

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: January 30, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, January 30, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, January 30, 2024. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, January 29, 2024, at 1:30 p.m., by the votes indicated.

BOS Item No. 42

File No. 230859

[Treasure Island/Yerba Buena Island - Delegation Related to Acceptance of Public Parks]

Ordinance delegating to the Treasure Island Development Authority various powers related to acceptance of public parks and open space improvements that are required as part of development of the Treasure Island/Yerba Buena Island Project pursuant to Disposition and Development Agreement, Development Agreement, and a Special Use District in Planning Code, Section 249.52.

[RECOMMENDED AS AMENDED AS A COMMITTEE REPORT]

Vote: Supervisor Myrna Melgar – Aye
Supervisor Dean Preston – Aye
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 230859

Committee Item No. 3

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: January 29, 2024

Board of Supervisors Meeting:

Date: January 30, 2024

Cmte Board

- Motion
- Resolution
- Ordinance - VERSION 3
- Legislative Digest - VERSION 3
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- PW / TIDA Presentation – January 29, 2024
- TIDA Resolution No. 23-22-0712 – July 12, 2023
- PW Order No. 208347 – July 12, 2023
- Committee Report Request Memo – January 25, 2024
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: January 25, 2024

Prepared by: John Carroll

Date: January 30, 2024

Prepared by: _____

Date: _____

1 [Treasure Island/Yerba Buena Island - Delegation Related to Acceptance of Public Parks]

2

3 **Ordinance delegating to the Treasure Island Development Authority various powers**
4 **related to acceptance of public parks and open space improvements that are required**
5 **as part of development of the Treasure Island/Yerba Buena Island Project pursuant to**
6 **Disposition and Development Agreement, Development Agreement, and a Special Use**
7 **District in Planning Code, Section 249.52.**

8

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

12

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

14

15 Section 1. General Findings.

15

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

20 (b) On June 28, 2011, the Authority and Treasure Island Community Development,
21 LLC ("Developer") entered the Disposition and Development Agreement (the "Treasure
22 Island/Yerba Buena Island DDA" or "DDA"). On the same date, the City and Developer
23 entered a Development Agreement (the "DA"). The Board of Supervisors approved the DA in
24 Ordinance No. 95-11, Clerk of the Board of Supervisors File No. 110226. Ordinance No. 95-

25 ///

1 11 and its related documents on file with the Clerk of the Board are incorporated by reference
2 in this ordinance.

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

13 (d) As part of implementation of the Project, the Board of Supervisors has approved
14 several final subdivision maps providing for the development of portions of the Project site,
15 each accompanied with a specific Public Improvement Agreement (“PIA”) under which
16 Developer or its assigns agreed to construct public improvements required by the DDA, such
17 as roads and park and open space facilities, and to offer those improvements to the Authority
18 or the City, as applicable. Some of these public improvements will be Authority assets (the
19 “Authority Assets”).

20 (e) On July 12, 2023, at a duly noticed public hearing, the Authority in Resolution No.
21 23-22-0712 (the “Authority Resolution”), recommended that the Board of Supervisors
22 acknowledge that the Authority will (1) accept ownership of the public park and open space
23 improvements, including structures thereon, that are Authority Assets (collectively, “Park
24 Improvements”) when Public Works (“PW”) or the San Francisco Building Official has
25 determined that such improvements or structures, respectively, have been constructed in

1 accordance with the approved plans and specifications under the applicable PIA or permits
2 and all applicable City codes, regulations, and standards, and such improvements are ready
3 for their intended use and (2) accept such completed Park Improvements for Authority
4 maintenance and liability. In addition, the Authority recommended that the Board of
5 Supervisors delegate to the Authority the power to: (1) dedicate such Park Improvements to
6 public use; (2) designate them for park and/or open space purposes as appropriate; and (3)
7 take all other official acts necessary for, or related to, acceptance of the Park Improvements,
8 including without limitation accepting conditional assignment of all warranties and guaranties
9 related to the construction of Park Improvements. A copy of the Authority Resolution is on file
10 with the Clerk of the Board of Supervisors in File No. 230859 and is incorporated herein by
11 reference.

12 (f) In Public Works (“PW”) Order No. 208347, dated July 17, 2023 (the “PW Order”),
13 the PW Director determined that the Authority’s recommendation would expedite processing
14 of public improvements that will be Authority Assets required under the DDA and various
15 PIAs, which would facilitate a timely construction schedule for the Project and put the
16 improvements into service efficiently. The Director further determined that such a delegation
17 would have no adverse effect on public safety, because the Authority would accept
18 improvements only after PW determines that they meet all applicable City codes, regulations,
19 and standards, and such Improvements are ready for their intended use. The Director
20 concluded that the question of whether to delegate authority to the Authority is a policy
21 decision within the Board of Supervisors discretion. A copy of the PW Order is on file with
22 the Clerk of the Board of Supervisors in File No. 230859 and incorporated herein by
23 reference.

24 Section 2. Delegation to the Authority of Various Powers Related to Acceptance of
25 Park Improvements.

1 (a) Based on the recommendations from the Authority and the PW Director, the Board
2 of Supervisors determines that it would be efficient and in furtherance of the public interest to
3 eliminate the need for future Board actions related to Park Improvements, each of which is an
4 Authority Asset, and thereby expedite development of the Project and put the Improvements
5 into public service efficiently. The Board also finds that, upon PW's determination that the
6 Improvements are complete and ready for public use, this efficiency could be achieved by
7 delegating to the Authority various powers related to the acceptance of Park Improvements.
8 The Board of Supervisors further acknowledges that the Authority will coordinate with the
9 Planning Department to obtain General Plan consistency findings prior to the Authority taking
10 approval actions associated with acceptance of the Park Improvements.

11 (b) Notwithstanding Administrative Code Sections 1.51 et seq., the Board of
12 Supervisors hereby acknowledges the Authority's jurisdiction over Authority Assets, and, to
13 the extent necessary, delegates to the Authority the power to (1) accept ownership of the
14 Project's Park Improvements based on various offers of improvement when PW has
15 determined that such Improvements have been constructed in accordance with the previously
16 approved plans and specification under the PIA that includes the Park Improvements and all
17 applicable City codes, regulations, and standards, and such Improvements are ready for their
18 intended use and (2) accept completed Park Improvements for Authority maintenance and
19 liability. The Board of Supervisors also delegates to the Authority the power to dedicate Park
20 Improvements to public use; designate them for park and/or open space purposes-as
21 appropriate; and take all other official acts necessary for or related to acceptance of the Park
22 Improvements, including without limitation accepting conditional assignment of all warranties
23 and guaranties related to the construction of Park Improvements, such that the Authority may
24 take all such actions in the future without further Board of Supervisors action.

25 ///

1 (c) The Board of Supervisors delegation under Section 2(a) is conditioned upon: (1)
2 the Authority finding that the Park Improvements are consistent with the DDA and DA and (2)
3 the Authority's receipt of the Planning Department's General Plan consistency findings and a
4 determination of compliance with Planning Code, Section 249.52 prior to the Authority taking
5 approval actions associated with acceptance of any Park Improvements.

6
7 Section 3. Official Acts in Furtherance of the Ordinance. The Board of Supervisors
8 authorizes the Authority's Director and the PW Director, in consultation with the City
9 Attorney's Office, to take all actions necessary to implement the intent of this ordinance,
10 including, but not limited to, finalizing and, as appropriate, recording offers of dedication,
11 receiving PW notices of completion of the Improvements when they have been completed in
12 accordance with the Project plans and specifications and all applicable City codes,
13 regulations, and standards, and are ready for their intended use, certifying that the Authority
14 has accepted specific Park Improvements, and maintaining records of all accepted Park
15 Improvements in the Authority's Official Records.

16
17 Section 4. Sunset Date. This ordinance shall expire by operation of law five years
18 from its effective date unless the Board of Supervisors, in its discretion, extends the term of
19 this legislation.

20 ///

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

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ John D. Malamut
9 JOHN D. MALAMUT
 Deputy City Attorney

10 n:\legana\as2023\2400019\01732952.docx

REVISED LEGISLATIVE DIGEST
(Amended in Committee – January 29, 2024)

[Treasure Island/Yerba Buena Island - Delegation Related to Acceptance of Public Parks]

Ordinance delegating to the Treasure Island Development Authority various powers related to acceptance of public parks and open space improvements that are required as part of development of the Treasure Island/Yerba Buena Island Project pursuant to Disposition and Development Agreement, Development Agreement, and a Special Use District in Planning Code, Section 249.52.

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 spaces and any structures thereon, that the Authority will own as public assets (collectively, “Authority Assets”). In addition, based on these procedures and in regard to 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.

Amendments to Current Law

Under this Ordinance, the Board of Supervisors would acknowledge the Authority’s jurisdiction over the Authority Assets that are park and open space improvements (including structures thereon) and delegate to the Authority the power to (1) accept ownership of these Authority Assets and (2) accept these Authority Assets for Authority maintenance and liability. The Board of Supervisors also would delegate to the Authority the power to dedicate the Authority Assets to public use; designate them for park and/or open space purposes as appropriate; and take all other official acts necessary for or related to acceptance of parks and open space. The Board’s delegation would be conditioned upon the Authority’s receipt of General Plan consistency findings prior to the Authority taking approval actions associated with acceptance of any park or open space improvements.

Background Information

This legislation is intended to expedite development of Treasure Island and Yerba Buena Island by delegating to the Authority various powers related to the acceptance of parks and open space and the structures on these areas.

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Treasure Island/Yerba Buena Island – Street and Public Infrastructure Acceptance & Parks Delegation

Board of Supervisors Land Use & Transportation Committee
File Nos. 231245, 231269, and 230859

Denny Phan
Acting Manager
Infrastructure Task Force
Public Works

AnMarie Rodgers
Deputy Director
Treasure Island Development
City Administrator's Office



Treasure Island & Yerba Buena Island Infrastructure Acceptance

- 1. Update**
- 2. City Acceptance [File No. 231245]**
- 3. Acknowledging TIDA Acceptance [File No. 231269]**
- 4. Delegating TIDA's acceptance of Parks**
Designed to DDA, DA and SUD controls [File No. 230859]

HOUSING

229 new homes completed
745 homes under construction

Treasure Island

- **Maceo May, 105 units affordable housing, complete!**
- Starview Court, 138-unit affordable housing, anticipated June 2024
- Parcel C3.4, 148-unit under construction, completion Q1 2025.
- Hawkins, 178-units, anticipated completion late 2024.
- Isle House, 250-units, anticipated completion July 2024.

Yerba Buena Island

- **The Bristol, 124 units, complete!**
- Phase I townhomes and flats, 31 units, anticipated Feb 2024.



229 units recently completed with an additional 745 units to be complete by early 2025



RESIDENTIAL BUILDINGS	UNITS	TYPE
The Bristol	124	FOR-SALE
YBI TH / Flats	31	FOR-SALE
IsleHouse	250	RENTAL
Parcel C3.4	148	FOR-SALE
Hawkins	178	RENTAL
Maceo May	105	AFFORDABLE AFFORDABLE
Starview Court	138	
TOTAL UNITS (by early 2025)	974	
Parcel B1/B2	117	RENTAL
Parcel c2.3	83	FOR-SALE
Parcel c3.5	160	FOR-SALE
TOTAL UNITS (in planning)	360	



Treasure Island & Yerba Buena Island

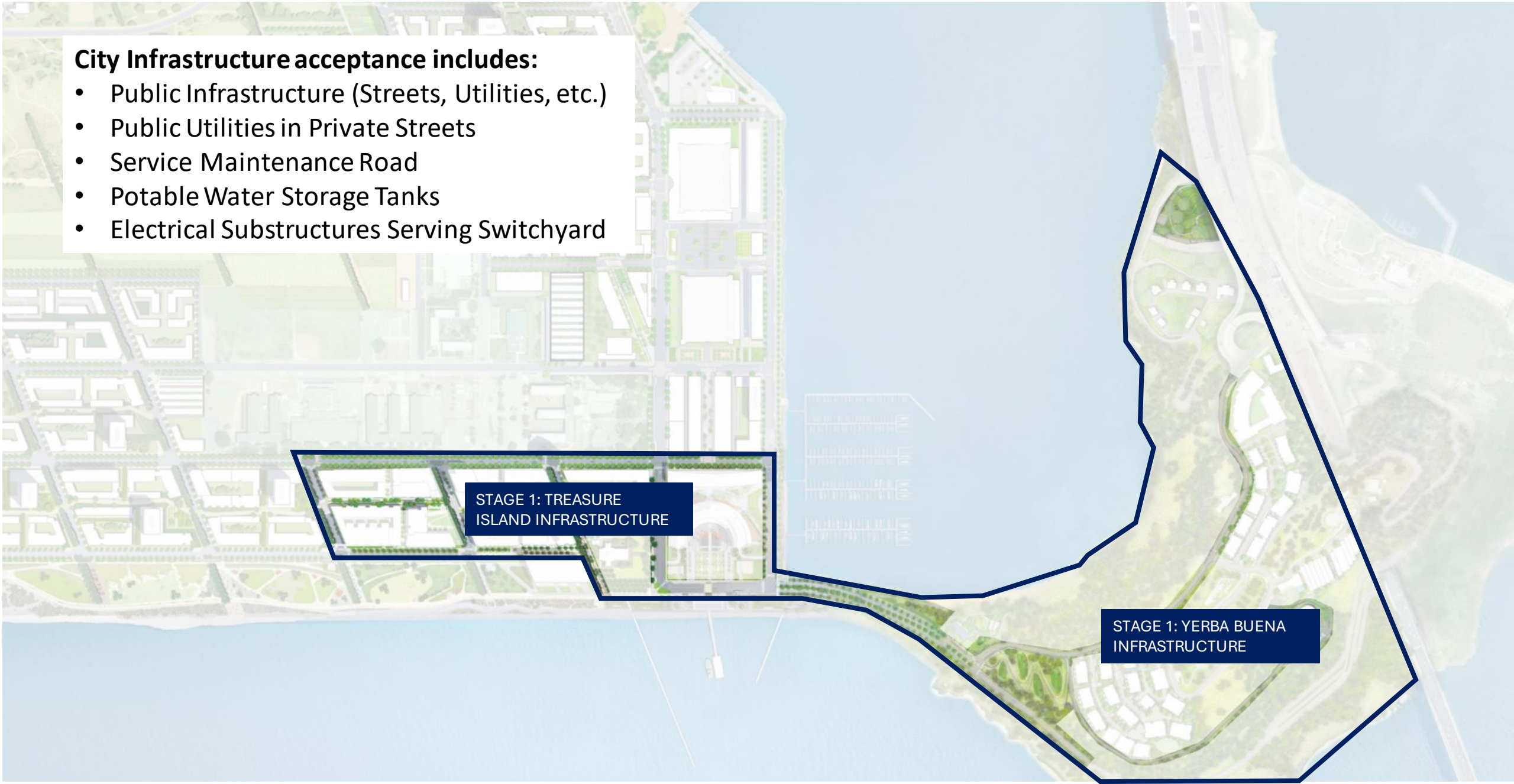
City Acceptance of Street and Public Infrastructure
Acceptance [File No. 23124]

City Infrastructure acceptance includes:

- Public Infrastructure (Streets, Utilities, etc.)
- Public Utilities in Private Streets
- Service Maintenance Road
- Potable Water Storage Tanks
- Electrical Substructures Serving Switchyard

STAGE 1: TREASURE ISLAND INFRASTRUCTURE

STAGE 1: YERBA BUENA INFRASTRUCTURE



New 12KV switchyard



new water tanks



Recycled water network



new water tanks



2020 – Streets and Utilities Under Construction



2024

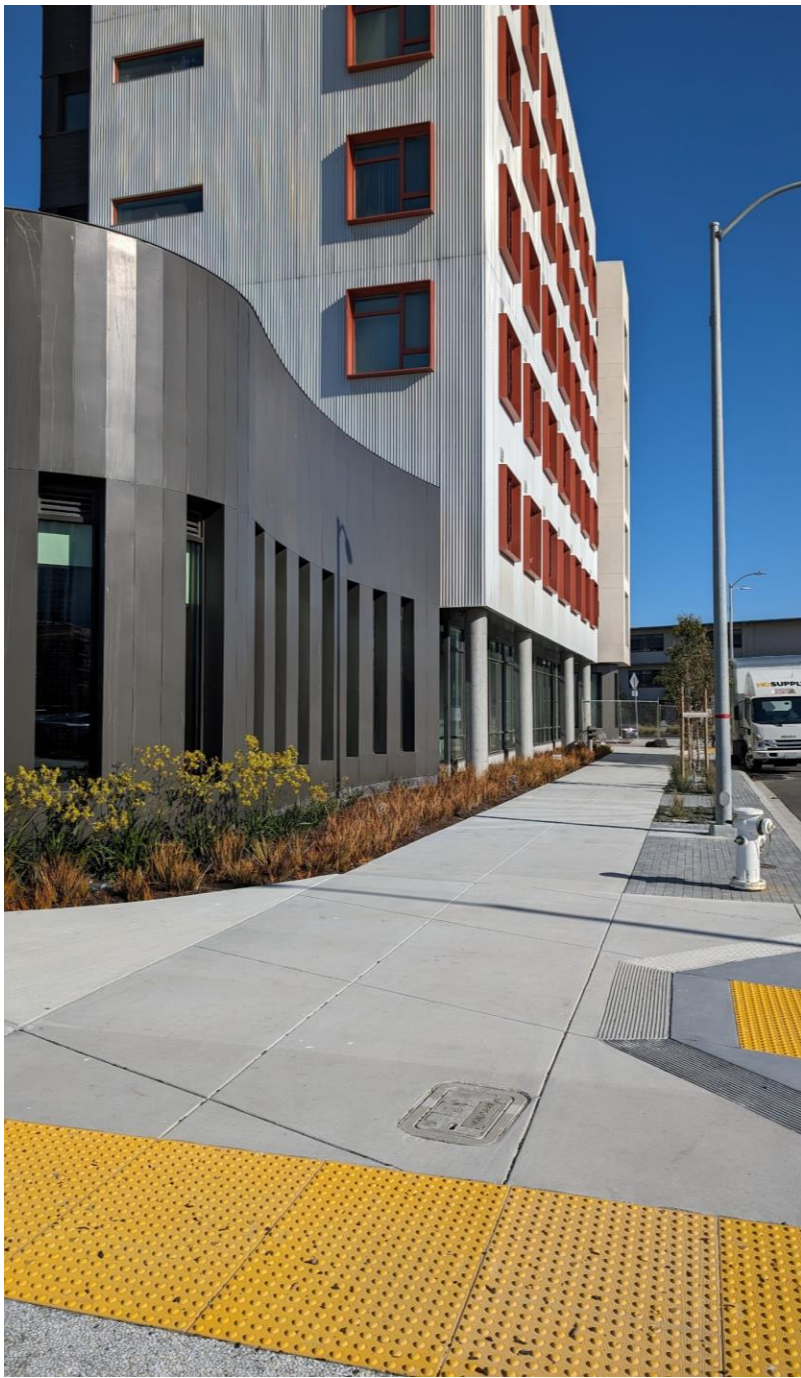


2024



2024







Completion & Consistency Determination

PUBLIC WORKS. The Director of PW provided multi-year support through:

- Subdivision mapping process, review and approve street improvement permit.
- Construction inspection - ensuring compliance to City standards, plans, permits and code.
- Issuance of Notice of Completion for infrastructure readiness, in consultation with SF agencies.
- Operation of streets under licenses with development partner.

TREASURE ISLAND DEVELOPMENT AUTHORITY

- Determines that the construction and acceptance of the public improvements are consistent with the vision on the Treasure Island development documents.
- Commits to operate and maintain facilities to be owned by TIDA upon acceptance.

SF PUBLIC UTILITIES COMMISSION / SFMTA

- Provides construction inspection of their facilities, ensuring compliance with City standards.
- Commits to operate and maintain facilities upon acceptance.

PLANNING DEPARTMENT

- Determines that the construction and acceptance of the public improvements are consistent with the City's General Plan, the eight priority policies of Planning Code Section 101.1
- Ensures CEQA environmental review is complete.



Treasure Island & Yerba Buena Island

Acknowledging TIDA Acceptance of Infrastructure
[File No. 231269]



TIDA Infrastructure acceptance includes:

- Assets on TIDA-owned lands
- Street furniture
- Paths to parks
- Ferry infrastructure





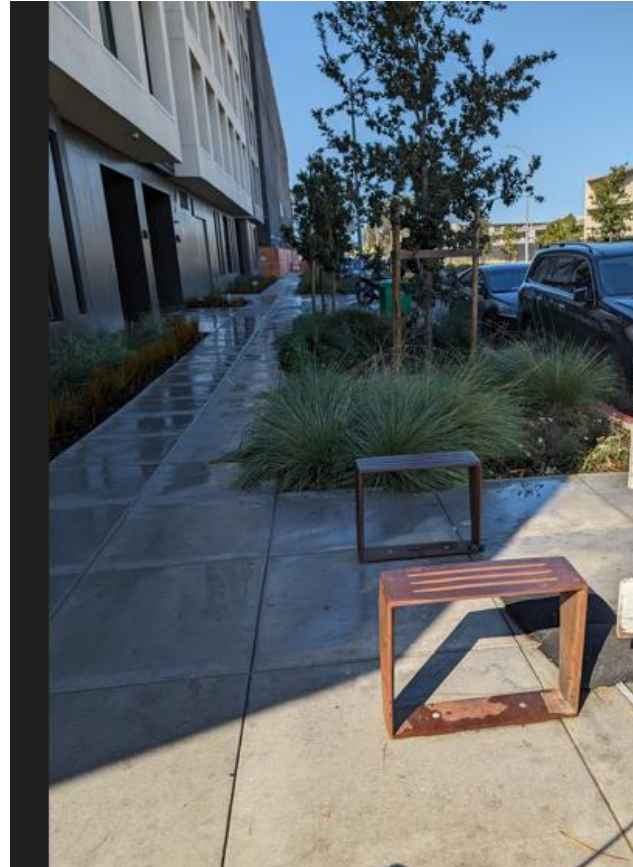
Buckeye Grove

stormwater
wetlands

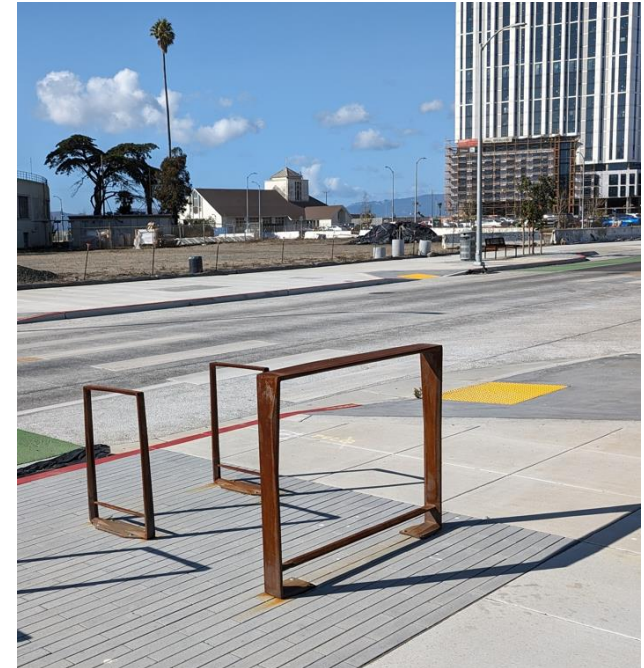


Benches

Street furniture



Bicycle racks and leaning posts



Pathway to beach





Completion & Consistency Determination

PUBLIC WORKS The Director of PW provided multi-year support through:

- Subdivision mapping process, review and approve street improvement permit.
- Construction inspection - ensuring compliance to City standards, plans, permits and code.
- Issuance of Notice of Completion for infrastructure readiness, in consultation with SF agencies.
- Operation of streets under licenses with development partner.

TREASURE ISLAND DEVELOPMENT AUTHORITY

- Determines consistency with the vision on the Treasure Island development documents.
- Commits to operate and maintain facilities to be owned by TIDA upon acceptance.

SF PUBLIC UTILITIES COMMISSION / SFMTA

- Provides construction inspection of their facilities, ensuring compliance with City standards.
- Commits to operate and maintain facilities upon acceptance.

PLANNING DEPARTMENT / DBI

- Determines consistency with the City's General Plan, the eight priority policies of Planning Code Section 101.1 Ensures CEQA environmental review is complete.
- DBI issues Certificate of Occupancy.



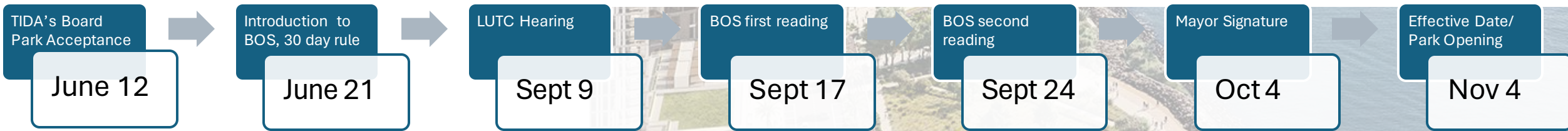
Treasure Island & Yerba Buena Island

Delegating TIDA's acceptance of Parks Designed to DDA, DA and SUD controls [File No. 230859]

Options for Upcoming Parks Waterfront Plaza, Causeway Park

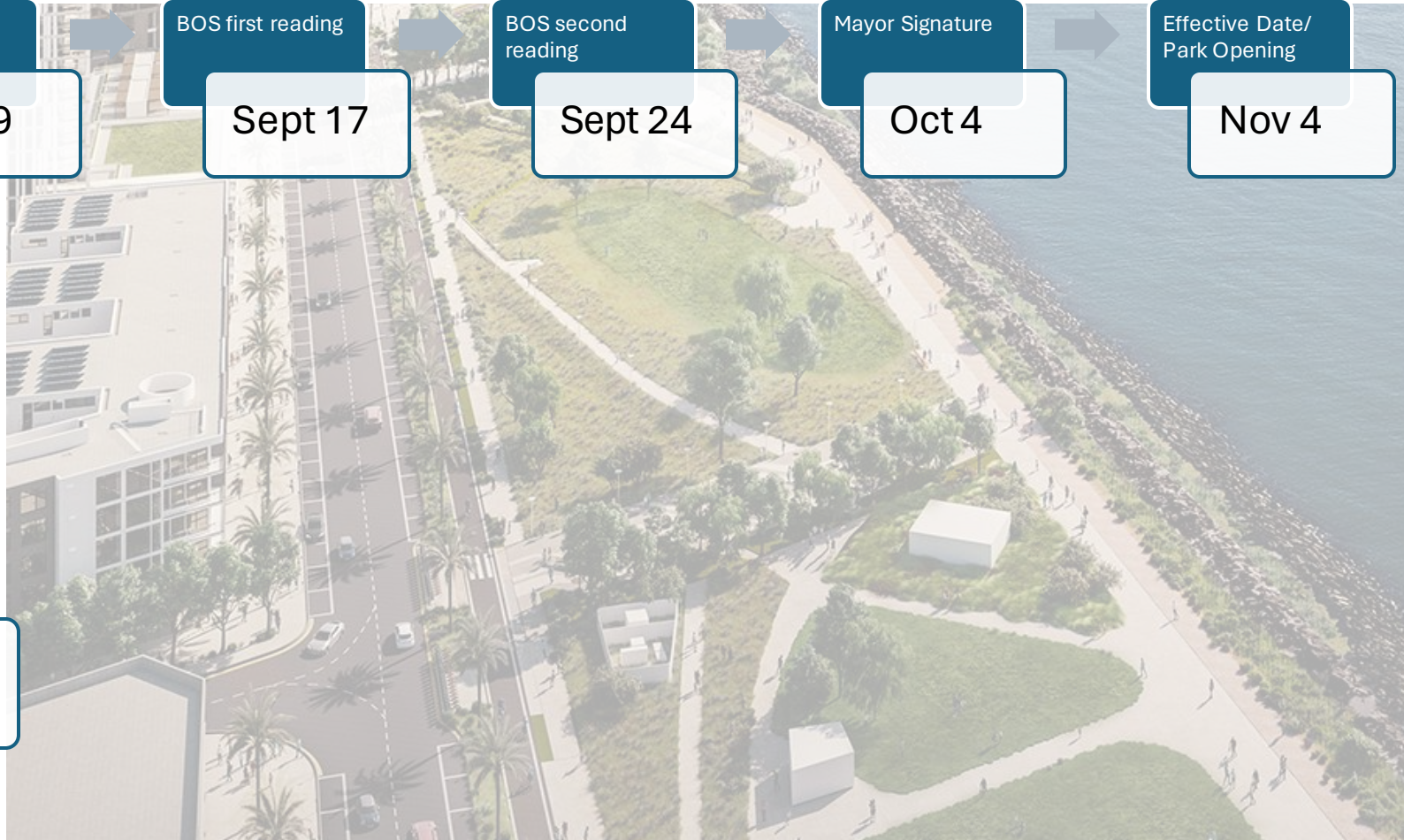
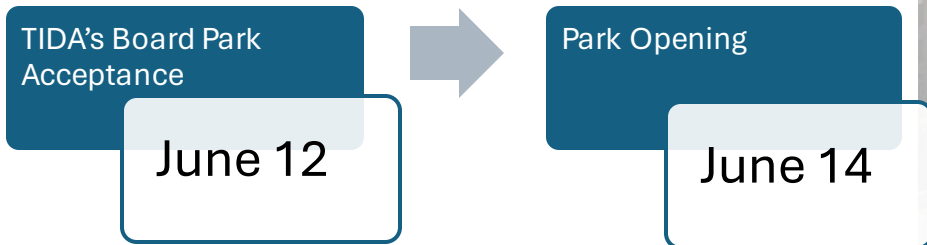
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If using the current process
Start June 12 **Open on Nov 4**



2

Proposed process
Start June 12 **Open on June 14**



Potential Schedule for Hilltops Park & Open Space

Opening March 17 or June 24

Process 1: TIDA Acceptance: March 13, 2024, **Park Opening March 17, 2024**

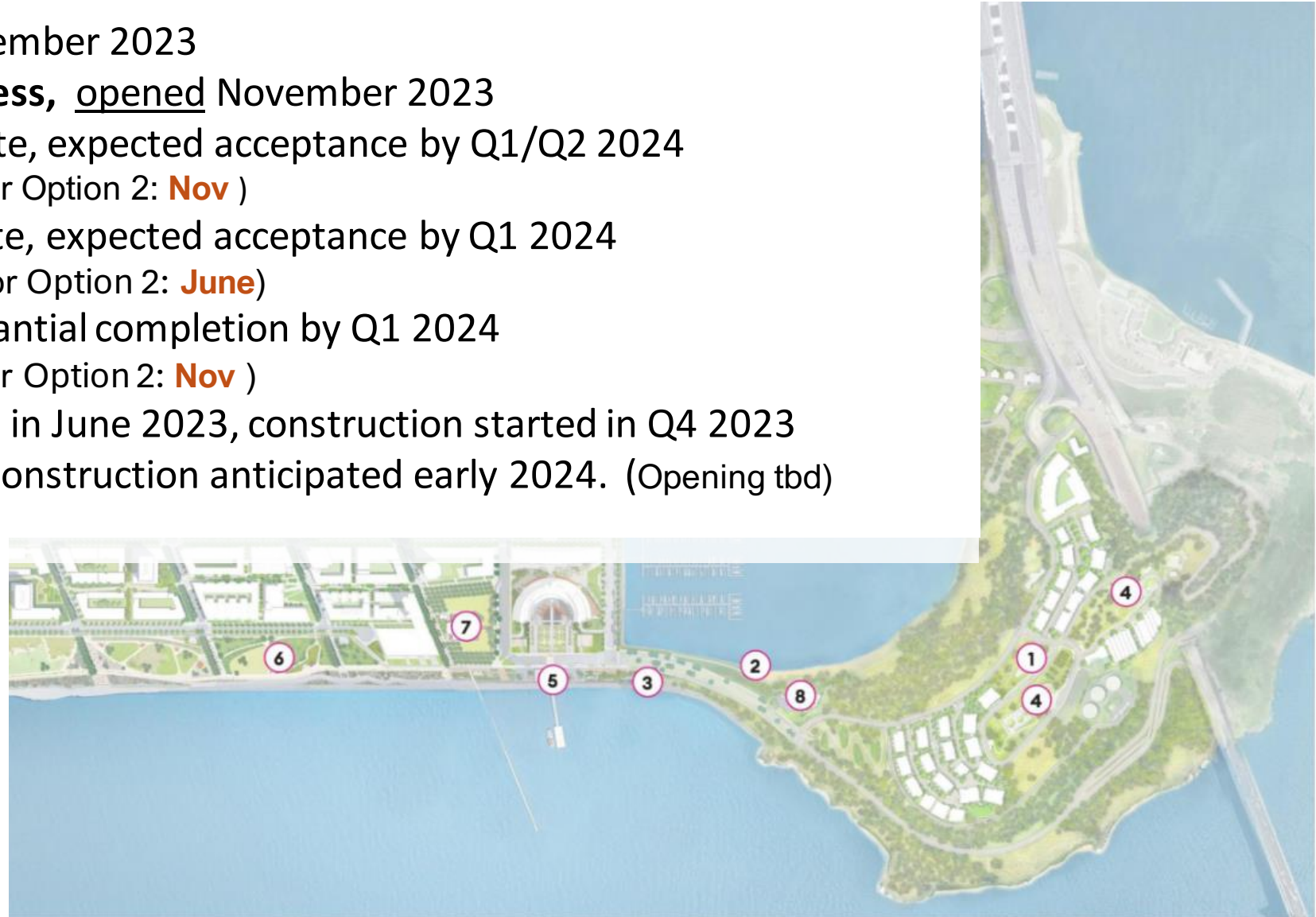
Or

Process 2: TIDA Acceptance, March 13, BOS Introduction March 26, LUT April 29, BOS1 May 7, BOS2 May 14, Mayor May 24, **Effective & Park Opening June 24**



Future Park & Open Space

1. **The Rocks**, opened November 2023
2. **Clipper Cove Beach Access**, opened November 2023
3. **Causeway Park**, complete, expected acceptance by Q1/Q2 2024
(Opening Option 1: **June** or Option 2: **Nov**)
4. **YBI Hilltop Park** complete, expected acceptance by Q1 2024
(Opening Option 1: **March** or Option 2: **June**)
5. **Waterfront Plaza**, substantial completion by Q1 2024
(Opening Option 1: **June** or Option 2: **Nov**)
6. **Cityside Park**, permitted in June 2023, construction started in Q4 2023
7. **Beach & Cultural Park**, construction anticipated early 2024. (Opening tbd)





Thank you.

1 [Recommendation to Board of Supervisors Regarding Delegation of Public Open Space
2 Improvement Acceptance]

3

4 **RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS DELEGATE**
5 **AUTHORITY TO THE TREASURE ISLAND BOARD OF DIRECTORS TO ACCEPT OPEN**
6 **SPACE IMPROVEMENTS**

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

11 WHEREAS, The DDA contemplates the redevelopment of Treasure Island and Yerba
12 Buena Island (“the Project”), including up to 8,000 units of housing, 140,000 square feet of
13 commercial and retail space, 100,000 square feet of office space, and up to approximately 300
14 acres of parks and open space, a ferry terminal, new and upgraded streets and other public
15 ways, and extensive bicycle, pedestrian, and transit facilities; and

16 WHEREAS, As part of its implementation of the Project, the Authority has entered
17 several Public Improvement Agreements (“PIAs”) by which Developer or its assigns agreed to
18 construct public improvements required by the DDA, such as roads and park and open space
19 facilities, and to offer those improvements to the Authority and/or the City, as appropriate; and

20 WHEREAS, The Authority will own and operate the parks and open space lands and
21 improvements within the Project; and now, therefore, be it

22 RESOLVED, The Authority Board of Directors has determined that in order to expedite
23 processing of public improvements required under the DDA and various PIAs, to facilitate the
24 timely construction schedule for the Project, and to put the improvements into service efficiently,
25 it would be prudent and desirable for the Board of Supervisors to, and recommends they

1 delegate to the Authority all necessary authority required to (1) accept ownership of the public
2 park and open space improvements (collectively, "open space improvements") when Public
3 Works ("PW") has determined that such improvements have been constructed in accordance
4 with the approved plans and specifications under the applicable PIA and all City codes,
5 regulations, and standards, and such improvements are ready for their intended use; (2)
6 dedicate such open space improvements to public use, (3) designate them for park and/or open
7 space purposes as appropriate; (4) accept such completed open space improvements for
8 Authority maintenance and liability purposes; and (5) take all other official acts necessary for or
9 related to acceptance of the public open space improvements, including without limitation
10 accepting conditional assignment of all warranties and guaranties related to the construction of
11 park or open space improvements; and, be it

12 FURTHER RESOLVED, The Authority Board of Directors has determined that such a
13 delegation would have no adverse effect on public safety, because the Authority would accept
14 improvements only after PW determines that they meet all City codes, regulations, and
15 standards, and such improvements are ready for their intended use.

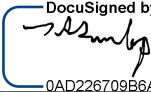
16 FURTHER RESOLVED, The Authority Board of Directors directs the Treasure Island
17 Director to forward this recommendation to the Board of Supervisors and to take any further
18 actions required to request that the Board of Supervisors consider and authorize the
19 recommended delegation to the Authority as set forth in the resolution, at a duly noticed public
20 hearing at its earliest convenience.

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CERTIFICATE OF SECRETARY

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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



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: 208347

Evaluating a proposal that the Board of Supervisors delegate to the Treasure Island Development Authority (“TIDA”) authority to accept park and open space improvements on Treasure Island and Yerba Buena Island and dedicate such improvements to public use.

WHEREAS, The City and County of San Francisco (the “City”) created the Treasure Island Development Authority (“the Authority”) in 1997 to serve as the entity responsible for the reuse and development of Naval Station Treasure Island (“NSTI”), which encompasses Treasure Island and portions of Yerba Buena Island.

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

WHEREAS, The DA and DDA contemplate a project (the “Project”) on Treasure Island and Yerba Buena Island that includes up to 8,000 units of housing, 140,000 square feet of commercial and retail space, 100,000 square feet of office space, and up to approximately 300 acres of parks and open space, a ferry terminal, new and upgraded streets, and extensive bicycle, pedestrian, and transit facilities. Under the DA, the DDA, and related Project documents, Developer is responsible for construction of public improvements within the Project, and the Authority or the City is required to accept and maintain the public improvements when they are completed in accordance with City approved plans and specifications.

WHEREAS, As part of its implementation of the Project, the Board has approved several final subdivision maps providing for the development of portions of the Project site, accompanied by Public Improvement Agreements (“PIAs”) by which Developer agreed to construct 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.

WHEREAS, On July 12th, 2023, at a duly noticed public hearing, the Authority in Resolution No. 23-22-0712 recommended that the Board of Supervisors delegate to the Authority all authority required to (1) accept ownership of the public park and open space improvements (collectively, “open space improvements”) when Public Works (“PW”) has determined that such improvements have been constructed in accordance with the approved plans and specifications under the applicable PIA and all City codes, regulations, and standards, and such improvements are ready for their intended use; (2) dedicate such open space improvements to public use, (3) designate them for park and/or open space purposes as appropriate; (4) accept such completed open space improvements for Authority maintenance and liability purposes; and (5) take all other official acts necessary for or related to acceptance of the public open space improvements, including without limitation accepting conditional

assignment of all warranties and guaranties related to the construction of park or open space improvements. A copy of the Authority Resolution will be on file with the Clerk of the Board of Supervisors and is incorporated herein by reference.

NOW THEREFORE BE IT ORDERED THAT,

The Director finds as follows:

The Authority's recommendation would expedite processing of public improvements required under the DDA and various PIAs, which would facilitate a timely construction schedule for the Project and put the improvements into service efficiently.

Such a delegation would have no adverse effect on public safety, because the Authority would accept improvements only after PW determines that they meet all City codes, regulations, and standards, and that such improvements are ready for their intended use.

The Director concludes that the question of whether to delegate authority to the Authority is a policy decision within the Board's discretion.

Attachments:

1. TIDA Resolution No. 23-22-0712
2. DRAFT BOS Legislation

X DocuSigned by:
Patrick Rivera
Ko, Albe 553C76966F59480...
City Engineer

X DocuSigned by:
Carla Short
Short, Carla 073CF73A4EA6486...
Interim Director of Public Works

FILE NO.

ORDINANCE NO.

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[Treasure Island/Yerba Buena Island – Delegation of Public Open Space Improvement Acceptance]

Ordinance delegating to the Treasure Island Development Authority the authority to accept public park and open space improvements related to the development of the Treasure Island/Yerba Buena Island Project pursuant to its Disposition and Development Agreement, the Special Use District as set forth in the Planning Code; and adopting findings pursuant to the California Environmental Quality Act.

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. General Findings.

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

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

1 (c) The DA and DDA contemplate a project (the “Project”) on Treasure Island and
2 Yerba Buena Island that includes up to 8,000 units of housing, 140,000 square feet of
3 commercial and retail space, 100,000 square feet of office space, and up to approximately
4 300 acres of parks and open space, a ferry terminal, new and upgraded streets, and
5 extensive bicycle, pedestrian, and transit facilities. Under the DA, the DDA, and related
6 Project documents, Developer is responsible for construction of public improvements within
7 the Project, and the Authority or the City is required to accept and maintain the public
8 improvements when they are completed in accordance with City approved plans and
9 specifications.

10 (e) As part of its implementation of the Project, the Board has approved several final
11 subdivision maps providing for the development of portions of the Project site, accompanied
12 by Public Improvement Agreements (“PIAs”) by which Developer or its assigns agreed to
13 construct public improvements required by the DDA, such as roads and park and open space
14 facilities, and to offer those improvements to the Authority or the City, as appropriate.

15 (f) On _____, at a duly noticed public hearing, the Authority in
16 Resolution No. _____, recommended that the Board of Supervisors delegate to the
17 Authority all authority required to (1) accept ownership of the public park and open space
18 improvements (collectively, “open space improvements”) when Public Works (“PW”) has
19 determined that such improvements have been constructed in accordance with the approved
20 plans and specifications under the applicable PIA and all applicable City codes, regulations,
21 and standards, and such improvements are ready for their intended use; (2) dedicate such
22 open space improvements to public use, (3) designate them for park and/or open space
23 purposes as appropriate; (4) accept such completed open space improvements for Authority
24 maintenance and liability purposes; and (5) take all other official acts necessary for, or related
25 to, acceptance of the public open space improvements, including without limitation accepting

1 conditional assignment of all warranties and guaranties related to the construction of park or
2 open space improvements (“Authority Resolution”). A copy of the Authority Resolution is on
3 file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
4 herein by reference

5 (g) In Public Works (“PW”) Order No. _____ dated _____, the Director of
6 PW determined that the Authority’s recommendation would expedite processing of public
7 improvements required under the DDA and various PIAs, which would facilitate a timely
8 construction schedule for the Project and put the improvements into service efficiently. The
9 Director further determined that such a delegation would have no adverse effect on public
10 safety, because the Authority would accept improvements only after PW determines that they
11 meet all applicable City codes, regulations, and standards, and such improvements are ready
12 for their intended use. The Director concluded that the question of whether to delegate
13 authority to the Authority is a policy decision within the Board’s discretion. A copy of the PW
14 Order is on file with the Clerk of the Board of Supervisors in File No. _____ and incorporated
15 herein by reference.

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**Section 2. Delegation to the Authority of Acceptance of Future Public
Improvements for Public Use and Ownership and for Maintenance and Liability
Purposes.**

20 (a) Based on the recommendations from the Authority and the PW Director, the Board
21 of Supervisors determines that it would be efficient to eliminate the need for future Board
22 actions related to acceptance of these open space improvements, and that this could be
23 achieved by delegating to the Authority the authority to accept ownership of the open space
24 improvements, to dedicate the open space improvements to public use, to designate the open
25 space improvements for park and/or open space purposes, as appropriate, and to accept the

1 open space improvements for Authority maintenance and liability purposes, along with other
2 actions necessary for or related to acceptance of the public improvements, upon PW's
3 determination that the improvements are complete and ready for public use.

4 (b) Notwithstanding Administrative Code Sections 1.51 et seq., the Board of
5 Supervisors hereby delegates to the Authority the authority, to (1) accept ownership of the
6 Project's public open space improvements based on various offers of improvement when PW
7 has determined that such improvements have been constructed in accordance with the
8 previously approved plans and specification under the PIA and all applicable City codes,
9 regulations, and standards, and such improvements are ready for their intended use; (2)
10 dedicate such open space improvements to public use, designate them for park and/or open
11 space purposes as appropriate; (3) accept such completed open space improvements for
12 Authority maintenance and liability purposes; and (4) take all other official acts necessary for
13 or related to acceptance of the public open space improvements, including without limitation
14 accepting conditional assignment of all warranties and guaranties related to the construction
15 of park or open space improvements, such that the Authority may take all such actions in the
16 future without additional Board of Supervisors action.

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18 Section 3. **Official Acts in Furtherance of the Ordinance.** The Board of Supervisors
19 authorizes the Authority's Director and the PW Director, in consultation with the City
20 Attorney's Office, to take all actions necessary to implement the intent of this ordinance,
21 including finalizing and, as appropriate, recording offers of dedication, notices of completion,
22 and certifying that specific open space improvements are accepted by Authority when they
23 have been completed in accordance with the Project plans and specifications and all
24 applicable City codes, regulations, and standards, and are ready for their intended use.

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1 Section 4. **Effective Date.** This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: _____
9 John D. Malamut
10 Deputy City Attorney

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ITEM 11
Treasure Island Development Authority
City and County of San Francisco
Meeting of July 12, 2023

Subject: Resolution Recommending that the Board of Supervisors Delegate Authority to the Treasure Island Board of Directors to Accept Open Space Improvements

Contact: Robert Beck, Treasure Island Director

SUMMARY

Recommending that the Board of Supervisors delegate to the Treasure Island Board of Directors (the “Authority Board”) the authority to accept open space improvements constructed by Treasure Island Community Development, LLC (the “Developer”) pursuant to the Disposition and Development Agreement for the Development of Treasure Island and Yerba Buena Island (“Treasure Island/Yerba Buena Island DDA” or “DDA”).

BACKGROUND

On June 28, 2011 the Treasure Island Development Authority (“the Authority”) and the Developer entered into the Treasure Island/Yerba Buena Island DDA. The DDA contemplated 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. The bulk of these improvements are constructed under Street Improvement Permits (“SIPs”) issued by San Francisco Public Works while others are constructed under Building Permits issued by the Department of Building Inspection. Public Works inspects the Public Improvements constructed by the Developer for conformance with permitted plans and City standards and regulations.

For infrastructure to be owned, operated, and maintained by other City Agencies. An action of the Board of Supervisors (the “Acceptance Legislation”) formally accepts the completed work, dedicates it for public use, and assigns ownership of the improvements to the respective City

1 [Recommendation to Board of Supervisors Regarding Delegation of Public Open Space
2 Improvement Acceptance]

3

4 **RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS DELEGATE**
5 **AUTHORITY TO THE TREASURE ISLAND BOARD OF DIRECTORS TO ACCEPT OPEN**
6 **SPACE IMPROVEMENTS**

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

11 WHEREAS, The DDA contemplates the redevelopment of Treasure Island and Yerba
12 Buena Island (“the Project”), including up to 8,000 units of housing, 140,000 square feet of
13 commercial and retail space, 100,000 square feet of office space, and up to approximately 300
14 acres of parks and open space, a ferry terminal, new and upgraded streets and other public
15 ways, and extensive bicycle, pedestrian, and transit facilities; and

16 WHEREAS, As part of its implementation of the Project, the Authority has entered
17 several Public Improvement Agreements (“PIAs”) by which Developer or its assigns agreed to
18 construct public improvements required by the DDA, such as roads and park and open space
19 facilities, and to offer those improvements to the Authority and/or the City, as appropriate; and

20 WHEREAS, The Authority will own and operate the parks and open space lands and
21 improvements within the Project; and now, therefore, be it

22 RESOLVED, The Authority Board of Directors has determined that in order to expedite
23 processing of public improvements required under the DDA and various PIAs, to facilitate the
24 timely construction schedule for the Project, and to put the improvements into service efficiently,
25 it would be prudent and desirable for the Board of Supervisors to, and recommends they

1 delegate to the Authority all necessary authority required to (1) accept ownership of the public
2 park and open space improvements (collectively, "open space improvements") when Public
3 Works ("PW") has determined that such improvements have been constructed in accordance
4 with the approved plans and specifications under the applicable PIA and all City codes,
5 regulations, and standards, and such improvements are ready for their intended use; (2)
6 dedicate such open space improvements to public use, (3) designate them for park and/or open
7 space purposes as appropriate; (4) accept such completed open space improvements for
8 Authority maintenance and liability purposes; and (5) take all other official acts necessary for or
9 related to acceptance of the public open space improvements, including without limitation
10 accepting conditional assignment of all warranties and guaranties related to the construction of
11 park or open space improvements; and, be it

12 FURTHER RESOLVED, The Authority Board of Directors has determined that such a
13 delegation would have no adverse effect on public safety, because the Authority would accept
14 improvements only after PW determines that they meet all City codes, regulations, and
15 standards, and such improvements are ready for their intended use.

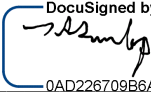
16 FURTHER RESOLVED, The Authority Board of Directors directs the Treasure Island
17 Director to forward this recommendation to the Board of Supervisors and to take any further
18 actions required to request that the Board of Supervisors consider and authorize the
19 recommended delegation to the Authority as set forth in the resolution, at a duly noticed public
20 hearing at its earliest convenience.

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CERTIFICATE OF SECRETARY

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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:

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Mark Dunlop, Secretary

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 language of the PIA for the improvements on Yerba Buena Island is not entirely consistent. In one section it implies that park improvements and other infrastructure or facilities to be owned, operated and maintained by the Authority may be accepted by the sole action of the Authority Board while in another section it seems to require all Public Improvements be accepted by the Board of Supervisors.

RECOMMENDATION

Staff recommends the Authority Board request the Board of Supervisors delegate to the Authority Board the authority to accept open space improvements constructed under the Project pursuant to the determination of Public Works that the improvements are complete; meet all City codes, regulations, and standards; and are ready for their intended use.



MYRNA MELGAR

DATE: January 25, 2024

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

A handwritten signature in blue ink, appearing to read "mm", located to the right of the "FROM" line.

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, January 30, 2024, as Committee Reports:

- | | |
|------------------------|--|
| File No. 231245 | Treasure Island/Yerba Buena Island - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths and Street Grades
Sponsors: Mayor; Dorsey |
| File No. 231269 | Treasure Island/Yerba Buena Island - Ferry Terminal and Other TIDA Improvements
Sponsors: Mayor; Dorsey |
| File No. 230859 | Treasure Island/Yerba Buena Island - Delegation Related to Acceptance of Public Parks
Sponsors: Mayor; Dorsey |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, January 29, 2024, at 1:30 p.m.