

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

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

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

16 Section 1. General Findings.

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

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

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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 that are Authority Assets (collectively, “Park Improvements”) when Public  
24 Works (“PW”) has determined that such improvements have been constructed in accordance  
25 with the approved plans and specifications under the applicable PIA and all applicable City

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

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

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

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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.

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1 (c) The Board of Supervisors delegation under Section 2(a) is conditioned upon the  
2 Authority's receipt of the Planning Department's General Plan consistency findings prior to the  
3 Authority taking approval actions associated with acceptance of any Park Improvements.  
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5 Section 3. Official Acts in Furtherance of the Ordinance. The Board of Supervisors  
6 authorizes the Authority's Director and the PW Director, in consultation with the City  
7 Attorney's Office, to take all actions necessary to implement the intent of this ordinance,  
8 including, but not limited to, finalizing and, as appropriate, recording offers of dedication,  
9 receiving PW notices of completion of the Improvements when they have been completed in  
10 accordance with the Project plans and specifications and all applicable City codes,  
11 regulations, and standards, and are ready for their intended use, certifying that the Authority  
12 has accepted specific Park Improvements, and maintaining records of all accepted Park  
13 Improvements in the Authority's Official Records.  
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15 Section 4. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.  
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20 APPROVED AS TO FORM:  
21 DAVID CHIU, City Attorney

22 By: /s/ John D. Malamut  
23 JOHN D. MALAMUT  
24 Deputy City Attorney

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