

1 [Environment Code – Tenant Bicycle Parking in Existing Commercial Buildings]

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3 **Ordinance amending the San Francisco Environment Code, Section 400, and adding**
4 **Section 402, to: 1) require the owners of existing commercial buildings to either**
5 **provide secure bicycle parking in their buildings or allow their tenants to bring their**
6 **bicycles into the building; 2) provide that the ordinance's operative date is January 1,**
7 **2012 or 30 days from the effective date of the ordinance, whichever is later; and 3)**
8 **make environmental findings.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

13 Section 1. Environmental Finding. The Planning Department has determined that the
14 actions contemplated in this ordinance comply with the California Environmental Quality Act
15 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
16 the Clerk of the Board of Supervisors in File No. 111029 and is incorporated herein by
17 reference.

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19 Section 2. The San Francisco Environment Code is hereby amended by amending
20 Section 400 and adding Section 402, to read as follows:

21 **SEC. 400. HEALTHY AIR AND CLEAN TRANSPORTATION PROGRAM.**

22 (a) **Title.** Sections 400 through 424 of this Chapter shall be known as the Healthy Air
23 And Clean Transportation Ordinance.

24 (b) **Purpose.** The Healthy Air And Clean Transportation Ordinance is intended to
25 assist the City in achieving its air pollution and greenhouse gas reduction goals by: promoting

1 the use of vehicles that have zero or super ultra-low emissions, achieve high energy efficiency
2 and use alternative fuels with a low carbon impact; implementing policies to minimize the use
3 of single occupancy vehicles and reduce the total number of passenger vehicles and light-
4 duty trucks in the municipal fleet; maximizing the use of outside sources to fund such
5 programs; encouraging the creation, expansion, and maintenance of alternative fueling
6 infrastructure in the City and at City facilities; ~~and~~ encouraging trip reduction, carpooling, and
7 public transit, and to increase bicycle commuting by providing cyclists with the opportunity to securely
8 park their bicycles in or close to their workplaces.

9 (c) **Findings.**

10 (1) Air pollution endangers public health. According to the California Air Resources
11 Board (CARB), the levels and concentrations of smog forming, lung-clogging pollutants in the
12 Bay Area, such as ozone and particulate matter (soot particles), not only exceed California's
13 existing health-based standards, but also are often times measured at levels that are two to
14 three times the standards. According to the Bay Area Air Quality Management District
15 (BAAQMD), emissions from motor vehicles are the leading cause of air pollution in the Bay
16 Area. Furthermore, during the summer of 2006, the San Francisco Bay Area endured more
17 days where emissions of ozone-forming pollutants exceeded Federal and State health-based
18 air quality standards than it has experienced in nearly ten years.

19 (2) According to the American Lung Association of California, high levels of air
20 pollution cause premature death, and aggravate lung illnesses such as acute respiratory
21 infections, asthma, chronic bronchitis, emphysema, and lung cancer. Coughing, wheezing,
22 chest pain, eye irritation, and headaches are common reactions to air pollution. Sensitive
23 groups, like children, the elderly, athletes, and people with compromised immune systems,
24 are even more susceptible to the detrimental health effects caused by air pollution. In these
25

1 sensitive groups, poor air quality causes more significant health impacts such as breathing
2 difficulties and weakening of the body's ability to resist disease.

3 (3) According to the California Air Resources Board, the annual health impacts of
4 exceeding state health-based standards for ozone and particulate matter include: 8,800
5 premature deaths; 8,200 hospital admissions for respiratory disease; 340,000 asthma attacks;
6 3,000 asthma-related emergency room visits; 3,000 hospital admissions for cardiovascular
7 disease; 4.7 million school absences due to respiratory conditions, including asthma; 2.8
8 million lost workdays; and, reduced lung function growth rates in children.

9 (4) Emissions from motor vehicles are a major source of greenhouse gas emissions.
10 Statewide, the California Air Resources Board has found that 41 percent of carbon dioxide
11 emissions, a major greenhouse gas, stem from the transportation sector. In San Francisco,
12 the inventory of greenhouse gas emissions in the City's Climate Action Plan shows that
13 vehicles belonging to San Francisco residents or otherwise traveling in and out of San
14 Francisco contributed 51 percent of all greenhouse gases generated in the City in 1990. In
15 2002, the Board of Supervisors adopted Resolution 158-02, "Reducing Greenhouse Gas
16 Emissions," to support efforts to curb global warming and set greenhouse gas emission
17 reduction goals for the City and County of San Francisco. The City's Climate Action Plan
18 establishes the goal of reducing carbon and other greenhouse gas emissions from
19 transportation and other sources in the City to 20 percent below 1990 levels by the year 2012.

20 (5) Near-total reliance on petroleum for transportation fuel jeopardizes San Francisco's
21 economic security. The San Francisco region and the State of California rely on petroleum for
22 96 percent of all transportation fuel. Diversifying the supply of transportation fuels available in
23 the San Francisco region, and particularly increasing supplies of alternative fuels that have
24 low carbon impact and are sustainable, will help provide a more stable and secure base for
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1 the region's economy by making it less vulnerable to interruptions in petroleum supplies while
2 also improving air quality and reducing greenhouse gas emissions.

3 (6) Urban Environmental Accords commit San Francisco to take actions to achieve
4 clean transportation. In 2005, San Francisco became a signatory participant in the Urban
5 Environmental Accords, established on the occasion of the United Nations Environmental
6 Program's World Environment Day in San Francisco. The Accords call on participating cities
7 around the world to reduce smog-forming and other polluting emissions from public fleets by
8 50 percent in seven years, to expand the availability of affordable public transportation, and to
9 reduce single-occupancy commute trips by 10 percent in seven years.

10 (7) In 1997, the Board of Supervisors approved the Sustainability Plan for the City and
11 County of San Francisco. The Sustainability Plan states, “[a]chieving and maintaining good
12 air quality is crucial to the public health and economic vitality of San Francisco.”

13 (8) The City and County of San Francisco's fleet includes more than eight hundred
14 (800) clean passenger vehicles and light-duty trucks. These include compressed natural gas,
15 hybrid electric and battery electric vehicles.

16 (9) Creating a safe, secure place for cyclists to store their bicycles while at work will help to
17 promote alternative modes of transportation and contribute to the City's effort to cut emissions,
18 improve air quality, maximize public transportation and ease congestion, thus reaping tremendous
19 environmental, public health, and quality of life benefits for the City and its residents. Allowing
20 bicycles in office buildings is an effective way to encourage cycling.

21 **SEC 402. TENANT BICYCLE PARKING IN EXISTING COMMERCIAL BUILDINGS.**

22 (a) Scope. This Section shall apply to a building the principal occupancy of which is a
23 commercial use, as defined in the Planning Code, that (i) is in existence on the operative date of this
24 Section, or is proposed to be constructed under an already-issued permit but is not yet constructed, and
25 (ii) is not subject to the bicycle parking provisions of Planning Code Section 155.4.

1 **(b) Bicycle Access to Commercial Buildings.**

2 **(1) Applicability.** Beginning January 1, 2012, or 30 days after the effective date of this
3 Section, whichever is later, an owner, lessee, manager, or other person who controls a building
4 within the scope of Section 402 shall allow ~~cyclists~~ tenants to bring bicycles into the subject building.

5 **(2) Request for Limited Access.** The owner, lessee, manager, or other person who controls a
6 building within the scope of Section 402 who wishes to prescribe specific details and limitations on
7 bicycle access to the subject building shall complete a Bicycle Access Plan in accordance with
8 subsection 3 below.

9 **(3) Bicycle Access Plan.**

10 **(A) Completion of Plan.** The Bicycle Access Plan (“Plan”) shall be in writing on a form
11 provided by the Department of the Environment. Bicycle access shall be granted to the requesting
12 tenant or subtenant and its employees in accordance with the Plan.

13 **(B) Plan Information.** The Plan shall include:

14 **(i) the location of entrances;**

15 **(ii) route to elevators and/or stairs that accommodate bicycle access;**

16 **(iii) the route to a designated area for bicycle parking on an accessible level if such bicycle**
17 **parking is made available; and**

18 **(iv) such other information as the Department of the Environment may require.**

19 The Plan shall provide that bicycle access is available, at a minimum, during the regular
20 operating hours of the subject building.

21 **(C) Plan Amendment.** The Plan may be amended from time to time to accommodate requests
22 from other tenants or subtenants to provide bicycle access under this Section 402.

23 **(4) Exception.**

24 **(A) Application.** The owner, lessee, manager, or other person who controls a building may
25 apply to the Director of the Department of the Environment for an exception if:

1 (i) the building's elevators are not available for bicycle access because unique circumstances
2 exist involving substantial safety risks directly related to the use of such elevator; or

3 (ii) there is secure alternate covered off-street parking or secure alternate indoor no-cost
4 bicycle parking available on the premises or within three blocks or 750 feet, whichever is less, of the
5 subject building sufficient to accommodate all tenants or subtenants of the building requesting bicycle
6 access.

7 The application for an exception shall be submitted on a form provided by the Department of
8 Environment and sent to that Department by certified mail, return receipt requested, within fifteen days
9 of receipt of a request for a Bicycle Access Plan. The application shall include the reasons for the
10 application for an exception and supporting documentation.

11 **(B) Department of Environment's Consultation with Department of Building Inspection and**
12 **Municipal Transportation Agency.**

13 (i) If an exception is sought under subsection 4(A)(i) above, the Department of Environment
14 shall request the Department of Building Inspection to conduct an inspection of the building and advise
15 the Department of Environment whether, in the opinion of the Department of Building Inspection,
16 bicycle access to the building involves substantial safety risks.

17 (ii) If an exception is sought under subsection 4(A)(ii) above, the Department of Environment
18 shall request the Livable Streets Subdivision of the Municipal Transportation Agency to conduct an
19 inspection of the secure alternate covered off-street or secure indoor no-cost bicycle parking and
20 advise the Department of Environment whether, in its opinion, the proposed bicycle parking is
21 adequate.

22 **(C) Department of Environment's Decision on Application.** The Department of Environment
23 shall make a determination on the application for an exception within a reasonable period of time after
24 receiving the advice of the Department of Building Inspection and/or the Municipal Transportation
25 Agency provided for in subsection (B) above. The Department of Environment's letter of exception or

1 denial shall be sent to the owner, lessee, manager, or other person in control of the building by
2 certified mail, return receipt requested.

3 **(5) Posting and Availability of Bicycle Access Plan or Letter of Exception.**

4 Every owner, lessee, manager, or other person in control of a building subject to this Section
5 402 shall post in the building lobby each Bicycle Access Plan that is in effect and any letter of
6 exception granted by the Department of Environment, or shall post a notice indicating that the Plan or
7 letter of exception is available in the office of the building manager upon request. Such posting shall
8 be made within five days of completion and implementation of the Plan or Plans or any amendment
9 thereto or within five days of the Department of Environment's granting of an exception. If the
10 Department of Environment denies an application for an exception, a Bicycle Access Plan shall be
11 posted within twenty days of receipt of such determination.

12 The above posting shall either (A) notify the requesting tenants and subtenants of their right to
13 bicycle access in accordance with the Plan or (B) include the basis or bases for the exception and, if
14 applicable, the route to alternate off-street or indoor parking.

15 **(6) Space for Bicycles.** Nothing in this Section 402 shall be construed to require an owner,
16 lessee, manager, or other person who is in control of a building within the scope of this Section 402 to
17 provide space outside the tenant or subtenant's leased space for bicycles brought into such building.

18 **(7) Unsafe Conditions.** Nothing in this Section 402 shall be construed to require an owner,
19 lessee, manager, or other person who is in control of a building within the scope of this Section 402 to
20 permit a bicycle to be parked in a manner that violates building or fire codes or any other applicable
21 law, rule, or code, or which otherwise impedes ingress or egress to such building. In an emergency,
22 whenever elevator use is prohibited, bicycles shall not be permitted to be transported through any
23 means of egress.

1 Section 3. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

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4 Section 4. This Section is uncodified.

5 In enacting this Ordinance, the Board intends to amend only those words, phrases,
6 paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any
7 other constituent part of the Environment Code that are explicitly shown in this legislation as
8 additions, deletions, Board amendment additions, and Board amendment deletions in
9 accordance with the "Note" that appears under the official title of the legislation. This
10 Ordinance shall not be construed to effectuate any unintended amendments. Any additions or
11 deletions not explicitly shown as described above, omissions, or other technical and non-
12 substantive differences between this Ordinance and the Environment Code that are contained
13 in this legislation are purely accidental and shall not effectuate an amendment to the
14 Environment Code. The Board hereby authorizes the City Attorney, in consultation with the
15 Clerk and other affected City departments, to make those necessary adjustments to the
16 published Environment Code, including non-substantive changes such as renumbering or
17 relettering, to ensure that the published version of the Environment Code is consistent with
18 the laws that this Board enacts.

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

22 By: _____
23 JUDITH A. BOYAJIAN
24 Deputy City Attorney
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