[Treasure Island/Yerba Buena Island - Acceptance of Sanitary Sewer Pump Stations]

Ordinance accepting irrevocable offers of public infrastructure associated with the Treasure Island/Yerba Buena Island Project for the Bruton Sanitary Sewer Pump Station on Bruton Street and the Cravath Sanitary Sewer Pump Station on Cravath Street, both on Treasure Island; and the Macalla Sanitary Sewer Pump Station on Macalla Road and the North Gate Sanitary Sewer Pump Station on North Gate Road, both on Yerba Buena Island; dedicating this infrastructure to public use; designating it for utility purposes; accepting the public infrastructure for City maintenance and liability; approving a grant deed for the Macalla Pump Station; 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; accepting a Public Works Order recommending various actions in regard to the public infrastructure; and authorizing official acts, as defined herein, in connection with this Ordinance.

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 ~~strikethrough 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. Background and Findings.

(a) The City and County of San Francisco (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 (also referred to as "TI") and portions of Yerba Buena Island (also referred to as "YBI").

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

(c) The DA, DDA, and the Treasure Island/Yerba Buena Island Special Use District in Planning Code Section 249.52 contemplate a project on Treasure Island and Yerba Buena Island (the "Project") that includes up to 8,000 units of housing, 140,000 square feet of commercial and retail space, 100,000 square feet of office space, and up to approximately 300 acres of parks and open space, a ferry terminal, new and upgraded streets, and extensive bicycle, pedestrian, and transit facilities. Under the DA, the DDA, the Special Use District, and related Project approvals, the Developer is responsible for construction of public improvements within the Project, and the Authority or the City, as applicable, will accept and maintain the public improvements when the Developer completes them in accordance with City-approved plans and specifications.

(d) As part of implementation of the Project, the Board of Supervisors has approved several final subdivision maps to allow the development of portions of the Project site. Each subdivision map was accompanied by a specific Public Improvement Agreement ("PIA") under which the Developer or its assigns agreed to construct public improvement infrastructure required by the DDA, such as roads and park and open space facilities (the "Required Infrastructure"), and to offer this Infrastructure to the Authority or the City, as applicable. The Board approved these final maps and the accompanying PIAs in Motion Nos. M18-046 (YBI

Final Map – No. 9228); M18-115 (TI Final Map No. 9235); and M20-082 (Second YBI Final Map No. 9856). Copies of these Final Maps and PIAs are on file with the Clerk of the Board of Supervisors in File Nos. 180312, 180835, and 200671, respectively, and are incorporated herein by reference. All of the public improvements addressed in this ordinance will be City assets (the "City Assets").

(e) This ordinance addresses the Board of Supervisors acceptance and other official acts for City Assets associated with Sub-Phases 1B, 1C, 1E, 1YA, and 1YB of the Project, including the Bruton Sanitary Sewer Pump Station on Bruton Street and the Cravath Sanitary Sewer Pump Station on Cravath Street, both on Treasure Island; and the Macalla Sanitary Sewer Pump Station on Macalla Road and the North Gate Sanitary Sewer Pump Station on North Gate Road, both on Yerba Buena Island. These specific public improvements, including associated power generators (collectively, the "Pump Stations") are components of the Required Infrastructure that will be City Assets. Public Works approved the construction of the Pump Stations under Street Improvement Permit Nos. 19IE-00636 and 18IE-00680 along with related permits from the Department of Building Inspection.

(f) In a letter dated December 6, 2024, the Planning Department found that the acceptance of the Required Infrastructure and other actions set forth in this ordinance are within the scope of the Project's final environmental impact report prepared under the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and are, on balance, in conformance with the General Plan and the eight priority policies of Planning Code Section 101.1. A copy of the Planning Department letter is on file with the Clerk of the Board of Supervisors in File No. 250098.

(g) In Public Works Order No. 211409, dated February 7, 2025 (the "PW Order"), the Public Works Director (the "PW Director") determined and the City Engineer certified that: (1) Treasure Island Series 1, LLC, a Delaware limited liability company and Treasure Island

Series 2, LLC, a Delaware limited liability company (collectively "Subdividers") have irrevocably offered the Pump Stations to the City as set forth in four Irrevocable Offers of Improvements (two related to Treasure Island and recorded on September 13, 2018 and two related to Yerba Buena Island and recorded on April 19, 2018) (collectively, the "Offers"); (2) on or before September 16, 2024, Public Works inspected the Pump Stations and determined that all of the Required Infrastructure was complete; (3) the Pump Stations have been constructed in accordance with the Plans and Specifications and all City codes, regulations, and standards governing the Required Infrastructure; and (4) the Pump Stations are ready for their intended use. The PW Director and City Engineer also acknowledged that the Department of Building Inspection provided specific review and approval of power generators associated with the Pump Stations under Permit Nos. 202211297332, 202211297342, and 202211307357. Copies of the PW Order No. 211409 and the Offers are on file with the Clerk of the Board of Supervisors in File No. 250098 and incorporated herein by reference.

(h) In this PW Order, the PW Director and City Engineer recommended to the Board of Supervisors that it accept the Pump Stations as public; dedicate them for public use; designate them for utility purposes; and accept them for City maintenance and liability purposes, subject to certain exceptions. The City will access and maintain three of the pump stations through exclusive utility easements in favor of the City that the Real Estate Division previously approved and recorded in conjunction with final subdivision maps. The Macalla Sanitary Sewer Pump Station is located on real property that the Developer has offered to the City in the form of a grant deed, the approval of which is conferred by this ordinance. Consequently, the PW Director and City Engineer also recommended that the Board of Supervisors acceptance of the Pump Stations be subject to the following conditions: (1) the Real Estate Division amendment of the easement boundaries for the three pump stations if necessary based on final as-built conditions; (2) the Real Estate Division approval and

recordation of the grant deed for the real property associated with the Macalla Sanitary Sewer Pump Station; (3) the acceptance of the Pump Stations does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements; and (4) the Subdividers' conditional assignment of all warranties and guaranties to the City related to the construction of the Pump Stations and their warranty obligations under Street Improvement Permit Nos. 19IE-00636 and 18IE-00680, as well as under Department of Building Inspection Permit Nos. 202211297332, 202211297342, and 202211307357. The easements and grant deed are on file with the Clerk of the Board of Supervisors in File No. 250098 and are incorporated herein by reference.

(i) On February 12, 2025, at a duly noticed public hearing, the Authority, in Resolution No. 25-03-0212, recommended that the Board of Supervisors: (1) accept the Subdividers' Offers for the Pump Stations located on both Yerba Buena Island and Treasure Island; (2) approve a grant deed for real property at the site of the Macalla Sanitary Sewer Pump Station; and (3) accept the Pump Stations as public, dedicate them for public use, designate them for utility purposes, and accept them for maintenance and liability. The Authority Resolution is on file with the Clerk of the Board of Supervisors in File No. 250098 and is incorporated herein by reference.

Section 2. Adoptions and Approvals.

(a) The Board of Supervisors adopts as its own the environmental findings and the General Plan and Planning Code Section 101.1 consistency findings in the Planning Department letter, as referenced in Section 1(f) of this ordinance, in connection with the acceptance of the Pump Stations and other actions specified in this ordinance.

(b) The Board of Supervisors has reviewed and approves PW Order No. 211409, including the City Engineer's certification and PW Director's recommendation, as referenced

in Sections 1(g) and (h) of this ordinance, concerning the acceptance of Pump Stations, and other actions set forth in the PW Order No. 211409.

(c) The Board of Supervisors has reviewed and acknowledges the recommendation of the Authority in its Resolution No. 25-03-0212 in regard to the Pump Stations.

Section 3. Approving a Grant Deed for the Macalla Sanitary Sewer Pump Station; Accepting Four Sanitary Sewer Pump Stations and Assuming Maintenance and Liability Responsibilities.

(a) The Board of Supervisors approves the grant deed associated with the Macalla Sanitary Sewer Pump Station located on Macalla Road. The Board of Supervisors requests that the Director of Real Estate sign and record such grant deed.

(b) Pursuant to Administrative Code Sections 1.51 et seq., and PW Order No. 211409, the Board of Supervisors hereby accepts the Pump Stations as public; dedicates them for public use, and designates them for utility purposes.

(c) The Board of Supervisors also accepts the Pump Stations for City maintenance and liability purposes, subject to the conditions listed in Section 3(d) below.

(d) The Pump Stations accepted pursuant to Sections 3(b) and (c) above are subject to the following conditions: (1) the Pump Stations to be dedicated and accepted are located within public utility easements that the Real Estate Division previously approved and recorded, and such easements shall be amended, if necessary, based on final as-built conditions; (2) the Real Estate Division shall sign and record the grant deed for the real property associated with the Macalla Sanitary Sewer Pump Station; (3) the acceptance of the Pump Stations does not obviate, amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements; and (4) the Subdividers'

conditional assignment of all warranties and guaranties to the City related to the construction of the Pump Stations and their warranty obligations.

Section 4. Authorization for Implementation. The Mayor, Clerk of the Board of Supervisors, Director of Real Estate, and PW Director are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this ordinance, including, but not limited to, approving any amended easements based on as-built conditions, recording the grant deed for the Macalla Sanitary Sewer Pump Station, and filing of the ordinance in the Official Records of the City and County of San Francisco.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ JOHN D. MALAMUT
JOHN D. MALAMUT
Deputy City Attorney

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