

FILE NO. 98-1431

ORDINANCE NO. _____

1 [Subdivision Code Amendments]
 2 AMENDING PART II, CHAPTER XIII OF THE SAN FRANCISCO MUNICIPAL CODE
 3 (SUBDIVISION CODE) TO ADD THE MISSION BAY SUBDIVISION CODE TO PROVIDE
 4 FOR PROCESSING OF SUBDIVISION AND PARCEL MAPS IN THE MISSION BAY AREA,
 5 GENERALLY BOUNDED BY TOWNSEND STREET, SEVENTH STREET AND
 6 INTERSTATE 280, MARIPOSA STREET, TERRY A. FRANCOIS BOULEVARD AND THIRD
 7 STREET, AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1

8 Note: This entire section is new.

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

10 Section 1. Part II, Chapter XIII of the San Francisco Municipal Code (Subdivision
 11 Code) is hereby amended by adding the Mission Bay Subdivision Code thereto, immediately
 12 following the existing Subdivision Code provisions, to read as follows:

13 SUBDIVISION CODE
 14 OF THE CITY AND COUNTY OF SAN FRANCISCO
 15 FOR THE MISSION BAY PROJECT AREA

16 ARTICLE 1
 17 GENERAL PROVISIONS

- 18 Sec. 1400. Title.
 19 Sec. 1401. Authority and Mandate.
 20 Sec. 1402. Purposes.
 21 Sec. 1403. Scope.

22 SUPERVISOR YAKI, TENG, BIERMAN, MEDINA, BROWN, AMMIANO, KATZ, LENO, YEE
 23 BOARD OF SUPERVISORS
 24
 25

1 Sec. 1404. Enforcement.

2 Sec. 1404.1 Certificate of Compliance.

3 Sec. 1405. Severability.

4 SEC. 1400. TITLE.

5 This Chapter shall be known as the "Subdivision Code of the City and County of San
6 Francisco for the Mission Bay Project Area" (hereinafter referred to as this "Code") and
7 applies only to the areas designated as the Mission Bay North Redevelopment Project Area
8 and the Mission Bay South Redevelopment Project Area (collectively the "Mission Bay Project
9 Area").

10 SEC. 1401. AUTHORITY AND MANDATE.

11 (a) This Code is adopted pursuant to the Subdivision Map Act of California, Title 7,
12 Division 2 of the Government Code, commencing with Section 66410 (hereinafter referred to
13 as "SMA"), and repeals the Mission Bay Subdivision Code, adopted as Exhibit F to Ordinance
14 No. 60-91, being the Mission Bay Development Agreement, to the extent, if any, not
15 previously repealed by the termination of the Development Agreement, and repeals the
16 Mission Bay Subdivision Regulations adopted by the Director on October 18, 1991, to the
17 extent not previously repealed.

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

21 (c) Subject to the procedures and requirements for development in the Mission Bay
22 Project Area set forth in the Plans and Plan Documents, as defined in the Plans, this Code
23 shall govern in relation to all other City Regulations. Except as required by the SMA, in the
24 event of any inconsistency or conflict between the provisions of this Code and the Plans or
25 Plan Documents, the Plans and Plan Documents shall control. All applications for Tentative

1 Maps, Vesting Tentative Maps, Parcel Maps and Final Maps shall be consistent with the
2 Plans and Plan Documents.

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

9 SEC. 1402. PURPOSES.

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

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

16 (1) To provide policies, standards, requirements, and procedures to regulate
17 and control the design and improvement of all subdivisions within the Mission Bay Project
18 Area, and to ensure that all subdivisions are built to City standards consistent with the Plans
19 and Plan Documents.

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

23 (3) To preserve and protect, to the maximum extent possible, the unique and
24 valuable natural resources and amenities of the City's environment, including topographic and
25 geologic features, open space lands, waterfront recreational areas, fish and wildlife habitats,

1 historical and cultural places, and scenic vistas and attractions; and, to maximize the public's
2 access to and enjoyment of such resources and amenities through the dedication or
3 continuance of applicable easements thereto.

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

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

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

11 (7) To ensure adequate access to each building site.

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

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

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

20 (11) To ensure adequate financing of the costs of providing land for streets,
21 alleys, pedestrian ways, easements, and other rights-of-way and for the improvements there-
22 in needed to serve new developments.

23 (12) To ensure that land is subdivided in a manner that will promote the public
24 health, safety, convenience, and general welfare in conformance with the General Plan.
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1 SEC. 1403. SCOPE.

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

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

6 (c) For subdivisions creating five (5) or more parcels or units, a Tentative Map and
7 a Final Map shall be required pursuant to this Code and SMA.

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

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

12 (d) For subdivisions creating fewer than five (5) parcels or units, no Tentative Map
13 shall be required except as provided in Section 1443.1(a) for Vesting Tentative Maps and
14 except where the Director deems a Tentative Map would be appropriate and the applicable
15 City Regulations for the subject property would permit development at a density such that the
16 subject property, or any portion thereof, may be resubdivided in a manner which would
17 ultimately permit five (5) or more parcels on the subject property. In all other subdivisions
18 creating fewer than five (5) parcels or units, a Parcel Map containing the information specified
19 by Section 1459 of this Code and SMA shall be required. Said Parcel Map shall be filed with
20 the Director and recorded according to the procedure set forth in Sections 1460 through 1464
21 of this Code.

22 (e) No Tentative Map, Final Map or Parcel Map shall be required for those specific
23 types of subdivision exempted by Sections 66412 and 66428 of SMA; provided, however, that
24 with respect to subdivisions described in Subsection (h) of Section 66412 of the SMA,
25 certification pursuant to the provisions of Section 1497 must be obtained.

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

7 (g) Nothing herein shall preclude the approval and filing of Subdivision Maps for
8 purposes of financing and conveyancing only as provided in Section 1312.1 herein.

9 SEC. 1404. ENFORCEMENT.

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

18 (b) All departments, officials and public employees of the City, City Agencies or the
19 Agency vested with the duty or authority to approve or issue permits, shall act consistent with
20 the provisions of this Code, the Plans and the Plan Documents and shall neither approve nor
21 issue any permit or license for use, construction, or purpose in conflict with the provisions of
22 this Code, the Plans and the Plan Documents. Any such permit or license issued in conflict
23 with the provisions of this Code, Plans and the Plan Documents shall be null and void. No
24 conditions shall be imposed on or in connection with Tentative Maps, Vesting Tentative Maps,
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1 Parcel Maps or Final Maps, including Improvements Plans and Improvement Agreements,
2 that conflict with the Plans and Plan Documents.

3 (c) Any Subdivider, agent of a Subdivider, successor in interest of a Subdivider,
4 tenant, purchaser, builder, contractor or other person who violates any of the provisions of
5 this Code or any conditions imposed pursuant to this Code, or who knowingly submits
6 incorrect information to endeavor to mislead or misdirect efforts by City Agencies in the
7 administration of this Code, shall be deemed guilty of a misdemeanor and upon conviction
8 thereof shall be fined in an amount not exceeding two thousand dollars (\$2,000) or be
9 imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned.
10 Each day such violation is committed or permitted to continue shall constitute a separate
11 offense and shall be punishable as such hereunder.

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

1 SEC. 1404.1. CERTIFICATE OF COMPLIANCE.

2 (a) Any person owning real property or a vendee of that person pursuant to a
3 contract of sale of the real property, may request the Director to determine whether the real
4 property complies with the provisions of this chapter and the SMA. The Director shall forward
5 the request to the City Attorney for review.

6 (b) Upon making a determination of compliance, the Director shall, in accordance
7 with Section 66499-35 of the SMA cause a certificate or conditional certificate of compliance
8 approved as to form by the City Attorney to be filed for record with the County Recorder. The
9 certificate of compliance shall identify the real property and shall state that the division of land
10 complies with applicable provisions of the City Regulations and the SMA.

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

13 (d) If the Director determines that the real property does not comply with the
14 provisions of this Code or the SMA the Director shall issue a conditional certificate of
15 compliance. In issuing a conditional certificate of compliance the Director may impose such
16 conditions (including but not limited to filing an application for a corrected Tentative, Final or
17 Parcel Map) as would have been applicable to the division of the property at the time the
18 applicant acquired his or her interest therein, and which had been established at such time by
19 this Code or the SMA. Where the applicant was the owner of record at the time of the initial
20 violation of the provisions of this division or of local ordinances enacted pursuant thereto who
21 by a grant of real property created a parcel or parcels in violation of this Code or the SMA,
22 and that person is the current owner of record of one (1) or more of the parcels which were
23 created as a result of the grant on violation of this Code or the SMA, then the Director may
24 impose any conditions which would have been applicable to a current division of the property.

1 SEC. 1405. SEVERABILITY.

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

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

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

18 ARTICLE 2
19 DEFINITIONS

- 20 Sec. 1406. General.
21 Sec. 1407. Government Agencies.
22 Sec. 1408. Intentionally left blank
23 Sec. 1409. Terminology.
24
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1 SEC. 1406. GENERAL.

2 Officials and agencies referred to in this Code and in SMA are officials and agencies of
3 the City and County of San Francisco and the Agency, unless the contrary is either stated or
4 implied. Capitalized terms unless separately defined in this Code have the meanings and
5 content set forth in the Plans and Plan Documents.

6 SEC. 1407. GOVERNMENT AGENCIES.

7 (a) "Advisory Agency" and "Director" mean the Director of the City Department of
8 Public Works.

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

11 (c) "Bureau of Engineering" means the City Bureau of Engineering of the
12 Department of Public Works.

13 (d) "City" means the City and County of San Francisco.

14 (e) "City Agencies" means the City and, where appropriate, all City Departments,
15 agencies, boards, commissions, and bureaus with subdivision or other permit, entitlement,
16 review or approval authority or jurisdiction over any Major Phase or Project in the Mission Bay
17 Project Area or any portion thereof.

18 (f) "City Regulations" shall have the meaning given in the Plans.

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

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

22 (i) "County Surveyor," "County Engineer" and "City Engineer" mean the Director
23 and his staff.

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

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

2 (l) "Governing Body," "Legislative Body" and "Board" mean the City Board of
3 Supervisors.

4 (m) "Government Agencies" means state, federal, regional or local governmental
5 agencies, other than City Agencies, having or claiming jurisdiction over all or portions of the
6 Mission Bay Project Area or aspects of its development.

7 (n) "Plan Documents" means the Plans and their implementing documents,
8 including without limitation, this Code and regulations adopted hereunder, owner participation
9 agreements, and the Design for Development.

10 (o) "Plans" mean the Redevelopment Plan for Mission Bay North and the
11 Redevelopment Plan for Mission Bay South.

12 (p) "Planning Department" means the City Department of Planning.

13 (q) "Planning Director" shall mean the City Director of Planning.

14 (r) "Project Area" or "Mission Bay Project Area" includes all of the North Plan Area
15 and all of the South Plan Area as described in the Mission Bay North Redevelopment Plan
16 and the Mission Bay South Redevelopment Plan, respectively.

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

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

1 Subdivision includes a condominium project, as defined in Section 1451(f) of the California
2 Civil Code or a community apartment project, as defined in Section 1451(d) of the California
3 Civil Code. Any conveyance of land to a governmental agency, public entity, public utility or
4 subsidiary of a public utility for rights-of-way shall not be considered a division of land for
5 purposes of computing the number of lots. Subdivision does not include a lot line adjustment.

6 SEC. 1408. Intentionally left blank.

7 SEC. 1409. TERMINOLOGY.

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

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

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

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

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

23 (f) "Standard Specifications" shall mean the Standard Plans and Specifications of
24 the Bureau of Engineering, including any modifications thereof as set forth in the Plans, Plan
25 Documents or Subdivision Regulations.

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

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

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9 ARTICLE 3

10 GENERAL PROCEDURAL PROVISIONS

11 Sec. 1410. Advisory Agency.

12 Sec. 1411. Subdivision Regulations.

13 Sec. 1412. Exceptions.

14 Sec. 1412.1 Conveyancing or Finance Maps.

15 Sec. 1412.2 Lot Line Adjustments

16 Sec. 1413. Notice and Hearing.

17 Sec. 1414. Appeals.

18 Sec. 1415. Fees.

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20 SEC. 1410. ADVISORY AGENCY.

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

23 (b) All maps, plans and reports required by this Code shall be filed with the Director.
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1 SEC. 1411. SUBDIVISION REGULATIONS.

2 (a) The Director, with the assistance of other City Agencies, shall prepare and
3 publish the Mission Bay Subdivision Regulations ("Subdivision Regulations") needed to
4 implement and supplement this Code in accordance with the SMA, this Code, the Plans and
5 Plan Documents.

6 (b) Such Regulations shall be adopted by the Director after holding a public
7 hearing. The decision of the Director in adopting the Subdivision Regulations shall be subject
8 to review by the Agency for consistency with the Plans.

9 SEC. 1412. EXCEPTIONS.

10 (a) Upon application by the Subdivider, the Director may, subject to the SMA,
11 authorize exceptions to any of the requirements set forth in this Code and in the Subdivision
12 Regulations.

13 (b) Before granting any such exception in whole or in part, the Director must find:

14 (1) That the application of certain provisions of this Code or the Subdivision
15 Regulations would result in practical difficulties or unnecessary hardships affecting the
16 property inconsistent with the general purpose and intent of the Plans and Plan Documents.

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

19 (3) That the granting of such exception will not be contrary to the Plans.

20 (c) In granting any such exception, the Director shall designate the conditions
21 under which the exception is granted.

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

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

3 (f) If the Director elects to hold a public hearing with respect to an application for
4 exception, the Director shall give notice not less than ten (10) days and no more than fifteen
5 (15) days prior to the hearing date as provided in subsection (a) of Section 1413.

6 SEC. 1412.1 CONVEYANCING OR FINANCE MAPS.

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

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

12 (b) A Transfer Map shall condition development of the parcels therein upon
13 provision of all necessary Infrastructure, as described in the Plans and Plan Documents, to be
14 provided in connection with subsequent City permits, subdivision or parcel maps and
15 Improvement Plans, as applicable.

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

20 (d) No Transfer Map may be approved without Agency approval. In addition, no
21 Transfer Map may be approved for any parcel smaller than a numbered parcel as shown on
22 the Land Use Plan as described in the Plan Documents, prior to approval by the Agency of
23 the Major Phase for the area which includes the parcels proposed to be subdivided except for
24 the following exceptions, as approved by the Agency: (1) subdivision or parcel maps which
25 may be required to accommodate interim uses or development; (2) subdivision or parcel

1 maps which may be required to transfer Advance Delivery Affordable Housing Parcels; (3)
2 any subdivision or parcel maps which may be required for any easement parcels required to
3 be transferred pursuant to the Amended and Restated City Land Transfer Agreement; or,
4 (4) any other exceptions specifically reviewed by the Agency.

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

7 (f) The Director may waive certain submittal requirements for Tentative Maps for a
8 Transfer Map application in accordance with Section 1422(c) hereof.

9 SEC. 1412.2 LOT LINE ADJUSTMENTS.

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

13 SEC. 1413. NOTICE AND HEARING.

14 (a) The Director shall give notice in the following manner to the public and
15 interested parties of each application for a Tentative Map, or for a Parcel Map for which a
16 Tentative Map is not required and an application for an exception filed pursuant to Section
17 1412.

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

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

24 (3) Notice of the Director's receipt of the application shall be mailed or
25 delivered to all owners of real property, as shown on the latest equalized assessment roll,

1 within three hundred (300) feet of the real property that is the subject of the application. In
2 lieu of utilizing the assessment roll the local agency may utilize records of the County
3 Assessor or Tax Collector which contain more recent information than the assessment roll. A
4 copy of such notice shall be mailed to the owner of the subject real property or the owner's
5 duly authorized agent, and to the project applicant, if a different person. If the number of
6 persons to whom notice would be mailed or delivered pursuant to this paragraph is greater
7 than one thousand (1,000), the Director, in lieu of mailed or delivered notice, may provide
8 notice by placing a display advertisement of at least one-eighth (1/8) page in at least one
9 newspaper of general circulation within the City and County of San Francisco at least ten (10)
10 days prior to the hearing.

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

13 (b) When a public hearing is requested in writing within ten (10) days of the date
14 that notice of an application subject to Subsection (a) of this Section was sent or published,
15 by a person whose interest would be affected, the Director shall hold a public hearing with
16 respect to the application in question.

17 (c) If the Director is required or elects to hold a public hearing with respect to an
18 application, he or she shall give notice not less than ten (10) days prior to the hearing date as
19 provided in Subsection (a) of this Section. No public hearing shall be held until after
20 Government Agencies and City Agencies comments are received or the time period for
21 receiving such comments has run, whichever occurs first, and the Director has provided a
22 written report in accordance with Section 1429.

23 (d) All applications for a Tentative Map, or for a Parcel Map for which a Tentative
24 Map is not required, shall include, in addition to all other information required:
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1 (1) A list of the names, assessor's lot and block numbers and mailing
2 addresses of all those shown in the last equalized assessment roll as owning property within
3 three hundred (300) feet of the property proposed to be subdivided.

4 (2) A three hundred (300)-foot radius map delineating all the properties
5 described in Subsection (d)(1).

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

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

15 (f) Applications for Tentative and Parcel Maps shall be processed in compliance
16 with the Plans, Plan Documents and California Government Code Sections 65920 to 65963.1
17 and any applicable Government Code Section amendments. For the purposes of appealing a
18 decision by the Director as to completeness of an application pursuant to California
19 Government Code Section 65943, the appeal must be made to the Board of Supervisors.

20 SEC. 1414. APPEALS.

21 (a) The proposed Subdivider, and any person who owns property within three
22 hundred (300) feet of a proposed subdivision, may appeal to the Board from a final decision
23 of the Director approving, conditionally approving, or disapproving a Tentative Map, or a
24 Parcel Map for which a Tentative Map is not required. Any such appeal must be filed in
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1 writing with the Clerk of the Board within ten (10) days of release of the decision appealed,
2 and must be accompanied by the fee specified in Section 1415(b) of this Code.

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

9 (c) With respect to appeals under this Section, the Board shall schedule a hearing
10 on the appeal to be held within thirty (30) days after the appeal has been filed, and shall give
11 notice as provided in Sections 1413(a)(1) and 1413(a)(2), and to the persons entitled to
12 notice of the Director's decision under Section 1414(b).

13 SEC. 1415. FEES.

14 (a) Fees, payable to the Department of Public Works, shall be charged for checking
15 and processing all maps, plans and reports, including all condominium maps and Parcel
16 Maps, filed under this Code. Said fees shall consist of an initial payment in accordance with
17 the estimated actual cost of checking the maps, plans and reports, together with
18 investigations incidental thereto, and shall be paid before or at the time of filing a Tentative
19 Map or a Parcel Map. Where initial payment is insufficient to compensate the actual cost
20 incurred, an additional sum shall be charged to equal such actual cost. Fees for Parcel
21 Maps, excepting condominium maps, which do not require the filing of a Tentative Map, and
22 which do not involve street dedications or improvements, and for parcel map waivers shall be
23 charged for checking and for processing in accordance with the City's Subdivision Code of
24 general applicability. All such fees for Parcel Maps shall be paid at time of filing. Fees based
25 on the actual cost of processing shall be charged to (1) the person requesting a certificate of

1 compliance for processing and making a determination on the request, (2) the owner of the
2 property who files a petition for initiating reversion to acreage proceedings for processing the
3 petition and (3) the Subdivider for checking, processing and recording an amended map or
4 certificate of correction. The fees for processing a request for a certificate of compliance, a
5 petition for reversion to acreage and an amended map or certificate of correction, shall be
6 determined by the Director and set forth in the Subdivision Regulations. Nonprofit
7 organizations with tax-exempt status under the Internal Revenue Code shall be exempt from
8 payment of the checking and processing fees where the organization is building housing to
9 be used exclusively for the benefit of residents who are low-income, as that term is defined in
10 the Plans and Plan Documents.

11 (b) A Fee of two hundred fifty dollars (\$250) shall be charged to the appellant to
12 defray costs of an appeal under Section 1414 of this Code.

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

15 (d) There is hereby created a Subdivision Fund wherein all funds received under
16 the provisions of this Section shall be deposited. All expenditures from the Fund shall be for
17 engineering or technical investigations, services, consultants, and equipment directly related
18 to the checking and processing of the maps, plans, reports and Parcel Map waivers filed
19 under this Code, and all such expenditures are hereby appropriated for said purposes. The
20 Applicant, owner or Subdivider, as applicable, shall be reimbursed to the extent estimated
21 fees paid exceed actual costs. At the request of the Applicant, the Director shall provide a
22 reasonably detailed accounting of the City's actual costs of checking and processing incurred
23 hereunder.

ARTICLE 4
TENTATIVE MAPS

- 1 Sec. 1420. Pre-filing Conference.
- 2 Sec. 1421. Application Packet.
- 3 Sec. 1422. Tentative Map and Accompanying Documents.
- 4 Sec. 1424. Filing.
- 5 Sec. 1425. Referral to Other Agencies.
- 6 Sec. 1426. Time Limit for Agency Review.
- 7 Sec. 1427. Agency Reports.
- 8 Sec. 1428. Subdivision Conference.
- 9 Sec. 1429. Director's Consolidated Report.
- 10 Sec. 1430. Conditions.
- 11 Sec. 1431. Action: Advisory Agency's Decision.
- 12 Sec. 1432. General Plan and Redevelopment Plan Consistency Determination.
- 13 Sec. 1433 Vesting Tentative Maps
- 14 Sec. 1433.1. Vesting Tentative Map.
- 15 Sec. 1433.2 Vesting Tentative Map Requirements
- 16 Sec. 1433.3 Rights Conveyed
- 17 Sec. 1433.4 Vesting Tentative Maps - Inconsistency with Ordinances and Other Standards
- 18 Sec. 1434. Agency's Review and Approval of Subdivision Maps.

21 SEC. 1420. PRE-FILING CONFERENCE.

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

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

3 SEC. 1421. APPLICATION PACKET.

4 The initial action in connection with the making of any subdivision for which a Tentative
5 Map is required shall be the preparation of the Application Packet. Section 1422, and with
6 respect to Vesting Tentative Maps Sections 1443.1 and 1443.2, of this Code and the
7 Regulations adopted thereunder cover the preparation of the component parts of said
8 Application Packet.

9 SEC. 1422. TENTATIVE MAP AND ACCOMPANYING DOCUMENTS.

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

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

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

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

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

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

1 Subdivider. Where requirements are deferred, appropriate conditions may be included on the
2 Tentative Map for providing such deferred requirements.

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

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

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

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

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

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

16 (v) Description of variances and exceptions that are requested; and

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

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

23 SEC. 1424. FILING.

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

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

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

4 (d) The Director shall determine whether an Application Packet is complete and
5 notify the Subdivider within thirty (30) days of the date of the submittal of the Application
6 Packet. If the Director determines that the Application Packet is not complete, the notice to
7 the Subdivider shall list all of the information necessary to comprise a complete application.

8 **SEC. 1425. REFERRAL TO OTHER AGENCIES.**

9 Within three (3) working days after a complete Application Packet has been filed with
10 the Director, the Director shall forward copies to the Agency, the Planning Department, the
11 Bureau of Engineering, the Department of Building Inspection, the City Attorney, and other
12 appropriate Government Agencies and City Agencies for their review.

13 **SEC. 1426. TIME LIMIT FOR AGENCY REVIEW.**

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

16 (b) The time limit for Government Agency and City Agencies review may be
17 modified in accordance with the Plans and Documents and extended by mutual consent of
18 the Subdivider and the Director.

19 **SEC. 1427. AGENCY REPORTS.**

20 Each reviewing agency shall report, in writing, to the Director, with a copy to the
21 Subdivider, its findings on and recommendation for approval, conditional approval or denial of
22 an Application Packet subject to and in accordance with the Plans and Plan Documents. The
23 Planning Department's report shall include a finding on consistency with the General Plan.
24 The Agency's report shall include a finding of consistency with the Plans and Plan
25 Documents.

1 SEC. 1428. SUBDIVISION CONFERENCE.

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

8 SEC. 1429. DIRECTOR'S CONSOLIDATED REPORT.

9 (a) Whenever a subdivision conference is held, the Director shall prepare a written
10 report on the findings or recommendations discussed in the conference, attaching thereto
11 copies of the reports from, or comments made at the subdivision conference by, other
12 agencies. A copy of said report shall be sent to each participant in the subdivision
13 conference. Said report shall be prepared by the Director within five (5) working days after
14 the subdivision conference but in no event less than five (5) days prior to any required public
15 hearing.

16 (b) Whenever a public hearing is required, the Director shall provide to the
17 Subdivider the Director's report or recommended findings and the findings and
18 recommendations received from the reviewing agencies. Said information or report shall be
19 submitted within five (5) working days after expiration of the review time limits. Said
20 information or report shall be made available to the public prior to the public hearing. In the
21 event a subdivision conference is required, a public hearing shall be held after such
22 conference, no earlier than five (5) days following preparation of the Director's report thereon,
23 and within the time periods set forth in the SMA.
24
25

1 SEC. 1430. CONDITIONS.

2 (a) Conditions on approval of a Tentative Map, Vesting Tentative Map, or Parcel
3 Map, or Improvement Plans or Agreement may relate wholly or in part to any improvements
4 or structures which may be constructed within, or associated with, the subdivision, as well as
5 to the subdivision itself.

6 (b) Subject to Section 1412.1, conditions may be required to be fulfilled before or
7 after such filing of the related Final or Parcel Map. Where such conditions are to be fulfilled
8 after filing of the related Final Map, the Subdivider shall, where appropriate, enter into an
9 Improvement Agreement and furnish security for compliance with those conditions including
10 but not limited to security satisfying the requirements of California Government Code Section
11 66499, pursuant to the provisions of Article 6 and Article 8 of this Code.

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

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

19 (e) The Mission Bay Project Area consists of two redevelopment areas with many
20 improvement requirements set forth in the Plans and Plan Documents which will be phased
21 during the development of the project. Many of these improvement requirements will be
22 required by specific, Mission Bay Project Area-wide levels of development. It is therefore
23 possible that a Tentative Map or Parcel Map for a specific development proposal will trigger
24 the requirement for Mission Bay Project Area-wide improvements, based on all development
25 that has occurred to date in the Mission Bay Project Area. For purposes of the Subdivision

1 Map Act, including, but not limited to, Government Code Section 66411.1, any such
2 improvement requirements that are imposed as conditions upon a division of land shall be
3 deemed to be reasonable offsite and onsite improvements for the parcels being created.

4 SEC. 1431. ACTION: ADVISORY AGENCY'S DECISION.

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

10 (b) Copies of the Director's decision shall be sent to all agencies that submitted
11 reports to the Board and to the public as set forth in Section 1414.

12 (c) The City shall comply with all time limitations and requirements for processing
13 subdivision maps in the SMA, including, without limitation, those in Government Code Section
14 66452.4.

15 SEC. 1432. GENERAL PLAN AND REDEVELOPMENT PLAN CONSISTENCY
16 DETERMINATION.

17 (a) Whenever a property is to be subdivided, the Department of Planning shall
18 report on the question of consistency of the subdivision with the General Plan and the
19 Redevelopment Agency shall report on consistency with the Plans.

20 (b) The Director shall disapprove the proposed subdivision when the proposed
21 subdivision is not consistent with the Plans, Plan Documents or General Plan, subject to any
22 decision on appeal by the Board of Supervisors.

23 (c) When the Department of Planning or the Agency finds, subject to any decision
24 on appeal by the Board of Supervisors, or when the Board of Supervisors finds, that a
25 proposed subdivision will be consistent with the Plans, Plan Documents or General Plan only

1 upon compliance with certain conditions, the Director shall incorporate said conditions in his
2 or her conditional approval of the proposed subdivision.

3 SEC. 1433 VESTING TENTATIVE MAPS.

4 SEC. 1433.1. VESTING TENTATIVE MAP.

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

7 (b) Except as otherwise provided in Sections 1443.2 through 1443.5 of this Code, a
8 Vesting Tentative Map shall be subject to the same procedures, requirements and other Code
9 provisions as any other Tentative Map.

10 SEC. 1433.2 VESTING TENTATIVE MAP REQUIREMENTS.

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

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

16 (2) Provide such additional information as required to be submitted to the
17 Redevelopment Agency for a Major Phase Concept Plan application as described in the
18 Design Review and Document Approval Procedure of the Plan Documents, provided that the
19 Director may exempt the Subdivider from such requirements in accordance with this Code.

20 SEC. 1433.3. RIGHTS CONVEYED.

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

23 (b) The right referred to in Subsection (a) shall expire if a Final Map is not approved
24 before expiration of the related Vesting Tentative Map under California Government Code
25

1 Section 66452.6 and this Code. If a Final Map is approved, the development right referred to
2 in subsection (a) shall continue during the following period of time:

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

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

19 (3) If the Subdivider submits a complete building or site permit application
20 before the expiration of the applicable period stated in Subsection (b)(1) or (b)(2), the period
21 during which that application is being processed and the period of the life of any
22 corresponding building or site permit, or any extension thereof.

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

1 SEC. 1433.4. VESTING TENTATIVE MAP – INCONSISTENCY WITH ORDINANCES
2 AND OTHER STANDARDS.

3 (a) Subsections 1433.1-1433.3 relate only to conditions and requirements imposed
4 by the City and do not affect the obligation of a Subdivider to comply with the conditions and
5 requirements of state or federal laws, regulations or policies.

6 (b) Notwithstanding any other provision of this Code, a property owner or his or her
7 designee may seek approvals or permits for development which depart from the ordinances,
8 policies or standards applicable under Section 1443.3(a), and the City may grant such
9 approvals or issue such permits to the extent consistent with the Plans and Plan Documents
10 and permitted by otherwise applicable City Regulations.

11 SEC. 1434. AGENCY REVIEW AND APPROVAL OF SUBDIVISION MAPS.

12 (a) Notwithstanding any provision of the Subdivision Code to the contrary, a
13 Tentative Map shall not be deemed finally approved until the Agency in accordance with the
14 Plan Documents, reviews and approves the Tentative Map to ensure that it is consistent with
15 the Plans and the Plan Documents, including the Infrastructure Plan, the Scope of
16 Development and the Design for Development. The Agency shall also have the right to
17 review any amendment to the Tentative Map, or a subsequent Tentative Map.

18 The Applicant shall submit copies of its Application Packet for a Tentative Map, and
19 the Application Packet for an amendment to a Tentative Map or a subsequent Tentative Map,
20 to the Agency when it submits the Application Packet to the Director. The Agency shall, in
21 accordance with the Plan Documents, approve, disapprove or approve with conditions the
22 Tentative Map, amendment to the Tentative Map, or a subsequent Tentative Map within thirty
23 (30) days following receipt of an Application Packet, unless such time has been extended
24 pursuant to Section 1426 of the Subdivision Code. The Agency shall deliver the
25 determination to the Director of Public Works in writing, with a copy to the Applicant.

1 (b) Notwithstanding any provision of the Subdivision Code to the contrary, in
2 accordance with the Plan Documents, a proposed Final Map or Parcel Map shall not be
3 deemed finally approved for recordation unless and until the Agency reviews and approves or
4 is deemed to have approved the proposed Final Map or Parcel Map. The Agency shall
5 approve the proposed Final Map or Parcel Map if: (i) development of the area covered by the
6 proposed Final Map or Parcel Map is consistent with the Plans and Plan Documents and any
7 Major Phase or Project Approvals issued by the Agency, if any; and (ii) the conditions that
8 were imposed upon approval of the Tentative Map to provide Infrastructure Improvements
9 consistent with the Plans and Plan Documents have been satisfied, or the performance of
10 such conditions is otherwise secured by an Improvement Agreement.

11 The Applicant shall submit copies of all proposed Final Maps or Parcel Maps at the
12 same time such proposed Final Maps or Parcel Maps are filed with the Agency. The Agency
13 shall, in accordance with the Plan Documents, approve, disapprove, or approve with
14 conditions the proposed Final Maps or Parcel Maps within thirty (30) days following receipt of
15 the proposed Final Map or Parcel Map from the Applicant, by delivering a determination to the
16 Director of Public Works, with a copy to the Applicant. If the Agency fails to act within such
17 thirty (30) day period, this requirement shall be deemed to be waived.

18 ARTICLE 5

19 SUBDIVISION REQUIREMENTS

20 Sec. 1435. Public Facilities.

21 Sec. 1435.1 Off-site Improvements.

22 Sec. 1436. Utilities.

23 Sec. 1437. Beautification.

24 Sec. 1438. Parkland Dedication.

25 Sec. 1439. Easements.

1 Sec. 1440. Monuments.

2 SEC. 1435. PUBLIC FACILITIES.

3 (a) General. Public facilities listed in this Section shall (where provided) meet the
4 design and construction standards in the Plans, Plan Documents and the Mission Bay
5 Subdivision Regulations consistent therewith.

6 (b) Streets.

7 (1) Dedicated Public Streets. A subdivision shall have direct access to a
8 public right of way. Title to a new or widened public right of way shall be conveyed to the City
9 by proper deed either prior to approval of the Final Map or as provided in an Improvement
10 Agreement entered into pursuant to Section 1451.

11 (2) Private Streets. Easements for government facilities in private streets
12 shall meet the requirements of Section 1449 of this Code.

13 (c) Frontage Improvements. The frontage of each lot shall be improved to the
14 geometric section specified by the Director in accordance with the Plans, Plan Documents
15 and Mission Bay Subdivision Regulations, including street structural section, curbs,
16 sidewalks, planting areas, driveway approaches and transitions.

17 (d) Pedestrian Ways. Pedestrian ways shall be required in accordance with the
18 Plans and Plan Documents.

19 (e) Sanitary and Drainage Facilities. The Subdivider shall provide sanitary and
20 drainage facilities consistent with the Plans, Plan Documents and Mission Bay Subdivision
21 Regulations. When connected to City facilities, such facilities will serve adequately all lots,
22 dedicated areas and all other areas comprising the subdivision.

23 (f) Fire Protection. The Subdivider shall provide for the installation of fire hydrants
24 and other appurtenances and facilities needed for adequate fire protection consistent with the
25 Plans and Plan Documents.

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

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

6 (i) Other Improvements. Other improvements may be required including, but not
7 limited to, grading, temporary fencing, signs, street lines and markings, street trees and
8 shrubs, street furniture, landscaping, monuments, bicycle facilities, and smoke detectors, or
9 fees in lieu of any of the foregoing, shall also be required as determined by the Director in
10 accordance with this Code, but only to the extent consistent with the Plans, Plan Documents,
11 the General Plan and applicable City Regulations.

12 SEC. 1435.1. Off-Site Improvements.

13 If the Subdivider is required by the Plans or Plan Documents to construct off-site
14 improvements on land which the Subdivider or his predecessor in interest did not own or have
15 sufficient title or interest at the time the tentative or final map is filed, and in which neither the
16 Subdivider nor the City has sufficient title or interest to allow construction, the City shall,
17 within one hundred twenty (120) days of recording the Final Map that triggers the off-site
18 improvement requirement, acquire by negotiation or commence condemnation of the land. If
19 the City fails to meet the one hundred twenty (120) day time limit, the condition for the
20 construction shall be waived. Prior to approval of the Final Map, the City may require the
21 Subdivider to enter into an agreement to complete the off-site improvements at the time the
22 City acquires title or an interest in the land in accordance with the Plans. The Subdivider
23 shall pay to the City, and/or to a third party at the City's direction, all of the cost of acquiring
24 off-site land or an interest in the land (including all costs preparatory to or incurred as a result
25

1 of a proceeding in eminent domain) required to construct the off-site improvements, in
2 accordance with the Plans and Plan Documents.

3 SEC. 1436. UTILITIES.

4 The Subdivider shall, if required in accordance with the Plans and Plan Documents,
5 provide or cause to be provided a domestic low pressure water system and a high pressure
6 water system, connected to the San Francisco Water Department's water distribution system.
7 The Subdivider shall also provide electric, gas and communication services connected to the
8 appropriate public utility's distribution system.

9 SEC. 1437. BEAUTIFICATION.

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

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

18 (c) Open Areas. When required pursuant to the Plans and Plan Documents, the
19 Subdivider shall provide for the landscaping of open areas and provision shall be made for
20 the maintenance thereof. Such open areas shall be restricted to such use in accordance with
21 the Plans and Plan Documents.

22 SEC. 1438. PARKLAND DEDICATION.

23 Park and open space improvements and dedications shall be provided as required by
24 the Plans and Plan Documents, and in conformance with the standards set forth therein.

1 SEC. 1439. EASEMENTS.

2 Easements for sanitary and drainage facilities, fire protection facilities and city-owned
3 street lighting facilities shall be for the use of such governmental facilities, with the right of
4 immediate access to the facilities by the City.

5 SEC. 1440. MONUMENTS.

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

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

13 ARTICLE 6

14 IMPROVEMENT REQUIREMENTS

15 Sec. 1445. General.

16 Sec. 1446. Improvement Plans.

17 Sec. 1447. Construction.

18 Sec. 1448. Failure to Complete Improvements within
19 Agreed Time.

20 Sec. 1449. Inspection and Testing Fees.

21 Sec. 1449.1 Revisions to Approved Plans.

22 Sec. 1450. Intentionally Left Blank

23 Sec. 1451. Improvement Agreement.

24 Sec. 1451.1. Completion of Improvements.

25 Sec. 1451.2. Acceptance of Improvements.

1 SEC. 1445. GENERAL.

2 (a) The Subdivider shall provide for the construction and installation of all public
3 improvements in the subdivision in accordance with the Plans and Plan Documents. The
4 term "public improvements" shall mean all improvements required pursuant to Article 5 of this
5 Code, the Plans and Plan Documents, and any additional improvements for the benefit of the
6 public required as a condition of approval of a Tentative Map, consistent with the Plans and
7 Plan Documents.

8 (b) The Subdivider shall enter into an Improvement Agreement pursuant to Section
9 1451 whenever required public improvements have not been completed prior to the filing of
10 the Final Map.

11 SEC. 1446. IMPROVEMENT PLANS.

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

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

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

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

22 (e) The Director shall act upon and review Improvement Plans within the time
23 periods specified in Section 66456.2 of the SMA. The Director shall send a copy of the
24 Improvement Plans to the Agency for its review. The Director's review of the Improvement
25

1 Plans shall conform with the Subdivision Regulations and the Plans and Plan Documents.
2 This time limit may be extended by mutual agreement.

3 SEC. 1447. CONSTRUCTION.

4 (a) No construction of public improvements shall commence until Improvement
5 Plans have been approved by the Director.

6 (b) Construction of public improvements which are to be accepted by the City for
7 maintenance shall be subject to inspection by the Director. The Subdivider is responsible for
8 paying the applicable engineering inspection fee as specified in the Public Works Code.

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

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

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

1 SEC. 1448. FAILURE TO COMPLETE IMPROVEMENTS WITHIN AGREED TIME.

2 The Improvement Agreement shall include provisions consistent with the Plans and
3 Plan Documents and this Code regarding extensions of time and remedies when
4 improvements are not completed within the agreed time.

5 SEC. 1449. INSPECTION AND TESTING FEES.

6 (a) The actual costs of inspecting the construction of improvements under Section
7 1457(b) of this Code shall be paid by the Subdivider.

8 (b) The actual costs of testing the materials incorporated in the improvements
9 under Section 1457(b) of this Code shall be paid by the Subdivider.

10 SEC. 1449.1. REVISION TO APPROVED PLANS.

11 (a) Requests by the Subdivider for revisions to the approved Improvement Plans
12 shall be submitted in writing to the Director and shall be accompanied by drawings showing
13 the proposed revision. If the revision is acceptable to the Director and the Agency and
14 consistent with the Plans, Plan Documents and Tentative Map, the Director shall initial the
15 revised plans. Construction of any proposed revision shall not commence until revised plans
16 have been received and approved by the Director.

17 [SEC. 1450. INTENTIONALLY LEFT BLANK.]

18 SEC. 1451. IMPROVEMENT AGREEMENT.

19 (a) General. This section shall only apply to public improvements that have not
20 been completed or conditions that have not been fulfilled prior to filing a Parcel or Final Map.
21 An agreement (the "Improvement Agreement") shall be prepared by the Director and the City
22 Attorney, approved as to form by the City Attorney, and executed by the Director on behalf of
23 the City. The Improvement Agreement shall be consistent with the Plans and Plan
24 Documents and shall provide for:

1 (1) Construction of all public improvements required pursuant to the Plans,
2 Plan Documents, this Code, the Mission Bay Subdivision Regulations, and conditions
3 imposed on the Tentative Map consistent therewith, including any required off-site
4 improvements, within the time specified by Section 1451.1.

5 (2) Satisfaction of conditions precedent to the transfer of title to the City of all
6 land and improvements required to be dedicated to or acquired by the City, if the City elects
7 to defer transfer of title until after the public improvements have been completed consistent
8 with the Plans and Plan Documents, including any Approved Title Exceptions as defined
9 therein, which are or shall be specified herein.

10 (3) Payment of inspection fees in accordance with applicable City
11 Regulations, consistent with the Plans and Plan Documents.

12 (4) Improvement security as required by Section 1470.

13 (5) Maintenance and repair of any defects or failures of the required public
14 improvements, and to the extent feasible removing their causes, prior to acceptance of the
15 public improvements by the City.

16 (6) Release and indemnification of the City from all liability incurred in
17 connection with the construction of public improvements and payment of all reasonable
18 attorneys' fees that the City may incur because of any legal action or other proceeding arising
19 from the construction, except release and indemnification disallowed under the SMA or any
20 other state or federal law pursuant to the procedures provided in the SMA.

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

23 (8) Any other deposits, reimbursements, fees or conditions as required by
24 City Regulations consistent with Plans and Plan Documents and as may be required by the
25 Director.

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

4 (b) Any Improvement Agreement, contract or act required or authorized by the SMA
5 or this chapter for which security is required, shall be secured in accordance with Section
6 66499 et seq. of the SMA and Article 8 of this Code.

7 SEC. 1451.1. COMPLETION OF IMPROVEMENTS.

8 (a) The public improvements for subdivisions of five (5) or more parcels which are
9 not otherwise required to be completed prior to recordation of a Final Map, shall be completed
10 by the Subdivider within the time specified in an Improvement Agreement which is consistent
11 with the Plans and Plan Documents.

12 (b) The completion of public improvements for subdivisions of four (4) or fewer
13 parcels and for financing and conveyancing maps which are not otherwise required to be
14 completed prior to recordation of a Parcel Map or Final Map may be deferred until a permit or
15 other grant of approval for the development of any parcel within the subdivision is applied for,
16 unless the completion of the public improvements is found to be necessary for public health
17 or safety or for the orderly development of the surrounding area, in which case the
18 Improvement Agreement shall specify a time for completion. If any required public
19 improvements are not completed at the time of recordation of a Parcel Map or Final Map for
20 four (4) or fewer parcels, an Improvement Agreement is required pursuant to Section 1451.
21 This finding shall be made by the Director, after consultation with appropriate City Agencies.
22 The specified date for completion of the public improvements, when required, shall be stated
23 in the Improvement Agreement. Public improvements shall be completed in accordance with
24 the Improvement Agreement.

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

3 (1) The Subdivider must request an extension in writing, stating adequate
4 evidence to justify the extension, by letter to the Director. The request shall be made not less
5 than thirty (30) days prior to expiration of the Improvement Agreement. The Director may
6 grant such extensions, subject to the terms of the Improvement Agreement.

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

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

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

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

15 (iv) Conditions which the Director deems necessary to assure the
16 timely completion of public improvements.

17 (3) If authorized by the Director, the Subdivider shall enter into an
18 Improvement Agreement extension ("Extension Agreement") with the City. The Extension
19 Agreement shall be prepared by the Director and the City Attorney, and executed by the
20 Director, the Subdivider and surety bank or financial institution, if applicable, providing
21 security required by the Improvement Agreement.

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

24 (d) Should the Subdivider fail to complete the public improvements within the
25 specified time, or correct all deficiencies within twelve (12) months following the time specified

1 for completion, the City may, by resolution of the Board of Supervisors and at its option,
2 cause any or all uncompleted public improvements to be completed and all uncorrected
3 deficiencies to be corrected, and the parties executing the security or securities shall be firmly
4 bound for the payment of all necessary costs.

5 (e) As-Built Plans. Upon completion of the public improvements, the Subdivider
6 shall submit to the Director a reproducible set of as-built Improvement Plans.

7 SEC. 1451.2. ACCEPTANCE OF IMPROVEMENTS.

8 (a) General. With respect to all subdivisions, when any deficiencies in the required
9 public improvements have been corrected and as-built Improvement Plans submitted, the
10 completed public improvements shall be considered by the Director for acceptance.

11 (b) Acceptance. If the public improvements have been completed to the
12 satisfaction of the Director, the Director shall provide the Board of Supervisors with a written
13 certificate to that effect, and the public improvements may be accepted by the Board of
14 Supervisors, by ordinance, subject to the provisions of San Francisco Administrative Code
15 1.52. Acceptance of the improvements shall imply only that the improvements have been
16 completed satisfactorily and that public improvements have been accepted for public use.

17 [Sec. 1452 - 1454. INTENTIONALLY LEFT BLANK.]

18 ARTICLE 7

19 FINAL MAPS AND PARCEL MAPS

20 Sec. 1455. Time Limit for Submittal.

21 Sec. 1456. Final Map.

22 Sec. 1457. Certificates and Statements on Final Map.

23 Sec. 1459. Parcel Map.

24 Sec. 1460. Check Prints

25 Sec. 1461. Map Check.

- 1 Sec. 1462. Filing.
- 2 Sec. 1463. Submittal to Board.
- 3 Sec. 1464. Recordation.
- 4 Sec. 1465. Correction and Amendments of Map.

5 SEC. 1455. TIME LIMIT FOR SUBMITTAL.

6 Within thirty-six (36) months after the approval of the Tentative Map application or
7 preliminary Parcel Map application, unless such time has been extended upon approval of the
8 Tentative Map or pursuant to Government Code Section 66452.6, the Final Map or Parcel
9 Map shall be filed with the Director.

10 [SEC. 1455.1. INTENTIONALLY LEFT BLANK.]

11 SEC. 1455.2 FINAL MAPS SHOWING ONLY PORTIONS OF TENTATIVE MAP.

12 (a) General. Multiple final maps relating to an approved or conditionally approved
13 Tentative Map may be filed prior to the expiration of the Tentative Map if, in addition to all
14 other requirements of this Code pertaining to Final Maps, a Subdivider files a notice pursuant
15 to Section 1422(d)(1)(vi) or, after filing of the Tentative Map, the Subdivider and Director
16 (after consulting with the Agency) concur in the filing of multiple Final Maps. A Subdivider
17 filing multiple Final Maps must obtain approval of the Director pursuant to Subsection (b) of
18 this Section in order to obtain the certificate required by Section 1457.

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

22 (1) The Director finds:

23 (i) that it will not be feasible from an engineering standpoint to
24 construct the public improvements required for the areas shown on the Final Map; or

1 (ii) that construction of the public improvements shown in the
2 proposed Final Map would not provide adequate access to the area shown on the Final Map
3 unless additional street or easement dedications, or public improvements as shown on the
4 General Plan or in the Plans or Plan Documents, are provided, or other reasonable
5 conditions, not in conflict with the Plans, Plan Documents and City Regulations, are imposed.

6 (2) The Director, or in the event of a hearing by the Agency pursuant to
7 subsection (d) below, the Agency finds that development of the uses authorized within the
8 Final Map area at that time would not promote orderly development consistent with the
9 General Plan, Plans and Plan Documents unless additional street or easement dedications,
10 or public improvements as shown on the Tentative Map are provided, or other reasonable
11 conditions, not in conflict with the Plans, Plan Documents and the City Regulations, are
12 imposed.

13 (c) The Director shall make a determination pursuant to subsection (b) within forty
14 (40) days following submittal of the Final Map or Parcel Map.

15 (d) If the Director refuses to approve for recording a Final Map showing only a
16 portion of a Tentative Map, the Director shall provide the applicant with written findings in
17 support of the determination. The Director's refusal to approve a phased Final Map may be
18 appealed to the Agency, and then, if necessary, to the Board, for a determination of whether
19 the Phased Final Map is consistent with the SMA, the Tentative Map, the Plans and Plan
20 Documents, provided, however, that any decision by the Agency regarding consistency with
21 the Plans shall be final.

22 SEC. 1456. FINAL MAP.

23 (a) The Final Map shall consist of the Title Sheets and Map Sheets.

24 (b) The Title Sheets shall contain the following data:

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

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

3 (3) Certificates, affidavits and acknowledgements; and

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

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

10 (1) Title;

11 (2) Explanatory and Description Notes; and

12 (3) Map.

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

15 **SEC. 1457. CERTIFICATES AND STATEMENTS ON FINAL MAP.**

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

18 (1) City Attorney's Certificate;

19 (2) Advisory Agency's Certificate;

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

1 (4) Certificate of Approval of Multiple Final Maps. Where the Final Map
2 shows only a portion of the Tentative Map, then a certificate signed by the Director pursuant
3 to Section 1455.2 shall be required.

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

6 SEC. 1459. PARCEL MAP.

7 (a) The requirements of Subsection (c) of Section 1456 of this Code shall apply to
8 Parcel Maps.

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

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

13 SEC. 1460. CHECK PRINTS.

14 (a) Prior to filing of the Final Map or Parcel Map, the Subdivider shall submit to the
15 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
19 boundaries around the subdivision, of each lot boundary in the subdivision, and of boundaries
20 of easements and of dedicated rights-of-way.

21 SEC. 1461. MAP CHECK.

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

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

1 SEC. 1462. FILING.

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

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

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

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

10 (4) Evidence of title;

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

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

14 SEC. 1463. SUBMITTAL TO BOARD.

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

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

21 SEC. 1464. RECORDATION.

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

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

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

4 SEC. 1465. CORRECTION AND AMENDMENTS OF MAP.

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

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

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

11 (3) To correct an error in the description of the real property shown on the
12 Map;

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

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

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

23 (7) To make modifications when there are changes which make any or all of
24 the conditions of the Map no longer appropriate or necessary and when the modifications do
25 not impose any additional burden on the present fee owner of the property, and if the

1 modifications do not alter any right, title or interest in the real property reflected on the
2 recorded Map, and the Director finds that the Map as modified conforms to the provisions of
3 Section 66474 of the SMA. Such modification shall require an Amending Map and shall be
4 set for public hearing by the Director according to the procedures established for a hearing on
5 the Tentative Map. The Director shall confine the hearing to consideration of, and action on,
6 the proposed modification.

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

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

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

1 (e) Fee. The fee for checking, processing and recording the amended map or
2 Certificate of Correction shall be as provided in Section 1415.

3 ARTICLE 8

4 SECURITY, BONDS, TAXES

5 Sec. 1470. Security for Improvements.

6 Sec. 1471. Monument Bonds.

7 Sec. 1472. Payment of Taxes and Liens

8 SEC. 1470. SECURITY FOR IMPROVEMENTS.

9 (a) The requirements of this section apply to all Improvement Agreements.

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

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

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

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

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

12 (3) The security may be reduced in conjunction with completion of a portion
13 of the public improvements to the satisfaction of the Director, to an amount determined by the
14 Director; however, in no event shall the amount of the security be reduced below the greater
15 of (i) the amount required to guarantee the completion of the remaining portion of public
16 improvements and any other obligation imposed by the SMA, this Code or the Improvement
17 Agreement; or (ii) below ten percent (10%) of the original amount of the security.

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

19 (i) one (1) year has passed since the date of acceptance by the
20 Board of Supervisors, or one (1) year has passed since the date that all deficiencies which
21 the Director identifies in the required public improvements have been corrected or waived in
22 writing; and

23 (ii) if any claims identified in subsection (d)(l)(ii) have been filed
24 against the City, all such claims have been satisfied or withdrawn, or otherwise secured.

1 SEC. 1471. MONUMENT BONDS.

2 As a guarantee of good faith to furnish and install the required survey monuments and
3 to pay the Subdivider's engineer or surveyor for said work, the Subdivider shall furnish a
4 corporate surety bond or other acceptable security for an amount equal to one hundred
5 percent (100%) of the estimated cost of such work. Such work shall consist of satisfactorily
6 furnishing and installing the said survey monuments and of accurately fixing exact survey
7 points thereon.

8 SEC. 1472. PAYMENT OF TAXES AND LIENS.

9 Prior to recordation of a Final Map or Parcel Map, the Subdivider shall comply with all
10 applicable provisions governing taxes and assessments as set forth in Sections 66492,
11 66493 and 66494 of the SMA and any amendments thereto.

12 ARTICLE 10

13 CONSISTENCY WITH STATE LAW

14 SEC. 1498. SUBDIVISION MAP ACT PROVISIONS.

15 If any Article, Section, Subsection, paragraph, sentence, clause, or provision of this
16 Code is ruled invalid due to an inconsistency with provisions of the Subdivision Map Act of the
17 State of California as a result of passage of any Senate or Assembly bills amending said Act,
18 such said Article, Section, Subsection, paragraph, sentence, clause, or provision shall be
19 deemed to have been amended to comply with said Act. Notwithstanding the above, such
20 amendment or amendments shall not in any way invalidate or change any other portion of this
21 Code except as required by law.

22 ARTICLE 11

23 REVERSION TO ACREAGE

24 Sec. 1500 General.

25 Sec. 1501 Initiation of Proceedings.

- 1 Sec. 1502 Contents of Petition.
- 2 Sec. 1503 Submittal of Petition to the Director.
- 3 Sec. 1504 Board of Supervisors Approval.
- 4 Sec. 1505 Filing with County Recorder.

5 SEC. 1500. General.

6 Subdivided property may be reverted to acreage pursuant to the provisions of the SMA
7 and this Article. This Article shall apply to Final Maps and Parcel Maps. Subdivisions may
8 also be merged and resubdivided without reverting to acreage pursuant to Section 66499.20
9 ½ of the Subdivision Map Act and this Chapter.

10 SEC. 1501. INITIATION OF PROCEEDINGS.

11 (a) Proceedings to revert subdivided property to acreage may be initiated by the
12 Board or by petition of all of the owners of record of the property. The petition shall be in a
13 form prescribed by the Director. The petition shall contain the information required by Section
14 1502 and any other information as required by the Director.

15 (b) The Board of Supervisors, at the request of any person or on its own motion
16 may, by resolution, initiate proceedings to revert property to acreage. The Board shall
17 request the Department to obtain the necessary information to initiate and conduct the
18 proceedings.

19 SEC. 1502. CONTENTS OF PETITION.

20 The petition shall contain, but not be limited to, the following:

- 21 (a) Evidence of title to the real property.
- 22 (b) Evidence of the consent of all of the owners of an interest in the property.
- 23 (c) Evidence that none of the improvements required to be made have been made
24 within two (2) years after the date the Final or Parcel Map was filed for record, or within the
25 time allowed by agreement for completion of the improvements, whichever is later.

1 (d) Evidence that no lots shown on the Final or Parcel Map have been sold within
2 five (5) years after the date such Final or Parcel Map was filed for record.

3 (e) A Final or Parcel Map in the form, and with the contents, prescribed by Sections
4 1455-1464 which delineates dedications which will not be vacated and dedications required
5 as a condition to reversion. Final or Parcel Maps shall be conspicuously designated with the
6 title, "The Purpose of this Map is a Reversion to Acreage."

7 (f) Fees and/or deposits in accordance with Section 1415.

8 (g) Any other information required by the SMA or necessary to make the findings
9 required by the SMA.

10 SEC. 1503. SUBMITTAL OF PETITION TO THE DIRECTOR.

11 The Final or Parcel Map for the reversion, together with all other data as required by
12 this article, shall be submitted to the Director for review.

13 Upon finding that the petition meets with all the requirements of the SMA or this
14 chapter, the Director shall submit the Final or Parcel Map, together with a report and
15 recommendations of approval or conditional approval of the reversion to acreage, to the
16 Board of Supervisors for its consideration.

17 SEC. 1504. BOARD OF SUPERVISORS APPROVAL.

18 A public hearing shall be held by the Board of Supervisors on all proposed reversions
19 to acreage. Notice of the public hearing shall be given by the Director as provided in this
20 Code. The Director may give such other notice that the Director deems necessary or
21 advisable.

22 The Board of Supervisors may approve a reversion to acreage only if it finds and
23 records by resolution that:

24 (a) Dedications or offers of dedication to be vacated or abandoned by the reversion
25 to acreage are unnecessary for present or prospective public purposes; and

1 (b) Either:

2 (1) All owners of an interest in the real property within the subdivision have
3 consented to reversion; or

4 (2) None of the public improvements required to be made have been made
5 within two (2) years from the date the Final or Parcel Map was filed for record, or within the
6 time allowed by agreement for completion of the public improvements, whichever is later; or

7 (3) No lots shown on the Final or Parcel Map have been sold within five (5)
8 years from the date such Map was filed for record.

9 The Board of Supervisors may require as conditions of the reversion:

10 (c) That the owners dedicate or offer to dedicate streets, public rights-of-way or
11 easements.

12 (d) Such other conditions of reversion as are necessary to accomplish the purposes
13 or provisions of the Subdivision Map Act or this chapter or necessary to protect the public
14 health, safety or welfare.

15 SEC. 1505. FILING WITH COUNTY RECORDER.

16 Upon approval of the reversion to acreage, the Clerk of the Board of Supervisors shall
17 transmit the Final or Parcel Map, together with the Board of Supervisors resolution approving
18 the reversion, to the Recorder for recordation. Reversion shall be effective upon the Final
19 Map being filed for record by the Recorder. Upon filing, all dedications and offers of
20 dedication not shown on the Final or Parcel Map for reversion shall be of no further force and
21 effect.

22 Section 2. Findings.

23 The Board of Supervisors finds that this ordinance is in conformity with the priority
24 policies of Section 101.1(b) of the Planning Code and with the General Plan and hereby
25

1 adopts the findings of the Planning Commission, as set forth in Planning Commission
2 Resolution No.14699, and incorporates said findings by this reference thereto.

3 On September 17, 1998 by Motion No. 14696, the Planning Commission certified the
4 Final Subsequent Environmental Impact Report as adequate and complete.

5 In Motion No. M98-132, this Board of Supervisors affirmed the Planning Commission's
6 certification of the Final Subsequent Environmental Impact Report as adequate and
7 complete.

8 In Resolution No. 854-98, this Board of Supervisors adopted findings in connection
9 with its consideration of these Subdivision Code Amendments under the California
10 Environmental Quality Act ("CEQA"), the State CEQA Guidelines and Chapter 31 of the San
11 Francisco Administrative Code and made certain findings in connection therewith, and
12 adopted a mitigation monitoring program, which findings and program are hereby
13 incorporated by reference as if fully set forth herein.

14
15 APPROVED AS TO FORM:

16 LOUISE H. RENNE, City Attorney

17
18 By: 

19 Kate H. Stacy
20 Deputy City Attorney
21
22
23
24
25



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Ordinance

File Number: 981431

Date Passed:

Ordinance amending Subdivision Code by adding the Mission Bay Subdivision Code to provide for processing of subdivision and parcel maps in the Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, and adopting findings pursuant to Planning Code Section 101.1.

October 19, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Newsom

Excused: 1 - Kaufman

October 26, 1998 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Bierman, Brown, Leno, Medina, Teng, Yaki, Yee

Absent: 1 - Katz

Excused: 2 - Kaufman, Newsom

File No. 981431

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 26, 1998
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 30 1998

Date Approved



Mayor Willie L. Brown Jr.