

1 [Hunters Point Shipyard – Subdivision Code.]

2

3 **Ordinance amending the San Francisco Subdivision Code by adding the Hunters Point**
4 **Shipyard Subdivision Code, Division 3, Articles 1-8, Sections 1600 et seq. and making**
5 **environmental findings.**

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

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

10 Section 1. Findings.

11 A. In conjunction with Ordinances [DPH]_____, [DBI]_____ , and [DPW Public
12 Works Code] _____ on file with the Clerk of the Board of Supervisors in File Nos. _____ ,
13 _____ , and _____ , this Ordinance enacts a new program to protect human health and
14 safety and the environment at the former Hunters Point Shipyard during and after
15 development and to facilitate redevelopment as envisioned in the Hunters Point Shipyard
16 Redevelopment Plan through enacting additional prerequisites to obtaining certain City
17 permits. This Ordinance would amend the Subdivision Code to enact consistent provisions
18 with respect to permits issued by the Department of Public Works.

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

24 Section 2. The San Francisco Subdivision Code is hereby amended by adding Division
25 3, Articles 1-8, Sections 1600 et seq., to read as follows:

1 DIVISION 3: HUNTERS POINT SHIPYARD SUBDIVISION CODE

2 ARTICLE 1: GENERAL PROVISIONS

3 Sec. 1600. Title.

4 Sec. 1601. Authority and Mandate.

5 Sec. 1602. Purposes.

6 Sec. 1603. Scope.

7 Sec. 1604. Enforcement.

8 Sec. 1604.1. Certificate of Compliance.

9 Sec. 1605. Severability.

10 SEC. 1600. TITLE.

11 This Chapter shall be known as the "Subdivision Code of the City and County of San Francisco
12 for the Hunters Point Shipyard Project Area" (hereinafter referred to as this "Code") and applies only
13 to the areas designated as the Hunters Point Shipyard Redevelopment Project Area (hereinafter
14 referred to as the "Hunters Point Shipyard Project Area").

15 SEC. 1601. AUTHORITY AND MANDATE.

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

19 (b) Any amendments to SMA, adopted subsequent to the effective date of this Code, shall not
20 invalidate any provisions of this Code. Any amendments to SMA that may be inconsistent with this
21 Code shall govern.

22 (c) Subject to the procedures and requirements for development in the Hunters Point
23 Shipyard Project Area set forth in the Plan and Plan Documents, as defined herein, this Code shall
24 govern in relation to all other City regulations to the extent such regulations are inconsistent. Except as
25

1 required by the SMA, in the event of any inconsistency or conflict between the provisions of this Code
2 and the Plan,, the Plan and Plan Documents shall control. All applications for Tentative Maps, Vesting
3 Tentative Maps, Parcel Maps and Final Maps shall be consistent with the Plan and Plan Documents.

4 (d) This Code and the regulations adopted pursuant to this Code shall apply to all
5 subdivisions hereafter made entirely or partially within the Hunters Point Shipyard Project Area. This
6 Code shall be effective until the termination of the Plan, including any modifications or extensions
7 thereof. Upon termination all the subdivisions in the Hunters Point Shipyard Project Area shall be
8 governed by the San Francisco Subdivision Code and applicable regulations unless otherwise
9 specified.

10 SEC. 1602. PURPOSES.

11 (a) This Code is enacted to establish procedures and requirements for the control and
12 approval of subdivision development within the Hunters Point Shipyard Project Area of the City and
13 County of San Francisco in accordance with SMA and the Plan and Plan Documents.

14 (b) This Code is enacted to accomplish the following purposes in accordance with the
15 procedures and requirements for the control and approval of development of the Project Area as set
16 forth in the Plan and Plan Documents:

17 (1) To provide policies, standards, requirements, and procedures to regulate and control
18 the design and improvement of all subdivisions within the Hunters Point Shipyard Project Area, and to
19 ensure that all subdivisions are built to City standards consistent with the Plan and Plan Documents;

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

23 (3) To preserve and protect, to the maximum extent possible, the unique and valuable
24 natural resources and amenities of the City's environment, including topographic and geologic
25

1 features, open space lands, waterfront recreational areas, fish and wildlife habitats, historical and
2 cultural places, and scenic vistas and attractions; and, to maximize the public's access to and
3 enjoyment of such resources and amenities through the dedication or continuance of applicable
4 easements thereto;

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

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

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

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

13 (8) To provide sidewalks, and where needed, pedestrian ways, biking paths, and jogging
14 trails for the safety, convenience, and enjoyment of the residents of new developments;

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

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

19 (11) To ensure that land is subdivided in a manner that will promote the public health, safety,
20 convenience, and general welfare in conformance with the General Plan and the Hunters Point
21 Shipyards Redevelopment Plan.

22 SEC. 1603. SCOPE.

23 (a) This Code supplements SMA, prescribing rules, regulations and procedures authorized
24 therein.

25

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

3 (c) For subdivisions creating five or more parcels or units, a Tentative Map and a Final
4 Map shall be required pursuant to this Code and SMA.

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

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

9 (d) For subdivisions creating fewer than five parcels or units, no Tentative Map shall be
10 required except as provided in Section 1633.1(a) for Vesting Tentative Maps and except where the
11 Director deems a Tentative Map would be appropriate and the applicable City regulations for the
12 subject property would permit development at a density such that the subject property, or any portion
13 thereof, may be resubdivided in a manner which would ultimately permit five or more parcels on the
14 subject property. In all other subdivisions creating fewer than five parcels or units, a Parcel Map
15 containing the information specified by Section 1659 of this Code and SMA shall be required. Said
16 Parcel Map shall be filed with the Director and recorded according to the procedure set forth in
17 Sections 1660 through 1664 of this Code.

18 (e) No Tentative Map, Final Map or Parcel Map shall be required for those specific types of
19 subdivision exempted by Sections 66412 and 66428 of SMA; provided, however, that with respect to
20 subdivisions described in Subsection (h) of Section 66412 of the SMA, certification pursuant to the
21 provisions of Section 1397 must be obtained.

22 (f) The Director may waive the requirement of a Parcel Map for any improved or
23 unimproved land shown on the latest equalized County assessment roll as contiguous units or parcels
24 where the units or parcels have been subdivided legally and comply with the requirements as to lot
25

1 width and area, improvement and design, floodwater drainage control, appropriate improved public
2 roads, sanitary disposal facilities, water supply availability and environmental protection.

3 (g) Nothing herein shall preclude the approval and filing of Subdivision Maps for purposes
4 of financing and conveyancing only as provided in Section 1612.1 herein.

5 SEC. 1604. ENFORCEMENT.

6 (a) It is unlawful for any person, firm, corporation, partnership or association to offer or
7 contract to sell, lease, finance, or construct any building for sale, lease or financing on any parcel or
8 parcels of real property for which a Final Map or a Parcel Map is required unless and until a Final
9 Map or Parcel Map in full compliance with the provisions of this Code and SMA, has been duly
10 recorded in the office of the Recorder. This Section does not prohibit an offer or contract to sell, lease,
11 or finance any parcel or parcels of real property where the sale, lease or financing is expressly
12 conditioned upon the filing, approval and recordation of a Final or Parcel Map, where the SMA
13 otherwise allows an offer or contract to sell, lease, or finance, or where the SMA is inapplicable.

14 (b) All departments, officials and public employees of the City, City agencies or the agency
15 vested with the duty or authority to approve or issue permits, shall act consistent with the provisions of
16 this Code, the Plan, and the Plan Documents and shall neither approve nor issue any permit or license
17 for use, construction, or purpose in conflict with the provisions of this Code, the Plan and the Plan
18 Documents. Any such permit or license issued in conflict with the provisions of this Code, Plan and the
19 Plan Documents shall be null and void. No conditions shall be imposed on or in connection with
20 Tentative Maps, Vesting Tentative Maps, Parcel Maps or Final Maps, including improvements plans
21 and improvement agreements, that conflict with the Plan and Plan Documents.

22 (c) Any Subdivider, agent of a Subdivider, successor in interest of a Subdivider, tenant,
23 purchaser, builder, contractor or other person who violates any of the provisions of this Code or any
24 conditions imposed pursuant to this Code, or who knowingly submits incorrect information to endeavor
25

1 to mislead or misdirect efforts by City agencies in the administration of this Code, shall be deemed
2 guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$2,000
3 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned. Each day
4 such violation is committed or permitted to continue shall constitute a separate offense and shall be
5 punishable as such hereunder.

6 (d) The Director shall have the authority to enforce this Code against violations thereof in
7 accordance with Chapter 7, Sections 66499.30 et seq. of the SMA. The City shall not issue a permit or
8 grant any approval necessary to develop any real property which has been divided, or which has
9 resulted from a division, in violation of the provisions of this Code or the SMA if it finds that
10 development of the real property is contrary to the public health, safety or welfare. The authority to
11 deny a permit or approval shall apply whether the applicant was the owner of the real property at the
12 time of the violation or whether the applicant is the current owner of the real property, with or without
13 actual or constructive knowledge of the violation at the time of the acquisition of interest in the real
14 property. Whenever the City has knowledge that property has been divided in violation of the
15 provisions of the SMA or this Code, the Director shall process a notice of violation and meet and
16 confer with the owner pursuant to SMA Section 66499.36.

17 SEC. 1604.1. CERTIFICATE OF COMPLIANCE.

18 (a) Any person owning real property or a vendee of that person pursuant to a contract of
19 sale of the real property, may request the Director to determine whether the real property complies
20 with the provisions of this Chapter and the SMA. The Director shall forward the request to the City
21 Attorney for review.

22 (b) Upon making a determination of compliance, the Director shall, in accordance with
23 Section 66499.35 of the SMA, cause a certificate or conditional certificate of compliance to be filed for
24 record with the County Recorder. The certificate of compliance shall identify the real property and
25

1 shall state that the division of land complies with applicable provisions of the City regulations and the
2 SMA.

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

5 (d) If the Director determines that the real property does not comply with the provisions of
6 this Code or the SMA the Director shall issue a conditional certificate of compliance. In issuing a
7 conditional certificate of compliance the Director may impose such conditions (including but not
8 limited to filing an application for a corrected Tentative, Final or Parcel Map) as would have been
9 applicable to the division of the property at the time the applicant acquired his or her interest therein,
10 and which had been established at such time by this Code or the SMA. Where the applicant was the
11 owner of record at the time of the initial violation of the provisions of this division or of local
12 ordinances enacted pursuant thereto who by a grant of real property created a parcel or parcels in
13 violation of this Code or the SMA, and that person is the current owner of record of one or more of the
14 parcels which were created as a result of the grant on violation of this Code or the SMA, then the
15 Director may impose any conditions which would have been applicable to a current division of the
16 property.

17 **SEC. 1605. SEVERABILITY.**

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

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

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **ARTICLE 2: DEFINITIONS**

2 Sec. 1606. General.

3 Sec. 1607. Government Agencies and Redevelopment Plan.

4 Sec. 1609. Terminology.

5 **SEC. 1606. GENERAL.**

6 Officials and agencies referred to in this Code and in SMA are officials and agencies of the City
7 and County of San Francisco and the Agency, unless the contrary is either stated or implied.

8 Capitalized terms unless separately defined in this Code have the meanings and content set forth in the
9 Plan and Plan Documents.

10 **SEC. 1607. GOVERNMENT AGENCIES AND REDEVELOPMENT PLAN.**

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

12 (b) "Agency" means the Redevelopment Agency of the City and County of San Francisco.

13 (c) "Agency Housing Parcels" means the parcels to be retained by the Agency as designated
14 in the Disposition and Development Agreement for Hunters Point Phase I.

15 (d) "Agency Parcels" means, collectively, the Agency Housing Parcels, Community Facility
16 Parcels and Open Space, as defined herein.

17 (e) "Bureau of Engineering" means the City Bureau of Engineering of the Department of
18 Public Works.

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

20 (g) "City agencies" means the City and, where appropriate, all City departments, agencies,
21 boards, commissions, and bureaus with subdivision or other permit, entitlement, review or approval
22 authority or jurisdiction over any major phase or project in the Hunters Point Shipyard Project Area or
23 any portion thereof

- 1 (h) "City regulations" shall mean (i) those City land use codes, including without limitation
2 its Building Code, Fire Code, Planning Code (to the extent applicable in accordance with the Hunters
3 Point Shipyard Redevelopment Plan Design for Development), Public Works Code, Subdivision Code,
4 Health Code, Environment Code and General Plan; (ii) those ordinances, rules, regulations and
5 official policies adopted thereunder, and (iii) all those ordinances, rules, regulations, official policies
6 and plans governing zoning, subdivisions and subdivision design, land use, rate of development,
7 density, building size, public improvements and dedications, construction standards, new construction
8 and use, design standards, permit restrictions, development fees or exactions, terms and conditions of
9 occupancy, or environmental guidelines or review, including those relating to hazardous substances,
10 pertaining to the Hunters Point Redevelopment Plan Area, as adopted and amended by the City from
11 time to time.
- 12 (i) "Clerk" means the Clerk of the Board of Supervisors for the City.
- 13 (j) "Community Facility Parcels" means the parcels retained by the Agency and designated
14 for ultimate disposition for community development or community facilities, as designated in the
15 Disposition and Development Agreement for Hunters Point Phase I, and as may be designated in
16 subsequent disposition and development agreements.
- 17 (k) "County," "City," "City and County," "Municipality" and "Local Agency" mean the City
18 and County of San Francisco.
- 19 (l) "County Surveyor," "County Engineer" and "City Engineer" mean the Director and his
20 staff.
- 21 (m) "Department of Building Inspection" and "DBI" mean the City Department of Building
22 Inspection.
- 23 (n) "Department of Public Works" means the City Department of Public Works.
- 24 (o) "Director" means the Director of the City Department of Public Works.

25

- 1 (p) "Governing Body," "Legislative Body" and "Board" mean the City Board of Supervisors.
- 2 (q) "Government agencies" means State, federal, regional or local governmental agencies,
3 other than City agencies, having or claiming jurisdiction over all or portions of the Hunters Point
4 Shipyard Project Area or aspects of its development.
- 5 (r) "Open Space" means the parcels retained by the Agency and designated for public
6 recreation and other open space uses, as designated in the Disposition and Development Agreement for
7 Hunters Point Phase I, and as may be designated in subsequent disposition and development
8 agreements.
- 9 (s) "Plan Documents" means the Plan and its implementing documents, including without
10 limitation, the City Regulations, this Code and the Subdivision Regulations adopted hereunder,
11 disposition and development agreements, owner participation agreements, and the design for
12 development.
- 13 (t) "Plan" means the Redevelopment Plan for Hunters Point Shipyard.
- 14 (u) "Planning Department" means the City Department of Planning.
- 15 (v) "Planning Director" shall mean the City Director of Planning.
- 16 (w) "Project Area" or "Hunters Point Shipyard Project Area" includes all of the Plan Area
17 as described in the Hunters Point Shipyard Redevelopment Plan.
- 18 (x) "Subdivider" or "applicant" shall mean the owner of real property, or the owner's
19 authorized agent or representative, who applies for, or obtains, approval to subdivide such real
20 property.
- 21 (y) "Subdivision" shall mean, in accordance with Government Code Section 66424 and
22 subject to the exclusions described in the SMA, including Government Code Section 66412, the division
23 of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or
24 as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property
25

1 shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or
2 railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351(f) of
3 the California Civil Code or a community apartment project, as defined in Section 1351(d) of the
4 California Civil Code. Any conveyance of land to a governmental agency, public entity, public utility or
5 subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of
6 computing the number of lots. Subdivision does not include a lot line adjustment.

7 **SEC. 1609. TERMINOLOGY.**

8 (a) "Application packet" shall mean the Tentative Map together with all documents,
9 statements and other materials that are required as attachments thereto.

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

12 (c) "Improvement plan" shall mean an engineering plan or a set of engineering plans
13 showing the location and construction details of improvements.

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

16 (e) "Soil engineer" shall mean a qualified and duly licensed engineer, experienced in
17 engineering geology, responsible for the soil engineering work outlined in this Code, including
18 supervision, analysis and interpretation of field investigation and laboratory tests for a specific project;
19 preparation of geological and soil engineering recommendations and specifications; and supervision of
20 grading construction work.

21 (f) "Standard Specifications" shall mean the 1986 Standard Plans and 1987 Standard
22 Specifications of the Department of Public Works, Bureau of Engineering, including any modifications
23 thereof as set forth in the Subdivision Regulations.

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

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **ARTICLE 3: GENERAL PROCEDURAL PROVISIONS**

2 Sec. 1610. Advisory Agency.

3 Sec. 1611. Subdivision Regulations.

4 Sec. 1612. Exceptions.

5 Sec. 1612.1. Conveyancing or Finance Maps.

6 Sec. 1612.2. Lot Line Adjustments.

7 Sec. 1613. Notice and Hearing.

8 Sec. 1614. Appeals.

9 Sec. 1615. Fees.

10 **SEC. 1610. ADVISORY AGENCY.**

11 (a) The Director is hereby continued as the Advisory Agency for all purposes hereunder and
12 under the SMA.

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

14 **SEC. 1611. SUBDIVISION REGULATIONS.**

15 (a) The Director, with the assistance of other City Agencies, shall prepare and publish the
16 Hunters Point Shipyard Subdivision Regulations ("Subdivision Regulations") needed to implement and
17 supplement this Code in accordance with the SMA, this Code, and the Plan.

18 (b) Such Regulations shall be adopted or amended by the Director after holding a public
19 hearing. Prior to the decision of the Director to amend or adopt the Subdivision Regulations, the
20 Agency shall find such regulations consistent with the Plan.

21 **SEC. 1612. EXCEPTIONS.**

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

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

3 (1) That the application of certain provisions of this Code or the Subdivision Regulations
4 would result in practical difficulties or unnecessary hardships affecting the property inconsistent with
5 the general purpose and intent of the Plan and Plan Documents;

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

8 (3) That the granting of such exception, waiver, or deferral will not be contrary to the Plan.

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

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

12 (e) The standards and requirements of this Code and the Subdivision Regulations shall,
13 where necessary, be modified by the Director where the Director finds such modifications are
14 necessary to assure conformity to and achievement of the standards and goals of the Plan.

15 (f) If the Director elects to hold a public hearing with respect to an application for
16 exception, waiver, or deferral, the Director shall give notice not less than 10 days and no more than 15
17 days prior to the hearing date as provided in Subsection (a) of Section 1613.

18 **SEC. 1612.1** CONVEYANCING OR FINANCE MAPS.

19 Subdivider may file Subdivision or Parcel Maps for purposes of financing and conveyancing
20 only (hereinafter referred to as a "Transfer Map").

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

1 (b) A Transfer Map shall not be subject to any requirement or condition for the provision of
2 any infrastructure, as such infrastructure may be described in the Plan and Plan Documents, that will
3 be provided in connection with subsequent or concurrent City permits, subdivision or parcel maps and
4 improvement plans. An improvement agreement shall not be required in connection with a Transfer
5 Map.

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

10 (d) No Transfer Map may be approved without Agency approval.

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

13 (f) The Director may waive certain submittal requirements for Tentative Maps for a
14 Transfer Map application in accordance with Section 1622(c) hereof.

15 **SEC. 1612.2 LOT LINE ADJUSTMENTS.**

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

19 **SEC. 1613. NOTICE AND HEARING.**

20 (a) The Director shall give notice in the following manner for each application for a
21 Tentative Map or for a Parcel Map for which a Tentative Map is not required and an application for an
22 exception, waiver, or deferral filed pursuant to Section 1612 if the Director elects to hold a hearing
23 under Section 1612(f).

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

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

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

9 (b) If the Director is required or elects to hold a public hearing with respect to an
10 application, he or she shall give notice not less than 10 days prior to the hearing date as provided in
11 Subsection (a) of this Section, including providing notice to any person that requested a hearing. No
12 public hearing shall be held until after government agencies and City agencies comments are received
13 or the time period for receiving such comments has run, whichever occurs first, and the Director has
14 provided a written report in accordance with Section 1629.

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

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

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

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

25

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

5 (e) Applications for Tentative and Parcel Maps shall be processed in compliance with the
6 Plan, Plan Document, and California Government Code Sections 65920 to 65963.1 and any applicable
7 Government Code Section amendments.

8 **SEC. 1614. APPEALS.**

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

14 (b) The Director shall mail or deliver to the proposed Subdivider, and any person who owns
15 property within 300 feet of a proposed subdivision, notice of: (1) his or her decision, and the findings in
16 support of such decision, on any Tentative Map, or Parcel Map for which a Tentative Map is not
17 required, and of any conditions which may have been incorporated in a conditional approval; (2) the
18 right to appeal the Director's decision; and (3) the availability for examination of the Director's report.

19 (c) With respect to appeals under this Section, the Board shall schedule a hearing on the
20 appeal to be held within 30 days after the appeal has been filed, and shall give notice as provided in
21 Sections 1613(a)(1) and 1613(a)(2), and to the persons entitled to notice of the Director's decision
22 under Section 1614(b).

23 **SEC. 1615. FEES [RESERVED].**

1 **ARTICLE 4: TENTATIVE MAPS**

2 Sec. 1620. Pre-Filing Conference.

3 Sec. 1621. Application Packet.

4 Sec. 1622. Tentative Map and Accompanying Documents.

5 Sec. 1624. Filing.

6 Sec. 1625. Referral to Other Agencies.

7 Sec. 1626. Time Limit for Agency Review.

8 Sec. 1627. Agency Reports.

9 Sec. 1628. Subdivision Conference.

10 Sec. 1629. Director's Consolidated Report.

11 Sec. 1630. Conditions.

12 Sec. 1631. Action: Advisory Agency's Decision.

13 Sec. 1632. General Plan and Redevelopment Plan Consistency Determination.

14 Sec. 1633. Vesting Tentative Maps.

15 Sec. 1633.1. Vesting Tentative Map.

16 Sec. 1633.2. Vesting Tentative Map Requirements.

17 Sec. 1633.3. Rights Conveyed.

18 Sec. 1633.4. Vesting Tentative Maps—Inconsistency with Ordinances and Other Standards.

19 Sec. 1634. Agency Review and Approval of Subdivision Maps.

20 **SEC. 1620. PRE-FILING CONFERENCE.**

21 Prior to filing a Tentative Map, the Subdivider may elect to submit to the Director preliminary
22 maps, plans and other data concerning a proposed subdivision. Within 14 days after the receipt of said
23 material, the Director will hold a conference with the Subdivider, Planning Department and any other

1 interested agencies, including the San Francisco Redevelopment Agency, to discuss the proposed
2 subdivision. This procedure is optional and does not waive the requirements for filing a Tentative Map.

3 **SEC. 1621. APPLICATION PACKET.**

4 The initial action in connection with the making of any subdivision for which a Tentative Map is
5 required shall be the preparation of the application packet. Section 1622, and with respect to Vesting
6 Tentative Maps Sections 1633.1 and 1633.2, of this Code and the Regulations adopted thereunder
7 cover the preparation of the component parts of said application packet.

8 **SEC. 1622. TENTATIVE MAP AND ACCOMPANYING DOCUMENTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SEC. 1624. FILING.**

20 (a) The application packet, together with the initial fee payment, shall be filed with the
21 Director.

22 (b) The date of filing shall be the date when a complete application packet has been
23 accepted 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.

5 **SEC. 1625. REFERRAL TO OTHER AGENCIES.**

6 Within three working days after a complete application packet has been filed with the Director,
7 the Director shall forward copies to the Agency, the Planning Department, the Bureau of Engineering,
8 the Department of Building Inspection, the City Attorney and other appropriate government agencies
9 and City agencies for their review.

10 **SEC. 1626. TIME LIMIT FOR AGENCY REVIEW.**

11 (a) The time limit for government agency and City agencies review shall be 30 days from
12 the date the Director determines that an application packet is complete.

13 (b) The time limit for government agency and City agencies review may be extended by
14 mutual consent of the Subdivider and the Director.

15 **SEC. 1627. AGENCY REPORTS.**

16 Each reviewing agency shall report, in writing, to the Director its findings on and
17 recommendation for approval, conditional approval or denial of an application packet subject to and in
18 accordance with the Plan and Plan Documents. The Subdivider may request from the Director, and
19 shall be provided with, any or all copies of such findings and recommendations. The Planning
20 Department's report shall include a finding on consistency with the General Plan. The Agency's report
21 shall include a finding of consistency with the Plan and Plan Documents.

22 **SEC. 1628. SUBDIVISION CONFERENCE.**

23 No later than five days after expiration of the review time limits set forth in Section 1626, the
24 Director at his or her discretion may hold a subdivision conference to discuss the map application,
25

1 unless the Subdivider has requested a conference or has filed a notice of intent to file multiple Final
2 Maps, in which case the conference is mandatory. Written notice of such conference shall be sent to the
3 Subdivider, and to all agencies that will be submitting or have already submitted a report on the
4 application packet.

5 **SEC. 1629. DIRECTOR'S CONSOLIDATED REPORT.**

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

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

19 **SEC. 1630. CONDITIONS.**

20 (a) Conditions on approval of a Tentative Map, Vesting Tentative Map, or Parcel Map, or
21 improvement plans or agreement may relate wholly or in part to any improvements or structures
22 required pursuant to the Plan or Plan documents or which may be constructed within, or associated
23 with, the subdivision, as well as to the subdivision itself.

24
25

1 (b) Subject to Section 1612.1, conditions may be required to be fulfilled before or after such
2 filing of the related Final or Parcel Map. Where such conditions are to be fulfilled after filing of the
3 related Final Map, the Subdivider shall, where appropriate, enter into an improvement agreement and
4 furnish security for compliance with those conditions including, but not limited to, security satisfying
5 the requirements of California Government Code Section 66499, pursuant to the provisions of Article 6
6 and Article 8 of this Division.

7 (c) No conditions shall be imposed on a Tentative Map, Vesting Tentative Map or Parcel
8 Map or improvement plans or improvement agreement that are not consistent with, exceed the
9 limitations set forth in, or otherwise conflict with the Plan or Plan Documents.

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

14 **SEC. 1631. ACTION: ADVISORY AGENCY'S DECISION.**

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

19 (b) Copies of the Director's decision shall be sent to all agencies that submitted reports to
20 the Board and to the public as set forth in Section 1614.

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

1 **SEC. 1632. GENERAL PLAN AND REDEVELOPMENT PLAN CONSISTENCY DETERMINATION.**

2 (a) Whenever a property is to be subdivided, the Department of Planning shall report on the
3 question of consistency of the subdivision with the General Plan and the Redevelopment Agency shall
4 report on consistency with the Plan.

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

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

12 **SEC. 1633. VESTING TENTATIVE MAPS.**

13 **SEC. 1633.1 VESTING TENTATIVE MAP.**

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

16 (b) Except as otherwise provided in Sections 1633.2 through 1633.4 of this Code, a Vesting
17 Tentative Map shall be subject to the same procedures, requirements and other Code provisions as any
18 other Tentative Map.

19 **SEC. 1633.2 VESTING TENTATIVE MAP REQUIREMENTS.**

20 (a) In addition to meeting the requirements otherwise applicable to Tentative Maps, any
21 Subdivider applying for approval of a Vesting Tentative Map shall also, at the time a Vesting Tentative
22 Map application is filed:

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

24 (2) Provide such additional information as required in Section 1333.2 of this Code.

1 **SEC. 1633.3 RIGHTS CONVEYED.**

2 (a) Approval of a Vesting Tentative Map shall confer a vested right to proceed with
3 development as set forth in Chapter 4.5 of the SMA, Section 66498.1 et seq.

4 (b) The right referred to in Subsection (a) shall expire if a Final Map is not approved before
5 expiration of the related Vesting Tentative Map under California Government Code Section 66452.6
6 and this Code. If a Final Map is approved, the development right referred to in Subsection (a) shall
7 continue during the following period of time:

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

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

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

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

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

5 **SEC. 1633.4** VESTING TENTATIVE MAP — INCONSISTENCY WITH ORDINANCES AND OTHER
6 STANDARDS.

7 (a) Subsections 1633.1 through 1633.3 relate only to conditions and requirements imposed
8 by the City and do not affect the obligation of a Subdivider to comply with the conditions and
9 requirements of State or federal laws, regulations or policies.

10 (b) Notwithstanding any other provision of this Code, a property owner or his or her
11 designee may seek approvals or permits for development which depart from the ordinances, policies or
12 standards applicable under Section 1633.3(a), and the City may grant such approvals or issue such
13 permits to the extent consistent with the Plan and Plan Documents and permitted by otherwise
14 applicable City regulations.

15 **SEC. 1634.** AGENCY REVIEW AND APPROVAL OF SUBDIVISION MAPS.

16 (a) Notwithstanding any provision of the Subdivision Code to the contrary, a Tentative Map
17 shall not be deemed finally approved until the Agency in accordance with the Plan and Plan
18 Documents, reviews and approves the Tentative Map to ensure that it is consistent with the Plan and
19 the Plan Documents, including the Hunters Point Shipyard Phase 1 Infrastructure Development Plan,
20 the scope of development and the design for development. The Agency shall also have the right to
21 review any amendment to the Tentative Map, or a 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 the Agency
24 when it submits the application packet to the Director. The Agency, in accordance with the Plan and
25

1 Plan Documents, shall approve, disapprove or approve with conditions the Tentative Map, amendment
2 to the Tentative Map, or a subsequent Tentative Map within 30 days following the date the Director
3 determines that the application packet is complete, unless such time has been extended pursuant to
4 Section 1626 of the Subdivision Code. The Agency shall deliver the determination to the Director of
5 Public Works in writing, with a copy to the applicant.

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

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

1 **ARTICLE 5: SUBDIVISION REQUIREMENTS**

2 Sec. 1635. Public Facilities.

3 Sec. 1635.1. Off- Site Improvements.

4 Sec. 1636. Utilities.

5 Sec. 1637. Beautification.

6 Sec. 1638. Parkland Dedication.

7 Sec. 1639. Easements.

8 Sec. 1640. Monuments.

9 **SEC. 1635. PUBLIC FACILITIES.**

10 (a) General. Public facilities listed in this Section shall (where provided) meet the design
11 and construction standards in the Plan, Plan Documents and the Hunters Point Shipyard Subdivision
12 Regulations consistent therewith.

13 (b) Streets.

14 (1) Dedicated Public Streets. A subdivision and each lot, parcel, and unit thereon shall
15 have direct access to a public right-of-way. Title to a new or widened public right-of-way shall be
16 conveyed to the City by proper deed either prior to approval of the Final Map or as provided in an
17 improvement agreement entered into pursuant to Section 1651.

18 (2) Private Streets. Easements for government facilities in private streets shall meet the
19 requirements of Section 1639 of this Code.

20 (c) Frontage Improvements. The frontage of each lot shall be improved to the geometric
21 section specified by the Director in accordance with the Plan, Plan Documents, including any
22 streetscape plan approved by the Agency and the street structural section, curbs, sidewalks, planting
23 areas, driveway approaches and transitions in accordance with the Subdivision Regulations.

1 (d) Pedestrian Ways. Pedestrian ways shall be required in accordance with the Plan and
2 Plan Documents.

3 (e) Sanitary and Drainage Facilities. The Subdivider shall provide sanitary and drainage
4 facilities consistent with the Plan and Plan Documents. When connected to City facilities, such
5 facilities will serve adequately all lots, dedicated areas and all other areas comprising the subdivision.

6 (f) Fire Protection. The Subdivider shall provide for the installation of fire hydrants and
7 other appurtenances and facilities needed for adequate fire protection consistent with the Plan and
8 Plan Documents.

9 (g) Street Lighting. The Subdivider shall provide street lighting facilities along all streets,
10 alleys and pedestrian ways consistent with the Plan and Plan Documents.

11 (h) Fencing. An approved fence may be required on parcels or lots within the subdivision
12 adequate to prevent unauthorized access between the subdivided property and adjacent properties.

13 (i) Other Improvements. Other improvements may be required including, but not limited to,
14 grading, dry utilities, open space parcel improvements, temporary fencing, signs, street lines and
15 markings, street trees and shrubs, street furniture, landscaping, monuments, bicycle facilities, and
16 smoke detectors, or fees in lieu of any of the foregoing, shall also be required as determined by the
17 Director in accordance with this Code, but only to the extent consistent with the Plan, Plan Documents,
18 and the General Plan.

19 **SEC. 1636. UTILITIES.**

20 The Subdivider shall provide or cause to be provided a water system, connected to the San
21 Francisco Public Utilities Commission's water distribution system as well as all other required public
22 facilities as set forth in the Plan and Plan documents. The Subdivider shall also provide electric, gas
23 and communication services connected to the appropriate public utility's distribution system.

1 **SEC. 1637. BEAUTIFICATION.**

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

4 (b) Street Trees and Landscaping. Trees planted along a public street, within the right-of-
5 way, and all landscaping within said right-of-way shall conform to the requirements of the Plan, Plan
6 Documents and Article 16 of the Public Works Code to the extent consistent therewith. In the case of all
7 newly constructed subdivisions, the Subdivider shall provide street trees and landscaping conforming
8 to the policies of the General Plan, Plan and Plan Documents. Provisions shall be made for
9 maintenance of said trees.

10 (c) Open Areas on Private Property. When required pursuant to the Plan and Plan
11 Documents, the Subdivider shall provide for the landscaping of open areas on private property and
12 provision shall be made for the maintenance thereof. Such open areas shall be restricted to such use in
13 accordance with the Plan and Plan Documents.

14 **SEC. 1638. PARKLAND DEDICATION.**

15 Park and open space improvements and dedications shall be provided as required by the Plan
16 and Plan Documents, and in conformance with the standards set forth therein and subject to the
17 approval of the Director.

18 **SEC. 1639. EASEMENTS.**

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

22 **SEC. 1640. MONUMENTS.**

23 (a) The location and installation of survey monuments shall conform to the standards in the
24 Subdivision Regulations. When such monuments are "tied" to the City or State monuments, for which
25

1 coordinates of the California Coordinate System are available, the corresponding coordinates for such
2 monuments shall be determined and recorded.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **ARTICLE 6: IMPROVEMENT REQUIREMENTS**

2 Sec. 1645. General.

3 Sec. 1646. Improvement Plans.

4 Sec. 1647. Construction.

5 Sec. 1648. Failure to Complete Improvements Within Agreed Time.

6 Sec. 1649. Inspection and Testing Fees.

7 Sec. 1649.1. Revisions to Approved Plans.

8 Sec. 1651. Improvement Agreement.

9 Sec. 1651.1. Completion of Improvements.

10 Sec. 1651.2. Acceptance of Improvements.

11 **SEC. 1645. GENERAL.**

12 (a) The Subdivider shall provide for the construction and installation of all public
13 improvements in the subdivision in accordance with the Plan and Plan Documents. The term "public
14 improvements" shall mean all improvements required pursuant to Article 5 of this Code, the Plan and
15 Plan Documents, and any additional improvements for the benefit of the public required as a condition
16 of approval of a Tentative Map, consistent with the Plan and Plan Documents.

17 (b) Except for Transfer Maps that are governed by Sections 1612.1 and 1651.1(c), the
18 Subdivider shall enter into an improvement agreement pursuant to Section 1651 whenever required
19 public improvements have not been completed prior to the filing of the Final Map.

20 (c) Notwithstanding any provision of this Code or the Public Works Code to the contrary, a
21 Subdivider or applicant may request from the Director a street improvement permit to initiate the
22 construction of public improvements independent of or as part of the approval of a Transfer Map, Final
23 Map, or Parcel Map. Said permit shall comply with the applicable provisions of this Code, including,
24 but not limited to, Articles 5, 6, and 8 in regard to the submittals, design, review, approval,

1 documentation, construction, security, and acceptance for said public improvements, including
2 associated improvement plans. In addition, all such permits shall comply with the provisions of Public
3 Works Code Sections 2.3.1 et seq., if such provisions are applicable to the work contemplated under the
4 permit. Fees for said permits shall be according to the Public Works Code Sections 2.1 et seq. unless
5 modified by the Plan or Plan Documents.

6 **SEC. 1646. IMPROVEMENT PLANS.**

7 (a) Following approval of the Tentative Map and prior to filing of the Final Map, the
8 Subdivider's engineer shall submit grading and construction plans for any required public
9 improvements to the Director for approval.

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

13 (c) Improvement plans shall conform to the Subdivision Regulations regarding format, size
14 and contents.

15 (d) Any specifications supplementing the Standard Specifications shall be considered a part
16 of the improvement plans.

17 (e) The improvement plans shall reflect the public improvement required under the Hunters
18 Point Phase 1 Infrastructure Development Plan ("Phase 1 Infrastructure Plan"), as set forth in the
19 Plan and Plan Documents for Phase 1. The Phase 1 Infrastructure Plan may be amended or modified
20 only by a written instrument executed by City and Agency, with the written consent of the Developer
21 Representative, as defined in Hunters Point Shipyard Interagency Cooperation Agreement for Phase 1.
22 The Developer Representative's consent shall not be unreasonably withheld, conditioned or delayed.

23 (1) The Mayor or his or her designee and the Director (or any successor City officer
24 as designated by law) shall have the authority to consent to any non-material amendments or other
25

1 modifications to the Phase 1 Infrastructure Plan, after consultation with the directors of any affected
2 City Agencies. For purposes hereof, "non-material changes" shall mean any change which does not
3 materially increase the costs or liabilities of the City, or does not materially decrease the time periods
4 required for review or approval by any City agency of permits, approvals, agreements and entitlements
5 in connection with the implementation of the Plan and Plan Documents.

6 (2) Material amendments to the Phase 1 Infrastructure Plan that would materially
7 alter the obligations of the City agencies or principal benefits as provided in this Section shall require
8 the approval of the Board of Supervisors, by resolution.

9 (f) The Director shall act upon and review improvement plans within the time periods
10 specified in Section 66456.2 of the SMA; provided, however, that no improvement plans submission
11 shall be deemed complete for filing until the subdivider has obtained approval of the improvement
12 plans pursuant to Article 31 of the Health Code. The Director shall send a copy of the improvement
13 plans to the Agency for its review. The Director's review of the improvement plans shall conform with
14 the Plan and Plan Documents. This time limit may be extended by mutual agreement.

15 **SEC. 1647. CONSTRUCTION.**

16 (a) No construction of public improvements shall commence until improvement plans have
17 been approved by the Director and appropriate City permits have been issued. Prior to issuance of any
18 such permits, the City shall obtain easements from the Subdivider or third parties to allow for the City
19 to complete construction of public improvements on private property should the Subdivider fail to do so
20 and to allow for public use, if necessary, prior to City acceptance of such public improvements. Also,
21 prior issuance of any such permits, the City shall obtain an irrevocable offer of dedication of private
22 property in fee title from the Subdivider or third parties where said property is designated for use as
23 future public right-of-way in the Plan and Plan Documents. The City, at is option, shall obtain an
24 irrevocable offer of dedication of private property in fee title from Subdivider or third parties where

1 public improvements will be constructed on said property. In addition, City also shall obtain from
2 Subdivider an irrevocable offer of dedication of any public improvements constructed pursuant to the
3 Plan, Plan Documents, and this Code.

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

12 (d) The design and layout of all required improvements, both on-site and off-site, private
13 and public, shall conform to the Plan, Plan Documents, the applicable provisions of City regulations
14 and Tentative Map conditions consistent therewith.

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

21 **SEC. 1648. FAILURE TO COMPLETE IMPROVEMENTS WITHIN AGREED TIME.**

22 The improvement agreement shall include provisions consistent with the Plan and Plan
23 Documents and this Code regarding extensions of time and remedies when improvements are not
24 completed within the agreed time.

1 **SEC. 1649.** INSPECTION AND TESTING FEES [RESERVED].

2 **SEC. 1649.1** REVISION TO APPROVED PLANS.

3 (a) Requests by the Subdivider for revisions to the approved improvement plans shall be
4 submitted in writing to the Director and shall be accompanied by drawings showing the proposed
5 revision. If the revision is acceptable to the Director and the Agency and consistent with the Plan, Plan
6 Documents and Tentative Map, the Director shall initial the revised plans. Construction of any
7 proposed revision shall not commence until revised plans have been received and approved by the
8 Director.

9 **SEC. 1651.** IMPROVEMENT AGREEMENT.

10 (a) General. This Section shall only apply to public improvements that have not been
11 completed or conditions that have not been fulfilled prior to filing a Parcel or Final Map. An
12 agreement (the "improvement agreement") shall be approved by the Director, approved as to form by
13 the City Attorney, and executed by the Director on behalf of the City. The improvement agreement shall
14 be consistent with the Plan and Plan Documents and shall provide for:

15 (1) Construction of all public improvements required pursuant to the Plan, Plan
16 Documents, this Code, and conditions imposed on the Tentative Map or Parcel Map consistent
17 therewith, including any required off-site improvements, within the time specified by Section 1651.1;

18 (2) Satisfaction of conditions precedent to the transfer of title to the City of all land and
19 improvements required to be dedicated to or acquired by the City, if the City elects to defer transfer of
20 title until after the public improvements have been completed consistent with the Plan and Plan
21 Documents, including any approved title exceptions as defined therein, which are or shall be specified
22 herein;

23 (3) Payment of inspection fees in accordance with applicable City regulations, consistent
24 with the Plan and Plan Documents;

- 1 (4) Improvement security as required by Section 1670;
- 2 (5) Maintenance and repair of any defects or failures of the required public improvements,
3 and to the extent feasible removing their causes, prior to acceptance of the public improvements by the
4 City or Agency;
- 5 (6) Release and indemnification of the City from all liability incurred in connection with the
6 construction of public improvements and payment of all reasonable attorneys' fees that the City may
7 incur because of any legal action or other proceeding arising from the construction, except release and
8 indemnification disallowed under the SMA or any other State or federal law pursuant to the procedures
9 provided in the SMA;
- 10 (7) Payment by Subdivider of all costs and reasonable expenses and fees, including
11 attorneys' fees, incurred in enforcing the obligations of the improvement agreement;
- 12 (8) Any other deposits, reimbursements, fees or conditions as required by City regulations
13 consistent with Plan and Plan Documents, and as may be required by the Director;
- 14 (9) Any other provisions required by the City as reasonably necessary to effectuate the
15 purposes and provisions of the SMA and this Code in accordance with the Plan and Plan Documents.
- 16 (b) Any improvement agreement, contract or act required or authorized by the SMA or this
17 Chapter for which security is required, shall be secured in accordance with Section 66499 et seq. of the
18 SMA and Article 8 of this Division.

19 **SEC. 1651.1 COMPLETION OF IMPROVEMENTS.**

- 20 (a) With the exception of Transfer Maps, which are governed by Sections 1612.1 and
21 1651.1(c) hereof, the public improvements for subdivisions of five or more parcels which are not
22 otherwise required to be completed prior to recordation of a Final Map, shall be completed by the
23 Subdivider within the time specified in an improvement agreement which is consistent with the Plan
24 and Plan Documents.

25

1 (b) With the exception of Transfer Maps, which are governed by Sections 1612.1 and
2 1651.1(c) hereof, the completion of public improvements for subdivisions of four or fewer parcels
3 which are not otherwise required to be completed prior to recordation of a Parcel Map or Final Map
4 may be deferred until a permit or other grant of approval for the development of any parcel within the
5 subdivision is applied for, unless the completion of the public improvements is found to be necessary
6 for public health or safety or for the orderly development of the surrounding area, in which case the
7 improvement agreement shall specify a time for completion. If any required public improvements are
8 not completed at the time of recordation of a Parcel Map or Final Map for four or fewer parcels, an
9 improvement agreement is required pursuant to Section 1651. This finding shall be made by the
10 Director, after consultation with appropriate City agencies. The specified date for completion of the
11 public improvements, when required, shall be stated in the improvement agreement. Public
12 improvements shall be completed in accordance with the improvement agreement.

13 (c) No public improvements shall be required to be completed in connection with Transfer
14 Maps. For all other subdivisions, only on-site public improvements and those off-site public
15 improvements necessary to provide connections to the on-site improvements and those public
16 improvements required by the Plan or Plan Documents shall be required.

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

19 (1) The Subdivider must request an extension in writing, stating adequate evidence to justify
20 the extension, by letter to the Director. The request shall be made not less than 30 days prior to
21 expiration of the improvement agreement. The Director may grant such extensions, subject to the terms
22 of the improvement agreement.

23 (2) The Director may condition approval of an extension agreement upon the following:
24
25

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

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

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

6 (iv) Conditions that the Director deems necessary to assure the timely completion of public
7 improvements.

8 (3) If authorized by the Director, the Subdivider shall enter into an improvement agreement
9 extension ("extension agreement") with the City. The extension agreement shall be approved by the
10 Director and the City Attorney, and executed by the Director, the Subdivider.

11 (4) The costs incurred by the City in reviewing and processing the extension agreement
12 shall be paid by the Subdivider at actual cost.

13 (e) Should the Subdivider fail to complete the public improvements - within the specified
14 time, or correct all deficiencies within the time specified for completion, the City may, by resolution of
15 the Board of Supervisors and at its option, cause any or all uncompleted public improvements to be
16 completed and all uncorrected deficiencies to be corrected, and the Subdivider and parties executing
17 the security or securities shall be firmly bound for the payment of all necessary costs.

18 (f) As-Built Plans. Upon completion of the public improvements, the Subdivider shall
19 submit to the Director a reproducible set of as-built improvement plans.

20 **SEC. 1651.2** ACCEPTANCE OF IMPROVEMENTS.

21 (a) General. With respect to all subdivisions, when any deficiencies in the required public
22 improvements have been corrected, as-built improvement plans submitted, and the City Engineer, upon
23 written request from the Subdivider, issues a Notice of Completion, the completed public improvements
24 shall be considered by the Director for acceptance.

25

1 (b) Acceptance. If the public improvements have been completed to the satisfaction of the
2 Director and are ready for their intended use, the Director shall provide the Board of Supervisors with
3 a written certificate to that effect, and the public improvements may be accepted by the Board of
4 Supervisors, by ordinance, subject to the provisions of San Francisco Administrative Code
5 Section 1.52. Acceptance of the improvements shall imply only that the improvements have been
6 completed satisfactorily, are ready for their intended use, and that public improvements have been
7 accepted for public use.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **ARTICLE 7: FINAL MAPS AND PARCEL MAPS**

2 Sec. 1655. Time Limit for Submittal.

3 Sec. 1655.1. Final Maps Showing Only Portions of Tentative Map.

4 Sec. 1656. Final Map.

5 Sec. 1657. Certificates and Statements on Final Map.

6 Sec. 1659. Parcel Map.

7 Sec. 1660. Check Prints.

8 Sec. 1661. Map Check.

9 Sec. 1662. Filing.

10 Sec. 1663. Submittal to Board.

11 Sec. 1664. Recordation.

12 Sec. 1665. Correction and Amendments of Map.

13 **SEC. 1655. TIME LIMIT FOR SUBMITTAL.**

14 Within 36 months after the approval of the Tentative Map application or preliminary Parcel
15 Map application, unless such time has been extended upon approval of the Tentative Map or pursuant
16 to Government Code Section 66452.6, the Final Map or Parcel Map shall be filed with the Director.

17 **SEC. 1655.1 FINAL MAPS SHOWING ONLY PORTIONS OF TENTATIVE MAP.**

18 (a) General. Multiple final maps relating to an approved or conditionally approved Tentative
19 Map may be filed prior to the expiration of the Tentative Map if, in addition to all other requirements of
20 this Code pertaining to Final Maps, a Subdivider files a notice pursuant to Section 1622(d)(1)(vi) or,
21 after filing of the Tentative Map, the Subdivider and Director (after consulting with the Agency) concur
22 in the filing of multiple Final Maps. A Subdivider filing multiple Final Maps must obtain approval of
23 the Director pursuant to Subsection (b) of this Section in order to obtain the certificate required by
24 Section 1657.

1 (b) The Director shall approve a Final Map which is in compliance with the conditions of the
2 Tentative Map, but which shows only a portion of the Tentative Map, unless any one of the following
3 conditions occurs:

4 (1) The Director finds:

5 (i) That it will not be feasible from an engineering standpoint to construct the public
6 improvements required for the areas shown on the Final Map or the Final Map is inconsistent with the
7 SMA; or

8 (ii) That construction of the public improvements shown in the proposed Final Map would
9 not provide adequate access to the area shown on the Final Map unless additional street or easement
10 dedications, or public improvements as shown on the General Plan or in the Plan or Plan Documents,
11 are provided, or other reasonable conditions, not in conflict with the Plan or Plan Documents, are
12 imposed.

13 (2) The Director, or in the event of a hearing by the Agency pursuant to Subsection (d) below,
14 the Agency finds that development of the uses authorized within the Final Map area at that time would
15 not promote orderly development consistent with the General Plan, Plan and Plan Documents unless
16 additional street or easement dedications, or public improvements as shown on the Tentative Map are
17 provided, or other reasonable conditions, not in conflict with the Plan or Plan Documents, are
18 imposed.

19 (c) The Director shall make a determination pursuant to Subsection (b) within 40 days
20 following submittal of the Final Map or Parcel Map.

21 (d) If the Director refuses to approve for recording a Final Map showing only a portion of a
22 Tentative Map, the Director shall provide the applicant with written findings in support of the
23 determination. The Director's refusal to approve a phased Final Map may be appealed to the Agency,
24 and then, if necessary, to the Board, for a determination of whether the Phased Final Map is consistent
25

1 with the SMA, the Tentative Map, the Plan and Plan Documents, provided, however, that any decision
2 by the Agency regarding consistency with the Plan shall be final.

3 **SEC. 1656. FINAL MAP.**

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

5 (b) The title sheets shall contain the following data:

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

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

9 (3) Certificates, affidavits and acknowledgments; and

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

11 (c) The map sheets shall contain the following data, in sufficient detail so that the sale,
12 transfer and description of real property may be accomplished by reference to the Final Map and that
13 all public improvements, properties and easements may be determined as to location, extent and
14 condition:

15 (1) Title;

16 (2) Explanatory and description notes; and

17 (3) Map.

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

20 **SEC. 1657. CERTIFICATES AND STATEMENTS ON FINAL MAP.**

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

23 (1) City Attorney's certificate;

24 (2) Advisory Agency's certificate;

25

1 (3) Certificate of Improvement Agreement. Whenever the conditional approval of the
2 application packet includes conditions which are to be met after the recordation of the Final Map, a
3 certificate signed by the Director evidencing that an improvement agreement has been entered into
4 between the Subdivider and the City shall be required; and

5 (4) Certificate of Approval of Multiple Final Maps. Where the Final Map shows only a
6 portion of the Tentative Map, then a certificate signed by the Director pursuant to Section 1655.2 shall
7 be required.

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

10 **SEC. 1658. PARCEL MAP.**

11 (a) The requirements of Subsection (c) of Section 1656 of this Code shall apply to Parcel
12 Maps.

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

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

17 **SEC. 1659. CHECK PRINTS.**

18 (a) Prior to filing of the Final Map or Parcel Map, the Subdivider shall submit to the
19 Director:

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

21 (2) A preliminary title report;

22 (3) Traverse sheets, showing the mathematical closure of the exterior boundaries around
23 the subdivision, of each lot boundary in the subdivision, and of boundaries of easements and of
24 dedicated rights-of-way.

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

2 **SEC. 1660. MAP CHECK.**

3 (a) The Director shall check the prints of the Final Map or the Parcel Map to determine if it
4 substantially conforms to the approved Tentative Map, this Code and SMA.

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

7 **SEC. 1661. FILING.**

8 (a) After the check prints have been approved by the Director, the Subdivider shall file with
9 the Director:

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

12 (2) The bonds or other security and approved improvement agreement;

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

15 (4) Evidence of title;

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

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

18 **SEC. 1662. SUBMITTAL TO BOARD.**

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

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

25

1 **SEC. 1663. RECORDATION.**

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

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

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

8 **SEC. 1664. CORRECTION AND AMENDMENTS OF MAP.**

9 (a) Requirements. After a Final or Parcel Map's recorded in the office of the Recorder, it
10 may be amended administratively, without public hearing, by a Certificate of Correction as to
11 Subparagraphs (1) to (6) below, and by an amending map and public hearing as to Subparagraph (7)
12 below:

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

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

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

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

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

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

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

9 (b) Form and Contents. The amending map or certificate of correction shall be prepared
10 and stamped by a registered civil engineer or licensed land surveyor. The form and contents of the
11 amending map shall conform to the requirements for a Final Map, or a Parcel Map as provided in this
12 Code and the SMA. The certificate of corrections shall set forth in detail the corrections made and
13 show the names of the present fee owners of the property affected by the correction.

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

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

1 **ARTICLE 8: SECURITY, BONDS, TAXES**

2 Sec. 1670. Security for Improvements.

3 Sec. 1671. Monument Bonds.

4 Sec. 1672. Payment of Taxes and Liens.

5 **SEC. 1670. SECURITY FOR IMPROVEMENTS.**

6 (a) The requirements of this Section apply to all improvement agreements.

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

10 (c) A performance bond or other acceptable security as provided in Section 66499 of the
11 Government Code in the amount of 100 percent of the estimated cost of completion of the construction,
12 as determined by the Director, or installation of all public improvements, as determined by the
13 Director, shall be required of all subdivisions to secure satisfactory performance of those obligations.
14 As a guarantee of payment for the labor, materials, equipment and services required, a payment bond
15 or other acceptable security shall be required for 50 percent of the estimated cost of completion of
16 unfinished public improvements as determined by the Director. For purposes of the preceding
17 sentences, the "estimated cost of completion" shall include all costs of remediating any hazardous
18 materials as necessary to permit completion of the required public improvements, unless those costs
19 are otherwise secured as provided in the Plan and Plan Documents.

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

21 (1) The security shall be reduced to 10 percent of the original amount for the purpose of
22 guaranteeing repair of any defect in the improvements which occurs within one year of when: (i) the
23 public improvements have been completed to the satisfaction of the Director; and (ii) the Clerk of the
24 Board of Supervisors certifies that no claims by any contractor, subcontractor or person furnishing

1 labor, materials or equipment for the required public improvements have been filed against the City
2 prior to or within a 100-day period following completion of the public improvements.

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

7 (3) The security may be reduced in conjunction with completion of a portion of the public
8 improvements to the satisfaction of the Director, to an amount determined by the Director; however, in
9 no event shall the amount of the security be reduced below the greater of (i) the amount required to
10 guarantee the completion of the remaining portion of public improvements and any other obligation
11 imposed by the SMA, this Code or the improvement agreement; or (ii) below 10 percent of the original
12 amount of the security.

13 (4) The security shall be released when all of the following have occurred:

14 (i) One year has passed since the date of acceptance by the Board of Supervisors, or one
15 year has passed since the date that all deficiencies that the Director identifies in the required public
16 improvements have been corrected or waived in writing; and

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

19 **SEC. 1671. MONUMENT BONDS.**

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

1 **SEC. 1672. PAYMENT OF TAXES AND LIENS.**

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

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____
9 John D. Malamut
Deputy City Attorney

10 RECOMMENDED:
11 DEPARTMENT OF PUBLIC WORKS

12
13 By: _____
14 Edwin M. Lee
15 Director of Public Works

16
17
18
19
20
21
22
23
24
25