

1 [Police Code - Commercial Parking Permits]

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3 **Ordinance amending the San Francisco Police Code Section 1215.2 to modify the**
4 **requirements for the Chief of Police to refer applications for Commercial Parking**
5 **Permits to the Municipal Transportation Agency for review of traffic impacts.**

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

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

10 Section 1. The San Francisco Police Code is hereby amended by amending Section
11 1215.2, to read as follows:

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

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

18 (b) **Investigation of Application.** Once the Chief of Police accepts an application for
19 filing, the Chief of Police shall conduct an appropriate investigation of the application. As part
20 of the investigation, the Chief of Police shall make any necessary referrals to other City
21 departments, including referrals to the Planning Department, Fire Department and
22 Department of Building Inspections for their determination of compliance with zoning, building,
23 fire and safety requirements. ~~The Chief of Police may refer the application, and~~ to the Municipal
24 Transportation Authority ~~to identify any~~ for review of traffic impacts. The Chief of Police shall
25

1 conduct a criminal history background check on the persons listed in Sections 1215.1(a)(2)
2 through (4).

3 (c) **Action on Application.** The Chief of Police shall hear and decide the application
4 within a reasonable time after accepting the application for filing. In deciding the application,
5 the Chief of Police may exercise his or her sound discretion as to whether the permit should
6 be granted or denied. The Chief of Police may consider the following:

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

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

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

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

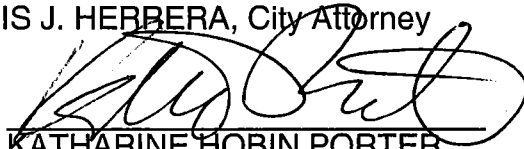
22 (5) Whether the application contains intentionally false or misrepresented
23 information; and

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

1 Section 2. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

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

6 By:


7 KATHARINE HOBIN PORTER
8 Deputy City Attorney



City and County of San Francisco

**Tails
Ordinance**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110993

Date Passed: November 22, 2011

Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts.

November 03, 2011 Public Safety Committee - RECOMMENDED

November 15, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

November 22, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110993

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
11/22/2011 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved