

1 [Treasure Island/Yerba Buena Island - Ferry Terminal and Other TIDA Improvements]

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3 **Ordinance acknowledging the Treasure Island Development Authority's (the**  
4 **"Authority" or "TIDA") acceptance of certain improvements on portions of Yerba**  
5 **Buena Island and Treasure Island, including ferry terminal improvements, and the**  
6 **Authority's acceptance of the improvements for maintenance and liability purposes;**  
7 **dedicating improvements to public use; adopting findings under the California**  
8 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
9 **the eight priority policies of Planning Code, Section 101.1; and adopting a Public**  
10 **Works Order that recommends acceptance of these improvements and related actions,**  
11 **as defined herein.**

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

16

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

18

19 Section 1. Findings.

20

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

24

25 (b) On June 28, 2011, the Authority and Treasure Island Community Development,  
LLC ("Developer") entered the Disposition and Development Agreement (the "Treasure

1 Island/Yerba Buena Island DDA” or “DDA”). On the same date, the City and Developer  
2 entered a Development Agreement (the “DA”). The Board of Supervisors approved the DA in  
3 Ordinance No. 95-11, Clerk of the Board of Supervisors File No. 110226. Ordinance  
4 No. 95-11 and related DA documents and approvals are on file with the Clerk of the Board  
5 and incorporated by reference in this ordinance.

6 (c) The DA, DDA, and the Special Use District in Planning Code Section 249.52  
7 contemplate a project (the “Project”) on Treasure Island and Yerba Buena Island that includes  
8 up to 8,000 units of housing, 140,000 square feet of commercial and retail space, 100,000  
9 square feet of office space, and up to approximately 300 acres of parks and open space, a  
10 ferry terminal, new and upgraded streets, and extensive bicycle, pedestrian, and transit  
11 facilities. Under the DA, the DDA, the Special Use District, and related Project documents,  
12 Developer is responsible for construction of public improvements within the Project, and the  
13 Authority or the City, as applicable, will accept and maintain the public improvements when  
14 the Developer completes them in accordance with City-approved plans and specifications.

15 (d) The DDA contemplates that the Developer or its permitted assignees will complete  
16 certain public improvements on behalf of the Authority and offer those improvements for  
17 dedication to the Authority, and that the Authority will dedicate the improvements to public use  
18 and accept them for purposes of maintenance and liability. Treasure Island Series 1, LLC,  
19 and Treasure Island Series 2, LLC, constructed certain improvements on TIDA-owned land.  
20 These public improvements include the following: (1) ferry terminal improvements  
21 (collectively, the “Ferry Terminal Improvements,” for which the Department of Building  
22 Inspection (“DBI”) issued certificates of completion and occupancy through December 29,  
23 2022 for Permit Nos. 2022.0518.4539, 2022.0518.4538, 2022.0518.4537, 2022.0518.4545,  
24 2022.0518.4536, 2022.0518.4543, and 2022.0518.4541); (2) various TIDA improvements that  
25 include: (i) the Bruton Street extension, causeway improvements, and a retaining wall

1 adjacent to Seven Seas Avenue and the Job Corps property on TI; and (ii) Northgate Road (a  
2 publicly accessible private street), Signal Road (a dedicated public street), a private service  
3 maintenance road accessing potable water tanks, retaining walls adjacent to Macalla Road  
4 and Yerba Buena Road, and two stormwater gardens on YBI (collectively, the “TIDA  
5 Improvements” constructed pursuant to Street Improvement Permit Nos. 181I-0330, 18IE-  
6 0941, 2218-0277, and DBI Permit No. 2017.0630.0838.R2); and (3) other improvements that  
7 encroach on portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath  
8 Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and  
9 Treasure Island Road on Treasure Island; Macalla Road, Signal Road, Treasure Island Road,  
10 and Yerba Buena Island Road on Yerba Buena Island (collectively, the “TIDA  
11 Encroachments”). The TIDA Encroachments also will be the subject of future Board of  
12 Supervisors legislation under Public Works Code Sections 786 et seq. to approve these  
13 Encroachments along with Developer encroachments. This ordinance collectively refers to all  
14 these improvements as “Authority Assets”.

15 (e) In a companion ordinance, the Board of Supervisors will consider various actions  
16 and acknowledgements regarding acceptance of certain public infrastructure for City  
17 maintenance and liability, including portions of public streets on both Treasure Island and  
18 Yerba Buena Island on which TIDA Encroachments are located, electrical switchyard  
19 improvements on Treasure Island, and potable water tanks on Yerba Buena Island. The  
20 companion ordinance is on file with the Clerk of the Board of Supervisors in File No. 231245  
21 and incorporated herein by reference.

22 (f) In Public Works Order No. 208838, dated December 12, 2023 (the “PW Order”), the  
23 City Engineer certifies and the Public Works Director (the “PW Director”) determines that: (1)  
24 the Authority Assets are located on TIDA-owned property; and (2) Treasure Island Series 1,  
25 LLC (“TI Series 1”) and Treasure Island Series 2, LLC (“TI Series 2”) (both affiliates of

1 Developer) irrevocably offered the Authority Assets, respectively, to the Authority as set forth  
2 in the Treasure Island Series 1 Irrevocable Offer of Improvements, dated March 22, 2018,  
3 July 20, 2018, and October 5, 2023 (the “TI Series 1 Offers”) and the Treasure Island Series 2  
4 Irrevocable Offer of Improvements dated October 26, 2023 (“TI Series 2 Offer”). In addition,  
5 the PW Order confirms that Public Works inspected the TIDA Improvements and TIDA  
6 Encroachments under Public Works permitting jurisdiction, determined them to be complete,  
7 and certified that these improvements were constructed in accordance with the Public Works  
8 Plans and Specifications and all applicable City codes, regulations, and standards; and  
9 determined that the TIDA Improvements and TIDA Encroachments are ready for their  
10 intended use. The PW Order acknowledges that the Department of Building Inspection  
11 (“DBI”) reviewed and approved the Ferry Terminal Improvements and other TIDA  
12 Improvements under DBI permitting jurisdiction, determined these improvements to be  
13 complete, and issued final certificates of completion and occupancy finding that the Ferry  
14 Terminal Improvements and other TIDA Improvements were constructed in accordance with  
15 all applicable City codes, regulations and standards. Copies of the PW Order and the TI  
16 Series 1 Offers and TI Series 2 Offer are on file with the Clerk of the Board of Supervisors in  
17 File No. \_\_\_\_\_ and are incorporated herein by reference.

18 (g) In the PW Order, the PW Director also recommends that the Board of Supervisors:  
19 (1) acknowledge the Authority’s acceptance of ownership of the Authority Assets, which  
20 comprise the Ferry Terminal Improvements, TIDA Improvements, and TIDA Encroachments  
21 as defined above; (2) acknowledge the Authority’s acceptance of the Authority Assets for  
22 maintenance and liability; and (3) dedicate the Authority Assets to public use.

23 (h) In a letter dated November 1, 2023, the Planning Department found that the public  
24 dedication of the Authority Assets and other actions set forth in this ordinance are within the  
25 scope of the Project’s final environmental impact report prepared under the California

1 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and  
2 are, on balance, in conformance with the General Plan and the eight priority policies of  
3 Planning Code Section 101.1. A copy of the Planning Department letter is on file with the  
4 Clerk of the Board of Supervisors in File No. 231269.

5 (i) On October 11, 2023, at a duly noticed public hearing, the Authority, in Resolution  
6 No. 23-29-1011, took various actions related to acceptance of the TIDA Improvements,  
7 including Signal Road (a dedicated public street), for Authority ownership and maintenance  
8 and liability responsibility and recommended that the Board of Supervisors publicly dedicate  
9 the TIDA Improvements and acknowledge and approve the Authority actions.

10 (j) On November 8, 2023, at a duly noticed public hearing, the Authority, in Resolution  
11 No. 23-31-1108, took various actions related to acceptance of the Ferry Terminal  
12 Improvements for Authority ownership and maintenance and liability responsibility and  
13 recommended that the Board of Supervisors publicly dedicate the Ferry Terminal  
14 Improvements and acknowledge and approve the Authority actions.

15 (k) Also on November 8, 2023, as part of a separate matter related to City streets on  
16 Treasure Island and Yerba Buena Island, the Authority, in Resolution No. No. 23-32-1108,  
17 took various actions related to acceptance of the TIDA Encroachments for Authority  
18 ownership and maintenance and liability responsibility and recommended that the Board of  
19 Supervisors publicly dedicate the TIDA Encroachments and acknowledge and approve the  
20 Authority actions. The three abovementioned Authority Resolutions are on file with the Clerk  
21 of the Board of Supervisors in File No. 231269 and are incorporated herein by reference.

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23 Section 2. Adoption of Findings and Recommendations for the Authority Assets.

24 (a) The Board of Supervisors adopts as its own the CEQA findings and the General  
25 Plan consistency findings, including the eight priority findings of Planning Code Section 101.1,

1 in the Planning Department letter in connection with the Board of Supervisors public  
2 dedication of the Authority Assets and other actions set forth in this ordinance.

3 (b) The Board of Supervisors adopts PW Order No. 208838, including the City  
4 Engineer's certification and PW Director's recommendations concerning the Authority's  
5 acceptance of the TI Series 1 Offers and the TI Series 2 Offer, and other actions set forth in  
6 Section 1(f) and (g) of this ordinance, and adopts these recommendations and other actions  
7 as its own.

8 (c) The Board of Supervisors adopts the recommendations in the Authority's  
9 Resolution Nos. 23-29-1011, 23-31-1108, and 23-32-1108 regarding the Authority Assets.

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11 Section 3. Acknowledgement of the Authority's Acceptance of the Authority Assets and  
12 Assumption of Maintenance and Liability Responsibilities and Board Dedication of the  
13 Authority Assets for Public Use.

14 (a) Pursuant to Administrative Code Sections 1.51 et seq. and PW Order No. 208838,  
15 the Board of Supervisors hereby acknowledges the Authority's jurisdiction over the Authority  
16 Assets, and, to the extent necessary, delegates to the Authority the power to accept  
17 ownership of the TI Series 1 Offers and the TI Series 2 Offer for the Authority Assets and  
18 maintenance and liability responsibility for the Authority Assets.

19 (b) The Board of Supervisors also dedicates the Authority Assets to public use.

20 (c) The Board of Supervisors acknowledgement of the Authority's acceptance of the  
21 Authority Assets for Authority maintenance and liability is subject to the conditions listed in  
22 Section 3(d) and (e).

23 (d) The Board acknowledges that the Authority's acceptance is for the Authority Assets  
24 only, excluding any private encroachments that are permitted, not permitted, or both.

1 (e) The Board of Supervisors acknowledges TI Series 1 and TI Series 2 conditional  
2 assignment of all warranties and guaranties to the Authority related to the Authority Assets.

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

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

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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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