted Ordinance No. 49-17, which waived the
18 Planning Code’s Jobs-Housing Linkage Fee, the Inclusionary Affordable Housing
19 requirements, and the alternative water supply requirements set forth in Health Code Article
20 12C; exempted 26,572 square feet from the calculation of gross floor area to allow the
21 additional floor area, and exempted 26,572 square feet from Planning Code Sections 123 and
22 128 to reduce any required transferable development rights by such amount, for a project
23 located at 950-974 Market Street(the “Project”), in exchange for the dedication of real property
24 at 180 Jones Street to the Mayor’s Office of Housing and Community Development
25 (“MOHCD”) at no cost and payment by Mid-Market Center LLC (the “Project Sponsor”) of
approximately \$11.25 million to the 180 Jones Street Affordable Housing Fund, according to a

1 payment timeline. Under the payment timeline, the first payment, of \$1.5 million, is due prior
2 to issuance of the first construction document for the project, or July 1, 2017, whichever
3 comes first. (Ordinance No. 49-17; Section 2(a)(1)(B).) Ordinance No. 49-17 also
4 established the 180 Jones Street Affordable Housing Fund; accepted a \$2.7 million gift from
5 the Project Sponsor to the 180 Jones Street Affordable Housing Fund; and accepted a
6 \$300,000 gift from the Project Sponsor to the City to support the City's efforts to recognize
7 and support historic and present-day Transgender, Lesbian, Gay and Bisexual ("TLGB")
8 communities in the Tenderloin neighborhood.

9 (b) At the time Ordinance No. 49-17 was enacted, the Project Sponsor contemplated
10 that construction of the Project would commence in the summer of 2017, and that the
11 Project's first construction document would be issued by July 1, 2017. On account of an
12 unanticipated increase in construction costs and the associated need to adjust construction
13 financing, issuance of the first construction document and construction of the Project is now
14 contemplated to commence in the first quarter of 2018.

15 (c) The Board of Supervisors now desires to amend the payment timeline for the
16 Project Sponsor's first payment to the 180 Jones Affordable Housing Fund to coincide with the
17 closing of financing for the Project and issuance of the Project's first construction document.
18

19 Section 2. The payment timeline for the Project Sponsor's first payment to the 180
20 Jones Affordable Housing Fund is hereby amended by amending Section 2(a)(1)(B) on page
21 8, Lines 11 and 12, of Ordinance No. 49-17, to read as follows:

22 (B) Payment of \$1.5 million: prior to issuance of the first construction document for
23 the Project.

24 This ordinance does not otherwise change the terms of Ordinance No. 49-17.
25

1 Section 3. The Mayor, Clerk of the Board of Supervisors, the Director of Property, and
2 MOHCD are hereby authorized and directed to take any and all actions which they or the City
3 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
4 this ordinance (including, without limitation, the filing of the ordinance in the Official Records of
5 the City and County of San Francisco; receipt of payments to the 180 Jones Affordable
6 Housing Fund; and execution and delivery of any evidence of the same, which shall be
7 conclusive as to the satisfaction of the conditions upon signature by any such City official or
8 his or her designee).

9
10 Section 4. Effective Date; Retroactivity. This ordinance shall become effective 30 days
11 after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns
12 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the
13 Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall be
14 retroactive to July 1, 2017.

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16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: 
19 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170835

Date Passed: October 24, 2017

Ordinance amending Ordinance No. 49-17 to change the timeline, for the first payment of \$1,500,000 from the project sponsor of 950-974 Market Street to the 180 Jones Street Affordable Housing Fund, from "the issuance of the first construction document for that project or July 1, 2017, whichever comes first," to "the issuance of the first construction document."

October 02, 2017 Land Use and Transportation Committee - RECOMMENDED

October 17, 2017 Board of Supervisors - PASSED ON FIRST READING

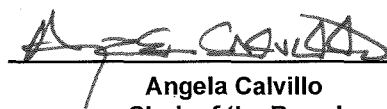
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

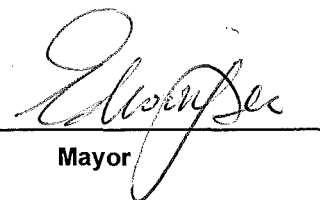
October 24, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Tang and Yee
Absent: 1 - Sheehy

File No. 170835

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/24/2017 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor

11/03/17
Date Approved