

1 [Planning Code, Zoning Map - Treasure Island/Yerba Buena Island]

2

3 **Ordinance amending the Planning Code to revise the Treasure Island/Yerba Buena**
 4 **Island Special Use District (SUD), to update the Treasure Island Bulk and Massing**
 5 **figure, and to provide for additional circumstances that may authorize Minor**
 6 **Modifications to the standards in the SUD; revising the Zoning Map to change height**
 7 **districts in Treasure Island, to provide for five additional feet in certain areas, and to**
 8 **remove the “Special Height District” designation from two easements adjacent to**
 9 **Buildings 2 and 3; making findings under the California Environmental Quality Act;**
 10 **making findings of consistency with the General Plan, and the eight priority policies of**
 11 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**
 12 **and welfare under Planning Code, Section 302.**

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

17

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

19

20 Section 1. Planning and Environmental Findings.

21 (a) In companion legislation amending the Development Agreement associated with
 22 the Treasure Island/Yerba Buena Island project (“Project”), the Board of Supervisors adopted
 23 environmental findings pursuant to the California Environmental Quality Act (CEQA)
 24 (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal.
 25 Code Reg. Sections 15000 et seq.), and Chapter 31 of the Administrative Code. The Board of

1 Supervisors adopts these environmental findings as though fully set forth herein in relation to
2 this ordinance. A copy of said companion legislation is in Board of Supervisors File No.
3 _____ and its environmental findings are incorporated herein by reference.

4 (b) In companion legislation amending the Development Agreement associated with
5 the Treasure Island/Yerba Buena Island project, the Board of Supervisors adopted findings
6 that the actions contemplated in this ordinance are consistent, on balance, with the City's
7 General Plan and eight priority policies of Planning Code Section 101.1. The Board
8 incorporates these findings by reference and adopts these findings as its own. A copy of said
9 companion legislation is in Board of Supervisors File No. _____.

10 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
11 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
12 in Planning Commission Resolution No. _____, adopted on _____, and the Board
13 adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the Board
14 of Supervisors in File No. _____ and is incorporated herein by reference.

15
16 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
17 249.52, to read as follows:

18 **SEC. 249.52. TREASURE ISLAND/YERBA BUENA ISLAND SPECIAL USE**
19 **DISTRICT.**

20 * * * *

21 (e) **Development Controls.** Development and uses of property within this Special
22 Use District shall be regulated by the controls contained herein and in the Design for
23 Development, provided, however, that if there is any inconsistency between this Special Use
24 District and the Design for Development, this Special Use District shall control.

25 * * * *

1 **(6) Building Standards.**

2 * * * *

3 **(C) Building Bulk.** With respect to development on Treasure Island, the

4 applicable bulk limitations shall be as set forth on Figure 6. With respect to development on
5 Yerba Buena Island, the following requirements shall apply: (i) buildings extending more than
6 35 feet above grade shall, above the third floor, step back a minimum distance of 10 feet
7 horizontal for every 10 feet vertical; (ii) buildings fronting on the downhill edge of a street or
8 Drive Court where buildings on the uphill side are allowed shall have a maximum height of 25
9 feet, however for no more than 50% of the width of a residential townhouse unit or lot, but in
10 no instance more than 18-foot increments, the maximum height may be increased to 35 feet;
11 (iii) the height extension referenced in (ii) may not be joined to a similar extension or an
12 adjoining unit or lot and must be configured in a manner that allows potential views from an
13 adjacent uphill unit or lot both over and through the subject unit or lot; (iv) buildings shall be no
14 longer than 150 feet in length, and the maximum plan dimension of a building or structure
15 shall be the greatest plan dimension parallel to the long axis of the building at a given level;
16 (v) the maximum apparent face or elevation length shall be 75 feet; (vi) Mid-rise Buildings on
17 block 4Y (as identified on Figure 1) shall be subject to additional bulk and massing
18 requirements set forth in Section Y4.5.5 of the Design for Development; and (vii) on blocks
19 1Y, 2Y, 3Y and 4Y, a minimum of 1 cross stairway running perpendicular to the topographical
20 contours of the land and no closer than 150 feet from either end of the parcel (measured
21 parallel to the topographical contours) shall be required and integrated into the Island-wide
22 pedestrian trail system.

23 [The existing “Figure 6: Treasure Island Bulk & Massing” is hereby repealed and
24 replaced with the new “Figure 6: Treasure Island Bulk and Massing,” which is on file with the
25 Clerk of the Board of Supervisors in File No. 240199, and is incorporated in this ordinance by

1 this reference. The Code publisher is instructed to include the new “Figure 6: Treasure Island
2 Bulk and Massing” in the Code at the end of subsection (e)(6)(C). This bracketed passage
3 shall not be reprinted in the Code]

4 * * * *

5 **(g) Review and Approval of Vertical Development.**

6 * * * *

7 **(4) Schematic Design Document Applications under Planning
8 Commission Jurisdiction.**

9 * * * *

10 **(D) Modifications to Standards.** Modification of the Standards set forth
11 in this Special Use District and contained in the Design for Development may be approved on
12 a project-by-project basis as follows:

13 **(i) No Modifications.** No modifications or variances are
14 permitted for the following Standards in this Special Use District: district-wide maximum off-
15 street auto parking ratios, and height limits.

16 **(ii) Major Modifications.** A Major Modification shall be (i) any
17 deviation of more than 10% ~~percent~~ from any quantitative Standard in this Special Use District
18 or the Design for Development or (ii) any modification of the maximum building floor plates. A
19 major modification may be approved only by the Planning Commission at a public hearing,
20 and the Planning Commission's review at such hearing shall be limited to the Major
21 Modification. Notwithstanding any other provisions of this Section 249.52, the Planning
22 Director may refer a proposed modification, even if not otherwise classified as a Major
23 Modification, to the Planning Commission as a Major Modification if the Planning Director
24 determines that the proposed modification does not meet the intent of the Standards set forth
25 in the Design for Development. The Planning Commission may not impose conditions of

1 approval that conflict with the Development Requirements (as such term is defined in the
2 Development Agreement).

3 **(iii) Minor Modifications.**

4 a. Any modification to the building standards of this Special
5 Use District and contained in the Design for Development not considered a Major Modification
6 pursuant to subsection (ii) above shall be deemed to be a Minor Modification. Except as
7 permitted in accordance with subsection (ii) above, a Minor Modification is not subject to
8 review by the Planning Commission.

9 b. In addition to the Minor Modifications of 10% or less from any
10 quantitative Standard in this SUD or the Design for Development, the Planning Director may also
11 grant a deviation from the building standards in this SUD or the Design for Development to the extent
12 necessary to reconcile any inconsistency between the provisions of the SUD, the Design for
13 Development, the Development Agreement or any attachment thereto (including but not limited to the
14 Infrastructure Plan referenced in the Development Agreement), or to comply with the requirements or
15 specifications imposed by any agency with jurisdiction over all or a portion of the Project, in a manner
16 that advances the intent of the SUD, Design for Development, or the Development Agreement
17 (including the agreements and plans referenced in the Development Agreement that the parties must
18 comply with), or is minor or incidental.

19 c. The Planning Director may grant any other deviations from
20 the building standards in this SUD or the Design for Development to the extent necessary to address
21 Changing Building Technologies or Unforeseen Site Circumstances, as defined herein, or, at the
22 Director's election, may request Planning Commission review of any such request for a deviation,
23 provided the Director or the Planning Commission (as applicable) in granting such deviation, makes
24 findings that the granting of such deviation:

1 1. is necessary or desirable to avoid a hardship of
2 complying with the text of this SUD and/or the Design for Development because of an Unforeseen Site
3 Circumstance or to Changing Building Technologies; and

4 2. the deviation will not result in a building of greater
5 total gross floor area than would be permitted if the minor deviations were not otherwise granted and
6 is generally consistent with urban form anticipated by the SUD and the Design for Development; and

7 3. will not be materially detrimental to the public welfare
8 or materially injurious to the property or improvements in the vicinity; and

9 4. such deviation will be consistent with the General Plan
10 and in harmony with the general purpose and intent of the SUD and the Design for Development.

11 d. For the purposes of this SUD and the Design for Development,
12 “Changing Building Technologies” shall mean new generally prevailing and market standard building
13 and engineering technologies, features, means, methods or materials (collectively, “Technologies”).

14 e. For purposes of this SUD and the Design for Development,
15 “Unforeseen Site Circumstances” shall mean unanticipated circumstances related to site conditions,
16 such as topography, grading, geological features, final infrastructure configurations, or soil
17 conditions.

18 * * * *

19
20 Section 3. The Planning Code is hereby amended in accordance with Planning Code
21 Section 106 by revising Height Map HT14 of the Zoning Map, as follows:

22 (a) To change the maximum height on various parcels; to change the note associated
23 with the (*) sign; and to add a note associated with the sign (+) to the Special Height District,
24 as follows, and as depicted on Figures A.1 (Treasure Island – Existing Height Limits/Zoning
25 Map HT14) and A.2 (Treasure Island – Proposed Height Limits/Zoning Map HT14). These

1 figures are on file with the Clerk of the Board of Supervisors in File No. 240199, and are
 2 incorporated in this ordinance by this reference.

3	4	5	6
Height District or Note Superseded/Added	New Height District or Note		
40-TI*	45-TI*		
60-TI	65-TI		
70-TI	75-TI		
(*) May be exceeded up to a maximum of 52 feet in certain circumstances (see T4.3.9 and T4.4.7) along the Shared Public Way only	(*) May be exceeded up to a maximum of 55 feet in certain circumstances (see T4.3.9 and T4.4.8) along the Shared Public Way only		
(N/A)	(+) Heights vary; see Figure T4.t		

13
 14 (b) To remove the “Special Height District” designation from two easements located
 15 immediately adjacent to and south of Building 2 and north of B2-A for the length of Building 2
 16 and immediately adjacent to and south of Building 3 and north of B3-A for the length of
 17 Building 3, as shown on Figure A.2, Treasure Island – Proposed Height Limits/Zoning Map
 18 HT14. This figure is on file with the Clerk of the Board of Supervisors in File No. 240199, and
 19 is incorporated in this ordinance by this reference.

20 (c) To repeal and replace the existing Treasure Island – Existing Height Limits/Zoning
 21 Map HT14 with the new Treasure Island – Proposed Height Limits/Zoning Map HT14. These
 22 figures are on file with the Clerk of the Board of Supervisors in File No. 240199, described as
 23 Figures A.1 and A.2, respectively, and are incorporated in this ordinance by this reference.
 24
 25

1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor’s veto of the ordinance.

5
6 Section 5. Scope of Ordinance.

7 In enacting this ordinance, the Board of Supervisors intends to amend only those
8 words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks,
9 charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly
10 shown in this ordinance as additions, deletions, Board amendment additions, and Board
11 amendment deletions in accordance with the “Note” that appears under the official title of the
12 ordinance.

13 However, notwithstanding the prior sentence, as stated in Section 2 of this ordinance in
14 connection with the amendment of Planning Code Section 249.52(e)(6)(C), this ordinance
15 repeals and replaces an existing “Figure 6: Treasure Island Bulk & Massing” with a new
16 “Figure 6: Treasure Island Bulk and Massing.”

17
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19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ ANDREA RUIZ-ESQUIDE
22 ANDREA RUIZ-ESQUIDE
23 Deputy City Attorney

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