

ITEM 9
Treasure Island Development Authority
City and County of San Francisco
Meeting of November 8, 2023

Subject: Resolution to (1) Accept the Improvement Offers within Right of Way Lands on Yerba Buena Island and Portions of Treasure Island along with Water Tanks and Switchyard Improvements (“City Improvements”), Dedicate the City Improvement to Public Use, Designate the City Improvements for Street and Roadway Purposes or as City Assets Depending on the Improvement, and (2) Recommend to the Board of Supervisors that It Dedicate and Accept for City Maintenance and Liability the City Improvements and Take Various Acceptance Actions Related to Encroachments on the Right of Way Lands that are TIDA Assets, and Adopt Environmental Findings

Contact: Robert Beck, Treasure Island Director

SUMMARY

Accepting, subject to issuance of the Director’s Order by Public Works recommending acceptance for the City Improvements (“PW Order on City Improvements”), draft attached in this report as **Exhibit F** and delivery of Developer’s assignment of warranties, the Developer’s offer and dedicating City Improvements to public use, designating City Improvements for Street and Roadway Purposes or as City Assets depending on the improvement

Recommending, subject to issuance of aforementioned Director’s Order by Public Works and delivery of Developer’s assignment of warranties, City and County Board of Supervisors (“BOS”) considers the said City Improvements for dedication and acceptance by the City and County of San Francisco (“City”) for maintenance and liability.

Accepting, subject to issuance of Director’s Order by Public Works recommending BOS acknowledgement TIDA acceptance of TIDA Assets (“PW Order on TIDA Assets”), draft attached in this report as **Exhibit F** and BOS action to acknowledge, certain TIDA improvements within the public right of way on Yerba Buena Island and Treasure Island. **Exhibit B and Exhibit C** show the details and locations of TIDA improvements, as defined below in the “TIDA IMPROVEMENT WITHIN PUBLIC RIGHT OF WAY” section.

BACKGROUND

On June 28, 2011 the Treasure Island Development Authority (“the Authority”) and the Developer entered into the Disposition and Development Agreement (“Treasure Island/Yerba Buena Island DDA” or “DDA”). The DDA contemplates 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”). The aforementioned City Improvements are a part of 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.

In addition, the Authority has entered in to a Memorandum of Agreement regarding ownership and maintenance of public improvement on Treasure Island and Yerba Buena Island (“MOA”) with the City. This MOA sets out a framework for the ownership, maintenance and regulations of the Public Improvement and the land underlying them, outline the procedures for dedication and acceptance by the Authority and/or the City.

Pursuant to the MOA, for City Improvement to be owned, operated, and maintained by various City Agencies, actions of both the Authority Board and BOS are required. Those actions are the following:

Actions for the Authority Board

- (1) *City Improvements to be Accepted by the City*: Review TIDA staff recommendation as well as findings in the PW Order on City Improvements, and consider and take action to (i) accept the Developer’s offer of improvement, (ii) dedicate the City Improvements to public use, (iii) designate City Improvements for street and roadway purposes or City assets as appropriate, and (iv) recommend the City Improvements to be considered for dedication and acceptance by the BOS.
- (2) *TIDA Improvements to be Accepted by TIDA*: Review TIDA staff recommendations, findings as well as PW Order on TIDA Assets, and consider and take action to accept the offer of TIDA Improvements within the public right of way for maintenance and liability and dedicate applicable improvement to public use

Actions for BOS

- (1) Review findings and recommendations in the PW Order on City Improvements and recommendation by the Authority Board, and consider and take action to accept for maintenance and liability the City Improvements for public use and street and roadway purposes or as City assets as appropriate.

PUBLIC IMPROVEMENTS AND RIGHT OF WAY LANDS

Exhibit A illustrates generally the City Improvements on Yerba Buena Island and Treasure Island that Authority staff is recommending the Authority Board accept the developer’s offer,

dedicate them for public use, designate them for street and roadway purposes and recommend the areas to be dedicated and accepted by BOS. Together, they comprise Subphase Application 1YA, 1YB, 1B, 1C, and 1E. More specifically, the City Improvements are depicted by following Final Maps:

1. Portion of Treasure Island Road, Macalla Road, Yerba Buena Road and various public easements that cover the Water Tanks, among other City Improvements on Lot A, Lot B, Lot C, and Public Easement SLT-UE No. 19 to No.34 on Final Map No. 9228 recorded on April 19, 2018 as Document No. 2018-K602992
2. Public Easements as shown in sheet 5 of Final Map No. 9856 recorded on July 10, 2020, as Document No.2020-K950645
3. Portion of Treasure Island Road, Clipper Cove Ave, Trade Winds Avenue, Seven Seas Avenue, Bruton Street, Cravath Street, Johnson Street, portion of Avenue of the Palms and various public easements on Lot A to Lot J, Lot L, Lot M, Lot R, Lot S, Lot T, Lot V on Final Map No. 9235 recorded on September 13, 2018 as Document No. 2018-K672373
4. Portion of Avenue of the Palms on Lot B and Public Easement shown on Table A on sheet 3 on Parcel Map 10711 recorded on October 19, 2022 as Document No. 2022095273

In addition, the City has issued the following permits to the developers to construct the Public Improvements:

1. Subphase Application 1YA, 1YB Street Improvement Permit (Public Works Permit 18IE-0330)
2. YBI Water Storage and Pump Station (DBI Permit 2017-0630-0838R2)
3. Subphase Application 1B, 1C and 1E Street Improvement Permit (Public Works Permit 18IE-0941 and Public Works Permit 22IE-00277)
4. TI 12kV Switchyard (DBI Permit E202203108893)

Public Works has issued Conditional Notice of Completions (Conditional NOCs) for the Public Improvements mentioned in the Street Improvement Permits and DBI permits above. The Conditional NOCs confirm that Public Works have inspected the public improvement have determined them to be in substantial conformity with the approved plans, specifications, and applicable City Rules and Regulations. **Exhibit D** is attached to this report for the Conditional NOCs.

The Developer, Authority, and Public Works staff have been working towards the final close out of the work and are bringing the Right of Way Lands and Public Improvements forward for acceptance by the Authority Board and/or the Board of Supervisors. In accordance with the

PIAs, Treasure Island Series 1, an affiliate of the Developer responsible for the public improvements on Yerba Buena Island and Treasure Island, has drafted Offers of Improvements (**Exhibit E**) offering the completed work for acceptance. In addition, consistent with relevant City and State laws and regulations, San Francisco Planning Department has drafted a General Plan Consistency Determination and CEQA Findings letter (**Exhibit G**) for above referenced Public Improvement, including TIDA Improvements within the public right of way.

TIDA IMPROVEMENT WITHIN PUBLIC RIGHT OF WAY

Pursuant to MOA and the PIAs, within the public right of way, there are a number of public improvements constructed by the Developer, permitted by the Street Improvement Permits listed in the above section (No.1 and No.3) that are to be own and maintained by the Authority. These TIDA improvements are bike racks, benches, wayfinding signage, TIDA storm drain force main lines, irrigation sleeves, and shuttle stop islands (collectively, the “**TIDA Improvements**”). They are more particularly described in **Exhibit B and C**. TIDA staff, with the help of City Attorney’s Office, is working with Public Work so Public Work can issue an encroachment permit for these TIDA assets within the public right of way.

Consistent with the past practice for acceptance of the Rocks and other TIDA assets such as the stormwater gardens on YBI, we will also be asking the Board of Supervisors to acknowledge Authority Board’s acceptance of these TIDA Improvements.

BOARD OF SUPERVISORS LEGISLATIVE PACKAGES AND SCHEDULE

Based on the above and coordination with Public Works, City’s Attorney’s Office, Mayor’s Office and BOS clerk, TIDA staff anticipates the following legislative packages to be prepared, subject to issuance of the two Director’s Work Orders by Public Works as described in this report:

1. Legislative package(s) for an Ordinance or Ordinances to (a) accept City Improvements for maintenance and liability and designate them for the appropriate purposes, and (b)acknowledge the Authority Board’s acceptance of TIDA Improvements.

We anticipate the following schedule for the legislative package(s) for Board of Supervisors:

<u>Milestone</u>	<u>Date (Tentative)</u>
Introduced at the BOS	11/28/2023
Discussed at the Land Use and Transportation Subcommittee	1/8/2024
1 st reading at the BOS	1/16/2024
2 nd reading at the BOS	1/23/2024
Mayor signs the Ordinances	2/2/2024

COST AND OPERATION

As we anticipate BOS to accept the City Improvements for maintenance and liability, staff do not anticipate any maintenance and operation costs related to the City Improvements.

The TIDA improvements within the public right of way include benches, seating, wayfinding signage, private storm drain force main lines and irrigation sleeves. We intend to utilize our existing vendors for janitorial services for regular cleaning and upkeep, and our existing contract with Public Works to maintain wayfinding signs and the TIDA storm drain force main lines. The funding for the maintenance will initially be from TIDA current operation budget and will come from balance of Community Facility District (CFD) funds in the future.

The maintenance cost for the TIDA assets is difficult to estimate due to the nature of these assets. Staff proposes to set aside budget of \$10,000 a year for maintenance and replacement of the street furniture such as benches and seating as well wayfinding signage.

RECOMMENDATION

Staff recommends the Authority Board:

(1) accept the Developer’s offer of City Improvements, and dedicate City Improvements to public use, and designate applicable City Improvements for street and roadway purposes, and recommend the City Improvements to be considered for dedication and acceptance by the Board of Supervisors;

(2) Accept TIDA improvements within the public right of way on Yerba Buena Island and Treasure Island for maintenance and liability, and dedicate applicable TIDA improvements to public use and to recommend to the Board of Supervisors to acknowledge TIDA’s acceptance of the TIDA improvements.

EXHIBITS

- A a)Map of Public Right of Way on Yerba Buena Island
b)Map of Public Right of Way on Treasure Island
- B. Map of TIDA Improvements within the Public Right of Way to be Accepted on Yerba Buena Island
- C. Maps of TIDA Improvements within the Public Right of Way to be Accepted on Treasure Island
- D. a) Conditional Notice of Completion for YBI Street Improvement Permit 18IE-0330

b) c) Conditional Notice of Completion for TI Street Improvement Permit 18IE-0941, Area A and Area B, d) Conditional Notice of Completion for TI/YBI Water Storage and Pump System. e) Conditional Notice of Completion for TI 12kV Switchyard

E Developer's Acceptance Request Letters and associated Offers (sent via links) to TIDA and City

F a) Draft Public Works Order on Acceptance of City Improvements
b) Draft Public Works Order on BOS Acknowledgement of TIDA Acceptance of TIDA Improvements

G SF Planning General Plan Consistency Determination and CEQA Finding Letter for Yerba Buena Island and Treasure Island