

File No. 131119

Committee Item No. 1

Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 25, 2013

Board of Supervisors Meeting Date December 10, 2013

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date November 21, 2013
 Completed by: Date 11-26-13

1 [Transportation Code - Inoperable/Broken Parking Meter Time Limits].

2
3 **Ordinance amending the Transportation Code, Division I, to clarify the definition for**
4 **“Parking Meter” to include electronic pay stations, and change the time limit for**
5 **parking at inoperable or broken parking meters, from two hours to the maximum time**
6 **permitted for the parking meter; and making environmental findings.**

7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. The Planning Department has determined that the actions contemplated in
16 this ordinance comply with the California Environmental Quality Act (California Public
17 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. 131119 and is incorporated herein by reference.

19 Section 2. The Transportation Code is hereby amended by revising Sections 1.1,
20 7.2.30 and 7.2.65, to read as follows:

21 **SEC. 1.1. DEFINITIONS.**

22 (a) Whenever in this Transportation Code words or phrases are used that are not
23 defined by the provisions of this Code, but are defined in the Vehicle Code, the definition and
24 meaning shall be applied as set forth in the Vehicle Code.

25 (b) Any words or phrases that are not defined in the Vehicle Code or in Division II of
this Code shall have the meanings set forth below.

1 (1) **California Public Utilities Commission, CPUC.** The Public Utilities Commission
2 of the State of California.

3 (2) **Chief of Police.** The Chief of the San Francisco Police Department, or his or her
4 designee(s).

5 (3) **City.** The City and County of San Francisco.

6 (4) **Code.** The Transportation Code of the City and County of San Francisco,
7 consisting of Division I, under the jurisdiction of the San Francisco Board of Supervisors, and
8 Division II, under the jurisdiction of the Board of Directors of the Municipal Transportation
9 Agency.

10 (5) **Director of Public Health.** The Director of the San Francisco Department of
11 Public Health or his or her designee(s).

12 (6) **Director of Transportation.** The Director of Transportation of the Municipal
13 Transportation Agency or his or her designee(s).

14 (7) **Division I.** Division I of the Transportation Code, under the jurisdiction of the San
15 Francisco Board of Supervisors.

16 (8) **Division II.** Division II of the Transportation Code, under the jurisdiction of the
17 Municipal Transportation Agency Board of Directors.

18 (9) **Final SFMTA Decision.** A decision upon which the SFMTA has taken the last
19 action according to procedures set forth in Division II, Section 203 (Final SFMTA Decision;
20 Request for Review).

21 (10) **Fire Chief.** The Chief of the San Francisco Fire Department of the City and
22 County of San Francisco, or his or her designee(s).

23 (11) **Municipal Parking Facility.** An off-street parking lot or off-street parking garage
24 owned, leased or operated by the City or the Parking Authority of the City and County of San
25 Francisco.

1 ~~(12)~~ **Newsgathering Vehicle.** A vehicle displaying a permit issued by the Police
2 Department pursuant to Section 939.2 of the Police Code.

3 ~~(13)~~ **Non-motorized User-propelled Vehicle, NUV.** Any device of two or more
4 wheels lacking a belt, chain, or gears that is powered by the rider through pedals or by
5 pushing off of or kicking at the ground, including, but not limited to, in-line skates, roller-
6 skates, kick or push scooters, skateboards, and toy vehicles.

7 ~~(14)~~ **Park.** To park or stop a vehicle, as defined in the Vehicle Code, or to cause or
8 permit a vehicle to be parked or stopped, unless the context requires a different meaning.

9 ~~(15)~~ **Parking Control Officer, PCO.** A City employee authorized by the Municipal
10 Transportation Agency to enforce state laws and the San Francisco Municipal Code related to
11 Parking of vehicles.

12 ~~(16)~~ **Parking Meter.** Any device, *including any electronic pay station*, that, upon
13 payment, registers the amount of time for which a vehicle is authorized to Park in a particular
14 Parking Space.

15 ~~(17)~~ **Parking Permit.** A permit issued by the Municipal Transportation Agency to a
16 person or a vehicle which, when current, valid and properly displayed, entitles the vehicle or a
17 vehicle occupied by the person to specified exemptions from the Parking regulations of this
18 Code.

19 ~~(18)~~ **Parking Space.** A space demarcated by painted lines or other indicators for the
20 Parking of a single vehicle.

21 ~~(19)~~ **Placard.** A placard issued by a state agency to a person with disabilities
22 pursuant to Vehicle Code Sections 22511.55 or 22511.59 that entitles the holder to Parking
23 privileges as specified in Vehicle Code Sections 22511.5 et seq.

24 ~~(20)~~ **Police Officer.** An employee of the San Francisco Police Department
25 authorized to enforce the criminal laws of the state and of the San Francisco Municipal Code.

1 ~~(21)~~ **Port Commission.** The Port Commission of the City and County of San
2 Francisco.

3 ~~(22)~~ **Port Regulations.** With respect to any property under the jurisdiction of the San
4 Francisco Port Commission, such Parking and traffic conditions and regulations as are
5 imposed by and on file and available for public inspection at the office of the Port
6 Commission.

7 ~~(23)~~ **Proof of Payment or Proof of Payment Program.** A fare collection system that
8 requires transit passengers to possess a valid fare receipt or transit pass upon boarding a
9 transit vehicle or while in a Proof of Payment Zone, and which subjects such passengers to
10 inspections for proof of payment of fare by any authorized representative of the transit system
11 or duly authorized peace officer.

12 ~~(24)~~ **Proof of Payment Zone.** The paid area of a subway or boarding platform of a
13 transit system within which any person is required to show proof of payment of fare for use of
14 the transit system.

15 ~~(25)~~ **Public Property.** Property owned or controlled by a public agency that is not
16 within the public right-of-way.

17 ~~(26)~~ **Request for Review.** A form submitted to the Clerk of the Board of Supervisors
18 that seeks Board of Supervisors' review of a Final MTA Decision.

19 ~~(27)~~ **San Francisco Municipal Transportation Agency or SFMTA.** The Municipal
20 Transportation Agency of the City and County of San Francisco.

21 ~~(28)~~ **Sidewalk Bicycle.** Any bicycle with wheel diameter of less than 21 inches
22 overall, including tires.

23 ~~(29)~~ **Special License Plate.** A license plate issued by a state agency to the vehicle
24 of a person with disabilities pursuant to Vehicle Code Section 5007 that entitles the holder to
25 Parking privileges as specified in Vehicle Code Sections 22511.5 et seq.

1 ~~(30)~~ **Special Traffic Permit.** A permit issued by the Municipal Transportation Agency
2 required for any obstruction of traffic upon a street or sidewalk area by any construction,
3 excavation or other activity, to the extent that such activity will not be conducted in
4 accordance with City contract specifications or with the Municipal Transportation Agency's
5 "Regulations for Working in San Francisco Streets" (otherwise known as the "Bluebook").

6 ~~(31)~~ **Stand.** A zone established by the Municipal Transportation Agency for the
7 exclusive use of a class or classes of vehicles identified by signs posted at such Stand.

8 ~~(32)~~ **State.** The State of California.

9 ~~(33)~~ **Truck.** A commercial motor vehicle with six or more wheels that is designed,
10 used, or maintained primarily for the transportation of goods.

11 ~~(34)~~ **Truck Loading Zone.** A zone for the exclusive use of Trucks while loading or
12 unloading freight, subject to any posted time limits.

13 ~~(35)~~ **Vehicle Code.** The Vehicle Code of the State of California.

14 **SEC. 7.2. INFRACTIONS.**

15 In addition to public offenses created by the Vehicle Code, the actions listed in this
16 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be
17 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as
18 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with
19 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;
20 or (e) with respect to any other Public Property, except with the permission of, and subject to
21 such conditions and regulations as are imposed by the agency that owns the property that are
22 available for public inspection at the agency's offices.

23 **SEC. 7.2.30. OVERTIME PARKING.**

24 For the operator of any vehicle Parked on the street:
25

1 (a) To Park a vehicle for longer than posted time restrictions within the Downtown
2 Core; (32(c)(1)).

3 (b) To Park a vehicle for longer than applicable posted time restrictions on the street
4 outside the Downtown Core; (32(c)(2)). or

5 (c) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum
6 time permitted for Parking at that Parking Meter within the Downtown Core. Any vehicle
7 Parked at an inoperable or broken Parking Meter ~~for which Parking is permitted in excess of two~~
8 ~~hours~~ shall be permitted to Park for the maximum time period permitted for that Parking Meter of
9 two hours.

10 (d) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum
11 time permitted for Parking at that Parking Meter outside the Downtown Core. Any vehicle
12 Parked at an inoperable or broken Parking Meter ~~for which Parking is permitted in excess of two~~
13 ~~hours~~ shall be permitted to Park for the maximum time period permitted for that Parking Meter
14 of two hours.

15 (e) Each hour or portion thereof that a vehicle is Parked in violation of this Section
16 shall be a separate and distinct offense, except that in a yellow zone indicated by yellow paint
17 on the curb, any non-commercial vehicle may be issued no more than one citation per one-
18 half hour for violations of time restrictions, and no vehicle may be issued more than two
19 citations within a 12-hour period; (32, 38.G).

20 **SEC. 7.2.65. OVERTIME PARKING.**

21 For the operator of any vehicle Parked in a Municipal Parking Facility:

22 (a) To Park a vehicle for longer than posted time restrictions; or

23 (b) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum
24 time permitted for Parking at that Parking Meter. Any vehicle Parked at an inoperable or

1 broken Parking Meter ~~for which Parking is permitted in excess of two hours~~ shall be permitted to
2 Park for ~~the~~ maximum time period permitted for that Parking Meter of two hours.

3 (c) Each hour or portion thereof that a vehicle is Parked in violation of this Section
4 shall be a separate and distinct offense, but no vehicle may be issued more than two citations
5 within a 12-hour period.

6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

10 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the "Note" that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 JOHN I. KENNEDY
21 Deputy City Attorney

22 n:\ptc\as2013\1000452\00869178.doc

FILE NO.

LEGISLATIVE DIGEST

[Transportation Code – Inoperable/Broken Parking Meter Time Limits]

Ordinance amending the Transportation Code, Division I, to clarify the definition for “Parking Meter” to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

Existing Law

The Transportation Code currently limits the time permitted for parking at a broken or inoperable parking meter to the maximum time permitted for parking at that parking meter. However, if a parking meter permits parking in excess of two hours, the maximum time period to park is limited to two hours.

Amendments to Current Law

Effective January 1, 2014, state law will be changed to require local authorities to permit vehicles to park up to the posted time limit in any public parking space regulated by an inoperable or broken parking meter or parking payment center. Local authorities, such as the City, will be prohibited from restricting the parking of vehicles in any public parking space regulated by a parking meter or parking payment center to a period of time less than the posted time limit for parking.

Background Information

The SFMTA has installed *SFpark* parking meters and parking payment centers that permit vehicles to park for time periods in excess of two hours. As a result, in 2011, the SFMTA proposed an ordinance, sponsored by Supervisor Avalos, to limit the time vehicles were permitted to park at inoperable or broken *SFpark* parking meters or parking spaces regulated by inoperable or broken *SFpark* payment centers to two hours. In 2013, AB 61 was approved by the California State Legislature and signed into law by the Governor. AB 61 becomes effective January 1, 2014, and will expire on January 1, 2017, unless subsequent legislation extends that date.




SFMTA

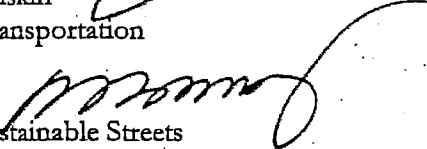
Municipal
Transportation
Agency

MEMORANDUM

DATE: October 7, 2013

TO: SFMTA Board of Directors
Tom Nolan, Chairman
Cheryl Brinkman, Vice Chairman
Malcolm Heinicke, Director
Jerry Lee, Director
Joél Ramos, Director
Cristina Rubke, Director

THROUGH: Edward D. Reiskin 
Director of Transportation

FROM: Bond M. Yee 
Director of Sustainable Streets

SUBJECT: Ordinance Amending Division I of the Transportation Codes 7.2.30 and 7.2.65
On Overtime Parking at Inoperable On and Off-Street Parking Meters

The San Francisco Municipal Transportation Agency (SFMTA) will be forwarding legislation to the Board of Supervisors to amend Section 7.2.30 and 7.2.65 of the Transportation Code. This memo summarizes the background behind the State law changes (Assembly Bill 61) that require this local amendment.

Background Information

The SFMTA has installed parking meters that permit vehicles to park for time periods in excess of two hours. As a result, in 2011, the SFMTA proposed an ordinance, sponsored by Supervisor Avalos, to limit the time vehicles were permitted to park at inoperable or broken parking meters to two hours maximum. These proposals were reviewed by the SFMTA Board Policy and Governance Committee on January 11, 2011 and approved by the SFMTA Board at its February 1, 2011 meeting. The Transportation Code currently limits the time permitted for parking at a broken or inoperable parking meter to the maximum time permitted for parking at that parking meter. However, if an on or off-street parking meter permits parking in excess of two hours, the maximum time period to park is limited to two hours. This was to discourage someone from tampering with a meter to park legally for half or all day in one parking spot for free.

Assembly Bill 61

The SFMTA formally opposed Assembly Bill (AB) 61. This bill was introduced to address issues related to the broken meter policy adopted in Los Angeles, where parking at broken meters had been completely prohibited. AB 61 reads in part as follows:

California Vehicle Code Section 22508.5, Section 2:

- (a) A vehicle may park, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center.
- (b) A local authority shall not, by ordinance or resolution, prohibit or restrict the parking of vehicles in a space that is regulated by an inoperable parking meter or inoperable parking payment center.

In 2013, AB 61 was approved by the California State Legislature and signed into law by the Governor. Effective January 1, 2014, state law will be changed to require local authorities to permit vehicles to park up to the meter time limit in any public parking space regulated by an inoperable or broken parking meter or parking payment center. Local authorities like the SFMTA will be prohibited from restricting the parking of vehicles in any public parking space regulated by a parking meter or parking payment center to a period of time less than the posted time limit for parking. In order to conform to this change in state law, Section 7.2.65 will be amended to remove the provision for a two hour maximum time limit at any meter. The proposed change will become operative on January 1, 2014.

AB 61 will expire on January 1, 2017, unless subsequent legislation extends that date. At that time the SFMTA may consider re-introducing this provision of the Transportation Code.

Attachments: Amendment to Transportation Code Division I




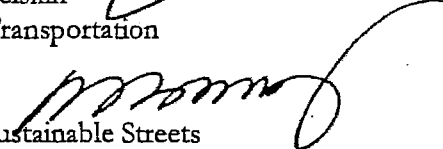
SFMTA
Municipal
Transportation
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FROM: Bond M. Yee 
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Member, Board of Supervisors
District 8



City and County of San Francisco

*orig: Comm. Clk
COB, Leg. Dep.,
epage*

SCOTT WIENER

威善高

DATE: November 20, 2013
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Scott Wiener
Chairperson
RE: Land Use and Economic Development Committee
COMMITTEE REPORT

A handwritten signature in black ink, appearing to be "SW", located to the right of the "FROM:" field.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 NOV 20 PM 4:47

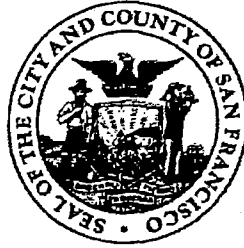
Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on November 26, 2013, as a Committee Report:

131119 Transportation Code - Inoperable/Broken Parking Meter Time Limits

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

This matter will be heard in the Land Use and Economic Development Committee on November 25, 2013, at 1:30 p.m.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 21, 2013

File No. 131119

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

Dear Ms. Jones:

On November 19, 2013, Supervisor Chiu introduced the following legislation:

File No. 131119

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter, and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Not a project per CEQA
Guidelines Section 15060(c)(2).
Nannie R. Turrell
November 21, 2013*

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Edward Reiskin, Director, Municipal Transportation Agency
Harlan Kelly, General Manager, Public Utilities Commission
Barbara Garcia, Director, Department of Public Health
Joanne Hayes-White, Chief, Fire Department
Greg Suhr, Chief, Police Department
Monique Moyer, Executive Director, Port

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: November 21, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on November 19, 2013:

File No. 131119

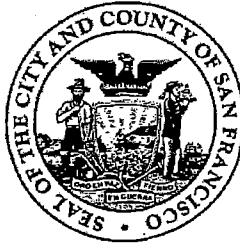
Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

If you would like to submit reports or comments prior to the hearing, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.miller@sfgov.org and andrea.ausberry@sfgov.org.

c: Janet Martinsen, Municipal Transportation Agency
Kate Bren, Municipal Transportation Agency
Roberta Boomer, Municipal Transportation Agency Board
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
Greg Wagner, Department of Public Health
Collen Chawla, Department of Public Health
Kelly Alves, Fire Department

John Monroe, Police Department
Amy Quesada, Port

BOARD of SUPERVISORS



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Tel. No. 554-5184
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TDD/TTY No. 554-5227

November 21, 2013

File No. 131119

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

Dear Ms. Jones:

On November 19, 2013, Supervisor Chiu introduced the following legislation:

File No. 131119

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):


Supervisor David Chiu

Subject:

Ordinance amending the Transportation Code to clarify the definition for "Parking Meter" and change the time for parking meter time limits

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: