[Hunters Point Shipyard – Subdivision Code Fees.]

Ordinance amending the San Francisco Subdivision Code by adding Sections 1615, 1649 and 1664(e) to establish fees to defray the costs of implementation of the Subdivision Code, Division 3, Articles 1-8 and making environmental findings.

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. Environmental Findings.

In accordance with the actions contemplated herein, this Board adopted Resolution No.751-7 , concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said Resolution is on file with the Clerk of the Board of Supervisors in File No. 041665 and is incorporated herein by reference.

Section 2. The San Francisco Subdivision Code is hereby amended by adding Section 1615 to read as follows:

SEC. 1615. FEES [RESERVED].

(a) Fees payable to the Department of Public Works, shall be charged for checking and processing all maps, plans and reports, including all condominium maps and Parcel Maps, filed under this Code. Said fees shall consist of an initial payment in accordance with the estimated actual cost of checking the maps, plans and reports, together with investigations incidental thereto, and shall be paid before or at the time of filing a Tentative Map or a Parcel Map. Where initial payment is insufficient to compensate the actual cost incurred, an additional sum shall be charged to equal such actual cost.

Fees for Parcel Maps, excepting condominium maps, which do not require the filing of a Tentative
Map, and which do not involve street dedications or improvements, and for parcel map waivers shall be charged for checking and for processing in accordance with the City's Subdivision Code of general applicability. All such fees for Parcel Maps shall be paid at time of filing. Fees based on the actual cost of processing shall be charged to (1) the person requesting a certificate of compliance for processing and making a determination on the request, (2) the owner of the property who files a petition for initiating reversion to acreage proceedings for processing the petition and (3) the Subdivider for checking, processing and recording an amended map or certificate of correction.

(b) A fee of $250 shall be charged to the appellant to defray costs of an appeal under Section 1614 of this Code.

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

Section 3. The San Francisco Subdivision Code is hereby amended by adding Section 1649 to read as follows:

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

(a) The actual costs of inspecting the construction of improvements under Section 1647(b) of this Code shall be paid by the Subdivider.

(b) The actual costs of testing the materials incorporated in the improvements under Section 1647(b) of this Code shall be paid by the Subdivider.

Section 4. The San Francisco Subdivision Code is hereby amended by amending Section 1664 to read as follows:

SEC. 1664. CORRECTION AND AMENDMENTS OF MAP.

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

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

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

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

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

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

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

(7) To make modifications when there are changes which make any or all of the conditions of the Map no longer appropriate or necessary and when the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map, and the Director finds that the map as modified conforms to the provisions of Section 66474 of the SMA. Such modification shall require an amending map and shall be set for public hearing by the Director according to the procedures established for a hearing on the Tentative Map. The Director shall confine the hearing to consideration of, and action on, the proposed modification.
(b) Form and Contents. The amending map or certificate of correction shall be prepared and stamped by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements for a Final Map, or a Parcel Map as provided in this Code and the SMA. The certificate of corrections shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

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

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

(e) Fee. The fee for checking, processing and recording the amended map or certificate of correction shall be as provided in Section 1615.

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

By: John D. Malamut
Deputy City Attorney

Mayor Newsom, Supervisor Maxwell
BOARD OF SUPERVISORS
RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: 

Edwin M. Lee
Director of Public Works
Ordinance amending the San Francisco Subdivision Code by adding Sections 1615, 1649, and 1664(e) to establish fees to defray the costs of implementation of Subdivision Code, Division 3, Articles 1-8 and making environmental findings.

December 14, 2004  Board of Supervisors — PASSED ON FIRST READING
  Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
  Noes: 1 - Daly
 Excused: 1 - Alioto-Pier

January 4, 2005 Board of Supervisors — FINALLY PASSED
  Ayes: 9 - Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
  Absent: 1 - Alioto-Pier
  Excused: 1 - Daly
I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom