File No. 111077 Committee Item No. 1
Board Item No. _____

# COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Gail Johnson Date 4/13/12
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Police Code - Security Plans for Commercial Parking Garages and Lots]

**Ordinance amending the San Francisco Police Code Sections 1215 through 1215.4 and adding Section 1215.7 to: 1) require a security plan as part of an application for a commercial parking permit; 2) set requirements for security plans; 3) authorize the Chief of Police to suspend or revoke a commercial parking permit for violation of an approved security plan; 4) authorize the Chief of Police to promulgate rules that set requirements for security plans; and 5) authorize enforcement by the City Attorney in a civil action; and making environmental findings.**

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 111077 and is incorporated herein by reference.

Section 2. Factual Findings.

(a) Parking garages and lots provide a great service by allowing San Francisco residents and visitors access to businesses and other destinations in the City. But they can create a substantial safety risk to individuals in or near those garages and lots, as well as to vehicles and other personal property, based on the nature of the parking garage or lot, its crime history, its location, and other factors. Parking garage and lot operators can reduce this risk by identifying and implementing reasonable security measures.

(b) Businesses with a Place of Entertainment or an Extended Hours Premises permit issued by the Entertainment Commission may attract crowds that spill over onto the adjacent sidewalks and into nearby parking garages and parking lots, either before, during or at the end of events at those businesses. Incidents of violence and other criminal conduct in parking garages and parking lots in proximity to these businesses have raised awareness of the issue of and need for security in those parking garages and lots.

(c) By requiring commercial parking permittees to identifying the likely security threats and crime risks associated with their parking garages and lots, and to develop and implement a reasonable security plan to address those threats and risks, the City and parking garage and parking lot operators can reduce the risks of violence and other criminal incidents in or near parking garages and parking lots, and better protect the public safety and welfare.

Section 3. The San Francisco Police Code is hereby amended by amending Sections 1215 through 1215.4 and adding Section 1215.7, to read as follows:

**SEC. 1215 COMMERCIAL PARKING PERMITS.**

(a) **Definitions.** The following definitions shall apply in Police Code Sections 2.9, 2.26 and 1215 through 1215.~~6~~7 and Business and Tax Regulations Code Section 22.

(1) Chief of Police. The Chief of the San Francisco Police Department, or designee.

(2) Commercial parking permit. A permit the Chief of Police issues under this Section to operate a parking garage or parking lot.

(3) Covered crimes. The crimes of assault, battery, burglary, robbery, theft including identity theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a

vehicle identification, tax fraud or evasion, and any offense related to the use of alcohol, narcotics or controlled substances while operating or in connection with a vehicle, committed anywhere in the United States of America.

(4) *Entertainment Establishment. Any building, space, or structure operating under a "Place of Entertainment" permit issued pursuant to San Francisco Police Code section 1060 et seq. or operating under an "Extended Hours Premises" permit issued pursuant to San Francisco Police Code section 1070 et seq.*

(~~4~~5) Parking garage. Any building or structure, or any portion of a building or structure, where members of the public may park or store motor vehicles for a charge. This definition does not include any parking garage in a residential building or development that provides parking for a charge as a convenience or amenity for residents or their guests only.

(~~5~~6) Parking lot. Any outdoor or uncovered space, including any plot, place, lot, parcel, yard or enclosure, or any portion of such a space, where members of the public may park or store motor vehicles for a charge. This definition does not include any outdoor or uncovered space that is part of a residential building or development that provides parking for a charge as a convenience or amenity for residents or their guests only.

(~~6~~7) Person. Any individual, firm, company, corporation, partnership, joint venture, association, organization or other legal entity. When Sections 1215 through 1215.6 require a person to provide or list a name, the person must provide or list any prior names and aliases.

*(8) Prevailing Party. Prevailing Party has the same meaning as set forth in California Code of Civil Procedure Section 1032, or any successor provision. "Prevailing Party" includes the City in actions where the City obtains an injunction and/or civil penalties or other monies under Sections 1215 through 1215.6 or under State law.*

(b) Permit Requirement. A person may not operate a parking garage or parking lot, directly or indirectly, unless the person holds a commercial parking permit issued by the Chief of Police. This Section requires a separate commercial parking permit for each parking garage and parking lot. The Chief of Police shall close immediately any parking garage or parking lot operating without the required commercial parking permit.

(c) Annual Permit. Each commercial parking permit shall authorize the permittee to operate the permitted parking garage or parking lot for one year from the date the Chief of Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each commercial parking permit shall expire by operation of law at the end of the one year period. Notwithstanding Section 2.10 of the Police Code, a permittee wishing to operate beyond the one year permit term must obtain a new commercial parking permit before the existing permit expires.

**SEC. 1215.1 APPLICATION FOR PERMIT.**

(a) **Application Requirements.** An applicant for a commercial parking permit shall use the application form the Chief of Police provides, and shall supply the following information:

(1) The applicant's business name and address, and the address of the parking garage or parking lot for which the applicant seeks a commercial parking permit;

(2) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the application and any commercial parking permit the Chief of Police issues;

(3) The names and residence addresses of every officer and partner of the applicant and every person with 10 percent or larger ownership interest in the applicant;

(4) The name and residence address of the individual whom the applicant has authorized to manage, direct, or control the operations of the parking garage or parking lot for which the applicant seeks a commercial parking permit;

(5) For all individuals listed in subsections (2) through (4), a list of each conviction of or plea of guilty or no contest to a covered crime in the ten years preceding the application, including the nature of the offense and the place and date of the conviction or plea;

(6) If the applicant does not own the building, structure or space where the parking garage or parking lot for which the applicant seeks a commercial parking permit operates or will operate, the name, business address and contact information of the owner, and documentation demonstrating the nature of the applicant's interest in the building, structure or space;

(7) A copy of a current and valid business registration certificate that the Office of the Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations Code Section 853. The name on the business registration certificate must match the name of the applicant on the application for the commercial parking permit;

(8) A copy of a current and valid certificate of authority for the parking garage or parking lot for which the applicant seeks a commercial parking permit that the Office of the Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations Code Section 6.6-1, or documentation demonstrating that the applicant has applied to the Office of the Treasurer and Tax Collector for a certificate of authority for the parking garage or parking lot for which the applicant seeks a commercial parking permit and has obtained the bond required for that certificate. The name on the certificate of authority or on the application for a certificate of authority and bond must match the name of the applicant on the application for the commercial parking permit;

(9) A copy of plans for the parking garage or parking lot for which the applicant seeks a commercial parking permit. The plans must include the name and business address of the applicant; the address of the parking garage or parking lot; the name and business address of the owner of the building, structure or space where the garage or lot is located, if the applicant is not the owner; all *pedestrian and vehicular* entrances and exits to the garage or lot; the dimensions and types of construction of all structures, fences or other improvements; and any features that may affect street traffic;

(10) The total motor vehicle capacity of the parking garage or parking lot for which the applicant seeks a permit, including the number of designed spaces and the motor vehicle capacity of all undesignated areas the applicant could use for overflow parking;

(11) Certificates of insurance and endorsements evidencing insurance in the amounts and coverages the Chief of Police sets under Section 1215.4(b);

(12) A list of all employees or other individuals working at the parking garage or parking lot, or whom the applicant proposes for employment or work at the parking garage or parking lot *including hours and duties of employment*, and a declaration signed by the applicant under penalty of perjury certifying that the applicant has verified that in the preceding ten years, none of the employees or other individuals has been convicted of or plead guilty or no contest to a covered crime, or for any employee or other individual who has been convicted of or plead guilty or no contest to a covered crime in the preceding ten years, written authorization from the Chief of Police under Section 1215.6(b) allowing the employee or individual to work at the parking garage or parking lot;

(13) The proposed design of the identification badge for employees or other individuals working at the parking garage or parking lot for which the applicant seeks a permit;

(14) *A security plan for the parking garage or parking lot. The security plan must specify the hours of operation for the parking garage or parking lot and meet the requirements set in*

*Section 1215.2(c). The security plan shall include a certification from the applicant that the applicant shall operate the parking garage or parking lot in compliance with the security plan for the duration of any commercial parking permit issued by the Chief of Police;*

(~~14~~15) The name and address of the person authorized to accept service of process for the applicant; and

(16~~15~~) Any other information that the Chief of Police finds reasonably necessary to investigate the application.

(b) **Fees.** The applicant shall submit any filing fee with the application, as well as any fees for inspections or services provided by other City departments in investigating the application.

**SEC. 1215.2. INVESTIGATION, HEARING AND ISSUANCE OF PERMITS.**

(a) **Complete Application.** The Chief of Police may not accept an application for filing until it is complete. An application is not complete until the Chief of Police determines that it includes all information and documentation that Section 1215.1(a) requires. After determining that an application includes all required information and documentation, the Chief of Police shall accept the application for filing.

(b) **Investigation of Application.** Once the Chief of Police accepts an application for filing, the Chief of Police shall conduct an appropriate investigation of the application. As part of the investigation, the Chief of Police shall make any necessary referrals to other City departments, including referrals to the Planning Department, Fire Department and Department of Building Inspections for their determination of compliance with zoning, building, fire and safety requirements, and to the Municipal Transportation Authority to identify any traffic impacts. The Chief of Police shall conduct a criminal history background check on the persons listed in Sections 1215.1(a)(2) through (4).

(c) ***Security Plan.***

*(1) The Chief of Police shall review the applicant's security plan to ensure that the plan meets the minimum requirements set in Subsection (c)(2) below and any additional requirements set by the Chief of Police in rules promulgated under Section 1215.4(a), and is reasonably calculated to protect individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot. The Chief's evaluation of the security plan shall consider all relevant factors including, but not limited to, the parking garage's or parking lot's location, size, hours of operation, proximity to an Entertainment Establishment, and history of incidents resulting in Police Department response in the two years before the date of the application. The Chief of Police may approve a security plan, or may specify alternate or additional security measures required for approval of the security plan. The Chief of Police shall disapprove any security plan that the Chief determines does not adequately address the safety of individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot, notwithstanding the compliance of the proposed security plan with the minimum requirements of Subsection (c)(2) below. The Chief of Police shall not issue a commercial parking permit for any parking garage or parking lot unless the Chief approves the security plan for that parking garage or parking lot. The Chief of Police may waive or alter the minimum requirements listed Subsection (c)(2) below if the Chief determines that the parking garage or parking lot has no history of criminal, nuisance, or public safety incidents.*

*(2) The security plan shall meet the following minimum requirements:*

*(A) If any pedestrian or vehicular entrance or exit to the parking garage or parking lot is within 1000 feet of any entrance or exit to an Entertainment Establishment, provide for an attendant, security guard or other individual retained by the permittee to remain on site for all hours of operation until 3:00 a.m. An attendant, security guard or other individual is not required on site if all vehicular entrances and exits to the parking garage or parking lot are closed and secured so*

*that vehicles may not enter or exit the garage or lot. The phrase "1000 feet" in this Subsection (c)(2)(A) shall mean 1000 feet in all directions, including across a street, from any pedestrian or vehicular entrance or exit to the parking garage or parking lot;*

*(B) Provide for measures to ensure that when the parking garage or parking lot is not open for business, the vehicular entrances and exits are closed and secured so that vehicles may not enter or exit the garage or lot; and*

*(C) Identify the number, type, and location of all light sources located on the premises including lighting located within pedestrian stairwells and entrances and provide for at least the minimum lighting specified in Fire Code Section 5003.4.*

*(3) The security plan may include additional measures to protect the safety of individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot, including, but not limited to, additional personnel, additional lighting, security cameras, emergency call boxes or phones, mirrors, barriers, and other physical improvements, or plans to close and secure one or more pedestrian or vehicular entrances or exits to the parking garage or parking lot for certain hours of operation.*

*(4) If the parking garage or parking lot leases spaces to either a certified car- share organization as defined by Planning Code Section 166(b)(2) or to patrons who rent spaces on a long-term basis, the security plan must describe how those patrons will retain access during hours when the parking garage or parking lot is not open for business.*

*(5) The authority of the Chief of Police to review and approve security plans for parking garages and parking lots does not restrict in any way the authority of the Entertainment Commission to place security requirements on any business with a Place of Entertainment or Extended Hours Premises permit.*

(~~e~~*d*) **Action on Application.** The Chief of Police shall hear and decide the application within a reasonable time after accepting the application for filing. In deciding the application,

the Chief of Police may exercise his or her sound discretion as to whether the permit should be granted or denied. The Chief of Police may consider the following:

(1) Whether the parking garage or parking lot complies with applicable zoning, building, fire and safety requirements of the laws of the State of California and the City and County of San Francisco;

(2) Any traffic impacts of the parking garage or parking lot;

(3) Whether in the preceding ten years, the applicant or any person listed in Sections 1215.1(a)(2) through (4) has been convicted of or plead guilty or no contest to a covered crime, or has committed a covered crime. A conviction, plea or commission of a covered crime is not an automatic bar to granting the permit. The Chief of Police shall consider criminal history on a case-by-case basis with due consideration given to the following factors: (a) the nature and gravity of the offense; (b) the time elapsed since the offense; (c) age at the time of the offense; (d) frequency of covered criminal offenses; (e) evidence of rehabilitation; and (f) any other mitigating circumstances;

(4) Whether in the preceding ten years, the applicant or any person listed in Sections 1215.1(a)(2) through (4) has engaged in or committed any fraudulent or misleading business practices;

(5) *Whether the security plan, if necessary, meets the minimum requirements in Subsection (2)(c) above and any other requirement imposed by the Chief pursuant to 1215.2(c)(1), and is reasonably calculated to protect individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot;*

(~~5~~6) Whether the application contains intentionally false or misrepresented information; and

(~~6~~7) Whether granting the permit is consistent with the public interest, health, safety and welfare.

*(e) Reporting. The Chief will make an annual report to the Entertainment Commission giving information regarding permits granted where the Chief of Police has waived or altered the minimum requirements listed in Subsection (c)(2) above.*

**SEC. 1215.3. PERMIT REVOCATION OR SUSPENSION.**

(a) **Discretionary Revocation or Suspension.** The Chief of Police may revoke or suspend a commercial parking permit if, after a hearing on the matter, he or she finds that:

(1) Grounds exist that would have constituted a basis to deny the permit application;

(2) *The permittee has failed to operate the parking garage or parking lot in compliance with the security plan approved by the Chief of Police;*

*(3) The permittee, or any employee or agent of the permittee, has created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the parking garage or parking lot;*

(~~4~~2) The permittee, or any employee or agent of the permittee, has failed to comply with any requirements imposed by Sections 1215 through 1215.6, or any rules the Chief of Police issued under Section 1215.4(a); or

(~~5~~3) The permittee, or any employee or agent of the permittee, has operated the parking garage or parking lot in a manner contrary to the public interest, health, safety or welfare.

(b) **Mandatory Revocation or Suspension.** The Chief of Police shall revoke or suspend a commercial parking permit, after a hearing on the matter, promptly upon receiving notice from the Office of the Treasurer and Tax Collector that it has revoked a permittee's business registration certificate or certificate of authority, or has determined that the permittee, or any person listed in Sections 1215.1(a)(2) through (4), is not in compliance with the

Business and Tax Regulations Code. If the Chief of Police suspends the permit, the Chief of Police shall continue the permit suspension until the Office of the Treasurer and Tax Collector notifies the Chief of Police that he or she may end the suspension.

(c) **Notice.** The Chief of Police shall serve written notice of a revocation or suspension hearing on the permittee at the business address listed in the permit application, no fewer than 10 days before the hearing. The notice shall include the time and place of the hearing and a brief statement of the reasons for the proposed revocation or suspension.

(d) **Appeal.** Notwithstanding Section 8(i)(5) of the Business and Tax Regulations Code, the filing of an appeal with the Board of Appeals from a decision of the Chief of Police to revoke or suspend a commercial parking permit shall not effect a suspension of the Chief of Police's action.

(e) **Board of Appeal.** On any appeal from a decision of the Chief of Police to revoke or suspend a commercial parking permit under Section 1215.3(b), consistent with the vital City policy regarding advance payment of disputed taxes and the exclusive remedies and procedures available to resolve tax disputes under Article 6 of the Business and Tax Regulations Code, the Board of Appeal shall have no jurisdiction to review any determination of the Office of the Treasurer and Tax Collector that the applicant, or any person listed in Sections 1215.1(a)(2) through (4), is not in compliance with the Business and Tax Regulations Code. Nor shall the Board of Appeal have jurisdiction to review a decision of the Office of the Treasurer and Tax Collector to revoke a permittee's business registration certificate or certificate of authority.

(f) **Three-Year Ban.** If the Chief of Police revokes a commercial parking permit, the permittee, and any person listed in Sections 1215.1(a)(2) through (4), may not apply for a commercial parking permit for three years from the date the Chief of Police revokes the permit.

**SEC. 1215.4. RULES; INSURANCE REQUIREMENTS.**

(a) **Rules.** After a noticed hearing, the Chief of Police may promulgate rules to effectuate the purposes of Sections 1215 through 1215.6 or to facilitate the permit process. *The Chief may promulgate rules that set additional requirements for security plans under this Subsection (a), but only after consultation with the Entertainment Commission Executive Director.*

(b) **Insurance Requirements.** In consultation with the City Risk Manager, the Chief of Police shall determine the insurance coverages and amounts necessary to protect members of the public using parking garages and parking lots, and the City and County of San Francisco and its officers, agents and employees, against injuries, damages, claims or liabilities arising from or related to the permit or to a permittee's operation of a parking garage or parking lot. The insurance shall include, at a minimum, (1) workers' compensation, with employer's liability limits not less than $1,000,000 each accident, but only if the permittee has employees as defined by the California Labor Code, (2) comprehensive general liability insurance with limits not less than $1,000,000 each occurrence, (3) comprehensive automobile liability insurance with limits not less than $1,000,000 each occurrence, and (4) garagekeeper's legal liability insurance with limits set based on the motor vehicle capacity of the parking garage or parking lot. The Chief of Police shall post the current insurance requirements at the location where applicants submit permit applications and on the Police Department website. In consultation with the City Risk Manager, the Chief of Police may review and revise the insurance requirements set under this Section.

***SEC. 1215.7. OTHER ENFORCEMENT.***

*(a) In addition to the remedies and enforcement mechanism provided above, the City Attorney may enforce the provisions of Sections 1215 through 1215.6 through a civil action in any court of competent jurisdiction.*

*(b) The City Attorney may apply to any court of competent jurisdiction for an order seeking injunctive relief to abate any nuisance caused by a failure to comply with Sections 1215 through 1215.6.*

*(c) In any civil court action brought by the City Attorney to enforce Sections 1215 through 1215.6 in which the City succeeds in obtaining any order from the Court, the City shall be entitled to recover from any and all applicable Persons all of its costs of investigation, enforcement, abatement, and litigation.*

*(d) The Prevailing Party in any court action to abate a violation pursuant to Sections 1215 through 1215.6 shall be entitled to reasonable attorneys' fees.*

*(e) Nothing in Sections 1215 through 1215.6 shall be interpreted as restricting or otherwise limiting the enforcement authority conferred upon other City employees, City agencies, or state agencies by other provisions of the Municipal Code or state law.*

Section 4. Transition. A permittee with a current commercial parking permit is not required to submit a security plan to the Police Department while that permit is in effect, but shall submit a security plan as required under this ordinance when applying for a new annual commercial parking permit.

Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

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

By: KATHARINE HOBIN PORTER
Deputy City Attorney

FILE NO. 111077

# LEGISLATIVE DIGEST

[Police Code - Security Plans for Commercial Parking Garages and Lots]

**Ordinance amending the San Francisco Police Code Sections 1215 through 1215.4 and adding Section 1215.7, to: 1) require a security plan as part of an application for a commercial parking permit; 2) set requirements for security plans; 3) authorize the Chief of Police to suspend or revoke a commercial parking permit for violation of an approved security plan; 4) authorize the Chief of Police to promulgate rules that set requirements for security plans; and 5) authorize enforcement by the City Attorney in a civil action; and making environmental findings.**

## Existing Law

Police Code Section 1215 establishes an annual permit requirement for commercial parking garages and parking lots. Sections 1215.1 through 1215.6 set standards for permit application, investigation and issuance, grounds for revocation or suspension of a permit, and additional requirements regarding operations and employees. The permit process requires certain individuals affiliated with the parking garage or parking lot to disclose specified covered crimes, directs the Police Department to conduct a criminal background check on those individuals, and permits the Chief to consider any criminal history in taking action on the permit application. There are no other requirements regarding security at parking garages and parking lots. Currently, there is no mechanism for any civil action by the City Attorney to enforce these Sections.

## Amendments to Current Law

The proposed ordinance would require a commercial parking permit applicant to include as part of the application a security plan for the parking garage or parking lot. The plan would need to meet minimum requirements set in the ordinance or by the Chief of Police in rules promulgated after a public hearing, and be reasonably calculated to protect individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot. If any entrance to or exit from the parking garage or parking lot was within 1000 feet of any entrance to or exit from a business operating under a Place of Entertainment or an Extended Hours Premises permit issued by the Entertainment Commission, the security plan must provide for an attendant, security guard or other individual to remain at the garage or lot until 3:00 a.m. The proposed ordinance would add two grounds for suspension or revocation of the permit: (1) the permittee failed to comply with the security plan; and (2) the permittee, or any employee or agent of the permittee, created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the parking garage or parking lot. The proposed ordinance would authorize the Chief of Police to promulgate rules that set additional requirements for security plans, but only after consultation with the Entertainment Commission Executive Director. Finally, the proposed ordinance would authorize the City Attorney to enforce the provisions of Sections

1215 through 1215.6 through a civil action in any court of competent jurisdiction, and to seek injunctive relief to abate any nuisance caused by a failure to comply with those provisions. In any civil court action in which the City obtains an order of the Court, the proposed ordinance would entitle the City to recover its costs of investigation, enforcement, abatement, and litigation. Under the proposed ordinance, the prevailing party in any civil action to enforce Sections 1215 through 1215.6 would be entitled to reasonable attorneys fees.

## Background Information

Parking garages and lots provide a great service by allowing San Francisco residents and visitors access to businesses and other destinations in the City. But they can create a substantial safety risk to individuals in or near those garages and lots, as well as to vehicles and other personal property, based on the nature of the parking garage or lot, its crime history, its location, and other factors. Parking garages and lots in proximity to businesses with a Place of Entertainment or an Extended Hours Premises permit issued by the Entertainment Commission are often the site of incidents of violence and other criminal activity as crowds from those venues spill over onto the adjacent sidewalks and into nearby parking garages and parking lots. By requiring commercial parking permittees to identifying the likely security threats and crime risks associated with their parking garages and lots, and to develop and implement a reasonable security plan to address those threats and risks, the City and parking garage and parking lot operators can reduce the risks of violence and other criminal incidents in or near parking garages and lots, and better protect the public safety and welfare.

BOARD of SUPERVISORS

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

March 28, 2012

**File No. 111077**

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On March 20, 2012, Supervisors Chiu and Wiener introduced the following proposed substitute legislation:

**File No. 111077 Substitute ordinance amending the San Francisco Police Code Sections 1215 through 1215.4 and adding Section 1215.7 to: 1) require a security plan as part of an application for a commercial parking permit; 2) set requirements for security plans; 3) authorize the Chief of Police to suspend or revoke a commercial parking permit for violation of an approved security plan; 4) authorize the Chief of Police to promulgate rules that set requirements for security plans; and 5) authorize enforcement by the City Attorney in a civil action; and making environmental findings.**

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Sincerely,

Gail Johnson

Gail Johnson, Committee Clerk
Public Safety Committee

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

Not a Project per CEQA Guidelines Sections 15060(c)(3) and 15378.

N. R. Turrell
March 29, 2012

SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

March 22, 2012

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

**Re: File No. 11077 [Police Code - Security Plans for Commercial Parking Garages and Lots]**

Small Business Commission Recommendation: **Approval with modification**

Dear Ms. Calvillo:

On February 13, 2012, the Small Business Commission (SBC) voted 6-0 to recommend approval of File No. 120084 with modification.

The SBC finds that requiring parking lot operators to submit a security plan is a pragmatic and important public safety step in the regulation of these parking lots. These security plans, which may include enhanced lighting, security cameras, emergency call boxes, mirrors, barriers and other improvements, will improve public safety in and around these lots.

The Commission determined however, that the requirement stipulating that all parking lots and garages within 1000 feet of an entertainment venue be staffed until 3am can negatively impact a number of facilities that have no history of crime and other public safety violations and concerns. Therefore, the SBC recommends that Section 1215.2. (c) (1) be amended to allow the Chief of Police to waive this requirement in parking lots that have no history of crime or public safety violations in the previous two year consideration period. The Commission reminds the Board of Supervisors that many parking lots are small, may not currently have any staffing, and that operators have invested tens of thousands of dollars on automated payment machines. The Commission finds that the alterative provision, which is to allow lots to be locked when not staffed, may not be feasible without significant investment and there will be inherent logistical concerns, including when car share services and monthly parking is provided. The Commission is confident that this recommendation will keep the intent of the legislation in tact and minimize lot closures and other financial burdens.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Jason Elliott, Mayors Office
Supervisors Chiu, Wiener
City Attorney Dennis Herrera
Jocelyn Kane, Entertainment Commission