

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 and**
5 **Yerba Buena Island Development Plan Area described in the Redevelopment Plan for**
6 **the Treasure Island/Yerba Buena Island Redevelopment Project, including the**
7 **establishment of a procedure for reviewing and filing vesting tentative transfer maps;**
8 **and making environmental findings.**

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

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

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Section 1. Findings.

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(a) In conjunction with Ordinance to adopt the Redevelopment Plan for the Treasure
15 Island / Yerba Buena Island Redevelopment Project, a copy of which is on file with the Clerk
16 of the Board of Supervisors in File No. _____ (the "Redevelopment Plan"), this
17 Ordinance amends the San Francisco Subdivision Code in regard to the Treasure Island and
18 Yerba Buena Island Development Plan Area as described in the Redevelopment Plan.

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

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Section 2. The San Francisco Subdivision Code is hereby amended by adding the title
25 of Division 4, Sections 1700, 1701, 1702, 1703, 1704, 1704.1, 1705, 1706, 1707, 1710, 1711,

1 1712, 1712.1, 1712.2, 1713, 1714, 1715, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727,
2 1728, 1729, 1730, 1731, 1732, 1733, 1733.1, 1733.2, 1733.3, 1733.4, 1734, 1735, 1736,
3 1737, 1738, 1739, 1740, 1745, 1746, 1747, 1748, 1749, 1749.1, 1751, 1751.1, 1751.2, 1755,
4 1755.1, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1770, 1771, and 1772 to
5 read as follows:

6 **DIVISION 4: TREASURE ISLAND AND YERBA BUENA ISLAND SUBDIVISION CODE**

7 **SEC. 1700. TITLE.**

8 This Chapter shall be known as the "Subdivision Code of the City and County of San Francisco
9 for Treasure Island and Yerba Buena Island" (hereinafter referred to as this "Code") and applies only
10 to the areas designated in the Redevelopment Plan for the Treasure Island/Yerba Buena Island
11 Redevelopment Project (the "Plan") as the Redevelopment Project Area (hereinafter referred to as the
12 "Treasure Island and Yerba Buena Island Redevelopment Project Area").

13 **SEC. 1701. AUTHORITY AND MANDATE.**

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

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

19 (c) Subject to the procedures and requirements for development in the Treasure Island and
20 Yerba Buena Island Redevelopment Project Area set forth in the Plan and Plan Documents, as defined
21 herein, this Code shall govern in relation to all other City Regulations to the extent such regulations
22 are inconsistent. Except as required by the SMA, in the event of any inconsistency or conflict between
23 the provisions of this Code and the Plan, the Plan and Plan Documents shall control. All applications
24 for Tentative Maps, Vesting Tentative Maps, Parcel Maps and Final Maps shall be consistent with the
25 Plan and Plan Documents.

1 (d) This Code and the regulations adopted pursuant to this Code shall apply to all subdivisions
2 hereafter made within the Treasure Island and Yerba Buena Island Development Plan Area. This Code
3 shall be effective until the termination of the Plan, including any modifications or extensions thereof.
4 Upon termination of the Plan all the subdivisions in the Treasure Island and Yerba Buena Island
5 Development Plan Area shall be governed by the San Francisco Subdivision Code and applicable
6 regulations unless otherwise specified.

7 **SEC. 1702. PURPOSES.**

8 (a) This Code is enacted to establish procedures and requirements for the control and approval
9 of subdivision development within the Treasure Island and Yerba Buena Island Development Plan Area
10 of the City and County of San Francisco in accordance with SMA and the Plan and Plan Documents.

11 (b) This Code is enacted to accomplish the following purposes in accordance with the
12 procedures and requirements for the control and approval of development of the Treasure Island and
13 Yerba Buena Island Development Plan Area as set forth in the Plan and Plan Documents:

14 (1) To provide policies, standards, requirements, and procedures to regulate and control the
15 design and improvement of all subdivisions within the Treasure Island and Yerba Buena Island
16 Development Plan Area, and to ensure that all subdivisions are built to City standards consistent with
17 the Plan and Plan Documents;

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

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

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

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

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

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

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

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

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

15 (11) To ensure that land is subdivided in a manner that will promote the public health, safety,
16 convenience, and general welfare in conformance with the General Plan, and the Plan.

17 **SEC. 1703. SCOPE.**

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

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

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

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

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

3 (d) For subdivisions creating fewer than five parcels or units, no Tentative Map shall be
4 required except as provided in Section 1733.1(a) for Vesting Tentative Maps and except where the
5 Director deems a Tentative Map would be appropriate and the applicable City Regulations for the
6 subject property would permit development at a density such that the subject property, or any portion
7 thereof, may be resubdivided in a manner which would ultimately permit five or more parcels on the
8 subject property. In all other subdivisions creating fewer than five parcels or units, a Parcel Map
9 containing the information specified by Section 1758 of this Code and the SMA shall be required. Said
10 Parcel Map shall be filed with the Director and recorded according to the procedure set forth in
11 Sections 1758 through 1763 of this Code.

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

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

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

23 **SEC. 1704. ENFORCEMENT.**

24 (a) It is unlawful for any person, firm, corporation, partnership or association to offer or
25 contract to sell, lease, finance, or construct any building for sale, lease or financing on any parcel or

1 parcels of real property for which a Final Map or a Parcel Map is required unless and until a Final
2 Map or Parcel Map in full compliance with the provisions of this Code and the SMA, has been duly
3 recorded in the office of the Recorder of the City and County of San Francisco. This Section does not
4 prohibit an offer or contract to sell, lease, or finance any parcel or parcels of real property where the
5 sale, lease or financing is expressly conditioned upon the filing, approval and recordation of a Final or
6 Parcel Map, where the SMA otherwise allows an offer or contract to sell, lease, or finance, or where
7 the SMA is inapplicable.

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

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

24 (d) The Director shall have the authority to enforce this Code against violations thereof in
25 accordance with Chapter 7, Sections 66499.30 et seq. of the SMA. The City shall not issue a permit or

1 grant any approval necessary to develop any real property which has been divided, or which has
2 resulted from a division, in violation of the provisions of this Code or the SMA if it finds that
3 development of the real property is contrary to the public health, safety or welfare. The authority to
4 deny a permit or approval shall apply whether the Applicant was the owner of the real property at the
5 time of the violation or whether the Applicant is the current owner of the real property, with or without
6 actual or constructive knowledge of the violation at the time of the acquisition of interest in the real
7 property. Whenever the City has knowledge that property has been divided in violation of the
8 provisions of the SMA or this Code, the Director shall process a notice of violation and meet and
9 confer with the owner pursuant to SMA Section 66499.36.

10 **SEC. 1704.1 CERTIFICATE OF COMPLIANCE.**

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

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

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

21 (d) If the Director determines that the real property does not comply with the provisions of this
22 Code or the SMA the Director shall issue a conditional certificate of compliance. In issuing a
23 conditional certificate of compliance the Director may impose such conditions (including but not
24 limited to filing an application for a corrected Tentative, Final or Parcel Map) as would have been
25 applicable to the division of the property at the time the Applicant acquired his or her interest therein.

1 and which had been established at such time by this Code or the SMA. Where the Applicant was the
2 owner of record at the time of the initial violation of the provisions of this Code or of Regulations
3 enacted pursuant thereto who by a grant of real property created a parcel or parcels in violation of this
4 Code or the SMA, and that person is the current owner of record of one or more of the parcels which
5 were created as a result of the grant in violation of this Code or the SMA, then the Director may impose
6 any conditions which would have been applicable to a current division of the property.

7 **SEC. 1705. SEVERABILITY.**

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

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

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

22 **SEC. 1706. GENERAL.**

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

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

3 **SEC. 1707. TERMINOLOGY.**

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

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

7 (c) "Bureau of Engineering" means the City Bureau of Engineering of the Department of Public
8 Works.

9 (d) "City Agencies" means the City and, where appropriate, all city departments, agencies,
10 boards, commissions, and bureaus with subdivision or other permit, entitlement, review or approval
11 authority or jurisdiction over any major phase or project in the Treasure Island and Yerba Buena
12 Island Development Plan Area or any portion thereof.

13 (e) "City Regulations" shall mean ordinances, resolutions, initiatives, rules, regulations, and
14 other official City and TIDA policies applicable to and governing the overall design, construction, fees,
15 use, or other aspects of development within the Treasure Island and Yerba Buena Island Development
16 Plan Area to the extent applicable pursuant to the Plan.

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

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

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

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

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

24 (k) "Department of Building Inspection" and "DBI" mean the City Department of Building
25 Inspection.

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

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

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

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

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

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

14 (r) "Governing Body," "Legislative Body" and "Board" mean the City Board of Supervisors.

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

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

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

22 (v) "Plan Documents" means the Plan and its implementing documents, including without
23 limitation, the City Regulations, this Code and the Subdivision Regulations adopted hereunder, the
24 Development Agreement, the DDA, Vertical DDAs, owner participation agreements, and the Design
25 for Development.

1 (w) "Plan" means the Redevelopment Plan for the Treasure Island/Yerba Buena Island
2 Redevelopment Project.

3 (x) "Planning Department" means the City Department of Planning.

4 (y) "Planning Director" shall mean the City Director of Planning.

5 (z) "Public Improvement" means all improvements required pursuant to Article 5 of this Code,
6 the Plan and Plan Documents, and any additional improvements for the benefit of the public required
7 as a condition of approval of a Tentative Map, consistent with the Plan and Plan Documents.

8 (aa) "Standard Specifications" shall mean the 1986 Standard Plans and 1987 Standard
9 Specifications of the Department of Public Works, Bureau of Engineering, including any modifications
10 thereof as set forth in the Subdivision Regulations.

11 (bb) "Subdivider" or "Applicant" shall mean the owner of real property, or the owner's
12 authorized agent or representative, who applies for, or obtains, approval to subdivide such real
13 property.

14 (cc) "Subdivision" shall mean, in accordance with Government Code Section 66424 and
15 subject to the exclusions described in the SMA, including Government Code Section 66412, the division
16 of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or
17 as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property
18 shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or
19 railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351(f) of
20 the California Civil Code or a community apartment project, as defined in Section 1351(d) of the
21 California Civil Code. Any conveyance of land to a governmental agency, public entity, public utility
22 or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes
23 of computing the number of lots. Subdivision does not include a lot line adjustment.

24 (dd) "Subdivision Code" means the City's Subdivision Code.

1 (ee) "Subdivision Regulations" means regulations adopted by the Department of Public Works
2 pursuant to Section 1711 hereof, as needed to implement and supplement this Code in accordance with
3 the SMA, this Code, and the Plan.

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

7 (gg) "TIDA" means the Treasure Island Development Authority, acting by and through its
8 Executive Director, unless expressly stated otherwise.

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

17 (ii) "Treasure Island and Yerba Buena Island Development Plan Area" means all of the
18 Development Plan Area as described in the Plan.

19 (jj) "Vertical DDA" means any Vertical DDA or Vertical LDDA as contemplated under the
20 DDA.

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

25 **SEC. 1710. ADVISORY AGENCY.**

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

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

3 **SEC. 1711. SUBDIVISION REGULATIONS.**

4 (a) The Director, with the assistance of other City Agencies, shall prepare and publish the
5 Treasure Island and Yerba Buena Island Subdivision Regulations ("Subdivision Regulations") needed
6 to implement and supplement this Code in accordance with the SMA, this Code, and the Plan.
7 Subdivision Regulations may be adopted to apply to all or part of the Treasure Island and Yerba Buena
8 Development Plan Area.

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

12 **SEC. 1712. EXCEPTIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. 1712.2. LOT LINE ADJUSTMENTS.**

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

21 **SEC. 1713. NOTICE AND HEARING.**

22 (a) The Director shall give notice in the following manner for each application for a Tentative
23 Map or for a Parcel Map for which a Tentative Map is not required, and an application for an
24 exception, waiver, or deferral filed pursuant to Section 1712 if the Director elects to hold a hearing
25 under Section 1712(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 local
4 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 person
8 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 application,
10 he or she shall give notice not less than 10 days prior to the hearing date as provided in Subsection (a)
11 of this Section, including providing notice to any person that requested a hearing. No public hearing
12 shall be held until after Government Agencies' and City Agencies' comments are received or the time
13 period for receiving such comments has run, whichever occurs first, and the Director has provided a
14 written report in accordance with Section 1729.

15 (c) All applications for a Tentative Map, or for a Parcel Map for which a Tentative Map is not
16 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, suitable
22 for mailing notice of any hearing or appeal thereon. Blank Department of Public Works envelopes will
23 be furnished to a proposed Subdivider on request. Unused envelopes will be returned to the proposed
24 Subdivider on request.

1 (d) Any Department of Public Works hearing required or permitted by this Code may, at the
2 discretion of the Director, be held jointly with the Planning Department. The provisions of this Section
3 shall be superseded by those of any amendment to California Government Code Sections 65090 or
4 65091, or by 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 Plan,
6 Plan Documents, and California Government Code Sections 65920 to 65963.1 and any applicable
7 Government Code Section amendments.

8 **SEC. 1714. APPEALS.**

9 (a) The proposed Subdivider, or any person, may appeal to the Board from a final decision of
10 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 1713(a), and to the persons entitled to notice of the Director's decision under Section 1714(b).

22 **SEC. 1715. FEES.**

23 (a) Fees, payable to the Department of Public Works, shall be charged for checking and
24 processing all maps, plans and reports, including all condominium maps and Parcel Maps, filed under
25 this Code. Said fees shall consist of an initial payment in accordance with the estimated actual cost of

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

12 (b) A fee of \$250 shall be charged to the appellant to defray costs of an appeal under Section
13 1714 of this Code.

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

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

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

22 **SEC. 1721. APPLICATION PACKET.**

23 The initial action in connection with the making of any subdivision for which a Tentative Map is
24 required shall be the preparation of the Application Packet. Section 1722, and with respect to Vesting
25

1 Tentative Maps Sections 1733.1 and 1733.2, of this Code and the Subdivision Regulations adopted
2 thereunder cover the preparation of the component parts of said Application Packet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **SEC. 1724. FILING.**

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

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

19 (c) The Director shall determine whether an Application Packet is complete and notify the
20 Subdivider within 30 days of the date of the submittal of the Application Packet. If the Director
21 determines that the Application Packet is not complete, the notice to the Subdivider shall list all of the
22 information necessary to comprise a complete application.

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

24 Within three working days after a complete Application Packet has been filed with the Director,
25 the Director shall forward copies to TIDA, the Planning Department, the Bureau of Engineering, the

1 Department of Building Inspection, the SFMTA, the Public Utilities Commission, the City Attorney and
2 other appropriate Government Agencies and City Agencies for their review.

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

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

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

8 **SEC. 1727. AGENCY REPORTS.**

9 Each reviewing agency shall report, in writing, to the Director its findings on and
10 recommendation for approval, conditional approval or denial of an Application Packet subject to and
11 in accordance with this Code, the SMA, the Plan and Plan Documents. The Subdivider may request
12 from the Director, and shall be provided with, any or all copies of such findings and recommendations.
13 The Planning Department's report shall include a finding on consistency with the General Plan.
14 TIDA's report shall include a finding of consistency with the Plan and Plan Documents.

15 **SEC. 1728. SUBDIVISION CONFERENCE.**

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

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

23 (a) Whenever a subdivision conference is held, the Director shall prepare a written report on
24 the findings or recommendations discussed in the conference, attaching thereto copies of the reports
25 from, or comments made at the subdivision conference by, other agencies. A copy of said report shall

1 be sent to each participant in the subdivision conference. Said report shall be prepared by the Director
2 within five working days after the subdivision conference but in no event less than five days prior to any
3 public hearing on the subject map.

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

11 **SEC. 1730. CONDITIONS.**

12 (a) Conditions on approval of a Tentative Map, Vesting Tentative Map, or Parcel Map, or
13 Improvement Plans or Improvement Agreement may relate wholly or in part to any improvements or
14 structures required pursuant to the Plan or Plan Documents or which may be constructed within, or
15 associated with, the subdivision, as well as to the subdivision itself.

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

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

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

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

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

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

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

13 **SEC. 1732. GENERAL PLAN AND REDEVELOPMENT PLAN CONSISTENCY**
14 **DETERMINATION.**

15 (a) Whenever a property is to be subdivided, the Planning Department shall report on the
16 question of consistency of the subdivision with the General Plan and TIDA shall report on consistency
17 with the Plan and Plan Documents.

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

20 (c) When the Planning Department or TIDA finds, subject to any decision on appeal by the
21 Board of Supervisors, or when the Board of Supervisors finds, that a proposed subdivision will be
22 consistent with the Plan, Plan Documents or General Plan only upon compliance with certain
23 conditions, the Director shall incorporate said conditions in his or her conditional approval of the
24 proposed subdivision.

25 **SEC. 1733. VESTING TENTATIVE MAPS.**

1 **SEC. 1733.1. VESTING TENTATIVE MAP.**

2 (a) Vesting Tentative Transfer Maps .

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

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

8 (b) Vesting Tentative Maps for Development Purposes.

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

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

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

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

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

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

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

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

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

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

8 **SEC. 1733.3. RIGHTS CONVEYED.**

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

13 **(b) Approval of a Vesting Tentative Map shall confer a vested right to proceed with**
14 development as set forth in Chapter 4.5 of the SMA, Sections 66498.1 et seq., and so long as the
15 Development Agreement is in effect, also subject to Applicable Regulations and any permitted Future
16 Changes to Regulations as described in the Development Agreement.

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

22 **(1) Two years from the later of (i) the recording of the approved Final Map or (ii) the**
23 expiration or earlier termination of the Development Agreement. Where several Final Maps are
24 recorded on various phases of a project covered by a single Vesting Tentative Transfer Map or Vesting
25 Tentative Map, this initial time period shall begin for each when the Final Map for that phase is

1 recorded. Where the City uses more than 30 days to process a completed application for a grading
2 permit or for design or architectural review, or such other period of time as provided in the Plan
3 Documents, this initial time period shall be extended by the processing time, counted from the date the
4 application was completed.

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

13 (3) If the Subdivider submits a complete building or site permit application before the
14 expiration of the applicable period stated in Subsection (c)(1) or (c)(2), the period during which that
15 application is being processed and the period of the life of any corresponding building or site permit or
16 any extension thereof.

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

20 **SEC. 1733.4. VESTING TENTATIVE MAP—INCONSISTENCY WITH ORDINANCES**
21 **AND OTHER STANDARDS.**

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

1 **(b) Notwithstanding any other provision of this Code, a property owner or his or her designee**
2 **may seek approvals or permits for development which depart from the ordinances, policies or**
3 **standards applicable under Section 1733.3(a) and (b), and the City may grant such approvals or issue**
4 **such permits to the extent consistent with the Plan and Plan Documents and permitted by otherwise**
5 **applicable City Regulations.**

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

7 **(a) Notwithstanding any provision of the Subdivision Code to the contrary, a Tentative Map**
8 **shall not be deemed finally approved until TIDA, in accordance with the Plan and Plan Documents,**
9 **reviews and approves the Tentative Map to ensure that it is consistent with the Plan and the Plan**
10 **Documents. TIDA shall also have the right to review any amendment to the Tentative Map, or a**
11 **subsequent Tentative Map.**

12 **(b) The Applicant shall submit copies of its Application Packet for a Tentative Map, and the**
13 **Application Packet for an amendment to a Tentative Map or a subsequent Tentative Map, to TIDA**
14 **when it submits the Application Packet to the Director. TIDA, in accordance with the Plan and Plan**
15 **Documents, shall approve, disapprove or approve with conditions the Tentative Map, amendment to the**
16 **Tentative Map, or a subsequent Tentative Map within 30 days following the date the Director**
17 **determines that the Application Packet is complete, unless such time has been extended pursuant to**
18 **Section 1726 of the Subdivision Code. TIDA shall deliver the determination to the Director of Public**
19 **Works in writing, with a copy to the Applicant.**

20 **(c) Notwithstanding any provision of the Subdivision Code to the contrary, in accordance with**
21 **the Plan and Plan Documents, a proposed Final Map or Parcel Map shall not be deemed finally**
22 **approved for recordation unless and until TIDA reviews and approves or is deemed to have approved**
23 **the proposed Final Map or Parcel Map. TIDA shall approve the proposed Final Map or Parcel Map**
24 **if: (i) development of the area covered by the proposed Final Map or Parcel Map is consistent with the**
25 **Plan and Plan Documents or project approvals issued by TIDA, if any; and (ii) the conditions that were**

1 imposed upon approval of the Tentative Map to provide infrastructure improvements consistent with
2 the Plan and Plan Documents have been satisfied or the performance of such conditions is otherwise
3 secured by an Improvement Agreement.

4 (d) The Applicant shall submit copies of all proposed Final Maps or Parcel Maps to TIDA at
5 the same time such proposed Final Maps or Parcel Maps are filed with the Director. TIDA shall, in
6 accordance with the Plan and Plan Documents, approve, disapprove, or approve with conditions the
7 proposed Final Maps or Parcel Maps within 30 days following receipt of the complete Final Map or
8 Parcel Map from the Applicant, by delivering a determination to the Director of Public Works, with a
9 copy to the Applicant.

10 **SEC. 1735. PUBLIC FACILITIES.**

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

14 (b) Streets.

15 (1) Dedicated Public Streets. A subdivision and each lot, parcel, and unit thereon shall have
16 direct access to a public right-of-way. Title to a new or widened public right-of-way shall be conveyed
17 to the City (or, in the case of public right-of-ways subject to the public trust, to TIDA subject to the City
18 accepting the public right-of-ways for maintenance and liability purposes) by proper deed either prior
19 to approval of the Final Map or as provided in an Improvement Agreement entered into pursuant to
20 Section 1751 of this Code.

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

23 (c) Frontage Improvements. The frontage of each lot shall be improved to the geometric
24 section specified by the Director in accordance with the Plan, Plan Documents, including any
25

1 streetscape plan approved by TIDA and the street structural section, curbs, sidewalks, planting areas,
2 driveway approaches and transitions in accordance with the Subdivision Regulations.

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

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

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

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

13 (h) Transportation Infrastructure. The Subdivider shall provide all Transportation
14 Infrastructure consistent with the Plan and Plan Documents.

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

20 **SEC. 1736. UTILITIES.**

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

1 recycled water facilities consistent with the Plan and Plan Documents, which facilities, when connected
2 to City facilities, will serve adequately all lots, dedicated areas and all other areas comprising the
3 subdivision.

4 **SEC. 1737. BEAUTIFICATION.**

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

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

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

17 **SEC. 1738. PARKLAND DEDICATION.**

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

21 **SEC. 1739. EASEMENTS.**

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

25 **SEC. 1740. MONUMENTS.**

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

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

8 **SEC. 1745. GENERAL.**

9 (a) The Subdivider shall provide for the construction and installation of all Public
10 Improvements in the subdivision in accordance with the Plan and Plan Documents.

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

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

22 **SEC. 1746. IMPROVEMENT PLANS.**

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

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

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

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

8 **(e) The Improvement Plans shall reflect the Public Improvements required under the Treasure**
9 **Island and Yerba Buena Infrastructure Plan ("Infrastructure Plan"), as set forth in the Plan and Plan**
10 **Documents.**

11 **(1) The Infrastructure Plan may be amended or modified from time to time consistent with the**
12 **provisions of the applicable Disposition and Development Agreement and Design Review and**
13 **Document Approval Procedure attached thereto. In addition, amendments to the Treasure**
14 **Island/Yerba Buena Island Infrastructure Plan shall be subject to the prior written approval of the City,**
15 **acting by and through the Mayor or his or her designees, the Director (or successor City officer as**
16 **designated by law), and the director of any affected City Agency.**

17 **(f) The Director shall act upon and review Improvement Plans within the time periods specified**
18 **in Section 66456.2 of the SMA. The Director shall send a copy of the Improvement Plans to TIDA for**
19 **its review. The Director's review of the Improvement Plans shall conform with the Plan and Plan**
20 **Documents. This time limit may be extended by mutual agreement.**

21 **SEC. 1747. CONSTRUCTION.**

22 **(a) No construction of Public Improvements shall commence until Improvement Plans have**
23 **been approved by the Director and appropriate City permits have been issued. Prior to issuance of any**
24 **such permits, the City shall obtain temporary construction easements or rights-of-entry from the**
25 **Subdivider or from third party purchasers from Subdivider to the same extent that Subdivider has**

1 retained a temporary construction easement or right-of-entry in the subject property, to the extent
2 necessary to allow the City to complete construction of Public Improvements on private property
3 should the Subdivider fail to do so and to allow for public use, if necessary, prior to City acceptance of
4 such Public Improvements. Also, prior to issuance of any such permits, the City shall obtain an
5 irrevocable offer of dedication of private property in fee title from the Subdivider or third parties where
6 said property is designated for use as future public right-of-way in the Plan and Plan Documents. The
7 City, at its option, shall obtain an irrevocable offer of dedication of private property in fee title from
8 Subdivider or third parties where Public Improvements will be constructed on said property. In
9 addition, City also shall obtain from Subdivider an irrevocable offer of dedication of any Public
10 Improvements constructed pursuant to the Plan, Plan Documents, and this Code.

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

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

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

22 (e) The design and layout of all required improvements, both on-site and off-site, private and
23 public, shall conform to the Plan, Plan Documents, the applicable provisions of City Regulations and
24 Tentative Map conditions consistent therewith.

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

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

9 The Improvement Agreement shall include provisions consistent with the Plan and Plan
10 Documents and this Code regarding extensions of time and remedies when improvements are not
11 completed within the agreed time.

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

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

15 (b) The actual costs of testing the materials incorporated in the improvements under Section
16 1747(b) of this Code shall be paid by the Subdivider.

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

18 (a) Requests by the Subdivider for revisions to the approved Improvement Plans shall be
19 submitted in writing to the Director, with a copy to TIDA, and shall be accompanied by drawings
20 showing the proposed revision. The Director shall review and act expeditiously on all such submittals
21 in accordance with Section 1746 hereof. If the revision is acceptable to the Director, and consistent
22 with the Plan, Plan Documents and Tentative Map, the Director shall initial the revised plans.
23 Construction of any proposed revision shall not commence until revised plans have been received and
24 approved by the Director.

25 **SEC. 1751. IMPROVEMENT AGREEMENT.**

1 (a) General. This Section shall only apply to Public Improvements that have not been
2 completed or conditions that have not been fulfilled prior to filing a Parcel or Final Map. An
3 agreement (the "Improvement Agreement") shall be approved by the Director, approved as to form by
4 the City Attorney, and executed by the Director on behalf of the City. The Improvement Agreement
5 shall be consistent with the Plan and Plan Documents and shall provide for:

6 (1) Construction of all Public Improvements required pursuant to the Plan, Plan Documents,
7 this Code, and conditions imposed on the Tentative Map or Parcel Map consistent therewith, including
8 any required off-site improvements, within the time specified by Section 1751.1;

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

14 (3) Payment of inspection fees in accordance with applicable City Regulations, consistent with
15 the Plan and Plan Documents;

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

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

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

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

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

5 (9) Any other provisions required by the City as reasonably necessary to effectuate the
6 purposes and provisions of the SMA and this Code in accordance with the Plan and Plan Documents.

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

10 **SEC. 1751.1. COMPLETION OF IMPROVEMENTS.**

11 (a) With the exception of Transfer Maps, which are governed by Sections 1712.1 and 1751.1(c)
12 hereof, the Public Improvements for subdivisions of five or more parcels which are not otherwise
13 required to be completed prior to recordation of a Final Map, shall be completed by the Subdivider
14 within the time specified in an Improvement Agreement which is consistent with the Plan and Plan
15 Documents.

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

1 Improvements, when required, shall be stated in the Improvement Agreement. Public Improvements
2 shall be completed in accordance with the Improvement Agreement.

3 (c) No Public Improvements shall be required to be completed in connection with Transfer
4 Maps. For all other subdivisions, only on-site Public Improvements and those off-site Public
5 Improvements necessary to provide connections to the on-site improvements and those Public
6 Improvements required by the Plan or Plan Documents shall be required.

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

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

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

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

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

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

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

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

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

3 (e) Should the Subdivider fail to complete the Public Improvements within the specified time, or
4 correct all deficiencies within the time specified for completion, the City may, by resolution of the
5 Board of Supervisors and at its option, cause any or all uncompleted Public Improvements to be
6 completed and all uncorrected deficiencies to be corrected, and the Subdivider and parties executing
7 the security or securities shall be firmly bound for the payment of all necessary costs.

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

10 **SEC. 1751.2. ACCEPTANCE OF IMPROVEMENTS.**

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

15 (b) Acceptance. If the Public Improvements have been completed to the satisfaction of the
16 Director and are ready for their intended use, the Director shall provide the Board of Supervisors with
17 a written certificate to that effect, and the Public Improvements shall be accepted by the Board of
18 Supervisors, by ordinance, subject to the provisions of San Francisco Administrative Code Section
19 1.52. Acceptance of the improvements shall imply only that the improvements have been completed
20 satisfactorily, are ready for their intended use, and that Public Improvements have been accepted for
21 public use. Acceptance of any Public Improvement shall not effect a waiver of any rights the City may
22 have as to warranties and construction defects.

23 (c) Notwithstanding the above requirements, the following warranty provisions shall apply in
24 the Treasure Island / Yerba Buena Island Subdivision Area:

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

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

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

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

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

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

21 (a) General. Multiple Final Maps relating to an approved or conditionally approved Tentative
22 Map may be filed prior to the expiration of the Tentative Map if, in addition to all other requirements of
23 this Code pertaining to Final Maps, a Subdivider files a notice pursuant to Section 1722(d)(1)(vi) or,
24 after filing of the Tentative Map, the Subdivider and Director, after consulting with TIDA, concur in the
25 filing of multiple Final Maps. A Subdivider filing multiple Final Maps must obtain approval of the

1 Director pursuant to Subsection (b) of this Section in order to obtain the certificate required by Section
2 1757.

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

6 (1) The Director finds:

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

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

15 (2) The Director or, in the event of a hearing by TIDA pursuant to Subsection (d) below, TIDA
16 finds that approval of the proposed Final Map would conflict with implementation of the Plan or Plan
17 Documents unless additional street or easement dedications, or Public Improvements as shown on the
18 Tentative Map are provided, or other reasonable conditions, not in conflict with the Plan or Plan
19 Documents, are imposed.

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

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

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

3 **SEC. 1756. 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 deeds
8 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, transfer
12 and description of real property may be accomplished by reference to the Final Map and that all Public
13 Improvements, properties and easements may be determined as to location, extent and condition:

14 (1) Title;

15 (2) Explanatory and description notes; and

16 (3) Map.

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

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

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

22 (1) City Attorney's certificate;

23 (2) Advisory Agency's certificate;

24 (3) Certificate of Improvement Agreement. Whenever the conditional approval of the
25 Application Packet includes conditions which are to be met after the recordation of the Final Map, a

1 certificate signed by the Director evidencing that an Improvement Agreement has been entered into
2 between the Subdivider and the City shall be required; and

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

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

8 **SEC. 1758. PARCEL MAP.**

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

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

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

14 **SEC. 1759. CHECK PRINTS.**

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

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

17 (2) A preliminary title report,

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

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

22 **SEC. 1760. MAP CHECK.**

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

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

3 **SEC. 1761. FILING.**

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

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

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

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

11 **(3) Evidence of title;**

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

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

14 **SEC. 1762. SUBMITTAL TO BOARD.**

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

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

21 **SEC. 1763. RECORDATION.**

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

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

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

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

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

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

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

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

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

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

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

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

1 established for a hearing on the Tentative Map. The Director shall confine the hearing to
2 consideration of, and action on, the proposed modification.

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

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

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

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

20 **SEC. 1770. SECURITY FOR IMPROVEMENTS.**

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

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

1 (c) A performance bond or other acceptable security as provided in Section 66499 of the
2 Government Code in the amount of not less than one hundred percent (100%) of the estimated cost of
3 completion of the construction, as determined by the Director, or installation of all Public
4 Improvements, as determined by the Director, shall be required of all subdivisions to secure
5 satisfactory performance of those obligations. As a guarantee of payment for the labor, materials,
6 equipment and services required, a payment bond or other acceptable security shall be required for
7 fifty percent (50%) of the estimated cost of completion of unfinished Public Improvements as
8 determined by the Director. For purposes of the preceding sentences, the "estimated cost of
9 completion" shall include all costs of remediating any hazardous materials as necessary to permit
10 completion of the required Public Improvements, unless those costs are otherwise secured as provided
11 in the Plan and Plan Documents.

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

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

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

23 (3) The security may be reduced in conjunction with completion of a portion of the Public
24 Improvements to the satisfaction of the Director, to an amount determined by the Director; however, in
25 no event shall the amount of the security be reduced below the greater of (i) the amount required to

1 guarantee the completion of the remaining portion of Public Improvements and any other obligation
2 imposed by the SMA, this Code or the Improvement Agreement; or (ii) below 10 percent of the original
3 amount of the security.

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

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

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

10 **SEC. 1771. MONUMENT BONDS.**

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

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

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

20 Section 3. This Section is uncodified. Operative Date. This Ordinance shall become
21 effective on the latter of the date that the Ordinance approving the Redevelopment Plan for
22 the Treasure Island/Yerba Buena Island Project becomes final or the date this Ordinance
23 would otherwise become effective under applicable law. A copy of said Ordinance is on file
24 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
25 herein by reference.

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

By: _____
John D. Malamut
Deputy City Attorney