

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

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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.”**

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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 *strikethrough italics Times New Roman font*.
 11 **Board amendment additions** are in double-underlined Arial font.
 12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 13 **Asterisks (* * * *)** indicate the omission of unchanged Code
 14 subsections or parts of tables.

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

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15 Section 1. Background and Findings.

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(a) On March 17, 2017, the City enacted Ordinance No. 49-17, which waived the

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Planning Code’s Jobs-Housing Linkage Fee, the Inclusionary Affordable Housing

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requirements, and the alternative water supply requirements set forth in Health Code Article

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12C; exempted 26,572 square feet from the calculation of gross floor area to allow the

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additional floor area, and exempted 26,572 square feet from Planning Code Sections 123 and

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128 to reduce any required transferable development rights by such amount, for a project

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located at 950-974 Market Street(the “Project”), in exchange for the dedication of real property

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at 180 Jones Street to the Mayor’s Office of Housing and Community Development

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(“MOHCD”) at no cost and payment by Mid-Market Center LLC (the “Project Sponsor”) of

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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.

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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.

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).

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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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