

ADMINISTRATIVE PROCEDURES GUIDE
FOR
BICYCLE PARKING FUND

CITY OF PORTLAND
PORTLAND OFFICE OF TRANSPORTATION

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INTRODUCTION TO PROCEDURES GUIDE

The purpose of this guide is to provide procedures for implementing the Bicycle Parking Fund in the City of Portland. The guide explains the reasons for creating the Bicycle Parking Fund, its applicability to individual developments and how the fees are calculated, collected, and used.

This guide is based on, and implements, Section 17.28.065.C of Title 17, Public Improvements, of the Code of the City of Portland. Section 17.28.065.C was adopted by City Council on February 4, 2004 (Ordinance No.178173), effective date March 5, 2004.

Background

In 1996, City Council adopted short-term bicycle parking requirements as amendments to Title 33. Since these requirements went into effect, a number of problems relating to the provision of short-term bicycle parking have been identified by bicycle riders and advocates, the development community, and city staff.

The Bicycle Parking Fund was created as an alternative to providing short-term bicycle parking on-site as required in Chapter 33.266 of Title 33, Planning and Zoning to address some of these problems. The changes to Title 33 provide developers with an alternative to placing required short-term bicycle parking on site – allowing them to “buy out” of their responsibility for the bike parking on site.

The alternative approach allows developers whose buildings have inadequate space within 50 feet of the main entrances, and no required short-term bicycle parking on-site, to pay a fee to the Office of Transportation. The fees are used by the Portland Office of Transportation (PDOT) to install bicycle parking in the right-of-way.

City Council made other changes to Title 33 to clarify and add specificity to existing regulations when bicycle parking is provided on site. The user of short-term bicycle parking needs it to be visible and convenient. Placing short-term bicycle parking inside buildings tended to result in parking that was out-of-sight and difficult to find. For that reason, short-term bicycle parking can no longer be placed inside buildings.

In instances where a requirement or direction is quoted verbatim from Section 17.28.065.C or from Title 33, Planning and Zoning, the text appears in italics.

Authority

Authority to develop this Administrative Procedures Guide is provided in Title 17 as follows:

Authority. The City Council delegates authority to the Manager of the Bureau of Transportation Engineering and Development (BTE&D) to adopt administrative rules and procedures necessary to implement provisions of this section. All rules pursuant to this delegated authority shall be filed with the office of the City Auditor and be available for public inspection. (17.28.065.C.1)

APPLICABILITY OF BICYCLE PARKING FUND

The Bicycle Parking Fund is activated through Section 33.266.220.A.2.d of Title 33, Planning and Zoning:

Bicycle Parking Fund.

(1) This option may be used where the following are met:

- All on-site surface parking areas are more than 50 feet from the main entrance as measured along the most direct pedestrian route; and*
- All on-site plazas, exterior courtyards, and open areas, other than landscaping, are more than 50 feet from the main entrance as measured along the most direct pedestrian route or are not large enough to accommodate all required short-term bicycle parking.*

(2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Office of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

(3) This option may not be used if any required short-term bicycle parking is provided on site.

The Bicycle Parking Fund option is available to developers who meet both of the standards under (1) above. The intent is that sites with adequate space to provide short-term bicycle parking on site, consistent with Title 33 requirements, must do so. The option is intended to provide flexibility to developers who build the portion of the building containing the main entrance up to the street property line and, therefore, have no way of providing short-term bicycle parking near the main entrance. If a site has open areas and/or surface parking near the building entrance, short-term bicycle parking must be placed on the site, near the building entrance.

Title 17, re-iterates how Title 33 allows the Bicycle Parking Fund to be used.

An owner of a building without surface parking, or without parking or open areas within 50 feet of the main entrance may choose to pay a fee to the Office of Transportation Bicycle Parking Fund in lieu of short-term bicycle parking required by Table 266-6 in Title 33, Planning and Zoning. (17.28.065.C)

Existing Development

In the case where development is an expansion or change in use of an existing structure, the Bicycle Parking Fund option is available to upgrade nonconforming development. In the past, development in the Central City Core Area or the Lloyd District that was deficient in short-term bicycle parking was not required to bring it up to current standards. That exemption also applied citywide to development that did not have surface parking. That exemption has been removed for short-term bicycle parking.

33.358.070 Nonconforming Development

Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.220, Bicycle Parking. Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard for short-term bicycle parking. (33.258.070.D.2.b(3))

Building Shell Without Specific Uses

For shell buildings, BDS staff will generally calculate required bicycle parking at the time the building comes in for permits, not as individual tenants apply for tenant improvements.

Longevity of Program

The Bicycle Parking Fund option will remain in effect indefinitely unless repealed through a legislative project that amends the Bicycle Parking Fund bonus option provision in Title 33, Planning and Zoning.

CALCULATION OF BICYCLE PARKING FUND FEES

Information Needed to Determine Eligibility to Participate in Fund

The applicant shall, at the time of application, provide adequate information regarding the proposed use of the property including the building layout, location of main entrance(s), and amount of floor area in each use to determine the number of short-term bicycle parking spaces required and whether the development is eligible for the Bicycle Parking Fund option.

Bureau of Development Service staff will calculate the amount of short-term bicycle parking required on site.

How the Fee is Determined

The fees to be paid into the Bicycle Parking Fund in lieu of providing short-term bicycle parking on site are based on the following table:

BICYCLE PARKING FUND FEE SCHEDULE			
Number of bicycle parking spaces required	Total cost	Number of bicycle parking spaces required	Total cost
1	\$100	12	\$12,700
2	\$200	13	\$13,450
3	\$950	14	\$14,200
4	\$1,700	15	\$14,950
5	\$2,450	16	\$15,700
6	\$3,200	17	\$16,450
7	\$3,950	18	\$17,200
8	\$4,700	19	\$17,950
9	\$5,450	20	\$18,700
10	\$11,200	21	\$19,450
11	\$11,950	22 or more	\$20,000

Notes to Explain the Fee Schedule

The fees are based on three tiers of cost as the amount of required bicycle parking increases and reflect the increasing difficulty and cost of locating higher numbers of bicycle parking in the right-of-way. Two spaces are generally the minimum number required for short-term bicycle parking. Placing a single rack (that accommodates two bicycles) in the right-of-way is relatively easy and inexpensive. The fees for one or two spaces is also kept low to minimize the impact on small businesses. The

increasing fees reflect the expense associated with purchasing, siting, and installing the racks; designing and constructing curb extensions (if needed and desirable); purchasing and installing bike shelters (where appropriate); and maintaining these facilities over time. The jump in costs between 9 and 10 racks reflects a previous requirement that half of the required on-site spaces (over 9) had to be covered. The additional \$5,000 for 10 or more spaces (up to a maximum of 22), will allow the City to design, purchase, install, and maintain covers over groups of bicycle parking where demand is high. A maximum fee is established at \$20,000 (2004 rate) to not unduly burden development that has unusually high short-term bicycle parking requirements (e.g. major event entertainment or large retail developments). As fees are adjusted annually, the maximum fee and the number of spaces subject to the maximum fee may change.

Fees are calculated for each individual building on a site. Where right-of-way separates a building above grade, each part of the building separated by rights-of-way is considered a separate building.

The fee table will be adjusted annually to account for changes in the cost of construction (see Updating Fund Rate on page 13).

“All or Nothing”

A developer has the choice of placing **ALL** required short-term bicycle parking on site **OR** using the Bicycle Parking Fund option and paying the fees for the total amount of short-term bicycle parking required on site. The developer cannot “mix and match,” placing some required short-term bicycle parking on site and paying into the fund for some of it. The intent is to make it easier to track the properties that have used the option and paid into the fund. Also, it prevents a developer from avoiding paying higher fees by placing some of the bike parking on site and “buying out” of the higher-priced bicycle parking.

An exception to “all or nothing” exists for the expansion of development and change or tenant where additional short-term bicycle parking is required and some already exists on site and meets the current regulations.

A developer may, if desired, place short-term bicycle parking on site in addition to paying the fee for the entire amount of required short-term bicycle parking. However, this short-term bicycle parking is

not considered "required" for purposes of Title 33 and may be removed by the developer at a future date.

Process

The Bureau of Development Services will determine whether a development is eligible or not to use the Bicycle Parking Fund option. They will notify PDOT staff through TRACS of a development using the Bicycle Parking Fund option. PDOT staff will calculate the appropriate fees and assess them at the same time as other fees.

PAYMENT

When Payment is Due

The fee for the Bicycle Parking Fund option is due prior to the issuance of a building permit. No building permit will be issued for development being built using the Bicycle Parking Fund option unless and until the Bicycle Parking Fund fees are paid.

Type of Permit

For purposes of collecting the Bicycle Parking Fund fees, building permit means a permit issued by the City Building Official pursuant to the State of Oregon Structural Specialty Code Section 301 or as amended.

Form of Payment

The method of payment must be a check or other negotiable instrument.

RECEIVING AND DEPOSITING BICYCLE PARKING FUND PAYMENTS

Receipts

Receipts will be issued when paid to the cashier in the Development Services Center.

Deposits

Bicycle Parking Fund fees will be deposited in the Bicycle Parking Fund Account. The Bicycle Parking Fund account name is Bicycle Parking Fund, and its account number is F/A/C 112 15909438 444100. The fee code is 0536.

The Bicycle Coordinator in the Office of the Director is the Administrator of the Bicycle Parking Fund. The Development Services Division Manager or delegate has authority to deposit funds into the account.

All Bicycle Parking Fund fees collected by the City will be identified with the address of the development for which the fee was paid, the amount paid, and the date the fee was paid.

Bicycle Parking Fund fees will be deposited promptly in the Bicycle Parking Fund of the City.

Investment of Bicycle Parking Fund Revenue Pending Expenditure

Money collected from the Bicycle Parking Fund option and deposited in the Bicycle Parking Fund will be invested by the City Treasurer until needed for a bicycle facility improvement. Interest earned is credited to the Bicycle Parking Fund account at the end of each accounting period. Interest earned within the Bicycle Parking Fund shall remain in that account and be used for the same purposes as the Bicycle Parking Fund fees in that account.

APPEALS AND REFUNDS

What Can Be Appealed

Applicants may appeal the following:

- Calculation of the Bicycle Parking Fund amount (mathematical error)
- Denial of application for refund of the Bicycle Parking Fund fee

Appeal Fee

There is a charge of \$500 for processing an appeal.

Refund Eligibility

Refunds may be granted if an applicant cancels a building permit prior to construction of development using the Bicycle Parking Fund option.

The Manager of BTE&D is authorized to refund the Bicycle Parking Fund fee where development approved by building permit is not constructed and the building permit is cancelled. (17.28.065.C.3)

Refund Fee

There is a charge of \$500 for processing a refund request.

Procedures for Processing

The applicant must submit a written request to appeal or for a refund to the Manager of the Bureau of Transportation Engineering and Development. Applications to appeal or for a refund will be reviewed promptly by the City. Refunds will be paid promptly by the City.

If an appeal to the calculation of the Bicycle Parking Fund (mathematical error) is successful and the Office of Transportation has erred, the applicable amount of the Bicycle Parking Fund fee will be refunded in addition to the \$500 appeal fee.

UPDATING FUND RATE

The Bicycle Parking Fund in Section 17.28.065.C contains a provision to annually adjust the Bicycle Parking Fund fee schedule.

Calculation of required fund contributions. Applicants must contribute the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost to purchase, install, and maintain bicycle parking will adjusted annually as determined by the City Engineer. (17.28.065.C.2)

The City Engineer will adjust the fee schedule annually using the Oregon Composite Construction Cost Index.

RECORD KEEPING

Records of Receipts

All Bicycle Parking Fund fees that are received will be listed in chronological order within the Bicycle Parking Fund account. Each receipt will include the date received, the amount received, and the address of the development for which the fee was paid.

Records of Investments

All investment transactions and all refunds must include the date and the description of the transaction.

Records of Expenditures

In the case of a refund, the date of the refund, the amount refunded, the address of the development for which the fee was refunded, and the name of the applicant who received the refund. Records of disbursements will include the date and specific work order for which the funds are expended (or transferred for expenditure).

Reports

The City will prepare an annual report of receipts and expenditures of the Bicycle Parking Fund account. The annual report will indicate the source and amount of all moneys collected, earned, or received, and the bicycle facility improvements that were financed in whole or in part by the Bicycle Parking Fund.

EXPENDITURE OF FUND REVENUES

Permitted Uses of Funds

Bicycle Parking Fund revenues can be used to provide bicycle facility improvements anywhere in the City of Portland. The revenues in the Bicycle Parking Fund can be used for the following purposes:

The Office of Transportation will use the collected fees to install bicycle parking and associated improvements in the right-of-way. (17.28.065.C)

Bicycle parking and associated improvements include:

- Bicycle racks
- Bicycle shelters, and
- Curb extensions or other modifications to the right-of-way to provide space for bicycle racks.

Process for Expenditures

The Director of the Office of Transportation (or delegate) has authority to expend monies for the listed purposes.

The cost to purchase, install, and maintain bicycle parking will be adjusted annually as determined by the City Engineer. (17.28.065.C.2)

CRITERIA FOR SITING BICYCLE FACILITIES

Siting criteria for bicycle racks installed through the Bicycle Parking Fund must meet the following:

Width of Sidewalk Corridor. The sidewalk corridor where bicycle parking is to be installed must meet or exceed the width recommended in the Pedestrian Design Guide for installation of bicycle parking. In no case may bicycle parking, installed through the Bicycle Parking Fund be placed in a sidewalk corridor of less than 10 feet in width. (17.28.065.C.4)

The table below is part of the City's Pedestrian Design Guide. The Pedestrian Design Guide was authorized in June 1998 by the City Engineer. The table is excerpted from Table A-2 of the Guide, which identifies various elements in the right-of-way and provides siting criteria for each one.

Bicycle Racks	
Responsibility: Locations determined by Bicycle Program, BTM; permit by Street Systems Management, BTED; installation by BOM.	Footprint: (of typical "hitching post" rack) 750 mm (2'-6") long by 50 mm (0'-2") wide.
Reference: "Bicycle Parking Facilities Guideline," available from BTM.	Vertical Profile: 900 mm (3'-0") tall
Siting Criteria: Parallel to curb, 750 mm (2'-6") minimum from face of curb (900 mm [3'-0"] preferred when parking is adjacent to curb) with a minimum of 750 mm (1'-6") between the rack and the Through Pedestrian Zone (1.35 m [7'-6"] clear altogether). Where border width is less than 3.65 m (12'-0") but is 3.0 m (10'-0") or greater, rack may be sited at 600 mm (2'-0") from face of curb or aligned with centerline of Furnishings Zone. (3.0 m [10'-0"] is minimum border width for siting bicycle racks.)	
If the Siting Criteria can't be met, consider:	
<ul style="list-style-type: none"> • Acquiring R.O.W. or Public Walkway Easement at back of walk to bring Sidewalk Corridor width to 3.0 m (10'-0") and siting rack as above • Setting rack at back of walk on private property or on acquired R.O.W. or easement, • Creating a curb extension within the on-street parking lane, if present, for siting bicycle parking. 	

Priorities for Siting Bicycle Parking

The following guidelines shall be used to site bicycle parking that is installed through the Bicycle Parking Fund. The siting guidelines are, in order of priority:

- 1) Within 50 feet of main entrances of the development contributing to the Bicycle Parking Fund,
- 2) Along block faces with main entrances of the development contributing to the Bicycle Parking Fund,

- 3) Grouped bicycle parking on an adjacent or nearby curb extension (particularly where sidewalk width does not allow bicycle parking to be placed in the sidewalk furnishing zone) of the development contributing to the Bicycle Parking Fund,
- 4) On sidewalks near the development contributing to the Bicycle Parking Fund when adjacent sidewalk widths are inadequate, curb extensions are not feasible, or there is inadequate space in sidewalk furnishing zone adjacent to the development contributing to the Bicycle Parking Fund,
- 5) In other locations where demand for bicycle parking is high.

It will be PDOT's goal to have the bicycle parking installed before or in conjunction with the opening of new development contributing to the Bicycle Parking Fund. Where sidewalks are being constructed or reconstructed, the goal is to have the bicycle parking installed in conjunction with the construction or reconstruction of the sidewalk.

As funds are available, the Office of Transportation will develop, create or purchase shelters for bicycle parking that can be placed over grouped bicycle parking. Bicycle shelter designs must be reviewed by the Design Commission in design zones or adopted as standard right-of-way improvements.

Ordinance No. 178173

Amend Title 17, Public Improvements, to update and improve various City transportation regulations and procedures that are hindering desirable development. (Ordinance; Amend Title 17)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. On June 26th, 2002, the City Council adopted Resolution 36080, which authorized the Mayor to develop a process to streamline and update the City's building and land use regulations and to improve regulatory-related procedures and customer services.
2. This process, the Regulatory Improvement Workplan, includes several phases, and a number of projects assigned to several bureaus.
3. On August 14, 2002, Council adopted the FY 2002-2003 Initial Regulatory Improvement Work Plan.
4. On August 13, 2003, Council adopted the FY 2003-2004 Regulatory Improvement Work Plan.
5. These workplans have been divided into several projects. The current proposal is part of Policy Package 2 and is referred to as Policy Package 2-B. It includes items from both the 2002-2003 and the 2003-2004 Regulatory Improvement Workplans. It also includes items that City Council directed staff to consider through their resolution adopted on September 10, 2003. These changes affect Title 17, Public Improvements, Title 32, Signs and Related Regulations and Title 33, Planning And Zoning.
6. The changes to Title 17 are to be implemented in conjunction with the parallel Ordinance authorizing changes to Title 33, Planning & Zoning and Title 32, Signs and Related Regulations.

NOW, THEREFORE, the Council directs:

- a. Exhibit A, *2002-2003 and 2003-2004 Regulatory Improvement Workplan: Policy Package 2-B Recommended Draft*, dated December 30, 2003 is hereby adopted;
- b. Title 17, Public Improvements, is hereby amended as shown in Exhibit A, *2002-2003 and 2003-2004 Regulatory Improvement Workplan: Policy Package 2-B Recommended Draft*, dated December 30, 2003; and
- c. The Office of Transportation is hereby authorized to prepare an Administrative Procedures Guide for the Bicycle Parking Fund to forward to the City Auditor for inclusion in the Portland Policy Documents as an Administrative Rule.

Passed by the Council, February 04, 2004

Mayor Vera Katz

Phil Nameny, Bureau of Planning
January 15, 2004

GARY BLACKMER
Auditor of the City of Portland

By /S/ Susan Parsons

Deputy