

RESOLUTION NO. 23-32-1108

1 [Acceptance of the Improvement Offers within Right of Way Lands on Yerba Buena Island and
2 Portions of Treasure Island along with Water Tanks and Switchyard Improvements (“City
3 Improvements”), Dedicate the City Improvements to Public Use, Designate the City Improvements
4 for Street and Roadway Purposes or as City Assets Depending on the Improvement, and
5 Recommend to the Board of Supervisors that It Dedicate and Accept for City Maintenance and
6 Liability the City Improvements, Taking Various Acceptance Actions Related to Non-Standard
7 Encroachments on the Right of Way Lands That Are TIDA Assets, and Adopt Environmental
8 Findings]

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10 **RESOLUTION TO (1) ACCEPT DEVELOPER’S OFFER OF THE STREETS ON**
11 **YERBA BUENA ISLAND AND PORTIONS OF TREASURE ISLAND AND DEDICATE**
12 **THEM TO PUBLIC USE, AND DESIGNATE THEM FOR STREET AND ROADWAY**
13 **PURPOSES; (2) ACCEPT DEVELOPER’S OFFER OF THE POTABLE WATER**
14 **STORAGE TANKS AND SWITCHYARD IMPROVEMENTS AND DESIGNATE THEM**
15 **TO PUBLIC USE, (3) RECOMMEND THE BOARD OF SUPERVISORS ACCEPT THE**
16 **STREETS, POTABLE WATER STORAGE TANKS, AND SWITCHYARD**
17 **IMPROVEMENTS, DEDICATE THE STREETS FOR PUBLIC USE AND DESIGNATE**
18 **THEM FOR STREET AND ROADWAY PURPOSES, DEDICATE THE POTABLE**
19 **WATER STORAGE TANKS AND SWITCHYARD IMPROVEMENTS FOR PUBLIC**
20 **USE AND ACCEPT SUCH IMPROVEMENTS FOR MAINTENANCE AND LIABILITY**
21 **PURPOSES, (4) ACCEPT CERTAIN TIDA OWNED ASSETS ON STREETS,**
22 **DEDICATE SUCH TIDA ASSETS TO PUBLIC USE, ACCEPT SUCH TIDA ASSETS**
23 **FOR MAINTENANCE AND LIABILITY PURPOSES, AND RECOMMEND THE**
24 **BOARD OF SUPERVISORS RECOGNIZE THE AUTHORITY’S ACTION; AND**
25 **(5) ADOPT ENVIRONMENTAL FINDINGS.**

WHEREAS, On June 28, 2011, the Treasure Island Development Authority (the
“**Authority**”) and Treasure Island Community Development, LLC (“**Developer**”) entered into

1 the Disposition and Development Agreement (as amended, “**Treasure Island/Yerba Buena**
2 **Island DDA**” or “**DDA**”); and

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

8 WHEREAS, Under the DDA, Developer is responsible for construction of public
9 improvements within the Project, including (i) improvements located within portions of Avenue
10 of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street,
11 Macalla Road, North Gate Road, Seven Seas Avenue, Signal Road, Treasure Island Road and
12 Yerba Buena Island Road (collectively, the “**Streets**”), such Streets being located in the Final Map
13 parcels described in the staff report accompanying this resolution, (ii) certain non-standard
14 encroachments within the Streets comprised of bike racks, benches, wayfinding signage, TIDA
15 storm drain force main lines, irrigation sleeves, and shuttle stop islands, as more particularly
16 described in the staff report accompanying this resolution (collectively, the “**TIDA Assets**”),
17 (iii) the Yerba Buena Island potable water storage tanks (the “**Water Tanks**”), and (iv) electrical
18 substructures serving a new 12 kilovolt switchyard on Treasure Island (the “**Switchyard**
19 **Improvements**”); together with the Streets and the Water Tanks, the “**City Improvements**”), all
20 as described in the Street Improvement Permit Nos. 18IE-0330 and 18IE-0941 (for the Streets and
21 the TIDA Assets), Department of Building Inspection Building Permit Nos. 201603111785 and
22 201706300838 (for the Water Tanks), and Department of Building Inspection Electric Permit No.
23 E202203108893 (for the Switchyard); and

24 WHEREAS, As set forth in the Memorandum of Agreement Regarding Ownership and
25 Maintenance of Public Improvements on Treasure Island and Yerba Buena Island between the
Authority and the City, dated April 26, 2017, upon satisfaction of all conditions to acceptance of
the offered improvement, the Authority may accept such improvement completed by Developer

1 with the approval of the Authority Board of Directors (the “**Authority Board**”) and the Board of
2 Supervisors; and

3 WHEREAS, Treasure Island Series 1, LLC (“**TI Series 1**”) and Treasure Island Series 2,
4 LLC (“**TI Series 2**”), each an affiliate of Developer and partial assignee of the Developer’s
5 rights and obligations under the DDA, have each prepared irrevocable offers of the City
6 Improvements and the TIDA Assets to the City and Authority (the “**TI Series 1 Offer**” and the
7 “**TI Series 2 Offer**”; collectively, the “**Offers**”), copies of which are on file with the Secretary of
8 this Board and are incorporated herein by reference; and

9 WHEREAS, Public Works (“**PW**”) has drafted Public Works Orders (the “**PW Orders**”)
10 confirming in each that PW has: (1) inspected the City Improvements and the TIDA Assets and
11 the City Engineer, by issuance of a series of Notices of Completion, determined them to be
12 complete in substantial conformity with the approved plans, specifications, and applicable City
13 regulations governing the City Improvements and the TIDA Assets; and (2) determined that the
14 City Improvements and the TIDA Assets are ready for their intended use; and

15 WHEREAS, In each of the PW Orders, the Interim PW Director recommends, and the
16 City Engineer certifies, to the Authority Board and the Board of Supervisors that the City
17 Improvements and the TIDA Assets should be accepted, dedicated for public use and the Streets
18 designated as open public-right-of-way for street and roadway purposes and PW further
19 recommends that the Board of Supervisors acknowledge the Authority’s (i) acceptance of the
20 Offers of the City Improvements and the TIDA Assets, dedication of them for public use,
21 designation of the Streets as open public-right-of-way for street and roadway purposes, and
22 acceptance of the TIDA Assets for maintenance and liability purposes subject to the warranties
23 and guarantees described in the PW Orders, and (ii) recommendation to the Board of Supervisors
24 that the Board of Supervisors accept the City Improvements, dedicate them for public use,
25 designate the Streets as open public-right-of-way for street and roadway purposes, and accept the
City Improvements (other than Signal Road) for maintenance and liability purposes subject to
warranties and guarantees referenced in the PW Orders. A copy of the Draft PW Orders are all

1 on file with the Secretary of this Board and are incorporated herein by reference; and

2 WHEREAS, The Authority will accept and dedicate for public use, the TIDA Assets and
3 accept them for maintenance and liability purposes subject to the warranties and guarantees
4 referenced in the PW Orders, accept the City Improvements, dedicate them for public use, and
5 designate the Streets as open public-right-of-way for street and roadway purposes; and

6 WHEREAS, The Authority recommends that the Board of Supervisors acknowledge the
7 Authority's actions in this resolution, accept the City Improvements, dedicate them for public use,
8 designate the Streets as open public-right-of-way for street and roadway purposes, and accept the
9 City Improvements (other than Signal Road) for maintenance and liability purposes subject to the
10 warranties and guarantees referenced in the PW Orders; and

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

14 WHEREAS, On April 21, 2011, the City Planning Commission by Motion No. 18326
15 and the Authority, by Resolution No. 11-15-04/21, adopted environmental findings pursuant to
16 the California Environmental Quality Act with respect to approval of the Project, including a
17 mitigation monitoring and reporting program and a statement of overriding considerations (the
18 "**CEQA Findings**");

19 WHEREAS, San Francisco Planning Department has drafted a letter of General Plan
20 Consistency Determination and CEQA Findings dated November 1, 2023 ("**SF Planning**
21 **Findings Letter**") that finds the City Improvements and TIDA Assets are covered within the
22 scope of the FEIR and CEQA Findings and on balance, consistent with the General Plan and
23 Planning Code Section 101.1 Consistency Finding of Planning Commission Motion No. 18328.
24 A copy of the SF Planning Findings Letter is on file with the Secretary of this Board and is
25 incorporated herein by reference; now, therefore, be it

RESOLVED, The Authority Board has reviewed and considered the FEIR, the CEQA
Findings, and the record as a whole, and finds that the FEIR is adequate for its use for the action

1 taken by this resolution, and incorporates the CEQA Findings into this resolution; and be it

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

8 FURTHER RESOLVED, That the acceptance, operation, and maintenance of the City
9 Improvements and TIDA Assets would not lead to additional or substantially more severe
10 environmental impacts beyond those shown in the FEIR; and be it

11 FURTHER RESOLVED, That the Authority Board accepts the Offers of City
12 Improvements and TIDA Assets, dedicates them to public use, designates the Streets as open
13 public-right-of-way for street and roadway purposes, and accepts the TIDA Assets for
14 maintenance and liability purposes subject to the warranties and guarantees referenced in the PW
15 Orders upon satisfaction of all the following conditions: (i) the execution of the Public Works
16 Orders, (ii) delivery to the Authority of the fully executed Offers and if applicable, any
17 assignment of warranties described in the PW Orders, (iii) the items listed in the foregoing
18 clauses (i)—(ii) all in substantially the same form as the drafts filed with the Secretary of this
19 Board, (iv) acknowledgment of the Authority’s actions in this resolution by the Board of
20 Supervisors; and (v) acceptance by the Board of Supervisors of the City Improvements,
21 dedication of them for public use, designation of the Streets as open public-right-of-way for
22 street and roadway purposes, and acceptance of the City Improvements (other than Signal Road)
23 by the Board of Supervisors for maintenance and liability purposes subject to the warranties and
24 guarantees referenced in the PW Orders; and, be it

25 FURTHER RESOLVED That the Authority Board’s acceptance of the offer of the City
Improvements and the TIDA Assets is for the City Improvements and TIDA Assets only,
excluding any encroachments that are permitted (other than the TIDA Assets being accepted by

1 the Authority pursuant to this resolution), not permitted, or both; and, be it

2 FURTHER RESOLVED, That the Authority Board recommends to the Board of
3 Supervisors that the Board of Supervisors acknowledge the Authority's acceptance of the offer
4 of the City Improvements and TIDA Assets, designation of the Streets as open public-right-of-
5 way for street and roadway purposes, dedication of the City Improvements and the TIDA Assets
6 to public use, and acceptance of the TIDA Assets only for maintenance and liability purposes
7 subject to the warranties and guarantees referenced in the PW Orders; and, be it

8 FURTHER RESOLVED, That the Authority Board recommends to the Board of
9 Supervisors that the Board of Supervisor accept the City Improvements, dedicate them for public
10 use, designate the Streets as open public-right-of-way for street and roadway purposes, and
11 accept the City Improvements (other than Signal Road) for maintenance and liability purposes
12 subject to the warranties and guarantees referenced in the PW Orders; and, be it

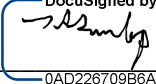
13 FURTHER RESOLVED, That the Authority Board authorizes the Treasure Island
14 Director, in consultation with the City Attorney, to take any and all actions which may be
15 necessary or advisable to effectuate the purpose and intent of this resolution, are in the best
16 interests of the Authority,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

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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 November 8, 2023.

DocuSigned by:

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Mark Dunlop, Secretary