

LEGISLATIVE DIGEST

[Development Agreement - FC Pier 70, LLC - Pier 70 Development Project]

Ordinance approving a Development Agreement between the City and County of San Francisco and FC Pier 70, LLC, for 28 acres of real property located in the southeast portion of the larger area known as Seawall Lot 349 or Pier 70; and bounded generally by Illinois Street on the west, 22nd Street on the south, and San Francisco Bay on the north and east; waiving certain provisions of the Administrative Code, Planning Code, and Subdivision Code; and adopting findings under the California Environmental Quality Act, public trust findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

Existing Law

California Government Code sections 65864 *et seq.* (the “Development Agreement Statute”) and San Francisco Administrative Code Chapter 56 (“Chapter 56”) authorize the City to enter into a development agreement regarding the development of real property.

Amendments to Current Law

The ordinance would not amend Chapter 56.

Background Information

The Port of San Francisco owns and leases property for interim commercial uses at the site, about 28 acres bounded by Illinois Street on the west, 22nd Street on the south, and San Francisco Bay on the north and east. The proposed project involves construction of infrastructure, public open space and other public facilities, new building construction, and rehabilitation of three significant historic resources (the “Project”) resulting in a mix of market-rate and affordable residential uses, commercial use, retail/arts/light-industrial uses, and shoreline improvements. The Planning Commission certified and approved a final environmental impact report on the Project and development of two adjacent parcels in accordance with a Pier 70 Special Use District created by companion legislation.

City staff has negotiated a proposed development agreement with FC Pier 70, LLC, an affiliate of Forest City Development California, Inc. Under the development agreement, Developer will attain the vested right to develop the Project in consideration of the application of impact fees and exactions for affordable housing, arts, and other community benefits. Approval of the ordinance would waive the application to the Project of specified provisions of the Administrative Code, Planning Code, and Subdivision Code.

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By separate legislation, the Board is considering a number of other actions in furtherance of the Project, including the establishment of financing districts, amendments to the City's General Plan, Planning Code, and Zoning Map, a disposition and development agreement, and a public trust exchange agreement.

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