

AMENDED IN SENATE MARCH 24, 2015

**SENATE BILL**

**No. 236**

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**Introduced by Senator Beall**

February 17, 2015

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An act to ~~amend Section 555 of the Vehicle Code, add Section 65850.15 to the Government Code, relating to pedestrian travel.~~ zoning.

LEGISLATIVE COUNSEL'S DIGEST

SB 236, as amended, Beall. Pedestrian travel: stairways.

*The Planning and Zoning Law authorizes the legislative body of a city and county to enact zoning ordinances to regulate specified uses of land. Existing law establishes minimum procedural standards for city and county zoning hearings.*

*This bill would, notwithstanding any other law, authorize the City of San Jose to regulate the use of staircases that serve as access to a community development located in an area served by a specific plan, as specified.*

*This bill would make legislative findings and declarations as to the necessity for a special law.*

~~Existing law defines "sidewalk" for purposes of the Vehicle Code to mean a portion of a highway, other than a roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.~~

~~This bill would exempt from this definition of "sidewalk" a stairway used or designated primarily for pedestrian travel.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 65850.15 is added to the Government*  
2 *Code, to read:*

3     *65850.15. Notwithstanding any other law, the legislative body*  
4 *of the City of San Jose may adopt an ordinance, including an*  
5 *ordinance imposing a curfew period, regulating the use of a*  
6 *staircase that serves as access to a community development located*  
7 *in an area served by a specific plan adopted pursuant to Article*  
8 *8 (commencing with Section 65450) of Chapter 3.*

9     *SEC. 2. The Legislature finds and declares that a special law*  
10 *is necessary and that a general law cannot be made applicable*  
11 *within the meaning of Section 16 of Article IV of the California*  
12 *Constitution because of the unique circumstances facing the City*  
13 *of San Jose with respect to the use of staircases in community*  
14 *developments served by a specific plan.*

15     ~~SECTION 1. Section 555 of the Vehicle Code is amended to~~  
16 ~~read:~~

17     ~~555. "Sidewalk" is that portion of a highway, other than the~~  
18 ~~roadway, set apart by curbs, barriers, markings, or other delineation~~  
19 ~~for pedestrian travel. A stairway used or designated primarily for~~  
20 ~~pedestrian travel is not a sidewalk.~~