



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 208838

Recommending that the San Francisco Board of Supervisors acknowledge the Treasure Island Development Authority (“TIDA”) formal acceptance of irrevocable offers of public improvements associated with TIDA improvements within TIDA streets and private service roads and in TIDA open space areas (“TIDA Improvements”) and the Treasure Island Ferry Terminal (“Ferry Terminal Improvements”) and associated dedication of these Improvements for public use and acceptance of these Improvements for TIDA maintenance and liability purposes.

WHEREAS, the CITY AND COUNTY OF SAN FRANCISCO (“City”), TIDA, and TREASURE ISLAND COMMUNITY DEVELOPMENT, LLC, a California Limited liability company (“TICD”), entered into that certain Public Improvement Agreement (Yerba Buena Island), dated for reference purposes as of March 29, 2018, as amended (hereinafter “YBI PIA”) and that certain Public Improvement Agreement (Treasure Island – Sub-Phase 1B, 1C, & 1E Improvements), dated for reference purposes as of September 7, 2018, as amended (hereinafter “TI PIA”);

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

WHEREAS, The TIDA Improvements, including the Bruton Street extension, causeway improvements, a retaining wall adjacent to Seven Seas Avenue and the Job Corps property on Treasure Island; and Northgate Road, Singla Road, a maintenance road accessing the water tanks, retaining walls adjacent to Macalla Road and Yerba Buena Road, and two stormwater gardens located on Yerba Buena Island, and the Ferry Terminal Improvements are located on TIDA-owned real property on Yerba Buena Island and on Treasure Island;

WHEREAS, TIS1 irrevocably offered the TIDA Improvements to TIDA as set forth in the Irrevocable Offers of Dedication dated, March 22, 2018, July 20, 2018, and October 5, 2023 (“TIS1 Offers”); and

WHEREAS, Treasure Island Series 2, LLC (“TIS2”) an affiliate of Developer, irrevocably offered the Ferry Terminal Improvements to TIDA as set forth in the Irrevocable Offer of Dedication dated October 26, 2023 (“TIS2 Offer”); and

WHEREAS, Public Works completed inspection of the TIDA Improvements and the City Engineer, by issuance of a Conditional Notice of Completion, determined the TIDA Improvements to be complete in substantial conformity with the approved plans, specifications, and applicable City regulations governing the TIDA Improvements and further determining that the TIDA Improvements are ready for their intended use by issuance of Conditional Notices of Completion dated February 3, 2023, July 17, 2023, September 22, 2023, and September 28, 2023; and

WHEREAS, In regard to the Ferry Terminal Improvements the Department of Building Inspection (“DBI”) issued Permit Nos. 2022.0518.4539, 2022.0518.4538, 2022.0518.4537, 2022.0518.4545, 2022.0518.4536, 2022.0518.4543, and 2022.0518.4541. DBI subsequently issued multiple certificates of completion and occupancy on June 21, 2022, June 28, 2022, and December 29, 2022 that cover all of the DBI permits referenced above; and

WHEREAS, TIDA issued a Conditional Notice of Completion dated May 25, 2023, in which TIDA determined the Ferry Terminal Improvements to be complete in substantial conformity with the approved plans, specifications, and applicable City regulations governing the Ferry Terminal Improvements and further determining that the Ferry Terminal 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 (“City/TIDA MOU”) action of both the TIDA Board of Directors and the Board of Supervisors is required for TIDA to accept the TIDA Improvements and the Ferry Terminal Improvements; and

WHEREAS, The Public Works Director (hereinafter “Public Works Director” or “Director”) recommends, and the City Engineer certifies, to the Board of Supervisors and the TIDA Board that the TIDA Improvements as shown in Street Improvement Permit Nos. 181I-0330, 18IE-0941, 2218-0277, and DBI permits referenced above should be accepted for public use by TIDA. Public Works further recommends that the Board of Supervisors acknowledge TIDA’s acceptance of the TIDA Improvements and the Ferry Terminal Improvements for maintenance and liability subject to the warranty requirements of the YBI PIA and the TI PIA; and

WHEREAS, In letters dated November 1st, 2023, the Department of City Planning determined that the acceptance of the various TIDA improvements, including the Ferry Terminal, and associated actions are, on balance, in conformity with the General Plan and Planning Code Section 101.1; and

WHEREAS, Public Works recommends that the Board of Supervisors find that the actions specified in this Order are consistent with the General Plan and Planning Code Section 101.1 for the reasons set forth in the Planning Department letter dated November 1, 2023; and

WHEREAS, Public Works recommends that for purposes of these same actions, the Board of Supervisors rely on the environmental findings under the California Environmental Quality Act in the abovementioned Planning Department letter; and

WHEREAS, Public Works also recommends that the TIDA Board adopt these same findings set forth in this Order and the Planning Department letter in regard to its actions related to these public improvements; and

NOW THEREFORE BE IT ORDERED THAT,

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

1. Irrevocable Offers of Improvements to TIDA of the TIDA Improvements;
2. Irrevocable Offer of Improvements to TIDA of the Ferry Terminal Improvements; and
3. Ordinance No. _____ acknowledging TIDA's acceptance of the TIDA Improvements and the Ferry Terminal Improvements for maintenance and liability purposes.

The Director recommends that the TIDA Board take various actions related to the TIDA Improvements as set forth in the City/TIDA MOU, including accepting Offers of Improvements and dedicating and accepting said Improvements.

The Director also recommends that the Board of Supervisors approve the legislation to acknowledge TIDA's acceptance of the TIS1 Offers and the TIS2 Offer. Hereinafter, 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 dedication of the TIDA Improvements and the Ferry Terminal Improvements to public use and TIDA's acceptance of the TIDA Improvements and the Ferry Terminal Improvements for maintenance and liability purposes subject to the following:

1. TIDA's acceptance of the TIDA Improvements and the Ferry Terminal Improvements for maintenance and liability purposes includes those improvements within the areas legally described in Exhibit A of the TIS1 Offers and the TIS2 Offer;
2. The acceptance of the TIDA Improvements and the Ferry Terminal Improvements does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements; and
3. TIS1 and TIS2's conditional assignment of all warranties and guaranties to TIDA related to the construction of the TIDA Improvements and the Ferry Terminal Improvements and warranty obligations under the PIA.

X

DocuSigned by:

Denny Phan

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Acting Manager, Infrastructure Task Force

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Albert Ko

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City Engineer

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DocuSigned by:

Carla Short

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Short, Carla

Director of Public Works