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## SEC. 402. TENANT BICYCLE PARKING IN EXISTING COMMERCIAL BUILDINGS.

(a) **Scope.** This Section shall apply to a building the principal occupancy of which is a commercial use, as defined in the Planning Code, that

(1) is in existence on the operative date of this Section, or is proposed to be constructed under an already issued permit but is not yet constructed, and

(2) is not subject to the applicability measures established in Section 155.2(a) of the Planning Code for bicycle parking requirements.

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

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

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

(3) **Bicycle Access Plan.**

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

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

- (i) the location of entrances;
- (ii) route to elevators and/or stairs that accommodate bicycle access;
- (iii) the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available; and
- (iv) such other information as the Department of the Environment may require.

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

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

(4) **Exception.**

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

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

(ii) there is alternate covered off-street parking or alternate indoor no-cost bicycle parking that meets the layout and security requirements for Class 1 and Class 2 bicycle parking spaces as established by Planning Code Sections 155.1 and 155.2 and is available on the premises or within three blocks or 750 feet, whichever is less, of the subject building sufficient to accommodate all tenants of the building requesting bicycle access.

The application for an exception shall be submitted to the Department of the Environment in the manner required by that Department. The application shall include the reasons for the application for an exception and supporting documentation.

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

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

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

(C) **Department of Environment's Decision on Application.** The Department of Environment shall make a determination on the application for an exception within a reasonable period of time after receiving the advice of the Department of Building Inspection and/or the Municipal Transportation Agency provided for in subsection (b)(4)(B) above. The Department of Environment's letter of exception or denial shall be sent to the owner, lessee, manager, or other person in control of the building by certified mail, return receipt requested.

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

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

(B) The above posting shall either

- (i) notify the requesting tenants of their right to bicycle access in accordance with the Plan or
- (ii) include the basis or bases for the exception and, if applicable, the route to alternate off-street or indoor parking.

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

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

(Added by Ord. [46-12](#), File No. 111029, App. 3/16/2012, Eff. 4/15/2012; amended by Ord. [183-13](#), File No. 130528, App. 8/7/2013, Eff. 9/6/2013; Ord. [75-14](#), File No. 140226, App. 5/28/2014, Eff. 6/27/2014)