[Designation of County Surveyor.]

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

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

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

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

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

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

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

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

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

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

SEC. 1307. GOVERNMENT AGENCIES.

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

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

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

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

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

(cf) "Clerk" means the Clerk of the Board.

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

(efh) "County Surveyor," "County Engineer" and "City Engineer" mean the City
Engineer County Surveyor and his staff.

Department of Public Works
BOARD OF SUPERVISORS

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"Governing Body," "Legislative Body" and "Board" mean the Board of Supervisors.

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

SEC. 1310. ADVISORY AGENCY.

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

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

SEC. 1311. SUBDIVISION REGULATIONS.

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

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

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

SEC. 1320. PRE-FILING CONFERENCE.

Prior to filing a Tentative Map, the subdivider may elect to submit to the City Engineer County Surveyor preliminary maps, plans and other data concerning a proposed subdivision. Within 14 days after the receipt of said material, the City Engineer County Surveyor will hold a conference with the subdivider, City Planning and any other interested agencies to discuss the proposed subdivision. This procedure is optional and does not waive the requirements for filing a Tentative Map.
SEC. 1324. FILING.

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

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

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

SEC. 1325. REFERRAL TO OTHER AGENCIES.

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

SEC. 1326. TIME LIMIT FOR AGENCY REVIEW.

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

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

SEC. 1327. AGENCY REPORT.

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

SEC. 1328. SUBDIVISION CONFERENCE.

Within six days after all agency reports have been received or after expiration of the review time limits or any mutually agreed extension thereof, the City Engineer County...
Surveyor at his or her discretion may hold a subdivision conference to discuss the reports submitted. Written notice of such conference shall be sent to the subdivider, to all agencies who have submitted a report, and to other persons and organizations who have expressed an interest in the proposed subdivision.

SEC. 1329. CITY ENGINEER’S COUNTY SURVEYOR’S CONSOLIDATED REPORT.

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

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

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

SEC. 1340. MONUMENTS.

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

(b) All survey monuments shall be installed prior to filing of the Final map or Parcel Map with the City Engineer County Surveyor. In lieu thereof a monument bond shall be filed at that time.
Section 6. The San Francisco Subdivision Code is hereby amended by amending Sections 1355 and 1360 through 1364, to read as follows:

SEC. 1355. TIME LIMIT FOR SUBMITTAL.

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

SEC. 1360. CHECK PRINTS.

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

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

(2) A preliminary title report;

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

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

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

SEC. 1361. MAP CHECK.

(a) The City Engineer County Surveyor shall check the prints of the Final Map or the Parcel Map to determine if it substantially conforms to the approved Tentative Map, this Code and SMA.
(b) If the prints do not substantially conform to the approved Tentative Map, the City Engineer County Surveyor shall refer a set of said prints to City Planning for its review and recommendation.

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

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

SEC. 1362. FILING.

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

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

(2) The bonds that may be required;

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

(4) Evidence of title;

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

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

SEC. 1363. SUBMITTAL TO BOARD.
(a) After obtaining the required certificates on the Final Map, or on the Parcel
Map when dedications are included therein, the City Engineer County Surveyor shall submit said
Map and the other documents to the City Engineer and Director.

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

SEC. 1364. RECORDATION.

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

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

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

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

SEC. 1397. CERTIFICATION OF EXEMPT CONVERSIONS.

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

(1) At least 51 percent of the units in the cooperative were occupied by
stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of
the cooperative on January 1, 1981. As used in this paragraph a cooperative unit is
"individually owned" if and only if the stockholder of such unit owns or partially owns an
interest in no more than one unit in the cooperative; and

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

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

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

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

(1) A copy of a report of residential record ("3-R Report") obtained from the
Bureau of Building Inspection showing the type of building and the number of units;
The name and mailing address of the occupant of each unit;

Identification of any occupant who is a tenant; for purposes of this Section, a “tenant” is a person other than a shareholder of the stock cooperative who rents or leases a unit in a stock cooperative;

Verification under penalty of perjury by each non-tenant occupant of a unit that he or she is one of the share owners of a stock cooperative, along with documentary proof of that status in a form acceptable to the Director.

Information showing that the applicant meets the requirements for exemption under Section 66412(h)(1) and (2) of the SMA.

Certification that the applicant has provided written notice to every tenant of (i) the applicant's intent to convert to condominiums; and (ii) the applicant's intent to seek the exemption provided herein; and (iii) the rights afforded tenants of stock cooperatives that convert to condominiums pursuant to this Section. The applicant shall also submit a copy of the notice provided to the tenants and the date that it was so provided.

Certification that the applicant (i) will give, prior to issuance of the Certificate of Exemption, written notice to each person applying for rental of a unit in the building of the tenant rights described in Subsection (4), which notice shall be given prior to acceptance of any rent or deposit from the prospective tenant; and (ii) will give written notice to all tenants that an application for a public report has been submitted to the Department of Real Estate at least 10 days before its submission where the building to be converted consists of five or more units; and (iii) will not terminate any tenancy because of a conversion or proposed conversion without 180 days' written notice to the tenant. Failure to comply with Subsection (i) of this Section will make the applicant subject to payment to the tenant of moving expenses and rent as provided in Government Code Section 66452.8.
The applicant shall also provide stamped envelopes addressed to the occupant
of every unit in the stock cooperative. Such stamped and self-addressed envelopes shall be
furnished to the Department of Public Works at the time of the filing of the application for a
Certificate of Exemption.

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

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

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

(ii) If the applicant has certified that one or more tenants occupy any unit in
the building, the Director shall set a date by which the applicant must comply with the
requirements of this Section governing tenant rights, which date shall be not less than 60 days
from the date that the applicant notified the tenants of the intent to convert and of the rights
afforded to such tenants, and shall provide written notice of that date to the applicant and
each occupant of the building.

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

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

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

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

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

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

(g) If the applicant has complied with the requirements of this Section
governing tenant rights, the Director shall issue the Certificate of Exemption; provided,
however, that if any tenant or occupant of the building disputes the validity of that action on
the grounds that tenant rights have not been provided as required herein, the Director of a
designee shall conduct a hearing, after providing notice to the applicant and the occupant of
each unit, in order to determine whether all such rights have been provided. The Certificate of
Exemption shall not be issued unless the Director makes the determination that such rights
have been provided.

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

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

(j) A fee of $500 shall be charged for investigating and processing an
application for Certificate of Exemption for converting a stock cooperative consisting of four
units or less to condominiums and all other costs incidental thereto.
A fee of $800 shall be charged for investigating and processing an application for Certificate of Exemption for converting a stock cooperative consisting of five units or more to condominiums and all other costs incidental thereto.

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

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

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

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

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

Edwin M. Lee
Director of Public Works

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

By:
John D. Malamut
Deputy City Attorney
Ordinance amending Administrative Code Section 2A.190 and Subdivision Code Section 1307 to designate and distinguish the official titles and duties of City Engineer and County Surveyor and amending Subdivision Code Sections 1310, 1311, 1320, 1324 through 1329, 1340, 1355, 1360 through 1364, and 1397 to reassign responsibilities from the City Engineer to the County Surveyor.

November 23, 2004 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

December 7, 2004 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
File No. 041335

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 7, 2004 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Dec. 19, 2004
Date Approved

Mayor Gavin Newsom