

AMENDED IN SENATE APRIL 15, 2015  
AMENDED IN SENATE MARCH 24, 2015

**SENATE BILL**

**No. 236**

---

---

**Introduced by Senator Beall**

February 17, 2015

---

---

An act to add Section 65850.15 to the Government Code, *and to add and repeal Section 8330.1 of the Streets and Highways Code*, relating to 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.

*The Public Streets, Highways, and Service Easements Vacation Law establishes procedures for the vacation of public streets, highways, and service easements. Under existing law, the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.*

*This bill would authorize the City of San Jose to summarily vacate a street or highway designated for pedestrian use within a specified area for the purpose of adopting an ordinance specifically regulating a pedestrian right-of-way. The bill would repeal these provisions as of January 1, 2017.*

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

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. Section 8330.1 is added to the Streets and Highways*  
10 *Code, to read:*

11 *8330.1. (a) The legislative body of the City of San Jose may*  
12 *summarily vacate a street or highway designated for pedestrian*  
13 *use within the area served by the Communications Hill Specific*  
14 *Plan for the purpose of adopting an ordinance specifically*  
15 *regulating a pedestrian right-of-way.*

16 *(b) This section shall remain in effect only until January 1, 2017,*  
17 *and as of that date is repealed.*

18 ~~SEC. 2.~~

19 *SEC. 3.* The Legislature finds and declares that a special law  
20 is necessary and that a general law cannot be made applicable  
21 within the meaning of Section 16 of Article IV of the California  
22 Constitution because of the unique circumstances facing the City  
23 of San Jose with respect to the use of staircases in community  
24 developments served by a specific plan.