

**ITEM 11**  
**Treasure Island Development Authority**  
**City and County of San Francisco**  
**Meeting of July 12, 2023**

**Subject:** Resolution Recommending that the Board of Supervisors Delegate Authority to the Treasure Island Board of Directors to Accept Open Space Improvements

**Contact:** Robert Beck, Treasure Island Director

**SUMMARY**

Recommending that the Board of Supervisors delegate to the Treasure Island Board of Directors (the “Authority Board”) the authority to accept open space improvements constructed by Treasure Island Community Development, LLC (the “Developer”) pursuant to the Disposition and Development Agreement for the Development of Treasure Island and Yerba Buena Island (“Treasure Island/Yerba Buena Island DDA” or “DDA”).

**BACKGROUND**

On June 28, 2011 the Treasure Island Development Authority (“the Authority”) and the Developer entered into the Treasure Island/Yerba Buena Island DDA. The DDA contemplated the redevelopment of Treasure Island and Yerba Buena Island (“the Project”), including 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 other public ways, and extensive bicycle, pedestrian, and transit facilities. As part of the Project, the Developer is obligated to construct a wide range of public facilities including the new parks, ferry terminal, new utilities, roadways and more (collectively, the “Public Improvements”).

As part of the implementation of the Project, the Authority has entered several Public Improvement Agreements (“PIAs”) by which Developer or its assigns agreed to construct the Public Improvements required by the DDA, such as roads and park and open space facilities, and to offer those improvements to the Authority and/or the City, as appropriate, for acceptance. The bulk of these improvements are constructed under Street Improvement Permits (“SIPs”) issued by San Francisco Public Works while others are constructed under Building Permits issued by the Department of Building Inspection. Public Works inspects the Public Improvements constructed by the Developer for conformance with permitted plans and City standards and regulations.

For infrastructure to be owned, operated, and maintained by other City Agencies. An action of the Board of Supervisors (the “Acceptance Legislation”) formally accepts the completed work, dedicates it for public use, and assigns ownership of the improvements to the respective City

1 [Recommendation to Board of Supervisors Regarding Delegation of Public Open Space  
2 Improvement Acceptance]

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4 **RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS DELEGATE**  
5 **AUTHORITY TO THE TREASURE ISLAND BOARD OF DIRECTORS TO ACCEPT OPEN**  
6 **SPACE IMPROVEMENTS**

7 WHEREAS, On June 28, 2011 the Treasure Island Development Authority (“the  
8 Authority”) and Treasure Island Community Development, LLC (“Developer”) entered into the  
9 Disposition and Development Agreement (“Treasure Island/Yerba Buena Island DDA” or  
10 “DDA”); and

11 WHEREAS, The DDA contemplates the redevelopment of Treasure Island and Yerba  
12 Buena Island (“the Project”), including up to 8,000 units of housing, 140,000 square feet of  
13 commercial and retail space, 100,000 square feet of office space, and up to approximately 300  
14 acres of parks and open space, a ferry terminal, new and upgraded streets and other public  
15 ways, and extensive bicycle, pedestrian, and transit facilities; and

16 WHEREAS, As part of its implementation of the Project, the Authority has entered  
17 several Public Improvement Agreements (“PIAs”) by which Developer or its assigns agreed to  
18 construct public improvements required by the DDA, such as roads and park and open space  
19 facilities, and to offer those improvements to the Authority and/or the City, as appropriate; and

20 WHEREAS, The Authority will own and operate the parks and open space lands and  
21 improvements within the Project; and now, therefore, be it

22 RESOLVED, The Authority Board of Directors has determined that in order to expedite  
23 processing of public improvements required under the DDA and various PIAs, to facilitate the  
24 timely construction schedule for the Project, and to put the improvements into service efficiently,  
25 it would be prudent and desirable for the Board of Supervisors to, and recommends they

1 delegate to the Authority all necessary authority required to (1) accept ownership of the public  
2 park and open space improvements (collectively, "open space improvements") when Public  
3 Works ("PW") has determined that such improvements have been constructed in accordance  
4 with the approved plans and specifications under the applicable PIA and all City codes,  
5 regulations, and standards, and such improvements are ready for their intended use; (2)  
6 dedicate such open space improvements to public use, (3) designate them for park and/or open  
7 space purposes as appropriate; (4) accept such completed open space improvements for  
8 Authority maintenance and liability purposes; and (5) take all other official acts necessary for or  
9 related to acceptance of the public open space improvements, including without limitation  
10 accepting conditional assignment of all warranties and guaranties related to the construction of  
11 park or open space improvements; and, be it

12 FURTHER RESOLVED, The Authority Board of Directors has determined that such a  
13 delegation would have no adverse effect on public safety, because the Authority would accept  
14 improvements only after PW determines that they meet all City codes, regulations, and  
15 standards, and such improvements are ready for their intended use.

16 FURTHER RESOLVED, The Authority Board of Directors directs the Treasure Island  
17 Director to forward this recommendation to the Board of Supervisors and to take any further  
18 actions required to request that the Board of Supervisors consider and authorize the  
19 recommended delegation to the Authority as set forth in the resolution, at a duly noticed public  
20 hearing at its earliest convenience.

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**CERTIFICATE OF SECRETARY**

**I hereby certify that I am the duly elected Secretary of the Treasure Island Development Authority, a California nonprofit public benefit corporation, and that the above Resolution was duly adopted and approved by the Board of Directors of the Authority at a properly noticed meeting on July 12, 2023.**

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**Mark Dunlop, Secretary**

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agency having responsibility for that infrastructure (e.g., roadways to Public Works; signage, striping, and traffic signals to SFMTA; and water, wastewater, and electrical utilities to SFPUC).

The Authority will own and operate the parks and open space lands and improvements within the Project and owns the land underlying these parks. Accordingly, the PIAs call for the Authority Board to accept park improvements and other infrastructure or facilities to be owned, operated and maintained by the Authority.

The language of the PIA for the improvements on Yerba Buena Island is not entirely consistent. In one section it implies that park improvements and other infrastructure or facilities to be owned, operated and maintained by the Authority may be accepted by the sole action of the Authority Board while in another section it seems to require all Public Improvements be accepted by the Board of Supervisors.

### **RECOMMENDATION**

Staff recommends the Authority Board request the Board of Supervisors delegate to the Authority Board the authority to accept open space improvements constructed under the Project pursuant to the determination of Public Works that the improvements are complete; meet all City codes, regulations, and standards; and are ready for their intended use.