File No. 120559

Committee Item No. _____
Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting Date 6/26/12

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Completed by: Renee Craig Date 6/20/12
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

FILE NO. 120559 ORDINANCE NO.

[Police Code- Prohibiting Obstructing Sidewalks Adjacent to White Zones]

Ordinance amending the San Francisco Police Code by adding section 65 to prohibit obstructing sidewalks adjacent to white colored curb zones and establish exceptions to the prohibition; and adopting 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. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

Section 2. The San Francisco Police Code is hereby amended by adding Section 65, to read as follows:

Sec. 65. OBSTRUCTING PASSENGER LOADING ZONES

(a) Findings.

(1) San Francisco is a dense, urban environment that, like many large cities, experiences both heavy motor vehicle traffic on streets and heavy pedestrian traffic on sidewalks, particularly in areas with concentrated commercial businesses and other facilities open to the public.

(2) Reducing traffic congestion on City streets and maintaining a smooth flow of pedestrian traffic and access to authorized commercial businesses and other facilities on public sidewalks are essential to public safety, thriving neighborhoods and a vital economy in the City.

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(3) The need to control pedestrian and commercial traffic is greatest during the hours of operation of businesses, shops, restaurants, and other organizations and commercial enterprises, when streets and public sidewalks are congested, and when City residents are most likely to use their neighborhood sidewalks.

(4) Various entities, including for example, restaurants, hotels, apartment buildings, schools, religious institutions, health care facilities, and adult and child day care facilities, have significant numbers of customers or patrons who are picked up or dropped off by motor vehicles. These entities may request that the City, through its Municipal Transportation Agency ("MTA"), establish a "white zone," which is a passenger loading area at the street curb fronting the entity. White zones require payment of a fee, a public hearing and approval by the City's Traffic Engineer.

(5) By facilitating access to businesses, shops, organizations and services, white zones reduce the number of vehicles double parked on City streets and obviate the need for drivers to circle blocks in search of a parking space in order to drop off or pick up passengers. White zones serve an important role in reducing traffic congestion, improving vehicular and pedestrian safety, and reducing motor vehicle emissions.

(6) An individual's placement of physical items, including, but not limited to, materials, objects, substances, or articles of personal property on a white zone curb or on a sidewalk adjacent to a white zone, can prevent or impede a passenger's ability to enter or exit a vehicle stopped in the white zone, or his or her unobstructed passage across the sidewalk between the white zone and the adjacent building, which in turn endangers the safety of motor vehicle passengers and other members of the public seeking to use these zones, especially seniors, individuals with a disability, including individuals with mobility, vision, or hearing impairments, and children and their parents or guardians, and frustrates the very purposes of the white zone.

(7) Existing laws that prohibit the intentional, willful or malicious obstruction of pedestrians on sidewalks do not adequately address the safety hazards, disruption and impediments to

pedestrian and vehicular traffic that blocking access to white zones and sidewalks adjacent to white zones causes.

(b) Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) "Adjacent Sidewalk" shall mean that portion of a sidewalk located next to a White Zone Curb, and extending across the sidewalk to the back of curb line as depicted in the City's official record of sidewalk widths, bounded at either end of the White Zone Curb by a line perpendicular to the curb and extending to the back of curb line as depicted in the City's official record of sidewalk widths.

(2) "Business or Facility" shall mean any commercial, noncommercial, or nonprofit enterprise providing goods or services, including, but not limited to, stores, shops, offices, schools, religious institutions, places of entertainment, health care facilities, child and adult day care facilities, hotels, and apartment buildings. Except for public schools and public health care facilities, "Business or Facility" shall not include any building owned by a governmental entity and used for governmental purposes.

(3) "Obstruct" shall mean to either: a) place any physical items, including, but not limited to, materials, objects, substances, or articles of personal property on a White Zone Curb or an Adjacent Sidewalk; or b) suspend any physical items, including, but not limited to, materials, objects, or articles of personal property over a White Zone Curb or an Adjacent Sidewalk so that the lowest edge of the material, object or article is at a height of less than seven feet above the White Zone Curb or Adjacent Sidewalk. For purposes of this Section, a person, and anything worn or carried by a person, shall not constitute an obstruction.

(4) "White Zone Curb" shall mean the curbside edge of a sidewalk designated as a passenger loading zone that the Municipal Transportation Agency has painted white.

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(c) Prohibition. It shall be unlawful to Obstruct a White Zone Curb or Adjacent Sidewalk in front of any Business or Facility at any time during which use of the parking space adjacent to the White Zone Curb is restricted to passenger loading and unloading.

(d) Exceptions. The prohibition in Subsection (c) shall not apply to the placement of:

(1) Any property placed on or affixed to an Adjacent Sidewalk by a governmental entity, a public utility, or the Joint Pole Authority, including but not limited to telephone, electrical and light poles, traffic control and directional signs and devices, parking meters, fire hydrants, emergency call boxes, United States Postal Service mail receptacles or boxes, public transportation shelters, benches and identifying signs, bicycle racks, and bicycles stored in such racks;

(2) Any property or equipment that the City authorizes in accordance with the Public Works Code or under any permit from, or regulations or orders issued by, the Director of Public Works~~.~~;

(3) Physical items on a White Zone Curb or Adjacent Sidewalk in the course of operating or patronizing a commercial establishment conducted on an Adjacent Sidewalk pursuant to a sidewalk use permit; ~~or~~

(4) Physical items on a White Zone Curb or Adjacent Sidewalk in the course of participating in or attending a parade, festival, performance, or similar event conducted in the street or on a public sidewalk pursuant to and in compliance with a street use or other applicable permit~~.~~; or

(5) Any personal property required by a person for personal mobility or medical purposes.~~;~~

~~or~~

~~(6) Any property or equipment on the White Zone Curb or Adjacent Sidewalk by the owner or tenant of the premises fronted by the Adjacent Sidewalk and White Zone Curb, which is not otherwise prohibited by State or local law, for the purpose of providing information about access to, or for facilitating access to, the premises.~~

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(e) Notification. A peace officer may not cite a person for violating this Section unless the person engages in conduct this Section prohibits after a peace officer has notified the person that the conduct violates this Section.

(f) Penalty. Any person violating Subsection (c) of this Section shall be guilty of an infraction and shall be punished by a fine not to exceed one hundred dollars ($100) for a first violation, two hundred dollars ($200) for a second violation of Subsection (c) within a year of a first violation, and five hundred dollars ($500) for each additional violation of Subsection (c) within a year of a first violation.

(g) Other laws and orders. Nothing in this Section shall be construed to permit willfully and substantially obstructing the free passage on the sidewalk of any person in violation of State or local law.

(h) Disclaimer. In undertaking the adoption and implementation of this Ordinance, the City is assuming an undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(i) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof.

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

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Section 4. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Name of Code here Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: SEE FILE FOR SIGNATURE
DAVID A. GREENBURG
Deputy City Attorney

Amended in Board
6/19/12

FILE NO. 120559

LEGISLATIVE DIGEST

[Police Code- Prohibiting Obstructing Sidewalks Adjacent to White Zones]

Ordinance amending the San Francisco Police Code by adding section 65 to prohibit obstructing sidewalks adjacent to white colored curb zones and establish exceptions to the prohibition; and adopting environmental findings.

(Amendment of the Whole dated 6/19/12)

Existing Law

Existing law prohibits impeding pedestrians on a sidewalk, but does not otherwise address obstructing the sidewalk adjacent to a passenger loading zone ("white zone").

Amendments to Current Law

This legislation would add a new section to the Police Code that would make it an offense to obstruct access to a white zone curb or the adjacent sidewalk between the curb and the back edge of the sidewalk by placing any objects, materials, substances or personal property on the sidewalk. This prohibition would apply during the hours that the white zone is restricted to passenger loading and unloading. A violation of the prohibition would be punishable as an infraction, with a fine not to exceed $100 for the first violation, $200 for a second violation occurring within a year, and up to $500 for a third or any subsequent violation within a year of the first violation. The prohibition would not apply to government buildings, with the exception of public schools and health care facilities, that are used for governmental purposes. In addition, the legislation provides a number of exceptions from the prohibition, including for example, property and equipment placed on the sidewalk by governmental entities and public utilities, and activities authorized by a permit. The Amendment of the Whole deletes an amendment approved in committee that would have created an additional exception for owners or tenants of fronting premises to place property in the in the restricted area for the purpose of providing information about access to the premises.

Background Information

Many areas of San Francisco, and particularly commercial areas, experience high levels of traffic congestion and limited on-street parking. By reducing the need for motorists to circle blocks or to double-park, white zones serve an important role in reducing congestion, improving vehicular and pedestrian safety and reducing motor vehicle emissions.

BOARD of SUPERVISORS

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TDD/TTY No. 554-5227

May 31, 2012

File No. 120559

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

Dear Mr. Wycko:

On May 22, 2012, Supervisors Campos and Avalos introduced the following proposed legislation:

> **File No. 120559 Ordinance amending the San Francisco Police Code by adding Section 65 to prohibit obstructing sidewalks adjacent to white colored curb zones and establish exceptions to the prohibition; and adopting environmental findings.**

This legislation is being transmitted to you for environmental review.

Sincerely,

Gail Johnson

Gail Johnson, Committee Clerk
Public Safety Committee

Attachment

Non-physical exemption
CEQA Section 15060(c)(2)

JOY NAVARRETE
June 1, 2012

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning