



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 18069 Police Code Text Change HEARING DATE: APRIL 1, 2010

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*Project Name:* Prohibition on Sitting or Lying on City Sidewalks  
*Case Number:* 2010.0200U [Board File No. 10-0233]  
*Initiated by:* Mayor Newsom/ Supervisor Alioto-Pier  
*Introduced:* March 2, 2010  
*Staff Contact:* AnMarie Rodgers, Manager Legislative Affairs  
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*Reviewed by:* David Alumbaugh, Director Citywide Policy Planning  
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RECOMMENDING THAT THE BOARD OF SUPERVISORS MAINTAIN THE STREETS AND SIDEWALKS AS A VITAL COMPONENT OF THE CITY'S OPEN SPACE SYSTEM WHEN CONSIDERING A PROPOSED ORDINANCE THAT WOULD AMEND THE POLICE CODE TO MAKE IT UNLAWFUL TO SIT OR LIE UPON A PUBLIC SIDEWALK, OR UPON A BLANKET, CHAIR, STOOL, OR ANY OTHER OBJECT PLACED UPON A PUBLIC SIDEWALK, DURING THE HOURS BETWEEN 7 A.M. AND 11 P.M. AT NIGHT. THE COMMISSION FURTHER URGES THAT EXTRA CONSIDERATION BE GIVEN FOR 1) THOSE WHO LIVE IN SINGLE ROOM OCCUPANCY HOTELS OR AREAS WHERE THE PLANNING CODE REQUIRES LESS PRIVATE OPEN SPACE PER UNIT AND 2) DAY LABORERS WHO MAY SIT ON THE SIDEWALK WHILE WAITING FOR EMPLOYMENT.

### PREAMBLE

Whereas, on March 2, 2010, Mayor Newsom and Supervisor Alioto-Pier introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-0233 which would amend the Police Code to make it unlawful to sit or lie upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7 a.m. and 11 p.m. at night; and

Whereas, on April 1, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors that *the City should maintain its streets and sidewalks as a vital component of the City's open space system. The Commission further urges that extra consideration be given for 1) those who live in Single Room Occupancy Hotels or areas where the Planning Code requires less private open space per unit and 2) day laborers who may sit on the sidewalk while waiting for employment* and adopts the attached Draft Resolution to that effect.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The proposed Ordinance seeks to make it unlawful to sit or lie upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7 a.m. and 11 p.m. at night;
2. **General Plan Compliance.** The proposed Ordinance should maintain the streets and sidewalks as a vital component of the City's open space system in order to remain consistent with the following Objectives and Policies of the General Plan:

### I. HOUSING ELEMENT

#### **POLICY 8.6 Increase the availability of units suitable for users with supportive housing needs.**

*General Plan Text under Policy 8.6:* Shelters and transitional housing facilities are not available in sufficient numbers to meet the needs of the city's homeless population. The mentally disabled also need housing with additional support services.

#### **OBJECTIVE 10 REDUCE HOMELESSNESS AND THE RISK OF HOMELESSNESS IN COORDINATION WITH RELEVANT AGENCIES AND SERVICE PROVIDERS.**

*General Plan Text under Objective 10:* Homelessness has grown to a scale unprecedented in the United States since the 1930s. The legacy of the 1980s that has regarded temporary shelter as an adequate response to homelessness should be overcome. Shelters are not an acceptable alternative to decent, affordable housing. While the City should not relax its commitment to offering shelter to anyone who would otherwise be forced to live in streets, parks and doorways, the vision and the overall

direction should remain fixed on the goal of creating and preserving low-cost housing, jobs and job training programs, and the necessary health and social support services that enable people to live with the greatest degree of independence possible. Such services for the homeless should be provided in a multi-lingual and multicultural context where needed. It is critical that San Francisco and other cities begin to develop a regional approach to homelessness in the Bay Area. Increased state and federal support is needed for regional efforts to succeed.

## II. COMMERCE & INDUSTRY ELEMENT

**POLICY 4.8** Provide for the adequate security of employees and property.

*General Plan Text under Objective 10.3:* Vandalism, in certain of the city's industrial areas, causes large losses for firms and threatens employee security. In some instances, firms in areas where fear of crime is a particular problem have difficulties attracting a qualified work force. Concern about security of employers and employees can affect plans for expansion and may cause relocation. It also affects employee turnover. Measures such as increased police presence and surveillance of industrial areas and improved lighting are important in providing a sense of security for employers and employees.

## III. URBAN DESIGN ELEMENT

**POLICY 4.8** Provide convenient access to a variety of recreation opportunities.

*General Plan Text under Policy 4.8:* As many types of recreation space as possible should be provided in the city, in order to serve all age groups and interests. Some recreation space should be within walking distance of every dwelling, and in more densely developed areas some sitting and play space should be available in nearly every block. The more visible the recreation space is in each neighborhood, the more it will be appreciated and used.

**POLICY 4.11** Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

*General Plan Text under Policy 4.11:* Walking along neighborhood streets is the common form of recreation. The usefulness of streets for this purpose can in many cases be improved by widening sidewalks and installing simple improvements such as benches and landscaping. Such improvements can often be put in place without narrowing traffic lanes by use of parking bays with widened sidewalks at intersections and at other points unsuitable for parking.

Streets that have roadways wider than necessary, and streets that are not developed for traffic because of their steepness, provide exceptional opportunities for recreation. This is particularly applicable in new neighborhoods like Transbay and Rincon Hill, where traditional open spaces are more difficult to assemble because of higher densities and lack of available sites to acquire for parks. This excess street space can be developed with playgrounds, sitting areas, viewpoints and landscaping that make them neighborhood assets and increase the opportunities for recreation close to the residents' homes.

IV. RECREATION AND OPEN SPACE ELEMENT

**POLICY 4.2 Maximize joint use of other properties and facilities.**

*General Plan Text under Policy 4.2:* Streets, alleys and undeveloped rights-of-way throughout San Francisco should be looked to for development of small outdoor open spaces for the elderly and for young children. These kinds of spaces are an important resource common to all high need neighborhoods. Streets and alleys should be considered as opportunities for providing useful recreation space which, with the installation of sitting areas and planting, can significantly improve a neighborhood at little cost to the City. Unused rights-of-way and other unused public land can be used as community gardens, providing recreation and amenities for the surrounding neighborhood.

V. TRANSPORTATION ELEMENT

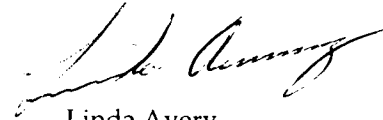
**OBJECTIVE 26 CONSIDER THE SIDEWALK AREA AS AN IMPORTANT ELEMENT IN THE CITYWIDE OPEN SPACE SYSTEM.**

**POLICY 26.1 Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.**

**POLICY 26.2 Partially or wholly close certain streets not required as traffic carriers for pedestrian use or open space.**

**POLICY 26.3 Encourage pedestrian serving uses on the sidewalk.**

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on April 1, 2010.



Linda Avery  
Commission Secretary

AYES: Miguel, Olague, Borden, Lee, Moore, and Sugaya

NAYS: Antonini

ABSENT:

ADOPTED: April 1, 2010

