

PSC Questions and Staff Responses – Better Housing by Design Proposed Draft

November 7, 2018

	PSC Question	Staff Response
1	<p>Visitability standards and state building code regulations. What is the relationship between the proposed visitability requirements and state building code requirements for accessible units?</p>	<p>The draft code amendments include new requirements for “visitable” units, using similar standards that are proposed as part of the Residential Infill Project. For projects with densities exceeding one unit per 2,000 square feet of site area (the current R2 density limit), at least 20 percent of units must have ground levels with no-step access, wider hallways and doors (at least 34 inches wide), and living space and a bathroom wide enough for wheelchairs. These visitability requirements would allow multi-level units, but would ensure that one level of the unit can be accessible to visitors or residents with mobility limitations. See pages 104 – 107 of BHD Proposed Draft Volume 2 for complete code language and commentary on the visitability standards.</p> <p>The building code has requirements for physically accessible units, but these standards only apply to commercial code buildings with four or more units, and do not apply to townhouses, duplexes, and detached houses built under the residential building code. Currently, townhouse projects with 10 units on a 10,000 square foot lot can be built in the R1 and RH zones, at densities similar to some multi-family buildings, but are not subject to building code accessibility requirements. The intent of the proposed visitability standards is to ensure that most development in the multi-dwelling zones includes some units that are at least visitable, contributing to policy objectives that call for increasing the amount of housing that can meet the needs of people of all ages and abilities.</p> <p>However, the City Attorney’s Office has determined that requiring visitable units would conflict with state law that disallows local pre-emption of state building code requirements. The visitability standards address interior features that are the domain of building code regulations. Unlike the Residential Infill Project’s proposed visitability standards, which are part of a voluntary bonus and thus do not amount to preemption of building code requirements, the proposed visitability standards for the multi-dwelling zones would be mandatory for any project beyond duplex density (three or more units on a 5,000 square foot lot). Implementation of the proposed multi-dwelling zone visitability standards would be contingent on Portland receiving a local exception to the state building code.</p>

<p>2</p>	<p>Visitability standards and raised lots. How will the visitability standards address issues related to providing no-step access on sites that are raised substantially above sidewalk level? PCRI provided testimony raising concerns about the costs of providing no-step access to small projects on raised lots.</p> <p>Would like information on the interaction between ramping and front setbacks needed to meet accessibility and visitability requirements. (Smith)</p> <p><i>(This question and the staff response was provided to commissioners as part of the September 11th work session packet. This is being included again here to support the November 13th works session discussion on the proposed visitability standards.)</i></p>	<p>See the attached Visitability Prototypes Study (also includes ramp cost estimates). This study evaluated issues related to meeting visitability requirements for no-step access to entries on sites raised above sidewalk level. The study indicated that providing an accessible ramp on sites that are flat or are raised no more than 3.5 feet above sidewalk level is not difficult to achieve. However, raised sites higher than this require a ramp switch back and a deeper building setback, when located in the front setback, which can cause the loss of a unit on a small site. For lengthy ramps (a 60' ramp is needed to provide barrier-free access to a site raised 5' above sidewalk level), excavation, shoring, and ramp materials add considerable cost that can difficult to absorb for a small project (cost estimates for a ramp providing access to a lot raised 5' above street level are over \$82,000).</p> <p>The draft visitability standards provide no exemption for small projects on raised lots. As written, the proposed regulations would require projects on a 5,000 square foot site with three or more units to have 20% of units be visitable.</p>
<p>2</p>	<p>Projects with some buildings subject to building code accessibility requirements. How would requirements for numbers of visitable units be determined if a site includes a mix of commercial code buildings (exempt from visitability standards) and residential code buildings? (Spevak)</p>	<p>As written, the proposed visitability standards exempt buildings with units designed for accessibility in accordance with the commercial building code (Oregon Structural Specialty Code). The intent of this exemption is avoid having projects be subject to two differing types of accessibility requirements (building code and Portland's zoning code). Only buildings not subject to state building code requirements for accessible units would need to meet zoning code visitability requirements (including townhouses built under the residential building code, as well as triplexes).</p> <p>However, the draft zoning code language is not clear regarding how the exemption for commercial code buildings would be implemented for projects that include a mix of commercial code and residential code buildings.</p> <p>To address this, staff will include a minor amendment that provides clarity regarding how visitability requirements apply for sites that include a mix of commercial code multi-dwelling</p>

		buildings and residential code housing types. This minor amendment will be provided to PSC for review in April 2019.
3	Ramp width. How wide would visitable ramps need to be? Is this determined by zoning code requirements for pedestrian connection width, or building code? (Spevak)	Visitable ramps serving up to 4 units would need to be a minimum width of 3 feet (36 inches), as per both zoning code pedestrian standards and the building code (ANSI 117). However, accessible ramps serving as a required pedestrian connection for more than 4 units would need to be a minimum of 5-feet (60 inches) wide, as per zoning code pedestrian standards (see subparagraph 33.120.255.B.2.a., BHD Volume 2, page 121).