

File No. 230858 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date September 11, 2023

Board of Supervisors Meeting

Date _____

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

(Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PW Order No. 208346</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>TIDA Reso No. 23-21-0712 071223</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>DRAFT Offer of Improvements</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PLN Ltr 022723</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>DRAFT Conditional Warranties and Guaranties</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Offer of Improvements 081423</u>
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Completed by: Erica Major Date September 7, 2023
Completed by: Erica Major Date _____

[Treasure Island/Yerba Buena Island - The Rocks Park Acceptance]

Ordinance acknowledging the Treasure Island Development Authority's acceptance of certain improvements on a portion of the Yerba Buena Island Hilltop Parks known as The Rocks (Assessor's Parcel Block No. 8958, Lot No. 003), adjacent to Macalla Road, and the Authority's acceptance of the park improvements for maintenance and liability purposes; dedicating The Rocks to public use; designating the property for public open space and park purposes; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting a Public Works Order that recommends acceptance of The Rocks park improvements and related actions, as defined herein.

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. Findings

(a) 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 and portions of Yerba Buena Island.

(b) The Yerba Buena Island Hilltop Parks ("YBI Hilltop Parks") are part of the project more particularly described in the Treasure Island/Yerba Buena Island Special Use District

1 (Planning Code Section 249.52) (“the Project”). YBI Hilltop Parks are presently under
2 construction on Assessor’s Parcels Block No. 8958, Lot 003; Block No. 8950, Lot 002; Block
3 No. 8953, Lot 002; and Block 1939, Lot 086. The YBI Hilltop Parks will be Authority assets
4 (the “Authority Assets”). For purposes of this ordinance, The Rocks, one of numerous
5 Authority Assets, is the portion of the YBI Hilltop Parks located on Assessor’s Parcel Block
6 No. 8958, Lot 003, located between Macalla Road and the planned alignment of Yerba Buena
7 Road.

8 (c) In Public Works (“PW”) Order No. 208346, dated July 17, 2023 (the “PW Order”),
9 the City Engineer certified and the PW Director determined that: (1) The Rocks occupies a lot
10 owned by the Treasure Island Development Authority; and (2) Treasure Island Series 1, LLC
11 (“TI Series 1”, an affiliate of Developer and partial assignee of the Project’s Disposition and
12 Development Agreement) irrevocably offered the improvements on The Rocks (the “Park
13 Improvements”) to the Authority as set forth in the Treasure Island Series 1 Irrevocable Offer
14 of Improvements, dated August 14, 2023 (the “TI Series 1 Offer”). In addition, the PW Order
15 confirms that: PW inspected the Park Improvements and determined them to be complete and
16 certified that the Park Improvements were constructed in accordance with the Plans and
17 Specifications, as defined in the Public Improvement Agreement (Yerba Buena Island)
18 between the City, the Authority, and TI Series 1 dated for reference purposes as of March 29,
19 2018, and all applicable City codes, regulations, and standards; and determined that the Park
20 Improvements are ready for their intended use. In the PW Order, the PW Director also
21 recommended that the Board of Supervisors: (1) acknowledge the Authority’s acceptance of
22 ownership of the Park Improvements; (2) acknowledge the Authority’s acceptance of the Park
23 Improvements for maintenance and liability; (3) dedicate the Park Improvements to public use,
24 and (4) designate them for public park and open space purposes. A copy of the PW Order
25

1 and the TI Series 1 Offer are on file with the Clerk of the Board of Supervisors in File No.
2 230858 and are incorporated herein by reference.

3 (d) The Planning Department, in a letter dated February 27, 2023 ("The Rocks
4 Planning Department Letter"), determined that the acceptance of the Park Improvements is,
5 on balance, consistent with the General Plan and the eight priority policies of Planning Code
6 Section 101.1. In that letter, the Planning Department also found that legislative actions
7 contemplated in this ordinance do not trigger the need for subsequent environmental review
8 pursuant to the California Environmental Quality Act ("CEQA") (California Public Resources
9 Code Sections 21000 et seq.). A copy of The Rocks Planning Department Letter is on file
10 with the Clerk of the Board of Supervisors in File No. 230858 and is incorporated herein by
11 reference.

12 (e) On July 12, 2023, at a duly noticed public hearing, the Authority in Resolution No.
13 23-21-0712 (the "Authority Resolution"), recommended that the Board of Supervisors
14 acknowledge and approve the Authority's acceptance of ownership of the Park Improvements
15 and acceptance of such Improvements for maintenance and liability. A copy of the Authority
16 Resolution is on file with the Clerk of the Board of Supervisors in File No. 230858 and is
17 incorporated herein by reference.

18 19 Section 2. Adoption of Findings and Recommendations for the Park.

20 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
21 Plan consistency findings, including the eight priority findings of Planning Code Section 101.1,
22 in The Rocks Planning Department Letter in connection with the Authority's acceptance of
23 The Rocks and other actions set forth in this ordinance.

1 (b) The Board of Supervisors adopts PW Order No. 208346, including the City
2 Engineer's certification and PW Director's recommendations concerning the Authority's
3 acceptance of the TI Series 1 Offer for the Park Improvements, and other actions set forth in
4 ///
5 Section 1(c) of this ordinance, and adopts these recommendations and other actions as its
6 own.

7 (c) The Board of Supervisors adopts the recommendations in the Authority's
8 Resolution No. 23-21-0712 regarding the Park Improvements.
9

10 Section 3. Acknowledgement of the Authority's Acceptance of the Park Improvements
11 and Assumption of Maintenance and Liability Responsibilities and Dedication and Designation
12 of the Park Improvements for Public Use.

13 (a) Pursuant to Administrative Code Sections 1.51 et seq. and PW Order No. 208346,
14 the Board of Supervisors hereby acknowledges the Authority's jurisdiction over Authority
15 Assets, and, to the extent necessary, delegates to the Authority the power to accept
16 ownership of the TI Series I Offer for the Park Improvements and maintenance and liability
17 responsibility for the Park Improvements.

18 (b) The Board of Supervisors also dedicates the Park Improvements for public use and
19 designates them for public park and open space purposes.

20 (c) The Board of Supervisors acknowledgement of the Authority's acceptance of the
21 Park Improvements for Authority maintenance and liability is subject to the conditions listed in
22 subsections (d) and (e).

23 (d) The Board acknowledges that the Authority's acceptance of the Park
24 Improvements is for The Rocks only, excluding any encroachments that are permitted, not
25 permitted, or both.

1 (e) The Board of Supervisors acknowledges TI Series 1's conditional assignment of all
2 warranties and guaranties to the Authority related to the construction of the Park
3 Improvements.

4 ///

5 Section 4. Authorization for Implementation. The Mayor, Clerk of the Board of
6 Supervisors, the PW Director, and the Authority are hereby authorized and directed to take
7 any and all actions which they or the City Attorney may deem necessary or advisable to
8 effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of
9 this ordinance in the Authority's Official Records.

10
11 Section 5. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15
16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/ John D. Malamut
19 JOHN D. MALAMUT
Deputy City Attorney

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LEGISLATIVE DIGEST

[Treasure Island/Yerba Buena Island - The Rocks Park Acceptance]

Ordinance acknowledging the Treasure Island Development Authority's acceptance of certain improvements on a portion of the Yerba Buena Island Hilltop Parks known as The Rocks (Assessor's Parcel Block No. 8958, Lot No. 003), adjacent to Macalla Road, and the Authority's acceptance of the park improvements for maintenance and liability purposes; dedicating The Rocks to public use; designating the property for public open space and park purposes; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting a Public Works Order that recommends acceptance of The Rocks park improvements and related actions, as defined herein.

Existing Law

The Board of Supervisors 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 and portions of Yerba Buena Island. In 2011, the Authority and Treasure Island Community Development, LLC ("Developer") entered a Disposition and Development Agreement for development of the Islands and the Board of Supervisors and Developer entered a Development Agreement ("DA") for the same purpose. The Board of Supervisors approval of the DA, related legislation, and subsequent agreements between the Authority and the City established a process by which the Developer would construct specified public improvements, including parks and open space. In addition, based on these procedures and for Authority assets, the Authority would accept ownership of Developer-constructed improvements as public and for maintenance and liability responsibility and both the City and Authority would dedicate the improvements for public use and designate them for park and open space purposes. The Yerba Buena Island Hilltop Parks ("YBI Hilltop Parks"), an Authority asset, is part of the project more particularly described in the Treasure Island/Yerba Buena Island Special Use District (Planning Code Section 249.52). The Rocks, a dog park, is the portion of the YBI Hilltop Parks located on Assessor's Parcel Block No. 8958, Lot 003, located between Macalla Road and the planned alignment of Yerba Buena Road.

Amendments to Current Law

In this legislation, the Board of Supervisors would acknowledge the Authority's jurisdiction over Authority assets and delegate to the Authority the power to accept: (1) an offer of improvements for The Rocks that is part of the YBI Hilltop Parks and (2) these improvements for the Authority's maintenance and liability responsibility. The Board of Supervisors also would dedicate the improvements for public use and designate the park area for public open space and park purposes only, actions that the Authority already has taken. This legislation

FILE NO. 230858

would make certain findings, including environmental findings and findings that the legislation is consistent with the General Plan and the eight priority policy findings of the Planning Code Section 101.1.

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San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 208346

Recommending that the Board of Supervisors acknowledge the Treasure Island Development Authority (“TIDA”) acceptance of an irrevocable offer of public improvements associated with the portion of the Yerba Buena Island Hilltop Parks known as “The Rocks” (“Park Improvements”) and associated dedication of the Park Improvements for public use and acceptance of the Park Improvements for TIDA maintenance and liability purposes.

WHEREAS, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation of the State of California (“City”), TIDA, a California non-profit public benefit corporation, and TREASURE ISLAND COMMUNITY DEVELOPMENT, LLC, a California Limited liability company (“TICD”), entered into the Public Improvement Agreement (on a portion of Yerba Buena Island), as amended (hereinafter “PIA”) on March 29, 2018;

WHEREAS, TICD assigned the PIA to Treasure Island Series 1, LLC (“TIS1”), which is also the partial assignee of the Disposition and Development Agreement for the Treasure Island / Yerba Buena Project (“DDA”) as defined therein (“Project”);

WHEREAS, The Park Improvements are located on TIDA-owned real property on Yerba Buena Island within a portion of Lot H of Final Map No. 9228 recorded April 19, 2018 as Document No. 2018-K602992 of the Official Records of the City and County of San Francisco, is identified as public open space in the Treasure Island / Yerba Buena Island Special Use District and associated Design for Development;

WHEREAS, Pursuant to Section 6 of the PIA, TIS1 irrevocably offered the Park Improvements to TIDA as set forth in the Draft Irrevocable Offer of Dedication (“TIS1 Offer”); and

WHEREAS, On January 13, 2023, Public Works completed inspection of the Park Improvements and the City Engineer, by issuance of a Conditional Notice of Completion, determined the Park Improvements to be complete in substantial conformity with the approved plans, specifications, and applicable City regulations governing the Park Improvements and further determining that the Park Improvements are ready for their intended use; and

WHEREAS, Pursuant to the Memorandum of Agreement Regarding Ownership and Maintenance of Public Improvements on Treasure Island by and between TIDA and the City, dated April 26, 2017, action of both TIDA’s Board of Directors and City’s Board of Supervisors is required for TIDA to dedicate the Park Improvements to public use; and

WHEREAS, The Interim Public Works Director (hereinafter “Public Works Director” or “Director”) recommends, and the City Engineer certifies, to the Board of Supervisors that the Park Improvements as shown in Street Improvement Permit No. 21IE-00479 should be accepted for public use by TIDA. Public Works further recommends that the Board of Supervisors acknowledge TIDA’s acceptance of

ownership of the Park Improvements, acknowledge TIDA's acceptance of the Park Improvements for maintenance and liability subject to TIS1's warranty obligations in the PIA, dedicate the Park Improvements for public use, and designate the Park Improvements for public park and open space purposes; and

WHEREAS, On April 21, 2011, the Planning Commission, by Motion No. 18328, made findings that the Project and its approvals therewith are, on balance, in conformity with the General Plan and Planning Code Section 101.1; and

WHEREAS, In a letter dated February 27, 2023, the Department of City Planning affirmed that the acceptance of public infrastructure (including the Park Improvements) and associated actions are, on balance, in conformity with the General Plan and Planning Code Section 101.1 and determined that the actions contemplated by the Board of Supervisors and TIDA comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et. seq.) ("CEQA"); and

WHEREAS, The proposed acceptance for TIDA maintenance and liability and other actions related to the Park Improvements are within the scope of the Final Environmental Impact Report ("FEIR") for the Project, prepared pursuant to CEQA. On April 21, 2011, the Planning Commission, by Motion No. 18325 as lead agency, certified the FEIR for the Project, and adopted certain findings under CEQA, including a mitigation monitoring and reporting program (the "MMRP"). On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors affirmed certification of the FEIR; on that same date, the Board of Supervisors in Resolution No. 0246-11, adopted findings under CEQA, including approval of the MMRP (collectively, the "CEQA Findings"), which CEQA Findings are incorporated herein by reference; and

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Draft Irrevocable Offer of Improvements to TIDA of the Park Improvements.
2. Draft Board legislation acknowledging TIDA's acceptance of ownership of the Park Improvements, acknowledging TIDA's acceptance of the Park Improvements for maintenance and liability subject to TIS1's warranty obligations in the PIA, dedicating the Park Improvements for public use, and designating the Park Improvements for public park and open space purposes.

The Director also recommends that the Board of Supervisors approve the legislation to acknowledge TIDA's acceptance of ownership of the Park Improvements. The Director's recommendation also includes the City Engineer's certification of actions under the City Engineer's authority.

The Director further recommends that the Board of Supervisors approve the legislation to acknowledge TIDA's acceptance of the Park Improvements for maintenance and liability subject to TIS1's warranty obligations in the PIA, dedicate the Park Improvements for public use, and designate the Park Improvements for public park and open space purposes subject to the following:

- a. TIDA's acceptance of the Park Improvements for maintenance and liability purposes includes only those improvements within the area legally described in Exhibit A of the TIS1 Offer;
- b. The acceptance of the Park Improvements does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements; and
- c. TIS1's conditional assignment of all warranties and guaranties to TIDA related to the construction of the Park Improvements and its warranty obligations under the PIA.

Attachments:

1. Draft TIS1 Offer of Improvements
2. TIDA Board Resolution No. 23-21-0712
3. Draft BOS Legislation

X

DocuSigned by:

Patrick Rivera

Ko, Albert
City Engineer

X

DocuSigned by:

Carla Short

Short, Carla
Interim Director of Public Works

NO RECORDING FEE

RECORDING REQUESTED BY
and When Recorded Mail To:

Treasure Island Director
Treasure Island Development Authority
One Avenue of the Palms, Suite 241
San Francisco, California 94130

APN:

Situs:

OFFER OF IMPROVEMENTS

TREASURE ISLAND SERIES 1, LLC, a Delaware limited liability company (“Offeror”), and its successors and assigns, does hereby irrevocably offer to the Treasure Island Development Authority, a California public benefit corporation, (“Offeree”), and its successors and assigns, all of those improvements described in that certain Public Improvement Agreement for Yerba Buena Island dated as of March 29, 2018, between Offeror, Offeree, and the City and County of San Francisco (“City”), as amended (“PIA”), as “Dog Park Improvements” which are more particularly described in Improvement Plans and Specifications prepared by CMG Landscape Architecture, entitled “Permit Set Yerba Buena Island Dog Park,” dated August 25, 2021, on file with the City’s Department of Public Works and Offeree, and which are incorporated into the PIA as Exhibit A-12 thereto.

The property where the improvements are located is shown on Exhibit A hereto, located in the City.

It is understood and agreed that: (i) Offeree and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of Offeree; and (ii) upon acceptance of this offer of public improvements by formal action of the Offeree, the Offeree shall own and be responsible for maintenance of the accepted public facilities and improvements.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns, and personal representatives of the parties hereto.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned has executed this instrument this ____ day
of _____, 2023.

GRANTOR:

TREASURE ISLAND SERIES 1, LLC
a Delaware limited liability company

By: _____
Name:
Title: Authorized Signatory

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of _____

On _____, 2023 before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

Exhibit A

Legal Description

[Attached]

1619637.2

160410560.1

ITEM 10
Treasure Island Development Authority
City and County of San Francisco
Meeting of July 12, 2023

Subject: Resolution to Accept Certain Park Improvements on Yerba Buena Island, to Designate the Improvements for Park Use, to Dedicate the Improvements for Public Use, and to Accept the Improvements for Maintenance and Liability Purposes

Contact: Robert Beck, Treasure Island Director

SUMMARY

Accepting, subject to issuance of Director's Order by Public Works and action of the Board of Supervisors, improvements constructed by Treasure Island Community Development, LLC (the "Developer") to the area on Yerba Buena Island named "The Rocks Dog Park" (or "The Rocks") for maintenance, operations and liability purposes and dedicating the area and improvements to public use as a park (Exhibit A to this report is a legal description and plat of the park).

BACKGROUND

On June 28, 2011 the Treasure Island Development Authority ("the Authority") and the Developer entered into the Disposition and Development Agreement ("Treasure Island/Yerba Buena Island DDA" or "DDA"). The DDA contemplates the redevelopment of Treasure Island and Yerba Buena Island ("the Project"), including 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 other public ways, and extensive bicycle, pedestrian, and transit facilities. As part of the Project, the Developer is obligated to construct a wide range of public facilities including the new parks, ferry terminal, new utilities, roadways and more (collectively, the "Public Improvements").

As part of the implementation of the Project, the Authority has entered several Public Improvement Agreements ("PIAs") by which Developer or its assigns agreed to construct the Public Improvements required by the DDA, such as roads and park and open space facilities, and to offer those improvements to the Authority and/or the City, as appropriate, for acceptance.

For infrastructure to be owned, operated, and maintained by other City Agencies. The action of the Board of Supervisors accepts the completed work and dedicates it to the respective City agency having responsibility for that infrastructure (e.g., roadways to Public Works; signage, striping, and traffic signals to SFMTA; and water, wastewater, and electrical utilities to SFPUC).

The Authority will own and operate the parks and open space lands and improvements within the Project and owns the land underlying these parks. Accordingly, the PIAs call for the Authority

Board to accept park improvements and other infrastructure or facilities to be owned, operated and maintained by the Authority.

The first park area to be completed is The Rocks Dog Park on Yerba Buena Island. Public Works inspects the public improvement constructed by the Developer for conformance with permitted plans and City standards and regulations. On January 13, 2023, Public Works issued a Notice of Completion for the improvements to The Rocks (Exhibit B).

The Developer, Authority, and Public Works staff have been working towards the final close out of the work and are bringing the improvements forward for acceptance by the Authority Board and the Board of Supervisors. Treasure Island Series 1, an affiliate of the Developer responsible for the public improvements on Yerba Buena Island, has drafted an Offer of Improvements (Exhibit C) offering the completed work for acceptance and the assignment of warranties, and Public Works has drafted a Directors Order recommending their acceptance by the Authority and the Board of Supervisors.

Due to some ambiguity in the language of the PIAs, we will also be asking the Board of Supervisors to accept The Rocks Dog Park Improvements, but propose to address that ambiguity by requesting the Board of Supervisors officially delegate to the Authority Board the authority to accept future park improvement solely by the action of the Authority Board. The legislative package accepting the improvements is scheduled to be introduced to the Board of Supervisors before the end of this month.

RECOMMENDATION

Staff recommends the Authority Board accept of certain open space improvements on Yerba Buena Island in the area designated as The Rocks Dog Park subject to the execution of Public Works Order and acceptance by the Board of Supervisors.

EXHIBITS

- A Legal Description and Plat for a Portion of Hilltop Park
- B Conditional Notice of Completion, dated January 13, 2023
- C Draft Offer of Improvements
- D Draft Public Works Order

Exhibit A

Legal Description and Plat for a Portion of Hilltop Park

Exhibit B

Notice of Completion, dated January 13, 2023

Exhibit C

Draft Offer of Improvements

Exhibit D

Draft Public Works Order

**LEGAL DESCRIPTION AND PLAT OF A PORTION OF HILLTOP PARK**

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Lot H as shown on that certain Final Map No. 9228 filed on April 19, 2018, as Document No. 2018K602992, in Book 134 of Condominium Maps at Pages 7 through 23, inclusive, in the Office of the County Recorder and being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain curve as shown on said map as "C44", having a radius of 487.00 feet, a central angle of $16^{\circ}32'54''$, and an arc length of 140.66 feet, said point being on the common line of said Lot H and Lot C (Yerba Buena Road) as shown on said map;

Thence along said common line, North $68^{\circ}10'42''$ West, 68.08 feet;

Thence leaving said common line, North $04^{\circ}22'54''$ West, 47.74 feet;

Thence South $86^{\circ}58'58''$ East, 38.23 feet;

Thence South $82^{\circ}40'57''$ East, 146.11 feet;

Thence South $24^{\circ}44'01''$ East, 26.29 feet;

Thence South $85^{\circ}53'04''$ East, 22.02 feet to a point on the common line of said Lot H and said Lot C, said point also being the beginning of a non-tangent curve concave easterly, whose radius point bears North $81^{\circ}43'42''$ East;

Thence southerly along said common line and along said curve, having a radius of 239.00 feet, through a central angle of $01^{\circ}13'49''$, for an arc length of 5.13 feet;

Thence leaving said common line, North $85^{\circ}53'04''$ West, 20.42 feet;

Thence South $24^{\circ}44'01''$ East, 31.23 feet;

Thence North $53^{\circ}18'36''$ East, 13.93 feet to a point on the said common line of said Lot H and said Lot C, said point also being the beginning of a non-tangent curve concave easterly, whose radius point bears North $75^{\circ}56'49''$ East;

Thence southerly along said common line and along said curve, having a radius of 239.00 feet, through a central angle of $01^{\circ}17'34''$, for an arc length of 5.39 feet;

Thence leaving said common line, South $53^{\circ}18'36''$ West, 15.42 feet;

Thence South 07°18'37" West, 21.84 feet to a point on the said common line of said Lot H and said Lot C, said point also being the beginning of a non-tangent curve concave northerly, whose radius point bears North 02°52'40" West;

Thence westerly along said common line and along said curve, having a radius of 27.00 feet, through a central angle of 08°09'04", for an arc length of 3.84 feet to a point of compound curvature;

Thence continuing along said common line and along said curve, having a radius of 487.00 feet, through a central angle of 16°32'54", for an arc length of 140.66 feet to the **POINT OF BEGINNING**.

Containing 14,394 square feet, more or less.

Being a portion of Assessor's Parcel Number (APN): 8958-003

Horizontal Datum & Reference System

The Horizontal Datum is the North American Datum of 1983: NAD83(2011) 2010.00 epoch referenced by the San Francisco High Precision GNSS Network (2013 CCSF-HPN). Plane Coordinates are based on the "City & County of San Francisco 2013 High Precision Network" coordinate system (CCSF-CS13). The CCSF-CS13 is a low distortion grid projection designed for CCSF to provide ground-precision coordinates in a low distortion plane coordinate system (combined scale factor = 1.00000275). (for further Information, see Record of Survey No. 8080, Filed for Record on April 4, 2014 in Book EE of Survey Maps at Pages 147 through 157, inclusive, as Document Number 2014-J860036, Official Records of the San Francisco County Recorder.)

A plat showing the above described area is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



7/7/2023
Date

END OF DESCRIPTION

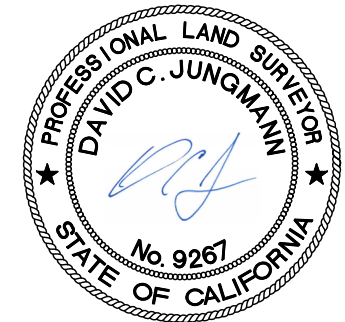
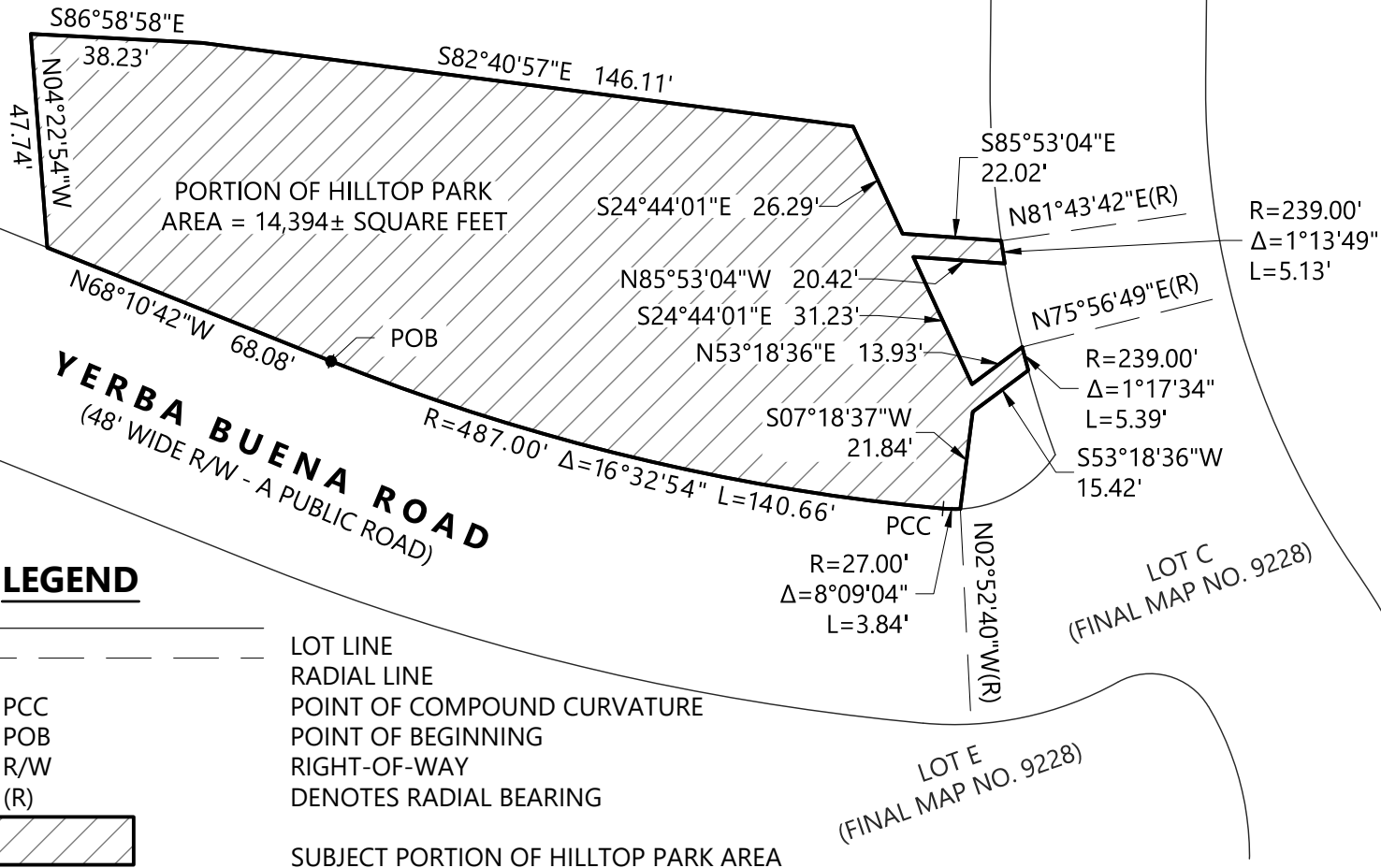
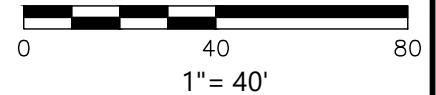
LOT B
(FINAL MAP NO. 9228)

MACALLA ROAD
(R/W WIDTH VARIES - A PUBLIC ROAD)

ASSESSOR'S BLOCK 8958

LOT H
(FINAL MAP NO. 9228)

GRAPHIC SCALE



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT PLAT TO ACCOMPANY

LEGAL DESCRIPTION

JOB NO. 20140015

BY CSW APPR. DCJ DATE 07/07/2023

3 OF 3

DRAWING NAME: \\S:\A\140015\MapInfo\Plots and Layouts\YB\Draw_Park\Working Docs\140015\YB_DOC-PARK_PLAT.dwg
PLOT DATE: 07-07-23
PLOT BY: wk



Patrick Rivera, PE, Acting Bureau Manager | Bureau of Project Management
patrick.rivera@sfdpw.org | T. 628.271.2456 | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

Infrastructure Task Force

January 13th, 2023

Magdalena Myszka
Assistant Project Manager, TIDG
Pier 1 The Embarcadero Bay 2
San Francisco, CA 94111

RE: **Conditional Notice of Completion**
YBI Dog Park (BSM Permit #21IE-00479)

Ms. Myszka,

Public Works hereby issues this Conditional Notice of Completion for the scope detailed and permitted through BSM Permit #21IE-00479 and confirms that the work is generally completed in substantial conformity to the approved plans, specifications, and applicable City regulations and the facility is ready for its intended use, subject to the following conditions to be completed before final Acceptance:

1. Submit final AutoCAD Record Drawing files to match the approved Record Drawings (As-Built).
2. Submit signed Warranty Letter for City countersignature.
3. Complete Punchlist Item #17 to provide concrete collars for two (2) electrical pull boxes located within unpaved landscape areas.

The permit scope of work performed within the limits shown in Exhibit A has been reviewed by Public Works Bureau of Construction Management (BCM), Bureau of Landscape Architecture, the Disability Access Coordinator (DAC), and Treasure Island Development Authority (TDA), per the attached letters dated 1/11/23, 12/22/22, 12/22/22, and 1/6/23, respectively.

BSM Permit #21IE-00479 will be closed upon successful resolution of the conditions listed above. A copy of the Closeout Package will be provided under separate cover.

Thank you,

A blue ink signature of Denny Phan.

Denny Phan, PE
Project Manager, Infrastructure Task Force

Cc: John Thomas, John Kwong (ITF); Raymond Woo, Ben Leung, Jeff Khou (BCM)
Bob Beck, Liz Hirschhorn, Wei Zhang (TIDA)
Sean Brown, Jing Ng, Chris Holmquist, Charles Shin (TIDG)

Attachments: TIDG NOC Request Letter 12/18/22; DOC Recommendation Letters - PW BCM 1/11/22, PW BOLA 12/22/22, PW DAC 12/22/22, TIDA 1/6/23; PW BCM YBI Dog Park Closeout Package

TREASURE ISLAND
DEVELOPMENT GROUP

December 18, 2022

Ms. Carla Short, Interim Director of Public Works
City & County of San Francisco
c/o Denny Phan, Project Manager - Infrastructure Task Force, Treasure Island Project
30 Van Ness Avenue, Suite 4200
San Francisco, CA 94102

**Re: Request for Notice of Completion –
Dog Park #21IE-00479**

Dear Acting Interim Director Short:

We request the Director's issuance of a Notice of Completion at the earliest possible date. Treasure Island Development Group, on behalf of Treasure Island Series-1, LLC, has completed the construction of the above referenced project in accordance with the applicable Street Improvement Permit (21IE-00479 dated September 21, 2021). We anticipate these improvements to be completed by October 7, 2022. Based on completion of the referenced improvements, we request the issuance of a Director's Notice of Completion as constructed within the project area and defined as "Dog Park" are ready for their intended use and have been completed substantially in conformity with the approved Plans and Specifications and applicable City Regulations.

Sincerely,

Magdalena Myszka
Treasure Island Development Group
Assistant Project Manager for Treasure Island Series-1

cc: John Kwong, SFPW
Ed Yee, SFPW
Brian Henderson, WWE
Imelda Mangubat, WWE
Wei Zhang, TIDA
Charles Shin, TIDG

Raymond Woo, SFPW
Nohemy Revilla, WWE
Craig Freeman, WWE
Bob Beck, TIDA
Elizabeth Hirshchorn, TIDA
Jing Ng, TIDG



Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

January 11, 2023

Denny Phan
Project Manager
San Francisco Public Works – Infrastructure Task Force
49 South Van Ness Ave, 9th Floor
San Francisco, CA 94103

Re: Yerba Buena Island Dog Park,
BSM Permit 21IE-00479
Conditional Determination of Completeness – SFPW – Infrastructure Task Force

Dear Mr. Phan:

In reference to the Yerba Buena Island Dog Park, BSM permit # 21IE-00479, San Francisco Public Works, Bureau of Construction Management (SFPW-BCM), finds the YBI Dog Park scope of work completed within the limits shown in Exhibit A to be in conformance with the construction documents and specification and in compliance with all applicable laws, codes, and ordinances. This letter confirms our recommendation for a conditional determination of completeness for the aforementioned public improvements.

After detailed inspections and verifications stipulated by contract documents, the following agencies also concur and support a conditional determination of completeness:

- SFPW – IDC – DAC
- SFPW – BDC – LA
- TIDA

The following three (3) closeout items are deferred and are to be completed during conditional approval. These items can be completed within the next few weeks and be completed before the acceptance of the TIDA commission.

1. Record Drawings – ACAD files: LOR is revising ACAD files to match approved Record Drawings (As-Built).
2. Warranty Letter – Contractor is to provide the original Warranty Letter for counter-



Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

signature.

3. Final Punchlist Item #17 – Provide concrete collars for two (2) electric pullboxes in landscape area.

Acceptance of the Dog Park Scope of work constructed under the Yerba Buena Island Dog Park contract scope in no way invalidates or relieves the developer and/or contractor of guarantees on quality of workmanship or warranties on work.

Raymond Woo	Digitally signed by Raymond Woo Date: 2023.01.12 15:09:41 -08'00'
<hr/>	<hr/>
<i>Signature</i>	<i>1/11/2023</i> <i>Date</i>
<hr/>	<hr/>
<i>Raymond Woo</i>	<i>SFPW-BCM</i>
<i>Name of Agency Representative</i>	<i>City Agency</i>

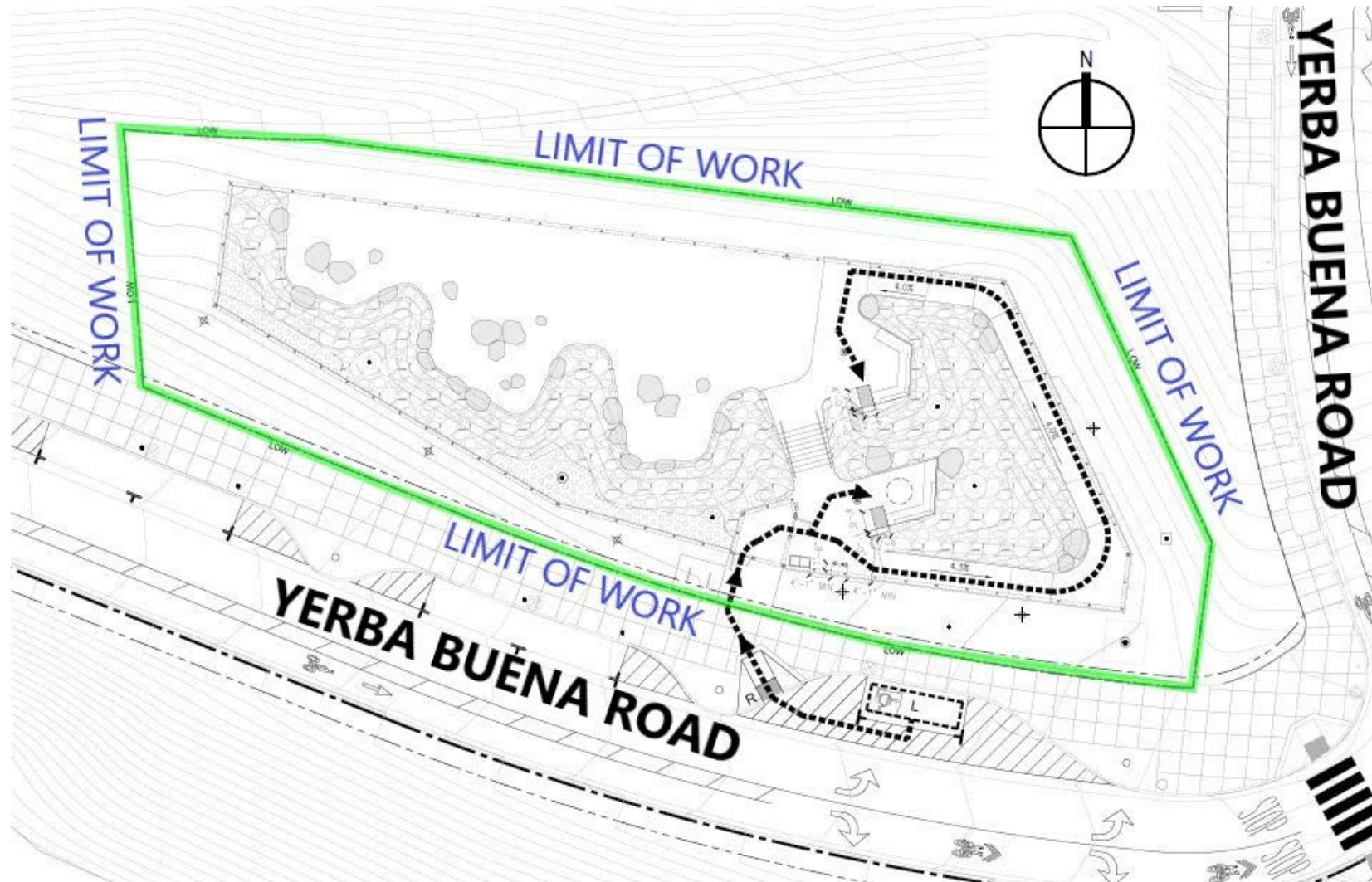
Attachment:

1. Exhibit A Map (1 page)
2. SFPW – IDC-DAC DOC letter (3 pages)
3. SFPW – BDC-LA DOC letter (3 pages)
4. TIDA DOC letter (3 pages)

Exhibit A

YERBA BUENA ISLAND DOG PARK, BSM PERMIT 21IE-00479

Limit of Work Exhibit





Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

December 22, 2022

Kevin Jensen
San Francisco Public Works
Infrastructure Design and Construction
49 South Van Ness Avenue
San Francisco, CA 94103

Re: Yerba Buena Island Dog Park,
BSM Permit 21IE-00479
Determination of Completeness – SFPW – IDC - DAC

Dear Mr. Jensen:

In reference to the Yerba Buena Island Dog Park, BSM Permit 21IE-00479, San Francisco Public Works, Bureau of Construction Management (SFPW/BCM), finds the Yerba Buena Island Dog Park scope of work completed within the limits shown in Exhibit A to be in conformance with the construction documents and specification and that the Yerba Buena Island Dog Park is ready for its intended use. In the form of a courtesy review as periodically requested of San Francisco Public Works – IDC - DAC by the Treasure Island Development Authority (TIDA) where the infrastructure of interest is to be a TIDA asset, this letter requests concurrence from SFPW – IDC - DAC as a determination of completeness for the Yerba Buena Island Dog Park.

After detailed inspections and verifications stipulated by contract documents, the undersigned hereby states the following in their capacities as representatives of their respective agencies:

The Yerba Buena Island Dog Park scope of work within the limits of works shown in Exhibit A (1 page), has been constructed in general conformance with construction documents of Yerba Buena Island Dog Park and CCSF Standard Plans and Specifications

The Yerba Buena Island Dog Park scope of work has been constructed in compliance with all applicable laws, codes, and ordinances.

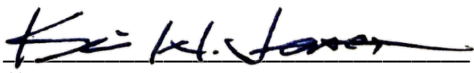
The Yerba Buena Island Dog Park is ready for its intended use.




Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

SFPW – IDC - DAC is recommending to Treasure Island Development Authority (TIDA) to accept the Yerba Buena Island Dog Park scope of work.

TIDA acceptance of Yerba Buena Island Dog Park Scope of work constructed under the Yerba Buena Island Dog Park contract scope in no way invalidates or relieves the developer and/or contractor of guarantees on quality of workmanship or warranties on work.

 _____ <i>Signature</i>	<u>January 10, 2023</u> <i>Date</i>
<u>Kevin Jensen</u> <i>Name of Agency Representative</i>	<u>SFPW-IDC</u> <i>City Agency</i>

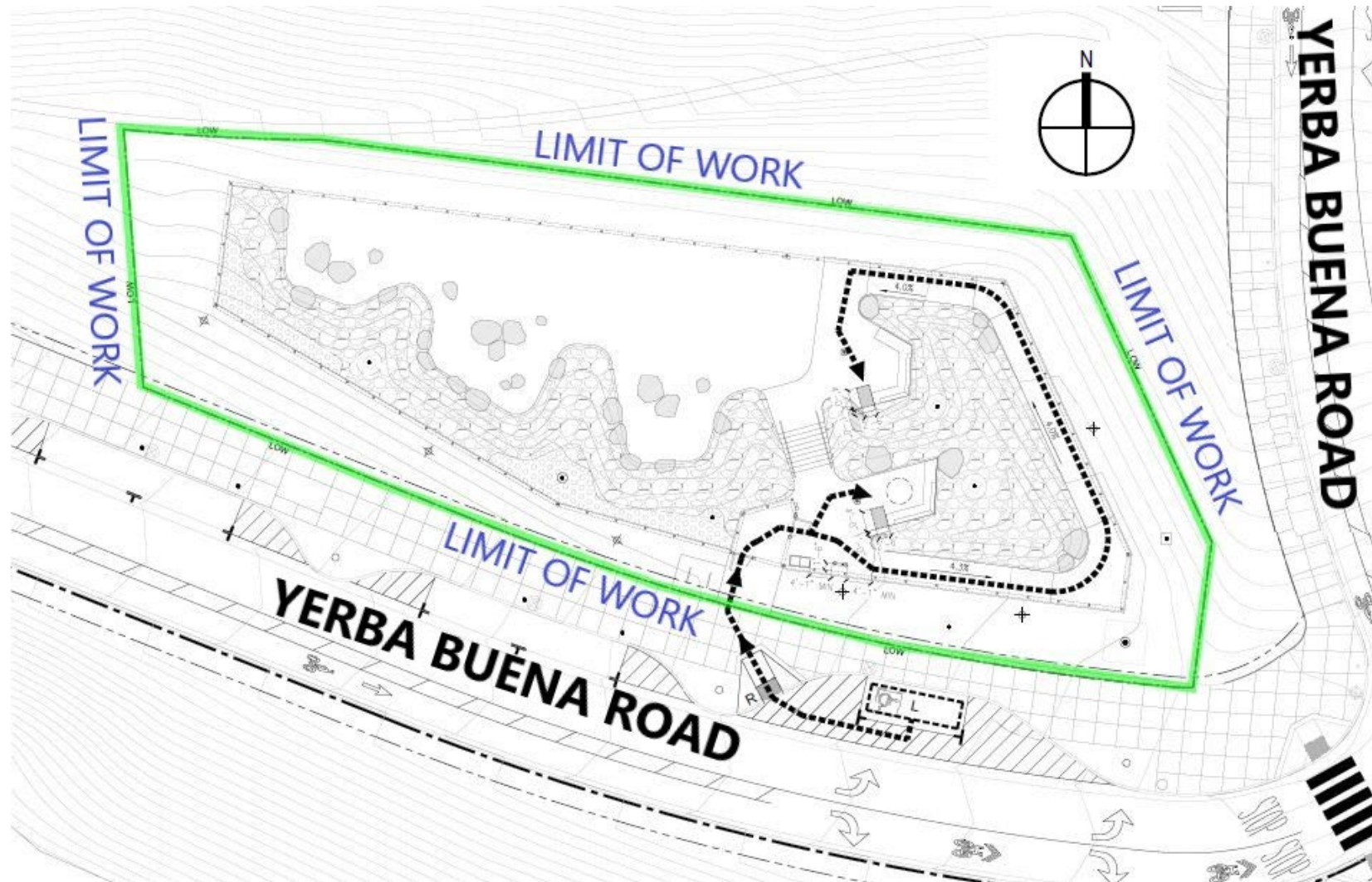
 _____ <i>Signature</i>	<u>1/11/2023</u> <i>Date</i>
<u>Raymond Woo</u> <i>Name of Agency Representative</i>	<u>SFPW-BCM</u> <i>City Agency</i>

Attachment: Exhibit A – Yerba Buena Island Dog Park Limit of Work (1 page)

Exhibit A

YERBA BUENA ISLAND DOG PARK, BSM PERMIT 21IE-00479

Limit of Work Exhibit





Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

December 22, 2022

Anthony Esterbrooks
San Francisco Public Works
Building Design and Construction
49 South Van Ness Avenue
San Francisco, CA 94103

Re: Yerba Buena Island Dog Park,
BSM Permit 21IE-00479
Determination of Completeness – SFPW – BDC - LA

Dear Mr. Esterbrooks:

In reference to the Yerba Buena Island Dog Park, BSM Permit 21IE-00479, San Francisco Public Works, Bureau of Construction Management (SFPW/BCM), finds the Yerba Buena Island Dog Park scope of work completed within the limits shown in Exhibit A to be in conformance with the construction documents and specification and that the Yerba Buena Island Dog Park is ready for its intended use. In the form of a courtesy review as periodically requested of San Francisco Public Works – BDC - LA by the Treasure Island Development Authority (TIDA) where the infrastructure of interest is to be a TIDA asset, this letter requests concurrence from SFPW – BDC - LA as a determination of completeness for the Yerba Buena Island Dog Park.

After detailed inspections and verifications stipulated by contract documents, the undersigned hereby states the following in their capacities as representatives of their respective agencies:

The Yerba Buena Island Dog Park scope of work within the limits of works shown in Exhibit A (1 page), has been constructed in general conformance with construction documents of Yerba Buena Island Dog Park and CCSF Standard Plans and Specifications

The Yerba Buena Island Dog Park scope of work has been constructed in compliance with all applicable laws, codes, and ordinances.


The Yerba Buena Island Dog Park is ready for its intended use.



Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

SFPW – BDC - LA is recommending to Treasure Island Development Authority (TIDA) to accept the Yerba Buena Island Dog Park scope of work.

TIDA acceptance of Yerba Buena Island Dog Park Scope of work constructed under the Yerba Buena Island Dog Park contract scope in no way invalidates or relieves the developer and/or contractor of guarantees on quality of workmanship or warranties on work.

 _____ <i>Signature</i>	<u>1/4/2023</u> _____ <i>Date</i>
<u>Anthony Esterbrooks</u> _____ <i>Name of Agency Representative</i>	<u>SFPW-BDC</u> _____ <i>City Agency</i>

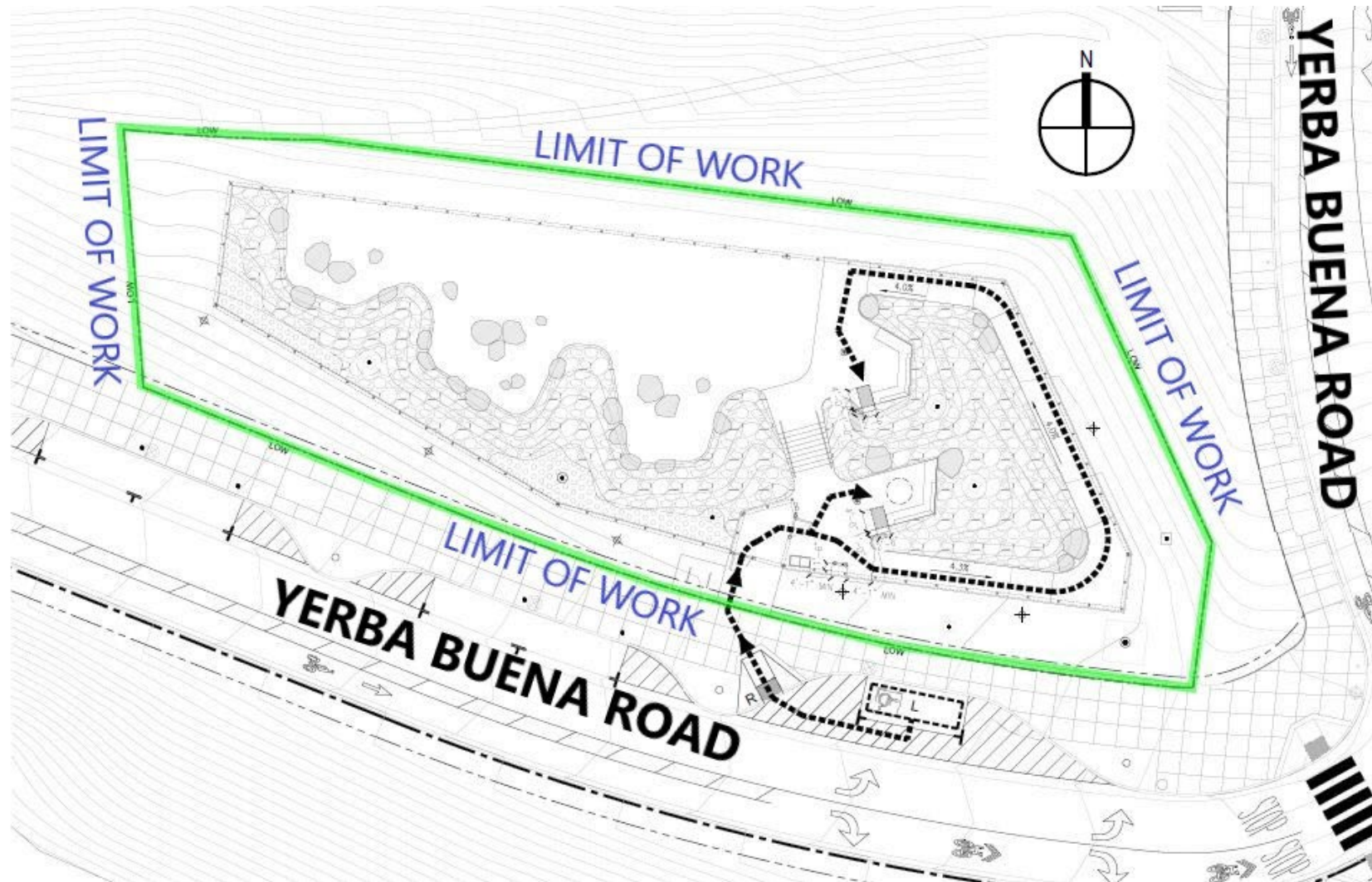
Raymond Woo <small>Digitally signed by Raymond Woo Date: 2023.01.11 14:21:42 -08'00'</small> _____ <i>Signature</i>	<u>1/11/2023</u> _____ <i>Date</i>
<u>Raymond Woo</u> _____ <i>Name of Agency Representative</i>	<u>SFPW-BCM</u> _____ <i>City Agency</i>

Attachment: Exhibit A – Yerba Buena Island Dog Park Limit of Work (1 page)

Exhibit A

YERBA BUENA ISLAND DOG PARK, BSM PERMIT 21IE-00479

Limit of Work Exhibit





Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

January 6, 2023

Bob Beck, Treasure Island Director
Treasure Island Development Authority
One Avenue of Palms, Suite 241
San Francisco, CA 94130

Re: Yerba Buena Island Dog Park,
BSM Permit 21IE-00479
Determination of Completeness – TIDA

Dear Mr. Beck:

In reference to the Yerba Buena Island Dog Park, BSM Permit 21IE-00479, San Francisco Public Works, Bureau of Construction Management (SFPW/BCM), finds the Yerba Buena Island Dog Park scope of work completed within the limits shown in Exhibit A to be in conformance with the construction documents and specification and that the asset is ready for its intended use. As it will become a Treasure Island Development Authority (TIDA) asset, this letter requests concurrence from TIDA as a determination of completeness for the Yerba Buena Island Dog Park.

After detailed inspections and verifications stipulated by contract documents, the undersigned hereby states the following in their capacities as representatives of their respective agencies:

The Yerba Buena Island Dog Park scope of work within the limits of works shown in Exhibit A (1 page), has been constructed in general conformance with construction documents of Yerba Buena Island Dog Park and CCSF Standard Plans and Specifications

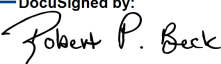
The Yerba Buena Island Dog Park scope of work has been constructed in compliance with all applicable laws, codes, and ordinances.

The Yerba Buena Island Dog Park is ready for its intended use.



Edward Yee, Acting Bureau Manager | Bureau of Construction Management
ed.yee@sfdpw.org | 49 South Van Ness Ave. 7th Floor, San Francisco, CA 94103

Acceptance of Yerba Buena Island Dog Park Scope of work constructed under the Yerba Buena Island Dog Park contract scope in no way invalidates or relieves the developer and/or contractor of guarantees on quality of workmanship or warranties on work.

DocuSigned by:  15A862EA3ECC428		1/10/2023
Signature		Date
<u>Bob Beck</u>		<u>TIDA</u>
Name of Agency Representative		City Agency

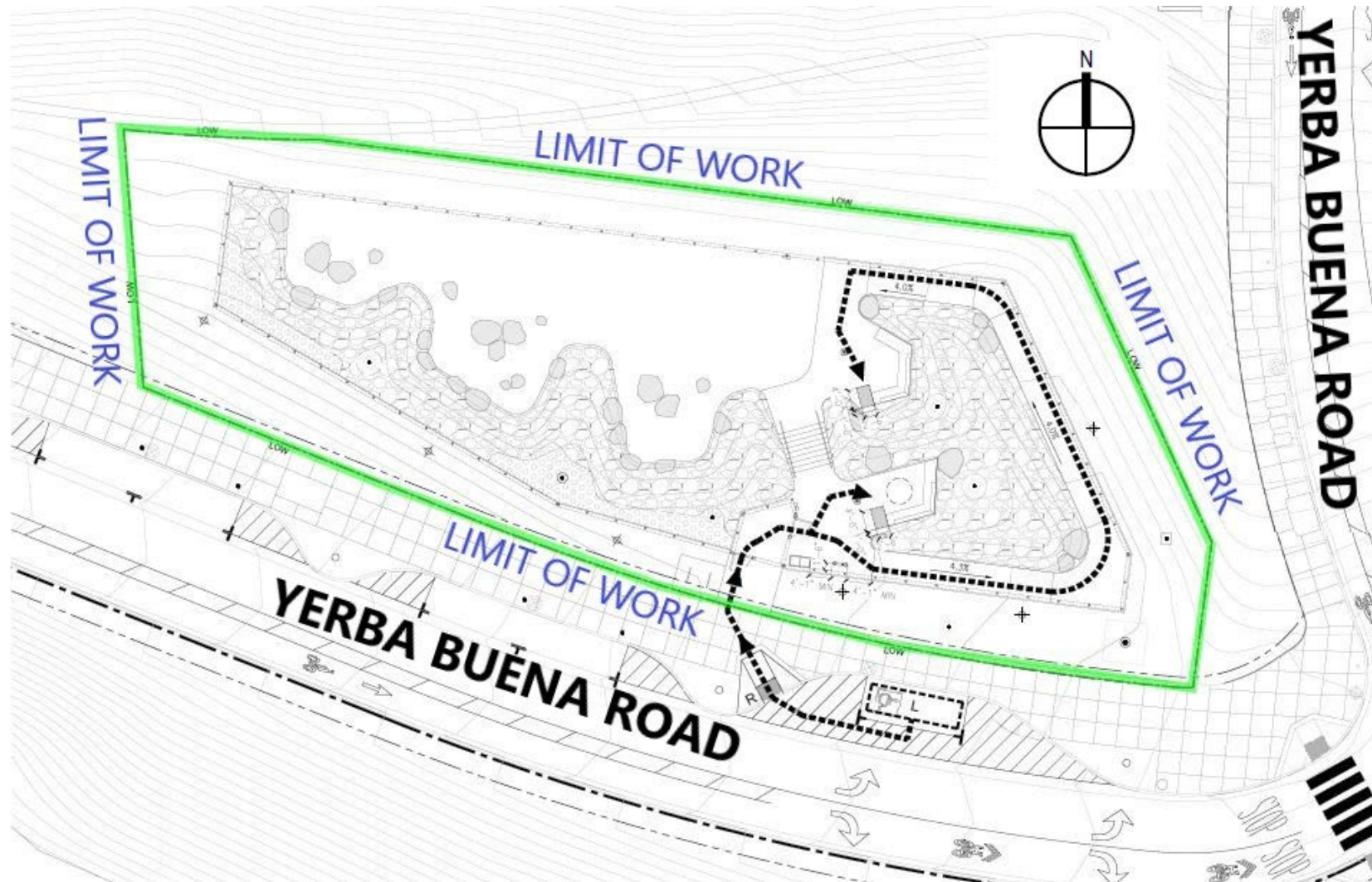
Raymond Woo		Digitally signed by Raymond Woo Date: 2023.01.11 14:22:55 -08'00'
Signature		Date
<u>Raymond Woo</u>		<u>SFPW-BCM</u>
Name of Agency Representative		City Agency

Attachment: Exhibit A – Yerba Buena Island Dog Park Limit of Work (1 page)

Exhibit A

YERBA BUENA ISLAND DOG PARK, BSM PERMIT 21IE-00479

Limit of Work Exhibit



NO RECORDING FEE

RECORDING REQUESTED BY
and When Recorded Mail To:

Treasure Island Director
Treasure Island Development Authority
One Avenue of the Palms, Suite 241
San Francisco, California 94130

APN:

Situs:

OFFER OF IMPROVEMENTS

TREASURE ISLAND SERIES 1, LLC, a Delaware limited liability company (“Offeror”), and its successors and assigns, does hereby irrevocably offer to the Treasure Island Development Authority, a California public benefit corporation, (“Offeree”), and its successors and assigns, all of those improvements described in that certain Public Improvement Agreement for Yerba Buena Island dated as of March 29, 2018, between Offeror, Offeree, and the City and County of San Francisco (“City”), as amended (“PIA”), as “Dog Park Improvements” which are more particularly described in Improvement Plans and Specifications prepared by CMG Landscape Architecture, entitled “Permit Set Yerba Buena Island Dog Park,” dated August 25, 2021, on file with the City’s Department of Public Works and Offeree, and which are incorporated into the PIA as Exhibit A-12 thereto.

The property where the improvements are located is shown on Exhibit A hereto, located in the City.

It is understood and agreed that: (i) Offeree and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of Offeree; and (ii) upon acceptance of this offer of public improvements by formal action of the Offeree, the Offeree shall own and be responsible for maintenance of the accepted public facilities and improvements.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns, and personal representatives of the parties hereto.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned has executed this instrument this ____ day of _____, 2023.

GRANTOR:

TREASURE ISLAND SERIES 1, LLC
a Delaware limited liability company

By: _____
Name:
Title: Authorized Signatory

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of _____

On _____, 2023 before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

Exhibit A

Legal Description

[Attached]

1619637.3

160410560.1



San Francisco Public Works
General — Director's Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: [REDACTED]

Recommending that the Board of Supervisors acknowledge the Treasure Island Development Authority ("TIDA") acceptance of an irrevocable offer of public improvements associated with the portion of the Yerba Buena Island Hilltop Park known as "Rocks Dog Park" ("Park Improvements") and associated dedication of the Park Improvements for public use and acceptance of the Park Improvements for TIDA maintenance and liability purposes.

WHEREAS, the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation of the State of California ("City"), TIDA, a California non-profit public benefit corporation, and TREASURE ISLAND COMMUNITY DEVELOPMENT, LLC, a California Limited liability company ("TICD"), entered into the Public Improvement Agreement (on a portion of Yerba Buena Island), as amended (hereinafter "PIA") on March 29, 2018;

WHEREAS, TICD assigned the PIA to Treasure Island Series 1, LLC ("TIS1"), which is also the partial assignee of the Disposition and Development Agreement for the Treasure Island / Yerba Buena Project ("DDA") as defined therein ("Project");

WHEREAS, The Park Improvements are located on TIDA-owned real property on Yerba Buena Island within a portion of Lot H of Final Map No. 9228 recorded April 19, 2018 as Document No. 2018-K602992 of the Official Records of the City and County of San Francisco, is identified as public open space in the Treasure Island / Yerba Buena Island Special Use District and associated Design for Development;

WHEREAS, Pursuant to Section 6 of the PIA, TIS1 irrevocably offered the Park Improvements to TIDA as set forth in the Irrevocable Offer of Dedication dated February [XX], 2023 ("TIS1 Offer"); and

WHEREAS, On January 13, 2023, Public Works completed inspection of the Park Improvements and the City Engineer, by issuance of a Conditional Notice of Completion, determined the Park Improvements to be complete in substantial conformity with the approved plans, specifications, and applicable City regulations governing the Park Improvements and further determining that the Park Improvements are ready for their intended use; and

WHEREAS, Pursuant to the Memorandum of Agreement Regarding Ownership and Maintenance of Public Improvements on Treasure Island by and between TIDA and the City , dated _____, action of both TIDA's Board of Directors and City's Board of Supervisors is required for TIDA to dedicate the Park Improvements to public use; and

WHEREAS, The Interim Public Works Director (hereinafter “Public Works Director” or “Director”) recommends, and the City Engineer certifies, to the Board of Supervisors that the Park Improvements as shown in Street Improvement Permit No. 21IE-00479 should be accepted for public use by TIDA. Public Works further recommends that the Board of Supervisors acknowledge TIDA’s acceptance of ownership of the Park Improvements, acknowledge TIDA’s acceptance of the Park Improvements for maintenance and liability subject to TIS1’s warranty obligations in the PIA, dedicate the Park Improvements for public use, and designate the Park Improvements for public park and open space purposes; and

WHEREAS, On April 21, 2011, the Planning Commission, by Motion No. 18328, made findings that the Project and its approvals therewith are, on balance, in conformity with the General Plan and Planning Code Section 101.1; and

WHEREAS, In a letter dated February [REDACTED], 2023, the Department of City Planning affirmed that the acceptance of public infrastructure (including the Park Improvements) and associated actions are, on balance, in conformity with the General Plan and Planning Code Section 101.1 and determined that the actions contemplated by the Board of Supervisors and TIDA comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et. seq.) (“CEQA”); and

WHEREAS, The proposed acceptance for TIDA maintenance and liability and other actions related to the Park Improvements are within the scope of the Final Environmental Impact Report (“FEIR”) for the Project, prepared pursuant to CEQA. On April 21, 2011, the Planning Commission, by Motion No. 18325 as lead agency, certified the FEIR for the Project, and adopted certain findings under CEQA, including a mitigation monitoring and reporting program (the “MMRP”). On June 7, 2011, in Motion No. M11-0092, the Board of Supervisors affirmed certification of the FEIR; on that same date, the Board of Supervisors in Resolution No. 0246-11, adopted findings under CEQA, including approval of the MMRP (collectively, the “CEQA Findings”), which CEQA Findings are incorporated herein by reference; and

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Irrevocable Offer of Improvements to TIDA of the Park Improvements.
2. Draft Board legislation acknowledging TIDA’s acceptance of ownership of the Park Improvements, acknowledging TIDA’s acceptance of the Park Improvements for maintenance and liability subject to TIS1’s warranty obligations in the PIA, dedicating the Park Improvements for public use, and designating the Park Improvements for public park and open space purposes.

The Director also recommends that the Board of Supervisors approve the legislation to acknowledge TIDA’s acceptance of ownership of the Park Improvements. The Director’s

recommendation also includes the City Engineer's certification of actions under the City Engineer's authority.

The Director further recommends that the Board of Supervisors approve the legislation to acknowledge TIDA's acceptance of the Park Improvements for maintenance and liability subject to TIS1's warranty obligations in the PIA, dedicate the Park Improvements for public use, and designate the Park Improvements for public park and open space purposes subject to the following:

- a. TIDA's acceptance of the Park Improvements for maintenance and liability purposes includes only those improvements within the area legally described in Exhibit A of the TIS1 Offer;
- b. The acceptance of the Park Improvements does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements; and
- c. TIS1's conditional assignment of all warranties and guaranties to TIDA related to the construction of the Park Improvements and its warranty obligations under the PIA.

X

Rivera, 1619392.4

Acting Manager, Project
1619392.4

X

Ko, Albert J
City Engineer

X

Short, 1619392.4

Interim 1619392.4

RESOLUTION NO. _____

[Acceptance of Park Improvements on Yerba Buena Island]

RESOLUTION TO ACCEPT CERTAIN PARK IMPROVEMENTS ON YERBA BUENA ISLAND, TO DESIGNATE THE IMPROVEMENTS FOR PARK USE, TO DEDICATE THE IMPROVEMENTS TO PUBLIC USE, AND TO ACCEPT THE IMPROVEMENTS FOR MAINTENANCE AND LIABILITY PURPOSES

WHEREAS, On June 28, 2011 the Treasure Island Development Authority (“the Authority”) and Treasure Island Community Development, LLC (“Developer”) entered into the Disposition and Development Agreement (“Treasure Island/Yerba Buena Island DDA” or “DDA”); and

WHEREAS, The DDA contemplates the redevelopment of Treasure Island and Yerba Buena Island (“the Project”), including 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 other public ways, and extensive bicycle, pedestrian, and transit facilities; and

WHEREAS, Under the DDA, Developer is responsible for construction of public improvements within the Project, including parks and open spaces; and

WHEREAS, The Authority will own and operate the parks and open space lands and improvements within the Project. For purposes of this resolution “the Park Improvements” is the area named The Rocks Dog Park (“The Rocks”) located on Authority-owned real property on Yerba Buena Island within a portion of Lot H of Final Map No. 9228 recorded April 19, 2018 as Document No. 2018-K602992, and as further described and depicted in the Legal Description and Plat of a Portion of Hilltop Park, a copy of which is on file with the Secretary of this Board and are incorporated herein by reference ; and

1 WHEREAS, As set forth in the Memorandum of Agreement Regarding Ownership and
2 Maintenance of Public Improvements on Treasure Island and Yerba Buena Island between the
3 Authority and the City, dated April 26, 2017, the Authority may accept park improvements
4 completed by Developer with the approval of the Authority Board of Directors; and,

5 WHEREAS, Treasure Island Series 1 LLC ('TI Series 1'), an affiliate of Developer and
6 partial assignee of the DDA, has prepared an irrevocable offered the improvements on the Park
7 ("the Park Improvements") to the Authority (the "TI Series 1 Offer"); and

8 WHEREAS, Public Works ("PW") has drafted a Public Works Order (the "PW Order"),
9 confirming that PW: (1) inspected the Park Improvements and the City Engineer, by issuance
10 of a Conditional Notice of Completion, determined them to be complete in substantial conformity
11 with the approved plans, specifications, and applicable City regulations governing the Park
12 Improvements; and (2) determined that the Park Improvements are ready for their intended use;
13 and

14 WHEREAS, In the PW Order, the Interim PW Director recommends, and the City
15 Engineer certifies, to the Board of Supervisors that the Park Improvements should be accepted
16 for public use by TIDA and PW further recommends that the Board of Supervisors acknowledge
17 the Authority's acceptance of ownership of the Park Improvements, acknowledge the
18 Authority's acceptance of the Park Improvements for maintenance and liability subject to TI
19 Series 1's conditional assignment of warranties, dedicate the Park Improvements for public
20 use, and designate the Park Improvements for public park and open space purposes only. A
21 copy of the Draft TI Series 1 Offer and the Draft PW Order are on file with the Secretary of this
22 Board and are incorporated herein by reference; and

23 WHEREAS, On April 21, 2011, the City Planning Commission by Motion No. 18325 and
24 the Authority Board of Directors by Resolution No. 11-14-04/21, as co-lead agencies, certified
25 the completion of the Final Environmental Impact Report ("the FEIR") for the Project; and

1 WHEREAS, On April 21, 2011, the Authority Board of Directors, by Resolution No. 11-
2 15-04/21, adopted environmental findings pursuant to the California Environmental Quality Act
3 with respect to approval of the Project, including a mitigation monitoring and reporting program
4 and a statement of overriding considerations (the "CEQA Findings"); now, therefore, be it

5 RESOLVED, The Authority Board has reviewed and considered the FEIR, the CEQA
6 Findings, and the record as a whole, and finds that the FEIR is adequate for its use for the
7 action taken by this resolution, and incorporates the CEQA Findings into this resolution; and be
8 it

9 FURTHER RESOLVED, The Authority Board further finds that since the FEIR was
10 finalized, there have been no substantial project changes and no substantial changes in project
11 circumstances that would require revisions to the FEIR due to the involvement of new significant
12 environmental effects or an increase in the severity of previously identified significant impacts,
13 and there is no new information of substantial importance that would change the conclusions
14 set forth in the FEIR; and be it

15 FURTHER RESOLVED, That the acceptance, operation, and maintenance of the Park
16 Improvements would not lead to additional or substantially more severe environmental impacts
17 beyond those shown in the FEIR; and be it

18 FURTHER RESOLVED, That the Authority Board, subject to the execution of Public
19 Works Order and acceptance by the Board of Supervisors, accepts the Park Improvements,
20 dedicates them to public use, designates them for public park and open space purposes, and
21 accepts them for maintenance and liability purposes; and, be it

22 FURTHER RESOLVED That the Authority Board's acceptance of the Park
23 Improvements is for the Park only, excluding any encroachments that are permitted, not
24 permitted, or both; and, be it

1 FURTHER RESOLVED, That the Authority Board acknowledges and accepts TI Series
2 1's conditional assignment of all warranties and guaranties to the Authority related to the
3 construction of the Park Improvements, substantially in the form on file with the Secretary of
4 this Board and are incorporated herein by reference ("Conditional Assignment of Warranties");
5 and, be it

6 FURTHER RESOLVED, That the Authority Board recommends that the Board of
7 Supervisors acknowledge the Authority's acceptance of ownership of the Park Improvements,
8 dedication of them to public use, designation of them for public park and open space purposes
9 only, and acceptance of them for maintenance and liability purposes subject to the Conditional
10 Assignment of Warranties; and, be it

11 FURTHER RESOLVED, That the Authority Board authorizes the Treasure Island
12 Director, in consultation with the City Attorney, to take any and all actions (including amending
13 the Conditional Assignment of Warranties) which may be necessary or advisable to effectuate
14 the purpose and intent of this resolution, are in the best interests of the Authority, and that do
15 not materially increase the obligations or liabilities of the Authority or materially reduce the
16 rights of the Authority, such determination to be conclusively evidenced by the execution and
17 delivery by the Treasure Island Director of the documents.

CERTIFICATE OF SECRETARY

I hereby certify that I am the duly elected Secretary of the Treasure Island Development Authority, a California nonprofit public benefit corporation, and that the above Resolution was duly adopted and approved by the Board of Directors of the Authority at a properly noticed meeting on July 12, 2023.

Mark Dunlop, Secretary

FILE NO.

ORDINANCE NO.

[Treasure Island/Yerba Buena Island – The Rocks Dog Park Acceptance]

Ordinance acknowledging the Treasure Island Development Authority’s acceptance of certain improvements on a portion of Yerba Buena Island Hilltop Park known as The Rocks (Assessor’s Parcel Block No. 8958, Lot 003), adjacent to Macalla Road, and the Authority’s acceptance of the Park Improvements for maintenance and liability purposes; dedicating the park to public use; designating the property for public open space and park purposes; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; adopting a Public Works Order that recommends acceptance of The Rocks improvements and related actions; and authorizing official acts, as defined, in connection with this Ordinance.

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 ~~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. Findings

(a) 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 and portions of Yerba Buena Island.

(b) Yerba Buena Island Hilltop Park (“YBI Hilltop Park”) is a portion of the project more particularly described in the Treasure Island/Yerba Buena Island Special Use District

(Planning Code Section 249.52) (“the Project”). YBI Hilltop Park is presently under construction on Assessor’s Parcels Block No. 8958, Lot 003; Block No. 8950, Lot 002; Block No. 8953, Lot 002; and Block 1939, Lot 086. For purposes of this ordinance, The Rocks (“The Rocks”), is the portion of the YBI Hilltop Parks located on Assessor’s Parcel Block No. 8958, Lot 003, located between Macalla Road and the planned alignment of Yerba Buena Road.

(c) In Public Works (“PW”) Order No. _____, dated _____, 2023 (the “PW Order”), the City Engineer certified and the PW Director determined that: (1) The Rocks occupies a lot owned by the Treasure Island Development Authority; and (2) Treasure Island Series 1, LLC (“TI Series 1”, an affiliate of Developer and partial assignee of the Project’s Disposition and Development Agreement) irrevocably offered the improvements on The Rocks (the “Park Improvements”) to the Authority as set forth in the Treasure Island Series 1 Irrevocable Offer of Improvements, dated _____, 2023 (the “TI Series 1 Offer”). In addition, the PW Order confirms that: PW inspected the Park Improvements and determined them to be complete and certified that the Park Improvements were constructed in accordance with the Plans and Specifications, as defined in the Public Improvement Agreement (Yerba Buena Island) between the City, the Authority, and TI Series 1 dated for reference purposes as of March 29, 2018, and all applicable City codes, regulations, and standards; and determined that the Park Improvements are ready for their intended use. In the PW Order, the PW Director also recommended that the Board of Supervisors: (1) acknowledge the Authority’s acceptance of ownership of the Park Improvements, (2) acknowledge the Authority’s acceptance of the Park Improvements for maintenance and liability; (3) dedicate the Park Improvements to public use, and (4) designate them for public park and open space purposes. A copy of the PW Order and the TI Series 1 Offer are on file with the Clerk of the Board of Supervisors in File No. _____ and are incorporated herein by reference.

1 (d) The Planning Department, in a letter dated _____ ("The Rocks
2 Planning Department Letter"), determined that the acceptance of the Park Improvements is,
3 on balance, consistent with the General Plan and the eight priority policies of Planning Code
4 Section 101.1. In that letter, the Planning Department also found that legislative actions
5 contemplated herein do not trigger the need for subsequent environmental review pursuant to
6 the California Environmental Quality Act ("CEQA") (California Public Resources Code
7 Sections 21000 et seq.). A copy of The Rocks Planning Department Letter is on file with the
8 Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
9 reference.

10 (e) On _____, at a duly noticed public hearing, the Authority in
11 Resolution No. _____, recommended that the Board of Supervisors acknowledge and
12 approve the Authority's acceptance of ownership of the Park Improvements and acceptance
13 of such Improvements for maintenance and liability. A copy of the Authority Resolution is on
14 file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
15 herein by reference.

16
17 Section 2. Adoption of Findings and Recommendations for the Park.

18 (a) The Board of Supervisors adopts as its own the CEQA findings, the General Plan
19 consistency findings, and the eight priority findings of Planning Code Section 101.1 in The
20 Rocks Planning Department Letter in connection with the Authority's acceptance of The
21 Rocks and other actions set forth in this ordinance.

22 (b) The Board of Supervisors adopts PW Order No. _____, including the City
23 Engineer's certification and PW Director's recommendations concerning the Authority's
24 acceptance of the TI Series 1 Offer for the Park Improvements, other actions set forth in
25

1 Section 1(c) of this ordinance and adopts these recommendations and other actions as its
2 own.

3 (c) The Board of Supervisors adopts the recommendations in the Authority's
4 Resolution No. _____ regarding the Park Improvements.

5
6 Section 3. Acknowledgement of the Authority's Acceptance of the Park Improvements
7 and Assumption of Maintenance and Liability Responsibilities and Board of Supervisors
8 dedication and designation of the Park Improvements for Public Use.

9 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq. and PW
10 Order No. _____, the Board of Supervisors acknowledges the Authority's acceptance of
11 ownership of the TI Series I Offer for the Park Improvements and the Authority's acceptance
12 of the Park Improvements for the Authority's maintenance and liability.

13 (b) The Board of Supervisors also dedicates the Park Improvements for public use and
14 designates them for public park and open space purposes.

15 (c) The Board of Supervisors acknowledgement of the Authority's acceptance of the
16 Park Improvements for Authority maintenance and liability is subject to the conditions listed in
17 subsections (d) and (e).

18 (d) The Board acknowledges that the Authority's acceptance of the Park
19 Improvements is for The Rocks only, excluding any encroachments that are permitted, not
20 permitted, or both.

21 (e) The Board of Supervisors hereby acknowledges TI Series 1's conditional
22 assignment of all warranties and guaranties to the Authority related to the construction of the
23 Park Improvements.

1 Section 4. Authorization for Implementation. The Mayor, Clerk of the Board of
2 Supervisors, the PW Director, and the Authority are hereby authorized and directed to take
3 any and all actions which they or the City Attorney may deem necessary or advisable to
4 effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of
5 the ordinance in the Official Records of the Authority.

6
7 Section 5. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: DRAFT
15 JOHN D. MALAMUT
16 Deputy City Attorney

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25

RESOLUTION NO. 23-21-0712

[Acceptance of Park Improvements on Yerba Buena Island]

RESOLUTION TO ACCEPT CERTAIN PARK IMPROVEMENTS ON YERBA BUENA ISLAND, TO DESIGNATE THE IMPROVEMENTS FOR PARK USE, TO DEDICATE THE IMPROVEMENTS TO PUBLIC USE, AND TO ACCEPT THE IMPROVEMENTS FOR MAINTENANCE AND LIABILITY PURPOSES

WHEREAS, On June 28, 2011 the Treasure Island Development Authority (“the Authority”) and Treasure Island Community Development, LLC (“Developer”) entered into the Disposition and Development Agreement (“Treasure Island/Yerba Buena Island DDA” or “DDA”); and

WHEREAS, The DDA contemplates the redevelopment of Treasure Island and Yerba Buena Island (“the Project”), including 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 other public ways, and extensive bicycle, pedestrian, and transit facilities; and

WHEREAS, Under the DDA, Developer is responsible for construction of public improvements within the Project, including parks and open spaces; and

WHEREAS, The Authority will own and operate the parks and open space lands and improvements within the Project. For purposes of this resolution “the Park Improvements” is the area named The Rocks Dog Park (“The Rocks”) located on Authority-owned real property on Yerba Buena Island within a portion of Lot H of Final Map No. 9228 recorded April 19, 2018 as Document No. 2018-K602992, and as further described and depicted in the Legal Description and Plat of a Portion of Hilltop Park, a copy of which is on file with the Secretary of this Board and are incorporated herein by reference ; and

1 WHEREAS, As set forth in the Memorandum of Agreement Regarding Ownership and
2 Maintenance of Public Improvements on Treasure Island and Yerba Buena Island between the
3 Authority and the City, dated April 26, 2017, the Authority may accept park improvements
4 completed by Developer with the approval of the Authority Board of Directors; and,

5 WHEREAS, Treasure Island Series 1 LLC ('TI Series 1'), an affiliate of Developer and
6 partial assignee of the DDA, has prepared an irrevocable offered the improvements on the Park
7 ("the Park Improvements") to the Authority (the "TI Series 1 Offer"); and

8 WHEREAS, Public Works ("PW") has drafted a Public Works Order (the "PW Order"),
9 confirming that PW: (1) inspected the Park Improvements and the City Engineer, by issuance
10 of a Conditional Notice of Completion, determined them to be complete in substantial conformity
11 with the approved plans, specifications, and applicable City regulations governing the Park
12 Improvements; and (2) determined that the Park Improvements are ready for their intended use;
13 and

14 WHEREAS, In the PW Order, the Interim PW Director recommends, and the City
15 Engineer certifies, to the Board of Supervisors that the Park Improvements should be accepted
16 for public use by TIDA and PW further recommends that the Board of Supervisors acknowledge
17 the Authority's acceptance of ownership of the Park Improvements, acknowledge the
18 Authority's acceptance of the Park Improvements for maintenance and liability subject to TI
19 Series 1's conditional assignment of warranties, dedicate the Park Improvements for public
20 use, and designate the Park Improvements for public park and open space purposes only. A
21 copy of the Draft TI Series 1 Offer and the Draft PW Order are on file with the Secretary of this
22 Board and are incorporated herein by reference; and

23 WHEREAS, On April 21, 2011, the City Planning Commission by Motion No. 18325 and
24 the Authority Board of Directors by Resolution No. 11-14-04/21, as co-lead agencies, certified
25 the completion of the Final Environmental Impact Report ("the FEIR") for the Project; and

1 WHEREAS, On April 21, 2011, the Authority Board of Directors, by Resolution No. 11-
2 15-04/21, adopted environmental findings pursuant to the California Environmental Quality Act
3 with respect to approval of the Project, including a mitigation monitoring and reporting program
4 and a statement of overriding considerations (the "CEQA Findings"); now, therefore, be it

5 RESOLVED, The Authority Board has reviewed and considered the FEIR, the CEQA
6 Findings, and the record as a whole, and finds that the FEIR is adequate for its use for the
7 action taken by this resolution, and incorporates the CEQA Findings into this resolution; and be
8 it

9 FURTHER RESOLVED, The Authority Board further finds that since the FEIR was
10 finalized, there have been no substantial project changes and no substantial changes in project
11 circumstances that would require revisions to the FEIR due to the involvement of new significant
12 environmental effects or an increase in the severity of previously identified significant impacts,
13 and there is no new information of substantial importance that would change the conclusions
14 set forth in the FEIR; and be it

15 FURTHER RESOLVED, That the acceptance, operation, and maintenance of the Park
16 Improvements would not lead to additional or substantially more severe environmental impacts
17 beyond those shown in the FEIR; and be it

18 FURTHER RESOLVED, That the Authority Board, subject to the execution of Public
19 Works Order and acceptance by the Board of Supervisors, accepts the Park Improvements,
20 dedicates them to public use, designates them for public park and open space purposes, and
21 accepts them for maintenance and liability purposes; and, be it

22 FURTHER RESOLVED That the Authority Board's acceptance of the Park
23 Improvements is for the Park only, excluding any encroachments that are permitted, not
24 permitted, or both; and, be it

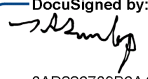
1 FURTHER RESOLVED, That the Authority Board acknowledges and accepts TI Series
2 1's conditional assignment of all warranties and guaranties to the Authority related to the
3 construction of the Park Improvements, substantially in the form on file with the Secretary of
4 this Board and are incorporated herein by reference ("Conditional Assignment of Warranties");
5 and, be it

6 FURTHER RESOLVED, That the Authority Board recommends that the Board of
7 Supervisors acknowledge the Authority's acceptance of ownership of the Park Improvements,
8 dedication of them to public use, designation of them for public park and open space purposes
9 only, and acceptance of them for maintenance and liability purposes subject to the Conditional
10 Assignment of Warranties; and, be it

11 FURTHER RESOLVED, That the Authority Board authorizes the Treasure Island
12 Director, in consultation with the City Attorney, to take any and all actions (including amending
13 the Conditional Assignment of Warranties) which may be necessary or advisable to effectuate
14 the purpose and intent of this resolution, are in the best interests of the Authority, and that do
15 not materially increase the obligations or liabilities of the Authority or materially reduce the
16 rights of the Authority, such determination to be conclusively evidenced by the execution and
17 delivery by the Treasure Island Director of the documents.

CERTIFICATE OF SECRETARY

I hereby certify that I am the duly elected Secretary of the Treasure Island Development Authority, a California nonprofit public benefit corporation, and that the above Resolution was duly adopted and approved by the Board of Directors of the Authority at a properly noticed meeting on July 12, 2023.

DocuSigned by:

0AD226709B6A4F3...

Mark Dunlop, Secretary



GENERAL PLAN CONSISTENCY DETERMINATION AND CEQA FINDINGS

February 27, 2023

Ms. Carla Short
Interim Director
San Francisco Public Works
49 South Van Ness Avenue
San Francisco, CA 94103

Project Title: “The Rocks Dog Park,” Yerba Buena Island – Acceptance of Public Improvements
Assessor’s Block/Lot: 8958 / 003
Design Review Approval No: 2007.0903
Zoning District: Yerba Buena Island Open Space (YBI-OS) Zoning District; Height/Bulk District: N/A
Staff Contact: Nicholas Foster, AICP, LEEP GA; 628.652.7330; nicholas.foster@sfgov.org

Dear Ms. Short:

This letter addresses the proposed acceptance of public improvements for “The Rocks Dog Park” at the subject property located at 120 Yerba Buena Road, within Assessor’s Block 8958, Lot 003, as shown in Improvement Plans dated August 25, 2021 and approved by Public Works Street Use and Mapping on September 21, 2021 under Permit No. 21IE-00479 (the “Plans”).

On April 21, 2011, the San Francisco Planning Commission issued its master set of approvals for the Treasure Island/Yerba Buena Island Project (Planning Department Records 2007.0903BEMRTUWZ). These approvals actions included certification of the Final Environmental Impact Report (FEIR) through Motion No. 18325, adoption of California Environmental Quality Act (“CEQA”) findings through Motion No. 18326, and adoption of General Plan and Planning Section 101.1 consistency findings through Motion 18328.

Planning Department Staff has reviewed the Plans and considered the other actions comprising the Board of Supervisors legislation and finds them consistent with the Planning Commission’s master approvals. Therefore, the Planning Department Staff finds that the Board of Supervisors action is addressed in the CEQA findings of Planning Commission Motion No. 18326 and, on balance, consistent with General Plan and Planning Code Section 101.1 Consistency Findings of Motion 18328.

Sincerely,

Nicholas Foster

Nicholas Foster, AICP, LEEP GA
Principal Planner

cc: *(via email)*

Robert Beck, Treasure Island Director
Treasure Island Development Authority

CONDITIONAL ASSIGNMENT OF WARRANTIES AND GUARANTIES

This CONDITIONAL ASSIGNMENT OF WARRANTIES AND GUARANTIES (this “**Assignment**”) is entered into between TREASURE ISLAND SERIES 1, LLC, a Delaware limited liability company (“**TIS1**”) and TREASURE ISLAND DEVELOPMENT AUTHORITY (“**Authority**”) and is dated for reference purposes only as of July 13, 2023.

This Assignment is being made in connection with Section 4.1(c)(iii) of that certain Acquisition and Reimbursement Agreement dated as of March 8, 2016, by and between Treasure Island Community Development, LLC, the City and County of San Francisco, and the Authority (as may be further supplemented or amended from time to time, the “**Acquisition Agreement**”).

FOR VALUE RECEIVED, TIS1 does hereby conditionally assign to the Authority as of the Effective Date, all of its right, title and interest in and to any and (i) all warranties and guaranties pursuant to the contracts listed in Exhibit A, and (ii) to the extent permissible, all other all other warranties and guaranties (individually a “**Warranty**”, and collectively, “**Warranties**”) applicable to the Acquisition Facilities set forth on Exhibit A attached hereto and incorporated herein by this reference (the “**Acquisition Facilities**”). The term “**Effective Date**” means the latest date the Acquisition Facilities are accepted by the Authority by resolution and accepted by the Board of Supervisors by ordinance and approved by the Mayor.

This Assignment does not limit the Authority or any of its successors and/or assigns rights to exercises any right of repair, warranty or guaranty against TIS1 (collectively, “**Repair Obligation**”) under a separate agreement (including, but not limited to, that certain Public Improvement Agreement - Yerba Buena Island, dated March 29, 2018, by and between TIS1, the authority and the City and County of San Francisco, as amended from time to time) concerning the Acquisition Facility. If the Authority elects to direct TIS1 to perform the Repair Obligation (as opposed to the Authority directly pursuing the guarantor of the Warranty), TIS1 may, at its option, enforce the Warranty against the guarantor to address TIS1’s Repair Obligation under such separate agreement concerning the Acquisition Facility. If TIS1 is unable to enforce the Warranty within a reasonable time, then TIS1 will, with due diligence, timely complete the Repair Obligations consistent with the requirements of the applicable separate agreement giving rise to the Repair Obligation.

If TIS1 elects to enforce the Warranty, TIS1 shall provide notice to the Authority within ten (10) business days of receipt of notice that the Authority or any of its respective successors and/or assigns are exercising a right of repair, warranty, guaranty, and/or similar right with respect to the Acquisition Facility. If TIS1 fails to provide such notice to the Authority within ten (10) business days, or otherwise fails to diligently pursue the Warranty thereafter, the Authority shall have the sole right and privilege to enforce the Warranty.

This Assignment shall be binding upon and inure to the benefit of the successors and assigns of TIS1 and the Authority.

A notice or communication under this Assignment by any party to any other party shall be sufficiently given or delivered if dispatched by hand or by registered or certified mail, postage prepaid, addressed as follows:

In the case of a notice or communication to the Authority:

Treasure Island Development Authority
1 Avenue of the Palms #241
San Francisco, CA 94130
Attn: Robert P. Beck
Telephone No.: (415) 274-0662
bob.beck@sfgov.org

with a copy to:

City Attorney, City and County of San Francisco
Room 234, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Attn: TIDA General Counsel
RE/Finance Team

in the case of a notice or communication to TIS1,

Treasure Island Series 1, LLC
c/o: Treasure Island Development Group, LLC
615 Battery Street, Floor 6
San Francisco CA 94111
Attn: Charles Shin

with a copy to:

Perkins Coie LLP
505 Howard Street Suite 1000
San Francisco, CA 94105
Attn: Garrett Colli
GColli@perkinscoie.com

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least ten (10) days prior to the effective date of the change. All notices under this Assignment shall be deemed given, received, made or communicated on the date personal receipt actually occurs or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

This Assignment may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one instrument.

The terms of this Assignment may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

The waiver or failure to enforce any provision of this Assignment shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

This Assignment shall be governed by and construed and enforced in accordance with the laws of the State of California.

Nothing in this Assignment shall be construed in any way to alter, amend or otherwise relieve TIS1 of its warranty or guaranty responsibilities, with respect to any improvements, under the Treasure Island/ Yerba Buena Island Project documents or subsequent permits.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed as of the 13th day of July, 2023.

TIS1:

TREASURE ISLAND SERIES 1 LLC,
a Delaware limited liability company

By: _____
Name: _____
Its: _____

AUTHORITY:

TREASURE ISLAND DEVELOPMENT AUTHORITY
a California non-profit public benefit corporation

By: _____
Name: Robert P. Beck, Director

Exhibit A

List of Acquisition Facilities

The facilities include the ~~Dog Park Improvements~~those certain park improvements referenced in (Permit # 21IE-00479) constructed or installed by or on behalf of TIS1 pursuant to the Public Improvement Agreement (Yerba Buena Island), dated for reference purposes as of March 29, 2018, and recorded as Document No. 2018-K602991 of Official Records, as amended, and the improvement plans and specifications described in Exhibit A-12 therein. The list of facilities delivered to and on file with the City is as follows:

Parks - including, but not limited to, ground improvement, subgrade preparation, landscaping and trees, aggregate base, sidewalks, pavers, decomposed granite, lighting, irrigation, furniture, decks, fountains, and restrooms.

Name of Contractor: Jensen Landscape Contractor LLC

Date of Contract: 7/6/2021

1670038.1

NO RECORDING FEE

RECORDING REQUESTED BY
and When Recorded Mail To:

Treasure Island Director
Treasure Island Development Authority
One Avenue of the Palms, Suite 241
San Francisco, California 94130

APN: 8953-003

Situs: Yerba Buena Island

OFFER OF IMPROVEMENTS

TREASURE ISLAND SERIES 1, LLC, a Delaware limited liability company (“Offeror”), and its successors and assigns, does hereby irrevocably offer to the Treasure Island Development Authority, a California public benefit corporation, (“Offeree”), and its successors and assigns, all of those improvements described in that certain Public Improvement Agreement for Yerba Buena Island dated as of March 29, 2018, between Offeror, Offeree, and the City and County of San Francisco (“City”), as amended (“PIA”), as “Dog Park Improvements” which are more particularly described in Improvement Plans and Specifications prepared by CMG Landscape Architecture, entitled “Permit Set Yerba Buena Island Dog Park,” dated August 25, 2021, on file with the City’s Department of Public Works and Offeree, and which are incorporated into the PIA as Exhibit A-12 thereto.

The property where the improvements are located is shown on Exhibit A hereto, located in the City.

It is understood and agreed that: (i) Offeree and its successors or assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and, except as may be provided by separate instrument, shall not assume any responsibility for the offered improvements, unless and until such offer has been accepted by appropriate action of Offeree; and (ii) upon acceptance of this offer of public improvements by formal action of the Offeree, the Offeree shall own and be responsible for maintenance of the accepted public facilities and improvements.

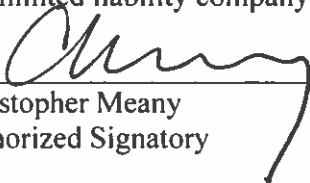
The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns, and personal representatives of the parties hereto.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned has executed this instrument this TH14 day of August, 2023.

GRANTOR:

TREASURE ISLAND SERIES 1, LLC
a Delaware limited liability company

By: 
Name: Christopher Meany
Title: Authorized Signatory

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of Los Angeles

On Aug 14, 2023 before me, Tina L. Gaines, Notary Public, personally appeared Christopher Meany who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Tina L. Gaines

Signature of Notary Public

(Notary Seal)

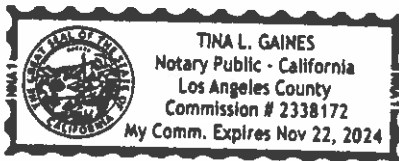


Exhibit A

Legal Description



LEGAL DESCRIPTION AND PLAT OF A PORTION OF HILLTOP PARK

All that certain real property situate in the City and County of San Francisco, State of California, being a portion of Lot H as shown on that certain Final Map No. 9228 filed on April 19, 2018, as Document No. 2018K602992, in Book 134 of Condominium Maps at Pages 7 through 23, inclusive, in the Office of the County Recorder and being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain curve as shown on said map as "C44", having a radius of 487.00 feet, a central angle of 16°32'54", and an arc length of 140.66 feet, said point being on the common line of said Lot H and Lot C (Yerba Buena Road) as shown on said map;

Thence along said common line, North 68°10'42" West, 68.08 feet;

Thence leaving said common line, North 04°22'54" West, 47.74 feet;

Thence South 86°58'58" East, 38.23 feet;

Thence South 82°40'57" East, 146.11 feet;

Thence South 24°44'01" East, 26.29 feet;

Thence South 85°53'04" East, 22.02 feet to a point on the common line of said Lot H and said Lot C, said point also being the beginning of a non-tangent curve concave easterly, whose radius point bears North 81°43'42" East;

Thence southerly along said common line and along said curve, having a radius of 239.00 feet, through a central angle of 01°13'49", for an arc length of 5.13 feet;

Thence leaving said common line, North 85°53'04" West, 20.42 feet;

Thence South 24°44'01" East, 31.23 feet;

Thence North 53°18'36" East, 13.93 feet to a point on the said common line of said Lot H and said Lot C, said point also being the beginning of a non-tangent curve concave easterly, whose radius point bears North 75°56'49" East;

Thence southerly along said common line and along said curve, having a radius of 239.00 feet, through a central angle of 01°17'34", for an arc length of 5.39 feet;

Thence leaving said common line, South 53°18'36" West, 15.42 feet;

Thence South 07°18'37" West, 21.84 feet to a point on the said common line of said Lot H and said Lot C, said point also being the beginning of a non-tangent curve concave northerly, whose radius point bears North 02°52'40" West;

Thence westerly along said common line and along said curve, having a radius of 27.00 feet, through a central angle of 08°09'04", for an arc length of 3.84 feet to a point of compound curvature;

Thence continuing along said common line and along said curve, having a radius of 487.00 feet, through a central angle of 16°32'54", for an arc length of 140.66 feet to the **POINT OF BEGINNING**.

Containing 14,394 square feet, more or less.

Being a portion of Assessor's Parcel Number (APN): 8958-003

Horizontal Datum & Reference System

The Horizontal Datum is the North American Datum of 1983: NAD83(2011) 2010.00 epoch referenced by the San Francisco High Precision GNSS Network (2013 CCSF-HPN). Plane Coordinates are based on the "City & County of San Francisco 2013 High Precision Network" coordinate system (CCSF-CS13). The CCSF-CS13 is a low distortion grid projection designed for CCSF to provide ground-precision coordinates in a low distortion plane coordinate system (combined scale factor = 1.00000275). (for further Information, see Record of Survey No. 8080, Filed for Record on April 4, 2014 in Book EE of Survey Maps at Pages 147 through 157, inclusive, as Document Number 2014-J860036, Official Records of the San Francisco County Recorder.)

A plat showing the above described area is attached hereto and made a part hereof.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



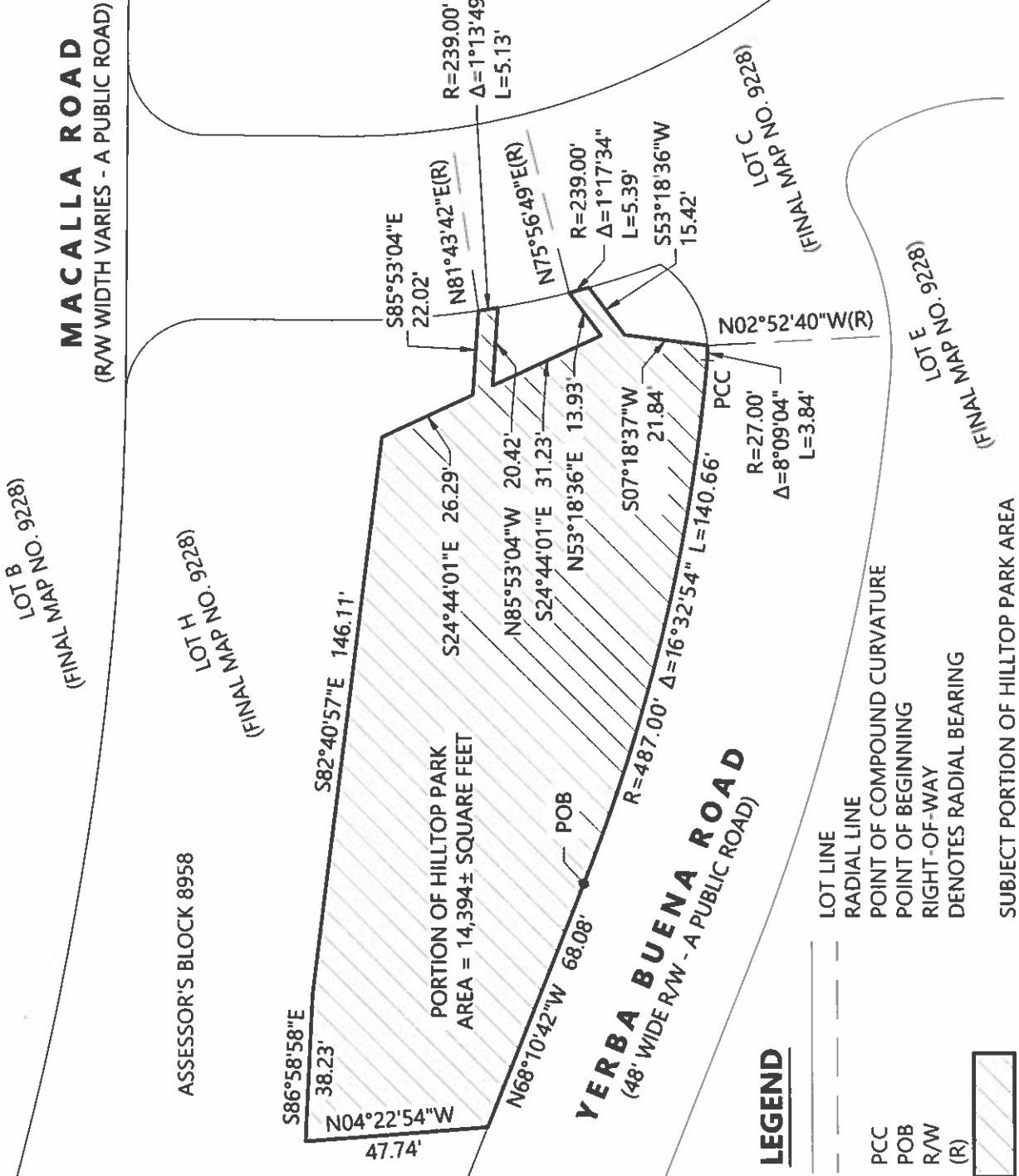
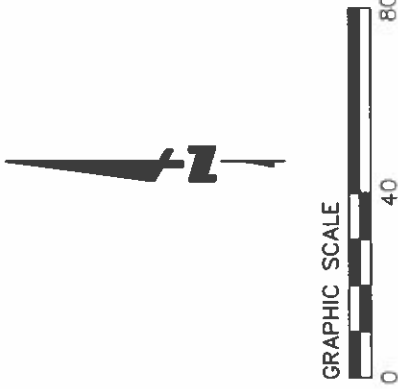
David C. Jungmann, PLS 9267



7/7/2023

Date

END OF DESCRIPTION



LEGEND

- LOT LINE
- RADIAL LINE
- POINT OF COMPOUND CURVATURE
- POINT OF BEGINNING
- RIGHT-OF-WAY
- DENOTES RADIAL BEARING
- SUBJECT PORTION OF HILLTOP PARK AREA

SUBJECT PLAT TO ACCOMPANY
 LEGAL DESCRIPTION
 JOB NO. 20140015
 BY CSW APPR. DCJ DATE 07/07/2023
 3 OF 3

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