

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

2

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

12

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

14

15 Section 1. General Findings.

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

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

25 ///

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, including structures thereon, that are Authority Assets (collectively, “Park
24 Improvements”) when Public Works (“PW”) or the San Francisco Building Official has
25 determined that such improvements or structures, respectively, have been constructed in

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

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

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

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.

25 ///

1 (c) The Board of Supervisors delegation under Section 2(a) is conditioned upon: (1)
2 the Authority finding that the Park Improvements are consistent with the DDA and DA and (2)
3 the Authority's receipt of the Planning Department's General Plan consistency findings and a
4 determination of compliance with Planning Code, Section 249.52 prior to the Authority taking
5 approval actions associated with acceptance of any Park Improvements.

6
7 Section 3. Official Acts in Furtherance of the Ordinance. The Board of Supervisors
8 authorizes the Authority's Director and the PW Director, in consultation with the City
9 Attorney's Office, to take all actions necessary to implement the intent of this ordinance,
10 including, but not limited to, finalizing and, as appropriate, recording offers of dedication,
11 receiving PW notices of completion of the Improvements when they have been completed in
12 accordance with the Project plans and specifications and all applicable City codes,
13 regulations, and standards, and are ready for their intended use, certifying that the Authority
14 has accepted specific Park Improvements, and maintaining records of all accepted Park
15 Improvements in the Authority's Official Records.

16
17 Section 4. Sunset Date. This ordinance shall expire by operation of law five years
18 from its effective date unless the Board of Supervisors, in its discretion, extends the term of
19 this legislation.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

1 Section 5. 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.

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ John D. Malamut
9 JOHN D. MALAMUT
 Deputy City Attorney

10 n:\legana\as2023\2400019\01732952.docx