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

Ordinance accepting irrevocable offers of public infrastructure associated with the

Treasure Island/Yerba Buena Island Project, Sub-Phases 1B, 1C, 1E, 1YA, and 1YB, including improvements located within portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and Treasure Island Road on Treasure Island; Macalla Road, Signal Road, Treasure Island Road, and Yerba Buena Island Road on Yerba Buena Island; potable water storage tanks on Yerba Buena Island and electrical substructures serving a switchyard on Treasure Island; and City utilities in private streets and a service maintenance road on Yerba Buena Island; dedicating this infrastructure to public use; designating this public infrastructure for street and roadway purposes as applicable; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061,

Environmental Quality Act; making findings of consistency with the General Plan, and

to accept specified infrastructure; adopting findings under the California

entitled "Regulating the Width of Sidewalks," to establish official sidewalk widths on

the abovementioned streets: delegating limited authority to the Public Works Director

the eight priority policies of Planning Code, Section 101.1; accepting a Public Works

Order recommending various actions in regard to the public infrastructure

improvements; 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 <u>single-underline italics Times New Roman font</u>.

Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>.

Board amendment additions are in <u>double-underlined Arial font</u>.

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 ("Developer") entered the Disposition and Development Agreement (the "Treasure Island/Yerba Buena Island DDA" or "DDA"). On the same date, the City and Developer entered a Development Agreement (the "DA"). The Board of Supervisors approved the DA in Ordinance No. 95-11, Clerk of the Board of Supervisors File No. 110226. Ordinance No. 95-11 and related DA documents and approvals are on file with the Clerk of the Board and incorporated by reference in this ordinance.
- (c) The DA, DDA, and the Special Use District in Planning Code Section 249.52 contemplate a project (the "Project") on Treasure Island and Yerba Buena Island 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 documents, 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 providing for the development of portions of the Project site, each accompanied with 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, and to offer those improvements to the Authority or the City, as applicable. The Board approved these final maps and the accompanying PIA in Motion Nos. M18-046 (YBI Final Map - No. 9228); M18-115 (TI Final Map No. 9235); M20-082 (Second YBI Final Map No. 9856); and M22-0159 (TI Avenue of the Palms Parcel Map No. 10711). Copies of these Final Maps and PIAs are in Clerk of the Board of Supervisors File Nos. 180312, 180835, 200671, 220993, respectively, and are incorporated herein by reference. In addition, the Developer has constructed other public infrastructure independent of subdivision maps and accompanying PIAs. Some of these public improvements will be City assets (the "City Assets") and some will be Authority assets (the "Authority Assets"). The City Assets include certain public streets, potable water storage tanks on Yerba Buena Island (the "Water Tanks"), electrical substructures serving the new switchyard on Treasure Island (the "Switchyard Improvements"), and City utilities on YBI in: (i) a privately-owned section of Forest Road, (ii) the Authority-controlled section of Forest Road, (iii) Northgate Road (publicly accessible under Authority jurisdiction), and (iv) the Authority's private service maintenance road to the Water Tanks (collectively, the "City Utilities").
- (e) In a companion ordinance, the Board of Supervisors will consider various acceptance actions and acknowledgements regarding Authority Assets, including the Treasure Island Ferry Terminal, Signal Road, and encroachments on the streets identified in this ordinance. The companion ordinance is on file with the Clerk of the Board of Supervisors

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

- (f) This ordinance addresses the Board of Supervisors acceptance and other official acts for certain City Assets associated with the Treasure Island/Yerba Buena Island Project, Sub-Phases 1B, 1C, 1E, 1YA, and 1YB, including improvements located within portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and Treasure Island Road on Treasure Island; Macalla Road, Signal Road (limited to Public Utilities Commission utilities associated with this street), Treasure Island Road, and Yerba Buena Island Road on Yerba Buena Island; Water Tanks; Switchyard Improvements; and City Utilities. These City Assets along with Signal Road (an Authority Asset) are collectively referred to as "Required Infrastructure" in this ordinance.
- (g) In a letter dated November 1, 2023, 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. 231245.
- (h) In Public Works Order No. 208839, dated December 12, 2023 (the "PW Order"), Public Works Director (the "PW Director") recommends and the City Engineer certifies that the: (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 Required Infrastructure to the City as set forth in approximately 65 Irrevocable Offers of Improvements (about 35 related to Treasure Island and 30 related to Yerba Buena Island), starting on March 22, 2018 and recorded April 19, 2018 and thereafter (collectively, the "Offers"); (2) Public Works inspected the Required Infrastructure and determined various portions of Required Infrastructure to be complete on February 22, May 18, July 17, and September 22, 2023; (3) the Required Infrastructure has been constructed in accordance with the Plans and Specifications and all City codes, regulations, and standards governing the Required Infrastructure; and (4) the Required Infrastructure is ready for its intended use. The PW Director and City Engineer also acknowledge that the Department of Building Inspection issued certificate of completion and occupancy number 602609 on April 12, 2023 for permit no. 201706300838R2 for the Water Tanks and a completion certificate dated April 12, 2022 for permit #E202203108893 for the Switchyard Improvements. A copy of PW Order No. 208839 is on file with the Clerk of the Board of Supervisors in File No. 231245 and is incorporated herein by reference.

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

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

- (j) In addition, the PW Director and City Engineer find that because Signal Road has not been built to City standards, the City shall not accept this street for City maintenance and liability purposes. Instead, Signal Road shall be a dedicated public right-of-way, subject to Public Works Code, Article 9, Sections 400 et seq. for unaccepted public streets and shall be the maintenance and liability responsibility of the Authority, the adjacent landowner, as an Authority Asset. The recommendation further finds that the City should accept the Public Utilities Commission utilities, including the street lights, that are located in or on Signal Road for City maintenance and liability (the "Signal Road Utilities").
- (k) In PW Order No. 208839, the PW Director and City Engineer also recommend establishment of official public right-of-way widths, sidewalk widths, and street grades on portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Macalla Road, Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island Road, and Yerba Buena Island Road in accordance with Map A-17-226 and Drawing Q-20-1200 (Yerba Buena Island) and Map A-17-227 and Drawing Q-20-

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

- (I) In regard to Macalla Road on Yerba Buena Island, the PW Director and City Engineer recommend that the Board of Supervisors delegate the authority to the PW Director, in consultation with the Municipal Transportation Agency Traffic Engineer, to approve changes from the current two-way street configuration to a one-way configuration once construction related to San Francisco-Oakland Bay Bridge West Side Bridges Project and related detours (collectively, "West Side Bridges Project") are complete to the satisfaction of the PW Director.
- (m) In regard to Treasure Island Road on Yerba Buena Island, portions of this road also cannot be finished to its permanent condition due to construction related to the West Side Bridges Project. Consequently, PW Director and City Engineer recommend that the Board of Supervisors delegate the authority to the PW Director, in consultation with the applicable City agencies, to approve and accept the outstanding roadway surface and related improvements in accordance with Public Works Permit No. 181E-0330 once these improvements are complete to the satisfaction of the PW Director.
- (n) In regard to certain other deferred improvements, including various minor landscape and concrete improvements and the auxiliary water supply system line connection to make the line operable for fire boat use (approved by the PW Director in PW Order No. 208576, dated September 15, 2023, for Treasure Island and PW Order No. 208263, dated June 23, 2023, for Yerba Buena Island) (collectively, the "Deferred Improvements"), the PW Director and City Engineer recommend that the Board of Supervisors delegate the authority to the PW Director, in consultation with applicable City agencies, to approve and

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

(o) On November 8, 2023, at a duly noticed public hearing, the Authority, in Resolution No. 23-32-1108, recommended that the Board of Supervisors: (1) accept developer's offer of the streets on Yerba Buena Island and portions of Treasure Island and dedicate them to public use, and designate them for street and roadway purposes; (2) accept developer's offer of the Water Tanks and Switchyard Improvements and designate them to public use, (3) recommend the Board of Supervisors accept the Required Infrastructure, dedicate the streets for public use and designate them for street and roadway purposes and accept the Required Infrastructure, including the Water Tanks and Switchyard Improvements, for maintenance and liability purposes, and (4) recommend the Board of Supervisors recognize the Authority's actions. On October 11, 2023, at a duly noticed public hearing, the Authority, in Resolution No. 23-29-1011, took various actions related to acceptance of Authority Assets, including Signal Road, for Authority ownership and maintenance and liability responsibility. The Authority Resolutions are on file with the Clerk of the Board of Supervisors in File No. 231245 and are 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(g) of this ordinance, in connection with the acceptance of the Required Infrastructure and other actions specified in this ordinance.
- (b) The Board of Supervisors has reviewed and approves PW Order No. 208839, including the City Engineer's certification and PW Director's recommendation, as referenced

in Section 1(h)-(n) of this ordinance, concerning the acceptance of Required Infrastructure, and other actions set forth in the PW Order No. 208839.

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

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

- (a) Pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq., and PW Order No. 208839, the Board of Supervisors hereby accepts and dedicates the Required Infrastructure for public use, including the Water Tanks, Switchyard Improvements, and the City Utilities.
- (b) The Board of Supervisors hereby accepts the Required Infrastructure, including the Water Tanks, Switchyard Improvements, and City Utilities, for City maintenance and liability purposes, subject to the conditions listed in Section 3(c) and (d) below.
- (c) The Required Infrastructure accepted pursuant to Section 3(a) and (b) above is subject to the following conditions: (1) the portions of streets being accepted for street and roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on the Plans and Specifications for the Required Infrastructure; (2) acceptance of the Required Infrastructure for City maintenance and liability purposes (with the exception of the Water Tanks, Switchyard Improvements, and City Utilities) is from back of curb to back of curb, unless specified otherwise, and sidewalk maintenance is the responsibility of adjacent property owners in accordance with the Public Works Code; (3)

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

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

Notwithstanding the above, the Board accepts the Signal Road Utilities, as defined, for City maintenance and liability.

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

- (a) In accordance with PW Order No. 208839, the Board of Supervisors hereby establishes the official public right-of-way widths for portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Macalla Road, Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island Road, and Yerba Buena Island Road as shown on Public Works Maps A-226 (Yerba Buena Island) and A-227 (Treasure Island).
- (b) In accordance with PW Order No. 208839, Board of Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the

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

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

Section 1642. The width of sidewalks on portions of Avenue of the Palms, Bruton Street,

Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds

Avenue, and Treasure Island Road shall be as shown on Public Works Drawing Q-20-1201 (Treasure

Island) dated December 6, 2023.

- (c) The sidewalk widths established pursuant to Section 4(b) above for Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Macalla Road, Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island Road, and Yerba Buena Island Road do not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners as set forth in the Public Works Code.
- (d) Notwithstanding California Streets and Highways Code Sections 8000 et seq., the Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et seq., chooses to follow its own procedures for the establishment of street grades. The Board of Supervisors hereby establishes the street grades for portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Macalla Road, Seven Seas Avenue, Signal Road, Trade Winds Avenue, Treasure Island Road, and Yerba Buena Island Road as set forth in Public Works Drawings Q-20-1200 (Yerba Buena Island) and Q-20-1201 (Treasure Island).
- (e) The Board of Supervisors hereby directs Public Works to revise the Official Public Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.

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

- (a) In regard to Macalla Road, the Board of Supervisors hereby delegates the authority to the PW Director, in consultation with the Municipal Transportation Agency Traffic Engineer, to approve changes from the current two-way street configuration to a one-way configuration once construction related to West Side Bridges Project is completed to the satisfaction of the PW Director.
- (b) In regard to Treasure Island Road on Yerba Buena Island, the Board hereby delegates the authority to the PW Director, in consultation with the applicable City agencies, to approve and accept the outstanding roadway surface and related improvements on this street once these improvements are complete to the satisfaction of the PW Director.
- (c) In regard to the Deferred Improvements, the Board of Supervisors hereby delegates the authority to the PW Director, in consultation with applicable City agencies, to approve an accept the finalized Deferred Improvements once they are complete to the satisfaction of the PW Director.

Section 6. 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 offers of improvements based on as-built conditions and filing of the ordinance, A-17 Maps, and Q-20 Drawings in the Official Records of the City and County of San Francisco.

Section 7. 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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City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Ordinance

File Number: 231245 Date Passed: February 06, 2024

Ordinance accepting irrevocable offers of public infrastructure associated with the Treasure Island/Yerba Buena Island Project, Sub-Phases 1B, 1C, 1E, 1YA, and 1YB, including improvements located within portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and Treasure Island Road on Treasure Island: Macalla Road, Signal Road, Treasure Island Road, and Yerba Buena Island Road on Yerba Buena Island; potable water storage tanks on Yerba Buena Island and electrical substructures serving a switchyard on Treasure Island; and City utilities in private streets and a service maintenance road on Yerba Buena Island; dedicating this infrastructure to public use; designating this public infrastructure for street and roadway purposes as applicable; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks." to establish official sidewalk widths on the abovementioned streets; delegating limited authority to the Public Works Director to accept specified infrastructure; 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 improvements; and authorizing official acts, as defined herein, in connection with this Ordinance.

January 29, 2024 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

January 30, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

February 06, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/6/2024 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

London N. Breed Mayor 10/24

Date Approved