

1 [Treasure Island/Yerba Buena Island - Street and Public Infrastructure Acceptance -
2 Establishing Official Sidewalk Widths and Street Grades]

3 **Ordinance accepting irrevocable offers of public infrastructure associated with the**
4 **Treasure Island/Yerba Buena Island Project, Sub-Phases 1B, 1C, 1E, 1YA, and 1YB,**
5 **including improvements located within portions of Avenue of the Palms, Bruton Street,**
6 **Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas**
7 **Avenue, Trade Winds Avenue, and Treasure Island Road on Treasure Island; Macalla**
8 **Road, Signal Road, Treasure Island Road, and Yerba Buena Island Road on Yerba**
9 **Buena Island; potable water storage tanks on Yerba Buena Island and electrical**
10 **substructures serving a switchyard on Treasure Island; and City utilities in private**
11 **streets and a service maintenance road on Yerba Buena Island; dedicating this**
12 **infrastructure to public use; designating this public infrastructure for street and**
13 **roadway purposes as applicable; accepting the public infrastructure for City**
14 **maintenance and liability purposes, subject to specified limitations; establishing**
15 **official public right-of-way widths and street grades; amending Ordinance No. 1061,**
16 **entitled “Regulating the Width of Sidewalks,” to establish official sidewalk widths on**
17 **the abovementioned streets; delegating limited authority to the Public Works Director**
18 **to accept specified infrastructure; adopting findings under the California**
19 **Environmental Quality Act; making findings of consistency with the General Plan, and**
20 **the eight priority policies of Planning Code, Section 101.1; accepting a Public Works**
21 **Order recommending various actions in regard to the public infrastructure**
22 **improvements; and authorizing official acts, as defined herein, in connection with this**
23 **Ordinance.**

24 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
25 **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.

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

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6 Section 1. Background and Findings.

7 (a) The City and County of San Francisco (the "City") created the Treasure Island
8 Development Authority (the "Authority") in 1997 to serve as the entity responsible for the
9 reuse and development of Naval Station Treasure Island, which encompasses Treasure
10 Island (also referred to as "TI") and portions of Yerba Buena Island (also referred to as "YBI").

11 (b) On June 28, 2011, the Authority and Treasure Island Community Development,
12 LLC ("Developer") entered the Disposition and Development Agreement (the "Treasure
13 Island/Yerba Buena Island DDA" or "DDA"). On the same date, the City and Developer
14 entered a Development Agreement (the "DA"). The Board of Supervisors approved the DA in
15 Ordinance No. 95-11, Clerk of the Board of Supervisors File No. 110226. Ordinance
16 No. 95-11 and related DA documents and approvals are on file with the Clerk of the Board
17 and incorporated by reference in this ordinance.

18 (c) The DA, DDA, and the Special Use District in Planning Code Section 249.52
19 contemplate a project (the "Project") on Treasure Island and Yerba Buena Island that includes
20 up to 8,000 units of housing, 140,000 square feet of commercial and retail space, 100,000
21 square feet of office space, and up to approximately 300 acres of parks and open space, a
22 ferry terminal, new and upgraded streets, and extensive bicycle, pedestrian, and transit
23 facilities. Under the DA, the DDA, the Special Use District, and related Project documents,
24 Developer is responsible for construction of public improvements within the Project, and the
25

1 Authority or the City, as applicable, will accept and maintain the public improvements when
2 the Developer completes them in accordance with City-approved plans and specifications.

3 (d) As part of implementation of the Project, the Board of Supervisors has approved
4 several final subdivision maps providing for the development of portions of the Project site,
5 each accompanied with a specific Public Improvement Agreement (“PIA”) under which the
6 Developer or its assigns agreed to construct public improvement infrastructure required by the
7 DDA, such as roads and park and open space facilities, and to offer those improvements to
8 the Authority or the City, as applicable. The Board approved these final maps and the
9 accompanying PIA in Motion Nos. M18-046 (YBI Final Map – No. 9228); M18-115 (TI Final
10 Map No. 9235); M20-082 (Second YBI Final Map No. 9856); and M22-0159 (TI Avenue of the
11 Palms Parcel Map No. 10711). Copies of these Final Maps and PIAs are in Clerk of the
12 Board of Supervisors File Nos. 180312, 180835, 200671, 220993, respectively, and are
13 incorporated herein by reference. In addition, the Developer has constructed other public
14 infrastructure independent of subdivision maps and accompanying PIAs. Some of these
15 public improvements will be City assets (the “City Assets”) and some will be Authority assets
16 (the “Authority Assets”). The City Assets include certain public streets, potable water storage
17 tanks on Yerba Buena Island (the “Water Tanks”), electrical substructures serving the new
18 switchyard on Treasure Island (the “Switchyard Improvements”), and City utilities on YBI in: (i)
19 a privately-owned section of Forest Road, (ii) the Authority-controlled section of Forest Road,
20 (iii) Northgate Road (publicly accessible under Authority jurisdiction), and (iv) the Authority’s
21 private service maintenance road to the Water Tanks (collectively, the “City Utilities”).

22 (e) In a companion ordinance, the Board of Supervisors will consider various
23 acceptance actions and acknowledgements regarding Authority Assets, including the
24 Treasure Island Ferry Terminal, Signal Road, and encroachments on the streets identified in
25 this ordinance. The companion ordinance is on file with the Clerk of the Board of Supervisors

1 in File No. 231269 and is incorporated herein by reference. In future legislation, the Board of
2 Supervisors, under Public Works Code Sections 786 et seq., will consider approval actions
3 related to the abovementioned Authority encroachments on public streets and private
4 encroachments on various streets including Garden Walk.

5 (f) This ordinance addresses the Board of Supervisors acceptance and other official
6 acts for certain City Assets associated with the Treasure Island/Yerba Buena Island Project,
7 Sub-Phases 1B, 1C, 1E, 1YA, and 1YB, including improvements located within portions of
8 Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk,
9 Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and Treasure Island Road on
10 Treasure Island; Macalla Road, Signal Road (limited to Public Utilities Commission utilities
11 associated with this street), Treasure Island Road, and Yerba Buena Island Road on Yerba
12 Buena Island; Water Tanks; Switchyard Improvements; and City Utilities. These City Assets
13 along with Signal Road (an Authority Asset) are collectively referred to as “Required
14 Infrastructure” in this ordinance.

15 (g) In a letter dated November 1, 2023, the Planning Department found that the
16 acceptance of the Required Infrastructure and other actions set forth in this ordinance are
17 within the scope of the Project’s final environmental impact report prepared under the
18 California Environmental Quality Act (California Public Resources Code Sections 21000 et
19 seq.) and are, on balance, in conformance with the General Plan and the eight priority policies
20 of Planning Code Section 101.1. A copy of the Planning Department letter is on file with the
21 Clerk of the Board of Supervisors in File No. 231245.

22 (h) In Public Works Order No. 208839, dated December 12, 2023 (the “PW Order”),
23 Public Works Director (the “PW Director”) recommends and the City Engineer certifies that
24 the: (1) TREASURE ISLAND SERIES 1, LLC, a Delaware limited liability company and
25 TREASURE ISLAND SERIES 2, LLC, a Delaware limited liability company (collectively

1 “Subdividers”) have irrevocably offered the Required Infrastructure to the City as set forth in
2 approximately 65 Irrevocable Offers of Improvements (about 35 related to Treasure Island
3 and 30 related to Yerba Buena Island), starting on March 22, 2018 and recorded April 19,
4 2018 and thereafter (collectively, the “Offers”); (2) Public Works inspected the Required
5 Infrastructure and determined various portions of Required Infrastructure to be complete on
6 February 22, May 18, July 17, and September 22, 2023; (3) the Required Infrastructure has
7 been constructed in accordance with the Plans and Specifications and all City codes,
8 regulations, and standards governing the Required Infrastructure; and (4) the Required
9 Infrastructure is ready for its intended use. The PW Director and City Engineer also
10 acknowledge that the Department of Building Inspection issued certificate of completion and
11 occupancy number 602609 on April 12, 2023 for permit no. 201706300838R2 for the Water
12 Tanks and a completion certificate dated April 12, 2022 for permit #E202203108893 for the
13 Switchyard Improvements. A copy of PW Order No. 208839 is on file with the Clerk of the
14 Board of Supervisors in File No. 231245 and is incorporated herein by reference.

15 (i) In this PW Order, the PW Director and City Engineer also recommend to the Board
16 of Supervisors that it accept the Required Infrastructure for public use; designate such public
17 infrastructure for street and roadway purposes as applicable; and accept it for City
18 maintenance and liability purposes, subject to certain exceptions. The Required Infrastructure
19 also includes City Utilities, all of which are subject to utility easements in favor of the City and
20 whose boundaries may be amended based on final as-built conditions. The PW Director and
21 City Engineer recommend that acceptance of the Required Infrastructure for maintenance and
22 liability purposes be subject to the following conditions: (1) the portions of streets being
23 accepted for street and roadway purposes are from back of sidewalk to back of sidewalk,
24 unless specified otherwise or as shown on the Plans and Specifications for the Required
25 Infrastructure; (2) acceptance of the Required Infrastructure for City maintenance and liability

1 purposes is from back of curb to back of curb, unless specified otherwise, and sidewalk
2 maintenance is the responsibility of the adjacent property owner(s) in accordance with the
3 Public Works Code; (3) encroachments that are or will be permitted (including encroachments
4 that are Authority Assets and private encroachments on various streets including Garden
5 Walk), not permitted, or both, are excluded from acceptance; (4) the acceptance of the streets
6 does not obviate, amend, alter, or in any way affect existing maintenance agreements
7 between the City and parties to such agreements; and (5) Subdividers' conditional assignment
8 of all warranties and guaranties to the City related to the construction of the Required
9 Infrastructure and their warranty obligations under Street Improvement Permit Nos. 18IE-
10 0941, 18IE-0330, and 22IE-00277, as well as under Department of Building Inspection Permit
11 Nos. 201706300838R2 and E2022-31-8893.

12 (j) In addition, the PW Director and City Engineer find that because Signal Road has
13 not been built to City standards, the City shall not accept this street for City maintenance and
14 liability purposes. Instead, Signal Road shall be a dedicated public right-of-way, subject to
15 Public Works Code, Article 9, Sections 400 et seq. for unaccepted public streets and shall be
16 the maintenance and liability responsibility of the Authority, the adjacent landowner, as an
17 Authority Asset. The recommendation further finds that the City should accept the Public
18 Utilities Commission utilities, including the street lights, that are located in or on Signal Road
19 for City maintenance and liability (the "Signal Road Utilities").

20 (k) In PW Order No. 208839, the PW Director and City Engineer also recommend
21 establishment of official public right-of-way widths, sidewalk widths, and street grades on
22 portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden
23 Walk, Johnson Street, Macalla Road, Seven Seas Avenue, Signal Road, Trade Winds
24 Avenue, Treasure Island Road, and Yerba Buena Island Road in accordance with Map A-17-
25 226 and Drawing Q-20-1200 (Yerba Buena Island) and Map A-17-227 and Drawing Q-20-

1 1201 (Treasure Island), all dated December 6, 2023. Further, the PW Director and City
2 Engineer recommend that the Board of Supervisors amend Ordinance No. 1061 on official
3 sidewalk widths in accordance with the Drawings specified above. The Maps and Drawings
4 referenced above are on file with the Clerk of the Board of Supervisors in File No. 231245 and
5 are incorporated herein by reference.

6 (l) In regard to Macalla Road on Yerba Buena Island, the PW Director and City
7 Engineer recommend that the Board of Supervisors delegate the authority to the PW Director,
8 in consultation with the Municipal Transportation Agency Traffic Engineer, to approve changes
9 from the current two-way street configuration to a one-way configuration once construction
10 related to San Francisco-Oakland Bay Bridge West Side Bridges Project and related detours
11 (collectively, "West Side Bridges Project") are complete to the satisfaction of the PW Director.

12 (m) In regard to Treasure Island Road on Yerba Buena Island, portions of this road
13 also cannot be finished to its permanent condition due to construction related to the West Side
14 Bridges Project. Consequently, PW Director and City Engineer recommend that the Board of
15 Supervisors delegate the authority to the PW Director, in consultation with the applicable City
16 agencies, to approve and accept the outstanding roadway surface and related improvements
17 in accordance with Public Works Permit No. 181E-0330 once these improvements are
18 complete to the satisfaction of the PW Director.

19 (n) In regard to certain other deferred improvements, including various minor
20 landscape and concrete improvements and the auxiliary water supply system line connection
21 to make the line operable for fire boat use (approved by the PW Director in PW Order
22 No. 208576, dated September 15, 2023, for Treasure Island and PW Order No. 208263,
23 dated June 23, 2023, for Yerba Buena Island) (collectively, the "Deferred Improvements"), the
24 PW Director and City Engineer recommend that the Board of Supervisors delegate the
25 authority to the PW Director, in consultation with applicable City agencies, to approve and

1 accept the finalized Deferred Improvements once they are complete to the satisfaction of the
2 PW Director.

3 (o) On November 8, 2023, at a duly noticed public hearing, the Authority, in Resolution
4 No. 23-32-1108, recommended that the Board of Supervisors: (1) accept developer's offer of
5 the streets on Yerba Buena Island and portions of Treasure Island and dedicate them to
6 public use, and designate them for street and roadway purposes; (2) accept developer's offer
7 of the Water Tanks and Switchyard Improvements and designate them to public use,
8 (3) recommend the Board of Supervisors accept the Required Infrastructure, dedicate the
9 streets for public use and designate them for street and roadway purposes and accept the
10 Required Infrastructure, including the Water Tanks and Switchyard Improvements, for
11 maintenance and liability purposes, and (4) recommend the Board of Supervisors recognize
12 the Authority's actions. On October 11, 2023, at a duly noticed public hearing, the Authority,
13 in Resolution No. 23-29-1011, took various actions related to acceptance of Authority Assets,
14 including Signal Road, for Authority ownership and maintenance and liability responsibility.
15 The Authority Resolutions are on file with the Clerk of the Board of Supervisors in File
16 No. 231245 and are incorporated herein by reference.

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18 Section 2. Adoptions and Approvals.

19 (a) The Board of Supervisors adopts as its own the environmental findings and the
20 General Plan and Planning Code Section 101.1 consistency findings in the Planning
21 Department letter, as referenced in Section 1(g) of this ordinance, in connection with the
22 acceptance of the Required Infrastructure and other actions specified in this ordinance.

23 (b) The Board of Supervisors has reviewed and approves PW Order No. 208839,
24 including the City Engineer's certification and PW Director's recommendation, as referenced
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1 in Section 1(h)-(n) of this ordinance, concerning the acceptance of Required Infrastructure,
2 and other actions set forth in the PW Order No. 208839.

3 (c) The Board of Supervisors has reviewed, acknowledges, and approves the actions
4 of the Authority in its Resolution Nos. 23-32-1108 and 23-29-1011 in regard to the Required
5 Infrastructure, including treating Signal Road as an Authority Asset that will be a public street
6 subject to Authority responsibility for maintenance and liability.

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8 Section 3. Acceptance of Public Infrastructure and Assumption of Maintenance and
9 Liability Responsibilities, Including Water Tanks, Switchyard Improvements, and City Utilities.
10 Publicly Dedicating Signal Road but Excluding It from City Maintenance and Liability.

11 (a) Pursuant to California Streets and Highways Code Section 1806 and San
12 Francisco Administrative Code Sections 1.51 et seq., and PW Order No. 208839, the Board of
13 Supervisors hereby accepts and dedicates the Required Infrastructure for public use,
14 including the Water Tanks, Switchyard Improvements, and the City Utilities.

15 (b) The Board of Supervisors hereby accepts the Required Infrastructure, including the
16 Water Tanks, Switchyard Improvements, and City Utilities, for City maintenance and liability
17 purposes, subject to the conditions listed in Section 3(c) and (d) below.

18 (c) The Required Infrastructure accepted pursuant to Section 3(a) and (b) above is
19 subject to the following conditions: (1) the portions of streets being accepted for street and
20 roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified
21 otherwise or as shown on the Plans and Specifications for the Required Infrastructure; (2)
22 acceptance of the Required Infrastructure for City maintenance and liability purposes (with the
23 exception of the Water Tanks, Switchyard Improvements, and City Utilities) is from back of
24 curb to back of curb, unless specified otherwise, and sidewalk maintenance is the
25 responsibility of adjacent property owners in accordance with the Public Works Code; (3)

1 encroachments that are or will be permitted (including encroachments that are Authority
2 Assets and private encroachments on various streets including Garden Walk), not permitted,
3 or both, are excluded from acceptance; (4) the acceptance of the streets does not obviate,
4 amend, alter, or in any way affect existing maintenance agreements between the City and
5 parties to such agreements; and (5) Subdividers' conditional assignment of all warranties and
6 guaranties to the City related to the construction of the Required Infrastructure and their
7 warranty obligations.

8 (d) Based on PW Order No. 208839, the Board of Supervisors determines that
9 because Signal Road has not been built to City standards, the City shall not accept this street
10 for City maintenance and liability purposes. Instead, Signal Road shall be dedicated as public
11 right-of-way, subject to Public Works Code, Article 9, Sections 400 et seq. and shall be the
12 maintenance and liability responsibility of the Authority as an Authority Asset.
13 Notwithstanding the above, the Board accepts the Signal Road Utilities, as defined, for City
14 maintenance and liability.

15
16 Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and Street
17 Grades.

18 (a) In accordance with PW Order No. 208839, the Board of Supervisors hereby
19 establishes the official public right-of-way widths for portions of Avenue of the Palms, Bruton
20 Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Macalla Road,
21 Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island Road, and Yerba
22 Buena Island Road as shown on Public Works Maps A-226 (Yerba Buena Island) and A-227
23 (Treasure Island).

24 (b) In accordance with PW Order No. 208839, Board of Supervisors Ordinance
25 No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the

1 Board of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby
2 amended by adding thereto new sections to read as follows:

3 Section 1641. The width of sidewalks on portions of Macalla Road, Signal Road (sidewalk only
4 on northern side), Treasure Island Road, and Yerba Buena Island Road shall be as shown on Public
5 Works Drawings Q-20-1200 (Yerba Buena Island) dated December 6, 2023.

6 Section 1642. The width of sidewalks on portions of Avenue of the Palms, Bruton Street,
7 Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds
8 Avenue, and Treasure Island Road shall be as shown on Public Works Drawing Q-20-1201 (Treasure
9 Island) dated December 6, 2023.

10 (c) The sidewalk widths established pursuant to Section 4(b) above for Avenue of the
11 Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street,
12 Macalla Road, Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island
13 Road, and Yerba Buena Island Road do not obviate, amend, alter, or in any other way affect
14 the maintenance obligations of the adjacent property owners as set forth in the Public Works
15 Code.

16 (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
17 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
18 seq., chooses to follow its own procedures for the establishment of street grades. The Board
19 of Supervisors hereby establishes the street grades for portions of Avenue of the Palms,
20 Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Macalla
21 Road, Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island Road, and
22 Yerba Buena Island Road as set forth in Public Works Drawings Q-20-1200 (Yerba Buena
23 Island) and Q-20-1201 (Treasure Island).

24 (e) The Board of Supervisors hereby directs Public Works to revise the Official Public
25 Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.

1 Section 5. Delegation to Approve and Accept Outstanding Improvements on Macalla
2 and Treasure Island Roads after Completion of the West Side Bridges Project and Certain
3 Deferred Improvements.

4 (a) In regard to Macalla Road, the Board of Supervisors hereby delegates the authority
5 to the PW Director, in consultation with the Municipal Transportation Agency Traffic Engineer,
6 to approve changes from the current two-way street configuration to a one-way configuration
7 once construction related to West Side Bridges Project is completed to the satisfaction of the
8 PW Director.

9 (b) In regard to Treasure Island Road on Yerba Buena Island, the Board hereby
10 delegates the authority to the PW Director, in consultation with the applicable City agencies,
11 to approve and accept the outstanding roadway surface and related improvements on this
12 street once these improvements are complete to the satisfaction of the PW Director.

13 (c) In regard to the Deferred Improvements, the Board of Supervisors hereby
14 delegates the authority to the PW Director, in consultation with applicable City agencies, to
15 approve an accept the finalized Deferred Improvements once they are complete to the
16 satisfaction of the PW Director.

17
18 Section 6. Authorization for Implementation. The Mayor, Clerk of the Board of
19 Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to
20 take any and all actions which they or the City Attorney may deem necessary or advisable in
21 order to effectuate the purpose and intent of this ordinance, including, but not limited to,
22 approving any amended offers of improvements based on as-built conditions and filing of the
23 ordinance, A-17 Maps, and Q-20 Drawings in the Official Records of the City and County of
24 San Francisco.

1 Section 7. 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: /s/ JOHN D. MALAMUT
9 JOHN D. MALAMUT
 Deputy City Attorney

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