

File No. 110993

Committee Item No. _____

Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 11/3/11

Board of Supervisors Meeting

Date 11/15/11

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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Completed by: Gail Johnson

Date 10/28/11

Completed by: [Signature]

Date 11/9/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Police Code - Commercial Parking Permits]

2
3 **Ordinance amending the San Francisco Police Code Section 1215.2 to modify the**
4 **requirements for the Chief of Police to refer applications for Commercial Parking**
5 **Permits to the Municipal Transportation Agency for review of traffic impacts.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERBERA, City Attorney

6 By:



7 KATHARINE HOBIN PORTER
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Commercial Parking Permits]

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

Existing Law

San Francisco Police Code Section 1215 *et seq.* establishes a requirement for and procedures governing commercial parking permits. Section 1215.2 sets the process for the Chief of Police to investigate and take action on applications for commercial parking permits. Currently, Section 1215.2(b) requires the Chief of Police to make any necessary referrals to other City departments in investigation permit applications, including a referral to the Municipal Transportation Authority for review of traffic impacts.

Amendments to Current Law

The proposed ordinance would amend Section 1215.2(b) to provide that the Chief of Police may refer commercial parking permit applications to the Municipal Transportation Authority for review of traffic impacts.

Background Information

The proposed ordinance makes clear that the Police Department does not need to refer all applications for commercial parking permit to the Municipal Transportation Authority for review of traffic impacts. Rather, the Police Department and Municipal Transportation Authority can determine the applications where review of traffic impacts is warranted. This amendment will provide for efficient and effective use of City resources.

Edwin M. Lee | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Leona Bridges | Director

Cheryl Brinkman | Director

Malcolm Heinicke | Director

Bruce Oka | Director

Joél Ramos | Director

Edward D. Reiskin | Director of Transportation

September 15, 2011

File 110993

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Subject: San Francisco Police Code – Commercial Parking Permits

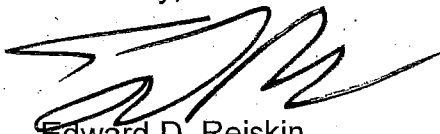
Dear Ms. Calvillo:

Attached are an original and four copies of a proposed ordinance for approval by the San Francisco Board of Supervisors. The Ordinance amends Section 1215.2 of the San Francisco Police Code to remove the requirement that the Chief of Police shall refer applications for Commercial Parking Permits to the San Francisco Municipal Transportation Agency to identify any traffic impacts.

In addition to the Ordinance is the enclosed: Briefing Memorandum

If you have any questions regarding this matter, please contact City Traffic Engineer, Ricardo Olea at 701.4561.

Sincerely,



Edward D. Reiskin
Director of Transportation

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BOARD OF SUPERVISORS
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Edwin M. Lee | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Leona Bridges | Director

Cheryl Brinkman | Director

Malcolm Heinicke | Director

Bruce Oka | Director

Joél Ramos | Director

Edward D. Reiskin | Director of Transportation

MEMORANDUM

Date: September 15, 2011

To: Honorable Members of the Board of Supervisors

From: Edward D. Reiskin
Director of TransportationSubject: Request for Approval of Amendment to Police Code Section 1215.2 on
Commercial Parking Permit Referrals

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors approve an amendment to the San Francisco Police Code, Section 1215.2, that removes the SFMTA from the list of agencies or departments that must review commercial parking permits issued by the San Francisco Police Department (SFPD).

Background

Prior to 2011, the San Francisco Fire Department (SFFD) reviewed permits for private parking lot and garage operations. SFMTA staff had reached an understanding with SFFD that it would not review these permits, as past experience had revealed few traffic issues that needed our attention.

In 2010, the Board of Supervisors approved legislation transferring review of commercial parking lots from the SFFD to the SFPD. That legislation contained language stating that "the Chief of Police shall make any necessary referrals to other City departments, including referrals to the Planning Department, Fire Department and Department of Building Inspections, for their determination of compliance with zoning, building, fire and safety requirements, and to the Municipal Transportation Authority to identify any traffic impacts."

Once the legislation was implemented, the SFPD began to forward a large number of permits to SFMTA for review (nearly 500 permits so far to date). SFMTA staff recommends removing the SFMTA from the list of departments that must review these for the following reasons:

- For the majority of cases, there are no compelling "traffic impacts" at these parking lots that justify detailed SFMTA study.
- SFMTA has no staff to review these permits, and receives no funds from the permit process to cover its costs. Thus, this permit review diverts limited staff resources from more important public safety and circulation tasks we remain responsible for.
- Most design problems we have encountered (such as inadequate parking lot designs), are violations of the San Francisco Planning Code, which the SFMTA does not enforce.

This amendment of the Police Code will clarify to all parties that the SFMTA does not need to review commercial parking lot permits on a routine basis. We have worked with Lieutenant, Raj Vaswani, of the SFPD, on this proposed change. Removing the SFMTA from the explicit list of departments that must comment on these permits will streamline this process for the affected City agencies and the public.