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

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

Section 1. Environmental Finding.

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

Section 2. Background.

California Government Code Section 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, including, but not limited to, video, telephone, and telecommunication services, to each parcel. This ordinance implements this State law.
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 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 §
as it may be amended from time to time to provide telecommunications services; or (3) is a
telephone corporation as that term is defined in California Public Utilities Code § 234 as it may be
amended from time to time. In addition, a communications services provider must have obtained a
Utility Conditions Permit from the City under Administrative Code Section 11.9. “Parcel,” as used in
this subsection (c), shall mean parcel, lot, condominium unit, community apartment, or stock
cooperative; provided, however, that this subsection (c) shall not apply to the conversion of existing
dwelling units to condominiums, community apartments, or stock cooperatives.

SEC. 1436. UTILITIES.

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

(b) 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 as set forth in Section 1336 of this Code.

SEC. 1636. UTILITIES.

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

(b) 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 as set forth in Section 1336 of this Code.

SEC. 1736. UTILITIES.

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

(b) 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 as set forth in Section 1336 of this Code.

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

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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
File Number: 161165  Date Passed: February 07, 2017

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.

January 23, 2017 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

January 23, 2017 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

January 31, 2017 Board of Supervisors - PASSED, ON FIRST READING
   Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

February 07, 2017 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/7/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

2/7/2017