

1 [Subdivision Code - Requirements for Communications Services]

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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.

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

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14 Section 1. Environmental Finding.

15 The Planning Department has determined that the actions contemplated in this
16 ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. 161165 and is incorporated herein by reference. The Board affirms
19 this determination.

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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.

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

SEC. 1336. UTILITIES.

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

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

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

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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

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

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

6 By: _____
7 John D. Malamut
8 Deputy City Attorney

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