III. PLANS AND POLICIES

For informational purposes, this chapter provides a summary of the relevant plans and policies of the City and County of San Francisco ("City") and the regional, State, and Federal agencies that have policy and regulatory jurisdiction over the Project Area. This chapter also assesses the Proposed Project’s potential for conflicts with these plans and policies. Project approvals and regulatory permits required to implement the Proposed Project under City, regional, State, and Federal statutes are discussed in Chapter II, Project Description, pp. II.83-II.84.

A. SAN FRANCISCO PLANS AND POLICIES

Although Treasure Island and Yerba Buena Island are located within the jurisdictional boundaries of the City and County of San Francisco, the San Francisco General Plan ("General Plan") and its related planning and policy documents do not specifically address development on the Islands. Treasure Island and Yerba Buena Island are the site of the former Naval Station Treasure Island ("NSTI"), which is still owned and was formerly operated by the U.S. Navy until its closure in 1997. Consequently, land use planning within the Project Area was not directly controlled by the City and was not considered in the General Plan. The Planning Code does, however, designate zoning and height and bulk classifications for both Treasure Island and Yerba Buena Island under Sections 105(e) and 105(f) of the Planning Code (refer to Section B. San Francisco Planning Code, p. III.3, for a discussion of existing zoning and height and bulk classifications). These controls do not apply to the Federal land uses on the Islands.

- As discussed in Chapter II, Project Description, pp. II.1-II.3, the Area Plan and the Special Use District ("SUD"), which incorporates the Design for Development, would establish the land use controls and design standards and guidelines for the Proposed Project. The Proposed Project includes amendments to the text and maps of the General Plan and Planning Code (discussed below) that would identify the geographic and physical boundaries of Treasure Island and Yerba Buena Island, and establish the land use controls and design standards specified in the proposed SUD and Design for Development for the Development Plan Area.

PRIORITY POLICIES

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code to establish eight Priority Policies. These policies are: (1) preservation and enhancement of neighborhood-serving retail
uses and future opportunities for resident employment in and ownership of such businesses; 
(2) conservation and protection of existing housing and neighborhood character to preserve the 
cultural and economic diversity of neighborhoods; (3) preservation and enhancement of 
affordable housing; (4) discouragement of commuter automobiles that impede Muni transit 
service or that overburden streets or neighborhood parking; (5) protection of industrial and 
service land uses from commercial office development and enhancement of resident employment 
and business ownership; (6) maximization of earthquake preparedness; (7) preservation of 
landmark and historic buildings; and (8) protection of parks and open space and their access to 
sunlight and vistas. The case report and approval motions for the Proposed Project presented to 
the Treasure Island Development Authority (“TIDA”) and the San Francisco Planning 
Commission for consideration in acting on the proposed Area Plan/SUD will contain the Planning 
Department’s comprehensive project analysis and findings regarding consistency of the Proposed 
Project with the Priority Policies. For purposes of this EIR, the Proposed Project was reviewed 
against the Priority Policies and no inconsistencies were identified.

SAN FRANCISCO GENERAL PLAN

The *San Francisco General Plan* is the embodiment of the City’s vision for the future of San 
Francisco. It is comprised of a series of ten elements, each of which deals with a particular topic 
that applies Citywide: Air Quality, Arts, Commerce and Industry, Community Facilities, 
Community Safety, Environmental Protection, Housing, Recreation and Open Space, 
Transportation, and Urban Design Elements. Development in the City is subject to the General 
Plan. The General Plan provides general policies and objectives to guide land-use decisions and 
contains some policies that relate to physical environmental issues. TIDA, the Zoning 
Administrator, the Planning Commission, the Board of Supervisors, and other City decision-
makers will evaluate the Proposed Project in accordance with provisions of the General Plan, and 
will consider potential conflicts as part of the decision-making process. This consideration of 
General Plan objectives and policies is carried out independent of the environmental review 
process, as part of the decision to approve, modify, or disapprove a proposed project. Any 
potential conflicts with General Plan objectives and policies not identified in the EIR would be 
considered in the project evaluation process and would not alter the physical environmental 
effects of the Proposed Project.

The Proposed Project will be reviewed by the TIDA Board, the Planning Commission and Board 
of Supervisors in the context of all applicable objectives and policies of the *San Francisco 
General Plan*. While the General Plan does not explicitly address development within the 
geographic boundaries of Treasure Island and Yerba Buena Island, certain General Plan 
objectives and policies that address development within the City and County of San Francisco as

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1 *San Francisco General Plan* at http://www.sfgov.org/site/planning_index.asp?id=41423, accessed 
April 26, 2010.
III. Plans and Policies

To implement the Proposed Project, the General Plan would be amended to add a new Area Plan for the Project Area that would include the new neighborhoods on Treasure Island and Yerba Buena Island. With these proposed amendments, there would be no conflicts with the General Plan.

B. SAN FRANCISCO PLANNING CODE

The San Francisco Planning Code, which incorporates the City’s Zoning Map by reference, regulates development in the City by prescribing the permitted uses and development standards consistent with land use designations and policies in the San Francisco General Plan. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless (1) the Proposed Project conforms to the Planning Code; (2) allowable exceptions are granted pursuant to provisions of the Planning Code; or (3) amendments to the Planning Code are included as part of the project.

The Zoning Map consists of a series of numbered maps that divide the City into geographic sections and show the locations and boundaries of zoning (Maps ZN01 through ZN13) and height and bulk (Maps HT01 through HT13) districts. It has two layers of districts. Use Districts are the base zoning that prescribes which land uses are permitted and most development standards (except height and bulk). Height and Bulk Districts are mapped separately from the Use Districts and prescribe the maximum height and bulk of buildings. Treasure Island and Yerba Buena Island are not shown or included in the use districts or height and bulk districts of the Zoning Map. As such, the Islands are subject to the provisions of Sections 105(e) and (f) of the Planning Code.

ZONING

Section 105(e) addresses property that is not specifically included in any use district shown on the Zoning Map. This section states that wherever any property is not included in any use district shown on the Zoning Map, it is declared to be in an RH-1 (Residential, One-Family) District. Property that is owned by the United States of America, State of California, City and County of San Francisco, or other governmental agency but is within the City and County of San Francisco (and not within the areas covered by the Zoning Map) is declared to be in a P (Public Use) District unless otherwise reclassified in accordance with the Planning Code. Therefore, under the provisions of Section 105(e) of the Planning Code, the Development Plan Area is currently zoned P (Public Use) District.
The Proposed Project would not be consistent with the existing Planning Code zoning district. Pursuant to Sections 106 and 302(c) of the Planning Code, implementation of the Proposed Project would require amendments to the Zoning Map that would add a new zoning map sheet (Sheet ZN14) to change the existing zoning designation from P (Public Use) District within the Development Plan Area to the Treasure Island / Yerba Buena Island SUD.

**HEIGHT AND BULK DISTRICTS**

Section 105(f) addresses property that is not specifically included in any height and bulk district shown on the Zoning Map of the Planning Code. This section states that wherever any property is not included in any height and bulk district shown on the Zoning Map, it is declared to be in a 40-X height and bulk district. Section 105(f) excludes property within the City and County of San Francisco that is not covered by the Zoning Map from the 40-X height and bulk district if it is owned by the United States of America, State of California, City and County of San Francisco, or other governmental agency. Under Section 105(f) such property is declared to be in an OS (Open Space) District, with the exception of Yerba Buena Island and Treasure Island which are declared to be in a 40-X height and bulk district. Therefore, pursuant to Section 105(f) of the Planning Code, the Development Plan Area is in the 40-X height and bulk district. Within this district, the maximum height limit is 40 feet and no bulk limits apply.

The Proposed Project would not be consistent with the existing Planning Code height and bulk district classifications. As allowed for under Sections 106 and 302(c) of the Planning Code, the Proposed Project would require amendments that would modify Section 105(f) by removing the 40-X height and bulk limit on Treasure Island and Yerba Buena Island. Zoning Map amendments would add a new map sheet (Sheet HT14) to change the existing height and bulk limits from 40-X within the Development Plan Area to the TI Height and Bulk District, which would include the designations contained in the SUD. Zoning map amendments would also add a new Sectional Map Sheet SU14 to establish the Treasure Island / Yerba Buena Island Special Use District.

With these amendments, the Proposed Project would be consistent with the Planning Code. Physical impacts of the Proposed Project related to these amendments are addressed by topic under the impact discussions in Chapter IV, Environmental Setting and Impacts.

Proposed Planning Code zoning and height and bulk classification amendments would be applicable only to those portions of Treasure Island and Yerba Buena Island that are included in the Development Plan Area, and would not alter existing zoning or height and bulk classifications on federally owned land; that is, the approximately 37 acres owned by the U.S. Department of Labor and occupied by the Job Corps campus and the 18 acres owned by FHWA/Caltrans would remain in the existing P (Public Use) District, and the 40-X height and bulk district. Refer to Chapter II, Project Description, Figure II.2: Proposed Project Area, p. II.8, for the locations of these excluded uses.
C. OTHER LOCAL PLANS AND POLICIES

Other local plans and policies reviewed for consistency with the Proposed Project were the San Francisco Sustainability Plan, San Francisco Transit First Policy, and Transit Effectiveness Program. The San Francisco Transit First Policy and Transit Effectiveness Program are addressed in Section IV.E, Transportation.

The Proposed Project was also evaluated in the context of a number of City programs that have been adopted or implemented to realize meaningful reductions in greenhouse gas (GHG) emissions, including the Green Building Ordinance (also discussed below), a Zero Waste strategy, a Construction and Demolition Debris Recovery Ordinance, and a solar energy generation subsidy program. These programs collectively comprise San Francisco’s GHG reduction strategy and are discussed in Section IV.H, Greenhouse Gas Emissions. The Proposed Project was reviewed against these programs and measures and no inconsistencies were found. Potential physical environmental effects related to GHG emissions are addressed in Section IV.H, Greenhouse Gas Emissions.

SAN FRANCISCO SUSTAINABILITY PLAN

In 1993, the San Francisco Board of Supervisors established the Commission on San Francisco’s Environment, charged with, among other things, drafting and implementing a plan for San Francisco’s long-term environmental sustainability. The goal of the San Francisco Sustainability Plan is to enable the City and its people to meet their present needs without sacrificing the ability of future generations to meet their own needs.

The San Francisco Sustainability Plan is divided into 15 topic areas, 10 that address specific environmental issues (air quality; biodiversity; energy, climate change and ozone depletion; food and agriculture; hazardous materials; human health; parks, open spaces, and streetscapes; solid waste; transportation; and water and wastewater), and 5 that are broader in scope and cover many issues (economy and economic development; environmental justice; municipal expenditures; public information and education; and risk management).

Although the San Francisco Sustainability Plan became official City policy in July 1997, the Board of Supervisors has not committed the City to perform all of the actions addressed in the plan. The San Francisco Sustainability Plan serves as a blueprint, with many of its individual proposals requiring further development and public comment.
The Proposed Project, including its components, the Treasure Island Sustainability Plan, and the Treasure Island Green Building Specifications, were reviewed against the goals and issues addressed in the San Francisco Sustainability Plan and no inconsistencies were found.

SAN FRANCISCO GREEN BUILDING PROGRAM

San Francisco Green Building Ordinance

The San Francisco Building Code was amended in 2008 to add Chapter 13C, Green Building Requirements. The new requirements mandate that newly constructed private residential and commercial buildings include energy- and water-efficiency features during construction and operation. The stated purpose of the chapter is “to promote the health, safety and welfare of San Francisco residents, workers, and visitors by minimizing the use and waste of energy, water and other resources in the construction and operation of the City and County of San Francisco’s building stock and by providing a healthy indoor environment.” The California Building Standards Commission recently adopted a green building code as part of the California Building Code (Title 24 of the California Code of Regulations, part 6); these provisions of the State code will become effective on January 1, 2011. Local jurisdictions are allowed to adopt or continue to use their own green building ordinances as long as they are as, or more, stringent than those adopted by the State.

The San Francisco Green Building Requirements establish either Leadership in Energy and Environmental Design (“LEED”) certification levels or GreenPoint Rated systems points for types of residential and commercial buildings; the requirements are summarized here. High-rise commercial buildings must achieve a LEED Silver rating beginning with building permit applications submitted after January 1, 2009; high-rise residential buildings must achieve LEED Silver after January 1, 2010. Mid-sized office and retail buildings have been required to meet LEED standards for building energy systems and water-efficient landscaping since January 1, 2009, and will be required to show a reduction in the use of potable water by 30 percent as of January 1, 2011. By January 1, 2012, applicants for mid-sized commercial buildings will be required to show the use of renewable on-site energy or to purchase green energy credits.

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2 A Sustainable Future for Treasure Island, Exhibit K: Sustainability Plan, October 2006, Treasure Island Community Development.
3 GreenPoint Rated is a program of Build it Green established for evaluating residential building performance in the areas of resource conservation, indoor air quality, water conservation, energy efficiency and livable communities (infill development, density, diversity). From “GreenPoint Rated” at http://www.builditgreen.org/greenpoint-rated/, accessed February 2, 2010.
4 High-rise buildings are defined in the California and San Francisco Building Codes as buildings with an occupied floor above 75 feet.
5 For purposes of LEED certification, mid-sized office and retail buildings are defined as those between 5,000 and 25,000 gross square feet that are not high-rise buildings.
Applicants for building permits for mid-sized residential buildings\(^6\) must be GreenPoint Rated and demonstrate that a minimum of 75 GreenPoints will be achieved as of January 1, 2011; for small residential buildings with four or fewer units, this standard applies after January 1, 2012.

The proposed Development Plan would include strategies intended to achieve Gold certification under the 2009 Neighborhood Development program of the U.S. Green Building Council’s LEED-ND rating system, and good-faith efforts to achieve Platinum certification. Buildings constructed under the Development Plan would be required to meet the Treasure Island Green Building Specifications standards in the City’s Green Building Ordinance. This requirement would be implemented either through project compliance with the Green Building Ordinance itself, or through a set of equivalent or superior requirements adopted by TIDA as part of the Treasure Island Green Building Specifications. Thus, the Proposed Project would meet or exceed the provisions of the City’s Green Building Ordinance and no potential conflicts were identified.

**San Francisco Municipal Green Building Program**

San Francisco’s Municipal Green Building Program was founded in 1999 when the City adopted the Resource Efficient Building Ordinance, which established green building standards for municipal buildings to increase energy efficiency, conserve City finances, reduce the environmental impacts of demolition, construction, and operation of buildings, and create safe workplaces for City employees and visitors. The ordinance created the inter-departmental Resource Efficient Building (“REB”) Task Force and charged the San Francisco Department of the Environment with implementing the ordinance in partnership with the Department of Public Works and other REB Task Force departments. In 2004, amendments to Chapter 7 of the Environment Code set LEED Silver Certification by the U.S. Green Building Council as the minimum environmental performance requirement for all municipal projects over 5,000 square feet. This performance standard does not apply to private development projects. The REB Task Force assists City departments in compliance with the LEED Silver Certification requirement and helps to determine which projects are applicable for LEED ratings. For all municipal construction projects, including those that do not involve buildings and are not required to obtain LEED Silver Certification, the REB Task Force provides recommended best practices and sample specifications for building materials (e.g., recycled content of steel and concrete).

Implementation of the ordinance is intended to reduce carbon monoxide emissions, save power and drinking water, reduce discharges of wastewater and stormwater, reduce construction and demolition waste, reduce automobile trips, and increase green power generation by City-owned buildings.

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\(^6\) Mid-sized residential buildings are defined in Chapter 13C of the San Francisco Building Code as those with five or more units that do not fit the Building Code definition of a high rise.
The proposed improvements or new construction of the existing Treasure Island elementary school building, joint police and fire station, and wastewater treatment plant facility on Treasure Island, which would be operated by the San Francisco Unified School District, Police Department, Fire Department and S.F. Public Utilities Commission, respectively, would be required to comply with the standards in the Municipal Green Building Program. 7

The Proposed Project was reviewed in the context of the City’s Municipal Green Building Program and no potential conflicts were identified.

D. REGIONAL PLANS AND POLICIES

The principal regional planning agencies and their policy plans that guide planning for the Proposed Project and the nine-county Bay Area are (1) the Bay Area Air Quality Management District’s (“BAAQMD”) Bay Area 2005 Ozone Strategy; 8 (2) the Metropolitan Transportation Commission’s (“MTC”) Transportation 2035 Plan for the San Francisco Bay Area; (3) the San Francisco Bay Area Water Transit Authority Final Implementation & Operations Plan; (4) the San Francisco Regional Water Quality Control Board’s (“RWQCB”) San Francisco Basin Plan; (5) the San Francisco Bay Conservation and Development Commission’s (“BCDC”) San Francisco Bay Plan; and (6) the Association of Bay Area Governments’ (“ABAG”) regional development and conservation program (FOCUS), biennial Projections, and San Francisco Bay Trail Plan.

The most recently adopted air quality plan in the San Francisco Bay Area Air Basin is the Bay Area 2005 Ozone Strategy. The Bay Area 2005 Ozone Strategy represents the Bay Area’s most recent triennial assessment of the region’s strategy to attain the State one-hour standard for ozone. In this respect, the 2005 Ozone Strategy replaces the 2000 Clean Air Plan. The 2010 Clean Air Plan is in draft form and is pending adoption by the BAAQMD. The Proposed Project would be considered inconsistent with the 2005 Ozone Strategy because it would not meet population and vehicle miles travelled criterion; however, the Proposed Project with mitigation for Expanded Transit Service would meet this criterion and would be consistent with the adopted air quality plan for the region; refer to Section IV.G, Air Quality, p. IV.G.50 for a detailed discussion of this impact. The 2005 Ozone Strategy and physical impacts of the Proposed Project relating to ozone are addressed in Section IV.G, Air Quality.

The Proposed Project was reviewed in the context of the Metropolitan Transportation Commission’s Transportation 2035 Plan for the San Francisco Bay Area, and the San Francisco Bay Area Water Transit Authority Final Implementation & Operations Plan.

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7 This requirement would be implemented either through compliance with the Municipal Green Building Program or a set of equivalent or superior requirements adopted by TIDA as part of the Proposed Project’s Treasure Island Green Building Specifications.

8 The Bay Area 2005 Ozone Strategy was adopted by BAAQMD in January 2006, in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments.
Bay Area Water Transit Authority *Final Implementation & Operations Plan* (including expansion of ferry service to Treasure Island) and no inconsistencies were found. The physical impacts of implementing transit and ferry service to Treasure Island are discussed in Section IV.E, Transportation.

The stormwater discharge, wastewater management, drainage plan, and water quality control systems incorporated into the Proposed Project were reviewed in the context of the RWQCB’s *San Francisco Basin Plan* and no potential conflicts were identified. The physical impacts of implementing these systems and permitting requirements of the RWQCB are discussed in Sections IV.K, Utilities, IV.M, Biological Resources, and IV.O, Hydrology and Water Quality.

BCDC’s *San Francisco Bay Plan* and ABAG’s FOCUS program, biennial *Projections*, and *San Francisco Bay Trail Plan* are discussed below.

**BAY CONSERVATION AND DEVELOPMENT COMMISSION**

**San Francisco Bay Plan**

BCDC, created by the McAteer-Petris Act, functions as the state coastal management agency for San Francisco Bay (“the Bay”). The *San Francisco Bay Plan* (“Bay Plan”) was prepared by BCDC from 1965 through 1969 and amended through 2007 in accordance with the *McAteer-Petris Act* (California Government Code Sections 66600-66682). The Bay Plan guides the protection and use of the Bay and its shoreline. BCDC has permit jurisdiction over shoreline areas subject to tidal action up to the mean high tide line and including all sloughs, tidelands, submerged lands, and marshlands lying between the mean high tide and 5 feet above mean sea level for the nine Bay Area counties with Bay frontage, and the land lying between the Bay shoreline and a line drawn parallel to, and 100 feet from, the Bay shoreline, known as the 100-foot shoreline band. Under the *McAteer-Petris Act*, BCDC has permit authority for the placement of fill, extraction of materials, or substantial changes in use of land, water, or structures within its jurisdiction, and to enforce policies aimed at protecting the Bay and its shoreline, as well as maximizing public access to the Bay.

For the Proposed Project, BCDC’s jurisdiction includes all areas within 100 feet inland of the mean high tide line, as well as all tidal marsh and submerged areas up to an elevation of 5 feet above mean sea level.

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The *Bay Plan* includes broad policies to protect the Bay’s economic and natural resources, including designation of shoreline Priority Use Areas.¹⁰ These policies guide BCDC’s permit decisions. *Bay Plan* Map 4 (Central Bay North) includes *Bay Plan* policies for the proposed Project Area. Treasure Island is not identified as priority use area; however, Yerba Buena Island in its entirety is designated as a waterfront park, beach priority use area in the *Bay Plan*.

*Bay Plan* Map 4 includes a number of specific *Bay Plan* policies pertaining to recreation and public access on Treasure Island and Yerba Buena Island. The *Bay Plan* Map 4, Policy 22 states that when Treasure Island is transferred out of Federal ownership, Treasure Island should be redeveloped for public use with continuous access to San Francisco Bay in a manner protective of sensitive wildlife, as well as with parking and water access for users of small watercraft (non-motorized boats), including at the north end of Treasure Island (the proposed Northern Shoreline Park). This policy further states that Treasure Island should be developed with a system of linked open spaces, including a large open space at the northern end of the island. The *Bay Plan* Map 4, Policy 23 encourages redevelopment of Yerba Buena Island, south of the San Francisco Oakland Bay Bridge (Bay Bridge), into recreational uses when that portion of the island is no longer owned or controlled by the U.S. Coast Guard. Policy 23 also calls for the protection of harbor seals and other sensitive wildlife in this location. In particular, the *Bay Plan* Map 4, Policies 24 and 25 call for a large, public open space at the center of Yerba Buena Island (the proposed Hilltop Park); a large public open space on the plateau on the eastern peninsula (the proposed Habitat Management Plan Area) adjacent to and beneath the east span of the San Francisco Oakland Bay Bridge; and a linked system of trails near the shoreline and at the upper elevations that connect vista points and open spaces; expansion of the Clipper Cove Marina and other water-oriented recreation uses; and the provision of water access for small watercraft, swimming, and preservation of beaches and eelgrass beds. The *Bay Plan* Map 4, Policy 25 states that the remainder of Yerba Buena Island, upland of the shoreline band, may be developed for other uses consistent with *Bay Plan* public access and recreation policy 4-b (pertaining to recreational use of historic buildings in waterfront parks) and applicable provisions and statutes of the Tidelands Trust (described below).

For purposes of this EIR, the proposed recreation and public access features and potential effects on wildlife were reviewed against *Bay Plan* policies related to recreation and public access and no inconsistencies were found. Physical impacts related to implementation of *Bay Plan* policies are addressed in Sections IV.A, Land Use and Land Use Planning, IV.E, Transportation, IV.J, Recreation, and IV.M, Biological Resources.

¹⁰ To minimize future pressures for Bay fill, the *Bay Plan* Maps designate shoreline “Priority Use Areas” that should be preserved for regionally important, water-oriented uses historically located or needed to be located on shoreline sites, such as ports, water-related industry, water-related recreation, airports, and wildlife refuges.
The Bay Plan also contains general policies concerning Appearance, Design and Scenic Views that focus on providing, enhancing, or preserving views of the Bay and shoreline, especially from public areas. The proposed building heights and massing of the Development Program were evaluated in the context of Bay Plan policies and no inconsistencies were identified. The visual impacts of the Proposed Project on the Bay and shoreline views are discussed in Section IV.B, Aesthetics.

Additionally, Bay Plan policies address the siting and location of ferry terminals and related parking facilities. These policies address protection of tidal habitat such as marshes, and recommend locating ferry terminals near higher density, mixed-use development served by public transit. Bay Plan Recreation policies state that wherever possible ferry terminals should be sited at locations that are near navigable channels, would not rapidly fill with sediment and would not significantly impact tidal marshes, tidal flats or other valuable wildlife habitat. Terminal parking facilities should be set back from the shoreline to allow for public access and enjoyment of the Bay. Regarding new marinas, the recreation policies state, in part, that development should include public amenities such as viewing areas, restrooms, public mooring docks or floats and moorages for transient recreational boater, non-motorized small boat launching facilities, public parking, substantial physical and visual access, and maintenance for all facilities. The Proposed Project, including the landside and waterside facilities proposed for the Treasure Island Sailing Center, and proposed landside services to support the expanded 400-slip marina were reviewed against these policies and no inconsistencies were found. The physical impacts of the proposed Ferry Terminal on tidal habitat, transit-oriented development, and transit service are discussed in Sections IV.E, Transportation, and IV.M, Biological Resources. The physical impacts of the proposed sailing center launch facilities on tidal habitat and eelgrass beds are discussed in Section IV.M, Biological Resources.

The Bay Plan includes general policies concerning water quality in the Bay. These policies state that Bay water pollution should be prevented to the greatest extent feasible and that water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. In addition to compliance with the RWQCB Water Quality Control Plan, new development should be sited, designed, constructed and maintained to prevent or minimize discharge of pollutants into the Bay by controlling pollutant sources at the development site, using construction materials that contain non-polluting materials, and by applying best management practices, especially in areas where water dispersion may affect significant biotic resources. Water quality effects are discussed in Section IV.O, Hydrology and Water Quality.

Bay Plan policies related to Safety of Fill address preventing damage from flooding for structures on fill or near the shoreline, including consideration of sea level rise. The physical effects of the Proposed Project concerning potential sea level rise are discussed in Section IV.O, Hydrology and Water Quality.
III. Plans and Policies

BCDC will make the final determination of consistency with *Bay Plan* policies of the portions of the Proposed Project that are within its jurisdiction.

**ASSOCIATION OF BAY AREA GOVERNMENTS**

ABAG is the comprehensive planning agency for the San Francisco Bay Region. ABAG’s mission is to strengthen cooperation and coordination among local governments. In doing so, ABAG addresses social, environmental, and economic issues that affect the regional as a whole. ABAG administers the *San Francisco Bay Trail Plan* (discussed below) and other regional programs, including FOCUS, a regional development and conservation strategy that promotes more compact land use patterns in the Bay Area by establishing Priority Development Areas (“PDAs”) and Priority Conservation Areas. Treasure Island has been designated as a PDA which is discussed further in Section IV.C, Population and Housing, and Chapter VII, Section A, Growth Inducing Impacts.

ABAG is also responsible for preparing and developing biennial population and employment projections. ABAG *Projections 2007* and *Projections 2009* are discussed in Section IV.C, Population and Housing.

**Bay Trail Plan**

ABAG administers the *San Francisco Bay Trail Plan* (“Bay Trail Plan”). The Bay Trail is a planned multi-purpose recreational trail that, when complete, would encircle San Francisco Bay and San Pablo Bay with a continuous 500-mile network of bicycling and hiking trails; to date, 300 miles of the alignment have been completed.11 The trail would connect the shoreline of all nine Bay Area counties, link 47 cities, and cross the major bridges in the region.12 The Proposed Project includes extensions to the Bay Trail and was evaluated against *Bay Trail Plan* policies for protecting existing trail segments and expanding proposed trail links, and no conflicts were identified. The Bay Trail and the *Bay Trail Plan* are discussed in Sections IV.A, Land Use and Land Use Planning, IV.E, Transportation, and IV.J, Recreation.

**E. STATE PLANS AND POLICIES**

**TIDELANDS TRUST AND STATE LANDS COMMISSION**

Treasure Island is composed of landfill placed on former tidelands and submerged lands. Upon conveyance to TIDA by the Navy,13 all 367 acres of conveyed land on Treasure Island (excluding

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13 The 1942 legislation that authorized the State to convey Treasure Island to the Federal government removed the Tidelands Trust use restrictions from the property. However, the California Attorney General has opined that the Tidelands Trust will apply to Treasure Island once conveyed out of Federal ownership.
and all of the other tidal and submerged lands within the Redevelopment Plan Project Area will be subject to the Tidelands Trust Doctrine and the statutory trust created by the Treasure Island Conversion Act of 1996 (the “Conversion Act”). The statutory trust created by the Conversion Act and Tidelands Trust Doctrine are collectively referred to as the “Tidelands Trust.” The approximately 37-acre Job Corps campus would not be subject to the Tidelands Trust so long as it remains in Federal ownership. Currently, none of the 160 acres of land above the mean high tide line on Yerba Buena Island is subject to the Tidelands Trust.

The Tidelands Trust Doctrine is a legal doctrine that governs the use of tidal and submerged lands, including former tidal and submerged lands that have been filled. It is not a codified set of laws, but is a doctrine primarily established on a case-by-case basis in Court decisions and in decisions and interpretations by the State Lands Commission and Attorney General. In addition to the Tidelands Trust Doctrine, use of the Islands is also subject to the statutory trust created by the Conversion Act, which sets forth the terms and conditions pursuant to which TIDA is responsible for administering Tidelands Trust property on the former NSTI owned by the Navy.\textsuperscript{14}

The purpose of the Tidelands Trust is to ensure that land which adjoins the State’s waterways or is actually covered by those waters remains available for water-oriented uses that benefit and attract the greatest number of people to the waterfront. Because the Tidelands Trust is based on judicial cases, there is no zoning code or general statute setting forth a list of permitted trust uses on the Islands. Instead, in addition to the decided cases, the Conversion Act defines the permitted uses of the granted tidelands. TIDA has some latitude in interpreting the uses permitted under the Conversion Act; however, both the California Attorney General and the California State Lands Commission retain oversight. They will intervene if they believe trust lands or the revenues from trust lands are being used for purposes inconsistent with the trust or a trust grant.

Land subject to the Tidelands Trust must be available for public purposes, which generally include waterborne commerce, navigation, fisheries, water-oriented recreation, or must be preserved in its natural condition for natural resource protection and wildlife habitat and study. The Tidelands Trust generally prohibits residential, general office, non-maritime industrial, and certain recreation uses.\textsuperscript{15} Under the Conversion Act, existing uses on Treasure Island that are inconsistent with the Tidelands Trust, such as the existing residential buildings, are permitted to

\textsuperscript{14} In 1997, the Treasure Island Conversion Act (Assembly Bill 699, amending California Health and Safety Codes Sections 33492.5 and adding Section 2.1 to Chapter 1333, Statutes of 1968) authorized the City and County of San Francisco to establish TIDA as the redevelopment agency with jurisdiction over the redevelopment of NSTI. Under the Treasure Island Conversion Act, TIDA was also granted the authority to administer and control Tidelands Trust property located on or about NSTI.

continue for their remaining useful life, defined as no less than 25 years or no more than 40 years from the date of the Act.

Under certain circumstances, with the California State Lands Commission’s concurrence, the Tidelands Trust designation may be removed from Tidelands Trust property in exchange for imposing the Tidelands Trust on other suitable property that meets certain legal requirements. Under Senate Bill 1873, signed into law on September 15, 2004, and subsequently amended in 2007 (Senate Bill 815) and 2009 (Senate Bill 833), known as the Treasure Island Public Trust Exchange Act and referred to hereinafter as the “Exchange Act,” the legislature authorized TIDA and the State Lands Commission to enter into a Tidelands Trust Exchange Agreement for NSTI.

The proposed Public Trust Exchange Agreement (“Exchange Agreement”) would lift the Tidelands Trust restrictions from the portions of Treasure Island that are planned for residential and other uses not permitted on Tidelands Trust property. These restrictions would be transferred to and imposed on portions of Yerba Buena Island which currently are not subject to the Tidelands Trust. Figure II.3: Tidelands Trust Land Exchange, in Chapter II, Project Description, p. II.15, shows the lands that would be subject to the Exchange Agreement. The Tidelands Trust lands subject to the Exchange Agreement affect about 367 acres on Treasure Island and about 94 acres on Yerba Buena Island within the Development Plan Area and excludes the Jobs Corps campus on Treasure Island and the Coast Guard Station and Sector Facility and Caltrans properties on Yerba Buena Island.

The Exchange Act and the proposed Exchange Agreement contemplate that if the Job Corps property were ever to be transferred to TIDA, then it would become subject to the Tidelands Trust and would also be included as part of the Tidelands Trust Exchange. However, because the Department of Labor has indicated its current intention to retain jurisdiction over the Job Corps property, an exchange involving the Job Corps remains unlikely and is not analyzed in this EIR.

After the exchange contemplated in the Exchange Agreement of the 367 acres included within the Development Plan Area on Treasure Island, approximately 150 acres would be removed from the existing Tidelands Trust for development of residential and local community-serving uses and approximately 217 acres would remain within the Tidelands Trust. Of the 94 acres within the Yerba Buena Island Development Plan Area, approximately 80 acres would be designated as Tidelands Trust lands; the remaining 14 acres would continue to remain free of Tidelands Trust land use restrictions. Tidal and submerged lands surrounding the Islands (approximately 540 acres) are not included in these totals. Refer to Section IV.A, Land Use and Land Use Planning, p. IV.A.11, for further discussion of the Tidelands Trust and the Exchange Agreement.

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16 BKF, Treasure Island Redevelopment - Treasure Island and Yerba Buena Island Land Area Exhibits, January 15, 2009. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0903E.
Generally, with the Exchange Agreement, there would be no inconsistencies between the Proposed Project land uses subject to the Tidelands Trust since the proposed Development Plan would be required to conform with the Tidelands Trust and Public Trust Exchange Agreement. However, TIDA must review all uses on Tidelands Trust lands within its jurisdiction for compliance with the Tidelands Trust and TIDA policies, a requirement which is also reflected in the Design for Development. Compliance also will depend on factors specific to the proposed use, such as the mix of uses, project design, fill requirements, or whether the use is within a property or district listed on the National Register of Historic Places. TIDA would make such determinations on a building-by-building basis. BCDC would also be responsible for the portions of the exchange that are within its jurisdiction.

F. FEDERAL PLANS AND POLICIES

COASTAL ZONE MANAGEMENT ACT

The authority to evaluate projects conducted, funded, or permitted by the Federal Government is granted to coastal states through the Federal Coastal Zone Management Act (“CZMA”) of 1972, United States Code, Section 3501 et seq., as amended. The CZMA requires that Federal actions be consistent to the maximum extent practicable with federally approved state coastal plans. Federal actions requiring CZMA consistency findings would include any permits issued by the U.S. Army Corps of Engineers where required. The coastal management plans applicable to the Proposed Project are the San Francisco Bay Plan (discussed above) and the Bay Area Seaport Plan. The Bay Area Seaport Plan, adopted in 1982, is a document jointly prepared by BCDC and MTC in response to State law that requires the addition of a maritime element to MTC’s adopted regional transportation plan. As Federally owned properties, Treasure Island and Yerba Buena Island are not addressed in the Bay Area Seaport Plan.

U.S. ARMY CORPS OF ENGINEERS

Construction of the Ferry Terminal at Treasure Island would require a permit from the U.S. Army Corps of Engineers (“Corps”) under the Rivers and Harbors Act or the Clean Water Act. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401), the Corps regulates the construction of structures in, over, or under, excavation of material from, or deposition of material into “navigable waters.” Section 404 of the Federal Clean Water Act (“CWA”) (U.S.C. 1251 et seq.) prohibits the discharge of dredged or fill material into waters of the U.S., including wetlands, without a permit from the Corps. The Corps has worked collaboratively with regional and local agencies to implement its policies through the Long-Term Management Strategy Plan for dredged materials in the Bay, which is discussed below. Detailed information regarding permit requirements is discussed in Section IV.M, Biological Resources. As part of permitting, the Corps would be required to consult with other Federal agencies,

LONG-TERM MANAGEMENT STRATEGY MANAGEMENT PLAN

Historically, dredged material from navigation channels in San Francisco Bay was disposed of throughout the Bay. Beginning in the early 1970s, disposal was limited to a few State and federally designated sites, with most material taken to a site near Alcatraz Island, approximately 2.25 miles west of Treasure Island. Due to increased concerns about the amount of mounding of dredged materials and effects on navigation, fishing, and ecological resources in the Bay, the Corps, San Francisco Bay RWQCB, BCDC, and the State Water Resources Control Board developed a Long-Term Management Strategy ("LTMS") plan to address the need for improved management and alternative disposal options for dredged materials in the San Francisco Bay region. The LTMS Management Plan provides specific mechanisms to ensure that existing laws and regulations concerning disposal of dredged materials in the Bay are consistently applied and coordinated. The goals of the LTMS Management Plan are to manage dredging and disposal in an economic and sound manner; to maximize beneficial use of dredged material; and to develop a coordinated permit application review process for dredging and disposal projects. The RWQCB Regional Water Quality Control Plan and the BCDC Bay Plan have been amended to incorporate the strategies and recommendations of the LTMS Management Plan.

The LTMS Management Plan planning area includes Treasure Island and Yerba Buena Island and encompasses those portions of the nine Bay Area counties that surround San Pablo Bay, San Francisco Bay, the Delta, and their tributary waterways. Disposal of dredged materials for construction of the Proposed Project would be required to comply with the LTMS Management Plan, as discussed in Section IV.O, Hydrology and Water Quality. No potential conflicts of the Proposed Project with the LTMS Management Plan have been identified.