

BOARD of SUPERVISORS



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MEMORANDUM

Date: March 15, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240199
Planning Code, Zoning Map - Treasure Island/Yerba Buena Island

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

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, to make the process for amendments to the Design for Development document**
6 **more flexible, and to provide for additional circumstances that may authorize Minor**
7 **Modifications to the standards in the SUD and Design for Development; revising the**
8 **Zoning Map to change height districts in Treasure Island, to provide for five additional**
9 **feet in certain areas, and to remove the “Special Height District” designation from two**
10 **easements adjacent to Buildings 2 and 3; making findings under the California**
11 **Environmental Quality Act; and making findings of consistency with the General Plan,**
12 **and the eight priority policies of Planning Code, Section 101.1, and findings of public**
13 **necessity, convenience, and welfare under Planning Code, Section 302.**

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

18

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

20

21 Section 1. Planning and Environmental Findings.

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

1 Code Reg. Sections 15000 et seq.), and Chapter 31 of the Administrative Code. The Board of
2 Supervisors adopts these environmental findings as though fully set forth herein in relation to
3 this ordinance. A copy of said companion legislation is in Board of Supervisors File No.
4 _____ and its environmental findings are incorporated herein by reference.

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

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

16
17 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
18 249.52, to read as follows:

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

21 * * * *

22 (d) **Relationship to Design for Development.** The Treasure Island + Yerba Buena
23 Island Design for Development ("Design for Development"), adopted by the Planning
24 Commission (Motion No. 18330) and approved by the Board of Supervisors as part of this
25 Special Use District, and as may be amended from time to time as provided herein, sets forth

1 development and use Standards and Guidelines applicable within this Special Use District.
2 Said Design for Development is hereby incorporated by reference. Any term used in this
3 Special Use District and not otherwise defined shall have the meaning ascribed to it in the
4 Design for Development. TIDA shall have exclusive jurisdiction and approval rights over
5 amendments to the Design for Development that affect only horizontal development. Other
6 than as specified above, the Planning Commission may initiate and adopt amendments to the
7 Design for Development, or may approve amendments to the Design for Development upon
8 ~~application~~ recommendation by TIDA or a written request or application from an owner or lessee of
9 property (or ~~his or her~~ their authorized agent) within this Special Use District. ~~provided,~~
10 ~~however, that p~~ Prior to taking any action to amend the Design for Development, the Planning
11 Commission or Planning Director shall refer the matter to the TIDA Board for review and the
12 TIDA Board shall have 30 days to submit its recommendation to the Planning Commission,
13 unless extended as set forth below. This referral to the TIDA Board shall not be necessary in the
14 following instances: (1) when TIDA is the party requesting the proposed amendments, or (2) when the
15 TIDA Board concurs with the proposed amendments initiated by an owner or lessee of property and
16 recommends the amendments to the Planning Commission. The Planning Commission ~~shall~~ may
17 approve, conditionally approve, or disapprove the proposed amendments within 30 days of
18 receipt of the TIDA Board's recommendation or concurrence or, if the TIDA Board fails to
19 submit a recommendation after the proposed amendments are referred to the TIDA Board by the
20 Planning Commission or Planning Director, within 30 days of the expiration of the TIDA Board's
21 30-day review period. If there is no regular meeting of the TIDA Board within such 30-day review
22 period, then such period shall be extended until the next regular meeting of the TIDA Board; provided,
23 however, that the TIDA Board's review period shall not exceed 60 days from the date the proposed
24 amendments are referred by the Planning Commission or Planning Director. The Planning
25 Commission may not approve an amendment to the Design for Development if it finds that the

1 amendment is inconsistent with this Special Use District, the General Plan, and the approved
2 Development Agreement by and between the City and County of San Francisco and Treasure
3 Island Community Development, LLC relative to the development of Naval Station Treasure
4 Island (File No. 110226) (the "Development Agreement").

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

9 * * * *

10 **(6) Building Standards.**

11 * * * *

12 **(C) Building Bulk.** With respect to development on Treasure Island, the
13 applicable bulk limitations shall be as set forth on Figure 6. With respect to development on
14 Yerba Buena Island, the following requirements shall apply: (i) buildings extending more than
15 35 feet above grade shall, above the third floor, step back a minimum distance of 10 feet
16 horizontal for every 10 feet vertical; (ii) buildings fronting on the downhill edge of a street or
17 Drive Court where buildings on the uphill side are allowed shall have a maximum height of 25
18 feet, however for no more than 50% of the width of a residential townhouse unit or lot, but in
19 no instance more than 18-foot increments, the maximum height may be increased to 35 feet;
20 (iii) the height extension referenced in (ii) may not be joined to a similar extension or an
21 adjoining unit or lot and must be configured in a manner that allows potential views from an
22 adjacent uphill unit or lot both over and through the subject unit or lot; (iv) buildings shall be no
23 longer than 150 feet in length, and the maximum plan dimension of a building or structure
24 shall be the greatest plan dimension parallel to the long axis of the building at a given level;
25 (v) the maximum apparent face or elevation length shall be 75 feet; (vi) Mid-rise Buildings on

1 block 4Y (as identified on Figure 1) shall be subject to additional bulk and massing
2 requirements set forth in Section Y4.5.5 of the Design for Development; and (vii) on blocks
3 1Y, 2Y, 3Y and 4Y, a minimum of 1 cross stairway running perpendicular to the topographical
4 contours of the land and no closer than 150 feet from either end of the parcel (measured
5 parallel to the topographical contours) shall be required and integrated into the Island-wide
6 pedestrian trail system.

7 [The existing “Figure 6: Treasure Island Bulk & Massing” is hereby repealed and
8 replaced with the new “Figure 6: Treasure Island Bulk and Massing,” which is on file with the
9 Clerk of the Board of Supervisors in File No. _____, and is incorporated in this ordinance by
10 this reference. The Code publisher is instructed to include the new “Figure 6: Treasure Island
11 Bulk and Massing” in the Code at the end of subsection (e)(6)(C). This bracketed passage
12 shall not be reprinted in the Code]

13 * * * *

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

15 * * * *

16 **(4) Schematic Design Document Applications under Planning**
17 **Commission Jurisdiction.**

18 * * * *

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

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

25

1 **(ii) Major Modifications.** A Major Modification shall be (i) any
2 deviation of more than 10% ~~percent~~ from any quantitative Standard in this Special Use District
3 or the Design for Development or (ii) any modification of the maximum building floor plates. A
4 major modification may be approved only by the Planning Commission at a public hearing,
5 and the Planning Commission's review at such hearing shall be limited to the Major
6 Modification. Notwithstanding any other provisions of this Section 249.52, the Planning
7 Director may refer a proposed modification, even if not otherwise classified as a Major
8 Modification, to the Planning Commission as a Major Modification if the Planning Director
9 determines that the proposed modification does not meet the intent of the Standards set forth
10 in the Design for Development. The Planning Commission may not impose conditions of
11 approval that conflict with the Development Requirements (as such term is defined in the
12 Development Agreement).

13 **(iii) Minor Modifications.**

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

19 b. In addition to the Minor Modifications of 10% or less from any
20 quantitative Standard in this SUD or the Design for Development, the Planning Director may also
21 grant a deviation from the building standards in this SUD or the Design for Development to the extent
22 necessary to reconcile any inconsistency between the provisions of the SUD, the Design for
23 Development, the Development Agreement or any attachment thereto (including but not limited to the
24 Infrastructure Plan referenced in the Development Agreement), or to comply with the requirements or
25 specifications imposed by any agency with jurisdiction over all or a portion of the Project, in a manner

1 that advances the intent of the SUD, Design for Development, or the Development Agreement
2 (including the agreements and plans referenced in the Development Agreement that the parties must
3 comply with), or is minor or incidental.

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

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

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

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

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

20 d. For the purposes of this SUD and the Design for Development,
21 "Changing Building Technologies" shall mean new generally prevailing and market standard building
22 and engineering technologies, features, means, methods or materials (collectively, "Technologies").

23 e. For purposes of this SUD and the Design for Development,
24 "Unforeseen Site Circumstances" shall mean unanticipated circumstances related to site conditions,
25

1 such as topography, grading, geological features, final infrastructure configurations, or soil
2 conditions.

3 * * * *

4
5 Section 3. The Planning Code is hereby amended in accordance with Planning Code
6 Section 106 by revising Height Map HT14 of the Zoning Map, as follows:

7 (a) To change the maximum height on various parcels; to change the note associated
8 with the (*) sign; and to add a note associated with the sign (+) to the Special Height District,
9 as follows, and as depicted on Figures A.1 (Treasure Island – Existing Height Limits/Zoning
10 Map HT14) and A.2 (Treasure Island – Proposed Height Limits/Zoning Map HT14). These
11 figures are on file with the Clerk of the Board of Supervisors in File No. _____, and are
12 incorporated in this ordinance by this reference.

13

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

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24 (b) To remove the “Special Height District” designation from two easements located
25 immediately adjacent to and south of Building 2 and north of B2-A for the length of Building 2

1 and immediately adjacent to and south of Building 3 and north of B3-A for the length of
2 Building 3, as shown on Figure A.2, Treasure Island – Proposed Height Limits/Zoning Map
3 HT14. This figure is on file with the Clerk of the Board of Supervisors in File No. _____, and
4 is incorporated in this ordinance by this reference.

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

9
10 Section 4. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor’s veto of the ordinance.

14
15 Section 5. Scope of Ordinance.

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Andrea Ruiz-Esquide
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 3/12/2024)

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

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

Existing Law

Planning Code Section 249.52 establishes the Treasure Island / Yerba Buena Island Special Use District (SUD). The SUD was created in 2011 in order to “facilitate the City's long-term goal of implementing the creation of a new City neighborhood on Treasure Island and Yerba Buena Island, which will provide benefits to the City such as significant amounts of new affordable housing, increased public access and open space, transportation improvements, extensive infrastructure improvements, and recreational and entertainment opportunities, while creating jobs and a vibrant, sustainable community.”

The SUD establishes two main jurisdictional areas within the islands. Property that is subject to the public trust for commerce, navigation and fisheries and governed by the Treasure Island Conversion Act of 1997 is designated as the Tidelands Trust Overlay Zone, and is subject to the authority of the Treasure Island Development Authority (“TIDA”), a public trust grantee under the Treasure Island Conversion Act of 1997. The Planning Commission has jurisdiction over any Vertical Development or use of property that is not subject to the Tidelands Trust Overlay Zone. The SUD contains a figure that depicts the areas inside and outside the Tidelands Trust Overlay Zone.

The SUD regulates development on the islands, together with the Design for Development document, which it incorporates by reference. The SUD establishes development controls on the islands, including zoning designations, uses, building standards, and other regulations. It also establishes review and approval processes for vertical development (i.e. buildings) on the islands, whether on the Tidelands Trust Overlay Zone or outside it. Among the procedures applicable to the review of applications by the Planning Commission or Director, as the case

may be, in the area within the Commission jurisdiction, the SUD sets forth the parameters for consideration of Major and Minor Modifications, as defined.

The Zoning Map contains zoning regulations applicable to the Treasure Island / Yerba Buena Island Special Use District, including a zoning map (Sheet ZN 14), a special use district map (Sheet SU14), and a height / bulk map (Sheet HT14).

Amendments to Current Law

This ordinance amends the Treasure Island / Yerba Buena Island SUD and Height Map HT14.

Among the changes to the SUD controls, the ordinance:

- updates the Treasure Island Bulk and Massing figure, to change the maximum allowed bulk for buildings between 181 and 240 feet of height from 10,500 square feet to 10,600 square feet;
- provides for additional circumstances that may authorize Minor Modifications to the standards in the SUD or the Design for Development, to the extent necessary to reconcile any inconsistency between the provisions of the SUD, the Design for Development and the Development Agreement; to comply with the requirements or specifications imposed by any agency with jurisdiction over all or a portion of the Project, or to address Changing Building Technologies or Unforeseen Site Circumstances. The ordinance defines “Changing Building Technologies” as “new generally prevailing and market standard building and engineering technologies, features, means, methods or materials,” and “Unforeseen Site Circumstances” as “unanticipated circumstances related to site conditions, such as topography, grading, geological features, final infrastructure configurations, or soil conditions;” and
- amends the process for amendments to the Design for Development document, providing that if the Planning Commission or the Planning Director have referred an amendment of the Design for Development to the TIDA Board, or if the TIDA Board has concurred in an amendment requested by the owner or lessee of the property, and recommended that amendment to the Planning Commission, then a referral to the TIDA Board is not necessary before the Planning Commission can take action on that amendment.

The ordinance also amends the Height Map HT14, to authorize an additional 5 feet on various parcels (from 40-TI, 60-TI and 70-TI to 45-TI, 65-TI and 75-TI) and to remove “Special Height District” designation from two easements located immediately adjacent to Buildings 2 and 3. The ordinance effectuates these changes by repealing and replacing the existing Treasure Island – Existing Height Limits/Zoning Map HT14 with the new Treasure Island – Proposed Height Limits/Zoning Map HT14, referred to Figures A.1 and A.2, respectively, by the ordinance.

FILE NO. 240199

These figures are on file with the Clerk of the Board of Supervisors and are part of the ordinance. Note, however, that the intent of the ordinance is to codify only the new, proposed Height Limits/Zoning Map HT14, and that inclusion of the existing Treasure Island – Existing Height Limits/Zoning Map HT14 and its incorporation by reference into the ordinance is for comparative purposes only.

Background Information

This ordinance is part of a larger legislative packet to update the 2011 entitlements for the Treasure Island / Yerba Buena Island project. Companion pieces of legislation amend the Development Agreement and the Disposition and Development Agreement.

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