

[Treasure Island/Yerba Buena Island - The Rocks Park Acceptance]

Ordinance acknowledging the Treasure Island Development Authority's acceptance of certain improvements on a portion of the Yerba Buena Island Hilltop Parks known as The Rocks (Assessor's Parcel Block No. 8958, Lot No. 003), adjacent to Macalla Road, and the Authority's acceptance of the park improvements for maintenance and liability purposes; dedicating The Rocks to public use; designating the property for public open space and park purposes; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting a Public Works Order that recommends acceptance of The Rocks park improvements and related actions, as defined herein.

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 ~~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. Findings

(a) 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, which encompasses Treasure Island and portions of Yerba Buena Island.

(b) The Yerba Buena Island Hilltop Parks ("YBI Hilltop Parks") are part of the project more particularly described in the Treasure Island/Yerba Buena Island Special Use District

1 (Planning Code Section 249.52) (“the Project”). YBI Hilltop Parks are presently under
2 construction on Assessor’s Parcels Block No. 8958, Lot 003; Block No. 8950, Lot 002; Block
3 No. 8953, Lot 002; and Block 1939, Lot 086. The YBI Hilltop Parks will be Authority assets
4 (the “Authority Assets”). For purposes of this ordinance, The Rocks, one of numerous
5 Authority Assets, is the portion of the YBI Hilltop Parks located on Assessor’s Parcel Block
6 No. 8958, Lot 003, located between Macalla Road and the planned alignment of Yerba Buena
7 Road.

8 (c) In Public Works (“PW”) Order No. 208346, dated July 17, 2023 (the “PW Order”),
9 the City Engineer certified and the PW Director determined that: (1) The Rocks occupies a lot
10 owned by the Treasure Island Development Authority; and (2) Treasure Island Series 1, LLC
11 (“TI Series 1”, an affiliate of Developer and partial assignee of the Project’s Disposition and
12 Development Agreement) irrevocably offered the improvements on The Rocks (the “Park
13 Improvements”) to the Authority as set forth in the Treasure Island Series 1 Irrevocable Offer
14 of Improvements, dated August 14, 2023 (the “TI Series 1 Offer”). In addition, the PW Order
15 confirms that: PW inspected the Park Improvements and determined them to be complete and
16 certified that the Park Improvements were constructed in accordance with the Plans and
17 Specifications, as defined in the Public Improvement Agreement (Yerba Buena Island)
18 between the City, the Authority, and TI Series 1 dated for reference purposes as of March 29,
19 2018, and all applicable City codes, regulations, and standards; and determined that the Park
20 Improvements are ready for their intended use. In the PW Order, the PW Director also
21 recommended that the Board of Supervisors: (1) acknowledge the Authority’s acceptance of
22 ownership of the Park Improvements; (2) acknowledge the Authority’s acceptance of the Park
23 Improvements for maintenance and liability; (3) dedicate the Park Improvements to public use,
24 and (4) designate them for public park and open space purposes. A copy of the PW Order
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1 and the TI Series 1 Offer are on file with the Clerk of the Board of Supervisors in File No.
2 230858 and are incorporated herein by reference.

3 (d) The Planning Department, in a letter dated February 27, 2023 ("The Rocks
4 Planning Department Letter"), determined that the acceptance of the Park Improvements is,
5 on balance, consistent with the General Plan and the eight priority policies of Planning Code
6 Section 101.1. In that letter, the Planning Department also found that legislative actions
7 contemplated in this ordinance do not trigger the need for subsequent environmental review
8 pursuant to the California Environmental Quality Act ("CEQA") (California Public Resources
9 Code Sections 21000 et seq.). A copy of The Rocks Planning Department Letter is on file
10 with the Clerk of the Board of Supervisors in File No. 230858 and is incorporated herein by
11 reference.

12 (e) On July 12, 2023, at a duly noticed public hearing, the Authority in Resolution No.
13 23-21-0712 (the "Authority Resolution"), recommended that the Board of Supervisors
14 acknowledge and approve the Authority's acceptance of ownership of the Park Improvements
15 and acceptance of such Improvements for maintenance and liability. A copy of the Authority
16 Resolution is on file with the Clerk of the Board of Supervisors in File No. 230858 and is
17 incorporated herein by reference.

18 19 Section 2. Adoption of Findings and Recommendations for the Park.

20 (a) The Board of Supervisors adopts as its own the CEQA findings and the General
21 Plan consistency findings, including the eight priority findings of Planning Code Section 101.1,
22 in The Rocks Planning Department Letter in connection with the Authority's acceptance of
23 The Rocks and other actions set forth in this ordinance.

1 (b) The Board of Supervisors adopts PW Order No. 208346, including the City
2 Engineer's certification and PW Director's recommendations concerning the Authority's
3 acceptance of the TI Series 1 Offer for the Park Improvements, and other actions set forth in
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5 Section 1(c) of this ordinance, and adopts these recommendations and other actions as its
6 own.

7 (c) The Board of Supervisors adopts the recommendations in the Authority's
8 Resolution No. 23-21-0712 regarding the Park Improvements.

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10 Section 3. Acknowledgement of the Authority's Acceptance of the Park Improvements
11 and Assumption of Maintenance and Liability Responsibilities and Dedication and Designation
12 of the Park Improvements for Public Use.

13 (a) Pursuant to Administrative Code Sections 1.51 et seq. and PW Order No. 208346,
14 the Board of Supervisors hereby acknowledges the Authority's jurisdiction over Authority
15 Assets, and, to the extent necessary, delegates to the Authority the power to accept
16 ownership of the TI Series I Offer for the Park Improvements and maintenance and liability
17 responsibility for the Park Improvements.

18 (b) The Board of Supervisors also dedicates the Park Improvements for public use and
19 designates them for public park and open space purposes.

20 (c) The Board of Supervisors acknowledgement of the Authority's acceptance of the
21 Park Improvements for Authority maintenance and liability is subject to the conditions listed in
22 subsections (d) and (e).

23 (d) The Board acknowledges that the Authority's acceptance of the Park
24 Improvements is for The Rocks only, excluding any encroachments that are permitted, not
25 permitted, or both.

1 (e) The Board of Supervisors acknowledges TI Series 1's conditional assignment of all
2 warranties and guaranties to the Authority related to the construction of the Park
3 Improvements.

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5 Section 4. Authorization for Implementation. The Mayor, Clerk of the Board of
6 Supervisors, the PW Director, and the Authority are hereby authorized and directed to take
7 any and all actions which they or the City Attorney may deem necessary or advisable to
8 effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of
9 this ordinance in the Authority's Official Records.

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

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16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/ John D. Malamut
19 JOHN D. MALAMUT
Deputy City Attorney

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