

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 identify 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.