

File No. 100639

Committee Item No. 6

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 19, 2010

Board of Supervisors Meeting

Date July 27, 2010

Cmte Board

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OTHER

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Completed by: Alisa Somera Date July 16, 2010

Completed by: [Signature] Date July 21, 2010

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The complete document can be found in the file.

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1 [Permits for Commercial Parking Garages and Lots]

2
3 Ordinance amending sections of the San Francisco Police Code, Business and Tax
4 Regulations Code and Fire Code to: (1) transfer responsibility for parking garage and
5 parking lot permits from the Fire Department to the Police Department; (2) require a
6 commercial parking permit to operate a garage or lot where members of the public can
7 park for a charge; set fees; establish permit issuance, suspension and revocation
8 procedures; establish requirements for permit holders and individuals working at
9 parking garages and lots; and (3) limit the term of a commercial parking permit to one
10 year and require annual application for a commercial parking permit.

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

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

15 Section 1. The San Francisco Police Code is hereby amended by adding Sections
16 1215 through 1215.6, to read as follows:

17 SEC. 1215 – COMMERCIAL PARKING PERMITS.

18 (a) Definitions. The following definitions shall apply in Police Code Sections 2.9, 2.26 and
19 1215 through 1215.6 and Business and Tax Regulations Code Section 22.

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

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

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

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

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

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

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

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

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

1
2 SEC. 1215.1 - APPLICATION FOR PERMIT.

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

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

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

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

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

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

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

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

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

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

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

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

20 (12) A list of all employees or other individuals working at the parking garage or parking lot,
21 or whom the applicant proposes for employment or work at the parking garage or parking lot, and a
22 declaration signed by the applicant under penalty of perjury certifying that the applicant has verified
23 that in the preceding ten years, none of the employees or other individuals has been convicted of or
24 plead guilty or no contest to a covered crime, or for any employee or other individual who has been
25 convicted of or plead guilty or no contest to a covered crime in the preceding ten years, written

1 authorization from the Chief of Police under Section 1215.6(b) allowing the employee or individual to
2 work at the parking garage or parking lot;

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

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

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

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

11
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 until it
14 is complete. An application is not complete until the Chief of Police determines that it includes all
15 information and documentation that Section 1215.1(a) requires. After determining that an application
16 includes all required information and documentation, the Chief of Police shall accept the application
17 for filing.

18 (b) Investigation of Application. Once the Chief of Police accepts an application for filing, the
19 Chief of Police shall conduct an appropriate investigation of the application. As part of the
20 investigation, the Chief of Police shall make any necessary referrals to other City departments,
21 including referrals to the Planning Department, Fire Department and Department of Building
22 Inspections for their determination of compliance with zoning, building, fire and safety requirements,
23 and to the Municipal Transportation Authority to identify any traffic impacts. The Chief of Police shall
24 conduct a criminal history background check on the persons listed in Sections 1215.1(a)(2) through
25 (4).

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

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

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

9 (3) Whether in the preceding ten years, the applicant or any person listed in Sections
10 1215.1(a)(2) through (4) has been convicted of or plead guilty or no contest to a covered crime, or has
11 committed a covered crime. A conviction, plea or commission of a covered crime is not an automatic
12 bar to granting the permit. The Chief of Police shall consider criminal history on a case-by-case basis
13 with due consideration given to the following factors: (a) the nature and gravity of the offense; (b) the
14 time elapsed since the offense; (c) age at the time of the offense; (d) frequency of covered criminal
15 offenses; (e) evidence of rehabilitation; and (f) any other mitigating circumstances;

16 (4) Whether in the preceding ten years, the applicant or any person listed in Sections
17 1215.1(a)(2) through (4) has engaged in or committed any fraudulent or misleading business practices;

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

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

21
22 SEC. 1215.3. - PERMIT REVOCATION OR SUSPENSION.

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

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

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

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

6 (b) Mandatory Revocation or Suspension. The Chief of Police shall revoke or suspend a
7 commercial parking permit, after a hearing on the matter, promptly upon receiving notice from the
8 Office of the Treasurer and Tax Collector that it has revoked a permittee's business registration
9 certificate or certificate of authority, or has determined that the permittee, or any person listed in
10 Sections 1215.1(a)(2) through (4), is not in compliance with the Business and Tax Regulations Code. If
11 the Chief of Police suspends the permit, the Chief of Police shall continue the permit suspension until
12 the Office of the Treasurer and Tax Collector notifies the Chief of Police that he or she may end the
13 suspension.

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

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

21 (e) Board of Appeal. On any appeal from a decision of the Chief of Police to revoke or
22 suspend a commercial parking permit under Section 1215.3(b), consistent with the vital City policy
23 regarding advance payment of disputed taxes and the exclusive remedies and procedures available to
24 resolve tax disputes under Article 6 of the Business and Tax Regulations Code, the Board of Appeal
25 shall have no jurisdiction to review any determination of the Office of the Treasurer and Tax Collector

1 that the applicant, or any person listed in Sections 1215.1(a)(2) through (4), is not in compliance with
2 the Business and Tax Regulations Code. Nor shall the Board of Appeal have jurisdiction to review a
3 decision of the Office of the Treasurer and Tax Collector to revoke a permittee's business registration
4 certificate or certificate of authority.

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

8
9 SEC. 1215.4. - RULES; INSURANCE REQUIREMENTS.

10 (a) Rules. After a noticed hearing, the Chief of Police may promulgate rules to effectuate the
11 purposes of Sections 1215 through 1215.6 or to facilitate the permit process.

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

1
2 SEC. 1215.5. – REQUIREMENTS FOR PERMITTEE.

3 (a) Insurance. Throughout the term of any commercial parking permit, a permittee shall
4 maintain in force insurance in the coverages and amounts that the Chief of Police sets under Section
5 1215.4(b).

6 (b) Posting. A permittee shall post a copy of the commercial parking permit at the permitted
7 parking garage or parking lot, in a conspicuous place visible to the public.

8 (c) Name and other Changes. Within 10 days of any change in the name of a permittee, or any
9 change in any partner or officer of a permittee, in the ownership of 10 percent or larger of a permittee,
10 or in the individual whom a permittee has authorized to manage, direct or control the operations of the
11 permitted parking garage or parking lot, a permittee shall provide written notice to the Police
12 Department specifying the change.

13 (d) Change in Ownership. If during the term of a commercial parking permit a permittee's
14 ownership changes by 25 percent or larger, the permittee's commercial parking permit shall
15 immediately terminate by operation of law. The permittee shall apply for a new commercial parking
16 permit for each parking garage or parking lot the permittee operates, and shall pay any required fees.
17 A permittee may apply for a new commercial parking permit in advance of an ownership change of
18 25 percent or greater, to preserve continuity of operations at the parking garages and parking lots the
19 permittee operates.

20 (e) Records. A permittee shall maintain records regarding operations of the parking garage
21 or parking lot for which the Chief of Police issued the commercial parking permit at the business
22 address specified in the permit application, and shall make those records available for inspection and
23 copying during business hours on demand of any peace officer.

1 SEC. 1215.6. - REQUIREMENTS REGARDING PERMITTEE'S EMPLOYEES.

2 (a) List of Employees. A permittee shall maintain a continuously updated list of the names,
3 residence addresses and current driver's license numbers of all employees or other individuals working
4 at the parking garage or parking lot for which the Chief of Police issued a commercial parking permit.
5 A permittee shall maintain the list at the business address listed on the permit application, and shall
6 make the list available for inspection and copying during business hours on demand of any peace
7 officer.

8 (b) Criminal History. Except with the prior written authorization of the Chief of Police, a
9 permittee shall not allow any employee or other individual to work at a permitted parking garage or
10 parking lot if, in the preceding ten years, the employee or individual has been convicted of or has plead
11 guilty or no contest to any covered crime. The Chief of Police shall evaluate on a case-by-case basis
12 any request for authorization for an employee or other individual who has been convicted of or has
13 plead guilty or no contest to any covered crime in the preceding ten years to work at the permitted
14 parking garage or parking lot. In determining a request for authorization, the Chief of Police shall
15 give due consideration to the factors in Section 1215.2(c)(3). The term of any written authorization of
16 the Chief of Police may not exceed two years.

17 (c) Identification Badge. Every employee or other individual who works at a parking garage
18 or parking lot shall wear conspicuously upon his or her person an identification badge that the
19 permittee provides, of a type and design that the Chief of Police has approved.

20
21 Section 2. The San Francisco Police Code is hereby amended by amending Sections
22 2.9 and 2.26, to read as follows:

23 SEC. 2.9. - PERMITS ISSUED BY THE POLICE DEPARTMENT OR
24 ENTERTAINMENT COMMISSION.
25

1 Since the following permits have no license in connection therewith, they will not be
2 delivered to the Tax Collector, but will be issued directly from the office of the Police
3 Department or Entertainment Commission, as the case may be.

4 Change in Color Scheme.

5 Closing-Out Sale.

6 Commercial Parking Permit

7 Dance Hall Keeper, One Night Dance.

8
9 SEC. 2.26 - SCHEDULE OF PERMITS AND FILING FEES.

10 The following filing fees, payable in advance to the City and County of San Francisco,
11 are required when submitting applications for permits to the Police Department or
12 Entertainment Commission:

13	TYPE OF PERMIT	FILING FEE
14	Permit Amendment/Additional Partner	\$81
15	Amusement Park	0
16	Antique Shop	558
17	Auto Wrecker	664
18	Ball or Ring Throwing Games	0
19	Balloon and Kite Advertising	0
20	Billiard Parlor	456
21	Bingo Games	112
22	Amendment to Permit	112
23	Circus	0
24	Closing-Out Sale	0
25	<u>Commercial Parking (garage or lot)</u>	<u>455</u>

1	Dance Hall Keeper	1,401
2	Amendment to Permit	660
3	One Night Dance	40
4	Dealer in Firearms and/or Ammunition	961
5	Renewal	218
6	Discharge of Cannon	400
7	Distributor of Advertising	
8	Class A	524
9	Class B	459
10	Driverless Auto Rental	631
11	Encounter Studio	
12	Owner	725
13	Employee	202
14	Escort Service	
15	Owner	709
16	Employee	202
17	Extended Hours Permit	1,500
18	Amendment to Permit	660
19	Fortuneteller	0
20	Funeral Procession Escort	224
21	Insignia and Uniform	0
22	General Soliciting Agent	252
23	Itinerant Show	680
24	Itinerant Show/Nonprofit [Fee set by Police Code Section 1017.2]	100
25	Junk Dealer	945

1	Junk Gatherer	
2	Resident	439
3	Nonresident	370
4	Licensed Tour Guide	272
5	Loudspeaker	416
6	Vehicle	416
7	Masked Ball	779
8	Massage Establishment	1,684
9	Masseur/Masseuse	202
10	Trainee	202
11	Mechanical Amusement Devices	568
12	Mechanical Contrivance	568
13	Miniature Golf Course	586
14	Mobile Caterer	775
15	Additional Stop	73
16	Assistant	73
17	Transfer of Stop	73
18	Museum	645
19	Nude Models in Public Photographic Studio	
20	Owner	704
21	Employee	202
22	Off-Heliport Landing Site	477
23	One Night Event	255
24	Outcall Massage	462
25	Pawnbroker	763

1	Peddler	
2	Food for Human Consumption	525
3	Nonfood	330
4	Employee	77
5	Pedicab Driver	77
6	Pedicab Owner	
7	First Pedicab	372
8	Each Additional Pedicab	84
9	Photographer, Public Place	
10	Owner	429
11	Solicitor	77
12	Photographic Solicitor	
13	Owner	429
14	Employee	77
15	Place of Entertainment	1,500
16	Amendment to Permit	660
17	Poker	894
18	Amendment to Permit	79
19	Public Bathhouse	1,122
20	Public Outcry Sales	716
21	Pushcart Peddler	594
22	Recreational Equipment Vendor	408
23	Rodeo Exhibition/Wild West Show	651
24	Second Hand Dealer	558
25	Second Hand Dealer, Auto Accessories	558

1	Shooting Gallery	723
2	Skating Rink	693
3	Street Photographer	
4	Owner	0
5	Solicitor	0
6	Tow Car Driver	198
7	Tow Car Firm	575
8	Trade-In Dealer	713
9	Valet Parking	
10	Fixed Location	535
11	Annual Special Event	350
12	Vehicle for Hire, Nonmotorized	644

13
14 Section 3. The San Francisco Business and Tax Regulations Code is hereby amended
15 by amending Section 22, as follows:

16 SEC. 22. - PROVIDING FOR POSTING AND FORM OF NOTICE OF HEARING,
17 APPLICATIONS FOR CERTAIN PERMITS.

18 On the filing of any application for the issuance or transfer of a permit for any purpose
19 specified in this Section, or the filing of a notice of intention to revoke any permit, except in
20 any case where such proposed revocation is due to the failure to pay the fee fixed by law or
21 ordinance, the department responsible for the approval of such application, shall fix the time
22 and place of hearing thereon, which shall be not less than 10 nor more than 20 days from the
23 filing of said application, and shall cause to be conspicuously posted upon the premises
24 involved in such application not less than 10 days before said public hearing, notice of such
25 application and the time and place of hearing thereon. Said notice shall also set forth the

1 name of the applicant and the purpose for which the application is made. The department in
2 which the application is filed shall cause said notice to be posted. The lettering of the words in
3 said notice, "Notice of Application for...Permit," shall be one-inch type, and all other lettering
4 shall be one-half-inch type. After the posting of said notice the applicant shall maintain said
5 notice as posted the required number of days.

6 The classes of permits referred to in this Section are: Service stations, commercial
7 parking permits~~parking stations~~, public repair garages, public storage garages, commercial and
8 truck garages, automobile sales garages, hospitals of any character, including hospitals for
9 sick animals, dog kennels, places of refuge and detention, laundries including laundry delivery
10 services doing business in San Francisco, junkyards or premises, livery stables, riding
11 academies and riding schools, pawnbrokers, secondhand dealers, secondhand clothing
12 dealers and secondhand furniture dealers, encounter studios, retail firearms dealers, nursing
13 homes, day nurseries, nursery schools, play schools, kindergartens, and children's
14 institutions, but shall not include private family boarding homes for aged or children.

15
16 Section 4. The San Francisco Business and Tax Regulations Code is hereby amended
17 by repealing Sections 1.18, 90 and 94, as follows:

18 ~~SEC. 1.18. AUTOMOBILE PARKING STATIONS.~~

19 ~~For the establishment, maintenance and operation of automobile parking stations by the Fire~~
20 ~~Department; subject to the approval of the Department of Public Works insofar as traffic control is~~
21 ~~concerned.~~

1 ~~SEC. 90. GARAGES.~~

2 ~~Every person, firm or corporation engaged in the business of operating or maintaining a garage~~
3 ~~that requires a permit from the Fire Department shall pay an annual license fee for such garage of~~
4 ~~\$344.00 per annum.~~

6 ~~SEC. 94. AUTOMOBILE PARKING STATIONS.~~

7 ~~Every person, firm or corporation engaged in the business of maintaining, conducting or~~
8 ~~operating an automobile parking station that requires a permit from the Fire Department shall pay an~~
9 ~~annual license fee of \$344.00 per year.~~

11 Section 5. The San Francisco Fire Code is hereby amended by repealing Section
12 4803 and Appendix Chapter 1, Section 105.6.48, as follows:

13 ~~4803 [For SF] Permits.~~

14 ~~For permits to operate a parking lot or parking garage, see Appendix Chapter 1, Section~~
15 ~~105.6.48.~~

16 ~~Plans shall be submitted with each application for a permit to operate a parking lot. The plans~~
17 ~~shall indicate the location of the lot, entrances and exits, the dimensions and types of construction of all~~
18 ~~structures, fences or other improvements, and any operational features which may affect street traffic.~~
19 ~~The names of the owner of the premises and the operator of the parking lot shall be included on the~~
20 ~~application and plans.~~

22 ~~Appendix Chapter 1, Section 105.6.48. [For SF] Parking lots and garages.~~

23 ~~To operate a parking lot or parking garage. See Chapter 46.~~

25 Section 6. The San Francisco Fire Code is hereby amended by amending Appendix

1 Chapter 1, Section 112, as follows:

2 TABLE 112-A — PERMIT FEES

3	TYPE OF PERMIT	FEE
4	Aviation Facilities	\$330.00
5	Aircraft refueling vehicles	\$330.00
6	Amusement Buildings, Operation	\$330.00
7	Automobile parking station	\$330.00
8	Battery System, Operation	\$330.00
9	Burning, removal of paint	\$330.00
10	Carnivals and Fairs, Operation	\$330.00
11	Cellulose nitrate film, storage, handling, or use	\$330.00
12	Combustible Dust-Producing Operations	\$330.00
13	Combustible fiber storage	\$330.00
14	Combustible material storage	\$330.00
15	Combustible metal processing	\$330.00
16	Compressed gases, nonflammable	\$330.00
17	Compressed gases, flammable	\$330.00
18	Covered mall buildings, Operation	\$330.00
19	Installation of nonflammable medical gas system	\$330.00
20	Installation of flammable gas system	\$330.00
21	Conditional use	\$90.00
22	Cryogenic fluids, produce, store, sell handle, dispense,	
23	or transport on-site	\$330.00
24	Dry-cleaning plant	\$330.00
25	Exhibits and Trade Shows	\$330.00

1	Explosives, storage, handling, sale, or use	\$330.00
2	Fireworks, display or special effects	\$330.00
3	Fireworks, import or export	\$330.00
4	Fireworks, sell, maintain or store	\$330.00
5	Fireworks, transport	\$330.00
6	Firefighter air systems, maintenance	\$330.00
7	Flammable finishes, application of (including floor finishes)	\$330.00
8	Limited spray paint	\$330.00
9	Flammable liquids, installation or modification of	
10	piping systems, including dispensers	\$330.00
11	Flammable liquids, installation of storage tanks	\$330.00
12	Flammable liquids, portable storage tank	\$330.00
13	Flammable liquids, manufacture, processing,	
14	blending or refining	\$330.00
15	Flammable liquids, removal, abandonment, emptying	
16	or disposing of any flammable liquid tank	\$330.00
17	Flammable liquids, service station, attendant	\$330.00
18	Flammable liquids, self-service station	\$330.00
19	Flammable liquids, self-service station partial	\$330.00
20	Flammable liquids, storage and handling	\$330.00
21	Flammable liquids, tank vehicle	\$330.00
22	Flammable liquids, dispensing from a tank vehicle	\$330.00
23	Flammable liquids, testing tank for leakage	\$330.00
24	Flammable liquids, use or excavation near	
25	a pipeline used to transport	\$330.00

1	Fruit-ripening process	\$330.00
2	Fumigation or thermal insecticidal fogging	\$330.00
3	Hazardous materials, storage	\$330.00
4	Hazardous materials, use, transport on-site,	
5	dispense or handle	\$330.00
6	High-piled combustible storage	\$330.00
7	Hot work operations (annual)	\$330.00
8	Industrial ovens	\$330.00
9	Liquefied petroleum gases, handling	\$330.00
10	Liquefied petroleum gases, receiving	\$330.00
11	Liquefied petroleum gases, storing	\$330.00
12	Liquefied petroleum gases, using	\$330.00
13	Liquefied petroleum gases, unit inspection fee	\$10.00
14	Liquefied petroleum gases, installation	\$330.00
15	Liquid or gas-fueled vehicles or equipment	
16	in assembly buildings	\$330.00
17	Lumber storage	\$330.00
18	Magnesium processing	\$330.00
19	Manufacture of any organic coating	\$330.00
20	Mechanical refrigeration	\$330.00
21	Oil wells	\$330.00
22	Open burning	\$330.00
23	Open flame devices, on a marina	\$330.00
24	Open flame devices, in public assembly, bar, or restaurant	\$330.00
25	Operate or maintain any heliport or helistop	\$330.00

1	Public assembly	\$330.00
2	Public assembly-permanent occupancy for non-profit group	\$0.00
3	Pyroxylin Plastics, storage or handling	\$330.00
4	Vehicle garage, storage/repair garage	\$330.00
5	Readily combustible material, storage of	\$330.00
6	Refrigeration equipment	\$330.00
7	Spraying or dipping operations	\$330.00
8	Tent, canopies, or temporary membrane structures	\$330.00
9	Tire rebuilding operation	\$330.00
10	Tires, scrap storage	\$330.00
11	Vehicle wrecking yards, junk or waste material	
12	handling plants	\$330.00
13	Welding and cutting	\$330.00

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Section 7. Transition to Commercial Parking Permit. The automobile parking station permit from the Fire Department is being replaced by the commercial parking permit from the Police Department. Any person holding a current and valid automobile parking station permit issued by the Fire Department may continue to operate a parking garage or parking lot pursuant to that permit, provided that any automobile parking station permit shall expire on its anniversary date, when the annual license payment is due. Any person holding an automobile parking station permit must apply for and obtain a commercial parking permit under Police Code Section 1215 to continue operating a parking garage or parking lot after that date. The Police Department shall make reasonable efforts to provide advance notice to current automobile parking station permit holders of the permit transition and the new permit requirements. The Police Department may issue temporary commercial parking permits, not

1 to exceed four months, to facilitate the transition from the automobile parking station permit to
2 the commercial parking permit and to allow for adequate investigation of permit applications.
3 The Fire Department and all other City departments shall cooperate and coordinate with the
4 Police Department in transitioning the permit function for parking garages and parking lots to
5 the Police Department.

6
7 Section 8. Severability. If any of the provisions of this ordinance or the application of
8 those provisions to any person or circumstances shall be held invalid, the remainder of those
9 sections or the application of those provisions to persons or circumstances other than those to
10 which it is held invalid shall not be affected thereby.

11
12 Section 9. Operative Date. This ordinance shall become operative on its effective date
13 or January 1, 2011, whichever is later.

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

18 By:


19 KATHARINE HOBIN PORTER
20 Deputy City Attorney

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Supervisor Alioto-Pier
BOARD OF SUPERVISORS

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5/18/2010

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LEGISLATIVE DIGEST

[Permits for commercial parking garages and lots.]

Ordinance amending sections of the San Francisco Police Code, Business and Tax Regulations Code and Fire Code to: transfer responsibility for parking garage and parking lot permits from the Fire Department to the Police Department; require a commercial parking permit to operate a garage or lot where members of the public can park for a charge; set fees; establish permit issuance, suspension and revocation procedures; establish requirements for permit holders and individuals working at parking garages and lots; and limit the term of a commercial parking permit to one year and require annual application for a commercial parking permit.

Existing Law

Currently, the Fire Department is responsible for issuing permits for parking garages and parking lots. The permit becomes a license through the Office of the Treasurer and Tax Collector after the first year.

Amendments to Current Law

The proposed ordinance would transfer responsibility for permits for parking garages and parking lots from the Fire Department to the Police Department. The proposed ordinance would add Sections 1215 through 1215.6 to the San Francisco Police Code, to require a commercial parking permit to operate a garage or lot where members of the public can park for a charge; make each commercial parking permit valid for one year only and require application for a new permit each year; establish application, suspension and revocation procedures for commercial parking permits; set insurance, posting and notice requirements for the permit holder; and set criminal history and other requirements for individuals working at a parking garage or parking lot.

The proposed ordinance would set a filing fee of \$455 for commercial parking permits, to cover the costs to the Police Department of investigating a commercial parking permit application. Under the proposed ordinance, the Police Department would also collect fees for inspections or services provided by other City departments in investigating a commercial parking permit application.

The proposed ordinance would repeal or amend sections of the San Francisco Business and Tax Regulations Code and Fire Code that relate to the current Fire Department parking garage and parking lot permit (sometime referred to as an "automobile parking station" permit) and license. The proposed ordinance would not change any other Fire Code requirements for parking garages and lots, including safety requirements.

The proposed ordinance includes a transition plan, to facilitate transferring the permit function from the Fire Department to the Police Department. If adopted, the proposed ordinance would be operative on its effective date or January 1, 2011, whichever is later.

Background Information

This ordinance is designed to enhance public safety related to parking garages and lots. By moving the permit process to the Police Department, this ordinance allows for a criminal history background check on a permit applicant, every officer, partner, and owner of 10 percent or larger of an applicant, and the individual an applicant authorizes to manage, direct, or control the operations of a parking garage or lot. The ordinance establishes criminal history requirements for these individuals, as well as for employees and other individuals working at parking garages and lots. The ordinance includes other provisions related to public safety, including a requirement that any individual working at a parking garage or lot wear an approved identification badge. In addition, the ordinance requires to applicant to provide detailed information regarding the applicant and the parking garage or lots for which the applicant seeks a permit, so the Chief of Police may thoroughly investigate the application to determine whether granting the application is in the public interest, health, safety and welfare.

In addition, this ordinance will facilitate coordination between the Police Department and the Office of the Treasurer and Tax Collector, enhance the ability of the City to collect taxes due from parking garages and lots, and provide an enforcement mechanism to use when parking garage and lot operators are not in compliance with the City's Business and Tax Regulations Code.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

July 13, 2010

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. 100639 [Permits for Commercial Parking Garages and Lots]

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On July 12, 2010, the Small Business Commission heard and recommended approval to the Board of Supervisors for File No. 639.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisor Alioto-Pier
Starr Terrell, Mayors Office
Alisa Somera, Clerk of the Land Use and Economic Development Committee

