

1 [Designation of County Surveyor.]

2

3 **Ordinance amending Administrative Code Section 2A.190 and Subdivision Code**
4 **Section 1307 to designate and distinguish the official titles and duties of City Engineer**
5 **and County Surveyor and amending Subdivision Code Sections 1310, 1311, 1320, 1324**
6 **through 1329, 1340, 1355, 1360 through 1364, and 1397 to reassign responsibilities**
7 **from the City Engineer to the County Surveyor.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The San Francisco Administrative Code is hereby amended by amending
13 Section 2A.190, to read as follows:

14 Sec. 2A.190. DEPARTMENT OF PUBLIC WORKS.

15 (a) The Department of Public Works shall administer all capital improvement
16 and construction projects, except projects solely under the Airport, Port, Public Utilities,
17 Recreation and Park and Public Transportation Commissions.

18 (b) All examinations, plans, estimates and construction administration
19 services required by the City and County in connection with any public improvements,
20 exclusive of those made by the Airport, Port, Public Utilities, Recreation and Park and Public
21 Transportation Commissions, shall be made by the Director of Public Works, and the Director
22 shall, when requested to do so, furnish information and data for the use of the Board of
23 Supervisors.

24 (c) The Director of Public Works shall designate a deputy or other employee
25 as City Engineer. The City Engineer shall possess the same power in the City and County ~~it~~

1 ~~making surveys, plats and certificates~~ as is or may from time to time be given by law to city
2 engineers ~~and to county surveyors~~, and the official acts ~~and all plats, surveys and certificates~~ of the
3 City Engineer shall have the same validity and be of the same force and effect as are or may
4 be given by law to those of city engineers ~~and county surveyors~~.

5 (d) The Director of Public Works shall designate a deputy or other employee as County
6 Surveyor. The County Surveyor shall possess the same power in the City and County in making
7 surveys, plats and certificates as is or may from time to time be given by law to county surveyors, and
8 the official acts and all plats, surveys and certificates of the County Surveyor shall have the same
9 validity and be of the same force and effect as are or may be given by law to those of county surveyors.

10 Section 2. The San Francisco Subdivision Code is hereby amended by amending
11 Section 1307, to read as follows:

12 SEC. 1307. GOVERNMENT AGENCIES.

13 (a) "Advisory Agency" and "Director" mean the Director of Public Works.

14 (b) "Bureau of Building Inspection" and "BBI" mean the Bureau of Building
15 Inspection of the Department of Public Works.

16 (c) "Bureau of Engineering" means the Bureau of Engineering of the
17 Department of Public Works.

18 (d) "City Engineer" and "County Engineer" mean the City Engineer and his staff.

19 (e) "City Planning" means the Department of City Planning.

20 (ef) "Clerk" means the Clerk of the Board.

21 (fg) "County," "City," "City and County," "Municipality" and "Local Agency"
22 mean the City and County of San Francisco.

23 (gh) "County Surveyor," ~~"County Engineer" and "City Engineer"~~ means the City
24 Engineer County Surveyor and his staff.

25

1 (Hi) "Governing Body," "Legislative Body" and "Board" mean the Board of
2 Supervisors.

3 Section 3. The San Francisco Subdivision Code is hereby amended by amending
4 Sections 1310 and 1311, to read as follows:

5 SEC. 1310. ADVISORY AGENCY.

6 (a) The Director of Public Works is hereby continued as the Advisory
7 Agency.

8 (b) All maps, plans and reports required by this Code shall be filed with the
9 ~~City Engineer~~ County Surveyor.

10 SEC. 1311. SUBDIVISION REGULATIONS.

11 (a) The County Surveyor and the City Engineer, with the assistance of other
12 City agencies, shall prepare and publish the Subdivision Regulations, including amendments
13 thereto, needed to supplement this Code.

14 (b) Such Regulations, including amendments thereto, shall be adopted by
15 the Director after holding a public hearing. The decision of the Director in adopting the
16 Subdivision Regulations, including amendments thereto, shall be final.

17 Section 4. The San Francisco Subdivision Code is hereby amended by amending
18 Sections 1320 and 1324 through 1329, to read as follows:

19 SEC. 1320. PRE-FILING CONFERENCE.

20 Prior to filing a Tentative Map, the subdivider may elect to submit to the ~~City~~
21 ~~Engineer~~ County Surveyor preliminary maps, plans and other data concerning a proposed
22 subdivision. Within 14 days after the receipt of said material, the ~~City Engineer~~ County Surveyor
23 will hold a conference with the subdivider, City Planning and any other interested agencies to
24 discuss the proposed subdivision. This procedure is optional and does not waive the
25 requirements for filing a Tentative Map.

1 SEC. 1324. FILING.

2 (a) The Application Packet, together with the initial fee payment, shall be filed
3 with the ~~City Engineer~~ County Surveyor.

4 (b) The date of filing shall be the date when a complete Application Packet
5 has been accepted by the ~~City Engineer~~ County Surveyor.

6 (c) Upon date of filing the Application Packet shall become a Public Record.

7 SEC. 1325. REFERRAL TO OTHER AGENCIES.

8 Within three working days after the Application Packet has been filed with the
9 ~~City Engineer~~ County Surveyor, the ~~City Engineer~~ County Surveyor shall forward copies to City
10 Planning, the Bureau of Engineering, the Bureau of Building Inspection, the Human Rights
11 Commission and other appropriate government agencies for their review.

12 SEC. 1326. TIME LIMIT FOR AGENCY REVIEW.

13 (a) The time limit for agency review shall 30 days from the date of receipt by
14 said agency of a copy of the Application Packet.

15 (b) The time limit for agency review may be extended by mutual consent of
16 the subdivider and the ~~City Engineer~~ County Surveyor.

17 SEC. 1327. AGENCY REPORT.

18 Each reviewing agency shall report, in writing, to the ~~City Engineer~~ County
19 Surveyor, with a copy to the subdivider, its findings on and recommendation for approval,
20 conditional approval or denial of an Application Packet. City Planning's report shall include a
21 finding on consistency with the Master Plan. The Bureau of Building Inspection's report shall
22 include a finding on the necessity of a Preliminary Report.

23 SEC. 1328. SUBDIVISION CONFERENCE.

24 Within six days after all agency reports have been received or after expiration of
25 the review time limits or any mutually agreed extension thereof, the ~~City Engineer~~ County

1 Surveyor at his or her discretion may hold a subdivision conference to discuss the reports
2 submitted. Written notice of such conference shall be sent to the subdivider, to all agencies
3 who have submitted a report, and to other persons and organizations who have expressed an
4 interest in the proposed subdivision.

5 SEC. 1329. ~~CITY ENGINEER'S~~ COUNTY SURVEYOR'S CONSOLIDATED REPORT.

6 (a) Whenever a subdivision conference is required, the ~~City Engineer~~ County
7 Surveyor shall submit to the Director a written report on the findings and recommendations
8 discussed in the conference, attaching thereto copies of the reports from other agencies. A
9 copy of said report shall be sent to each participant in the subdivision conference. Said report
10 shall be submitted to the Director within four days after the subdivision conference.

11 (b) Whenever a public hearing is required, the ~~City Engineer~~ County Surveyor
12 shall submit to the Director, with a copy to the subdivider, a written report on the findings and
13 recommendations received from the reviewing agencies, attaching thereto copies of the
14 reports from said agencies. Said report shall be submitted within five days after expiration of
15 the review time limits.

16 Section 5. The San Francisco Subdivision Code is hereby amended by amending
17 Section 1340, to read as follows:

18 SEC. 1340. MONUMENTS.

19 (a) The location and installation of survey monuments shall conform to the
20 standards in the Subdivision Regulations. When such monuments are "tied" to the City or
21 State monuments, for which coordinates of the California Coordinate System are available,
22 the corresponding coordinates for such monuments shall be determined and recorded.

23 (b) All survey monuments shall be installed prior to filing of the Final map or
24 Parcel Map with the ~~City Engineer~~ County Surveyor. In lieu thereof a monument bond shall be
25 filed at that time.

1 Section 6. The San Francisco Subdivision Code is hereby amended by amending
2 Sections 1355 and 1360 through 1364, to read as follows:

3 SEC. 1355. TIME LIMIT FOR SUBMITTAL.

4 Within 18 months after the approval of the Application Packet, unless such time
5 has been extended, the Final Map or Parcel Map shall be filed with the ~~City Engineer~~ County
6 Surveyor.

7 SEC. 1360. CHECK PRINTS.

8 (a) Prior to filing of the Final Map or Parcel Map, the subdivider's engineer
9 shall submit to the ~~City Engineer~~ County Surveyor:

10 (1) Prints of the Final Map sheets or the Parcel Map sheets;

11 (2) A preliminary title report;

12 (3) Traverse sheets, showing the mathematical closure of the exterior
13 boundaries around the subdivision, of each lot boundary in the subdivision, and of boundaries
14 of easements and of dedicated rights-of-way;

15 (4) The Preliminary Soil Report, unless it has been waived; and

16 (5) If the subdivision is subject to City Planning Code Section 313.5,
17 certification from the Director of City Planning or his or her designee that
18 the subdivider has complied with the requirements of City Planning Code
19 Section 313.5(e) and the guidelines adopted by the Director of City
20 Planning.

21 SEC. 1361. MAP CHECK.

22 (a) The ~~City Engineer~~ County Surveyor shall check the prints of the Final Map
23 or the Parcel Map to determine if it substantially conforms to the approved Tentative Map, this
24 Code and SMA.

25

1 (b) If the prints do not substantially conform to the approved Tentative Map,
2 the ~~City Engineer~~ County Surveyor shall refer a set of said prints to City Planning for its review
3 and recommendation.

4 (c) The ~~City Engineer~~ County Surveyor shall send copies of the Preliminary Soil
5 Report to BBI for evaluation.

6 (d) Within 14 days after submittal of 28 days if referral to City Planning is
7 required under Subsection (b) of this Section, the ~~City Engineer~~ County Surveyor shall return a
8 set of the submitted prints, noting therein any required corrections, to the subdivider's
9 engineer.

10 SEC. 1362. FILING.

11 (a) After the check prints have been approved by the ~~City Engineer~~ County
12 Surveyor, the subdivider shall file with the ~~City Engineer~~ County Surveyor:

13 (1) The Final Map or Parcel Map, corrected to its final form, together with the
14 copies specified in the Subdivision Regulations;

15 (2) The bonds that may be required;

16 (3) When applicable, deeds conveying all streets in the subdivision to the
17 City and deeds granting easements for sewers, drains and pedestrian walkways which are not
18 dedicated on the Map;

19 (4) Evidence of title;

20 (5) The recording fee and evidence that all fees required by this Code have
21 been paid; and

22 (6) The corrected Preliminary Soil Report, when required.

23 SEC. 1363. SUBMITTAL TO BOARD.
24
25

1 (a) After obtaining the required certificates on the Final Map, or on the Parcel
2 Map when dedications are included therein, the ~~City Engineer~~ County Surveyor shall submit said
3 Map and the other documents to the City Engineer and Director.

4 (b) After determining that all requirements of SMA and this Code have been
5 met, the City Engineer and Director shall endorse the map and file the same, together with the
6 other documents, with the Clerk.

7 SEC. 1364. RECORDATION.

8 (a) After approval of a Final Map or Parcel Map by the Board, the Clerk shall
9 file said map with the Recorder.

10 (b) After signing a Parcel Map, when no dedications are included therein, the
11 ~~City Engineer~~ County Surveyor shall file said map with the Recorder.

12 (c) No Final Map or Parcel Map for a subdivision governed by this Code shall
13 be recorded unless said Map has been approved by the ~~City Engineer~~ County Surveyor or by
14 the Board as required herein.

15 Section 7. The San Francisco Subdivision Code is hereby amended by amending
16 Section 1397, to read as follows:

17 SEC. 1397. CERTIFICATION OF EXEMPT CONVERSIONS.

18 (a) The conversion of a stock cooperative, as defined in Section 11003.2 of
19 the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil
20 Code, is exempt from the provisions of this Code, including, but not limited to, any annual
21 limitation imposed on the number of conversions to condominiums set forth in Section 1396,
22 upon issuance of a Certificate of Exemption pursuant to this Section, but only if the following
23 requirements are met:

24 (1) At least 51 percent of the units in the cooperative were occupied by
25 stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of

1 the cooperative on January 1, 1981. As used in this paragraph a cooperative unit is
2 “individually owned” if and only if the stockholder of such unit owns or partially owns an
3 interest in no more than one unit in the cooperative; and

4 (2) No more that 25 percent of the shares of the cooperative were owned by
5 any one person, as defined in Section 17, including an incorporator or director of the
6 cooperative, on January 1, 1981.

7 (b) In addition to notice requirements hereafter provided, each tenant of a
8 unit in a stock cooperative that is converting to condominiums shall have the nontransferable
9 right (i) to contract for the purchase of the unit upon the same terms and conditions that such
10 unit will be initially offered to the general public or on terms more favorable to the tenant,
11 which right shall run for a period of not less than 90 days from the date of issuance of the
12 subdivision public report pursuant to Business and Professions Code Section 11018.2 where
13 the building to be converted consists of five or more units, or from the date of issuance of a
14 Certificate of Exemption in the case where the building to be converted consists of four units
15 or less; or (ii) to receive moving expenses, up to a maximum of \$1,000, which right shall
16 extend for 120 days from the date of issuance of a Certificate of Exemption; or (iii) to enter
17 into a one-year lease of the unit; or (iv) as to tenants aged 62 years or older or permanently
18 disabled, to enter into a lease under the terms and conditions set forth in Section 1391(c) of
19 this Code.

20 (c) Applications for a Certificate of Exemption shall be filed with the
21 Department of Public Works and shall contain the following information,

22 based on a declaration under penalty of perjury executed by the applicant that the
23 information provided is, to the best of the applicant's knowledge, correct:

24 (1) A copy of a report of residential record (“3-R Report”) obtained from the
25 Bureau of Building Inspection showing the type of building and the number of units;

- 1 (2) The name and mailing address of the occupant of each unit;
- 2 (3) Identification of any occupant who is a tenant; for purposes of this
- 3 Section, a “tenant” is a person other than a shareholder of the stock cooperative who rents or
- 4 leases a unit in a stock cooperative;
- 5 (4) Verification under penalty of perjury by each non-tenant occupant of a
- 6 unit that he or she is one of the share owners of a stock cooperative, along with documentary
- 7 proof of that status in a form acceptable to the Director.
- 8 (5) Information showing that the applicant meets the requirements for
- 9 exemption under Section 66412(h)(1) and (2) of the SMA.
- 10 (6) Certification that the applicant has provided written notice to every tenant
- 11 of (i) the applicant's intent to convert to condominiums; and (ii) the applicant's intent to seek
- 12 the exemption provided herein; and (iii) the rights afforded tenants of stock cooperatives that
- 13 convert to condominiums pursuant to this Section. The applicant shall also submit a copy of
- 14 the notice provided to the tenants and the date that it was so provided.
- 15 (7) Certification that the applicant (i) will give, prior to issuance of the
- 16 Certificate of Exemption, written notice to each person applying for rental of a unit in the
- 17 building of the tenant rights described in Subsection (4), which notice shall be given prior to
- 18 acceptance of any rent or deposit from the prospective tenant; and (ii) will give written notice
- 19 to all tenants that an application for a public report has been submitted to the Department of
- 20 Real Estate at least 10 days before its submission where the building to be converted consists
- 21 of five or more units; and (iii) will not terminate any tenancy because of a conversion or
- 22 proposed conversion without 180 days' written notice to the tenant. Failure to comply with
- 23 Subsection (i) of this Section will make the applicant subject to payment to the tenant of
- 24 moving expenses and rent as provided in Government Code Section 66452.8.
- 25

1 The applicant shall also provide stamped envelopes addressed to the occupant
2 of every unit in the stock cooperative. Such stamped and self-addressed envelopes shall be
3 furnished to the Department of Public Works at the time of the filing of the application for a
4 Certificate of Exemption.

5 (d) The Director shall determine whether the applicant has met the
6 requirements for exemption set forth in Section 66412(h)(1) and (2) of the SMA and whether a
7 parcel or final map was approved by the legislative body of the City and County of San
8 Francisco. If it is determined that these requirements are not met or that a parcel or final map
9 was so approved, the Director shall deny the application.

10 (e) If the Director determines that an application meets all the requirements
11 described in Subsection (c), that officer shall take the following action:

12 (i) If the applicant has certified that no tenants reside in any of the units, a
13 notice shall be sent to each occupant of the building setting forth the rights of tenants of stock
14 cooperatives that convert to condominiums and stating that the Department intends to issue
15 the applicant a Certificate of Exemption for conversion to condominiums on the grounds that
16 the applicant meets the requirements of Section 66412(h) of the SMA and that no tenants are
17 occupying any of the units in the building. It shall also state that the Certificate of Exemption
18 will be issued within 30 days if no request is made for a hearing to dispute the validity of that
19 action. Upon receipt of a written request, the Director or a designee shall conduct a hearing,
20 after providing notice to the applicant and all occupants of the units, in order to determine
21 whether the Certificate of Exemption should be issued and whether tenant rights have been
22 provided as required herein. If no request for a hearing is made within 30 days of the mailing
23 of such notice, the Director shall issue the Certificate of Exemption.

24 (ii) If the applicant has certified that one or more tenants occupy any unit in
25 the building, the Director shall set a date by which the applicant must comply with the

1 requirements of this Section governing tenant rights, which date shall be not less than 60 days
2 from the date that the applicant notified the tenants of the intent to convert and of the rights
3 afforded to such tenants, and shall provide written notice of that date to the applicant and
4 each occupant of the building.

5 (f) On or after the date set by the Director for compliance by the applicant
6 with the requirements regarding tenant rights, the applicant shall provide the Department of
7 Public Works with respect to each tenant one of the following:

8 (i) A contract executed by every owner of the building and the tenant giving
9 the tenant the right to purchase the unit on the terms set forth above in Subsection (b)(i); or

10 (ii) Written certification by the tenant that the tenant has received money for
11 moving expenses or, in the alternative, a contract between the owner(s) of the building and
12 the tenant in which the owner(s) agree to pay the tenant's moving expenses (which contract
13 may contain a provision that the right to such expenses shall expire after 120 days from the
14 date of issuance of the Certificate of Exemption); or

15 (iii) A lease executed between the owner(s) of the building and the tenant for
16 either one year or, as to elderly or disabled tenants, on the terms set forth in Section 1391(c)
17 of this Code; or

18 (iv) A statement by the applicant that the tenant has been offered each of the
19 tenant rights set forth in this subsection, but has failed to exercise any of those rights.

20 In every contract and lease entered into pursuant to this Section, every owner of
21 the building shall expressly waive the right to assert as a defense to any legal action brought
22 by a tenant for violation of the contract or lease the claim that the contract is unenforceable
23 because it was not based on consideration provided by the tenant.

24 (g) If the applicant has complied with the requirements of this Section
25 governing tenant rights, the Director shall issue the Certificate of Exemption; provided,

1 however, that if any tenant or occupant of the building disputes the validity of that action on
2 the grounds that tenant rights have not been provided as required herein, the Director of a
3 designee shall conduct a hearing, after providing notice to the applicant and the occupant of
4 each unit, in order to determine whether all such rights have been provided. The Certificate of
5 Exemption shall not be issued unless the Director makes the determination that such rights
6 have been provided.

7 (h) All decisions of the director made pursuant to this Section are final
8 administrative determinations.

9 (i) A subdivider, having applied for and been granted a Certificate of
10 Exemption under this Section 1397 and Section 66412(h) of SMA may elect to file a parcel or
11 final map for recordation, in which case such parcel or final map shall be filed with the
12 Department of Public Works for the sole purpose of recordation. Unless the subdivider
13 requests approval of such data by the ~~City Engineer~~ County Surveyor, it shall bear a certificate
14 on the title sheet of the map, signed by the ~~City Engineer~~ County Surveyor, certifying that this
15 map is filed under provisions of the Certificate of Exemption procedure for the sole purpose of
16 recordation, and that approval of the technical and engineering data shown thereon is not
17 implied. Such parcel or final map shall be signed by all parties having any record title interest
18 in the real property subdivided. If the map is not signed by all of the stockholders, the person
19 or persons signing shall produce evidence satisfactory to the Director that they are authorized
20 to sign on behalf of the stock cooperative.

21 (j) A fee of \$500 shall be charged for investigating and processing an
22 application for Certificate of Exemption for converting a stock cooperative consisting of four
23 units or less to condominiums and all other costs incidental thereto.

24
25

1 A fee of \$800 shall be charged for investigating and processing an application
2 for Certificate of Exemption for converting a stock cooperative consisting of five units or more
3 to condominiums and all other costs incidental thereto.

4 (k) A fee of \$200 shall be charged for processing and filing a parcel or final
5 map, excluding any recordation fee charged by the Office of the Recorder; provided, however,
6 that if the subdivider requests approval of the technical and engineering data shown on a
7 parcel or final map, the fee shall be the same as that charged for the processing and filing of a
8 condominium map.

9 (l) Fees charged under Subsections (j) and (k) above shall be payable to the
10 Department of Public Works and shall be paid at the time of filing the application for Certificate
11 of Exemption, or at the time of filing the parcel or final map, whichever is applicable. Said fees
12 shall be nonrefundable.

13 (m) Funds received under Subsections (j) and (k) above shall be deposited in
14 the Subdivision Fund created by Section 1315(c) of this Code and shall be governed by the
15 provisions specified therein.

16 (n) Section 1315(b) of this Code shall be applicable to the payment of fees
17 under Section 1397 of said Code as well.

18 RECOMMENDED:
19 DEPARTMENT OF PUBLIC WORKS

20 _____
21 Edwin M. Lee
22 Director of Public Works

23 APPROVED AS TO FORM:
24 DENNIS J. HERRERA, City Attorney

25 By: _____
John D. Malamut
Deputy City Attorney