

File No. 170209

Committee Item No. 5

Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 10, 2017

Board of Supervisors Meeting

Date JULY 25, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input 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"/> | 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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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral SBC 030717</u> |
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Completed by: Erica Major Date July 7, 2017

Completed by: [Signature] Date 7/13/2017

1 [Police Code - Bicycle Chop Shops]

2
3 **Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer**
4 **of sale, distribution, or offer of distribution on public property or public rights-of-way of**
5 **bicycles and bicycle parts, under certain conditions and with certain exceptions;**
6 **authorize the Police Department (SFPD) to seize bicycles and bicycle parts following**
7 **violations of this prohibition; and require SFPD to return seized items to their rightful**
8 **owners without charging any fees, except that SFPD may charge an impound fee if the**
9 **rightful owner consented to or participated in the acts that led to the seizure.**

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

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

19 Section 1. The Police Code is hereby amended by adding Article 51, entitled
20 "Prohibited Bicycle Actions and Transactions," and including Sections 5100, 5101, 5102, and
21 5103, to read as follows:

22 **ARTICLE 51: PROHIBITED BICYCLE ACTIONS AND TRANSACTIONS**

23 **SEC. 5100. PURPOSE AND FINDINGS.**

24 *Countless bicycles are stolen in San Francisco every year, at great cost to local residents, and*
25 *taken to open-air "chop shops" in San Francisco where they are disassembled, stripped of identifying*
information, and/or sold. Prohibiting the operation of chop shops, and allowing the Police Department

1 (SFPD) to seize any bicycles or bicycle parts from persons who operate chop shops, will help SFPD
2 hold chop shop operators accountable and will help restore stolen bicycles to their rightful owners.
3 Prohibiting chop shops will also clear the public rights-of-way and improve the quality of life for City
4 residents.

5 **SEC. 5101. PROHIBITION ON SALE OF BICYCLES AND BICYCLE PARTS.**

6 (a) No person shall assemble, disassemble, sell, offer to sell, distribute, or offer to distribute
7 the following items on any street, sidewalk, passageway, or other right-of-way, or on public property:

8 _____ (1) five or more bicycles;

9 _____ (2) a bicycle frame with the gear cables or brake cables cut;

10 _____ (3) three or more bicycles with missing parts (the term "parts" shall mean handlebars,
11 wheels, forks, pedals, cranks, seats, or chains);

12 _____ (4) five or more bicycle parts;

13 (b) This prohibition shall not apply in any of the following situations:

14 _____ (1) The person is operating under a valid business license.

15 _____ (2) The owner of a bicycle or bicycle part is present during the repair of his or her
16 single bicycle or bicycle part.

17 _____ (3) The items are being offered for sale by their owner, along with other goods, at a
18 one- or two-day location outside the owner's dwelling unit, such as at events commonly known as
19 "garage sales," "yard sales," "moving sales," or "estate sales."

20 _____ (4) The items are being used in connection with an event held by a registered non-
21 profit.

22 _____ (5) Application of this Section 5101 would interfere with or inhibit the exercise of the
23 constitutionally protected right of freedom of speech or assembly.

1 **SEC. 5102. ENFORCEMENT AND APPEALS.**

2 (a) SFPD may issue an administrative citation to a person who is in violation of Section 5101,
3 and upon issuance of such citation, may remove and seize any items that are being unlawfully
4 assembled, disassembled, sold, distributed, or offered for sale or distribution. The administrative
5 citation shall include a reference to this Article 51; a description of the violation; the date and location
6 of the violation(s) observed; a description of all seized items; a description of the process to recover the
7 seized items and to obtain waiver of the impound fees, as set forth in subsections (b) and (c); a
8 description of the process for appealing the citation or assessment of impound fees, including the
9 deadline for filing such an appeal, as set forth in subsection (d); and the name and signature of the
10 citing officer.

11 (b) SFPD shall return any seized items to their rightful owner upon the rightful owner's
12 written request. A person shall be deemed the "rightful owner" if the person can demonstrate with
13 sufficient reliability that he or she is the lawful owner of the seized item, for example, by providing
14 video or photographic evidence indicating ownership of the seized item, by producing a bill of sale, by
15 correctly stating the serial number, or by signing a sworn affidavit in person at an SFPD location to be
16 determined by SFPD.

17 (c) SFPD shall not assess monetary penalties for violations of this Article 51. SFPD may
18 condition the return of a seized bicycle or bicycle part on the payment of an impound fee equal to the
19 actual cost to SFPD of transporting and storing the seized item; provided, however, that SFPD shall
20 return any seized item to its rightful owner without requiring payment of an impound fee provided that
21 the owner did not consent to or participate in the violation of Section 5101 that led to the seizure.

22 (d) A person who receives an administrative citation under subsection (a), or who is required
23 to pay an impound fee pursuant to subsection (c), may file an appeal to challenge the citation or
24 impound fee. The appeal must be filed within 15 days of the date that the person received the
25 administrative citation or written findings requiring payment of a fee, whichever is later. The appeal

1 must be in writing and must specify the basis for the appeal in detail, and must be filed with the SFPD
2 as indicated in the administrative citation.

3 (e) As soon as practicable after receiving the written appeal, the SFPD shall select an officer
4 to review the appeal. The reviewing officer shall be someone other than the officer(s) who issued the
5 administrative citation or who witnessed the events giving rise to the citation, or the direct supervisor
6 of such officer(s). The reviewing officer shall fix a date, time, and place for the hearing on the appeal
7 and provide written notice of the hearing at least 10 days prior to the hearing date. If the notice is
8 served by mail, it shall be by first-class mail, and service shall be effective on the date of mailing. The
9 hearing date shall be no later than 30 days after service of the notice of hearing, unless that time is
10 extended by mutual agreement of the parties. SFPD shall have the burden of proof in such hearing. At
11 the hearing, the reviewing officer will not be bound by the formal rules of evidence and may accept
12 information from both parties, including, but not limited to, the administrative citation, which if valid
13 shall be prima facie evidence of the violation; oral testimony; testimony by declaration under penalty of
14 perjury; and documentary information.

15 (f) The reviewing officer shall make findings based on the record of the hearing and shall
16 issue a written decision based on such findings within 15 days of the conclusion of the hearing, and
17 shall give the appellant written notice of that decision. If the reviewing officer concludes that the
18 citation was unwarranted or that SFPD should not have conditioned the return of the seized items on
19 the payment of an impound fee, SFPD shall immediately withdraw the citation and return the seized
20 items and refund the impound fees as appropriate. The decision of the reviewing officer shall be final.
21 Following the decision of the reviewing officer, the appellant may file an appeal with the superior court
22 pursuant to California Government Code Section 53069.4.

23 (g) Failure of any person to file an administrative appeal in accordance with the provisions
24 of this Section 5102 or to appear at the noticed hearing shall constitute a failure to exhaust
25 administrative remedies.

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SEC. 5103. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or word of this Article 51, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Article. The Board of Supervisors hereby declares that it would have passed the Article and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of the Article or application thereof would be subsequently declared invalid or unconstitutional.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

By: 
MANU PRADHAN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Bicycle Chop Shops]

Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Police Department (SFPD) to seize bicycles and bicycle parts following violations of this prohibition; and require SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

Existing Law

Local law does not currently prohibit the assembly, disassembly, sale, distribution, or offer of sale or distribution of bicycles and bicycle parts on the public rights-of-way or public property.

Amendments to Current Law

The ordinance would prohibit any person from assembling, disassembling, selling, offering to sell, distributing, or offering to distribute on public property or in any public right-of-way (1) five or more bicycles; (2) a bicycle frame with the gear cables or brake cables cut; (3) three or more bicycles with missing bicycle "parts" (defined to mean handlebars, wheels, forks, pedals, cranks, seats, or chains); or (4) five or more bicycle parts. The prohibition would not apply to persons operating under a valid business license, instances where the owner is present during the repair of his or her single bicycle or bicycle part, bona-fide yard sales, events held by registered non-profits, or First Amendment activity.

The San Francisco Police Department (SFPD) would enforce the ordinance by issuing administrative citations and seizing items found to be in violation. SFPD would hold the items and return them to their owners upon written request. A person would be able to demonstrate ownership through a bill of sale, photographic evidence, a signed affidavit, or other reliable information. Items would be returned to their owners free of charge. But, if the person claiming ownership had consented to or participated in the violation, then SFPD would be able to condition the return of the seized items on the owner's payment of an impound fee equal to SFPD's actual cost of transporting and storing the items.

The ordinance would also create an administrative procedure for persons to challenge seizures and the imposition of impound fees.

Background Information

Many bicycles are stolen in San Francisco every year, at great cost to local residents, and taken to open-air "chop shops" where they are disassembled, stripped of identifying

FILE NO. 170209

information, and/or sold. The ordinance is intended to prohibit the operation of chop shops on public property and on the public rights-of-way, allow the SFPD to seize bicycles or bicycle parts from persons who operate chop shops, and restore those items to their rightful owners.

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170209
SUBMITTED PRESENT

IN COMM

Bicycle Chop Shops Police Code Amendments

Supervisor Jeff Sheehy
Land Use and Transportation Committee
July 10, 2017

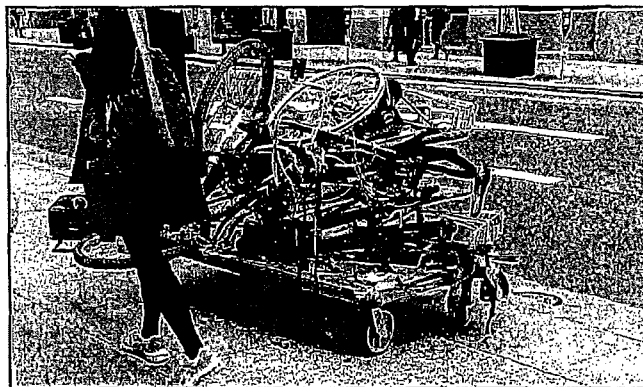
What is a "chop shop?"

- A bicycle chop shop consists of any of the following:
 - Five or more bicycles.
 - A bicycle frame with the gear cables or brake cables cut
 - Three or more bicycles with missing parts (handlebars, wheels, forks, pedals, cranks, seats or chains).
 - Five or more bicycle parts.
- A bicycle chop shop is located:
 - On any street, sidewalk, passageway, or other right-of-way, or on public property.

What is not a “chop shop?”

- A person operating under a valid business license.
- The owner that is present during the repair of his or her single bicycle or bicycle part.
- Items being offered at a garage/yard sale.
- Items are being used in connection with an event sponsored by a non-profit.
- Application would inhibit freedom of speech or assembly.

Example #1: Montgomery and Pine



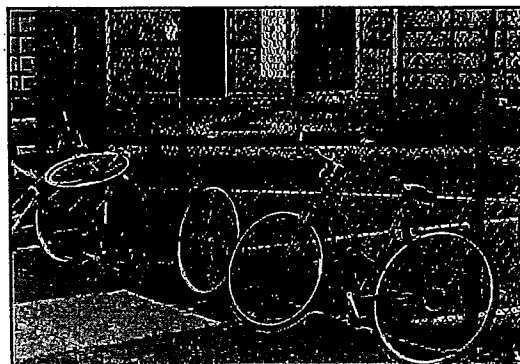
- Reported to 311 on June 9, 2016
- Referred to Recology as “Abandoned”

Example #2: Dolores Street Median



- ▣ Reported to 311 on June 11, 2016
- ▣ Referred to Public Works Operation Center

Example #3: 17th & Harrison Streets



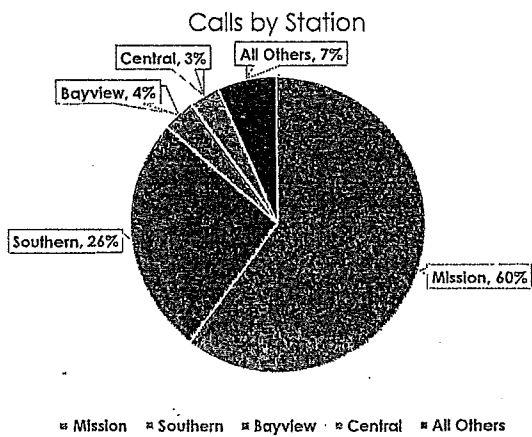
- ▣ Reported to 311 on August 15, 2016
- ▣ Referred to Police Department

Call Volume by Station

Map of Locations



Call Volume by Station



Call Volume by Station

Volume by Station

Police Distr.	Month												Count of Number of Rec.	
	January	February	March	April	May	June	July	August	Septemb.	October	November	December		
Null	2	1		2	1					1		2	1	53
BAYVIEW			1	3	3					3	2			4
CENTRAL	4	1	1	2			6	2		4				1
INGLESIDE							1							1
MISSION	24	40	30	40	59	33	47	45	38	21				2
NORTHERN		3	3	1	2					3	2			2
PARK	2	1	1		1	2			2	2	1			2
RICHMOND				1										
SOUTHERN	4	7	18	12	19	27	1	20	25	26	18			15
TARAVAL														
TENDERLOIN			1			1								1

Count of Number of Records broken down by Month vs. Police District. Color shows count of Number of Records. The marks are labeled by count of Number of Records.

Proposed Process for Bicycle Removal

- SFPD Issues Administrative Citation; no criminal penalty.
- SFPD returns any seized item to rightful owner if the person can demonstrate ownership, including bill of sale, serial number or sworn affidavit in person at an SFPD location.
- No monetary penalty.
- Right of appeal, which must be filed within 15 days.

Questions?



File No. 170209
Received via email
7/17/2017

July 17, 2017

Via E-Mail

City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Bicycle Chop Shops Proposed Ordinance (Sheehy) (File No. 170209)

Dear Board of Supervisors:

I am writing to convey the opposition of the American Civil Liberties Union of Northern California (“ACLU”) to the proposed “Bicycle Chop Shops” Ordinance (file no.170209) that will be considered by the full Board at your July 18th meeting.

While the Ordinance purports to be a necessary tool for the police to fight the rise of bicycle thefts in the City, the ACLU agrees with the Bicycle Coalition, who opposes this measure because it focuses on “the most visible symptoms of the problem without addressing their cause.” As the Coalition on Homelessness and the Lawyers Committee for Civil Rights have explained, assembling and reassembling bicycle parts is one of the few viable ways that homeless persons can earn some income. Bicycle parts and even bicycles can be found in dumpsters or are donated. They are not illegal contraband per se. In the view of the ACLU, this proposed legislation has the intent to, and will have the impact of targeting people who are destitute, and who live on the streets and therefore must conduct their daily activities in open view. **It will be perceived as an anti-homeless measure, not an anti-bicycle theft measure – and that perception will be justified.**

As recent reports in the *Chronicle* have made plain, the inequality imbedded in our economy and the resulting housing crisis have led to a rise in the number of persons who live without housing in public spaces in this City. This problem, and the particular phenomenon of homeless persons living in tents on public sidewalks, have caused some significant problems of public health and safety that are of legitimate concern to the City. And the fact that San Francisco has done more than most cities to seek alternative forms of shelter to get people off the streets undoubtedly adds to the frustration of city officials and the public. **However, these real problems - and this frustration – must not lead this Board to pass laws that target homeless persons because of their status or because they are engaging in lawful activities in public because they have no private space to live and survive.**

This proposed law is based on the presumption that anyone who has multiple bicycles and bike parts in public is a bicycle thief, or is involved in some way with illegal activities. Persons who are actually engaged in illegal bicycle theft-related activities in their garages or other private

AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA
SAN FRANCISCO OFFICE: 39 DRUMM STREET, SAN FRANCISCO, CA 94111 | TEL/415.621.2493
FRESNO OFFICE: P.O. BOX 188, FRESNO, CA 93707 | TEL/559.554.2994
FAX/415.255.1478 | TTY/415.863.7832 | WWW.ACLUNC.ORG

2527



spaces are unaffected. As the photos submitted by Supervisor Sheehy in his PowerPoint suggest, what is really at issue here is the unsightly appearance of outdoor “bicycle chop shops,” often near the tents that many persons without housing use for shelter. That purpose is indicated by Section 5100 where “clear the public right of way” and “improve the quality of life for City residents” is set forward as additional justifications for this law. While those justifications are legitimate government interests, they are also often the basis for discriminatory measures that single out homeless persons and discourage their visible presence inside city limits.

The police have tools to deal with public nuisances that obstruct sidewalks or create health and safety problems, and if they do not, the Board can adopt a narrower law that targets these problems and not the homeless. But this ordinance makes no attempt to confine its prohibition to those situations that create health and safety problems or that obstruct the sidewalks. Nor is there any attempt to create a nexus between the alleged violation and the crime of bicycle theft. Instead, the Ordinance creates an irrebutable presumption that someone who is assembling bicycles in public is a thief. This presumption that having five bicycle parts or three bicycles with missing parts is sufficient to have one treated as a suspected bicycle thief has nothing to do with remedying the problem of bicycle theft, but has everything to do with putting more police pressure on, and power over, the homeless population in this city.

While the Ordinance takes care to frame this as an administrative, and not a criminal matter, the fact that it provides for the immediate seizure and impoundment of the property imposes an immediate and serious penalty on the person who gets the citation, and thereby raises significant Fourth Amendment issues. It is clear that this impoundment amounts to a warrantless “seizure” that must be justified under the Fourth Amendment. *Soldal v. Cook County*, 506 U.S. 56,61 (1992) The Ordinance does not require that the officer have probable cause or even reasonable suspicion that the person cited is involved in bicycle theft, or of any other criminal offense, nor that there be an nexus between the property and criminal activity. Nor does the Ordinance require any nexus between the property and any nuisance activity such as obstruction of the right of way. The Ordinance apparently leaves it to the officer’s discretion (“may issue”) whether or not to issue a citation or impound the vehicles. This does not provide much comfort for people who are living in the street or in a tent – there are no standards to guide the officer’s discretion, and the homeless know that they are the ones who will be singled out.

The case law regarding vehicle impoundment demonstrates the constitutional flaw in the Ordinance. Vehicles may be impounded consistent with the Fourth Amendment if there is probable cause to connect the property with a crime, or pursuant to the police “community caretaker function.” “In their community caretaking function, police officers may constitutionally impound vehicles that jeopardize public safety and the efficient movement of



vehicular traffic.” *People v. Williams*, 145 California App 4th 756, 761 (2006). In such cases, the police must be given guidelines, which “circumscribe the discretion of individual officers’ in a way that furthers the caretaking purpose.” *Miranda v. City of Cornelius*, 429 F. 3rd 858, 866 (2005). Yet this Ordinance authorizes impoundment under circumstances where there is no nexus to “community caretaker” concerns - unless you accept the presumption that anyone conducting this business in open air is a threat to public health or safety.

No one can be happy that so many thousands of destitute people are living and conducting their lives and their daily activities on the streets without any alternative shelter. But the temptation must be resisted to deal with this problem by “quality of life” measures that disregard the constitutional rights of homeless people. Taking away a means of livelihood, regardless of whether the conduct is criminal or has an adverse impact on health and safety, is in effect punishing people for not having a place to live. That is a line this Board should not cross.

Sincerely,

Alan L. Schlosser
Senior Counsel
ACLU of Northern California

7/20/17

From: Board of Supervisors, (BOS)
Sent: Tuesday, July 18, 2017 8:59 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: bill on bike theft

From: Kathy Bradley [mailto:kathybradley540@gmail.com]
Sent: Monday, July 17, 2017 5:54 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: bill on bike theft

To whom it may concern:

I don't think the bill concerning bike theft in the city which is up for a vote tomorrow is an effective solution to the problem.

Sincerely,

Kathleen Bradley



SFCDMA

San Francisco Council of District Merchants Associations

File No. 170209
Received via email
07/15/17

Henry Karnilowicz
President

Maryo Mogannam
Vice President

Vas Kiriis
Secretary

Keith Goldstein
Treasurer

Member Associations

- Balboa Village Merchants Association
Bayview Merchants Association
Castro Merchants
Chinatown Merchants Association
Clement St. Merchants Association
Dogpatch Business Association
Fillmore Merchants Association
Fishermans Wharf Merchants Assn.
Golden Gate Restaurant Association
Glen Park Merchants Association
Golden Gate Restaurant Association
Greater Geary Boulevard Merchants
& Property Owners Association
Hayes Valley Merchants Association
Japantown Merchants Association
Marina Merchants Association
Mission Creek Merchants Association
Mission Merchants Association
Noe Valley Merchants Association
North Beach Merchants Association
North East Mission Business Assn.
People of Parkside Sunset
Polk District Merchants Association
Potrero Dogpatch Merchants Assn.
Sacramento St. Merchants Association
South Beach Mission Bay Business Assn.
South of Market Business Association
The Outer Sunset Merchant
& Professional Association
Union Street Merchants
Valencia Corridor Merchants Assn.
West Portal Merchants Association

July 15, 2017

The San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re:
File No. 170209
Bicycle Chop Shops

Dear Supervisors,

On behalf of the San Francisco Council of District Merchants Associations I am writing to support the ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts.

Under certain conditions and with certain exceptions, authorizing the Police Department to seize bicycles and bicycle parts following violations of this prohibition; and requiring SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

The establishing of these bicycle chop shops on public sidewalks is not only a flagrant abuse of law but impacts the access to many small businesses.

I urge you to please vote in support of this ordinance.

Thank you for your consideration.

Sincerely,

[Handwritten signature]

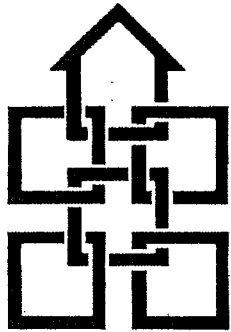
Henry Karnilowicz
President

Cc:
Ms. Regina Dick Endrizzi - Executive Director, Office of Small Business

170204

RECOVERY COMMITTEE

7/10/2017



COALITION ON
HOMELESSNESS
san francisco

June 10, 2017

Honorable Aaron Peskin
Member, Board of Supervisors
City Hall
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102

Dear Supervisor Peskin,

This letter is to state our opposition to proposed legislation entitled "Bicycle Chop Shops" (Sheehy). This is an ordinance that would amend the Police Code to prohibit the taking apart or rebuilding of bikes, possessing bike parts, or selling bike parts in public spaces, and allows citations, impound fees, and the seizure of those parts.

We are deeply disturbed by this legislation, because while attempting to address the very troubling issue of bicycle theft, it instead panders to the prejudicial premise that all those who live outdoors and own multiple bikes and/or parts must have stolen that property, while failing to reduce bike theft. Much like stop and frisk – it assumes guilt without cause – and relies on profiling.

We believe the real impetus of this legislation is optic frustration with tents, and related bike parts which represent an all too harsh symbol of abject poverty.

The reality is that recycling bike parts is one of the few alternative economy venues for impoverished people to make a living. Destitute people receive donated bike parts, find parts in dumpsters and various locations, trade parts and are able to use their bike skills to repair bikes, build bikes and sell them for life sustaining income. They often don't have means to sell their wares on places like Craig's List. Of course, some unhoused people engage in theft, as do some housed community members, but most of this economy is honest recycling. This legislation assumes that if you are unhoused and engaging in this element of the economy, you are presumed guilty of theft.

Similarly many avid housed and unhoused bicyclists own multiple bicycles that can be used for varying leisure and practical purposes. Avid cyclists collect accessories to decorate and improve their property. This ordinance allows the confiscation of property simply because the individual is both homeless, and has either 5 or more bicycles, 3 bikes with missing parts, one frame with cut cables, or five or more bicycle components. We believe this ordinance will violate unhoused peoples' property rights, simply because they are destitute.

468 Turk St.
San Francisco, CA 94102
415.346.3740 TEL
415.775.5639 FAX
www.cohsf.org

California law presumes that a person who possesses an item is its rightful owner. This proposed legislation categorically authorizes the police to impound property without probable cause that bike items are stolen. There is case law to this extent, and we believe this ordinance violates the 4th Amendment under *People v. Williams*, 145 Cal. App. 4th 756, 762 (2006) and *Miranda v. City of Cornelius*, 429 F.3d 858 (9th Cir. 2005).

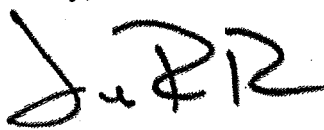
This legislation would result in the frequent confiscation of property from rightful owners, simply because they are destitute and therefore presumed to be thieves. The individual is then saddled with not only a citation, but impound fees equivalent to the police cost of transportation, storage and staffing. The appeal process to overturn this fee would be impossible for many street campers to engage successfully with, as it requires maintenance of paperwork, insertion of paperwork, receipt of a hearing date by mail, all of which is very difficult for unhoused individuals to navigate. This will result in rightful but impoverished owners hampered with unpaid debt, which negatively impacts future employment among other things.

Homeless people often suffer from disabilities, including mental health issues, that impact their functioning, and would make it an unfair hardship for the same rightful owners to regain their property. Travel, access to information, inability to carry belongings, all create significant barriers to regaining rightful property in this proposed ordinance. This legislation will not only result in debt, but loss of property from rightful owners simply because of their economic status.

There are many areas of this legislation that reveal its prejudicial nature. It targets only "open air" markets, as opposed to the exact same activity by a housed person, who is exempt. It refers to right of ways, but exempts housed people from the same law. It also exempts "rightful owners" who are present when their bike is being fixed from confiscation of the bicycle from police. The legislation follows California law in this instance, and assumes rightful ownership without definition if that person is having their bike fixed, but assumes stolen property for the person who is working on the bike in all other situations. The legislation as written assumes that no one would leave their bike with a destitute person for repairs, but allows confiscation of the same bike if the "owner" is not present.

In sum, the Coalition on Homelessness strongly opposes this legislation. We are concerned about bike theft, but do not believe this legislation deters theft. We feel it only punishes indigent people for daring to scrape out a living in this city and paints a powerful image of the destitute worker as thief, without ever bothering to prove their guilt. My staff will follow up shortly to schedule a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "J. F. R.", written in a cursive style.

Jennifer Friedenbach
Executive Director

Coalition on Homelessness, San Francisco Policy Analysis "Open-Air" Chop Shop Ordinance (Sheehy)

Key Elements of Legislation

This is an ordinance that would amend the Police Code to prohibit the taking apart or rebuilding of bikes, having bike parts, or selling bike parts in public spaces, and allows citations, impound fees, and the seizure of those parts.

- This piece of legislation defines a chop shop, as an open air location wherein bicycles are disassembled, stripped of identification and/or sold.
- The ordinance bans these activities when an individual has 5 or more bicycles, 3 bikes with missing parts, one frame with cut cables, or five or more bicycle components found on public property, street, sidewalk, or right of way.
- This prohibition does not apply to vendors operating under a valid business license or in cases in which the owners of the bicycles or bicycle components is present for repairs (ownership undefined).
- This prohibition does not apply to those offering items to be sold on their own property.
- Individuals in violation will get an administrative citation and may get their bike parts returned after seizure by showing proof of ownership, such as receipt, serial number, photographs or signing an affidavit.
- Ordinance allows appeal of citation and impound fees by having a hearing within 30 days with another police officer – person must file appeal, and date of hearing will be sent by mail.

Analysis of Impact:

We believe that this ordinance, if made law, will unfairly target the unhoused community – assuming that if they have bicycles or bicycle parts, there very impoverished status assumed that those parts are stolen. Unhoused people are incapable of meeting many of the exemptions from this ordinance, entirely because of the nature of their economic status. By definition, people who are homeless do not have homes in which they can legally sell their property.

This is a question of public space and who--and how--people can use it. Many avid housed and unhoused bicyclists own multiple bicycles that can be used for varying leisure and practical purposes. Avid cyclists collect accessories to decorate and improve their property. We believe that this ordinance will violate unhoused peoples' rights as private citizens, simply because they are destitute.

Unhoused communities reside on the fringes of our society, and they must be resourceful in order to survive. It is very common for unhoused people to trade and sell skills and items. Individuals with an entrepreneurial spirit offer their skills to other people, inadvertently making themselves targets for this ordinance.

This statute categorically authorizes the police to impound property without justification for the impoundment. California law presumes that a person who possesses an item is its rightful owner. Unless the police have probable cause to think bike items are stolen, they shouldn't be

impounding them. This ordinance violates the 4th Amendment under *People v. Williams*, 145 Cal. App. 4th 756, 762 (2006) and *Miranda v. City of Cornelius*, 429 F.3d 858 (9th Cir. 2005).

The loss of property is a daily issue for unhoused people, photos, documents and identification are constantly lost in the churn between the streets, service providers and state agencies. It is unreasonable to expect unhoused people to maintain receipts or serial numbers of past purchases. In addition, homeless people often receive donations, find scrap parts in various locations, and buy used parts. Therefore, we feel that it is very likely that homeless people will be unjustly cited, burdened with impound fees, and have to go through an arduous process of regaining their rightful property.

Many unhoused people participate in vending recycled goods as a means of earning extra income, even their entire income in some cases. We believe that this ordinance will target lower-income recycled bicycle vendors and further infringe upon the rights of poor people.

The appeal process would be impossible for many street campers to engage successfully, as it requires maintenance of paperwork, insertion of paperwork, receipt of a date by mail, all very difficult for unhoused individuals to navigate. This will result in rightful but impoverished owners hampered with unpaid debt, which negatively impacts future employment among other things.

Homeless people often suffer from disabilities, including mental health issues, that impact their functioning, and would make it an unfair hardship for the same rightful owners to regain their property. Travel, access to information, inability to carry belongings, all create significant barriers to regaining rightful property.

The upsurge in bike theft is a complex issue, which involves organized, disparate criminal elements. While stolen bikes may present within a given encampment of unhoused people, it is a drop in the bucket of organized crime and would unfairly target all homeless people who engage in recycled bike repair work without reducing theft.

In many cases, bicycles are unhoused person's only means of transportation, causing hardship with confiscation.


In sum, this legislation will not address bike theft, is a misguided attempt to pander to frustration with the housing crisis, and is based on a prejudicial premise that all those who live outdoors and own multiple bikes and/or parts must have stolen that property.

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1150, San Francisco, CA 94102
(415) 552-9292 FAX (415) 252-0461

POLICY ANALYSIS REPORT

To: *Supervisor Mar*
From: *Budget and Legislative Analyst*
Date: *May 24, 2013*
Re: *Bicycle Theft Prevention and Improving the Return of Recovered Stolen Bicycles*



Summary of Requested Action

Pursuant to your request, the Budget and Legislative Analyst has: analyzed bicycle theft data occurring in the City and County of San Francisco; analyzed data on the cost of removing vandalized/abandoned bicycles; estimated the financial impact, including the costs to the City of bicycle theft from that cost data; examined existing bicycle theft policies and procedures of the San Francisco Police Department, the Bay Area Rapid Transit Police Department, and the San Francisco District Attorney's Office; and, developed recommendations that could aid in the reduction of bicycle thefts and aid in the recovery of stolen bicycles.

Executive Summary

The San Francisco Municipal Transportation Agency (SFMTA) has a goal in its Draft Bicycle Strategy for bicycles to comprise an eight to ten percent share of all transit modes in the City by 2020 as part of the SFMTA's larger goal of reaching a 50 percent reliance on sustainable modes of transit, such as bicycling, walking, public transit, and vehicle sharing. According to SFMTA, approximately 3.5 percent of all trips made in San Francisco were made by bicycle in 2011, a 75 percent increase since 2000 when bicycling was two percent of all trips.

Reported bicycle thefts increased by 70.2 percent between 2006 and 2012 in San Francisco. In 2012, there were 817 reported actual and attempted bicycle thefts. Supervisorial District 6 has disproportionately more bicycle thefts within its boundaries than other Supervisorial Districts, with approximately 40.4 percent of total reported actual and attempted bicycle thefts reported between 2006 and 2012. Supervisorial District 4 has the lowest number of reported actual and attempted bicycle thefts, with 1.4 percent of the total. Supervisorial District 1 comprised 4.8 percent of total reported actual and attempted bicycle thefts.

Given the increase in bicycle ridership in recent years, the SFMTA policy goal for increased ridership in the future and the increase in reported bicycle theft in recent years, the City should strengthen its attempts to ensure that adequate programs and policies are in place to prevent bicycle theft and to effectively assist citizens in recovering stolen bicycles.

Memo to Supervisor Mar
 May 24, 2013

Bicycle theft is typically significantly underreported because victims of bicycle theft assume that little can be done by police departments to recover their bicycle. According to the U.S. Department of Justice's Center for Problem-Oriented Policing, for every one bicycle reported stolen, another four (or more) is estimated to have occurred. Therefore, rather than 817 reported actual and attempted bicycle thefts in 2012, there were likely an estimated 4,085 actual and attempted bicycle thefts, based on the Department of Justice's multiplier. An overview of bicycle theft statistics and data is presented on the table to the right.

The Budget and Legislative Analyst's estimate of the value of bicycles stolen in San Francisco in 2012, including those unreported, is \$4.6 million.

When parts of bicycles are stolen in public places in San Francisco and then abandoned, the Department of Public Works (DPW) is responsible for removing those bicycles. DPW estimates that it expended a total of \$192,465 on these types of bicycle removals from 2006 through 2012.

Overview of Bicycle Theft in SF	
Estimated number of daily bicycle riders in SF	75,000
Bicyclists' share of all transit modes, 2011	3.5%
SFMTA goal for bicyclists' share of all transit modes by 2020	8-10%
Reported actual & attempted bicycle thefts, 2012	817
Total actual, attempted and estimated unreported bicycle thefts, 2012	4,035
Increase in Bicycle Theft from 2006 to 2012	70%
Estimated value of 2012 reported & unreported stolen bicycles	\$4.6 mn.
Number of stolen bicycles recovered by SFPD, 2012	864
Number of stolen bicycles released to owner by SFPD, 2012	142 (16.4%)

The San Francisco Police Department (SFPD) returned only 142 of the 864 stolen bicycles recovered by the Department in 2012 to the bicycles' owners, or 16.4 percent of the total bicycles taken into custody by the SFPD in 2012. The low return rate is primarily due to the inability of SFPD to reconnect bicycles with their owners because many bicycle owners do not have their bicycle serial number or other means of identifying their bicycle or, as is often the case, the bicycle's owners do not attempt to recover their bicycles from SFPD. There are currently 858 bicycles in the custody of SFPD.

The prioritization of investigating reported bicycle thefts varies by SFPD station. Multiple SFPD Station staff were interviewed by the Budget and Legislative Analyst and reported that competing priorities and staffing challenges often make it difficult to devote significant resources to bicycle theft. However, there are SFPD police stations that have SFPD staff devoted to investigating bicycle theft, including the Mission and Park Police Stations.

Bicycle thefts are handled by Bay Area Rapid Transit (BART) Police in the same manner as any other theft or crime committed on BART property or on BART transit lines. BART Police officers have a four-prong approach to helping to combat bicycle thefts in San Francisco as follows:

1. Monitoring of station cameras at bicycle racks;
2. Officers' patrolling of BART stations;
3. Community Service Officers patrolling of 16th and 24th Street Mission BART stations;

Memo to Supervisor Mar
May 24, 2013

4. Educating BART passengers who lock their bicycles at BART stations on various strategies to decrease the chance of bicycle theft.

The San Francisco District Attorney's Office reports that they review each bicycle theft case independently and, based upon the case's merits, make a decision on whether or not to prosecute. A case worthy of prosecution would include evidence, such as the property (bicycle) taken as well as evidence that the perpetrator knew the property was stolen, if that can be proven beyond a reasonable doubt. The District Attorney's Office could not provide any data on bicycle theft cases that were prosecuted because the District Attorney's Office does not separately collect such caseload data for this type of crime.

There are several contributing factors to bicycle theft that, if remedied, could result in lower bicycle theft rates. These factors include:

- Lack of awareness of proper locking techniques;
- Issues establishing proof of ownership of bicycles;
- Insufficient secure bicycle parking;
- Lack of a centralized SFPD approach to bicycle theft;
- SFPD staffing challenges.

While bicycle theft is a problem that is difficult to solve entirely through government action, there are many actions that can be taken to educate the public as to how to protect themselves and deter bicycle theft through law enforcement including the options listed below which the Board of Supervisors may wish to consider:

1. Creation of a Citywide bicycle registration program;
2. Analysis of bicycle theft data consistently conducted throughout the City;
3. Bicycle-baiting, or sting operations strategically increased throughout the City;
4. Construction of increased manned/secured bicycle shelters in local MUNI stations and in City-owned parking garages;
5. Creation of more open source information available to the public on stolen and recovered bicycles;
6. Creation of a centralized SFPD bicycle theft unit to investigate and prevent bicycle theft as well as to educate the public on how to deter bicycle theft.

170209

From: Board of Supervisors, (BOS)
Sent: Wednesday, July 19, 2017 4:52 PM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: Bicycle Chop Shops Ordinance # 170209 - vote Yes

From: Robert Reinhard [mailto:rjreinhard@gmail.com]
Sent: Wednesday, July 19, 2017 4:36 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Bicycle Chop Shops Ordinance # 170209 - vote Yes

Dear Board of Supervisors

Please vote in favor of the proposed ordinance when it is brought up again for consideration. I use my bike a lot for transportation. This reasonable idea is a step in the right direction.

Best regards

Robert Reinhard

68 Yukon Street

San Francisco, CA 94114

170209

To: Board of Supervisors, (BOS); BOS-Supervisors
Subject: RE: Bicycle Chop Shop Legislation

From: Rob Edwards [<mailto:robertsneddenedwards@gmail.com>]
Sent: Wednesday, July 12, 2017 8:14 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Bicycle Chop Shop Legislation

Pass the Bicycle Chop Shop Legislation please.

As a former police officer, I think this legislation will have an impact on the number of bikes stolen in this city. Drive under the freeway near 9th and Brannan and you will see the homeless encampments that have 5 bikes per tent. I doubt they BOUGHT any those. I've had so many bikes stolen in this city I've lost count—two stolen off the ROOF RACK of my truck in broad daylight too.

Thank you, ROB

Rob Edwards, CDP
Co-chair & Treasurer, Harvard Kennedy School Alumni Network of San Francisco
RobEdwardsHKS08@post.harvard.edu
415.715.7312



170209

From: Board of Supervisors, (BOS)
Sent: Thursday, July 13, 2017 10:30 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: Support for Bicycle Chop Shop Legislation

From: Rafael Burde [mailto:rafael.burde@gmail.com]
Sent: Wednesday, July 12, 2017 10:28 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support for Bicycle Chop Shop Legislation

I'm a District 2 resident and wanted to express my support for this piece of legislation that will shortly be on your desks for review.

For too many residents fall victim to bike theft (including myself) and I believe this law, if properly enforced, will curb the market for second-hand bikes and bike parts and improve the lives of thousands every year.

Please consider supporting its passage.
Rafael Burde
155 Shipley St, San Francisco

170209

From: Board of Supervisors, (BOS)
Sent: Thursday, July 13, 2017 10:41 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: Support for Bicycle Chop Shops Ordinance # 170209

From: Rich LaReau [mailto:rich@rlareau.net]
Sent: Thursday, July 13, 2017 10:37 AM
To: Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support for Bicycle Chop Shops Ordinance # 170209

Dear Mr. Sheehy and SF Board of Supervisors,

I am writing to add my unconditional support for the passing and enforcement of Bicycle Chop Shops Ordinance # 170209. As you already know, bicycle theft and the supporting infrastructure from roaming on-street "chop shops" remain a scourge of our city. This legislation provides for a practical, enforceable method to break the cycle of these illegal and physically abusive camps. I appreciate the work and dedication your offices give to support the majority of law-abiding and tax-paying citizens who have elected you. Please do what you can to provide support and legislation that benefits ALL people of our city.

In addition to this email, I will be calling your offices to leave my support as well.

Thank you, and sincerely,

Richard LaReau
2425 Market St.
650-814-8502
rich@rlareau.net

170209

From: Board of Supervisors, (BOS)
Sent: Thursday, July 13, 2017 10:45 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: Chop shop legislation

From: Market Street Cycles [mailto:marketstreetcycles@gmail.com]
Sent: Wednesday, July 12, 2017 2:34 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Chop shop legislation

To our representatives:

As a small bicycle shop owner on Market Street I urge you to pass this legislation.

These chop shops encourage bicycle theft and feed drug abuse and addiction on our streets.

Sincerely,

John McDonell, Owner

--
Market Street Cycles
1592 Market Street
(@ Page & Franklin)
San Francisco, CA 94102
415-ALL-BIKES (255-2453)
marketstreetcycles@gmail.com
www.marketstreetcycles.com



San Francisco Bicycle Coalition
T 415.431.BIKE
F 415.431.2468
sfbike.org



July 7, 2017

San Francisco Board of Supervisors
Land Use and Transportation Committee
Supervisor Mark Farrell, Chair

Dear Chair Farrell, Supervisor Peskin and Supervisor Tang:

The problem of bicycle theft in San Francisco is a serious one. While data is incomplete, and thefts often go unreported, we do know from surveys that being the victim of bicycle theft or the fear of such theft is the second most-common reason people cite for not riding a bike in San Francisco after safety. Worse still, those most impacted by bicycle theft are those who are least able to afford a replacement bike and rely on their bicycle as transportation to work, school and beyond. For these individuals, their bike may be the last lifeline allowing them to hang on in an increasingly expensive city.

Real and urgent solutions to the problem of bike theft are needed. Unfortunately, Supervisor Sheehy's proposed ordinance (File #170209) targeting "chop shops" does not meet that bar. Instead, it focuses resources on the most visible symptoms of the problem without addressing their cause. Accordingly, the San Francisco Bicycle Coalition cannot support this proposal in its current form.

Chop shops, or assemblages of bicycles and/or bicycle parts in open view on our city streets, are without a doubt the most visible symptom of bicycle theft in our city. They are frustrating reminders of many problems that our city is facing, including homelessness, opioid addiction, displacement due to increasing costs of living and the lack of affordable transportation options.

In a 2013 memorandum to then-Supervisor Eric Mar, the City's Budget and Legislative Analyst proposed a range of options for the Board of Supervisors to consider in combating bicycle theft. Some, like the establishment of a citywide bicycle registration program, have been achieved and made an impact on the recovery of stolen bicycles. Others, such as the creation of a bicycle theft unit within San Francisco Police Department, consistent analysis of bicycle theft data, and more open source information of stolen and recovered bicycles have been halted or never implemented at all.

In addition to these ideas, we call on the City to combat bicycle theft in a manner that focuses on the market for stolen bikes: the individuals who purchase stolen bikes to resell, often online or in other jurisdictions. Other cities across our country have had success with this "bicycle theft task force" approach, and we believe it would enjoy broad support on this Board and among the community.

We also believe that prevention may be the most resource-effective method of combating bike theft, and we call on the city and the SFMTA to increase attended bike parking at

transit hubs and in City-owned parking facilities, as well recommended in the 2013 BLA report. We will continue our work to help individuals request municipal sidewalk racks and bike parking corrals as well as educating thousands of San Franciscans every year on secure locking techniques.

The San Francisco Bicycle Coalition would enthusiastically support legislation that addresses the above strategies.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Wiedenmeier". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Wiedenmeier
Executive Director



170209
RECEIVED VIA EMAIL
07/10/2017 11:27AM

July 11, 2017

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Executive Director

Kimberly Thomas Rapp

Honorable Mark Farrell
Member, Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Supervisor Farrell,

This letter is to state our opposition to proposed legislation entitled "Bicycle Chop Shops" (Sheehy). This is an ordinance that would amend the Police Code to prohibit the taking apart or rebuilding of bikes, possessing bike parts, or selling bike parts in public spaces, and permits the police to issue citations, impound fees, and the seizure of those parts.

The Lawyers' Committee for Civil Rights is a non-profit organization that works to advance, protect, and promote the legal rights of communities of color, low-income persons, immigrants, and refugees. While this legislation was drafted to address the issue of bicycle theft, it relies on assumptions about guilt that are far too prone to profiling, and would put criminal liability on prejudicial premise that all those who live outdoors and own multiple bikes or parts must have stolen that property.

The reality is that recycling bike parts is one of the few alternative economy venues available for impoverished people to make a living. Destitute people receive donated bike parts or find parts in dumpsters and various locations, trade parts, and are able to use their bike skills to repair and build bikes and sell them for life-sustaining income. They often do not have the means to sell their wares on places like Craigslist. Of course, some unhoused people engage in theft, as do some housed community members, but most of this economy is honest recycling. This legislation risks imposing criminal consequences on innocent behavior, and assumes that those who are unhoused and engaging in bicycle recycling are guilty of theft.

Many housed and unhoused bicyclists own multiple bicycles that can be used for varying leisure and practical purposes. Avid cyclists collect accessories to decorate and improve their rides. This legislation allows the confiscation of property simply because the individual is both homeless, and has five or more bicycles, three bikes with missing parts, one frame with cut cables, or five or more bicycle components. This legislation will violate unhoused peoples' property rights, simply because they are destitute. This proposed legislation authorizes the police to impound property without

131 Stewart Street, Suite 400
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FACEBOOK: facebook.com/LCCRSF

The Honorable Malia Cohen
July 11, 2017

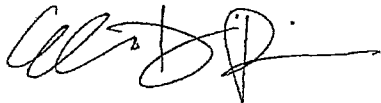
probable cause that criminal activity has occurred. Thus, this legislation violates the Fourth Amendment under *People v. Williams*, 145 Cal. App. 4th 756, 762 (2006) and *Miranda v. City of Cornelius*, 429 F.3d 858 (9th Cir. 2005).

California law presumes that a person who possesses an item is its rightful owner. This legislation would result in the frequent confiscation of property from rightful owners, simply because they are destitute and therefore presumed to be thieves. The individual is then saddled with not only a citation, but impound fees equivalent to the police cost of transportation, storage and staffing. The appeal process to overturn this fee would be impossible for many street campers to engage successfully with, as it requires maintenance of paperwork, filing of paperwork, and receipt of a hearing date by mail, all of which is very difficult for unhoused individuals to navigate. This will result in rightful but impoverished owners hampered with unpaid debt, which negatively impacts future employment.

Homeless people often suffer from disabilities—including mental health issues—that impact their functioning, and would make it an unfair hardship for them to regain their property. Travel, access to information, and inability to carry belongings all create significant barriers to regaining rightful property in this proposed ordinance. This legislation will not only result in debt, but loss of property from rightful owners, simply because of their economic status.

In sum, the Lawyers' Committee for Civil Rights opposes this legislation. We are concerned about bike theft, but do not believe this legislation addresses that problem. This ordinance only punishes indigent people who are trying to scrape out a living in this city and paints a powerful image of the destitute worker as a thief, without any proof of guilt.

Sincerely,



Elisa Della-Piana
Legal Director

170809

To: Board of Supervisors, (BOS); BOS-Supervisors
Subject: RE: Bike Chop Shop legislation

From: R. Lucas Coe [<mailto:r.lucascoe@gmail.com>]
Sent: Monday, July 10, 2017 9:28 AM
To: BreedStaff, (BOS) <breedstaff@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Bike Chop Shop legislation

Dear Supervisor Breed,

I've lived in District 5 for over 9 years, minus a year in the Castro. I voted for you, and I was pleased to meet you when you were campaigning in the neighborhood in 2014. You had a great group with you and I'm pleased with your work. Thank you for representing District 5.

I'm a member of the SF Bike Coalition and a long term bike commuter. I appreciate efforts to protect bikes; I would be lost without mine, but I fear this legislation is really about homeless people. That population would be unfortunately targeted by this legislation and do little about stolen bikes in the city, as many end up in the East Bay to be sold. I don't see information (research/facts) to back up how this legislation will make any real impact on bike thefts in SF. All people in SF deserve to live and have their rights respected, and this legislation goes against true SF values.

I'm tired of seeing the constant attacks on the homeless in SF. They are human beings, not targets for politicians. Please do not support this legislation until thorough research has been done to show that it will indeed have the impact that Supervisor Sheehy has proposed.

Thank you for your time.

Sincerely,

R. Lucas Coe
338 Fillmore St. #2

 Virus-free. www.avast.com

170209

To: Board of Supervisors, (BOS); BOS-Supervisors
Subject: RE: Bicycle Chop Shops Ordinance # 170209

From: Gitanjali Bhushan [mailto:gitabee@gmail.com]
Sent: Sunday, July 09, 2017 10:59 PM
To: Ronen, Hillary <hillary.ronen@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Bicycle Chop Shops Ordinance # 170209

Dear Supervisor Ronen,

I am writing to you to express my strong support for the proposed Bicycle Chop Shops Ordinance # 170209. I would like to strongly urge you (and the rest of your Progressive colleagues) to please support this legislation wholeheartedly, and ensure that it becomes law.

As you might be aware, many parts of the Mission District have become a living hell during the past five years, with crime, filth, and violence taking over our streets and sidewalks. Problems are particularly severe in the working class areas such as the Northeast Mission, where massive criminal encampments block access to sidewalks and force residents to walk into traffic.

These people are not merely "down on their luck," but are actually thieves, prostitutes, and drug dealers who are using their tents as makeshift bicycle chop-shops, whorehouses, and shooting galleries. They are violent, they attack neighbors with knives and brooms, and they defecate and urinate all over our streets and sidewalks, creating a dangerous and unsanitary environment.

Their largest source of funding? Stolen property, and especially stolen bicycles.

The police stand by and say they can do nothing, as they supposedly cannot prove that the bikes were stolen, and not "donated" - as the criminals insist. This law will allow the police to begin to do their jobs and restore order to the streets of the Mission.

I am a working-class, die-hard Progressive voter, with a huge amount of compassion for those who are struggling with poverty, mental health, or substance abuse issues. But I would like to see us put our money - and our effort - into funding treatment to help these people out of their situations, rather than enabling them to live lives of desperation and squalor.

I am also a bicycle commuter who depends upon my bike to get me to and from my low-paying service job. If my bike were stolen, it would be a severe blow to my budget to replace it.

Working-class people also cannot afford fancy security systems to protect ourselves and our property. We depend upon the police to keep us safe as we cannot afford private security guards.

Please help enact this legislation, so the police can do their jobs and protect the poor and working-class folks who are just trying to get by. If bike theft is no longer an easy and lucrative endeavor here in San Francisco, the folks may hopefully move on to greener pastures, and instead of spending millions to clean up encampments,

we can fund mental health and addiction treatment for those who truly want to get well. This would be a much better use of our public money.

Thank you for your consideration, and best regards,

Gitanjali Denley

170209

From: Board of Supervisors, (BOS)
Sent: Tuesday, July 11, 2017 9:27 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: Bicycle Chop Shops Ordinance # 170209

From: Jeff [mailto:jekegil29@comcast.net]
Sent: Sunday, July 09, 2017 6:14 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BreedStaff, (BOS) <breedstaff@sfgov.org>
Subject: Bicycle Chop Shops Ordinance # 170209

Riding past chop shops daily, the impunity with which these thieves operate amazes me. What with car break ins and stolen bicycles, the quality of everyday life in San Francisco is at an all-time low. Please vote for this ordinance.

Jeff Gilchrist
76 Germania St
SF Ca 94117

170209

To: Board of Supervisors, (BOS); BOS-Supervisors
Subject: RE: bicycle chop shops

From: SF Carl [<mailto:sfcarl@hotmail.com>]
Sent: Saturday, July 08, 2017 8:56 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: bicycle chop shops

To the Board of Supervisors:

I urge you all to support the proposed ordinance that Supervisor Sheehy sponsors to stop chop shops, i.e. to "prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts" and to require police "to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure."

Bicycle theft is rampant and out of control in SF. Current laws are inadequate. To date, current laws prove too weak to fix the problem. We need the strongest possible legislation to reduce bike theft and to encourage police to work to return stolen bikes to their owners. Please support this ordinance that Supervisor Sheehy sponsors, ordinance #170209, as an improvement over the current status.

Thank you.

Carl Stein
374 Guerrero Street
SF 94103

170209

To: Board of Supervisors, (BOS); BOS-Supervisors
Subject: RE: bicycle chop shop legislation #170209

-----Original Message-----

From: Board of Supervisors, (BOS)
Sent: Tuesday, July 11, 2017 9:30 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: FW: bicycle chop shop legislation #170209

-----Original Message-----

From: PENNI WISNER [mailto:penniw@pacbell.net]
Sent: Friday, July 07, 2017 2:56 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: bicycle chop shop legislation #170209

I strongly support this legislation. It gives police an important tool to help keep our streets safer and to discourage crime. Since the bikes can be returned to owners upon proof, it is not an imposition on owners or the "homeless." In fact, it is not only "homeless" who engage in stealing bikes. This is legislation the city needs.

Penni Wisner
3845 17th Street
SF, CA 94114
penniw@pacbell.net
415-552-6579

File No. 170209
Received via email
07/10/2017



July 7, 2017

The Honorable Mark Farrell, Chair
Board of Supervisors Land Use and Transportation Committee
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Support File No. 170209 Bicycle Chop Shops (Sheehy)

Dear Supervisor Farrell:

The San Francisco Chamber of Commerce, representing 2,500 local businesses and over 200,000 employees, urges the Land Use Committee to give a "Due Pass" recommendation to Supervisor Sheehy's legislation prohibiting bicycle chop shops from operating on the city's streets and sidewalks.

In recent years, on downtown sidewalks and in other neighborhoods, the demolition of what often appear to be stolen bicycles is occurring with more and more frequency. One location on Montgomery Street, between Post and Sutter, has been used for this purpose off and on for the last two or three years. As soon as the Department of Public Works cleans the mounds of junk, the two or three people operating the chop shop return with a new set of bikes to disassemble.

Allowing these chop shops to continue to operate poses a public safety risk to pedestrians, encourages theft of personal property and creates visual blight. Furthermore, many of the individuals involved with these operations are in desperate need of medical and mental health services.

The San Francisco Chamber of Commerce urges the Land Use and Transportation Committee to recommend that the Board of Supervisors to adopt this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Lazarus', with a long horizontal flourish extending to the right.

Jim Lazarus
Senior Vice President of Public Policy

cc: Clerk of the Board, to be distributed to all Supervisors





San Francisco Bicycle Coalition
T 415.431.BIKE
F 415.431.2468
sfbike.org

File No. 170209
Received via email
07/7/17 at 4:49 p.m.

July 7, 2017

San Francisco Board of Supervisors
Land Use and Transportation Committee
Supervisor Mark Farrell, Chair

Dear Chair Farrell, Supervisor Peskin and Supervisor Tang:

The problem of bicycle theft in San Francisco is a serious one. While data is incomplete, and thefts often go unreported, we do know from surveys that being the victim of bicycle theft or the fear of such theft is the second most-common reason people cite for not riding a bike in San Francisco after safety. Worse still, those most impacted by bicycle theft are those who are least able to afford a replacement bike and rely on their bicycle as transportation to work, school and beyond. For these individuals, their bike may be the last lifeline allowing them to hang on in an increasingly expensive city.

Real and urgent solutions to the problem of bike theft are needed. Unfortunately, Supervisor Sheehy's proposed ordinance (File #170209) targeting "chop shops" does not meet that bar. Instead, it focuses resources on the most visible symptoms of the problem without addressing their cause. Accordingly, the San Francisco Bicycle Coalition cannot support this proposal in its current form.

Chop shops, or assemblages of bicycles and/or bicycle parts in open view on our city streets, are without a doubt the most visible symptom of bicycle theft in our city. They are frustrating reminders of many problems that our city is facing, including homelessness, opioid addiction, displacement due to increasing costs of living and the lack of affordable transportation options.

In a 2013 memorandum to then-Supervisor Eric Mar, the City's Budget and Legislative Analyst proposed a range of options for the Board of Supervisors to consider in combating bicycle theft. Some, like the establishment of a citywide bicycle registration program, have been achieved and made an impact on the recovery of stolen bicycles. Others, such as the creation of a bicycle theft unit within San Francisco Police Department, consistent analysis of bicycle theft data, and more open source information of stolen and recovered bicycles have been halted or never implemented at all.

In addition to these ideas, we call on the City to combat bicycle theft in a manner that focuses on the market for stolen bikes: the individuals who purchase stolen bikes to resell, often online or in other jurisdictions. Other cities across our country have had success with this "bicycle theft task force" approach, and we believe it would enjoy broad support on this Board and among the community.

We also believe that prevention may be the most resource-effective method of combating bike theft, and we call on the city and the SFMTA to increase attended bike parking at

transit hubs and in City-owned parking facilities, as well recommended in the 2013 BLA report. We will continue our work to help individuals request municipal sidewalk racks and bike parking corrals as well as educating thousands of San Franciscans every year on secure locking techniques.

The San Francisco Bicycle Coalition would enthusiastically support legislation that addresses the above strategies.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Wiedenmeier", with a long horizontal flourish extending to the right.

Brian Wiedenmeier
Executive Director

170209

From: Somera, Alisa (BOS)
Subject: RE: Bicycle chop shop ordinance -_Item 5-- File 170209

-----Original Message-----

From: Bob Planthold [mailto:political_bob@att.net]

Sent: Friday, July 07, 2017 5:05 PM

To: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>

Cc: Kelly, Margaux (BOS) <margaux.kelly@sfgov.org>; Karunaratne, Kanishka (BOS) <kanishka.karunaratne@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Rubenstein, Beth (BOS) <beth.rubenstein@sfgov.org>; Summers, Ashley (BOS) <ashley.summers@sfgov.org>; Law, Ray (BOS) <ray.law@sfgov.org>; Jones, Justin (BOS) <justin.jones@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Spero, David (BOS) <david.spero@sfgov.org>; Bob Planthold <political_bob@att.net>

Subject: Bicycle chop shop ordinance -_Item 5-- File 170209

I support the proposed Bicycle Chop Shop ordinance, File 170209 .

Sidewalks are often made hazardous, especially for vulnerable pedestrians,

folks spreading out their array of spare parts, tools, and ancillary items.

Passage is sometimes narrowed to less than allowable requirements for a properly compliant path-of-travel.

Sometimes we have to try to step over metal arts strewn in the "path-of-travel";

sometimes some of us cannot step over such and

have to backtrack or go around in the street.

Sometimes people argue over these on-sidewalk bikeworks,

such that vulnerable pedestrians have to back away or go around.

This is a common-sense measure that can help make San Francisco safer for all to walk and enjoy.

Bob Planthold

170209

To: Board of Supervisors, (BOS); lesmac@gmx.com
Cc: BOS-Supervisors
Subject: RE: SUPPORT Ordinance to remove motivation to steal bikes. File No. 170209

-----Original Message-----

From: Board of Supervisors, (BOS)
Sent: Friday, July 07, 2017 8:25 AM
To: lesmac@gmx.com
Cc: BOS-Supervisors <bos-supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: FW: SUPPORT Ordinance to remove motivation to steal bikes. File No. 170209

Hello,

Thank you for your email. It has been sent to the Board Members and will appear in the Petitions and Communication pages of our July 18, 2017 agenda. Looping in the Land Use and Transportation Clerk to add it to the official file.

Regards,

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102-4689
Phone: (415) 554-7703 | Fax: (415) 554-5163 Board.of.supervisors@sfgov.org | 415-554-5184

-----Original Message-----

From: Leslie MacKay [mailto:lesmac@gmx.com]
Sent: Thursday, July 06, 2017 8:29 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: SUPPORT Ordinance to remove motivation to steal bikes

As a San Franciscan whose bike has been stolen, I urge you to SUPPORT the ordinance proposed by Supervisor Sheehy that will remove motivations to steal bikes, disassemble them (via sidewalk chop shops), and sell them.

Thank you
Leslie MacKay
55 Hancock St.
San Francisco, CA 94114

Sent from my iPad

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: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: March 7, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 170209

Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Police Department (SFPD) to seize bicycles and bicycle parts following violations of this prohibition; and require SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 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: William Scott, Police Chief, Police Department

FROM: *ll*
for Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: March 7, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Sheehy on February 28, 2017:

File No. 170209

Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Police Department (SFPD) to seize bicycles and bicycle parts following violations of this prohibition; and require SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

If you have comments or reports to be included with the file, 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 at: alisa.somera@sfgov.org.

c: Rowena Carr, Police Department
Kristine Demafeliz, Police Department

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 FEB 28 PM 4:53
Time stamp
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. Reactivate File No. []
- 10. 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 Form.

Sponsor(s):

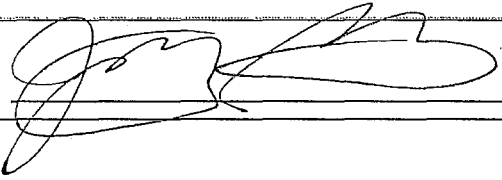
Supervisor Sheehy

Subject:

Police Code - Bicycle Chop Shops

The text is listed below or attached:

Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Police Department (SFPD) to seize bicycles and bicycle parts following violations of this prohibition; and require SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: