CHAPTER 33.229 ELDERLY AND DISABLED HIGH DENSITY HOUSING

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177422, effective 6/7/03.)

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33.229.010 Purpose

These regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing, and to increase the ability of the elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in R3 through RH, C, IR, and EX zones. The regulations are intended only for new developments and projects that involve major remodeling.

33.229.020 Density Increase and Development Standards

- **A. R3, R2, R1, and IR zones.** In the R3, R2, R1, and IR zones, there is no limit on density if all of the following are met:
 - 1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
 - 2. The project complies with the standards of this chapter; and
 - 3. The lot is at least 10,000 square feet in area.
- **B. RH and EX zones.** In the RH and EX zones, the project can develop to an FAR of 4 to 1 if all of the following are met:
 - 1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
 - 2. The project complies with the standards of this chapter; and
 - 3. The lot is at least 10,000 square feet in area.
- **C. Commercial zones.** In commercial zones, required parking may be reduced if all of the following are met:
 - 1. The project complies with the development standards of the base zone, except for minimum parking requirements;
 - 2. The project complies with the standards of this chapter; and
 - 3. The site is at least 10,000 square feet in area.

33.229.030 General Requirements

- **A.** Residential uses and structures. Only uses in the Household Living use category are allowed. Only structures with fully self-contained dwelling units are allowed.
- **B. Project eligibility.** The elderly and disabled high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.
- **C. Occupant restrictions.** At a minimum, the units that are over the density allowed by the base zone must be restricted to occupancy by households with a disabled member, or with a member aged 55 years or older. These units are called the "units restricted by covenant" throughout this chapter. Additional units may be restricted by covenant in order to take advantage of the lower parking requirements or other provisions of this chapter.
- **D. Covenant.** The property owner must execute a covenant with the City of Portland, specifying that the property owner will abide by the conditions listed below for the life of the project. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
 - 1. Occupant restriction. Occupancy of a specified number of units will be restricted to households with a disabled member or with a member 55 years of age or older, as required in Subsection C. above.
 - 2. Adaptable features. The property owner will submit a list of the adaptable features in the adaptable units to potential renters or buyers of the units and to the Disability Project Coordinator of the Metropolitan Human Relations Commission. At a minimum the list will include the following features:
 - Location of all adaptable features. The list must include a scale drawing of the location of all adaptable kitchen counters, cabinets, and grab bars; and
 - b. Installation instructions, equipment, and parts. The list must include the location of the adaptable features, modification instructions, and the equipment and parts needed to adjust or install the features, or to modify the unit as listed in 33.229.040 E.
 - 3. The owner will install equipment required by this chapter when renting to a tenant who requests the modifications. The owner will remove any adaptable features upon request. All modifications will be done at no expense to the potential renter or buyer.
 - 4. When vacancies occur and there are no eligible applicants on a waiting list, the owner will advertise the units as being accessible and/or adaptable, as applicable.

33.229.040 Design Standards

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

- **B. Physical Access.** All common areas in the project and at least 35 percent of all the units in the project must meet the physical access requirements below. All units restricted by covenant must also meet these requirements. Units restricted by covenant may be included in the calculation of 35 percent of the units or they may be in addition. Common areas are areas such as community rooms, laundry facilities, recreation rooms including kitchen and toilet areas, or other common facilities.
 - 1. Accessible route. The common areas and the units noted above must be on an accessible route. This means there must be an accessible route from the sidewalk and parking area to the front door of the units and an accessible route to and within the common areas.
 - 2. Doorways and thresholds. All doorways in common areas and the units noted above must have at least 32 inches of clear width. Doorways to small areas such as pantries or linen closets need only be wide enough to allow reaching access. Exterior thresholds may be no higher than 1/2 inch. Interior thresholds must be flush.
 - 3. Kitchens and bathrooms. All kitchens and bathrooms in common areas and the units noted above must have a clear maneuvering area of at least 5 ft. by 5 ft., or must be approved by the Disability Project Coordinator as demonstrating that a wheelchair can enter and exit while ensuring that all essential fixtures are within reach of a person using a wheelchair.

C. Parking.

- 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.
- 2. Bicycle parking.
 - a. Generally. The project must meet the bicycle parking requirements of Chapter 33.266, Parking and Loading.
 - b. Exception. The minimum required long-term bicycle parking for units restricted by covenant is one space for every eight units.
- **D. Number and size of bedrooms.** At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.

- **E. Adaptable features.** All of the units restricted by covenant must be constructed so that the following adaptable features can be installed upon request.
 - 1. Grab bars. The bathroom walls must be structurally reinforced to allow the future installation of grab bars.
 - 2. Alarms. The units must be prewired for a visual and audible alarm system.
 - 3. Visibility. Each unit must allow for visibility of the entrance to the unit from inside the unit through the provision of peepholes which can be installed at various heights.
 - 4. Water temperature control. The plumbing system for each unit must allow the installation of thermostatically controlled water temperature gauges or antiscall devices.
 - 5. Work surface in kitchen. Each unit must have at least 4 square feet of work surface that can be lowered to 30 inches above the floor, with open knee area beneath. This can be accomplished through such means as pull-out surfaces, removable cabinets, or lowered "eating" bars.
 - 6. Removable cabinet. The cabinet under the kitchen sink in each unit must be removable to provide knee space.
 - 7. Clothes rods. All clothes rods in each unit must be adjustable to within 3 feet of the floor.
 - 8. Door handles. All door handles must be able to be replaced with handles of a lever- or loop-type design, capable of being operated by a single, nonprecise movement not requiring gripping or twisting.
 - 9. Hand-held showers. All shower heads must be the type that can be replaced with at least a 5 foot long hand-held shower fixture.
- **F. Usable features.** All of the units restricted by covenant must be constructed to comply with the following usable requirements.
 - 1. Plumbing fixtures. All plumbing fixtures in the kitchen and bathroom must be of a lever type design and be capable of being operated by a single, nonprecise movement not requiring gripping or twisting.
 - 2. Controls. Controls and other devices such as light switches, thermostats, fire alarms, drapery pull cords, and towel racks must be located no higher than 4 feet above the floor. Electrical outlets, telephone jacks, TV antenna hookups and similar outlets must be located at least 9 inches from the floor.
 - 3. The controls for the cooktop and oven must be must be located on the front or side of the appliance rather than the rear.
 - 4. If a carpet pad is installed, it must be a firm type to allow easy movement of a wheelchair on the carpet.

G. Exceptions.

- 1. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet the adaptable features and usable features requirements of Subsections E. and F. above. In addition, only 20 percent of the parking spaces required by Subsection C. above need to comply with the disabled parking standards.
- 2. If a project is required by funding restrictions to meet the requirements of ANSI 117.1, then it is not subject to the physical access, adaptable features, and usable features requirements of Subsections B., E., and F. above.

33.229.050 Review By Disability Project Coordinator

A. Application. BDS will notify the Disability Project Coordinator of the Metropolitan Human Relations Commission of applications for a building permit or conditional use to develop housing under the provisions of this chapter. However, the applicant is encouraged to contact and work with the Disability Project Coordinator before application.

B. Process.

- 1. The Disability Project Coordinator will furnish prospective applicants with information outlining the design standards.
- 2. The Coordinator will review the development plans within 14 working days of the receipt of an application for a building permit. The plans must be approved by the Disability Project Coordinator before a building permit may be issued.