

BOARD of SUPERVISORS



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MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Harlan Kelly, Jr., General Manager, Public Utilities Commission

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 1, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on October 25, 2016:

File No. 161165

Ordinance amending the Subdivision Code to require that the design of a subdivision for a tentative map or parcel map provide for communications services facilities to each parcel; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Frank Lee, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission

1 [Subdivision Code - Requirements for Communications Services Facilities]

2
3 **Ordinance amending the Subdivision Code to require that the design of a subdivision**
4 **for a tentative map or parcel map provide for communications services facilities to**
5 **each parcel; and affirming the Planning Department's determination under the**
6 **California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Environmental Finding.

16 The Planning Department has determined that the actions contemplated in this
17 ordinance comply with the California Environmental Quality Act (California Public Resources
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
19 Supervisors in File No. _____ and is incorporated herein by reference. The Board
20 affirms this determination.

21 Section 2. Background

22 California Government Code Section 66473.3 allows a local government by ordinance
23 to require that the design of a subdivision for a tentative map or parcel map provide for
24 communications services facilities, including, but not limited to, video, telephone, and
25 telecommunication services, to each parcel. This ordinance implements this State law.

1 Section 3. The Subdivision Code is hereby amended by revising Sections 1336, 1436,
2 1636, and 1736, to read as follows:

3
4 **SEC. 1336. UTILITIES.**

5 (a) The s~~u~~bsdivider shall provide a domestic water system, connected to the San
6 Francisco Water Department's water distribution system. He shall also provide electric, gas,
7 and communication services connected to the appropriate public utility's distribution system.

8 (b) **Stormwater facilities.** In the case of all newly constructed subdivisions, the
9 subdivider shall provide facilities for the on-site detention, retention, infiltration, and/or
10 conveyance of stormwater, following the principles of low-impact design for stormwater
11 management, in accordance with the Better Streets Plan and the Stormwater Design
12 Guidelines.

13 (c) **Communications services facilities.** The design of a subdivision for which a tentative map
14 or parcel map is required under this Code shall provide for communications services facilities from
15 communications service providers to each parcel in the subdivision. "Communications services
16 facilities," as used in this subsection (c), means facilities used for the following: (1) video service as
17 that term is defined in California Public Utilities Code § 5830(s); (2) telecommunications services
18 certificated by the California Public Utilities Commission under California Public Utilities Code §
19 1001; or (3) services provided by a telephone corporation as that term is defined in California Public
20 Utilities Code § 234. "Communications services provider" as used in this subsection (c) means a
21 person or entity that: (1) has obtained a franchise to provide video service from the California Public
22 Utilities Commission under California Public Utilities Code § 5840; (2) has obtained a certificate of
23 public convenience and necessity from the California Public Utilities Commission under California
24 Public Utilities Code § 1001 to provide telecommunications services; or (3) is a telephone corporation
25 as that term is defined in California Public Utilities Code § 234. In addition, a communications

1 services provider must have obtained a Utility Conditions Permit from the City under Administrative
2 Code Section 11.9. "Parcel," as used in this subsection (c), shall mean parcel, lot, condominium unit,
3 community apartment, or stock cooperative; provided, however, that this subsection shall not apply to
4 the conversion of existing dwelling units to condominiums, community apartments, or stock
5 cooperatives.

6
7 **SEC. 1436. UTILITIES.**

8 (a) The sSubdivider shall, if required in accordance with the Plans and Plan
9 Documents, provide or cause to be provided a domestic low pressure water system and a
10 high pressure water system, connected to the San Francisco Water Department's water
11 distribution system. The subdivider shall also provide electric, gas, and communication
12 services connected to the appropriate public utility's distribution system.

13 (b) The design of a subdivision for which a tentative map or parcel map is required under this
14 Code shall provide for communications services facilities from communications service providers to
15 each parcel in the subdivision as set forth in Section 1336 of this Code.

16
17 **SEC. 1636. UTILITIES.**

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

23 (b) The design of a subdivision for which a tentative map or parcel map is required under this
24 Code shall provide for communications services facilities from communications service providers to
25 each parcel in the subdivision as set forth in Section 1336 of this Code.

1 **SEC. 1736. UTILITIES.**

2 (a) The Subdivider shall provide or cause to be provided a water system, connected
3 to the San Francisco Public Utilities Commission's water distribution system as well as all
4 other required public facilities as set forth in the Project Documents and City Regulations. The
5 Subdivider shall also provide or cause to be provided electric, gas, and communication
6 services connected to the appropriate public utility's distribution system. The Subdivider shall
7 provide or cause to be provided sanitary, drainage, and recycled water facilities consistent
8 with the Project Documents and City Regulations, which facilities, when connected to City
9 facilities, will serve adequately all lots, dedicated areas and all other areas comprising the
10 subdivision.


11 **(b) The design of a subdivision for which a tentative map or parcel map is required under this**
12 **Code shall provide for communications services facilities from communications service providers to**
13 **each parcel in the subdivision as set forth in Section 1336 of this Code.**

14
15 Section 4. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
25 the official title of the ordinance.

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

By: 

John D. Malamut
Deputy City Attorney

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LEGISLATIVE DIGEST

[Subdivision Code - Requirements for Communications Services Facilities]

Ordinance amending the Subdivision Code to require that the design of a subdivision for a tentative map or parcel map provide for communications services facilities to each parcel; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The San Francisco Subdivision Code has no explicit requirement for subdividers to provide communications services facilities to parcels within a new subdivision. The California Subdivision Map Act, specifically Government Code 66473.3, allows a local government by ordinance to require that the design of a subdivision for a tentative map or parcel map provide for communications services facilities, including, but not limited to, video, telephone, and telecommunication services, to each parcel.

Amendments to Current Law

This ordinance would implement the State law provision that allows San Francisco to require that the design of a subdivision for a tentative map or parcel map provide for communications services facilities, including, but not limited to, video, telephone, and telecommunication services, to each parcel. The legislation also affirms the Planning Department's determination under the California Environmental Quality Act.

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