

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

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Date January 23, 2017

Board of Supervisors Meeting Date _____
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 type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input 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 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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

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. 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 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 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 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.

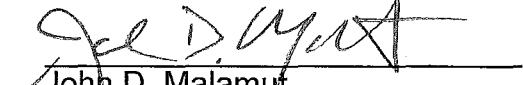
11 (b) The design of a subdivision for which a tentative map or parcel map is required under this
12 Code shall provide for communications services facilities from communications service providers to
13 each parcel in the subdivision as set forth in Section 1336 of this Code.

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

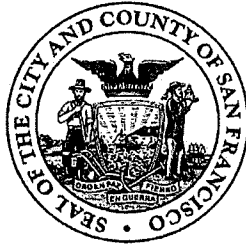
The San Francisco Subdivision Code has no explicit requirement for subdividers to provide communications services facilities to parcels within a new subdivision. The California Subdivision Map Act, specifically Government Code 66473.3, allows a local government by ordinance to require that the design 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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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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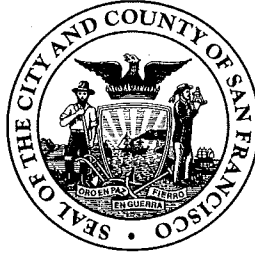
Angela Calvillo, Clerk of the Board

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

Attachment

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

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

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 OCT 25 11:09:13
Time stamp
or meeting date

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

BY BJ

- 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: