

File No. 161165 Committee Item No. 1
Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Date January 23, 2017

Board of Supervisors Meeting Date JANUARY 31, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral CEQA - 11/01/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI - 11/01/2016</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination - 11/10/2016</u> |
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Completed by: Erica Major Date January 19, 2017
Completed by: *Jm* Date 01/26/2017

1 [Subdivision Code - Requirements for Communications Services]

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 to each parcel,**
5 **and affirming the Planning Department’s determination under the California**
6 **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. 161165 and is incorporated herein by reference. The Board affirms
20 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, including, but not limited to, video, telephone, and
25 telecommunication services, to each parcel. This ordinance implements this State law.

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

4 **SEC. 1336. UTILITIES.**

5 (a) The subdivider 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. The design of a subdivision for which a tentative map or parcel
14 map is required under this Code shall provide for communications services, including, but not limited
15 to, video, telephone, and telecommunication services, from communications services providers to each
16 parcel in the subdivision. "Communications services," as used in this subsection (c), means: (1) video
17 service as that term is defined in California Public Utilities Code § 5830(s) as it may be amended
18 from time to time; (2) telecommunications services certificated by the California Public Utilities
19 Commission under California Public Utilities Code § 1001 as it may be amended from time to
20 time; or (3) services provided by a telephone corporation as that term is defined in California Public
21 Utilities Code § 234 as it may be amended from time to time. "Communications services
22 provider" as used in this subsection (c) means a person that: (1) has obtained a franchise to provide
23 video service from the California Public Utilities Commission under California Public Utilities Code §
24 5840 as it may be amended from time to time; (2) has obtained a certificate of public convenience
25 and necessity from the California Public Utilities Commission under California Public Utilities Code §

1 1001 as it may be amended from time to time to provide telecommunications services; or (3) is a
2 telephone corporation as that term is defined in California Public Utilities Code § 234 as it may be
3 amended from time to time. In addition, a communications services provider must have obtained a
4 Utility Conditions Permit from the City under Administrative Code Section 11.9. "Parcel," as used in
5 this subsection (c), shall mean parcel, lot, condominium unit, community apartment, or stock
6 cooperative; provided, however, that this subsection (c) shall not apply to the conversion of existing
7 dwelling units to condominiums, community apartments, or stock cooperatives.

8 **SEC. 1436. UTILITIES.**

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

14 (b) Communications Services. The design of a subdivision for which a tentative map or parcel
15 map is required under this Code shall provide for communications services, including, but not limited
16 to, video, telephone, and telecommunication services, from communications services providers to each
17 parcel in the subdivision as set forth in Section 1336 of this Code.

18 **SEC. 1636. UTILITIES.**

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

24 (b) Communications Services. The design of a subdivision for which a tentative map or parcel
25 map is required under this Code shall provide for communications services, including, but not limited

1 to, video, telephone, and telecommunication services, from communications services providers to each
2 parcel in the subdivision as set forth in Section 1336 of this Code.

3 **SEC. 1736. UTILITIES.**

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

12 (b) Communications Services. The design of a subdivision for which a tentative map or parcel
3 map is required under this Code shall provide for communications services, including, but not limited
4 to, video, telephone, and telecommunication services, from communications services providers to each
5 parcel in the subdivision as set forth in Section 1336 of this Code.

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

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

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additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: 
John D. Malamut
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 1/23/2017)

[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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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2016

File No. 161165

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 25, 2016, Supervisor Farrell introduced the following proposed legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a physical change in the environment.

Joy Navarrete 11/10/16

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for By: 
Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 OCT 25 Time Stamp 13
or meeting date

BY BJ

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

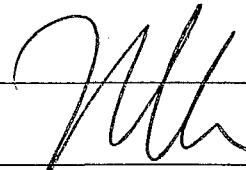
- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

