BOARD of SUPERVISORS

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MEMORANDUM

Date: March 8, 2024

To: Planning Department / Commission

From: Brent Jalipa, Clerk of the Budget and Finance Committee

Subject: Board of Supervisors Legislation Referral - File No. 240198
Development Agreement Amendment - Treasure Island Community Development, LLC - Treasure 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 Brent Jalipa at Brent.Jalipa@sfgov.org.

[Development Agreement Amendment - Treasure Island Community Development, LLC - Treasure Island]

Ordinance amending a Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, a California limited liability company, for the Treasure Island project and to amend the Financing Plan; making findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

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

Section 1. Background and Findings.

(a) The City and County of San Francisco (the "City") created the Treasure Island Development Authority (the "Authority") in 1997 to serve as the entity responsible for the reuse and development of Naval Station Treasure Island, which encompasses Treasure Island (also referred to as "TI") and portions of Yerba Buena Island (also referred to as "YBI").

(b) On June 28, 2011, the Authority and Treasure Island Community Development, LLC ("Developer") entered a Disposition and Development Agreement (the "Treasure Island/Yerba Buena Island DDA" or "DDA"). On the same date, the City and Developer entered a Development Agreement (the "DA"). The Board of Supervisors approved the DA in

Ordinance No. 95-11, Clerk of the Board of Supervisors File No. 110226. Ordinance No. 95-11 and related DA documents and approvals are on file with the Clerk of the Board and incorporated by reference in this ordinance.

(c) The DA, DDA, and the Special Use District in Planning Code Section 249.52 contemplate a project (the "Project") on Treasure Island and Yerba Buena Island that includes up to 8,000 units of housing, 140,000 square feet of commercial and retail space, 100,000 square feet of office space, and up to approximately 300 acres of parks and open space, a ferry terminal, new and upgraded streets, and extensive bicycle, pedestrian, and transit facilities.

Section 2. Environmental Findings.

(a) On June 7, 2011 pursuant to Resolution No. 246-11, which was approved by the Mayor, the Board of Supervisors unanimously confirmed certification of the final environmental impact report ("FEIR") prepared for the Project under the California Environmental Quality Act ("CEQA," Public Resources Code Sections 21000 et. seq;) and the CEQA Guidelines (14 Cal. Code Regs. Sections 15000 et seq.), and made certain environmental findings, including adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. Said Resolution is on file with the Clerk of the Board of Supervisors in File No 110328.

(b) CEQA authorizes lead agencies to prepare addenda to previously-prepared environmental documents when they consider adopting a revised project, and the conditions for preparing subsequent or supplemental environmental review are not met (CEQA Section 21166; Guidelines Sections 15162 and 15164).

(c) The Planning Department considered the impacts of the proposed amendments to the Development Agreement, as well as concurrent proposed amendments to the Planning

Code, Zoning Map, and Disposition and Development Agreement for the Project, and prepared an addendum to the FEIR.

(d) The addendum to the FEIR concluded that no supplemental or subsequent environmental review is required for the proposed amendments to the Development Agreement, Planning Code, Zoning Map, and Disposition and Development Agreement for the Project, because the environmental impacts of these actions were adequately identified and analyzed under CEQA in the FEIR, and the proposed amendments would not result in any new or more severe environmental impacts than were identified previously.

(e) The Board of Supervisors has reviewed and considered the addendum and the FEIR, and concurs with the Planning Department analysis and conclusions, finding that the addendum adequately identified and analyzed the environmental impacts of the proposed amendments to the Development Agreement, Planning Code, Zoning Map, and Disposition and Development Agreement for the Project, and that no additional environmental review is required under CEQA Section 21166 and CEQA Guidelines Sections 15162-15164, for the following reasons:

(1) The Project with the proposed amendments will not have any new significant environmental effects or a substantial increase in the severity of previously identified significant impacts, beyond what was analyzed in the FEIR; and,

(2) No substantial changes have occurred with respect to the circumstances under which the Project would be carried out, with the proposed amendments, that would lead to new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIR; and,

(3) no new information of substantial importance to the Project analyzed in the FEIR has become available, which would indicate that (i) the Project with the proposed amendments will have significant effects not discussed in the FEIR; (ii) significant

environmental effects identified in the FEIR will be substantially more severe; (iii) mitigation measures or alternatives found not feasible, which would reduce one or more significant effects, have become feasible but the City and TIDA refuse to implement them; or (iv) mitigation measures or alternatives, which are considerably different from those in the FEIR, will substantially reduce one or more significant effects, but the City and TIDA refuse to implement them.

Section 3. General Plan and Planning Code Findings.

(a) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

Section 4. Development Agreement Amendment.

(a) The Board of Supervisors approves an amendment to the Development Agreement, to revise Exhibit D, the Financing Plan, to make certain changes consistent with those changes being made to the Financing Plan as attached to the DDA, to describe the City's intent to accelerate revenues into the Project for the purpose of ensuring Stage 2 of the Project is financially feasible and proceeds and which changes to the DDA, through an

amendment to the DDA (the “DDA Amendment”), in addition to other changes, are being considered by the Board of Supervisors concurrently with the consideration of this Ordinance.

(b) The Board of Supervisors also approves certain other changes to DA Exhibit A, Project Site, to reflect revisions to the Marina lease boundaries; DA Exhibit B, Legal Description, to reflect revisions to the Marina lease boundaries; and, DA Exhibit C, Project Approvals, to reflect revisions to the Project Approvals consistent with amendments to certain documents as included in the DDA Amendment being considered concurrently with the consideration of this Ordinance.

(c) The Board of Supervisors authorizes the execution, delivery, and performance by the City of the amendment to the Development Agreement as follows: (i) the Director of Planning and (other City officials listed thereon) are authorized to execute and deliver the Development Agreement; and (ii) the Director of Planning and other applicable City officials are authorized to take all actions reasonably necessary or prudent to perform the City's obligations under the Development Agreement in accordance with the terms of the Development Agreement amendment.

(d) The Board of Supervisors finds that this ordinance satisfies the requirements of both Article 11 of the Development Agreement and Chapter 56 of the Administrative Code as governing the amendment of the Development Agreement.

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

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ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ HEIDI J. GEWERTZ
HEIDI J. GEWERTZ
Deputy City Attorney

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FILE NO. 240198

LEGISLATIVE DIGEST

[Development Agreement Amendment - Treasure Island Community Development, LLC - Treasure Island/Yerba Buena Island]

Ordinance amending a Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, a California limited liability company, for the Treasure Island project, to amend the Financing Plan; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Background Information

The City and County of San Francisco (the "City") created the Treasure Island Development Authority (the "Authority") in 1997 to serve as the entity responsible for the reuse and development of Naval Station Treasure Island, which encompasses Treasure Island (also referred to as "TI") and portions of Yerba Buena Island (also referred to as "YBI").

On June 28, 2011, the Authority and Treasure Island Community Development, LLC ("Developer") entered a Disposition and Development Agreement (the "Treasure Island/Yerba Buena Island DDA" or "DDA"). On the same date, the City and Developer entered a Development Agreement (the "DA").

Proposed Amendment

The parties now propose to amend the Development Agreement to revise Exhibit D, the Financing Plan, to make certain changes consistent with those changes being made to the Financing Plan as attached to the DDA, to describe the City's intent to accelerate revenues into the Project for the purpose of ensuring Stage 2 of the Project is financially feasible and proceeds and which changes to the DDA, through an amendment to the DDA (the "DDA Amendment"), in addition to other changes, are being considered by the Board of Supervisors concurrently with the consideration of this Ordinance.

The parties also propose certain other changes to DA Exhibit A, Project Site, to reflect revisions to the Marina lease boundaries; DA Exhibit B, Legal Description, to reflect revisions to the Marina lease boundaries; and, DA Exhibit C, Project Approvals, to reflect revisions to the Project Approvals consistent with amendments to certain documents as included in the DDA Amendment being considered concurrently with the consideration of this Ordinance.

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