

**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.

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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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