

1 [Subdivision Code - Treasure Island/Yerba Buena Island]

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3 **Ordinance amending the San Francisco Subdivision Code to add Division 4 pertaining**
4 **to the subdivision process applicable to development within the Treasure Island/Yerba**
5 **Buena Island Project Site described in the Development Agreement between the City**
6 **and County of San Francisco and Treasure Island Community Development, LLC,**
7 **relative to Naval Station Treasure Island, including the establishment of a procedure for**
8 **reviewing and filing vesting tentative transfer maps; and making findings, including**
9 **~~General Plan consistency findings and Section 101.1 findings, and environmental~~**
10 **findings.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are *strike-through italics Times New Roman*.
13 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

15 Section 1. Findings.

16 (a) In conjunction with the Ordinance to adopt the Development Agreement between
17 the City and County of San Francisco and Treasure Island Community Development, LLC
18 Relative to Naval Station Treasure Island , a copy of which is on file with the Clerk of the
19 Board of Supervisors in File No. 110226 (the "Development Agreement"), this Ordinance
20 amends the San Francisco Subdivision Code in regard to the Treasure Island and Yerba
21 Buena Island Project Site as described in the Development Agreement.

22 (b) The Planning Department has determined that the actions contemplated in this
23 Ordinance comply with the California Environmental Quality Act (Public Resources Code
24 Sections 21000 et seq.). A copy of said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 110328 and is incorporated herein by reference.

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(c) In accordance with the actions contemplated herein, this Board adopted Resolution No. _____, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said Resolution is on file with the Clerk of the Board of Supervisors in File No. 110328 and is incorporated herein by reference.

~~(d) The Board of Supervisors finds that this Ordinance is in conformity with the Priority Policies of Section 101.1 of the Planning Code and, on balance, consistent with the General Plan as it is proposed for amendment, and hereby adopts the findings set forth in Planning Commission Resolution No. _____ and incorporates such findings by reference as if fully set forth herein.~~

Section 2. The San Francisco Subdivision Code is hereby amended by adding the title of Division 4, Sections 1700, 1701, 1702, 1703, 1704, 1704.1, 1705, 1706, 1707, 1710, 1711, 1712, 1712.1, 1712.2, 1713, 1714, 1715, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1733.1, 1733.2, 1733.3, 1733.4, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1745, 1746, 1747, 1748, 1749, 1749.1, 1751, 1751.1, 1751.2, 1755, 1755.1, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1770, 1771, and 1772 to read as follows:

DIVISION 4: TREASURE ISLAND AND YERBA BUENA ISLAND SUBDIVISION CODE

SEC. 1700. TITLE.

This Chapter shall be known as the "Subdivision Code of the City and County of San Francisco for Treasure Island and Yerba Buena Island" (hereinafter referred to as this "Code") and applies only to the areas designated in the Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC Relative to Naval Station Treasure Island (the

1 "Development Agreement") as the Project Site (hereinafter referred to as the "Treasure Island and
2 Yerba Buena Island Project Site").

3 **SEC. 1701. AUTHORITY AND MANDATE.**

4 (a) This Code is adopted pursuant to the Subdivision Map Act of California, Title 7, Division 2
5 of the Government Code, commencing with Section 66410 (hereinafter referred to as "SMA").

6 (b) Any amendments to SMA, adopted subsequent to the effective date of this Code, shall not
7 invalidate any provisions of this Code, except to the extent that such amendments are inconsistent with
8 the Code.

9 (c) Subject to the procedures and requirements for development in the Treasure Island and
10 Yerba Buena Island Project Site set forth in the ~~Plan Documents and Project Documents~~, as defined
11 herein, this Code shall govern in relation to all other City Regulations to the extent such regulations
12 are inconsistent. Except as required by the SMA, in the event of any inconsistency or conflict between
13 the provisions of this Code and the ~~PlanProject Documents~~, the ~~Plan Documents and Project~~
14 Documents shall control. All applications for Tentative Maps, Vesting Tentative Maps, Parcel Maps
15 and Final Maps shall be consistent with the ~~Plan Documents~~, ~~Project Documents~~ and City
16 Regulations.

17 (d) This Code and the regulations adopted pursuant to this Code shall apply to all subdivisions
18 hereafter made within the Treasure Island and Yerba Buena Island Project Site. At any time after the
19 termination of the Development Agreement, the Board of Supervisors by Ordinance, may take action to
20 repeal this Subdivision Code. Upon repeal, all the subdivisions in the Treasure Island and Yerba
21 Buena Island Development Project Site shall be governed by the San Francisco Subdivision Code and
22 applicable regulations unless otherwise specified.

23 **SEC. 1702. PURPOSES.**

24 (a) This Code is enacted to establish procedures and requirements for the control and approval
25 of subdivision development within the Treasure Island and Yerba Buena Island Project Site of the City

1 and County of San Francisco in accordance with SMA, ~~the Plan Documents and the Project~~
2 Documents.

3 (b) This Code is enacted to accomplish the following purposes in accordance with the
4 procedures and requirements for the control and approval of development of the Treasure Island and
5 Yerba Buena Island as set forth in ~~the Plan Documents and the Project Documents~~ :

6 (1) To provide policies, standards, requirements, and procedures to regulate and control the
7 design and improvement of all subdivisions within the Treasure Island and Yerba Buena Island Project
8 Site, and to ensure that all subdivisions are built to City standards consistent with the ~~Plan~~
9 Documents, Project Documents and City Regulations;

10 (2) To assist in implementing the objectives, policies, and programs of the General Plan by
11 ensuring that all proposed subdivisions, together with the provisions for their design and improvement,
12 are consistent with the General Plan of the City;

13 (3) To preserve and protect, to the maximum extent possible, the unique and valuable natural
14 resources and amenities of the City's environment, including topographic and geologic features, open
15 space lands, waterfront recreational areas, fish and wildlife habitats, historical and cultural places,
16 and scenic vistas and attractions; and, to maximize the public's access to and enjoyment of such
17 resources and amenities through the dedication or continuance of applicable easements thereto;

18 (4) To relate land use intensity and population density to street capacity and traffic access, the
19 slope of the natural terrain, and the availability of public facilities and utilities and open space;

20 (5) To provide lots of sufficient size and appropriate design for the purposes for which they are
21 to be used;

22 (6) To provide streets of adequate capacity and design for anticipated uses and to ensure
23 maximum safety for pedestrians and vehicles;

24 (7) To ensure adequate access to each building parcel;

1 (8) To provide sidewalks, and where needed, pedestrian ways, bicycle paths, hiking paths, and
2 jogging trails for the safety, convenience, and enjoyment of the residents of new developments;

3 (9) To provide adequate systems of water supply, sanitary sewage disposal, storm drainage,
4 street lighting, Transportation Infrastructure, and other utilities needed for the public health, safety
5 and convenience;

6 (10) To provide adequate sites for public facilities needed to serve the residents of new
7 developments;

8 (11) To ensure that land is subdivided in a manner that will promote the public health, safety,
9 convenience, and general welfare in conformance with the ~~Plan Documents,~~ Project Documents and
10 City Regulations.

11 **SEC. 1703. SCOPE.**

12 (a) This Code supplements the SMA, prescribing rules, regulations and procedures authorized
13 therein.

14 (b) The necessity for Tentative Maps, Final Maps and Parcel Maps shall be governed by this
15 Section and the SMA.

16 (c) For subdivisions creating five or more parcels or units, the following Maps shall be
17 required pursuant to this Code and the SMA.

18 (1) A Tentative Map and a Final Map shall be required for all such subdivisions except those
19 coming within the exceptions set forth in Section 66426 of the SMA.

20 (2) A Tentative Map and a Parcel Map shall be required for all subdivisions coming within the
21 exceptions set forth in Section 66426 of the SMA.

22 (d) For subdivisions creating fewer than five parcels or units, no Tentative Map shall be
23 required except as provided in Section 1733.1(a) for Vesting Tentative Maps and except where the
24 Director deems a Tentative Map would be appropriate and the applicable City Regulations for the
25 subject property would permit development at a density such that the subject property, or any portion

1 thereof, may be resubdivided in a manner which would ultimately permit five or more parcels on the
2 subject property. In all other subdivisions creating fewer than five parcels or units, a Parcel Map
3 containing the information specified by Section 1758 of this Code and the SMA shall be required. Said
4 Parcel Map shall be filed with the Director and recorded according to the procedure set forth in
5 Sections 1758 through 1763 of this Code.

6 (e) No Tentative Map, Final Map or Parcel Map shall be required for those specific types of
7 subdivisions exempted by Sections 66412 and 66428 of the SMA; provided, however, that with respect
8 to subdivisions described in Subsection (h) of Section 66412 of the SMA, certification pursuant to the
9 provisions of Section 1397 of the City's Subdivision Code must be obtained.

10 (f) The Director may waive the requirement of a Parcel Map for any improved or unimproved
11 land shown on the latest equalized County assessment roll as contiguous units or parcels where the
12 units or parcels have been subdivided legally and comply with the requirements as to lot width and
13 area, improvement and design, floodwater drainage control, appropriate improved public roads,
14 sanitary disposal facilities, water supply availability and environmental protection.

15 (g) Nothing herein shall preclude the approval and filing of Subdivision Maps for purposes of
16 financing and conveyancing only as provided in Section 1712.1.

17 **SEC. 1704. ENFORCEMENT.**

18 (a) It is unlawful for any person, firm, corporation, partnership or association to offer or
19 contract to sell, lease, finance, or construct any building for sale, lease or financing on any parcel or
20 parcels of real property for which a Final Map or a Parcel Map is required unless and until a Final
21 Map or Parcel Map in full compliance with the provisions of this Code and the SMA, has been duly
22 recorded in the office of the Recorder of the City and County of San Francisco. This Section does not
23 prohibit an offer or contract to sell, lease, or finance any parcel or parcels of real property where the
24 sale, lease or financing is expressly conditioned upon the filing, approval and recordation of a Final or

1 Parcel Map, where the SMA otherwise allows an offer or contract to sell, lease, or finance, or where
2 the SMA is inapplicable.

3 (b) All departments, officials and public employees of the City, City Agencies or the agency
4 vested with the duty or authority to approve or issue permits, shall act consistent with the provisions of
5 this Code the ~~Plan Documents~~, ~~Project Documents~~ and City Regulations, and shall neither approve
6 nor issue any permit or license for use, construction, or purpose in conflict with the provisions of this
7 Code, the ~~Plan Documents~~, ~~Project Documents~~ or City Regulations. Any such permit or license
8 issued in conflict with the provisions of this Code, ~~the Plan Documents~~, ~~the Project Documents~~ or the
9 City Regulations shall be null and void. No conditions shall be imposed on or in connection with
10 Tentative Maps, Vesting Tentative Maps, Parcel Maps or Final Maps, including improvements plans
11 and Improvement Agreements, that conflict with the ~~Plan Documents~~, ~~Project Documents~~ or City
12 Regulations.

13 (c) Any Subdivider, agent of a Subdivider, successor in interest of a Subdivider, tenant,
14 purchaser, builder, contractor or other person who violates any of the provisions of this Code or any
15 conditions imposed pursuant to this Code, or who knowingly submits incorrect information to endeavor
16 to mislead or misdirect efforts by City Agencies in the administration of this Code, shall be deemed
17 guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$2,000
18 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned. Each day
19 such violation is committed or permitted to continue shall constitute a separate offense and shall be
20 punishable as such hereunder.

21 (d) The Director shall have the authority to enforce this Code against violations thereof in
22 accordance with Chapter 7, Sections 66499.30 et seq. of the SMA. The City shall not issue a permit or
23 grant any approval necessary to develop any real property which has been divided, or which has
24 resulted from a division, in violation of the provisions of this Code or the SMA if it finds that
25 development of the real property is contrary to the public health, safety or welfare. The authority to

1 deny a permit or approval shall apply whether the Applicant was the owner of the real property at the
2 time of the violation or whether the Applicant is the current owner of the real property, with or without
3 actual or constructive knowledge of the violation at the time of the acquisition of interest in the real
4 property. Whenever the City has knowledge that property has been divided in violation of the
5 provisions of the SMA or this Code, the Director shall process a notice of violation and meet and
6 confer with the owner pursuant to SMA Section 66499.36.

7 **SEC. 1704.1 CERTIFICATE OF COMPLIANCE.**

8 (a) Any person owning real property or a vendee of that person pursuant to a contract of sale
9 of the real property, may request the Director to determine whether the real property complies with the
10 provisions of this Code and the SMA. The Director shall forward the request to the City Attorney for
11 review.

12 (b) Upon making a determination of compliance, the Director shall, in accordance with
13 Section 66499.35 of the SMA, cause a certificate or conditional certificate of compliance to be filed for
14 record with the County Recorder. The certificate of compliance shall identify the real property and
15 shall state that the division of land complies with applicable provisions of this Code and the SMA.

16 (c) A recorded Final or Parcel Map shall constitute a certificate of compliance with respect to
17 the parcels of real property described therein.

18 (d) If the Director determines that the real property does not comply with the provisions of this
19 Code or the SMA the Director shall issue a conditional certificate of compliance. In issuing a
20 conditional certificate of compliance the Director may impose such conditions (including but not
21 limited to filing an application for a corrected Tentative, Final or Parcel Map) as would have been
22 applicable to the division of the property at the time the Applicant acquired his or her interest therein,
23 and which had been established at such time by this Code or the SMA. Where the Applicant was the
24 owner of record at the time of the initial violation of the provisions of this Code or of Regulations
25 enacted pursuant thereto who by a grant of real property created a parcel or parcels in violation of this

1 Code or the SMA, and that person is the current owner of record of one or more of the parcels which
2 were created as a result of the grant in violation of this Code or the SMA, then the Director may impose
3 any conditions which would have been applicable to a current division of the property.

4 **SEC. 1705. SEVERABILITY.**

5 (a) If any Article, Section, subsection, paragraph, sentence, clause or phrase of this Code, or
6 any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of
7 competent jurisdiction, or other competent agency, such decisions shall not affect the validity or
8 effectiveness of the remaining portions of this Code or any part thereof. The Board of Supervisors
9 hereby declares that it would have passed each Article, Section, subsection, paragraph, sentence,
10 clause or phrase thereof, irrespective of the fact that any one or more Articles, Sections, subsections,
11 paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

12 (b) If the application of any provision or provisions of this Code to any person, property or
13 circumstances is found to be unconstitutional, invalid or ineffective in whole or in part by any court of
14 competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the
15 person, property or circumstances immediately involved in the controversy and the application of any
16 such provisions to other persons, properties and circumstances shall not be affected.

17 (c) This Section shall apply to this Code as it now exists and as it may exist in the future,
18 including all modifications thereof and additions and amendments thereto.

19 **SEC. 1706. GENERAL.**

20 Officials and agencies referred to in this Code and in the SMA are officials and agencies of the
21 City and County of San Francisco and TIDA, unless the contrary is either stated or implied.
22 Capitalized terms unless separately defined in this Code have the meanings and content set forth in ~~the~~
23 Plan Documents and ~~the~~ Project Documents.

24 **SEC. 1707. TERMINOLOGY.**

25 (a) "Advisory Agency" means the Director of the City Department of Public Works.

1 (b) "Application Packet" shall mean the Tentative Map together with all documents,
2 statements and other materials that are required as attachments thereto.

3 (c) "Bureau of Engineering" means the City Bureau of Engineering of the Department of Public
4 Works.

5 (d) "City Agencies" means the City and, where appropriate, all city departments, agencies,
6 boards, commissions, and bureaus with subdivision or other permit, entitlement, review or approval
7 authority or jurisdiction over any major phase or project within the Treasure Island and Yerba Buena
8 Island Project Site or any portion thereof.

9 (e) "City Regulations" shall mean ordinances, resolutions, initiatives, rules, regulations, and
10 other official City and TIDA policies applicable to and governing the overall design, construction, fees,
11 use, or other aspects of development within the Treasure Island and Yerba Buena Island Project Site to
12 the extent applicable pursuant to the ~~Plan Documents and Project Documents~~, which City
13 Regulations shall include, without limitation, this Code and the Subdivision Regulations adopted
14 hereunder.

15 (f) "City" means the City and County of San Francisco.

16 (g) "Clerk" means the Clerk of the Board of Supervisors for the City.

17 (h) "Code" means this Treasure Island and Yerba Buena Island Subdivision Code.

18 (i) "County Surveyor," "County Engineer" and "City Engineer" mean the Director and his or
19 her staff.

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

22 (k) "Department of Building Inspection" and "DBI" mean the City Department of Building
23 Inspection.

24 (l) "Department of Public Works" means the City Department of Public Works.

1 (m) "Design for Development" means the Treasure Island and Yerba Buena Island Design for
2 Development, adopted by the Planning Commission and TIDA, as amended from time to time.

3 (n) "Development Agreement" means that certain Development Agreement between the City
4 and County of San Francisco and Treasure Island Community Development, LLC Relative to Naval
5 Station Treasure Island, on file with the Clerk of the Board of Supervisors in File No. 110226, as it may
6 be amended from time to time.

7 (o) "Director" means the Director of the City Department of Public Works.

8 (p) "DDA" means the Disposition and Development Agreement entered into between TIDA and
9 Treasure Island Community Development, LLC, on file with the Clerk of the Board of Supervisors in
10 File No. 110291.

11 (q) "Final Map" shall mean a map prepared in accordance with Chapter 2, Article 2 of the
12 SMA and this Code, which map is designed to be placed on record in the office of the Recorder.

13 (r) "General Plan" means the City's General Plan, including the Treasure Island / Yerba
14 Buena Island Area Plan, an area plan of the City's General Plan.

15 (s) "Governing Body," "Legislative Body" and "Board" mean the City Board of Supervisors.

16 (t) "Government Agencies" means State, federal, regional or local governmental agencies,
17 other than City Agencies, having or claiming jurisdiction over all or portions of the Treasure Island
18 and Yerba Buena Island Project Site or aspects of its development.

19 (u) "Improvement Plan" shall mean an engineering plan or a set of engineering plans
20 showing the location and construction details of improvements.

21 (v) "Parcel Map" shall mean a map prepared in accordance with Chapter 2, Article 3 of the
22 SMA and this Code, which map is designed to be placed on record in the office of the Recorder.

23 (w) "Plan Documents" means the Plan, and its implementing documents, including
24 without limitation, the Treasure Island and Yerba Buena Island Special Use District and
25 Design for Development.

1 ~~(x)~~ "Planning Department" means the City Department of Planning.

2 ~~(x)~~ ~~(y)~~ "Planning Director" shall mean the City Director of Planning.

3 (y) "Project" means the project as defined in the Development Agreement.

4 (z) "Project Documents" means the Project, the Development Agreement, the Treasure
5 Island and Yerba Buena Island Special Use District and Design for Development, the DDA,
6 and their respective implementing documents, including without limitation, the Infrastructure Plan,
7 Design Review and Document Approval Procedure, Interagency Cooperation Agreement and Vertical
8 DDAs.

9 (aa) "Public Improvement" means all improvements required pursuant to Article 5 of this
10 Code, the Plan Documents, Project Documents, City Regulations and any additional improvements
11 for the benefit of the public required as a condition of approval of a Tentative Map, consistent with the
12 Plan Documents, Project Documents and City Regulations.

13 (bb) "Standard Specifications" shall mean the 1986 Standard Plans and 1987 Standard
14 Specifications of the Department of Public Works, Bureau of Engineering, including any modifications
15 thereof as set forth in the Subdivision Regulations.

16 (cc) "Subdivider" or "Applicant" shall mean the owner of real property, or the owner's
17 authorized agent or representative, who applies for, or obtains, approval to subdivide such real
18 property.

19 (dd) "Subdivision" shall mean, in accordance with Government Code Section 66424 and
20 subject to the exclusions described in the SMA, including Government Code Section 66412, the division
21 of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or
22 as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property
23 shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or
24 railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351(f) of
25 the California Civil Code or a community apartment project, as defined in Section 1351(d) of the

1 California Civil Code. Any conveyance of land to a governmental agency, public entity, public utility
2 or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes
3 of computing the number of lots. Subdivision does not include a lot line adjustment.

4 (ee) "Subdivision Code" means the City's Subdivision Code.

5 (ff) "Subdivision Regulations" means regulations adopted by the Department of Public Works
6 pursuant to Section 1711 hereof, as needed to implement and supplement this Code in accordance with
7 the SMA, this Code, and the Project Documents.

8 (gg) "Tentative Map" shall mean a map made for the purpose of showing the design of a
9 proposed subdivision and the existing conditions in and around it; such a map need not be based upon
10 an accurate or detailed final survey of the property.

11 (hh) "TIDA" means the Treasure Island Development Authority, acting by and through its
12 Executive Director, unless expressly stated otherwise.

13 (ii) "Transportation Infrastructure" shall mean all improvements and technology necessary
14 for the provision and maintenance of transportation and public transit services that are under the
15 jurisdiction of the San Francisco Municipal Transportation Agency ("SFMTA"), including but not
16 limited to: vehicular traffic and transit signaling and signs; pedestrian traffic controls; overhead
17 traction power cabling and supports, street lighting supports; wayside control and communication
18 systems and devices; electrical substations, junction boxes, underground conduits and duct banks;
19 transit stops; operator restrooms; street and curb striping; and parking meters and other parking
20 control devices. All elements of Transportation Infrastructure are Public Improvements.

21 (jj) "Treasure Island and Yerba Buena Island Project Site " means all of the Project Site as
22 described in the Development Agreement.

23 (kk) "Vertical DDA" means any Vertical DDA or Vertical LDDA as contemplated under the
24 DDA.

1 (ll) "Vesting Tentative Map" shall mean a tentative map which has been filed, processed and
2 approved in accordance with the Vesting Tentative Map Statute, Government Code Sections 66498.1 et
3 seq., and this Code and which shall have at the time of filing printed conspicuously on its face the
4 words "Vesting Tentative Map."

5 **SEC. 1710. ADVISORY AGENCY.**

6 (a) The Director is the Advisory Agency for all purposes hereunder and under the SMA.

7 (b) All maps, plans and reports required by this Code shall be filed with the Director.

8 **SEC. 1711. SUBDIVISION REGULATIONS.**

9 (a) The Director, with the assistance of other City Agencies, shall prepare and publish the
10 Treasure Island and Yerba Buena Island Subdivision Regulations ("Subdivision Regulations") needed
11 to implement and supplement this Code in accordance with the SMA, this Code, ~~the Plan Documents,~~
12 the Project Documents and City Regulations. Subdivision Regulations may be adopted to apply to all
13 or part of the Treasure Island and Yerba Buena Development Project Site.

14 (b) Such Subdivision Regulations shall be adopted or amended by the Director after holding
15 a public hearing. Prior to the decision of the Director to amend or adopt the Subdivision Regulations,
16 TIDA shall find such regulations consistent with the DDA.

17 **SEC. 1712. EXCEPTIONS.**

18 (a) Upon written application by the Subdivider, the Director, subject to the SMA, may
19 authorize exceptions, waivers or deferrals to any of the requirements set forth in this Code and in the
20 Subdivision Regulations.

21 (b) Before granting any such exception, waiver, or deferral, in whole or in part, the Director
22 must find:

23 (1) That the application of certain provisions of this Code or the Subdivision Regulations would
24 result in practical difficulties or unnecessary hardships affecting the property inconsistent with the
25 general purpose and intent of the ~~Plan Documents,~~ Project Document and City Regulations;

1 (2) That the granting of the exception, waiver, or deferral will not be materially detrimental to
2 the public welfare or injurious to other property in the area in which said property is situated; and

3 (3) That the granting of such exception, waiver, or deferral will not be contrary to the ~~Plan~~
4 ~~Documents~~, ~~Project Documents~~ or ~~City Regulations~~.

5 (c) In granting any such exception, waiver, or deferral, the Director shall designate the
6 conditions under which the exception is granted.

7 (d) The Director shall not grant any exceptions in violation of the SMA.

8 (e) The standards and requirements of this Code and the Subdivision Regulations shall, where
9 necessary, be modified by the Director where the Director finds such modifications are necessary to
10 assure conformity to and achievement of the standards and goals of the ~~Plan Documents~~ and
11 applicable ~~Project Documents~~.

12 (f) If the Director elects to hold a public hearing with respect to an application for exception,
13 waiver, or deferral, the Director shall give notice not less than 10 days and no more than 15 days prior
14 to the hearing date as provided in Subsection (a) of Section 1713.

15 **SEC. 1712.1. CONVEYANCING OR FINANCE MAPS.**

16 A Subdivider may file Tentative Maps and Final Maps or Parcel Maps for the purpose of
17 financing and conveyancing only (hereinafter referred to as a "Transfer Map").

18 (a) When a Subdivider submits a Tentative Map or Parcel Map application for a Transfer Map,
19 the proposed map shall have printed conspicuously on its face "FOR PURPOSES OF FINANCING
20 AND/OR CONVEYANCING ONLY."

21 (b) Except as provided in subsection (f) below and unless otherwise required by the SMA, a
22 Transfer Map shall not be subject to any requirement or condition for the provision of Improvement
23 Plans, grading or construction plans, Public Improvements, or any infrastructure, as may be described
24 in the Project Documents, that will be provided in connection with subsequent or concurrent City
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1 permits, subdivision or parcel maps and Improvement Plans. Except as described above, an
2 Improvement Agreement, as defined herein, shall not be required in connection with a Transfer Map.

3 (c) The Final or Parcel Map for a Transfer Map shall contain notes, restrictions, references or
4 conditions as approved by the City, which may, among other things, prohibit development on the
5 parcels absent compliance with the ~~Plan Documents~~, Project Documents and all other applicable
6 City Regulations.

7 (d) No Transfer Map may be approved without TIDA approval.

8 (e) Approval of a Transfer Map shall not be deemed to permit any development of, or
9 construction on, a parcel.

10 (f) Multiple Final Maps relating to an approved or conditionally approved Tentative Transfer
11 Map may be filed prior to the expiration of the Tentative Transfer Map if the Subdivider files a notice
12 pursuant to Section 1722(d)(1)(vi) or, after the filing of the Tentative Transfer Map, the Subdivider and
13 Director (after consulting with TIDA) concur in the filing of multiple Final Maps. Subject to the
14 provisions of SMA Section 66463.1 and 66456.1 and all other applicable provisions of this Code, the
15 Director shall grant a Certificate of Approval of Multiple Final Maps at the time the Director approves
16 a Tentative Transfer Map so long as the Tentative Transfer Map: (1) applies only to property that is
17 subject to a disposition and development agreement with TIDA that contains an approved phasing plan,
18 land use plan, schedule of performance, and infrastructure plan; and (2) is consistent with such
19 phasing plan, land use plan, schedule of performance, and infrastructure plan. The provisions of
20 Section 1755.1 shall not apply to Tentative Transfer Maps or to multiple Final Maps that are proposed
21 to be recorded based on Tentative Transfer Maps.

22 (g) The Director may waive certain submittal requirements for Tentative Maps for a Transfer
23 Map application in accordance with Section 1722(c) hereof.

24 **SEC. 1712.2. LOT LINE ADJUSTMENTS.**

1 "Lot line adjustment" shall have the meaning as described in Government Code Section 66412.
2 Applications for lot line adjustments shall be considered by the Director consistent with the provisions
3 of Government Code Section 66412.

4 **SEC. 1713. NOTICE AND HEARING.**

5 (a) The Director shall give notice in the following manner for each application for a Tentative
6 Map or for a Parcel Map for which a Tentative Map is not required, and an application for an
7 exception, waiver, or deferral filed pursuant to Section 1712 if the Director elects to hold a hearing
8 under Section 1712(f).

9 (1) Notice of the Director's receipt of an application shall be published in at least one
10 newspaper of general circulation within the City and County of San Francisco.

11 (2) Notice of the Director's receipt of the application shall be mailed or delivered to each local
12 agency expected to provide or approve water, sewage, streets, roads, schools, or other essential
13 facilities or services to the project, whose ability to provide those facilities and services may be
14 significantly affected.

15 (3) Notice of the Director's receipt of the application shall be mailed or delivered to any person
16 who has filed a written request for notice with the Director's office.

17 (b) If the Director is required or elects to hold a public hearing with respect to an application,
18 he or she shall give notice not less than 10 days prior to the hearing date as provided in Subsection (a)
19 of this Section, including providing notice to any person that requested a hearing. No public hearing
20 shall be held until after Government Agencies' and City Agencies' comments are received or the time
21 period for receiving such comments has run, whichever occurs first, and the Director has provided a
22 written report in accordance with Section 1729.

23 (c) All applications for a Tentative Map, or for a Parcel Map for which a Tentative Map is not
24 required, shall include, in addition to all other information required:

1 (1) A list of the names, assessor's lot and block numbers and mailing addresses of all those
2 shown in the last equalized assessment roll as owning property within 300 feet of the property proposed
3 to be subdivided.

4 (2) A 300-foot radius map delineating all the properties described in Subsection (c)(1).

5 (3) One set of stamped envelopes preaddressed to each of the listed property owners, suitable
6 for mailing notice of any hearing or appeal thereon. Blank Department of Public Works envelopes will
7 be furnished to a proposed Subdivider on request. Unused envelopes will be returned to the proposed
8 Subdivider on request.

9 (d) Any Department of Public Works hearing required or permitted by this Code may, at the
10 discretion of the Director, be held jointly with the Planning Department. The provisions of this Section
11 shall be superseded by those of any amendment to California Government Code Sections 65090 or
12 65091, or by any provision of the SMA, should the amended provisions require additional notice.

13 (e) Applications for Tentative and Parcel Maps shall be processed in compliance with the ~~Plan~~
14 Documents, Project Documents, City Regulations, California Government Code Sections 65920 to
15 65963.1 and any applicable Government Code Section amendments.

16 **SEC. 1714. APPEALS.**

17 (a) The proposed Subdivider, or any person, may appeal to the Board from a final decision of
18 the Director approving, conditionally approving, or disapproving a Tentative Map, or a Parcel Map
19 for which a Tentative Map is not required. Any such appeal must be filed in writing with the Clerk of
20 the Board within 10 days of the date of the decision appealed, and must be accompanied by the fee
21 specified in this Code.

22 (b) The Director shall mail or deliver to the proposed Subdivider, and any person who owns
23 property within 300 feet of a proposed subdivision, notice of: (1) his or her decision, and the findings in
24 support of such decision, on any Tentative Map, or Parcel Map for which a Tentative Map is not
25

1 required, and of any conditions which may have been incorporated in a conditional approval; (2) the
2 right to appeal the Director's decision; and (3) the availability for examination of the Director's report.

3 (c) With respect to appeals under this Section, the Board shall schedule a hearing on the
4 appeal to be held within 30 days after the appeal has been filed, and shall give notice as provided in
5 Sections 1713(a), and to the persons entitled to notice of the Director's decision under Section 1714(b).

6 **SEC. 1715. FEES.**

7 (a) Fees, payable to the Department of Public Works, shall be charged for checking and
8 processing all maps, plans and reports, including all condominium maps and Parcel Maps, filed under
9 this Code. Said fees shall consist of an initial payment in accordance with the estimated actual cost of
10 checking the maps, plans and reports, together with investigations incidental thereto, and shall be paid
11 before or at the time of filing a Tentative Map or a Parcel Map. Where initial payment is insufficient to
12 compensate the actual cost incurred, an additional sum shall be charged to equal such actual cost.
13 Fees for Parcel Maps, excepting condominium maps, which do not require the filing of a Tentative
14 Map, and which do not involve street dedications or improvements, and for Parcel Map waivers shall
15 be charged for checking and for processing in accordance with the City's Subdivision Code. All such
16 fees for Parcel Maps shall be paid at time of filing. Fees based on the actual cost of processing shall
17 be charged to (1) the person requesting a certificate of compliance for processing and making a
18 determination on the request, (2) the owner of the property who files a petition for initiating reversion
19 to acreage proceedings for processing the petition and (3) the Subdivider for checking, processing and
20 recording an amended map or certificate of correction.

21 (b) A fee of \$250 shall be charged to the appellant to defray costs of an appeal under Section
22 1714 of this Code.

23 (c) Payment of fees charged under this Code does not waive the fee requirements of other
24 ordinances and rules and regulations pursuant thereto.

25 **SEC. 1720. PRE-FILING CONFERENCE.**

1 Prior to filing a Tentative Map, the Subdivider may elect to submit to the Director preliminary
2 maps, plans and other data concerning a proposed subdivision. Within 14 days after the receipt of said
3 material, the Director will hold a conference with the Subdivider, Planning Department and any other
4 interested agencies, including TIDA, to discuss the proposed subdivision. This procedure is optional
5 and does not waive the requirements for filing a Tentative Map.

6 **SEC. 1721. APPLICATION PACKET.**

7 The initial action in connection with the making of any subdivision for which a Tentative Map is
8 required shall be the preparation of the Application Packet. Section 1722, and with respect to Vesting
9 Tentative Maps Sections 1733.1 and 1733.2, of this Code and the Subdivision Regulations adopted
10 thereunder cover the preparation of the component parts of said Application Packet.

11 **SEC. 1722. TENTATIVE MAP AND ACCOMPANYING DOCUMENTS.**

12 (a) The Tentative Map shall be prepared by a qualified and duly licensed professional land
13 surveyor or civil engineer.

14 (b) The Tentative Map shall contain the following data, as appropriate, in sufficient detail to
15 enable the Director and other agencies to evaluate the proposed subdivision:

16 (1) Title, as required by the Subdivision Regulations;

17 (2) Explanatory notes, as required by this Code and the Subdivision Regulations; and

18 (3) Topographic map of the proposed subdivision and adjacent lands showing the existing
19 conditions and the proposed changes, as required by the Subdivision Regulations.

20 (c) The Tentative Map shall conform to the Subdivision Regulations regarding format and
21 contents. The Director, for Transfer Maps and where otherwise appropriate in accordance with the
22 Subdivision Regulations, may waive or defer Tentative Map requirements or may authorize deletion or
23 reduction of any Tentative Map requirements not required by the SMA on the determination that the
24 Tentative Map contains sufficient information to be evaluated adequately and preparing it in the
25 prescribed form would impose a hardship upon the Subdivider. Where requirements are waived or

1 deferred, appropriate conditions may be included on the Tentative Map for providing such waived or
2 deferred requirements.

3 (d) The Tentative Map shall be accompanied by the following documents, as provided in the
4 Subdivision Regulations:

5 (1) Statement. A written statement shall contain the following information:

6 (i) Existing use or uses of the property, including whether or not there are existing
7 tenancies and the conditions and terms thereof;

8 (ii) Description of the proposed subdivision, including, if known, the number of lots or
9 units, their sizes and intended uses, nature of the development, and the total area of the development
10 represented by each use;

11 (iii) Any improvements proposed to be constructed or installed including the source of
12 water supply and the sewage disposal proposed, and the tentative schedule for the start and completion
13 thereof;

14 (iv) Whether the Subdivider intends to file a Final Map or a Parcel Map;

15 (v) Description of exceptions or waivers that are requested; and

16 (vi) If the Subdivider plans to file multiple Final Maps on portions of the area covered
17 by the Tentative Map, the Subdivider shall submit a written notice to this effect.

18 (2) Environmental Evaluation Data. Data shall be supplied on the appropriate Planning
19 Department forms for an environmental evaluation or in appropriate format when necessary to satisfy
20 requirements for environmental review under the California Environmental Quality Act.

21 **SEC. 1724. FILING.**

22 (a) The Application Packet, together with the initial fee payment, shall be filed with the
23 Director.

24 (b) The date of filing shall be the date when a complete Application Packet has been accepted
25 by the Director.

1 (c) The Director shall determine whether an Application Packet is complete and notify the
2 Subdivider within 30 days of the date of the submittal of the Application Packet. If the Director
3 determines that the Application Packet is not complete, the notice to the Subdivider shall list all of the
4 information necessary to comprise a complete application. Without limiting the foregoing, an
5 Application Packet shall not be determined to be complete unless and until there has been a major
6 phase approval given by TIDA under the DDA that covers the property that is the subject of the
7 Application Packet.

8 **SEC. 1725. REFERRAL TO OTHER AGENCIES.**

9 Within three working days after a complete Application Packet has been filed with the Director,
10 the Director shall forward copies to TIDA, the Planning Department, the Bureau of Engineering, the
11 Department of Building Inspection, the SFMTA, the Public Utilities Commission, the City Attorney and
12 other appropriate Government Agencies and City Agencies for their review.

13 **SEC. 1726. TIME LIMIT FOR AGENCY REVIEW.**

14 (a) The time limit for Government Agencies and City Agencies review shall be 30 days from the
15 date the Director determines that an Application Packet is complete.

16 (b) The time limit for Government Agencies and City Agencies review may be extended by
17 mutual consent of the Subdivider and the Director.

18 **SEC. 1727. AGENCY REPORTS.**

19 Each reviewing agency shall report, in writing, to the Director its findings on and
20 recommendation for approval, conditional approval or denial of an Application Packet subject to and
21 in accordance with the SMA, the ~~Plan Documents~~, Project Documents and City Regulations. The
22 Subdivider may request from the Director, and shall be provided with, any or all copies of such
23 findings and recommendations. The Planning Department's report shall include a finding on
24 consistency with the General Plan. TIDA's report shall include a finding of consistency with the DDA
25 and any applicable Vertical DDA.

1 **SEC. 1728. SUBDIVISION CONFERENCE.**

2 No later than five days after expiration of the review time limits set forth in Section 1726, the
3 Director at his or her discretion may hold a subdivision conference to discuss the map application,
4 unless the Subdivider has requested a conference or has filed a notice of intent to file multiple Final
5 Maps, in which case the conference is mandatory. Written notice of such conference shall be sent to the
6 Subdivider, and to all agencies that will be submitting or have already submitted a report on the
7 Application Packet.

8 **SEC. 1729. DIRECTOR'S CONSOLIDATED REPORT.**

9 (a) Whenever a subdivision conference is held, the Director shall prepare a written report on
10 the findings or recommendations discussed in the conference, attaching thereto copies of the reports
11 from, or comments made at the subdivision conference by, other agencies. A copy of said report shall
12 be sent to each participant in the subdivision conference. Said report shall be prepared by the Director
13 within five working days after the subdivision conference but in no event less than five days prior to any
14 public hearing on the subject map.

15 (b) Whenever a public hearing is required or the Director elects to hold a public hearing, the
16 Director shall provide to the Subdivider the Director's report or recommended findings and the
17 findings and recommendations received from the reviewing agencies. Said information or report shall
18 be submitted within five working days after expiration of the review time limits. Said information or
19 report shall be made available to the public prior to the public hearing. In the event a subdivision
20 conference is required, a public hearing shall be held after such conference, no earlier than five days
21 following preparation of the Director's report thereon, and within the time periods set forth in the SMA.

22 **SEC. 1730. CONDITIONS.**

23 (a) Conditions on approval of a Tentative Map, Vesting Tentative Map, or Parcel Map, or
24 Improvement Plans or Improvement Agreement may relate wholly or in part to any improvements or
25

1 structures required pursuant to the ~~Plan Documents~~, ~~Project Documents~~, ~~City Regulations~~ or which
2 may be constructed within, or associated with, the subdivision, as well as to the subdivision itself.

3 (b) Subject to Section 1712.1, conditions may be required to be fulfilled before or after such
4 filing of the related Final or Parcel Map. Where such conditions are to be fulfilled after filing of the
5 related Final Map, the Subdivider shall, where appropriate, enter into an Improvement Agreement and
6 furnish security for compliance with those conditions including, but not limited to, security satisfying
7 the requirements of California Government Code Section 66499, pursuant to the provisions of Article 6
8 and Article 8 of this Division.

9 (c) No conditions shall be imposed on a Tentative Map, Vesting Tentative Map or Parcel Map
10 or Improvement Plans or Improvement Agreement that are not consistent with, exceed the limitations
11 set forth in, or otherwise conflict with the ~~Plan Documents~~ or ~~Project Documents~~.

12 (d) The provisions of this Code providing for Vesting Tentative Maps do not enlarge, diminish,
13 or alter the types of conditions which may be imposed on a development, nor in any way diminish or
14 alter the City's power to protect against a condition dangerous to the public health or safety.

15 **SEC. 1731. ACTION: ADVISORY AGENCY'S DECISION.**

16 (a) Within 50 days after the filing of a complete application for the Tentative Map, unless the
17 time has been extended by mutual consent of the Subdivider and the Director, the Director shall take
18 action on the map application by approving, conditionally approving or disapproving the Tentative
19 Map. If the map is disapproved, the Director shall also state the reasons for disapproval.

20 (b) Copies of the Director's decision shall be sent to all agencies that submitted reports to the
21 Board and to the public as set forth in Section 1714.

22 (c) The City shall comply with all time limitations and requirements for processing subdivision
23 maps in the SMA, including, without limitation, those in Government Code Section 66452.4.

24 **SEC. 1732. GENERAL PLAN CONSISTENCY DETERMINATION.**

1 (a) Whenever a property is to be subdivided, the Planning Department shall report on the
2 question of consistency of the subdivision with the General Plan and TIDA shall report on consistency
3 with the DDA and any other applicable Project Documents.

4 (b) The Director shall approve, conditionally approve, or disapprove the proposed subdivision,
5 consistent with the SMA, subject to any decision on appeal by the Board of Supervisors.

6 (c) When the Planning Department or TIDA finds, subject to any decision on appeal by the
7 Board of Supervisors, or when the Board of Supervisors finds, that a proposed subdivision will be
8 consistent with the ~~Plan Documents~~, Project Documents or City Regulations only upon compliance
9 with certain conditions, the Director shall incorporate said conditions in his or her conditional
10 approval of the proposed subdivision.

11 **SEC. 1733. VESTING TENTATIVE MAPS.**

12 **SEC. 1733.1. VESTING TENTATIVE MAP.**

13 (a) Vesting Tentative Transfer Maps .

14 (1) Whenever a provision of this Code allows for filing of a Transfer Map, the Subdivider may
15 file a Vesting Tentative Transfer Map and Final Map.

16 (2) Except as otherwise provided in Section 1733.2 and 1733.4 of this Code, a Vesting
17 Tentative Transfer Map shall be subject to the same procedures, requirements, and other Code
18 provisions as a Transfer Map.

19 (b) Vesting Tentative Maps for Development Purposes.

20 (1) Whenever a provision of this Code requires that a Tentative Map or Parcel Map be filed,
21 the Subdivider may file instead a Vesting Tentative Map and Final Map.

22 (2) Except as otherwise provided in Sections 1733.2 through 1733.4 of this Code, a Vesting
23 Tentative Map shall be subject to the same procedures, requirements and other Code provisions as any
24 other Tentative Map.

25 **SEC. 1733.2. VESTING TENTATIVE MAP REQUIREMENTS.**

1 (a) Vesting Tentative Transfer Maps. In addition to meeting the requirements otherwise
2 applicable to Transfer Maps, any Subdivider applying for approval of a Vesting Tentative Transfer
3 Map also shall, at the time the Vesting Tentative Transfer Map is filed:

4 (1) Have printed conspicuously on the face of the map the words "Vesting Tentative Transfer
5 Map."

6 (2) Have printed conspicuously on the face of the map the words "FOR PURPOSES OF
7 CONVEYANCING, FINANCING, AND/OR VESTING ONLY."

8 (3) Provide such additional information as required in Section 1333.2 of the City's Subdivision
9 Code; provided, however, that the Director, in his sole discretion, may waive some or all of such
10 requirements to the extent permitted under the SMA.

11 (b) Vesting Tentative Maps for Development Purposes. In addition to meeting the requirements
12 otherwise applicable to Tentative Maps, any Subdivider applying for approval of a Vesting Tentative
13 Map shall also, at the time a Vesting Tentative Map application is filed:

14 (1) Have printed conspicuously on the face of the map the words "Vesting Tentative Map."

15 (2) Provide such additional information as required in Section 1333.2 of the City's Subdivision
16 Code; provided, however, that the Director, in his sole discretion, may waive some or all of such
17 requirements to the extent permitted under the SMA.

18 **SEC. 1733.3. RIGHTS CONVEYED.**

19 (a) Approval of a Vesting Tentative Transfer Map shall confer a vested right to proceed with
20 future development approvals as set forth in Chapter 4.5 of the SMA, Sections 66498.1 et seq., and so
21 long as the Development Agreement is in effect, also subject to Applicable Regulations and any
22 permitted Future Changes to Regulations as described in the Development Agreement.

23 (b) Approval of a Vesting Tentative Map shall confer a vested right to proceed with
24 development as set forth in Chapter 4.5 of the SMA, Sections 66498.1 et seq., and so long as the
25

1 Development Agreement is in effect, also subject to Applicable Regulations and any permitted Future
2 Changes to Regulations as described in the Development Agreement.

3 (c) The rights referred to in Subsections (a) and (b) shall expire if a Final Map is not approved
4 before the expiration of the related Vesting Tentative Transfer Map or Vesting Tentative Map under
5 California Government Code Section 66452.6, as modified by Section 1755 of this Code. If a Final
6 Map is approved, the development rights referred to in Subsection (a) and (b) shall continue during the
7 following period of time.

8 (1) Two years from the later of (i) the recording of the approved Final Map or (ii) the
9 expiration or earlier termination of the Development Agreement. Where several Final Maps are
10 recorded on various phases of a project covered by a single Vesting Tentative Transfer Map or Vesting
11 Tentative Map, this initial time period shall begin for each when the Final Map for that phase is
12 recorded. Where the City uses more than 30 days to process a completed application for a grading
13 permit or for design or architectural review, or such other period of time as provided in the ~~Plan~~
14 ~~Documents or~~ Project Documents, this initial time period shall be extended by the processing time,
15 counted from the date the application was completed.

16 (2) An additional period of not more than one year, if the proposed Subdivider applies for such
17 an extension at any time before the expiration of the period provided in Subsection (c)(1), and if the
18 Department of Public Works determines that such extension will not prejudice the interests of the
19 public or other private parties. If the Department of Public Works does not act on an application for
20 extension within 40 days after receiving it, it shall be deemed disapproved. The proposed Subdivider
21 may appeal by filing a written appeal with the Clerk of the Board of Supervisors not later than 15 days
22 after the disapproval. Any such appeal shall be heard at the time and under the procedural rules then
23 applicable to appeals from denial of Tentative Maps.

24 (3) If the Subdivider submits a complete building or site permit application before the
25 expiration of the applicable period stated in Subsection (c)(1) or (c)(2), the period during which that

1 application is being processed and the period of the life of any corresponding building or site permit or
2 any extension thereof.

3 (4) If a Final Map is recorded based upon a Vesting Tentative Transfer Map or a Vesting
4 Tentative Map and the development rights under this Section expire, the Final Map remains in effect
5 without those rights.

6 **SEC. 1733.4. VESTING TENTATIVE MAP—INCONSISTENCY WITH ORDINANCES**
7 **AND OTHER STANDARDS.**

8 (a) Subsections 1733.1 through 1733.3 relate only to conditions and requirements imposed by
9 the City and do not affect the obligation of a Subdivider to comply with the conditions and requirements
10 of State or federal laws, regulations or policies.

11 (b) Notwithstanding any other provision of this Code, a property owner or his or her designee
12 may seek approvals or permits for development which depart from the ordinances, policies or
13 standards applicable under Section 1733.3(a) and (b), and the City may grant such approvals or issue
14 such permits to the extent consistent with the ~~Plan Documents~~, Project Documents and City
15 Regulations.

16 **SEC. 1734. TIDA REVIEW AND APPROVAL OF SUBDIVISION MAPS.**

17 (a) Notwithstanding any provision of the Subdivision Code to the contrary, a Tentative Map
18 shall not be deemed finally approved until TIDA, in accordance with the Project Documents, reviews
19 and approves the Tentative Map to ensure that it is consistent with the ~~Plan Documents and Project~~
20 Documents. TIDA shall also have the right to review any amendment to the Tentative Map, or a
21 subsequent Tentative Map.

22 (b) The Applicant shall submit copies of its Application Packet for a Tentative Map, and the
23 Application Packet for an amendment to a Tentative Map or a subsequent Tentative Map, to TIDA
24 when it submits the Application Packet to the Director. TIDA, in accordance with the Project
25 Documents, shall approve, disapprove or approve with conditions the Tentative Map, amendment to the

1 Tentative Map, or a subsequent Tentative Map within 30 days following the date the Director
2 determines that the Application Packet is complete, unless such time has been extended pursuant to
3 Section 1726 of the Subdivision Code. TIDA shall deliver the determination to the Director of Public
4 Works in writing, with a copy to the Applicant.

5 (c) Notwithstanding any provision of the Subdivision Code to the contrary, in accordance with
6 the Project Documents, a proposed Final Map or Parcel Map shall not be deemed finally approved for
7 recordation unless and until TIDA reviews and approves or is deemed to have approved the proposed
8 Final Map or Parcel Map. TIDA shall approve the proposed Final Map or Parcel Map if: (i)
9 development of the area covered by the proposed Final Map or Parcel Map is consistent with the ~~Plan~~
10 ~~Documents~~, Project Documents, City Regulations and project approvals issued by TIDA, if any; and
11 (ii) the conditions that were imposed upon approval of the Tentative Map to provide infrastructure
12 improvements consistent with the ~~Plan Documents~~ and Project Documents have been satisfied or the
13 performance of such conditions is otherwise secured by an Improvement Agreement.

14 (d) The Applicant shall submit copies of all proposed Final Maps or Parcel Maps to TIDA at
15 the same time such proposed Final Maps or Parcel Maps are filed with the Director. TIDA shall
16 approve, disapprove, or approve with conditions the proposed Final Maps or Parcel Maps within 30
17 days following receipt of the complete Final Map or Parcel Map from the Applicant, by delivering a
18 determination to the Director of Public Works, with a copy to the Applicant.

19 **SEC. 1735. PUBLIC FACILITIES.**

20 (a) General. Public facilities listed in this Section shall (where provided) meet the design and
21 construction standards in the ~~Plan Documents~~, Project Documents and the City Regulations
22 consistent therewith.

23 (b) Streets.

24 (1) Dedicated Public Streets. A subdivision and each lot, parcel, and unit thereon shall have
25 direct access to a public right-of-way. Title to a new or widened public right-of-way shall be conveyed

1 to the City (or, in the case of public right-of-ways subject to the public trust, to TIDA subject to the City
2 accepting the public right-of-ways for maintenance and liability purposes) by proper deed either prior
3 to approval of the Final Map or as provided in an Improvement Agreement entered into pursuant to
4 Section 1751 of this Code.

5 (2) Private Streets. Easements for government facilities in private streets shall meet the
6 requirements of Section 1739 of this Code.

7 (c) Frontage Improvements. The frontage of each lot shall be improved to the geometric
8 section specified by the Director in accordance with the ~~Plan Documents,~~ Project Documents and
9 City Regulations, including any streetscape plan approved by TIDA and the street structural section,
10 curbs, sidewalks, planting areas, driveway approaches and transitions in accordance with the
11 Subdivision Regulations.

12 (d) Pedestrian Ways. Pedestrian ways shall be required in accordance with the ~~Plan~~
13 ~~Documents,~~ Project Documents and City Regulations.

14 (e) Fire Protection. The Subdivider shall provide for the installation of fire hydrants and other
15 appurtenances and facilities needed for adequate fire protection consistent with the ~~Plan Documents,~~
16 Project Documents and City Regulations.

17 (f) Street Lighting. The Subdivider shall provide street lighting facilities along all streets,
18 alleys and pedestrian ways consistent with the ~~Plan Documents,~~ Project Documents and City
19 Regulations.

20 (g) Fencing. An approved fence may be required on parcels or lots within the subdivision
21 adequate to prevent unauthorized access between the subdivided property and adjacent properties
22 consistent with the ~~Plan Documents,~~ Project Documents and City Regulations. .

23 (h) Transportation Infrastructure. The Subdivider shall provide all Transportation
24 Infrastructure consistent with the ~~Plan Documents,~~ Project Documents and City Regulations. .

1 (i) Other Improvements. Other improvements may be required including, but not limited to,
2 grading, dry utilities, open space parcel improvements, temporary fencing, signs, street lines and
3 markings, street trees and shrubs, street furniture, landscaping, monuments, bicycle facilities, and
4 smoke detectors, or fees in lieu of any of the foregoing, as determined by the Director in accordance
5 with this Code, but only to the extent consistent with the ~~Plan Documents,~~ Project Documents and
6 City Regulations.

7 **SEC. 1736. UTILITIES.**

8 (a) The Subdivider shall provide or cause to be provided a water system, connected to the San
9 Francisco Public Utilities Commission's water distribution system as well as all other required public
10 facilities as set forth in the ~~Plan Documents,~~ Project Documents and City Regulations. The
11 Subdivider shall also provide or cause to be provided electric, gas and communication services
12 connected to the appropriate public utility's distribution system. The Subdivider shall provide or cause
13 to be provided sanitary, drainage and recycled water facilities consistent with the ~~Plan Documents,~~
14 Project Documents and City Regulations, which facilities, when connected to City facilities, will serve
15 adequately all lots, dedicated areas and all other areas comprising the subdivision.

16 **SEC. 1737. BEAUTIFICATION.**

17 (a) Undergrounding of Utilities. All new permanent utility lines shall be undergrounded as
18 specified in Article 18 of the Public Works Code.

19 (b) Street Trees and Landscaping. Trees planted along a public street, within the right-of-way,
20 and all landscaping within said right-of-way shall conform to the requirements of the ~~Plan~~
21 ~~Documents,~~ Project Document and City Regulations, including Article 16 of the Public Works Code to
22 the extent that Article 16 is consistent with the ~~Plan Documents and~~ Project Documents. In the case
23 of all newly constructed subdivisions, the Subdivider shall provide street trees and landscaping
24 conforming to the policies of the ~~Plan Documents,~~ Project Documents and City Regulations.
25 Provisions shall be made for maintenance of said trees.

1 (c) Open Areas on Private Property. When required pursuant to the ~~Plan Documents,~~
2 Project Documents and City Regulations, the Subdivider shall provide for the landscaping of open
3 areas on private property and provision shall be made for the maintenance thereof. Such open areas
4 shall be restricted to such uses in accordance with the ~~Plan Documents,~~ Project Documents and City
5 Regulations.

6 **SEC. 1738. PARKLAND DEDICATION.**

7 Park and open space improvements and dedications shall be provided as required by the ~~Plan~~
8 ~~Documents and~~ Project Documents and City Regulations and in conformance with the standards set
9 forth therein and subject to the approval of the Director.

10 **SEC. 1739. EASEMENTS.**

11 Easements for City utilities and City facilities, such as sanitary and drainage facilities, fire
12 protection facilities and City-owned street lighting facilities shall be for the use of such governmental
13 facilities, with the right of immediate access to the utilities and facilities by the City.

14 **SEC. 1740. MONUMENTS.**

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

19 (b) The location of survey monuments shall be shown on the Final Map. In the event all survey
20 monuments are not installed prior to filing of the Final Map or Parcel Map a monument bond shall be
21 filed at that time.

22 **SEC. 1745. GENERAL.**

23 (a) The Subdivider shall provide for the construction and installation of all Public
24 Improvements in the subdivision in accordance with the ~~Plan Documents,~~ Project Documents and
25 City Regulations.

1 **(b) Except for Transfer Maps that are governed by Sections 1712.1 and 1751.1(c), the**
2 **Subdivider shall enter into an Improvement Agreement pursuant to Section 1751 whenever required**
3 **Public Improvements have not been completed prior to the filing of the Final Map.**

4 **(c) Notwithstanding any provision of this Code or the Public Works Code to the contrary, a**
5 **Subdivider or Applicant may request from the Director a street improvement permit to initiate the**
6 **construction of Public Improvements independent of or as part of the approval of a Transfer Map,**
7 **Final Map, or Parcel Map. Said permit shall comply with the applicable provisions of this Code,**
8 **including, but not limited to, Articles 5, 6, and 8 in regard to the submittals, design, review, approval,**
9 **documentation, construction, security, and acceptance for said Public Improvements, including**
10 **associated Improvement Plans. Fees for said permits shall be according to the Public Works Code**
11 **Sections 2.1 et seq. unless modified by the Project Documents.**

12 **SEC. 1746. IMPROVEMENT PLANS.**

13 **(a) Following approval of the Tentative Map and prior to filing of the Final Map, the**
14 **Subdivider's engineer shall submit grading and construction plans for any required Public**
15 **Improvements to the Director for approval.**

16 **(b) Improvement Plans including grading plans and an erosion control plan, as appropriate,**
17 **shall be prepared under the direction of a qualified and duly licensed professional civil engineer**
18 **registered in the State of California.**

19 **(c) Improvement Plans shall conform to the Subdivision Regulations regarding format, size and**
20 **contents.**

21 **(d) Any specifications supplementing the Standard Specifications shall be considered a part of**
22 **the Improvement Plans.**

23 **(e) The Improvement Plans shall reflect the Public Improvements required under the Treasure**
24 **Island and Yerba Buena Infrastructure Plan ("Infrastructure Plan"), attached to the DDA.**

1 (1) The Infrastructure Plan may be amended or modified from time to time consistent with the
2 provisions of the DDA and Development Agreement. In addition, amendments to the Infrastructure
3 Plan shall be subject to the prior written approval of the City, acting by and through the Mayor or his
4 or her designees, the Director (or successor City officer as designated by law), and the director of any
5 affected City Agency.

6 (f) The Director shall act upon and review Improvement Plans within the time periods specified
7 in Section 66456.2 of the SMA. The Director shall send a copy of the Improvement Plans to TIDA for
8 its review. The Director's review of the Improvement Plans shall conform with the ~~Plan Documents,~~
9 Project Documents and City Regulations. This time limit may be extended by mutual agreement.

10 **SEC. 1747. CONSTRUCTION.**

11 (a) No construction of Public Improvements shall commence until Improvement Plans have
12 been approved by the Director and appropriate City permits have been issued. Prior to issuance of any
13 such permits, the City shall obtain temporary construction easements or rights-of-entry from the
14 Subdivider or from third party purchasers from Subdivider to the same extent that Subdivider has
15 retained a temporary construction easement or right-of-entry in the subject property, to the extent
16 necessary to allow the City to complete construction of Public Improvements on private property
17 should the Subdivider fail to do so and to allow for public use, if necessary, prior to City acceptance of
18 such Public Improvements. Also, prior to issuance of any such permits, the City shall obtain an
19 irrevocable offer of dedication of private property in fee title from the Subdivider or third parties where
20 said property is designated for use as future public right-of-way in the ~~Plan Documents or Project~~
21 Documents. The City, at its option, shall obtain an irrevocable offer of dedication of private property
22 in fee title from Subdivider or third parties where Public Improvements will be constructed on said
23 property. In addition, City also shall obtain from Subdivider an irrevocable offer of dedication of any
24 Public Improvements constructed pursuant to the ~~Plan Documents,~~ Project Documents, City
25 Regulations and this Code.

1 **(b) Notwithstanding Administrative Code Chapter 23, the Director of Property is authorized to**
2 **enter into easements for a term of five (5) years or less for purposes of Subsection (a) above or other**
3 **purposes associated with construction and use of Public Improvements as set forth in this Code.**

4 **(c) Construction of Public Improvements that are to be accepted by the City as Public**
5 **Improvements or for public maintenance and liability purposes shall be subject to inspection by the**
6 **Director. The Subdivider is responsible for paying the applicable engineering inspection fee as**
7 **specified in the Public Works Code.**

8 **(d) Any work done by the Subdivider prior to issuance of appropriate City permits or approval**
9 **of Improvement Plans, including changes thereto, or without the inspection and testing required by the**
10 **Director is subject to rejection. Such work shall be deemed to have been done at the risk and peril of**
11 **the Subdivider.**

12 **(e) The design and layout of all required improvements, both on-site and off-site, private and**
13 **public, shall conform to the ~~Plan Documents,~~ Project Documents, City Regulations and Tentative**
14 **Map conditions consistent therewith.**

15 **(f) Installation of Underground Facilities. All underground facilities including sanitary and**
16 **drainage facilities, and duct banks, and excepting survey monuments installed in streets, alleys or**
17 **pedestrian ways shall be constructed, by the Subdivider and inspected and approved by the Director,**
18 **prior to the surfacing of such street, alley or pedestrian way. Service connections for all underground**
19 **utilities and sewers shall be laid to such length as will in the Director's opinion obviate disturbing the**
20 **street, alley, or pedestrian way improvements when service connections are completed to properties in**
21 **the subdivision.**

22 **SEC. 1748. FAILURE TO COMPLETE IMPROVEMENTS WITHIN AGREED TIME.**

23 **The Improvement Agreement shall include provisions consistent with the ~~Plan Documents,~~**
24 **Project Documents and City Regulations, regarding extensions of time and remedies when**
25 **improvements are not completed within the agreed time.**

1 **SEC. 1749. INSPECTION AND TESTING FEES.**

2 (a) The actual costs of inspecting the construction of improvements under Section 1747(b) of
3 this Code shall be paid by the Subdivider.

4 (b) The actual costs of testing the materials incorporated in the improvements under Section
5 1747(b) of this Code shall be paid by the Subdivider.

6 **SEC. 1749.1. REVISION TO APPROVED PLANS.**

7 (a) Requests by the Subdivider for revisions to the approved Improvement Plans shall be
8 submitted in writing to the Director, with a copy to TIDA, and shall be accompanied by drawings
9 showing the proposed revision. The Director shall review and act expeditiously on all such submittals
10 in accordance with Section 1746 hereof. If the revision is acceptable to the Director, and consistent
11 with the ~~Plan Documents~~, ~~Project Documents~~, City Regulations and Tentative Map, the Director shall
12 initial the revised plans. Construction of any proposed revision shall not commence until revised plans
13 have been received and approved by the Director.

14 **SEC. 1751. IMPROVEMENT AGREEMENT.**

15 (a) General. This Section shall only apply to Public Improvements that have not been
16 completed or conditions that have not been fulfilled prior to filing a Parcel or Final Map. An
17 agreement (the "Improvement Agreement") shall be approved by the Director, approved as to form by
18 the City Attorney, and executed by the Director on behalf of the City. The Improvement Agreement
19 shall be consistent with the ~~Plan Documents~~, ~~Project Documents~~ and City Regulations and shall
20 provide for:

21 (1) Construction of all Public Improvements required pursuant to the ~~Plan Documents~~,
22 Project Documents, City Regulations and conditions imposed on the Tentative Map or Parcel Map
23 consistent therewith, including any required off-site improvements, within the time specified by Section
24 1751.1;

1 (2) Satisfaction of conditions precedent to the transfer of title to the City of all land and
2 improvements required to be dedicated to or acquired by the City, if the City elects to defer transfer of
3 title until after the Public Improvements have been completed consistent with the ~~Plan Documents,~~
4 Project Documents and City Regulations, including any approved title exceptions as defined therein,
5 which are or shall be specified herein;

6 (3) Payment of inspection fees in accordance with applicable City Regulations, consistent with
7 the ~~Plan Documents and~~ Project Documents;

8 (4) Improvement security as required by Section 1770;

9 (5) Maintenance and repair of any defects or failures of the required Public Improvements, and
10 to the extent feasible removing their causes, prior to acceptance of the Public Improvements by the City
11 or TIDA;

12 (6) Release and indemnification of the City from all liability incurred in connection with the
13 construction and design of Public Improvements and payment of all reasonable attorneys' fees that the
14 City may incur because of any legal action or other proceeding arising from the construction, except
15 release and indemnification disallowed under the SMA or any other State or federal law pursuant to
16 the procedures provided in the SMA;

17 (7) Payment by the Subdivider of all costs and reasonable expenses and fees, including
18 attorneys' fees, incurred in enforcing the obligations of the Improvement Agreement;

19 (8) Any other deposits, reimbursements, fees or conditions as required by City Regulations
20 consistent with ~~Plan Documents and~~ Project Documents, and as may be required by the Director;

21 (9) Any other provisions required by the City as reasonably necessary to effectuate the
22 purposes and provisions of the SMA and this Code in accordance with the ~~Plan Documents, Project~~
23 Documents and City Regulations.

1 **(b) Any Improvement Agreement, contract or act required or authorized by the SMA or this**
2 **Chapter for which security is required, shall be secured in accordance with Section 66499 et seq. of the**
3 **SMA and Article 8 of this Division.**

4 **SEC. 1751.1. COMPLETION OF IMPROVEMENTS.**

5 **(a) With the exception of Transfer Maps, which are governed by Sections 1712.1 and 1751.1(c)**
6 **hereof, the Public Improvements for subdivisions of five or more parcels which are not otherwise**
7 **required to be completed prior to recordation of a Final Map, shall be completed by the Subdivider**
8 **within the time specified in an Improvement Agreement which is consistent with the ~~Plan Documents,~~**
9 **Project Documents and City Regulations.**

10 **(b) With the exception of Transfer Maps, which are governed by Sections 1712.1 and 1751.1(c)**
11 **hereof, the completion of Public Improvements for subdivisions of four or fewer parcels which are not**
12 **otherwise required to be completed prior to recordation of a Parcel Map or Final Map may be deferred**
13 **until a permit or other grant of approval for the development of any parcel within the subdivision is**
14 **applied for, unless the completion of the Public Improvements is found to be necessary for public health**
15 **or safety or for the orderly development of the surrounding area, in which case the Improvement**
16 **Agreement shall specify a time for completion. This finding shall be made by the Director, after**
17 **consultation with appropriate City Agencies. If any required Public Improvements are not completed**
18 **at the time of recordation of a Parcel Map or Final Map for four or fewer parcels, an Improvement**
19 **Agreement is required pursuant to Section 1751. The specified date for completion of the Public**
20 **Improvements, when required, shall be stated in the Improvement Agreement. Public Improvements**
21 **shall be completed in accordance with the Improvement Agreement.**

22 **(c) No Public Improvements shall be required to be completed in connection with Transfer**
23 **Maps. For all other subdivisions, only on-site Public Improvements and those off-site Public**
24 **Improvements necessary to provide connections to the on-site improvements and those Public**
25 **Improvements required by the Project Documents shall be required.**

1 (d) Completion dates may be extended by the Director according to the following procedures:

2 (1) The Subdivider must request an extension in writing, stating adequate evidence to justify the
3 extension, by letter to the Director. The request shall be made not less than 30 days prior to expiration
4 of the Improvement Agreement. The Director may grant such extensions, subject to the terms of the
5 Improvement Agreement, provided, however, that if TIDA has extended the completion date pursuant to
6 the Project Documents, including, without limitation, by reason of Excusable Delay as defined in the
7 DDA, the Director shall approve the extension, which extension may be subject to conditions set forth
8 in Section 1751.1(d)(2) hereof.

9 (2) The Director may condition approval of an extension agreement upon the following:

10 (i) Revised improvement construction estimates to reflect current improvement costs as
11 approved by the Director;

12 (ii) Increase of improvement securities in accordance with revised construction estimates;

13 (iii) Inspection fees may be increased to reflect current construction costs but shall not be
14 subject to any decrease or refund; and

15 (iv) Conditions that the Director deems necessary to assure the timely completion of Public
16 Improvements.

17 (3) If authorized by the Director, the Subdivider shall enter into an Improvement Agreement
18 extension ("Extension Agreement") with the City. The Extension Agreement shall be approved by the
19 Director and the City Attorney, and executed by the Director, the Subdivider.

20 (4) The costs incurred by the City in reviewing and processing the Extension Agreement shall
21 be paid by the Subdivider at actual cost.

22 (e) Should the Subdivider fail to complete the Public Improvements within the specified time, or
23 correct all deficiencies within the time specified for completion, the City may, by resolution of the
24 Board of Supervisors and at its option, cause any or all uncompleted Public Improvements to be
25

1 completed and all uncorrected deficiencies to be corrected, and the Subdivider and parties executing
2 the security or securities shall be firmly bound for the payment of all necessary costs.

3 (f) As-Built Plans. Upon completion of the Public Improvements, the Subdivider shall submit to
4 the Director a reproducible set of as-built Improvement Plans.

5 **SEC. 1751.2. ACCEPTANCE OF IMPROVEMENTS.**

6 (a) General. With respect to all subdivisions, when any deficiencies in the required Public
7 Improvements have been corrected, as-built Improvement Plans submitted, and the City Engineer, upon
8 written request from the Subdivider, issues a Notice of Completion , the completed Public
9 Improvements shall be considered by the Director for acceptance.

10 (b) Acceptance. If the Public Improvements have been completed to the satisfaction of the
11 Director and are ready for their intended use, the Director shall provide the Board of Supervisors with
12 a written certificate to that effect, and the Public Improvements shall be accepted by the Board of
13 Supervisors, by ordinance, subject to the provisions of San Francisco Administrative Code Section
14 1.52. Acceptance of the improvements shall imply only that the improvements have been completed
15 satisfactorily, are ready for their intended use, and that Public Improvements have been accepted for
16 public use. Acceptance of any Public Improvement shall not effect a waiver of any rights the City may
17 have as to warranties and construction defects.

18 (c) Notwithstanding the above requirements, the following warranty provisions shall apply in
19 the Treasure Island / Yerba Buena Island Project Site:

20 (1) Pump Station Warranty. The Subdivider shall warranty each pump station for three years
21 after the City Engineer issues its Notice of Completion for said pump station.

22 (2) All other Public Improvements Infrastructure Warranty. The Subdivider shall warranty all
23 other Public Improvements for no less than two years after the City Engineer issues its Notice of
24 Completion for said Improvements.

1 (3) Subdivider's liability pursuant to the warranties in Subsections (c)(1) and (2) above shall
2 cover latent defects and defective material or workmanship, and shall not extend to ordinary wear and
3 tear or harm or damage from improper maintenance or operation of the pump station or any other
4 Public Improvements by a City Agency or the City Agency's agent.

5 **SEC. 1755. TIME LIMIT FOR SUBMITTAL.**

6 So long as the Development Agreement is in effect, the term of any approved or conditionally
7 approved Tentative Map shall extend for the time set forth in the Development Agreement, and any
8 Final Map or Parcel Map shall be filed with the Director at such time as may be required under the
9 Project Documents in order for Subdivider to fulfill its obligations under the DDA or any Vertical DDA
10 . At any time after the expiration or earlier termination of the Development Agreement, a Final Map
11 or Parcel Map shall be filed with the Director within 36 months after the later of (i) approval of the
12 Tentative Map application or preliminary Parcel Map application and (ii) expiration or earlier
13 termination of the Development Agreement, unless, in either case, such time has been extended upon
14 approval of the Tentative Map or pursuant to Government Code Section 66452.6.

15 **SEC. 1755.1. FINAL MAPS SHOWING ONLY PORTIONS OF TENTATIVE MAP.**

16 (a) General. Multiple Final Maps relating to an approved or conditionally approved Tentative
17 Map may be filed prior to the expiration of the Tentative Map if, in addition to all other requirements of
18 this Code pertaining to Final Maps, a Subdivider files a notice pursuant to Section 1722(d)(1)(vi) or,
19 after filing of the Tentative Map, the Subdivider and Director, after consulting with TIDA, concur in the
20 filing of multiple Final Maps. A Subdivider filing multiple Final Maps must obtain approval of the
21 Director pursuant to Subsection (b) of this Section in order to obtain the certificate required by Section
22 1757.

23 (b) The Director shall approve a Final Map which is in compliance with the conditions of the
24 Tentative Map, but which shows only a portion of the Tentative Map, unless any one of the following
25 conditions occurs.

1 (1) The Director finds:

2 (i) That it will not be feasible from an engineering standpoint to construct the Public
3 Improvements required for the areas shown on the Final Map or the Final Map is inconsistent with the
4 SMA; or

5 (ii) That construction of the Public Improvements shown in the proposed Final Map would
6 not provide adequate access to the area shown on the Final Map unless additional street or easement
7 dedications, or Public Improvements as shown in the ~~Plan Documents and~~ Project Documents are
8 provided, or other reasonable conditions, not in conflict with the ~~Plan Documents, Project~~
9 Documents or City Regulations are imposed.

10 (2) The Director or, in the event of a hearing by TIDA pursuant to Subsection (d) below, TIDA
11 finds that approval of the proposed Final Map would conflict with implementation of the ~~Plan~~
12 ~~Documents or Project Documents,~~ unless additional street or easement dedications, or Public
13 Improvements as shown on the Tentative Map are provided, or other reasonable conditions, not in
14 conflict with the ~~Plan Documents, Project Documents or City Regulations are imposed.~~

15 (c) The Director shall make a determination pursuant to Subsection (b) within 40 days
16 following submittal of the Final Map.

17 (d) If the Director refuses to approve for recording a Final Map showing only a portion of a
18 Tentative Map, the Director shall provide the Applicant with written findings in support of the
19 determination. The Director's refusal to approve a phased Final Map may be appealed to TIDA, and
20 then, if necessary, to the Board, for a determination of whether the phased Final Map is consistent with
21 the SMA, the Tentative Map, the ~~Plan Documents, Project Documents and City Regulations.~~

22 **SEC. 1756. FINAL MAP.**

23 (a) The Final Map shall consist of the title sheets and map sheets.

24 (b) The title sheets shall contain the following data.

25 (1) The title, consisting of the name of the subdivision and the location;

1 (2) A general description of all the property being subdivided by references to recorded deeds
2 or to recorded maps;

3 (3) Certificates, affidavits and acknowledgments; and

4 (4) General information including a key map when there is more than one map sheet.

5 (c) The map sheets shall contain the following data, in sufficient detail so that the sale, transfer
6 and description of real property may be accomplished by reference to the Final Map and that all Public
7 Improvements, properties and easements may be determined as to location, extent and condition:

8 (1) Title;

9 (2) Explanatory and description notes; and

10 (3) Map.

11 (d) The Final Map shall conform to the requirements of Chapter 2, Article 2 of the SMA and to
12 the Subdivision Regulations regarding detailed format and contents.

13 **SEC. 1757. CERTIFICATES AND STATEMENTS ON FINAL MAP.**

14 (a) In addition to the certificates required by the SMA, the following certificates shall be on the
15 Final Map.

16 (1) City Attorney's certificate;

17 (2) Advisory Agency's certificate;

18 (3) Certificate of Improvement Agreement. Whenever the conditional approval of the
19 Application Packet includes conditions which are to be met after the recordation of the Final Map, a
20 certificate signed by the Director evidencing that an Improvement Agreement has been entered into
21 between the Subdivider and the City shall be required; and

22 (4) Certificate of Approval of Multiple Final Maps. Where the Final Map shows only a portion
23 of the Tentative Map, then a certificate signed by the Director pursuant to Section 1755.1 shall be
24 required.

1 ***(b) The Director may require other notes, restrictions, references or requirements to be***
2 ***indicated on a Final Map.***

3 **SEC. 1758. PARCEL MAP.**

4 ***(a) The requirements of Subsection (c) of Section 1756 of this Code shall apply to Parcel Maps.***

5 ***(b) The Parcel Map shall conform to the requirements of Chapter 2, Article 3 of the SMA and***
6 ***to the Subdivision Regulations regarding detailed format and contents.***

7 ***(c) The Director may require other notes, restrictions, references or requirements to be***
8 ***indicated on a Parcel Map.***

9 **SEC. 1759. CHECK PRINTS.**

10 ***(a) Prior to filing of the Final Map or Parcel Map, the Subdivider shall submit to the Director.***

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

12 ***(2) A preliminary title report,***

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

16 ***(4) A written statement indicating how each Tentative Map condition has been satisfied.***

17 **SEC. 1760. MAP CHECK.**

18 ***(a) The Director shall check the prints of the Final Map or the Parcel Map to determine if they***
19 ***substantially conform to the approved Tentative Map, this Code and the SMA.***

20 ***(b) Within 14 days after submittal, the Director shall return a set of the submitted prints, noting***
21 ***therein any required corrections, to the Subdivider's engineer.***

22 **SEC. 1761. FILING.**

23 ***(a) After the check prints have been approved by the Director, the Subdivider shall file with the***
24 ***Director:***

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

3 (2) The bonds or other security and approved Improvement Agreement;

4 When applicable, deeds conveying all streets in the subdivision to the City and deeds granting
5 easements for sewers, drains and pedestrian walkways which are not dedicated on the map;

6 (3) Evidence of title;

7 (4) The recording fee and evidence that all fees required by this Code have been paid; and

8 (5) The corrected preliminary soil report, when required.

9 **SEC. 1762. SUBMITTAL TO BOARD.**

10 (a) After obtaining the required certificates on the Final Map, or on the Parcel Map when
11 dedications are included therein, the County Surveyor shall submit said map and the other documents
12 to the Director.

13 (b) After determining that all requirements of the SMA and this Code have been met, the
14 Director shall endorse the Final Map or Parcel Map and file the same, together with the other
15 documents, with the Clerk.

16 **SEC. 1763. RECORDATION.**

17 (a) After approval of a Final Map or Parcel Map by the Board, the Clerk, or his or her
18 designee, shall file said map with the Recorder.

19 (b) After signing a Parcel Map, when no dedications are included therein, the Director shall
20 file said map with the Recorder.

21 (c) No Final Map or Parcel Map for a subdivision governed by this Code shall be recorded
22 unless said Map has been approved by the Director or by the Board as required herein.

23 **SEC. 1764. CORRECTION AND AMENDMENTS OF MAP.**

24 (a) Requirements. After a Final or Parcel Map is recorded in the office of the Recorder, it may
25 be amended administratively, without public hearing, by a Certificate of Correction as to

1 Subparagraphs (1) to (6) below, and by an amending map and public hearing as to Subparagraph (7)
2 below:

3 (1) To correct an error in any course or distance shown thereon;

4 (2) To show any course or distance that was omitted therefrom;

5 (3) To correct an error in the description of the real property shown on the map;

6 (4) To indicate monuments set after the death, disability or retirement from practice of the
7 engineer or surveyor charged with responsibility for setting monuments;

8 (5) To show the proper location or character of any monument which has been changed in
9 location or character, or originally was shown at the wrong location or incorrectly as to its character;

10 (6) To correct any other type of map error or omission as approved by the Director, which does
11 not affect any property right. Errors and omissions may include, but not be limited to, lots and
12 numbers, acreage, street names and identification of adjacent record maps. Error does not include
13 changes in courses or distances from which an error is not ascertainable from the data shown on the
14 Final or Parcel Map;

15 (7) To make modifications when there are changes which make any or all of the conditions of
16 the map no longer appropriate or necessary and when the modifications do not impose any additional
17 burden on the present fee owner of the property, and if the modifications do not alter any right, title or
18 interest in the real property reflected on the recorded map, and the Director finds that the map as
19 modified conforms to the provisions of Section 66474 of the SMA. Such modification shall require an
20 amending map and shall be set for public hearing by the Director according to the procedures
21 established for a hearing on the Tentative Map. The Director shall confine the hearing to
22 consideration of, and action on, the proposed modification.

23 (b) Form and Contents. The amending map or certificate of correction shall be prepared and
24 stamped by a registered civil engineer or licensed land surveyor. The form and contents of the
25 amending map shall conform to the requirements for a Final Map or a Parcel Map as provided in this

1 Code and the SMA. The certificate of corrections shall set forth in detail the corrections made and
2 show the names of the present fee owners of the property affected by the correction.

3 (c) Submittal and Approval by Director. The amending map or certificate of correction,
4 complete as to final form, shall be submitted to the Director for review and approval. The Director
5 shall examine the amending map or certificate of correction, and if the only changes made are those in
6 Subsection (a), this fact shall be certified on the amending map or certificate of correction.

7 (d) Filing with Recorder. The amending map or certificate of correction certified by the
8 Director shall be filed in the office of the Recorder in which the original map was filed. Upon such
9 filing, the Recorder shall index the names of the fee owners and the appropriate subdivision
10 designation shown on the amending map or certificate of correction in the general index and map index
11 respectively. The original map shall be deemed to have been conclusively so corrected, and shall
12 impart constructive notice of all the corrections in the same manner as though upon the original map.

13 (e) Fee. The fee for checking, processing and recording the amended map or certificate of
14 correction shall be as provided in Section 1715.

15 **SEC. 1770. SECURITY FOR IMPROVEMENTS.**

16 (a) The requirements of this Section apply to all Improvement Agreements.

17 (b) No Final Map or Parcel Map (other than a Transfer Map) shall be signed by the Director
18 or recorded until all improvement securities required by this Article in the form prescribed by the City
19 pursuant to Government Code Section 66499 et seq., have been received and approved.

20 (c) A performance bond or other acceptable security as provided in Section 66499 of the
21 Government Code in the amount of not less than one hundred percent (100%) of the estimated cost of
22 completion of the construction, as determined by the Director, or installation of all Public
23 Improvements, as determined by the Director, shall be required of all subdivisions to secure
24 satisfactory performance of those obligations. As a guarantee of payment for the labor, materials,
25 equipment and services required, a payment bond or other acceptable security shall be required for

1 fifty percent (50%) of the estimated cost of completion of unfinished Public Improvements as
2 determined by the Director. For purposes of the preceding sentences, the "estimated cost of
3 completion" shall include all costs of remediating any hazardous materials as necessary to permit
4 completion of the required Public Improvements, unless those costs are otherwise secured as provided
5 in the Project Documents.

6 (d) The security shall be released or reduced upon completion of construction as follows:

7 (1) The security shall be reduced to 10 percent of the original amount for the purpose of
8 guaranteeing repair of any defect in the improvements which occurs within one year of when: (i) the
9 Public Improvements have been completed to the satisfaction of the Director; and (ii) the Clerk of the
10 Board of Supervisors certifies that no claims by any contractor, subcontractor or person furnishing
11 labor, materials or equipment for the required Public Improvements have been filed against the City
12 prior to or within a 100-day period following completion of the Public Improvements.

13 (2) If any claims by any contractor, subcontractor or person furnishing labor, materials or
14 equipment to the Subdivider have been filed against the City, then the performance security shall only
15 be reduced to an amount equal to the amount of all such claims filed or to 10 percent of the original
16 amount whichever is greater.

17 (3) The security may be reduced in conjunction with completion of a portion of the Public
18 Improvements to the satisfaction of the Director, to an amount determined by the Director; however, in
19 no event shall the amount of the security be reduced below the greater of (i) the amount required to
20 guarantee the completion of the remaining portion of Public Improvements and any other obligation
21 imposed by the SMA, this Code or the Improvement Agreement; or (ii) below 10 percent of the original
22 amount of the security.

23 (4) The security shall be released when all of the following have occurred.
24
25

1 (i) One year has passed since the date of acceptance by the Board of Supervisors, or one
2 year has passed since the date that all deficiencies that the Director identifies in the required Public
3 Improvements have been corrected or waived in writing; and

4 (i) If any claims identified in Subsection (d)(1)(ii) have been filed against the City, all such
5 claims have been satisfied or withdrawn, or otherwise secured.

6 **SEC. 1771. MONUMENT BONDS.**

7 As a guarantee of good faith to furnish and install the required survey monuments and to pay
8 the Subdivider's engineer or surveyor for said work, the Subdivider shall furnish a corporate surety
9 bond or other acceptable security for an amount equal to 100 percent of the estimated cost of such
10 work. Such work shall consist of satisfactorily furnishing and installing the said survey monuments and
11 of accurately fixing exact survey points thereon.

12 **SEC. 1772. PAYMENT OF TAXES AND LIENS.**

13 Prior to recordation of a Final Map or Parcel Map, the Subdivider shall comply with all
14 applicable provisions governing taxes and assessments as set forth in Sections 66492, 66493 and 66494
15 of the SMA and any amendments thereto.

16
17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 John D. Malamut
22 Deputy City Attorney