



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

Date: April 17, 2023

To: Planning Commissioners

From: Sandra Wood, Principal Planner  
JP McNeil, City Planner

Re: Parking Compliance Amendments Project – Bicycle Parking for Elderly and Disabled Housing  
Amendment

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The Planning Commission will be making its recommendation on the Parking Compliance Amendments Project on April 25, 2023. This memo describes an amendment we expect Commissioner Thompson to introduce at the meeting.

The amendment is a response to an existing loophole in the long-term bike parking rules for elderly and disabled housing. The issue was created when the bike parking standards were updated in 2019. To fix the loophole, the proposal is to move the elderly and disabled housing long-term bike parking standard from Chapter 33.266 (the parking chapter) back to Chapter 33.229, Elderly and Disabled Housing where it originated.

### *Background*

Chapter 33.229 contains incentives (include additional density and reduced bicycle parking requirements) for housing that is built for elderly and disabled people. The lower bicycle parking ratio is in response to a lower demand for bicycle parking for elderly and disabled residents. The incentives are provided in exchange for covenants that ensure the housing will be built with certain features and will remain available for the elderly or disabled residents.

As part of the Bicycle Parking Code Update project, adopted in 2019, the special bicycle parking provision for elderly and disabled high density housing was moved to the bicycle parking sections of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. However, this



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inadvertently created a loophole because the lower bike parking standard was not clearly tied to compliance with Chapter 33.229, Elderly and Disabled High Density Housing. This amendment corrects that problem by moving the standard back to 33.229.040 and ensures that the reduced bicycle parking ratios are only available to developments that have a signed covenant confirming that the dwelling units will be occupied by elderly and disabled residents.

This amendment is being proposed for inclusion with this package because the Parking Compliance Amendments Project is amending the section of 33.229 where the bicycle parking standard would go.

The shaded text below shows the proposed amendment language.

## Proposed amendment: Amend 33.229.040.C.

### C. **Bicycle Parking and passenger loading.**

#### 1. ~~Motor vehicle parking.~~

- a. ~~Generally. The minimum parking standard for units restricted by covenant is one space for every four units.~~
- b. ~~Exception. Only one space for every eight units in the project is required when at least 75 percent of the total units are restricted by covenant to occupancy by elderly individuals.~~
- c. ~~Parking for disabled persons. If parking is provided at a ratio of less than 1 space per unit, the number of parking spaces that must meet the parking standards for disabled persons (in the Oregon Structural Specialty Code) is calculated based on a ratio of 1 space per unit.~~

#### 12. Bicycle parking.

- a. Generally. The project must meet the bicycle parking requirements of Chapter 33.266, Parking, Loading, and Transportation Demand Management.
- b. Exception. The minimum required long-term bicycle parking for units restricted by covenant is one space for every eight units.

#### 23. Passenger Loading. Each project must have at least one passenger loading area that complies with Chapter 11 of the Oregon Structural Specialty Code.



Revised commentary:

### 33.229.040

These amendments remove the special standards for elderly and disabled parking. During scoping of the Parking Compliance Amendment project, there were discussions with the State Building Codes Division about the relationship between zoning code minimum parking requirements and the ADA parking standards required by state building code. The state's ADA parking requirements are triggered based upon the amount of parking provided, whether the parking is required or voluntarily provided. However, local jurisdictions cannot require a higher percentage of ADA parking than is required by state codes because that would be a pre-emption of state regulations. Consequently, 33.229.040.C.1.c must be removed because it requires a ratio of one ADA space per unit regardless of the number of standard parking spaces provided. This requirement is a pre-emption of state regulations since it requires more ADA parking than the state code.

These amendments also move the special bike parking standards for elderly and disabled high density housing back to this chapter. The zoning code contains incentives (include additional density and reduced bicycle parking requirements) for housing that is built for elderly and disabled people. The incentives are provided in exchange for covenants that ensure the housing will be built with certain features and will remain for the elderly or disabled residents.

As part of the Bicycle Parking Code Update project, adopted in 2019, the special bicycle parking provision for elderly and disabled high density housing was moved to the bicycle parking sections of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. However, this inadvertently created a loophole because the lower bike parking standard was not clearly tied to compliance with Chapter 33.229, Elderly and Disabled High Density Housing. This amendment corrects that problem by moving the standard back to 33.229.040.



Proposed amendment:  
Amend Table 266-6

Table 266-6 Minimum Required Bicycle Parking Spaces [1]					
Uses	Specific Uses	Long-term Spaces		Short-term Spaces	
		Standard A	Standard B	Standard A	Standard B
<b>Residential Categories</b>					
Household Living	5 or more units on site	2, or 1.5 per unit	2, or 1.1 per unit	2, or 1 per 20 units	2, or 1 per 20 units
	Elderly and disabled housing	<del>2, or 1 per 8 units</del>	<del>2, or 1 per 10 units</del>	<del>2, or 1 per 20 units</del>	<del>2, or 1 per 20 units</del>
Group Living		2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Units with restricted tenancy [2]	2, or 1 per 5 bedrooms	2, or 1 per 10 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Dormitory	2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	4 spaces	4 spaces
<b>Commercial Categories</b>					
Retail Sales and Services		2, or 1 per 3,800 sq. ft. of net building area	2, or 1 per 7,500 sq. ft. of net building area	2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 4,400 sq. ft. of net building area
	Temporary lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms	2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room	2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room
	Restaurant and Bar	2, or 1 per 2,300 sq. ft. of net building area	2, or 1 per 4,800 sq. ft. of net building area	2, or 1 per 1,000 sq. ft. of net building area	2, or 1 per 1,600 sq. ft. of net building area
Office		2, or 1 per 1,800 sq. ft. of net building area	2, or 1 per 3,500 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Commercial Parking [3]		10, or 1 per 10 auto spaces	10, or 1 per 10 auto spaces	None	None
Commercial Outdoor Recreation		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 2 acres	2, or 1 per 3 acres
Major Event Entertainment		10, or 1 per 10,000 sq. ft. of net building area	10, or 1 per 20,000 sq. ft. or net building area	10, or 1 per 40 seats	10, or 1 per 40 seats
Self-Service Storage		2, or 1 per 100,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 26,000 sq. ft. of net building area	2, or 1 per 53,000 sq. ft. of net building area
<b>Industrial Categories</b>					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 9,000 sq. ft. of net building area	2, or 1 per 67,000 sq. ft. of net building area	2, or 1 per 111,000 sq. ft. of net building area



Warehouse and Freight Movement		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 333,000 sq. ft. of net building area
Wholesale Sales		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 91,000 sq. ft. of net building area	2, or 1 per 152,000 sq. ft. of net building area
<b>Institutional Categories</b>					
Basic Utilities	Transit centers	30 spaces	30 spaces	12 spaces	12 spaces
Warehouse and Freight Movement	Light rail stations	12 spaces	12 spaces	4 spaces	4 spaces
Community Service		2, or 1 per 6,700 sq. ft. of net building area	2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 6,300 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area
	Libraries, community centers and museums	2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 5,900 sq. ft. of net building area	2, or 1 per 1,200 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
	Park and ride	12, or 5 per acre	12, or 5 per acre	6 spaces	6 spaces
Parks and Open Areas		None	None	Per CU Review	Per CU Review
Schools	Grades K through 8	6 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
	Grades 9 through 12	5 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Colleges	Excluding dormitories (see group living, above)	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 16,000 sq. ft. of net building area
Medical Centers		2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 5,500 sq. ft. of net building area	2, or 1 per 50,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Religious Institutions		2, or 1 per 11,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 14,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area
Daycare		2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 6,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
<b>Other Categories</b>					
Aviation and Surface Passenger Terminals		2, or 1 per 4,500 sq. ft. of net building area	2, or 1 per 4,500 sq. ft. of net building area	None	None
Detention Facilities		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 5,000 sq. ft. of net building area	None	None

Notes:

[1] Wherever this table indicates two numerical standards, such as “2, or 1 per 3,000 sq. ft. of net building area,” the larger number applies.

[2] Group Living units with restricted tenancy are units that are regulated affordable housing per the Portland Housing Bureau requirements. The applicant must provide a letter from the Portland Housing Bureau certifying that the group living



development meets any income restrictions and administrative requirements. The letter is required to be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. The applicant must also execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the group living use will remain limited to households meeting any income restrictions and administrative requirements of the Portland Housing Bureau.

[3] No long-term bicycle parking is required for a Commercial Parking facility with less than 10 vehicle parking spaces.

Revised commentary:

**Table 266-2**

The long-term bicycle parking standard for elderly and disabled housing is being moved to section 33.229.040. See commentary for that section for further explanation.

