Owner and Applicant Information
Applicant: Justin DeBruin, Wallace Design Collective
Property Owner: Halona Development LLC

Property Location
SW/c of East 5th Place and South Quaker
Tract Size: ±3.11 acres

Location within the City of Tulsa
(shown with City Council districts)

Elected Representatives
City Council: District 4, Laura Bellis
County Commission: District 2, Karen Keith

Public Notice Required
Newspaper Notice – min. 10 days in advance
Mailed Notice to 300' radius – min. 10 days in advance

Request Summary
Variance to allow parking serving a residential use to located on another lot (Sec. 55.080.D); Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH District (Sec. 55.050-K);

Zoning
Zoning District: CH
Zoning Overlays: NIO

Comprehensive Plan Considerations
Land Use
Land Use Plan: Multiple Use, Neighborhood, Employment
Small Area Plans: Pearl District
Development Era: Streetcar

Transportation
Major Street & Highway Plan: Commercial/CBD Collector
planitulsa Street Type: Main Street
Transit: TOD Area
Existing Bike/Ped Facilities: Bike Lane
Planned Bike/Ped Facilities: N/A

Environment
Flood Area: N/A
Tree Canopy Coverage: 0-10%
Parks & Open Space: N/A

Case History:
04/09/2024: First appearance on the agenda, item continued to provide time to meet with interested party.
04/23/2024: Item continued to provide time to meet with interested parties and for staff to review the proposed alternative compliance landscape plan.
04/14/24: Item continued to provide site plan with additional parking.
**Staff Analysis**

The applicant is proposing **Variance** to allow parking serving a residential use to located on another lot (Sec. 55.080.D, Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH District (Sec. 55.050-K);

Applicant is seeking to have a portion of their required parking in the right of way along E. 5th Pl. and to locate their parking lot on a separate parcel across Quaker Ave. from the apartment building.

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### 55.080-D Off-site Parking

1. **When Allowed**
   
   All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (see [Section 55.110](#)) and required parking for residential uses may not be located off site.

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The applicant is also seeking to reduce their parking requirement to allow 0.78 spaces per dwelling unit for a total of 164 spaces.

### 55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of [Section 79.120](#) only if:

1. The board of adjustment determines that the other allowed parking reduction alternatives of [Section 55.050](#) are infeasible or do not apply; and
2. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

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**Statement of Hardship:** Please see attached.

**Relevant Case History**

- Z-7755, 1/3/2024, Rezone from IM to CH

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**Comprehensive Plan Considerations**

**Land Use Plan**

The subject property is designated as Multiple Use, Neighborhood, and Employment. The **Employment** designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The “Industrial Site Suitability” map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas. **Multiple Use** areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local
Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation. Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning/Overlay</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IM/NIO</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>CH/NIO</td>
<td>Employment/Neighborhood</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>MPD-FBC1</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>CH/NIO</td>
<td>Multiple Use</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

**Small Area Plans**
The subject properties are within the Pearl District small area plan. In general, the plan is supportive of paring modification in order to support infill development. Additionally the plan would encourage shared parking arrangement among users of mixed use spaces.

**Development Era**
The subject property is in an area developed during the Streetcar Era (1910s-30s), prior to the proliferation of automobiles, when streetcars facilitated growth beyond downtown. Land uses range from fully integrated to somewhat separated, on a half-mile grid, with a mix of housing options. Priorities in these areas include walkability, bikeability, access to public transit, historic preservation, housing type variety, mixed-use development, transit-oriented development, commercial districts, and well-designed streetscapes.

**Transportation**
Major Street & Highway Plan: Commercial/CBD Collector

Comprehensive Plan Street Designation: Main Street

Transit: TOD Area

Existing Bike/Ped Facilities: Bike Lane

Planned Bike/Ped Facilities: N/A

Arterial Traffic per Lane: N/A

**Environmental Considerations**
Flood Area: The subject property is not within a flood area.

Tree Canopy Coverage: Tree canopy in the area is 0-10% The area would benefit from additional trees, which also capture and treat runoff before it enters the river.

Parks & Open Space: N/A
Sample Motion

Special Exception:
I move to **approve or deny** a Special Exception to reduce the required parking ratio for Apartment/Condo uses in the CH District (Sec. 55.050-K);
- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): ________________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Variance:
I move to **approve or deny** a **Variance** to allow parking serving a residential use to located on another lot (Sec. 55.080.D, Sec.90.090-A);
The board finds the hardship to be ________________________________________________________________.

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.
Property Description:

A TRACT OF LAND LYING IN GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING A PART OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4) OF BLOCK FOUR (4), SUNSET ADDITION, AND LOTS ONE (1), TWO (2), THREE (3), FOUR (4) AND SEVEN (7) OF BLOCK EIGHT (8), FACTORY ADDITION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT FOUR (4), BLOCK EIGHT (8) FACTORY ADDITION (P.O.B) THENCE S88°56'53"W AND ALONG THE SOUTH LINE OF SAID LOT FOUR (4), BLOCK EIGHT (8), FACTORY ADDITION FOR A DISTANCE OF 146.00 FEET; THENCE S01°12'56"E FOR A DISTANCE OF 36.09 FEET; THENCE S88°56'53"W FOR A DISTANCE OF 130.00 FEET; THENCE N01°12'56"W FOR A DISTANCE OF 475.13 FEET TO THE NORTHWEST CORNER OF SAID LOT FOUR (4), BLOCK FOUR (4) SUNSET ADDITION; THENCE N89°13'22"E AND ALONG THE NORTH LINE OF SAID LOT FOUR (4), BLOCK FOUR (4) AND LOT ONE (1), BLOCK FOUR (4), SUNSET ADDITION, FOR A DISTANCE OF 276.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1), BLOCK FOUR (4), SUNSET ADDITION; THENCE S01°12'56"E AND ALONG THE EAST LINES OF LOT ONE (1), AND TWO (2), BLOCK FOUR (4), SUNSET ADDITION, AND LOT ONE (1), BLOCK ONE (1) FACTORY ADDITION, AND THE EAST LINE OF CLOSED BIRCH STREET, AND THE EAST LINE OF LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4) OF BLOCK EIGHT (8), FACTORY ADDITION, FOR A DISTANCE OF 437.71 FEET TO THE POINT OF BEGINNING (P.O.B.); SAID TRACT CONTAINING 2.89 ACRES MORE OR LESS.

AND

A TRACT OF LAND LYING IN GOVERNMENT LOT TEN (10) OF THE SOUTHWEST QUARTER (GL10, SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND ALSO BEING A PART OF LOT SIX (6), BLOCK TWO (2), SUNSET ADDITION, AND A PART OF LOTS ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), AND SIXTEEN (16), BLOCK TWO (2) OF FACTORY ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING (P.O.B.) AT THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13) BLOCK TWO (2) OF FACTORY
ADDITION; THENCE S89°13'22"W AND ALONG THE SOUTH LINE OF LOTS THIRTEEN (13) FOURTEEN (14), FIFTEEN
(15), AND SIXTEEN (16) BLOCK TWO (2), FACTORY ADDITION FOR A DISTANCE OF 180.00 FEET TO THE SOUTHWEST
CORNER OF SAID LOT SIXTEEN (16), BLOCK TWO (2); THENCE N01°12'56"W AND ALONG THE WEST LINE OF LOT
SIXTEEN (16), FACTORY ADDITION, AND LOT SIX (6), BLOCK TWO (2), SUNSET ADDITION, FOR A DISTANCE OF 178.30
FEET TO A POINT ON THE NORTHWEST CORNER OF SAID LOT SIX (6), BLOCK TWO (2); THENCE N89°13'22"E FOR A
DISTANCE OF 180.00 FEET; THENCE S01°12'56"E AND ALONG THE EAST LINES OF LOTS ELEVEN (11), TWELVE (12)
AND THIRTEEN (13), BLOCK TWO (2), FACTORY ADDITION FOR A DISTANCE OF 178.30 FEET TO THE SOUTHEAST
CORNER OF LOT THIRTEEN (13), BLOCK TWO (2), FACTORY ADDITION AND THE POINT OF BEGINNING (P.O.B.); SAID
TRACT CONTAINING 0.74 ACRES MORE OR LESS.

Exhibits
Case map
Aerial (small scale)
Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Variance Response
6th and Peoria (55.080.D)

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

This infill redevelopment is located on a small, urban block which provides no opportunity to add additional surrounding parcels to the property. This is limited by required alleys and existing roadways.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose.

Though it is not possible to expand the lot proposing development, the parking anticipated directly to the east will satisfy requirement to be within one-thousand foot radius, per Section 55.080.D.1. All accessible parking with be located appropriately on the proposed, western development lot.

3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification.

As recognized in the Neighborhood Infill Overlay district and Pearl District text, infill development with the desired uses (ex. multi-family) is difficult due to the existing infrastructure in place that may not be conducive. The development site cannot be expanded, so creative solutions are required.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.

Being an infill development, the hardships on the site are pre-existing.

5. That the variance to be granted is the minimum variance that will afford relief.

The requested variance is necessary and expected to provide necessary parking for the multi-family development.
6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property.

If the variance is granted, the proposed multi-family apartment is a desired use for the neighborhood and is an opportunity to improve the essential character.

7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

The variance, if granted, would assist in developing a use that is benefit to the public good and in spirit with the intent of the zoning code, comprehensive plan, and other relevant studies for this area.
BOA Narrative
6th and Peoria

The attached application is associated with a five-story, multi-family development to be located northeast of 6th and Peoria. The project site in its current state includes minimal use and vacant land; however, the vision is to provide quality, high-density residential housing in proximity to commercial activity and public amenities in a location encouraging multi-modal transportation options. Multi-family housing is supported and encouraged by the associated Neighborhood Infill Overlay (NIO) and Pearl District Small Area Plan, while also being a permitted use in the CH zoning district. Due to the constrained nature of this urbanized site, requested is one variance and a special exception to the city’s parking standards.

Variance Request – Chapter 55, Section 55.080.D – Location of off-street parking

The nature of developing infill on an existing, urbanized block brings insurmountable difficulties. Urban blocks are small and are bounded by streets that do not allow the option to combine with adjacent properties to allow for a larger development footprint. The limited developable space and existing business on the block create a need to provide off-site parking, which is proposed directly to the east and under common ownership. This additional space will allow for more residential parking that also within one-thousand food radius of the use served by the parking, required per Section 55.080.D.1 of the zoning code.

Special Exception – Chapter 55, Section 55.020 – Minimum parking ratios

The development will include 209 residential units containing both one- and two-bedroom units, 89% of which will be one-bedroom units. Per the parking requirements outlined in Section 55.020 of the Zoning Code, 247 parking spaces would be required. The proposed site plan can provide 164 spaces, leaving a deficit of 84 spaces from the required code. There are currently no public parking spaces on this block, so in addition to 164 spaces, 14 public on-street parking spaces are also proposed.

The concept for this project, including the reduced parking, is based on successful experiences from other communities in U.S. finding creative solutions to provide much needed housing in appropriate areas. Based on the content of related City of Tulsa plans and future goals, this type of development would be a great opportunity to find a creative solution.

Austin, TX is a great example of a community who eliminated parking minimum standards to fight climate change and spur the development of more affordable housing options. The list of cities that have acted similarly include, but are not limited to: Portland, Minneapolis, San Jose, TX, Raleigh, NC, and Auburn, ME. Understanding these are examples of city-wide policy change, we are requesting consideration of these principals to allow for the subject variance and special exception.

The higher density concept on a reduced footprint has proven to compliment multi-modal transportation, which this area is primed for. The site is directly accessible to designated bike lanes along East 6th Street.
South, along Veterans Parks, and continuing to the primary, Midland Valley Trail along Highway 75, creating excellent mobility (Graphic 4). This network of trails also provides direct access to downtown Tulsa. Further bike route connectivity is also proposed, per the City of Tulsa GO Plan, serving South Peoria and continuing the connection along East 6th Street South (Graphic 2). South Peoria also serves as a major public transit route, hosting the innovative AERO Peoria Bus Rapid Transit (BRT), as shown on Graphic 3. Lastly, this location is already part of comprehensive sidewalk grid, providing quality, safe pedestrian access and connectivity. Having quality sidewalks, bike routes, and access to public transit support a reduced need for parking.

From the perspective of existing Tulsa code and relevant studies, the subject property is located in the NIO zoning district, which came about the 2020 Downtown & Surrounding Neighborhood Housing Study & Strategy that recognized site and zoning barriers to new housing development. It determined that there are zoning related burdens on housing development in and near downtown neighborhoods. This area is also located within the Pearl District Small Area Plan, which states that a primary goal is to support compatible infill and reinvestment and even explore modifying on-site parking requirements in certain cases. These area plans encourage the revitalization and redevelopment of vacant properties, along with higher density development in transit rich areas, which the proposal exemplifies.

In summary, reducing parking requirements for infill development can have multiple benefits for the city and its residents. First, it can encourage more housing diversity and affordability. Second, it can reduce the environmental impact of development by discouraging car dependency and promoting alternative modes of transportation, such as walking, biking, or public transit. Third, it can enhance the urban design and livability of neighborhoods by creating more active and attractive streetscapes, rather than large surface parking lots that disrupt the pedestrian environment. Therefore, reduced parking requirements for infill development can support Tulsa’s goals of creating more sustainable, equitable, and vibrant communities. The use is encouraged by the city, which also recognizes the hardships of revitalizing and redeveloping urbanized infill land.
**Graphic 1:** Tulsa Metropolitan Area: Bicycle & Pedestrian Trails

**Graphic 2:** GO Plan: Proposed Bike Facilities
**Graphic 3:** Tulsa Transit System – AERO Peoria Route Bus Rapid Transit (BRT)

**Graphic 4:** Map of cities that reformed or eliminated parking minimum standards – Strong Towns, Advocacy Group
City of Tulsa
Board of Adjustment
planning@cityoftulsa.org

RE: Case Number: BOA-23667

Dear Board Members:

The purpose of this letter is to ask that you deny the requested parking variance.

We are the owners of Be Love Yoga Studio for the last ten years and the proposed variance will have a negative impact on our ability to conduct business. We chose to locate our business in the pearl district, because of its accessibility and inclusivity. We admire that 6th st is a micro community of downtown and that the business owners of this hub are in good relation and collaboration. If this variance would be passed it would not only be aesthetically displeasing, but would put a great strain on the ease of access to our mission.

The developer on this project is creating a self-imposed hardship – one that can be easily addressed via planning and design. Our existing business has neither of those options. It is unfair to shift the burden from this development onto the businesses that have been operating in the area for years.

Please advocate for better, more community driven solutions.

We respectfully request that you deny the proposed variance and ask the applicant to find a more appropriate solution complimentary to this neighborhood.

Sincerely,

Joe Picorale, Owner
Hailey Boswell, Owner
Hannah Bell, Manager

Be Love Yoga Studio
beloveyogastudio.com
Big Om Yoga Retreat
bigomyogaretreat.com
918-605-8221
Download the Be Love Yoga Studio app in the app store on your smart phone!
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
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Sent from my iPhone
City of Tulsa
Board of Adjustment
planning@cityoftulsa.org

RE: Case Number: BOA-23667

Dear Board Members:

The purpose of this letter is to ask that you deny the requested parking variance.

I am the owner of LivyLu and the proposed variance will have a negative impact on my ability to conduct business. We love The Pearl District! However, there is already a lack of parking that negatively effects our business. We need more parking in the area, not less. If the parking situation gets worse, we will need to relocate out of the area.

The developer on this project is creating a self-imposed hardship – one that can be easily addressed via planning and design. Our existing business has neither of those options. It is unfair to shift the burden from this development onto the businesses that have been operating in the area for years.

Please advocate for better, more community driven solutions.

I respectfully request that you deny the proposed variance and ask the applicant to

Sincerely,

[Signature]

Tiffany Riley
Owner, LivyLu
To whom it concerns,

Attached please find my letter to the Board of Adjustment asking them to deny the proposed variance for case number BOA-23667

Thanks,

Eric Richards
CORE Associates
401 s. boston ave. #900 | tulsa, ok 74103
918 295 8053 | eric@coreassociatesllc.com
City of Tulsa
Board of Adjustment
planning@cityoftulsa.org

RE: Case Number: BOA-23667

Dear Board Members:

The purpose of this letter is to ask that you deny the requested parking variance.

I recently purchased 3 buildings in the Pearl District along 6th Street (1338 E 6th St, 1336 E 6th St and 1328 E 6th St) and the proposed variance will have a negative impact on my ability to lease out these buildings. These buildings have been vacant and/or underutilized for decades and once they are properly leased, they will add approximately 15,000 new square feet of new businesses to the district. While my project has the capability to have some parking for my future tenants on site, Case Number: BOA-23667 will unquestionably create a parking issue not only for myself but also all the other businesses, homeowners, and landlords in the area. In addition, the developer has assembled and purchased almost 4 acres of real property in the immediate vicinity of the proposed apartment project. It seems like this accumulation of land should be more than enough to meet the parking needs for the project in a way that does not penalize all surrounding properties. Parking is at a premium on the Pearl.

I believe that the developer on this project is creating a self-imposed hardship – one that can be easily addressed via planning and design. It is unfair to shift the burden from this development onto the businesses, homeowners and landlords that currently operating in this district.

Please advocate for better, more community driven solutions.

I respectfully request that you deny the proposed variance and ask the applicant to

Sincerely,

[Signature]
Good morning Austin,

We would like to request a continuance on the 6th and Peoria (above) case until the May 14 meeting. We have made great progress communicating with the neighbors, but would appreciate more time for more communication. I will plan to attend the meeting to make sure the continuance moves forward, unless you suggest otherwise. Thank you, sir.

Justin DeBruin, AICP
civil engineering

123 north martin luther king jr boulevard
Tulsa, Oklahoma 74103
918.584.5858 o • 918.806.7430 d

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My name is Grace Smith, and I am a property owner at 647 S Quaker Ave. I've lived in the Pearl District for over six years and worked here for over eight. I am thrilled at the prospect of urban infill and density in my neighborhood. I think this will be a great addition to the area.

While I do not believe that the application is fully transparent as to the extent of available parking space on the subject lot or adjacent lots, I am in favor of granting the variance to allow for off-site parking for this project.

However, when it comes to the special exception to reduce the required parking ratios, I have doubts and questions. I would like to respectfully ask the Board to request additional data and evidence of site-specific analysis for this project before making their decision about the special exception.

I do not believe the application meets the burden of showing that approving their requested special exception will be in harmony with the spirit and intent of this zoning code or that it will not be detrimental to the public’s welfare. More specifically, it does not show that other available parking reduction alternatives were considered but are infeasible or do not apply—such as motorcycle and scooter parking, car-share and bike-share services, and shared parking agreements.

The application also does not show that the requested reduced parking ratios are not likely to cause material adverse impacts on the safety and general welfare of property owners and residents in the surrounding area. Until the Pearl District is truly the walkable neighborhood that it has the potential to be, this is the reality:

- Residents in the area have the true practical difficulty of lots that are not sized to include off-street parking and therefore, rely on street parking for our homes.
- Not having available parking within a reasonable distance of our homes would be a detriment to our safety.

Several of the cities listed in the application as a model for eliminating parking minimums have shifted to a “transportation demand management” approach. For example, Portland has eliminated parking minimums, but added requirements for a transportation demand analysis report and management plan to be submitted for commercial/mixed-use and multifamily development for review and approval.

The requirements include:

- Information about the proposed development, such as estimated trip generation and parking needs
- Existing and projected land uses and traffic conditions in the surrounding area and
- Creative strategies to address additional demand for transportation and parking until multi-modal performance targets are met

This review provides "a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures." (Portland 33.852 Transportation Impact Review). Minneapolis and San Jose have also adopted requirements for transportation demand management plans to be submitted for developments the size of the subject project. Some of the strategies could include shared parking agreements with neighboring uses based on peak-time analysis, improved infrastructure for on-street parking, and financial incentives for multi-modal transportation for residents of the development.

In summary, I would like to see the application include information about the estimated impact on traffic and parking from the proposed development, analysis of the existing and upcoming uses in the area, and the proposal of mitigating solutions that address the gap between moving toward a new approach and achieving a robust transit system and safe walkable neighborhood.
References:
Portland 33.266.410 Transportation and Parking Demand Management
Portland 33.852 Transportation Impact Review
Portland 17.107 Transportation and Parking Demand Management
Minneapolis Title 20 Chapter 555.1300 Travel Demand Management
San Jose, TX Chapter 20.90.900 – Transportation Demand Management
standing in alley, looking northeast

Saturday April 20, 2024 approximately 1:40 pm

standing in alley, looking southwest

Saturday April 20, 2024 approximately 1:40 pm

2.28
6th & Peoria intersection, looking southwest  Saturday April 20, 2024 approximately 1:40 pm

6th & Quaker intersection, looking southwest  Sunday April 21, 2024 approximately 12:30 pm
Sunday April 21, 2024 approximately 12:30 pm

6th & Quaker intersection, looking south

Sunday April 21, 2024 approximately 12:30 pm

standing on Quaker, looking northwest
Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

A. Purpose. Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.

B. Transportation and parking demand management in the commercial/mixed use and multi-dwelling zones. In the commercial/mixed use and multi-dwelling zones, a TDM plan is required when new development includes a building with more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units within a building. Sites in the Central City plan district are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:

1. Go through the Transportation Impact review process set out in chapter 33.852; or
2. Meet the objective standards of Title 17.107 as verified by the Portland Bureau of Transportation.

33.266.420 Transportation Impact Review in the Campus Institutional Zones

Development on a site zoned CI with a College or Medical Center use must conform to an approved Transportation Impact review. Development that is not in conformance with an approved Transportation Impact review requires Transportation Impact review when the development:

A. Increases the net building area on the campus by more than 20,000 square feet; or
B. Increases the number of parking spaces on the campus by more than 4.

(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 175469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18;
Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)
33.852 Transportation Impact Review

Sections:
33.852.010 Purpose
33.852.100 Procedure
33.852.105 Supplemental Application Requirements
33.852.110 Approval Criteria
33.852.115 Duration of a Transportation Impact Review

33.852.010 Purpose
Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.

33.852.100 Procedure
Transportation Impact Reviews are processed through a Type II procedure.

33.852.105 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only supplemental application requirement H is required.

A. Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;

B. Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;

C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:

1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;
2. Table 508-1 assumptions and conclusions must be provided to BDS for tracking purposes;

D. Traffic forecasts and distribution;

E. Primary traffic access routes to and from the study area;

F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;

G. Recommended mitigation measures including transportation system management and needed transportation improvements;

H. Transportation and parking demand management plan that has all the elements required by Chapter 17.107; and

I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:
   1. Street function, capacity and level of service;
   2. On-street parking;
   3. Access;
   4. Transit operations and movements; and
   5. Pedestrian and bicycle routes and safety.

33.852.110 Approval Criteria for Transportation Impact Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;

B. Proposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site;

C. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street
crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and

D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.852.115 Duration of a Transportation Impact Review
An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.

(Added by: Ord. No. 179076, effective 6/30/05. Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191609, effective 3/1/24.)
Chapter 17.107 Transportation and Parking Demand Management

(Chapter added by Ordinance 188177; amended by Ordinance 188695, effective May 24, 2018.)

17.107.010 Purpose.

(Amended by Ordinance 188957, effective June 23, 2018.)

The purpose of this Chapter is to describe the required elements of a Transportation and Parking Demand Management (TDM) Plan, and the circumstances under which a pre-approved TDM plan may be submitted. Requiring TDM is intended to prevent, reduce, and mitigate the impacts of development on the transportation system, neighborhood livability, safety, and the environment while reducing transportation system costs.

TDM plans provide residents, employees, and visitors with information and incentives to use transportation methods other than single occupancy vehicles in order to achieve the City's transportation goals, including reduced reliance on single occupancy vehicles, and reduced vehicle miles travelled.


(Amended by Ordinance 189651, effective September 6, 2019.)

A TDM Plan shall include, at a minimum, the following elements:

A. Description of proposed development, including trip generation estimates and proposed auto and bicycle parking. The description may include development anticipated to occur for a period of up to 10 years;

B. Description of existing land uses, traffic conditions, and multimodal facilities in the area within ¼ mile of the site, including (if applicable) any current employee mode split data from the most recent Employee Commute Options (ECO) report submitted to the Oregon Department of Environmental Quality;

C. Performance Targets:

1. Mode split goals shall be based on the performance targets from Policy 9.49.3 in the Transportation System Plan;

2. An ECO survey submitted in Subsection B. shall serve as the baseline mode split, when available. If an ECO survey is not available, census data may be used, or the applicant may submit an independent survey from a professional traffic engineer;

3. Interim performance targets may be determined as a straight line projection from the base year to 2035;

4. Alternate performance targets may be proposed based on the following factors:

   a. The relative availability of bicycle, transit, bike share, and car share infrastructure and services;
   
   b. Current TDM strategies that have been implemented by the applicant;
   
   c. Travel characteristics, including schedules, of employees, residents, and visitors;
d. Best practices and performance of comparable sites in Portland and comparable cities;

D. If a site has a TDM Plan approved through a previous land use review, and the applicant is in compliance with the provisions of that Plan, then the TDM Plan may serve as the basis of any subsequent updates. The submittal for a TDM Plan update should include:

1. Demonstration of compliance with neighborhood engagement obligations;
2. Demonstration of compliance with mode split reporting obligations;
3. Evaluation of mode split trends based relative to the performance target;

E. Strategies likely to achieve the identified mode split and parking management performance targets. Strategies may include but are not limited to:

1. Supply, management, and pricing of on-site employee, resident, and student parking;
2. Dissemination of information about alternatives to single-occupant vehicle commuting;
3. Identification of a site or campus TDM coordinator;
4. Financial incentives offered to employees for carpool, car-sharing, transit, bicycling, and walking;
5. For nonresidential uses, strategies to reduce total trips such as telework and/or compressed work week scheduling or on-site housing;
6. For nonresidential uses, the availability of end-of-trip facilities, such as bicycle lockers, showers, and secured bicycle parking.

F. For colleges and hospitals in the Campus Institutional Zone, a neighborhood engagement plan;

G. Reporting as required by Section 17.107.045, including any Performance Monitoring plans proposed by the applicant that exceed the ECO reporting requirements detailed in Section 17.107.045;

H. Ongoing Participation and Adaptive Management plan, specifying what additional actions not detailed in Subsection 17.107.020 D. may be utilized to achieve the 2035 performance targets specified in Subsection 17.107.020 C.

**17.107.030 Transportation and Parking Demand Management Requirements and Procedures.**

(Amended by Ordinances 189895 and 190251, effective February 5, 2021.)

A. **Requirement for Colleges and Medical Centers.** Title 33 requires College and Medical Center uses in the campus institutional zones to conform to an approved Transportation Impact review. The application requirements for the Transportation Impact review require the applicant to provide a Transportation and Parking Demand Management Plan that has all the elements required by this Chapter. Approval of the TDM plan is subject to the criteria described in Chapter 33.852.

B. **Requirement for Residential Uses.** Title 33 requires development in a commercial/mixed use or multi-dwelling zone that includes more than 10 new dwelling units to have a TDM Plan at the time of development permit issuance. Development subject to this requirement may utilize the pre-approved multimodal incentive described in Section 17.107.035, or develop a custom plan approved through Transportation Impact Review, as described in Chapter 33.852.
17.107.035 Pre-Approved Multimodal Incentives for Development.

(Amended by Ordinances 188957 and 189895, effective March 18, 2020.)

As an alternative to preparing a custom TDM plan subject to Sections 17.107.020 through 17.107.030, and Chapter 33.852, an applicant may agree to provide a multimodal incentive plan, preapproved by the City, including, but not limited to, the following:

A. Distribution of transportation options information approved or provided by the Portland Bureau of Transportation for the first 4 years of building occupancy, offered to residents, employees, and visitors;

B. Multimodal financial incentives equal to the value of a 1-year adult TriMet pass per residential unit, for the first year of building occupancy. This obligation will pay for a menu of incentives that will be offered to residents of the site to increase the use of transit, bicycling, walking, and other alternatives to driving alone. Specific rates for affordable dwelling units and market-rate dwelling units are found in the annual fee schedule;

C. Participation in an annual travel survey of residents and employees for the first 4 years of building occupancy;

D. A written acknowledgment by the applicant of the enforcement provisions in Code Section 17.107.050.

17.107.045 Required Reporting.

Employers on sites subject to an approved TDM Plan shall submit Employee Commute Options surveys to the Portland Bureau of Transportation a minimum of every 2 years after initial approval. On residential properties subject to a pre-approved TDM Plan under Section 17.107.035, the building owner or manager is required to actively participate in an annual City travel survey of residents and employees for the first 4 years of building occupancy.

17.107.050 Enforcement and Penalties.

It shall be a violation of this Chapter for any entity or person to fail to comply with the requirements of this Chapter or to misrepresent any material fact in a document required to be prepared or disclosed by this Chapter. Any building owner, employer, tenant, property manager, or person who fails, omits, neglects, or refuses to comply with the provisions of this Chapter shall be subject to a civil penalty of up to $1,000 for every 7-day period during which the violation continues. If an entity or person is fully implementing all other elements of this Chapter, failing to meet performance targets alone shall not be an enforcement violation. The Bureau of Transportation shall seek voluntary compliance for a period of at least 1 month before resorting to penalties.

17.107.060 Administrative Rule Authority.

The Director of Transportation shall adopt administrative rules necessary to achieve the purpose of this Chapter.

17.107.070 Fees.

The City may charge fees for Transportation and Parking Demand Management goods and services provided, including but not limited to application review, incentives and education, performance monitoring, adaptive management, and compliance and enforcement.

Upcoming and Recent Changes

Ordinance Number 190251
Effective Date: February 5, 2021

View all changes
ARTICLE XIII. - TRAVEL DEMAND MANAGEMENT

555.1300. - Purpose.

The purpose of the travel demand management ordinance is to support the city's transportation policies and to ensure that larger developments and uses with high-traffic demand have positive impacts on safety, equity, mobility, climate change, greenhouse gas emissions, mode split, and air quality.

555.1310. - Buildings and uses subject to a travel demand management plan.

(a) In general. Buildings and uses subject to a travel demand management plan are listed in Table 555-10, Buildings and Uses Subject to a Travel Demand Management Plan, along with the required minimum number of points required for each building or use. The number of points awarded for each travel demand management strategy is listed in Table 555-11, Travel Demand Management Strategies.

(b) Travel demand management plan, minor. Minor travel demand management plans shall include a review for compliance with the minimum number of points required by this article.

(c) Travel demand management plan, major. In addition to review for compliance with the minimum number of points required by this article, a major travel demand management plan shall include a report containing a traffic study prepared consistent with industry standards and certified by a licensed engineer.

(d) Travel demand management plan, discretionary. The planning director, in consultation with the city engineer, may mandate a travel demand management plan that includes a report containing a traffic study prepared consistent with industry standards and certified by a licensed engineer for the establishment of any use, new building, or building expansion not specified in this chapter when it is determined by the planning director that the proposal presents unique transportation challenges due to the nature of the use or location. The required travel demand management strategies shall be determined based on the findings of the report.

Table 555-10 Buildings and Uses Subject to a Travel Demand Management Plan

<table>
<thead>
<tr>
<th>Buildings and Uses</th>
<th>Minor, Major, or Discretionary Travel Demand Management Plan Required</th>
<th>Minimum Points Required</th>
</tr>
</thead>
</table>

2.41
<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any building or use containing fifty (50) or more and less than two hundred fifty (250) new or additional dwelling units or rooming units.</td>
<td>Minor</td>
<td>4</td>
</tr>
<tr>
<td>Any nonresidential development containing more than twenty-five thousand (25,000) sq. ft. and less than two hundred thousand (200,000) sq. ft. of new or additional gross floor area.</td>
<td>Minor</td>
<td>6</td>
</tr>
<tr>
<td>Any building or use containing two hundred fifty (250) or more new or additional dwelling units or rooming units.</td>
<td>Major</td>
<td>6</td>
</tr>
<tr>
<td>Any nonresidential development containing two hundred thousand (200,000) sq. ft. or more of new or additional gross floor area.</td>
<td>Major</td>
<td>8</td>
</tr>
<tr>
<td>Establishment or expansion of a reception or meeting hall containing five thousand (5,000) sq. ft. of new or additional gross floor area.</td>
<td>Major</td>
<td>4</td>
</tr>
<tr>
<td>Establishment or expansion of a shopping center containing ten thousand (10,000) sq. ft. of new or additional gross floor area.</td>
<td>Major</td>
<td>4</td>
</tr>
</tbody>
</table>
The planning director, in consultation with the city engineer, may mandate a travel demand management plan that includes a report containing a traffic study prepared consistent with industry standards and certified by a licensed engineer for the establishment of any use, new building, or building expansion not specified in this chapter when it is determined by the planning director that the proposal presents unique transportation challenges due to the nature of the use or location.

| Discretionary | As determined by the planning director |

(e) *Mixed-use and multiple use development.* Mixed-use development is subject to a minor or major travel demand management plan only when either the residential or nonresidential use is subject to such requirement in Table 555-10, Buildings and Uses Subject to a Travel Demand Management Plan, provided that a discretionary travel demand management plan may be required for any building or use. When a development includes more than one (1) use subject to a minor or major travel demand management plan, the minimum required point total shall be based on only the use with the highest requirement rather than the sum of the point total for all applicable buildings or uses.

(f) *Exceptions.* A written request may be submitted to the planning director requesting an exemption from the requirement to submit a travel demand management plan. The planning director shall consider, but not be limited to, the nature of the use and the number of vehicle trips the site is expected to generate, and whether a substantial percentage of the building's floor area would be dedicated to warehousing, storage, or other uses that reduce the applicability of travel demand management strategies required by this ordinance. Future conversion of the space to a different use or uses may necessitate the need for a travel demand management plan.

555.1320. - Application for travel demand management plan.

Any person having a legal or equitable interest in land which requires submission of a travel demand management plan may file an application for approval of such plan on a form approved by the zoning administrator.

555.1330. - Administrative review.
The planning director, in consultation with the city engineer, shall conduct the administrative review of the travel demand management plan. The planning director shall recommend to the zoning administrator any mitigating measures deemed reasonable and necessary, and shall include such recommendation as a condition of the issuance of any building permit, zoning certificate or other approval required by this zoning ordinance or other applicable law. All findings and decisions of the planning director shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Procedures.

555.1340. - Content of travel demand management plans.

Any travel demand management plan shall contain at least the following:

1. A description of the goals of the travel demand management plan and its relationship to applicable city transportation policies and programs including how the development will contribute to a reduction in greenhouse gas emissions, achieve city mode split goals, reduce use of single-occupancy motor vehicles, and increase walking, bicycling, and transit as primary modes of travel.

2. An acknowledgement of a commitment to provide self-reported audits every two (2) years to the planning director and city engineer that confirms ongoing compliance with required strategies until it is deemed that the development is sufficiently meeting city transportation goals. If any points for travel demand management strategies are derived from non-infrastructure solutions, documentation of ongoing programmatic elements must be included in the audit.

555.1350. - Compliance with requirements of travel demand management strategies.

Points shall be awarded for travel demand strategies listed in Table 555-11, Travel Demand Management Strategies. All applicable standards shall be met in order to qualify for the points for each strategy. The required strategies shall be maintained in good order for the life of the structure or use. A list and description of the approved travel demand strategies for a given site shall be posted in a conspicuous common area of the development.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Points</th>
<th>Standards</th>
</tr>
</thead>
</table>

2.44
| Transit fare provision | 6 | a. The building owner or management company shall provide unlimited-ride transit passes to residents and employees utilizing a program administered through the regional transit agency.  
b. For single-tenant nonresidential uses, all full-time employees shall be provided unlimited-ride transit passes. For multi-tenant nonresidential uses, not less than seventy-five (75) percent of the full-time employees within the development shall be provided unlimited-ride transit passes.  
c. For residential uses, unlimited-ride transit passes shall be provided to all units within the development at a rate not less than one (1) pass per unit. |
| Zero vehicle parking | 6 | a. No off-street parking spaces for motor vehicles shall be provided for the development.  
b. Accessible spaces, spaces for shared vehicles, and up to three (3) temporary drop-off and pick-up spaces shall be exempt from this requirement. |
<table>
<thead>
<tr>
<th>Category</th>
<th>Value</th>
<th>Text</th>
</tr>
</thead>
</table>
| Transit fare subsidy           | 3     | a. The building owner or management company shall provide a transit fare subsidy for unlimited-ride transit passes not less than thirty (30) percent of the cost of the transit pass to residents and employees utilizing a program administered through the regional transit agency.  
b. For single-tenant nonresidential uses, all full-time employees shall be offered unlimited-ride transit passes at a reduced rate. For multi-tenant nonresidential uses, not less than seventy-five (75) percent of the full-time employees within the development shall qualify for unlimited-ride transit passes at a reduced rate.  
c. For residential uses, unlimited-ride transit passes shall be made available to all units within the development at a rate not less than one (1) pass per unit. |
| Limited vehicle parking        | 3     | a. No more than one-half (0.5) space per residential unit shall be provided when the residential use requires a travel demand management plan.  
b. Off-street parking less than or equal to thirty (30) percent of the maximum parking requirement for the development shall be provided when the nonresidential use requires a travel demand management plan.  
c. A development shall not qualify for points for both the zero vehicle parking strategy and the limited parking strategy. |
| Pedestrian realm improvements | 3 | Improvements shall be implemented in the public right-of-way that support pedestrian activity and exceed minimum requirements, as approved by the planning director in consultation with the city engineer. In addition to any additional improvements determined by the planning director or city engineer, the development shall provide a minimum of two (2) of the following three (3) enhancements:
1) A widened sidewalk that brings a substandard pedestrian space into compliance with the City of Minneapolis Street Design Guide. Sidewalks must be paved with materials that meet or exceed city standards for sidewalk finishes.
2) Street trees and landscaping installed in an enhanced planting bed.
3) Street furniture appropriate for the site's context, not disrupting the pedestrian throughway. |
| Shower, locker, and long-term bicycle storage | 2 | a. The development shall provide shower and locker facilities, and long-term bicycle parking at a fifty (50) percent greater rate than otherwise required by this zoning ordinance.
b. Points for this strategy shall only be awarded for uses that are required by this chapter to provide shower and locker facilities. |
| Shared vehicles | 2 | a. Nonresidential uses shall provide one (1) shared vehicle per one hundred thousand (100,000) sq. ft. of nonresidential space, but not less than one (1) vehicle, when the nonresidential use requires a travel demand management plan.
b. Residential uses shall provide a minimum of one (1) shared vehicle per one hundred (100) dwelling units when the nonresidential use requires a travel demand management plan, but not less than one (1) vehicle, when the nonresidential use requires a travel demand management plan. |
| Unbundling and pricing of parking | 1 | a. In a residential use subject to a travel demand management plan, parking spaces for residential units shall be leased or sold separately from the rental or purchase price of the housing units.  
b. In a nonresidential use subject to a travel demand management plan, a fee shall typically be charged for long-term customer and employee parking.  
c. Points for this strategy shall not be awarded for both this strategy and the Zero Vehicle Parking strategy. |
| Real-time transit information | 1 | The development shall post real-time transit information in a public space near or at the entrance to the development. |
| Proposed by the applicant | As determined by the planning director | The property owner or representative may propose a travel demand management strategy not detailed in this table such as valet parking, mobility hubs, or other items as appropriate for the use and location. Points awarded shall be determined by the planning director in consultation with the city engineer. |
20.90.900 - Applicability.

A. Applicability. The City shall not issue a Development Permit, Ministerial Permit, Building Permit, or a Certificate of Occupancy that is not in compliance with the requirements of this Part.

B. Exemptions. The following Projects are exempt from the requirements of this Part 9 of Chapter 20.90:

1. Any work on an existing building or structure which does not result in an increase in floor area, except for a project that involves a change of use where the proposed use is defined as a different TDM use category pursuant to Table 20-190 and where the modified square footage qualifies as a Level 1 or Level 2 project pursuant to Table 20-260.

2. Projects in which the new floor area constructed consists of:
   a. Fewer than 16 single-family detached housing units; or
   b. Fewer than 26 units of all other home end uses except for single-family detached housing units; or
   c. 10,000 square feet or less of any combination of commute end uses; or
   d. 100,000 square feet or less of any combination of visit end uses; or
   e. 30,000 square feet or less of any combination of other uses; or
   f. Fewer than 99 guest rooms, or suites of rooms, in a hotel; or
   g. Fewer than 9,000 seats or 250,000 square feet, whichever is greater, in any arena, stadium, or theater; or
   h. fewer than 250 students in any charter or private school.

3. Projects that require a development permit pursuant to Chapter 20.100 or a Ministerial Approval pursuant to Chapter 20.195 for which an application has been deemed complete by the City pursuant to Government Code Section 65943 or Government Code 65941.1(a) (unless exceptions are triggered per Government Code § 65589.5(o)) prior to the effective date of Part 9 of Chapter 20.90, except for where the project is modified subsequent to the determination of completeness where such modifications would change the use categorization per Table 20-260, or if the project applicant elects to use the standards of this Chapter.

4. Projects where a Planned Development Zoning has been effectuated prior to the approval date of this ordinance.

5. Projects that provide 100% restricted affordable units, excluding unrestricted manager units that are;
   a.
Deed restricted by a public entity for a period not less than 55 years for rental units and 45 years for for-sale units to low-income residents (earning 80 percent or less of the Area Median Income) and;

b. Are developed at a minimum density of 35 DU/AC and;

c. Are located in a High Quality Transit Area

(Ord. 30857.)

20.90.905 - Requirement for transportation demand management plan.

Except for projects exempted in 20.90.900.B, all projects shall submit a "Transportation Demand Management Plan", or "TDM Plan" (defined in section 20.90.050.S) at time of initial application for a development permit or ministerial permit. The development permit or ministerial permit shall not be deemed complete until the TDM Plan is submitted. No development permit or ministerial permit shall be issued that does not meet the requirements of this part.

The point value of the TDM Strategies selected for the TDM Plan shall add up to or exceed the Project's required Point Target. Table 20-255 shows the Point Target range by Project Level and TDM use category. The TDM Program Guidelines describe the Point Target calculation and a menu of qualified TDM Strategies with corresponding point values. The points target calculation shall be determined as part of the development permit approval along with a TDM plan.

(Ord. 30857.)

20.90.910 - Standards.

A. Project Requirements. Throughout the lifetime of the Project, the Project will maintain TDM Strategies, selected from the TDM Program Guidelines, sufficient to achieve the required Point Target per Table 20-255. The lifetime of the Project shall mean until such time as the Project is demolished, or such time as the Project is added to or replaced with a new Project that is subject to the requirements of this Part. The Project shall:

1. Applicants shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the project. A TDM Plan may be modified at the discretion of the TDM Coordinator pursuant to Section 20.90.910.C. No Building Permit shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.

   a. Implement the TDM Strategies in the Project’s approved TDM Plan throughout the lifetime of the Project.

   b. The owner of a property, or their designee, that contains a project subject to a TDM Plan pursuant to this Section shall submit annually to the TDM Coordinator a TDM Plan Compliance Documentation that includes:
i. Documentation showing maintenance of the TDM Strategies in the Project’s approved TDM Plan.

ii. Upon five consecutive years of a Project submitting timely TDM Plan Compliance Documentation demonstrating compliance with the TDM Program, the annual TDM Plan Compliance Documentation requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.

c. In addition to the above, for Level 2 Projects, as pursuant to Table 20-250, the property owner shall submit annually to the TDM Coordinator a TDM Monitoring Report that includes:

i. A travel survey as described in the TDM Program Standards.

ii. Parking data as described in the TDM Program Standards.

iii. Upon five consecutive years of a Project submitting timely TDM Monitoring Reports demonstrating compliance with the TDM Program, the annual TDM Monitoring Report requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.

d. Level 2 projects shall install available technology to collect ongoing on-site trip count and parking data and submit to the TDM Coordinator no less than once a year. The technology shall be approved by the TDM Coordinator to ensure compatibility with City monitoring methods.

B. Requirement to Reduce Trips for Level 2 Projects. All Level 2 projects are subject to trip reductions pursuant to the requirements of the TDM Program Standards. If the project is not meeting these trip reduction requirements, the TDM coordinator shall require modifications to the TDM plan or the project will be subject to enforcement pursuant to 20.90.920.

C. Project Levels and TDM targets. Requirements are scaled to the size and scope of a Project and have corresponding requirements as defined in Subsection 20.90.910.A. There are two Project Levels as defined in Table 20-250. The Level applied to a Project consisting of an addition or change of use is based on the new floor area or the number of residential units contained in the newly constructed floor area or total floor area subjected to the change of use.

TABLE 20-250: PROJECT LEVEL THRESHOLDS

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Level 1</th>
<th>Level 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home End Uses</td>
<td>If a project meets ANY of the criteria below, it is classified in Level 1</td>
<td>If a project meets ANY of the criteria below, it is classified in Level 2.</td>
</tr>
<tr>
<td></td>
<td>16—299 dwelling units</td>
<td>300+ dwelling units</td>
</tr>
<tr>
<td>Commute End Uses</td>
<td>10,000—149,999 sf of gross floor area</td>
<td>150,000+ sf of gross floor area</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Visit End Uses</td>
<td>100,000—249,999 sf of gross floor area</td>
<td>250,000+ sf of gross floor area</td>
</tr>
<tr>
<td>Other Uses</td>
<td>30,000 sf or more of gross floor area</td>
<td>300,000 + sf of gross floor area</td>
</tr>
<tr>
<td>Special Uses</td>
<td>hotel/motel with 150—249 guest rooms, or suites of rooms</td>
<td>hotel/motel with 250+ guest rooms, or suites of rooms</td>
</tr>
<tr>
<td></td>
<td>school, college, or university (which requires building permits from City of San José) with 250 or more students</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**TABLE 20-255: PROJECT REQUIREMENTS**

<table>
<thead>
<tr>
<th>Project Level</th>
<th>Point Target for HEU/VEU/CEU Uses</th>
<th>Point Target for Other Uses</th>
<th>TDM Plan and Annual TDM Plan Compliance Documentation</th>
<th>TDM Monitoring Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 Projects</td>
<td>25 Points</td>
<td>5 Points</td>
<td>Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>Level 2 Projects</td>
<td>25 Points</td>
<td>5 Points</td>
<td>Required</td>
<td>Required</td>
</tr>
</tbody>
</table>
2.53

(Ord. 30857.)

20.90.912 - TDM plan modifications.

A. TDM Plan Modifications. Any modifications to an approved TDM Plan require submission of a revised TDM Plan for approval. A TDM Plan shall comply with the Transportation Demand Management Program Standards version in effect at the time of submission of the modification, unless otherwise specified by state law, and include TDM Strategies that achieve the property's Point Target.

1. Administrative Permit. An administrative permit, subject to Chapter 20.100, part 10 may be issued to modify an approved TDM plan when the modifications to the TDM plan are only to programmatic TDM strategies that were not specifically conditioned in the development permit.

   a. The administrative permit shall be issued only if the changes to the TDM strategies in the TDM plan will meet or exceed the point target for the existing use at time of submittal of the administrative permit.

2. Development Permit or Permit Amendment. If the modification to the approved TDM Plan is to a TDM strategy that was a condition of approval of the original a project, a new development permit or permit amendment must be submitted to modify the TDM Plan.

3. In all cases, the Covenant and Agreement running with the property shall be updated to reflect the modified TDM plan.

(Ord. 30857.)

20.90.915 - Administration.

A. Content of the TDM Standards chapter in the San José Transportation Analysis Handbook. Upon enactment of this Ordinance, the San José Department of Transportation shall establish, maintain and update the TDM Standards, and other necessary components of the TDM Program outlined in this Section. The TDM Program Standards shall be consistent with the purposes of this Part and each other. The TDM Program Standards shall include the following:

1. TDM Program overview

2. TDM point targets by Project Level and parking supply (see Table 20-257);

3. TDM Strategies and their associated point values;

4. TDM compliance and monitoring reporting requirements; and

5. The technical justification for assigned point values for each TDM strategy.

B. Updates to TDM Program Standards. The TDM Program Standards shall be reviewed and updated periodically, as deemed appropriate by the San José Department of Transportation, to:
1. Provide feasible options to applicants to meet program goals and outcomes; and
2. Reflect best practices, emerging technologies, and/or respond to lessons learned from monitoring and evaluation.

3. Any changes to the TDM Program Standards that are inconsistent with the provisions of this Chapter shall require an amendment to this Chapter in order for said changes to be effective.

C. Effect of Updates on Project Requirements. Projects shall meet all requirements of the TDM Program Standards version in effect at the time when submitting their first TDM Plan at the time the development permit or ministerial permit is deemed complete, including but not limited to the designated Point Target and available TDM Strategies. If the Department of Transportation updates the TDM Program Standards subsequent to the date the applicant submitted a TDM Plan, the applicant may elect to have their Project be subject to all requirements of the current version of the TDM Program Standards by submitting a revised TDM Plan for approval.

D. Parking Supply TDM Point Value. The below table outlines the amount of TDM points a project receives based on its location and parking supply.

<table>
<thead>
<tr>
<th>TDM Points</th>
<th>TABLE 20-257 - PARKING SUPPLY TDM POINT VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Downtown</td>
</tr>
<tr>
<td></td>
<td>Home-End (space per dwelling unit)</td>
</tr>
<tr>
<td>20</td>
<td>0—0.75</td>
</tr>
<tr>
<td>18</td>
<td>0.76—.84</td>
</tr>
<tr>
<td>16</td>
<td>0.85—.93</td>
</tr>
<tr>
<td>14</td>
<td>0.94—1.02</td>
</tr>
<tr>
<td>12</td>
<td>1.03—1.11</td>
</tr>
<tr>
<td></td>
<td>1.12—1.20</td>
</tr>
<tr>
<td>---</td>
<td>-----------</td>
</tr>
<tr>
<td>10</td>
<td>1.21—1.29</td>
</tr>
<tr>
<td>8</td>
<td>1.30—1.38</td>
</tr>
<tr>
<td>6</td>
<td>1.39—1.47</td>
</tr>
<tr>
<td>4</td>
<td>1.48—1.56</td>
</tr>
<tr>
<td>2</td>
<td>1.57—1.65</td>
</tr>
<tr>
<td>1</td>
<td>1.66+</td>
</tr>
<tr>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Note 1: Note: Table 20-257 does not apply to projects with a TDM Use Category of "OTH."

(Ord. 30857.)

20.90.920 - Compliance and enforcement.

A. The TDM Coordinator shall be responsible for enforcing continual compliance with the requirements of the TDM Program, as outlined below.

1. A property owner shall allow City staff access to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone, and/or digital surveys with residents, tenants, employees, and visitors. City staff shall provide advance notice of request for access.

2. No building, grading, demolition, foundation, use of land or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a Project that is not in compliance with the requirements of the TDM Program.

3. Failure to maintain one or more TDM Strategies is a violation of this Code.

4. For Level 2 projects, failure to submit the TDM Monitoring Report by December 31st following the designated appropriate deadline of one year from the issuance of the Certificate of Occupancy is a violation of this Code.

B. Any violation of this Part shall be punishable by an administrative citation in accordance with the procedures set forth in Chapter 1.15 of Title 1 of this Code relating to the issuance of administrative citations, imposing of administrative fines, right to appeal, and the right to an administrative hearing.
C. The amounts of the fines for violations imposed pursuant to this Part shall be set forth in the
schedule of fines established by resolution of the City Council.

D. A violation of this Part is also enforceable through all other civil and administrative remedies
available to the City.

(Ord. 30857.)

20.90.925 - User-defined TDM strategy.

A. Alternative Compliance. An applicant may apply for a User-Defined TDM Strategy as an alternative
to those contained in the menu of TDM Strategies in the TDM Program Standards. This process
shall be incorporated into the initial development permit or ministerial permit. The decision-
making authority shall be the official or body designated to approve that development
entitlement or ministerial permit. In the case where the applicant elects to replace an approved
TDM plan with a user defined TDM strategy and no other development or ministerial permit
would be required, the Director of Planning or the Director's designee, in consultation with the
TDM Coordinator, shall have initial decision-making authority to approve a User-Defined TDM
Strategy, with an appeal to the City of San José Planning Commission in accordance with the
procedures set forth in Section 20.100.220, of this Code. An applicant may request such approval
by submitting an application for a "Special Use Permit" as set forth in Section 20.100.800 of this
Code.

B. Findings. The Director's determination shall include written findings in support of the decision. In
order to grant approval of the User-Defined TDM Strategy, the Director must find that:

1. The proposed alternative is consistent with the purpose and intent of the applicable
   standards in that the User-Defined TDM Strategy is expected to reduce drive-alone trips
   and/or VMT to or from the project site; and

2. The proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of
   the applicable standards in that the amount of drive-alone trips and/or VMT reduced as a
   result of the strategy is commensurate with other strategies that are assigned to have the
   same value of points in the TDM Program Guidelines.

C. Conditions. The Director shall impose conditions binding on the applicant to secure substantial
compliance with the goals and purposes of this ordinance, including such conditions as necessary
to ensure that:

1. The applicant commits in an enforceable agreement that runs with the land to monitor the
effectiveness of the User-Defined TDM Strategy to encourage alternatives to drive-alone trips;

2. The applicant shall submit to the TDM coordinator all monitoring data, with monitoring
   metrics and frequency to be determined at the discretion of the TDM coordinator; and
The applicant commits to a substitute strategy of commensurate effectiveness (a strategy assigned equal or more points) if the User-Defined TDM Strategy is terminated for any reason.

(Ord. 30857.)
City of Tulsa

Board of Adjustment

planning@cityoftulsa.org

RE: Case Number: BOA-23667

Dear Board Members:

The purpose of this letter is to ask that you deny the requested parking variance.

I am the owner of 1Architecture and the proposed variance will have a negative impact on my ability to conduct business. My architecture firm did the historic renovation of most of the projects on 6th street between Peoria and Quincy and our office is located immediately adjacent to the proposed project. The historic buildings on 6th street were built to the property lines and do not have any parking. We use the on street parking, and until yesterday our landlord rented the lot behind our office that is a part of the proposed project. Yesterday, the developer filing this variance informed our landlord that we will no longer be allowed to use the lot.

The developer on this project is creating a self-imposed hardship – one that can be easily addressed via planning and design. Our existing business has neither of those options. It is unfair to shift the burden from this development onto the businesses that have been operating in the area for years.

Attached is an overlay of the proposed project boundary scaled on top of the development under construction at 11th & Lewis. As a comparison, the lot at 11th & Lewis is slightly larger (4.37 Acres) and is also an Urban infill site. Per the information on the City’s permit site, this development was able to find a “creative design solution” to fit 256 dwelling units by providing a parking structure with 391 stalls.

Please advocate for better, more community driven solutions.

I respectfully request that you deny the proposed variance and ask the applicant to

Sincerely,

Kevin Hale
PRINCIPAL | OWNER
918.764.9996
1319 E 6th St. Tulsa, OK 74120
April 22, 2024

City of Tulsa
Board of Adjustment
planning@cityoftulsa.org

RE: Case Number: BOA-23667

Dear Board Members:

I would like to respectfully request that you deny the requested parking variance to reduce the required parking ratio for apartment/condo uses in the CH District.

My husband and I own several properties directly abutting the proposed development and two across the street – in total 6 commercial tenants and around 14,000 sf of commercial space. We have been owners in the Pearl District since 2007 and actively involved in its evolution. Over the years, we’ve invested our time and money. We have made decisions that have been not only in our best interest, but in the best interest of the neighborhood. We have collaborated and assisted. We have a lot at risk.

Our properties that will be directly negatively impacted should this variance be approved include: 1319 E 6th St, 1321 E 6th St, 1323 E 6th St, 1302 E 6th St, 1310 E 6th St, and 1316 E 6th St.

If you approve the requested variance, the existing commercial residents will be losing access to over 50 parking spaces that we have paid rent on for years in addition to the spaces he is asking for in his variance (I believe it was around 73?). That is over 125 vehicles that he is asking you to put onto already overtaxed street/park parking.

We are already operating under less-than-ideal circumstances in this small commercial enclave regarding parking. Please do not make an already difficult situation worse by adding to our burden. The reduction in public parking that this project as shown would bring about creates a very real and imminent threat to our businesses.

What would this district be worth if our commercial enterprises are forced to go somewhere else – or worse close altogether?

Again, please do not make this already difficult situation worse. Please deny the requested parking variance.

Sincerely,

Rachel Navarro
Live Well Properties LLC
<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Address</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. S. Jason Gibson</td>
<td></td>
<td>651 S. Quarter Ave.</td>
<td>5/1/24</td>
</tr>
<tr>
<td>2. Carlene McHeron</td>
<td></td>
<td>5-10 S. Quincy</td>
<td>5-1-24</td>
</tr>
<tr>
<td>3. John Foltz</td>
<td></td>
<td>1315/1317 E. 4th St.</td>
<td>5-2-2024</td>
</tr>
<tr>
<td>4. Whitney Chapman</td>
<td></td>
<td>573 S. Peoria Ave.</td>
<td>5-2-24</td>
</tr>
<tr>
<td>5. Scott Marr</td>
<td></td>
<td>510 S. Rockford Ave.</td>
<td>5-2-24</td>
</tr>
<tr>
<td>6. James Speegle</td>
<td></td>
<td>418 S. Peoria</td>
<td>5-2-24</td>
</tr>
<tr>
<td>7. Nathan Garrett</td>
<td></td>
<td>624 S. Peoria Ave.</td>
<td>5-6-24</td>
</tr>
<tr>
<td>8. Leo Hall</td>
<td></td>
<td>507 S. Peoria Ave.</td>
<td>5-6-24</td>
</tr>
<tr>
<td>9. Stephen Santee</td>
<td></td>
<td>1302 E. 3rd St.</td>
<td>5-6-24</td>
</tr>
<tr>
<td>10. Thomas Regan</td>
<td></td>
<td>416 S. Utica Ave/1313-15 E.</td>
<td></td>
</tr>
<tr>
<td>11. Jeff Clay</td>
<td></td>
<td>1324 E. 3rd Street</td>
<td></td>
</tr>
<tr>
<td>12. Tim Dyer</td>
<td></td>
<td>1433 E 6th St.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>515 S Peoria</td>
<td></td>
</tr>
</tbody>
</table>
I am writing to the City of Tulsa Board of Adjustment to express my support for the proposed multi-family development located at the southeast corner of East 5th Place and South Peoria Avenue. The proposed development will address housing needs in the area that would be supported by and support local businesses and amenities located in proximity to this site. Residential housing would revitalize the area, attracting new investment, breathing new life into an underutilized part of town. In addition, an existing network of bike lanes, sidewalks, and public transit offer an ideal environment for the addition of residential development.

The property owner has met with neighboring property owners to satisfy and alleviate concerns regarding the proposed development and we are in support of the proposed project before the City of Tulsa Board of Adjustment.

[SIGNATURE SHEET NEXT PAGE]