

FILE NO. 090867

ORDINANCE NO.

187-09

[Zoning – Planning Code amendments in connection with the 2009 Bicycle Plan.]

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Under Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17915 recommending the approval of this Planning Code Amendment and incorporates such reasons by this reference thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 090867 and is incorporated here by reference.

(b) Under Planning Code Section 101.1, the Board of Supervisors finds that this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the Planning Code and with the General Plan, as proposed for amendment in companion legislation, and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 17914. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 090867 and is incorporated herein by

1 reference. The companion legislation concerns General Plan amendments and is in Clerk of
2 the Board of Supervisors File No. 090868, which is incorporated herein by reference.

3 (c) In accordance with the actions contemplated herein, this Board adopted
4 Ordinance No. 187-09, concerning findings pursuant to the California Environmental
5 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said
6 Ordinance is on file with the Clerk of the Board of Supervisors in File No. 090868 and is
7 incorporated by reference herein.

8 (d) These Planning Code amendments are adopted in connection with the 2009 San
9 Francisco Bicycle Plan.

10 Section 2. The San Francisco Planning Code is hereby amended by amending
11 Sections 155, 155.1, 155.4, and 155.5 to read as follows:

12 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF**
13 **OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.**

14 Required off-street parking and freight loading facilities shall meet the following
15 standards as to location and arrangement. In addition, facilities which are not required but are
16 actually provided shall meet the following standards unless such standards are stated to be
17 applicable solely to required facilities. In application of the standards of this Code for off-street
18 parking and loading, reference may be made to provisions of other portions of the Municipal
19 Code concerning off-street parking and loading facilities, and to standards of the Bureau of
20 Engineering of the Department of Public Works. Final authority for the application of such
21 standards under this Code, and for adoption of regulations and interpretations in furtherance
22 of the stated provisions of this Code shall, however, rest with the Department of City Planning.

23 (a) Every required off-street parking or loading space shall be located on the same lot
24 as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

1 (b) Every required off-street parking or loading space shall be located in its entirety
2 within the lot lines of private property.

3 (c) Every off-street parking or loading space shall have adequate means of ingress
4 from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in
5 preference to streets.

6 Adequate reservoir space shall be provided on private property for entrance of vehicles to off-
7 street parking and loading spaces, except with respect to spaces independently accessible
8 directly from the street.

9 (1) For residential uses, independently accessible off-street parking spaces shall
10 include spaces accessed by automated garages, or car elevators, lifts or other space-efficient
11 parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one
12 car needs to be moved under its own power to access any one space.

13 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-
14 G, and South of Market Districts shall be completely enclosed and access from a public street
15 or alley shall be provided by means of a private service driveway, which is totally contained
16 within the structure. Such a private service driveway shall include adequate space to
17 maneuver trucks and service vehicles into and out of all provided spaces, and shall be
18 designed so as to facilitate access to the subject property while minimizing interference with
19 street and sidewalk circulation. Any such private service driveway shall be of adequate width
20 to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no
21 case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is
22 determined to be primarily used for building service, pursuant to the provisions of Section 309
23 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market
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1 District, up to four spaces may be allowed to be individually accessible directly from such a
2 street or alley.

3 (e) In a C-3 or South of Market District, where site constraints would make a
4 consolidated freight loading and service vehicle facility impractical, service vehicle spaces
5 required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage
6 for the structure or other location separate from freight loading spaces.

7 (f) In a C-3 or South of Market District, whenever off-street freight loading spaces are
8 provided, freight elevators immediately accessible from the loading dock shall be provided to
9 all floors which contain uses that are included in the calculation of required number of freight
10 loading spaces. If freight loading facilities are subterranean, the location and operation of
11 freight elevators shall be designed, where feasible, to discourage use of freight elevators for
12 deliveries from the ground floor. Directories of building tenants shall be provided at all freight
13 elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions
14 to provide for short-term storage of goods. All required freight loading and service vehicle
15 spaces shall be made available only to those vehicles at all times, and provision shall be
16 made to minimize interference between freight loading and service operations, and garbage
17 dumpster operations and storage.

18 (g) In order to discourage long-term commuter parking, any off-street parking spaces
19 provided for a structure or use other than residential or hotel in a C-3 District, whether
20 classified as an accessory or conditional use, which are otherwise available for use for long-
21 term parking by downtown workers shall maintain a rate or fee structure for their use such that
22 the rate charge for four hours of parking duration is no more than four times the rate charge
23 for the first hour, and the rate charge for eight or more hours of parking duration is no less
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1 than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall
2 be permitted for weekly, monthly or similar time-specific periods.

3 (h) The internal layout of off-street parking and loading spaces, driveways, aisles and
4 maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly
5 marked.

6 (i) For each 25 off-street parking spaces provided, one such space shall be designed
7 and designated for handicapped persons.

8 (j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-
9 street parking spaces provided, one or more spaces shall be provided for parking of a bicycle.
10 The most restrictive provisions of 155(j) or 155.4 shall prevail.

11 (k) Off-street parking and loading facilities shall be arranged, designed and operated
12 so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and
13 adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means
14 of the layout and operation of facilities and by use of bumper or wheel guards or such other
15 devices as are necessary.

16 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and
17 egress, and shall be arranged, to the extent practical, so as to minimize the width and
18 frequency of curb cuts, to maximize the number and size of on-street parking spaces available
19 to the public, and to minimize conflicts with pedestrian and transit movements.

20 (m) Every off-street parking or loading facility shall be suitably graded, surfaced,
21 drained and maintained.

22 (n) Off-street parking and loading spaces shall not occupy any required open space,
23 except as specified in Section 136 of this Code.

1 (o) No area credited as all or part of a required off-street parking space shall also be
2 credited as all or part of a required off-street loading space, or used as all or part of an
3 unrequired off-street loading space. No area credited as all or part of a required off-street
4 loading space shall also be credited as all or part of a required off-street parking space, or
5 used as all or part of an unrequired off-street parking space.

6 (p) Any off-street freight loading area located within 50 feet of any R District shall be
7 completely enclosed within a building if such freight loading area is used in regular night
8 operation.

9 (q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

10 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve
11 the pedestrian character of certain downtown and neighborhood commercial districts and to
12 minimize delays to transit service, garage entries, driveways or other vehicular access to off-
13 street parking or loading (except for the creation of new publicly-accessible streets and alleys)
14 shall be regulated on development lots as follows on the following street frontages:

15 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set
16 forth in Section 827.

17 (2) The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT
18 Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3 and
19 Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission Street, Mission
20 Street from 10th Street to Division Street, Octavia Street from Hayes Street to Fell Street, not
21 permitted.

22 (3) The entire portion of California Street, The Embarcadero, Folsom Street, Geary
23 Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts, Grant Avenue
24 from Market Street to Bush Street Montgomery Street from Market Street to Columbus
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1 Avenue, Haight Street from Market Street to Webster Street, Church Street and 16th Street in
2 the RTO District, and Duboce Street from Noe Street to Market Street, Octavia Street from
3 Fell Street to Market Street, not permitted except with a conditional use permit.

4 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
5 loading shall be created or utilized on street frontages identified along any Transit Preferential,
6 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
7 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
8 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
9 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
10 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
11 unless the officially adopted alignment is along the left side of the street. Where an alternative
12 frontage is not available, parking or loading access along any Transit Preferential, Citywide
13 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
14 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
15 streets not listed in subsection (2) above as an exception in the manner provided in Section
16 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be
17 clearly demonstrated that the final design of the parking access minimizes negative impacts to
18 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

19 (5) A "development lot" shall mean any lot containing a proposal for new construction,
20 building alterations which would increase the gross square footage of a structure by 20
21 percent or more, or change of use of more than 50 percent of the gross floor area of a
22 structure containing parking. Pre-existing access to off-street parking and loading on
23 development lots that violates the restrictions of this Section 155(r) may not be maintained.

1 (s) Off-Street Parking and Loading in C-3 Districts. In C-3 Districts, restrictions on the
2 design and location of off-street parking and loading and access to off-street parking and
3 loading are necessary to reduce their negative impacts on neighborhood quality and the
4 pedestrian environment.

5 (1) Ground floor or below-grade parking and street frontages with active uses.

6 (A) All off-street parking in C-3 Districts (both as accessory and principal uses)
7 shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from
8 grade) unless an exception to this requirement is granted in accordance with Section 309 and
9 subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and
10 subsections 155(s)(2) or 155(s)(3) below.

11 (B) Parking at the ground-level to the full height of the ground-level parking
12 shall be lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet
13 along all street frontages, except for space allowed for parking and loading access, building
14 egress, and access to mechanical systems. So as not to preclude conversion of parking
15 space to other uses in the future, parking at the ground-level shall not be sloped and shall
16 have a minimum clear ceiling height of nine feet.

17 (i) Where a non-accessory off-street parking garage permitted under Section
18 223(m)--(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and
19 fronts more than one street of less than 45 feet in width, a conditional use may be granted in
20 accordance with Section 303 that allows an exception to this requirement for one of the street
21 frontages. The above provision authorizing such conditional use shall sunset eight years from
22 the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

23 (C) Parking allowed above the ground-level in accordance with an exception
24 under Section 309 or a conditional use in accordance with Section 303 as authorized by
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1 subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a
2 manner that accentuates ground floor retail and other uses, minimizes louvers and other
3 mechanical features and is in keeping with the overall massing and architectural vocabulary of
4 the building's lower floors. So as not to preclude conversion of parking space to other uses in
5 the future, parking allowed above the ground-level shall not be sloped and shall have a
6 minimum clear ceiling height of nine feet.

7 (2) Residential accessory parking. For residential accessory off-street parking in C-3
8 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by
9 Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted
10 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

11 (A) In a manner provided in Section 309 of this Code provided it can be clearly
12 demonstrated that transportation easements or contaminated soil conditions make it
13 practically infeasible to build parking below-ground. The determination of practical infeasibility
14 shall be made based on an independent, third-party geotechnical assessment conducted by a
15 licensed professional and funded by the project sponsor. The Planning Director shall make a
16 determination as to the objectivity of the study prior to the Planning Commission's
17 consideration of the exception application under Section 309.

18 (B) As a conditional use in accordance with the criteria set forth in Section 303
19 of this Code, provided it can be clearly demonstrated that constructing the parking above-
20 grade instead of underground would allow the proposed housing to meet affordability levels
21 for which actual production has not met ABAG production targets as identified in the Housing
22 Element of the General Plan.

23 (3) Non-accessory off-street parking garages. For non-accessory off-street parking
24 garages in C-3 Districts permitted under Section 223(m)--(p), two additional floors of above-
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1 grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum
2 ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections
3 155(s)(3)(A) or 155(s)(3)(B) below:

4 (A) As a conditional use in accordance with the criteria set forth in Section 303,
5 provided it can be clearly demonstrated that transportation easements or contaminated soil
6 conditions make it practically infeasible to build parking below-ground. The determination of
7 practical infeasibility shall be made based on an independent, third-party geotechnical
8 assessment conducted by a licensed professional and funded by the project sponsor. The
9 Planning Director shall make a determination as to the objectivity of the study prior to the
10 Planning Commission's consideration of the conditional use permit application.

11 (B) As a conditional use in accordance with the criteria set forth in Section 303,
12 provided the site contains an existing non-accessory off-street surface parking lot with valid
13 permits for such parking as of the effective date of the ordinance enacting this subsection and
14 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
15 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
16 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
17 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
18 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
19 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,
20 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
21 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67
22 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
23 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and
24 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
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1 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this
2 subsection.

3 (4) Parking lots permitted in C-3 Districts as temporary uses according to Section
4 156(h) and expansions of existing above-grade publicly accessible parking facilities are not
5 subject to the requirements of subsections 155(s)(1)–(3).

6 (5) Parking and Loading Access.

7 (A) Width of openings. Any single development is limited to a total of two
8 facade openings of no more than 11 feet wide each or one opening of no more than 22 feet
9 wide for access to off-street parking and one facade opening of no more than 15 feet wide for
10 access to off-street loading. Shared openings for parking and loading are encouraged. The
11 maximum permitted width of a shared parking and loading garage opening is 27 feet.

12 (B) Porte cocheres to accommodate passenger loading and unloading are not
13 permitted except as part of a hotel, inn or hostel use. For the purpose of this Section, a "porte
14 cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of
15 passenger loading or unloading, situated between the ground floor facade of the building and
16 the sidewalk.

17 **SEC. 155.1. BICYCLE PARKING REQUIREMENTS FOR CITY-OWNED AND**
18 **LEASED BUILDINGS.**

19 In all City-owned and leased buildings, regardless of whether off-street parking is
20 available, the responsible City official, as defined in Section 155.1(a)(11) below, shall provide
21 bicycle parking according to the schedule in Section 155.1(c) below, except as otherwise
22 provided in Section 155.2. The provisions of this Section shall not apply in any case where the
23 City occupies property as a tenant under a lease the term of which does not exceed six
24 months. In the event that a privately owned garage, as defined in Section 155.2, is in a
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1 building in which the City leases space, Section 155.2 and not this Section shall apply. All
2 required bicycle parking shall conform to the requirements of Sections 155.1(b) (Location of
3 Facilities) and 155.1(c) (Number of Spaces) set forth below:

4 (a) Definitions.

5 (1) Locker. A fully enclosed, secure and burglar-proof bicycle parking space
6 accessible only to the owner or operator of the bicycle.

7 (2) Check-In Facility. A location in which the bicycle is delivered to and left with an
8 attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible
9 only to the attendant.

10 (3) Monitored Parking. A location where Class 2 parking spaces are provided within
11 an area under constant surveillance by an attendant or security guard or by a monitored
12 camera.

13 (4) Restricted Access Parking. A location that provides Class 2 parking spaces within
14 a locked room or locked enclosure accessible only to the owners of bicycles parked within.

15 (5) Personal Storage. Storage within the view of the bicycle owner in either the
16 operator's office or a location within the building.

17 (6) Class 1 Bicycle Parking Space(s). Facilities which protect the entire bicycle, its
18 components and accessories against theft and against inclement weather, including wind-
19 driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3)
20 monitored parking, (4) restricted access parking, and (5) personal storage.

21 (7) Class 2 Bicycle Parking Space(s). Bicycle racks which permit the locking of the
22 bicycle frame and one wheel to the rack and, which support the bicycle in a stable position
23 without damage to wheels, frame or components.

24 (8) Director. Director of the Department of City Planning.
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1 (9) Landlord. Any person who leases space in a building to the City. The term
2 "landlord" does not include the City.

3 (10) Employees. Individuals employed by the City and County of San Francisco.

4 (11) Responsible City Official. The highest ranking City official of an agency or
5 department which has authority over a City-owned building or parking facility or of an agency
6 or department for which the City is leasing space.

7 (12) Person. Any individual, proprietorship, partnership, joint venture, corporation,
8 limited liability company, trust, association, or other entity that may enter into leases.

9 (b) Location of Facilities.

10 (1) At locations where the majority of parking spaces will be long-term (e.g., occupied
11 by building employees for eight hours or more), at least 1/2 of the required bicycle parking
12 spaces shall be Class 1 spaces. The remaining spaces may be Class 2 spaces. The Director
13 may approve alternative types of parking spaces that provide an equivalent measure of
14 security.

15 (2) Alternative Locations. In the event that compliance with Section 155.1(b)(1) may
16 not be feasible because of demonstrable hardship, the responsible city official may apply to
17 the Director for approval of an alternative storage location. In acting upon such applications,
18 the Director shall be guided by the following criteria: Such alternative facilities shall be well-
19 lighted and secure. The entrance shall be no more than 50 feet from the entrance of the
20 building, unless there are no feasible locations within a 50 foot zone that can be provided
21 without impeding sidewalk or pedestrian traffic. However, in no event shall an alternative
22 location be approved that is farther from the entrance of the building than the closest
23 automobile parking space.

1 (3) Exemptions. If no feasible alternative parking facility exists nearby which can be
2 approved pursuant to Section 155.1(b)(1) or (2), no Class 1 bicycle parking is provided in the
3 building, or, securing an alternative location would be unduly costly and pose a demonstrable
4 hardship on the landlord, or on the City, where the City owns the building, the Director may
5 issue an exemption. In order to obtain an exemption, the responsible City official shall certify
6 to the Director in writing that the landlord, or the City, where the City owns the building, will not
7 prohibit bicycle operators from storing bicycles within their office space, provided that they are
8 stored in such a way that the Fire Code is not violated and that the normal business of the
9 building is not disrupted.

10 (c) Required Number of Bicycle Parking Spaces.

11 (1) Class 1 Bicycle Parking Spaces. The following standards shall govern the number
12 of Class 1, long-term, bicycle parking spaces a responsible City official must provide:

13 (A) In buildings with one to 20 employees, at least two bicycle parking spaces
14 shall be provided.

15 (B) In buildings with 21 to 50 employees, at least four bicycle parking spaces
16 shall be provided.

17 (C) In buildings with 51 to 300 employees, the number of bicycle parking
18 spaces provided shall be equal to at least five percent of the number of employees at that
19 building, but in no event shall fewer than five bicycle spaces be provided.

20 (D) In buildings with more than 300 employees, the number of bicycle parking
21 spaces provided shall be equal to at least three percent of the number of employees at that
22 building but in no event shall fewer than 16 bicycle parking spaces be provided.

1 (2) In addition to the Class 1 bicycle parking spaces required above, a responsible
2 City official shall also provide Class 2 bicycle parking spaces according to the below
3 enumerated schedule:

4 (A) In buildings with one to 40 employees, at least two bicycle parking spaces
5 shall be provided.

6 (B) In buildings with 41 to 50 employees, at least four bicycle parking spaces
7 shall be provided.

8 (C) In buildings with 51 to 100 employees, at least six bicycle parking spaces
9 shall be provided.

10 (D) In buildings with more than 100 employees, at least eight bicycle parking
11 spaces shall be provided. Wherever a responsible City official is required to provide eight or
12 more Class 2 bicycle parking spaces, at least 50 percent of those parking spaces shall be
13 covered.

14 (3) In public buildings where the City provides a public service to members of the
15 public who are patrons or users of the buildings, such as libraries, museums, and sports
16 facilities, the responsible City official shall provide the number of bicycle parking spaces as set
17 out in Section 155.1(c)(1) and (2), except that the average patron load in a building during
18 peak use hours as determined by the Director, rather than the number of employees, shall
19 determine the number of spaces required. This Section shall not apply where a public building
20 has a "garage" (as such term is defined in Section 155.2(a)) that is open to the general public,
21 in which case Section 155.2 shall apply.

22 (4) The Director shall annually survey the amount, location, and usage of provided
23 bicycle parking spaces in all buildings subject to the requirements of this Section in order to
24 ascertain whether current requirements are adequate to meet demand for such parking
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spaces. If current requirements are inadequate, the Director shall draft and submit to the Board of Supervisors proposed legislation that would remedy the deficiency.

(5) Reductions. The Director may grant a reduction from the number of bicycle parking spaces required by this Section where the applicant shows based upon the type of patronage, clientele, or employees using the building that there is no reason to expect a sufficient number of bicycle-riding patrons, clientele or employees to justify the number of spaces otherwise required by the Section.

(d) Layout of Spaces. Class 1 and Class 2 bicycle parking spaces or alternative spaces approved by the Director shall be laid out according to the following:

(1) An aisle or other space to enter and leave the facility shall be provided. The aisle shall provide a width of five feet to the front or rear of a standard six-foot bicycle parked in the facility.

(2) Each bicycle parking space shall provide an area at least two feet wide by six feet deep. Vertical clearance shall be at least 78 inches.

(3) Bicycle parking shall be at least as conveniently located as the most convenient nondisabled car parking. Safe and convenient means of ingress and egress to bicycle parking facilities shall be provided. Safe and convenient means include, but are not limited to stairways, elevators and escalators.

(4) Bicycle parking and automobile parking shall be separated by a physical barrier or sufficient distance to protect parking bicycles from damage. The number of required automobile parking spaces may be lowered in buildings where Class 1 bicycle parking is provided. The number of otherwise required automobile parking spaces may be reduced, commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking spaces, in an amount that meets or exceeds the

1 requirements of this section. This provision only applies to the explicit area used for Class 1 or Class 2

2 bicycle parking.

3 (5) Class 2 bicycle racks shall be located in highly visible areas to minimize theft and
4 vandalism.

5 (6) Where Class 2 bicycle parking areas are not clearly visible to approaching
6 bicyclists, signs shall indicate the locations of the facilities.

7 (7) The surface of bicycle parking spaces need not be paved, but shall be finished to
8 avoid mud and dust.

9 (8) All bicycle racks and lockers shall be securely anchored to the ground or building
10 structure.

11 (9) Bicycle parking spaces may not interfere with pedestrian circulation.

12 (e) Lease Provisions.

13 (1) All City leases of buildings that are subject to the requirements of this Section and
14 under which the City is a tenant shall specifically provide that the landlord agrees to make
15 space available in the building for the term of the lease within which the responsible City
16 official may install, at no cost to the landlord, bicycle parking facilities that are in compliance
17 with this Section.

18 (2) This Subsection (e) does not in any way limit the ability of the Director to approve
19 alternative storage locations under Subsection (b)(2) or exemptions under Subsection (b)(3).
20 In the event that an exemption is granted or an alternative location is approved allowing the
21 installation of bicycle parking facilities on property that is not included (i) in a building leased
22 by the responsible city official or (ii) on property that belongs to the landlord, Subsection (e)(1)
23 does not apply. If the alternative location is on property that is owned by the landlord, but is
24 not inside the building to be leased by the responsible city official, the lease provision of
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1 Subsection (e)(1) is required and shall identify that property as the location of the bicycle
2 parking spaces.

3 (f) Enforcement. Article 1.5, Section 151.1 shall be enforced by the Zoning
4 Administrator. Upon complaint, the Zoning Administrator shall investigate. If the Zoning
5 Administrator concludes that a violation exists, he or she shall provide written notice to the
6 responsible City official offering thirty days to cure the violation. The written notice shall inform
7 the responsible City official of the grounds for the Zoning Administrator's conclusion that this
8 Section has been violated. The notice shall afford the responsible City official an opportunity
9 to meet with the Zoning Administrator to explain why penalties should not be assessed. The
10 Zoning Administrator shall assess penalties upon the responsible City official's agency or
11 department according to the following provisions:

12 (1) If the responsible City official's violation has not been cured within the 30 days, a
13 penalty of \$50/day shall be assessed by the Zoning Administrator, commencing with the first
14 date of the violation.

15 (2) All fines collected for violations of this Section shall be deposited with the
16 Department of Parking and Traffic for expenditure by and for the Department's Bicycle
17 Program.

18 (g) Miscellaneous Requirements.

19 (1) The responsible City official shall not, and shall encourage landlords not to,
20 establish or enforce any building policy that restricts or discourages building tenants,
21 employees, or visitors from utilizing their bicycle storage spaces.

22 (2) In any building that contains more than the required number of bicycle parking
23 spaces as set forth in Article 1.5, Section 155.1, the responsible City official shall not remove
24 such additional bicycle parking spaces without petitioning the Director. Such a petition may
25

1 not be filed until at least one year has elapsed following the effective date of this Section. That
2 petition shall demonstrate that the spaces the responsible City official seeks authority to
3 remove have not been necessary to meet the demand of employees and other building users.

4 (3) The responsible City official shall be responsible for full compliance with this
5 Section. The Board of Supervisors does not intend to impose requirements of this Section on
6 any responsible City official where such application would impair obligations of contract.

7 (4) Buildings with existing traditional-type racks which support only one wheel shall
8 have two years from the effective date of this Section to replace them with conforming racks.

9 (5) In addition to imposing requirements pursuant to this Section, the Board of
10 Supervisors declares it the official policy of the City and County of San Francisco that all
11 property owners and responsible City officials in control of buildings housing employees or
12 members of the public who use bicycles shall provide bicycle parking spaces and shall
13 encourage and facilitate bicycle usage.

14 (h) In adopting this Section, the Board of Supervisors intends that General Fund
15 Revenues not be used to pay for the purchase of bicycle storage facilities or for installation of
16 bicycle storage facilities, that private building owners not be required to use their own funds to
17 implement the requirements of this Section, and that the implementation of this Section be
18 funded primarily through the use of public and private donations, grants and other available
19 programmatic funding.

20 **SEC. 155.4. BICYCLE PARKING REQUIRED IN NEW AND RENOVATED**
21 **COMMERCIAL BUILDINGS.**

22 (a) Definitions.

23 (1) All definitions set forth in Section 155.1(a) and Section 155.3(a) are incorporated
24 into this Section.
25

1 (2) New Commercial Building. A commercial or industrial building for which a building
2 permit is issued on or at least six months after the effective date of this Section.

3 (3) Major Renovation. Any construction or renovation project (i) for which a building
4 permit is issued commencing on or at least six months after the effective date of this Section
5 (ii) which involves an enlargement of an existing commercial building and (iii) which has an
6 estimated construction cost of at least \$1,000,000.00.

7 (b) Requirements for New Commercial Buildings and Commercial Buildings with
8 Major Renovations. New commercial buildings and commercial buildings with major
9 renovations, as a condition of approval, shall provide bicycle parking in that building in
10 accordance with this Section. Where a building undergoes major renovations, its total square
11 footage after the renovation shall be used in calculating how many, if any, bicycle parking
12 spaces are required.

13 (c) Types of Bicycle Parking. New commercial buildings and commercial buildings
14 with major renovations shall offer either Class 1 bicycle parking, as defined in Section
15 155.1(a)(6), or Class 2 bicycle parking, as defined in Section 155.1(a)(7), or a combination of
16 Class 1 and Class 2 bicycle parking.

17 (d) Bicycle Parking Spaces--Professional Services. For new commercial buildings and
18 commercial buildings with major renovations, including individual buildings of large, multiple-
19 building developments, whose primary use consists of medical or other professional services,
20 general business offices, financial services, general business services, business and trade
21 schools, colleges and universities, research and development or manufacturing, the following
22 schedule of required bicycle parking applies:

23 (1) Where the gross square footage of the floor area exceeds 10,000 square feet but
24 is no greater than 20,000 feet, 3 bicycle spaces are required.

1 (2) Where the gross square footage of the floor area exceeds 20,000 square feet but
2 is no greater than 50,000 feet, 6 bicycle spaces are required.

3 (3) Where the gross square footage of the floor area exceeds 50,000 square feet, 12
4 bicycle spaces are required.

5 (4) Bicycle Parking Spaces--Retail. For new commercial buildings and commercial
6 buildings with major renovations whose primary use consists of retail, eating and drinking or
7 personal service, the following schedule of required bicycle parking applies:

8 (1) Where the gross square footage of the floor area exceeds 25,000 square feet but
9 is no greater than 50,000 feet, 3 bicycle spaces are required.

10 (2) Where the gross square footage of the floor area exceeds 50,000 square feet but
11 is no greater than 100,000 feet, 6 bicycle spaces are required.

12 (3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12
13 bicycle spaces are required.

14 (f) Notice of Bicycle Parking. New commercial buildings and commercial buildings with
15 major renovations subject to this Section must provide adequate signs or notices to advertise
16 the availability of bicycle parking.

17 (g) Layout of Spaces. Owners of new commercial buildings and commercial buildings
18 with major renovations subject to this Section are encouraged to follow the requirements set
19 forth in Section 155.1(d) (Layout of Spaces) in installing Class 1 and Class 2 bicycle parking.
20 The number of required automobile parking spaces may be lowered in buildings where Class 1 bicycle
21 parking is provided. The number of otherwise required automobile parking spaces may be reduced,
22 commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking spaces, in an
23 amount that meets or exceeds the requirements of this section. This provision only applies to the
24 explicit area used for Class 1 or Class 2 bicycle parking.
25

1 (h) Owners of Existing Buildings Encouraged to Provide Bicycle Parking Spaces. The
2 City encourages building owners whose buildings are not subject to this Section to provide
3 bicycle parking spaces in such buildings.

4 (i) Exemption. Where a new commercial building or building with major renovations
5 includes residential uses, the building's total non-residential square footage shall be used in
6 calculating how many, if any, bicycle parking spaces are required. Building owners shall be
7 required to allow tenants to bring their bicycles into buildings unless Class 1 bicycle parking is
8 provided.

9 (j) This Section shall not be interpreted to interfere with the Department of Planning's
10 authority to require more than the minimum bicycle parking spaces required by this Section as
11 a condition of approval of a project, where appropriate.

12 (k) For the purposes of this Section, commercial shall mean commercial and
13 industrial.

14 ~~—— (l) Enforcement. Article 1.5, Section 155.4 shall be enforced by the Zoning~~
15 ~~Administrator. Upon complaint, the Zoning Administrator shall investigate the potential Code~~
16 ~~violations. If the Zoning Administrator concludes that a violation exists in a new or renovated~~
17 ~~commercial building, he or she shall provide written notice to the building owner, offering 30~~
18 ~~days to cure the violation. The written notice shall state the grounds for the Zoning~~
19 ~~Administrator's conclusion that this Section has been violated. The notice shall afford the~~
20 ~~responsible building owner an opportunity to contact the Zoning Administrator to explain why~~
21 ~~he or she is not in violation of this Section.~~

22 ~~—— (1) Where a violation of this Section occurs in a new or renovated commercial~~
23 ~~building, if such violation has not been cured within the allotted 30 day period, the Zoning~~
24 ~~Administrator shall add the name and address of the building and the name of the owner to a~~
25

1 list or buildings currently in violation of this Section. Upon request, the Zoning Administrator
2 shall provide a copy of this list to members of the public.

3 **SEC. 155.5. BICYCLE PARKING REQUIRED FOR RESIDENTIAL USES.**

4 (a) For buildings of 4 dwelling units or more, bicycle parking shall be provided in the
5 minimum quantities specified in Table 155.5, regardless of whether off-street car parking is
6 available. The maximum requirement is 400 spaces. Use of bicycle parking required by this
7 section shall be provided at no cost or fee to building occupants and tenants.

8 (b) Definitions. See Section 155.1(a).

9 (c) Layout. If more than 100 spaces is required, up to one-third of the spaces may
10 require the bicycle to be parked in a vertical position. Large developments with multiple
11 buildings are encouraged to site required bicycle parking in smaller facilities located close to
12 residential entries for each building, rather than in one large centralized garage space.
13 Required bicycle parking spaces shall not be provided within dwelling units, balconies, or
14 required open space. Bicycle parking must otherwise meet the standards set out for Class 1
15 parking as described in Section 155.1(d).

16 ~~———— (d) Enforcement. Article 1.5, Section 155.5 shall be enforced by the Zoning~~
17 ~~Administrator. Upon complaint, the Zoning Administrator shall investigate the potential Code~~
18 ~~violations. If the Zoning Administrator concludes that a violation exists in a new or renovated~~
19 ~~commercial building, he or she shall provide written notice to the building owner, offering 30~~
20 ~~days to cure the violation. The written notice shall state the grounds for the Zoning~~
21 ~~Administrator's conclusion that this Section has been violated. The notice shall afford the~~
22 ~~responsible building owner an opportunity to contact the Zoning Administrator to explain why~~
23 ~~he or she is not in violation of this Section.~~

(1) Where a violation of this Section occurs in a residential building, if such violation has not been cured within the allotted 30 day period, the Zoning Administrator shall add the name and address of such building and the name of the residential building owner to a list of sites currently in violation of this Section. Upon request, the Zoning Administrator shall provide a copy of this list to members of the public.

Table 155.5

BICYCLE PARKING SPACES

REQUIRED FOR RESIDENTIAL USES

TABLE INSET:

	Minimum Number of Bicycle Parking Spaces Required
Dwelling units in all Districts	For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units.
	For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.
Group housing in all Districts	One Class 1 space for every 3 bedrooms.
Dwelling units dedicated to	None required

1 senior citizens or physically
2 disabled persons

3
4 Section 3. Actions conditioned upon Superior Court authorization. The Board of Supervisors
5 hereby orders that all actions set forth in this Ordinance are held in abeyance unless and until
6 the California Superior Court grants appropriate authorization to the City and County of San
7 Francisco to proceed with one or more of the actions contemplated herein.
8

9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By:

12 
13 John D. Malamut
14 Deputy City Attorney
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25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090867

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

August 4, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 4, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

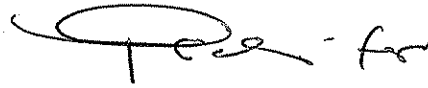
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 11, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090867

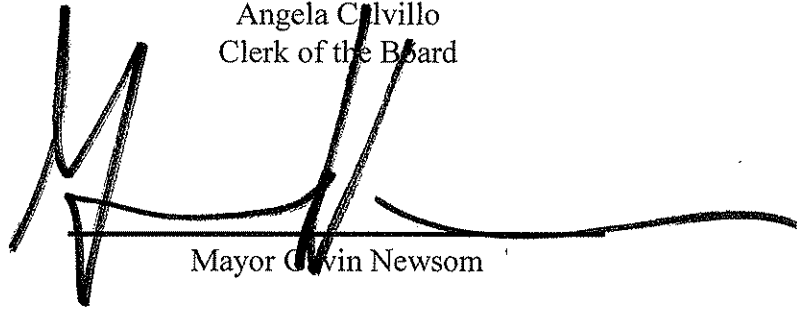
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on August 11, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

8/12/2009

Date Approved



Mayor Gavin Newsom