

1 [Acceptance of the Improvement Offers within Right of Way Lands on Yerba Buena Island and
2 Portions of Treasure Island along with Water Tanks and Switchyard Improvements (“City
3 Improvements”), Dedicate the City Improvements to Public Use, Designate the City Improvements
4 for Street and Roadway Purposes or as City Assets Depending on the Improvement, and
5 Recommend to the Board of Supervisors that It Dedicate and Accept for City Maintenance and
6 Liability the City Improvements, Taking Various Acceptance Actions Related to Non-Standard
7 Encroachments on the Right of Way Lands That Are TIDA Assets, and Adopt Environmental
8 Findings]

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10 **RESOLUTION TO (1) ACCEPT DEVELOPER’S OFFER OF THE STREETS ON**
11 **YERBA BUENA ISLAND AND PORTIONS OF TREASURE ISLAND AND DEDICATE**
12 **THEM TO PUBLIC USE, AND DESIGNATE THEM FOR STREET AND ROADWAY**
13 **PURPOSES; (2) ACCEPT DEVELOPER’S OFFER OF THE POTABLE WATER**
14 **STORAGE TANKS AND SWITCHYARD IMPROVEMENTS AND DESIGNATE THEM**
15 **TO PUBLIC USE, (3) RECOMMEND THE BOARD OF SUPERVISORS ACCEPT THE**
16 **STREETS, POTABLE WATER STORAGE TANKS, AND SWITCHYARD**
17 **IMPROVEMENTS, DEDICATE THE STREETS FOR PUBLIC USE AND DESIGNATE**
18 **THEM FOR STREET AND ROADWAY PURPOSES, DESIGNATE THE POTABLE**
19 **WATER STORAGE TANKS AND SWITCHYARD IMPROVEMENTS FOR PUBLIC**
20 **USE AND ACCEPT SUCH IMPROVEMENTS FOR MAINTENANCE AND LIABILITY**
21 **PURPOSES, (4) ACCEPT CERTAIN TIDA OWNED ASSETS ON STREETS,**
22 **DEDICATE SUCH TIDA ASSETS TO PUBLIC USE, ACCEPT SUCH TIDA ASSETS**
23 **FOR MAINTENANCE AND LIABILITY PURPOSES, AND RECOMMEND THE**
24 **BOARD OF SUPERVISORS RECOGNIZE THE AUTHORITY’S ACTION; AND**
25 **(5) ADOPT ENVIRONMENTAL FINDINGS.**

WHEREAS, On June 28, 2011, the Treasure Island Development Authority (the
“**Authority**”) and Treasure Island Community Development, LLC (“**Developer**”) entered into

1 the Disposition and Development Agreement (as amended, “**Treasure Island/Yerba Buena**
2 **Island DDA**” or “**DDA**”); and

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

8 WHEREAS, Under the DDA, Developer is responsible for construction of public
9 improvements within the Project, including (i) improvements located within portions of Avenue
10 of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street,
11 Macalla Road, North Gate Road, Seven Seas Avenue, Signal Road, Treasure Island Road and
12 Yerba Buena Island Road (collectively, the “**Streets**”), such Streets being located in the Final Map
13 parcels described in the staff report accompanying this resolution, (ii) certain non-standard
14 encroachments within the Streets comprised of bike racks, benches, wayfinding signage, private
15 storm drain force main lines, irrigation sleeves, and shuttle stop islands, as more particularly
16 described in the staff report accompanying this resolution (collectively, the “**TIDA Assets**”),
17 (iii) the Yerba Buena Island potable water storage tanks (the “**Water Tanks**”), and (iv) electrical
18 substructures serving a new 12 kilovolt switchyard on Treasure Island (the “**Switchyard**
19 **Improvements**”); together with the Streets, and the Water Tanks, the “**City Improvements**”), all
20 as described in the Street Improvement Permit Nos. 18IE-0330 and 18IE-0941 (for the Streets and
21 the TIDA Assets), Department of Building Inspection Building Permit Nos. 201603111785 and
22 201706300838 (for the Water Tanks), and Department of Building Inspection Electric Permit No.
23 E202203108893 (for the Switchyard); and

24 WHEREAS, As set forth in the Memorandum of Agreement Regarding Ownership and
25 Maintenance of Public Improvements on Treasure Island and Yerba Buena Island between the
Authority and the City, dated April 26, 2017, upon satisfaction of all conditions to acceptance of
the offered improvement, the Authority may accept such improvement completed by Developer

1 with the approval of the Authority Board of Directors (the “**Authority Board**”) and the Board of
2 Supervisors; and

3 WHEREAS, Treasure Island Series 1, LLC (“**TI Series 1**”), an affiliate of Developer and
4 partial assignee of the Developer’s rights and obligations under the DDA, has prepared an
5 irrevocable offer of the Streets and the TIDA Assets to the Authority (the “**TI Series 1 Offer**”), a
6 copy of which are on file with the Secretary of this Board and is incorporated herein by
7 reference; and

8 WHEREAS, Public Works (“**PW**”) has drafted a Public Works Order Nos. XXX and
9 XXX (the “**PW Orders**”), confirming in each that PW has : (1) inspected the City Improvements
10 and the City Engineer, by issuance of a series of Notices of Completion, determined them to be
11 complete in substantial conformity with the approved plans, specifications, and applicable City
12 regulations governing the City Improvements and the TIDA Assets; and (2) determined that the
13 City Improvements and the TIDA Assets are ready for their intended use; and

14 WHEREAS, In each of the PW Orders, the Interim PW Director recommends, and the
15 City Engineer certifies, to the Authority Board and the Board of Supervisors that the City
16 Improvements and the TIDA Assets should be accepted for public use by TIDA and PW further
17 recommends that the Board of Supervisors acknowledge the Authority’s (i) acceptance of
18 ownership of the Streets and the TIDA Assets, (ii) acceptance of the TI Series 1 Offer of the
19 City Improvements and the TIDA Assets, (iii) dedication of the Streets for public use and
20 designation of the Streets for street and roadway purposes, (iv) designation for public use the
21 Water Tanks and the Switchyard Improvements; and (v) recommendation to the Board of
22 Supervisors that the Board of Supervisors accept the Streets, the Water Tanks and the
23 Switchyard Improvements for maintenance and liability subject to TI Series 1’s [conditional]
24 assignment of warranties (“**Assignment of Warranties**”) and dedicate the such improvements
25 for public use. A copy of the TI Series 1 Offer, the Draft PW Orders, and the Assignment of
Warranties are all on file with the Secretary of this Board and are incorporated herein by
reference; and

1 WHEREAS, The Authority will own and dedicate for public use, the TIDA Assets and
2 accept them for maintenance and liability purposes; and

3 WHEREAS, The Authority will own the Streets and designate the Streets for street and
4 roadway purposes and recommend that the Board of Supervisors dedicate the Streets for public
5 use, designate them as open public-right-of-way for street and roadway purposes, and accept them
6 for maintenance and liability purposes; and

7 WHEREAS, The City will own the Water Tanks and the Switchyard Improvements and
8 designate them for public use and accept them for maintenance and liability purposes; and

9 WHEREAS, On April 21, 2011, the City Planning Commission by Motion No. 18325
10 and the Authority Board by Resolution No. 11-14-04/21, as co-lead agencies, certified the
11 completion of the Final Environmental Impact Report (the “**FEIR**”) for the Project; and

12 WHEREAS, On April 21, 2011, the City Planning Commission by Motion No. 18326
13 and the Authority, by Resolution No. 11-15-04/21, adopted environmental findings pursuant to
14 the California Environmental Quality Act with respect to approval of the Project, including a
15 mitigation monitoring and reporting program and a statement of overriding considerations (the
16 “**CEQA Findings**”);

17 WHEREAS, San Francisco Planning Department has drafted a letter of General Plan
18 Consistency Determination and CEQA Findings dated November 1, 2023 (“**SF Planning**
19 **Findings Letter**”) that finds the City Improvements and TIDA Assets are covered within the
20 scope of the FEIR and CEQA Findings and on balance, consistent with the General Plan and
21 Planning Code Section 101.1 Consistency Finding of Planning Commission Motion No. 18328.
22 A copy of the SF Planning Findings Letter is on file with the Secretary of this Board and is
23 incorporated herein by reference; now, therefore, be it

24 RESOLVED, The Authority Board has reviewed and considered the FEIR, the CEQA
25 Findings, and the record as a whole, and finds that the FEIR is adequate for its use for the action
taken by this resolution, and incorporates the CEQA Findings into this resolution; and be it

FURTHER RESOLVED, The Authority Board further finds that since the FEIR was

1 finalized, there have been no substantial project changes and no substantial changes in project
2 circumstances that would require revisions to the FEIR due to the involvement of new significant
3 environmental effects or an increase in the severity of previously identified significant impacts,
4 and there is no new information of substantial importance that would change the conclusions set
5 forth in the FEIR; and be it

6 FURTHER RESOLVED, That the acceptance, operation, and maintenance of the City
7 Improvements and TIDA Assets would not lead to additional or substantially more severe
8 environmental impacts beyond those shown in the FEIR; and be it

9 FURTHER RESOLVED, That the Authority Board accepts the TI Series 1 Offer of City
10 Improvements and TIDA Assets, dedicates them to public use, designates the Streets for street
11 and roadway purposes, and accepts the TIDA Assets for maintenance and liability purposes upon
12 satisfaction of all the following conditions: (i) the execution of the Public Works Orders,
13 (ii) delivery to the Authority of the fully executed TI Series 1 Offer and the Assignment of
14 Warranties, (iii) the items listed in the foregoing clauses (i)—(ii) all in substantially the same
15 form as the drafts filed with the Secretary of this Board, (iv) acknowledgment of the Authority's
16 acceptance of the City Improvements and the TIDA Assets by the Board of Supervisors; and (v)
17 acceptance of the City Improvements by the Board of Supervisors for maintenance and liability
18 purposes; and, be it

19 FURTHER RESOLVED That the Authority Board's acceptance of the offer of the City
20 Improvements and the TIDA Assets is for the City Improvements only, excluding any
21 encroachments that are permitted (other than the TIDA Assets being accepted by the Authority
22 pursuant to this resolution), not permitted, or both; and, be it

23 FURTHER RESOLVED, That the Authority Board recommends that the Board of
24 Supervisors acknowledge the Authority's acceptance of the offer of the City Improvements and
25 TIDA Assets, designation of the Streets for street and roadway purposes, dedication of the City
Improvements and the TIDA Assets to public use, and acceptance of the TIDA Assets only for
maintenance and liability purposes subject to the Assignment of Warranties and the Authority's

1 or any of its successors and/or assigns rights to exercise any right of repair, warranty or guaranty
2 against Developer or its affiliate under a separate agreement; and, be it

3 FURTHER RESOLVED, That the Authority Board recommends to the Board of
4 Supervisors that the Board of Supervisor accept (i) ownership of the Water Tanks and the
5 Switchyard Improvements and (ii) the City Improvements for maintenance and liability purposes
6 subject to the Assignment of Warranties and the City's or any of its successors and/or assigns
7 rights to exercise any right of repair, warranty or guaranty against Developer or its affiliate under
8 a separate agreement; and, be it

9 FURTHER RESOLVED, That the Authority Board authorizes the Treasure Island
10 Director, in consultation with the City Attorney, to take any and all actions which may be
11 necessary or advisable to effectuate the purpose and intent of this resolution, are in the best
12 interests of the Authority, and that do not materially increase the obligations or liabilities of the
13 Authority or materially reduce the rights of the Authority, such determination to be conclusively
14 evidenced by the execution and delivery by the Treasure Island Director of the documents.

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CERTIFICATE OF SECRETARY

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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 November 8, 2023.

Mark Dunlop, Secretary