

INSTITUTIONAL USES ANALYSIS

**City of Portland's regulatory regime for
college institutions:**

An analysis and recommended alternatives

February 28, 2012

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Preface

This report was prepared on behalf of the Portland College Coalition to inform the City of Portland's understanding of land use regulatory issues specific to institutions of higher education. By drawing upon several case studies of land use regulations in similar jurisdictions, as well as examining Portland's existing regulations, this report aims to inform future revisions to Portland's institutional land use regulations

While this report focuses on issues specific to colleges and universities, there is significant overlap with medical centers given that both are typically large, campus-based institutional users. Both groups are often subject to the same land use regulations, as is the case in Portland. This report does not include a thorough examination of medical center uses in the same level of detail as college uses, nor does it attempt to balance different needs of the two types of institutions. The Coalition has made initial contacts with medical institutions in Portland to inform them of these findings and recommendations, and looks forward to future collaboration with them to shape improved institutional regulations.

Section I: Institutional Regulations in Portland

1.1 Existing College Land Uses and Regulations

The City of Portland is home to a number of institutional users, including educational and medical facilities. Prominent educational uses include several private colleges that date back as far as 100 years. Many of these colleges are located in residential areas, having developed concurrently with the surrounding neighborhoods. College campuses are typically built to a larger scale and different character than the adjacent residential uses, and include a wider range of uses, from student residential, educational buildings, to office and commercial uses such as campus bookstores.

Colleges provide a mix of economic, cultural, educational, and open space benefits to their immediate neighbors and the entire city. Economically, colleges provide a range of highly skilled, well-compensated employment opportunities. Annually, five Portland private colleges collectively employ over 2,000 FTE staff and spend close to \$160 million for salaries and benefits, providing average total compensation of over \$77,000 per employee.¹ On the public side, Portland Community College employs nearly 2,300 staff, including substantial numbers of part-time faculty, thus providing over \$130 million annually in salaries and benefits for an average staff compensation of over \$57,000.^{2 3} Colleges further contribute to the city's economic success by educating citizens, employees, and entrepreneurs. They attract students from out of state, many of whom go on to make Portland their home, contributing their talents as citizens. College-sponsored cultural events such as theater productions, lectures, art exhibitions, and chamber music performances attract attendees from across the city. Campus open space is also a valuable neighborhood resource, providing recreational, aesthetic, and environmental benefits to neighbors who enjoy access to running paths, sports fields, and natural resources.

The land use planning system in Portland directly regulates institutional uses, with an emphasis on mitigating potential impacts in residential areas. The Portland Zoning Code, Title 33 of the Portland City Code (PCC), regulates zoning in the City and implements the City's comprehensive plan. Portland's code combines use regulations, performance zoning, and design guidelines. The code creates a use category for colleges, including public and private institutions of higher learning, within the broader institutional uses category. PCC 33.920.410. The City's current comprehensive plan, adopted in 1980, does not specifically address the role of colleges in the City, but does establish a land use designation of

¹ 2008 data for Concordia University, Lewis & Clark College, Reed College, University of Portland, and Warner Pacific College.

² Email correspondence with Jerry Donnelly, Portland Community College Human Resources Director, 27 July, 2011.

³ Portland Community College is the only public college subject to the CUMP and IMP regulations, and thus the only one included in this analysis. Portland State University and Oregon Health Sciences University are located in zones which permit college uses outright, and are within plan districts, the Central City and Marquam Hill districts respectively, that further regulate institutional uses separate from the CUMP and IMP channels.

“Institutional Campus” intended for large educational and medical campuses. Comprehensive Plan 10.4(13). The October 2011 proposed draft of the *Portland Plan* highlights the importance of colleges in meeting educational and economic development objectives. The Plan calls for the creation of new plan policies and zoning to facilitate campus development while minimizing neighborhood impacts. *Portland Plan*, pages 25 and 47.

Because of historical development patterns, many colleges in Portland are located in residential areas and are zoned residential. The base zoning for the majority of colleges in the City is single or multi-dwelling residential or Institutional Residential (IR), a multi-use zone for institutions in residential areas that implements the Institutional Campus land use designation. In some cases, particularly where the campus boundary has recently expanded, the different parcels that make up a single campus may fall into several different residential and non-residential zones. Because the City recognizes the potential impacts large institutions can have on neighboring residential users, colleges and the majority of other institutional uses—such as community centers, libraries, k-12 schools—are allowed as conditional uses in the residential zones, including the IR zone, and must meet specific approval criteria and development standards.

To receive conditional use approval for uses that will be built out over a period longer than three years, colleges must complete a conditional use master planning process and demonstrate that current and future uses comply with all applicable regulations. A Conditional Use Master Plan (CUMP) that details long-term development plans for the campus is required for institutions larger than 500,000 square feet of floor area, or campuses that have been expanding rapidly. PCC 33.820.030. Most, if not all, private colleges in Portland have completed the CUMP process or the Impact Mitigation Plan (IMP) alternative and have a plan on file with the City to guide future development.

The CUMP process is intended to both provide the institution with certainty and to prevent piecemeal, uncoordinated development and limit incremental encroachment on residential users by considering the cumulative impacts of proposed future development. PCC 33.820.010. A college’s master plan must provide detail about uses and corresponding development anticipated during the next three to 10 years. PCC 33.820.060. A CUMP must include the boundaries defining the campus use; a description of the present, proposed, and potential future uses for the campus; current and proposed site plans; site-specific development standards proposed for future development, if desired; phasing of uses and development; transportation and parking impact analysis; and other anticipated review processes including adjustments, design review, comprehensive plan and zoning map amendments. PCC 33.820.070. Colleges also must show through the CUMP application that they meet the approval criteria for college uses in residential zones, which include maintaining the proportion of household living uses in the immediate neighborhood, ensuring physical compatibility with surrounding development, maintaining neighborhood livability, availability of adequate public services, and compliance with any area plans. PCC 33.815.105. Colleges which do not propose alternative campus development standards must also show compliance with the applicable institutional development standards for single-

dwelling residential zones, multi-dwelling residential zones, the IR zone, or other underlying zone. PCC 33.110.245, 33.120.275, 33.120.277 respectively. These standards establish dimensional standards, including specific standards for development around the perimeter of the campus to manage the transition between residential and institutional uses. Further, institutional users must limit off-site impacts, including noise, vibration, odors, and glare. PCC 33.262.

Revisions and periodic updates to the CUMP are handled as amendments. An approved CUMP remains in effect for up to 10 years, until development allowed in the plan has been completed, or the plan is amended or superseded. PCC 33.820.060. In some instances, the hearings officer has imposed an expiration date for the CUMP requiring the college to renew or amend its plan within 10 years as a condition of approval, regardless of whether all the approved projects have been completed. An amendment to the CUMP is necessary for most development not in conformance with the approved plan, the level of review dictated by the characteristics of the proposed modifications. Modifications of lesser consequence and importance are regulated as Minor Amendments and those of more intensity as Major Amendments, the criteria for which are established in PCC 33.820.090. Limited development not conforming to the approved plan is allowed without an amendment provided it does not create more than 1,500 square feet of additional floor area, does not expand the campus boundaries, and does not exceed a net change in parking of four percent or five spaces. PCC 33.820.080.B.

The approval process for CUMPs and CUMP amendments provides for a high level of review through a Type III process. CUMPs are subject to a Type III procedure as part of the conditional use review, requiring that notice be sent to all surrounding property owners and a quasi-judicial hearing be held before a hearings officer, appealable to the City Council. PCC 33.730.030. Provided that the CUMP includes adequate detail for future uses and development, another conditional use review is not required prior to implementation of a particular project. PCC 33.820.080.A. Less detailed uses and development included in the CUMP may be subject to further land use reviews prior to implementation. *Id.* The code allows for both Type II and Type III amendments; a 10 percent net change in scale of use, floor area, and parking; changes to the boundary; or any development within 400 feet of the boundary triggers a Type III amendment. PCC 33.820.080. In practice, the majority of amendments are major (Type III).

A regulatory alternative for institutions in the IR zone is to complete an Impact Mitigation Plan (IMP) in place of a CUMP. PCC 33.120.100.B.11.b, 33.848. The IMP approval process focuses on establishing mitigation measures for proposed future development, rather than detailing the specific nature, size, and location of future development. PCC 33.848.070. Mitigation measures address waste disposal; water supply; transportation; environmental, historic, and scenic impacts; open space; neighborhood livability; and design compatibility. *Id.* IMP applications which do not propose concurrent adjustments or modifications must also show compliance with the applicable institutional development standards for the IR zone. PCC 33.120.277. Once the IMP has been approved through a Type III procedure, development projects are approved if shown to be in compliance with

the IMP through a Type II procedure. PCC 33.848.090. Amendments to the plan itself are reviewed through either a Type III (for changes to the proposed uses) or Type II procedure unless another approval process is identified in the IMP. PCC 33.848.100. Unlike CUMPs, IMPs do not expire or require an update after the 10-year period. IMPs remain in effect until all phases of development included in the plan have been completed. An IMP may include a specific expiration date but is not required to do so. After all phases of development provided for in the IMP have been completed, the plan remains in effect until it is amended, or updated, or superseded. PCC 33.848.060.

Although IMPs are intended to streamline the review process for institutions while maintaining compatibility with surrounding neighborhoods, colleges have infrequently utilized the IMP process due to the compliance reviews (Type II) required to implement each approved project in the IMP. To put it another way, the IMP process offers more flexibility but less certainty, because future projects still must be reviewed separately. In comparison, the CUMP requires more up-front detail about future projects but, once approved, may be built without further review if consistent with the initial approval. It is our understanding that PCC Cascade, Concordia University, and Multnomah University are the only colleges that currently have active IMPs.

1.2 Application of Land Use Regulations

Over the past 15 years, the City's application of its CUMP regulations for college uses has revealed several difficulties in managing development through this process. These difficulties stem from both the nature of college uses themselves and the specific requirements of the CUMP process.

The proposed tradeoff in the CUMP process of providing detailed information about projected impacts up front in exchange for simplified review of individual development projects later does not appear to be working. As set forth in the Zoning Code, "[g]enerally, the more specific the plan, the less review that will be required as the future uses and development are built." PCC 33.820.010. Another factor influencing the requirements for detailed development plans is the attempt to find a balance between providing certainty for the neighbors, to reassure them that impacts will not exceed set limits, and flexibility for the colleges, to allow for evolving development needs. Colleges strive to provide the level of specificity and detail required for a CUMP application in order to simplify approval for subsequent development and provide certainty that college uses will not erode neighborhood livability, but the evolution of development needs and variables involved in site-specific projects often result in the need for further review at the time of development.

Specific concerns about the CUMP process and master plan requirements include:

- **Colleges' development needs are continually evolving over time, and are often dependent on fundraising.** Colleges analyze and plan for future evolving development needs, but the exact timing and priority of projects is frequently revised in response to changing conditions. In comparison to commercial development, college development is driven by fundraising, including bequests and

grants, which is even more subject to uncertainty in response to changing economic conditions. While colleges prioritize fundraising to meet targeted capital improvement projects, some funding sources are dedicated to a specific project that may be lower on the college's priority list. Enrollment fluctuations can also affect the timing and nature of development needs. Opportunities for colleges to expand their campus boundaries through property acquisitions cannot always be anticipated in the master planning process. Given changing conditions, it can be difficult for colleges to anticipate the exact building design and siting on the campus until the time of project development.

- **Despite future development uncertainties, there is pressure to “front-load” the CUMP with a large number of projects in order to create flexibility for future development,** while minimizing expenses associated with obtaining the necessary regulatory approvals. Colleges typically seek approval for the largest number of projects in either the original CUMP or subsequent amendments in order to achieve the level of flexibility needed to develop any combination of the forecasted projects in the subsequent 10 years as funding and other factors allow. Additionally, inclusion of a wide scope of projects is intended to minimize the number of times the college must complete the CUMP amendment process, in light of the associated time and expense. Costs to prepare a CUMP amendment can run in excess of \$100,000 for professional consulting services, not including City application fees. A further consideration is the risk inherent in submitting a CUMP amendment: if the revised Master Plan submitted as an amendment to the CUMP is denied, then the institution must begin the entire master planning process again. The combination of changing development needs, expense, and the risk of being left empty-handed pushes colleges to seek approval of as many development projects as possible with the fewest number of CUMP amendments possible.
- **Front-loading of development for CUMPs, however, creates difficulties analyzing the potential impacts from the full suite of development projects proposed to the degree of specificity required by the CUMP process,** given that the exact nature and timing of the development is not known. For example, applicants must demonstrate that building scale and style will be compatible with adjacent residential development in accordance with PCC 33.815.105.B.2, and that there is adequate transportation system capacity up to 10 years in advance of a particular development in accordance with PCC 33.815.105.D.2. Projecting development impacts up to 10 years into the future can also fuel outsized neighborhood concerns. During the hearing and approval process, the projected impacts from forecasted development often come to be treated as fixed outcomes rather than educated projections about a range of potential outcomes, particularly traffic and stormwater impacts. For example, approval of a CUMP can hinge on differing interpretations of traffic engineering studies and conflicting travel time estimates that are less than a few minutes apart, despite the fact that the traffic models must incorporate a range of assumptions about future conditions.

- **Front-loading also creates large, inseparable “bundles” of development projects for any one CUMP amendment, complicating the approval and appeal processes.** Each amendment includes a number of discrete development elements, some of which are more controversial than others. The more controversial elements can increase the opposition and expenses associated with the review process, and threaten to derail approval of the entire amendment, including the less controversial elements. Although the hearings officer can approve development elements individually, rather than making a single decision on the full package, the elements cannot be “unbundled” and appealed individually. That means that any subsequent appeal could jeopardize the approval of the entire amended CUMP, creating pressure for colleges to accept whatever project-specific approvals they are granted in the final decision and revise any development elements that were denied for future applications, rather than appeal. Smaller “bundles” of projects, separating more and less controversial projects would multiply the time and expense associated with each amendment.
- **The need for frequent amendments to approved CUMPs to allow for development changes that exceed low development thresholds combined with the rigors of a Type III amendment process pose significant difficulties in the long-term application of the CUMP regulations.** Although CUMPs remain in effect for up to 10 years, many colleges apply for amendments more frequently in response to continually evolving development conditions. For example, one college revised its master plan in 1997, 1999, 2001, 2006, and 2008, for a total of five times in 11 years to accommodate evolving campus development plans. The majority of CUMP amendments are reviewed through a Type III procedure, which is a time- and money-intensive process for both the applicant to prepare and the City to review. Frequent reviews also generate additional opportunities for confrontation between colleges and their neighbors through the quasi-judicial process. At the opposite extreme, the mandatory 10-year review subjects a master plan that may be functioning well to a renewed round of scrutiny over proposed future development already approved in the prior master plan.
- **Frequent CUMP revisions have also generated complexities and difficulties in implementation, including uncertainty about vesting and nonconforming development.** With every amendment, additional conditions are added to the CUMP, while previously imposed conditions are carried forward, revised, or allowed to sunset. Rewriting the full list of conditions during each amendment process can create complexity and confusion, with some conditions improperly carried over or dropped from previous versions of the CUMP. In addition, changes to the City’s development standards between CUMP amendments can trigger new requirements for campuses that were not anticipated in the master plan if vesting rights are not clearly articulated in the plan or upheld through the implementation process. For example, one college was required to upgrade existing five-foot-wide sidewalks to six feet wide as part of a nonconforming upgrade requirement driven by development standard changes, even though the project was previously approved as part of its master plan.

Section 2: Case Studies

2.1 Methodology

Portland's approach to regulating colleges can be better understood in the context of other cities' regulation of college land uses. To identify comparable cities to evaluate as case studies, we conducted an initial survey of ten major U.S. cities that are home to a number of universities. This initial review relied upon city zoning maps, relevant zoning code provisions, and college websites. Ultimately, we selected three cities: Boston, St. Paul, and Seattle. The selection was based on their similarity to Portland and its college land use patterns, including the following criteria:

- Population greater than 250,000 and less than 1 million.
- Presence of multiple colleges and universities, not dominated by a single large school.
- Implementation of comprehensive land use regulations.

In addition to meeting the above criteria, the three cities selected employ several regulatory approaches for colleges and universities, that provide an interesting contrast to Portland's approach.

For each city, we conducted both documentary research and semi-structured interviews. We reviewed the zoning code provisions applicable to institutional users, recent case histories for major educational institutions, and examples of college master plans. (Documents reviewed are listed in Appendix A, Sources.) We conducted two phone interviews from each city for a total of six interviews, using a standard set of questions. In each city, we interviewed one city staff planner and one college administrator or professional experienced with college planning issues. We identified subjects based on online staff directories and previous land use applications, and then contacted those subjects via phone or email to verify. In some cases, initial contacts identified more appropriate interviewees. The individual interviews were based on a common set of questions, and tailored to the specifics of each city and each contact person's experience. In general, the interviews covered the master planning process, the relationship between planning and campus development, and the interactions between colleges, cities, and neighborhoods; each lasted close to an hour, some up to two hours. The interviews complemented the code research by highlighting the impacts of regulations as they are interpreted and administered, as well as the roles of key actors in the process.

2.2 St. Paul, MN Case Study

Profile: St. Paul is a city of 285,000 people and the state capitol of Minnesota, part of the larger Minneapolis-St. Paul metropolitan area with 3.5 million people. There are several private colleges in the city, mostly liberal arts colleges with enrollment near 2,000 undergraduate students and some with graduate programs enrolling over 1,000 students, including Macalester College, Hamline University, St. Catherine University, Concordia University, and University of St. Thomas; the latter of which is the largest of the private

colleges with over 10,000 students and is the fastest growing. The city is also home to the St. Paul campus of the University of Minnesota.

Institutional Land Use Status: Most of St Paul’s colleges are located within single-family residential zones and are regulated as conditional uses by the St. Paul City Code (SPCC). Colleges and universities are conditional uses in all residential zones. SPCC 66.221. The purpose statement for all residential districts affirms the need to accommodate civic and institutional uses, which include colleges and schools but not medical uses. SPCC 66.211 - 217. Conditional use permits for the institutions were originally issued in the 1990s and have been amended over time.

Master Planning: St Paul’s approach to regulating colleges provides for discrete land use reviews with little focus on master planning. Reviews are project or parcel-specific and focused solely on any new uses or new parcels brought into the campus boundary. Uses are only reviewed once, at the time of conditional use approval, rather than considered as factors in subsequent land use approvals. The central assumption is that colleges can adequately plan and manage development within their own boundaries, and the City’s responsibility is to manage the transition between the college use and the surrounding neighborhood.

The conditional use approval process for colleges includes a minor master planning component. Colleges must submit an “anticipated growth and development statement” for a new or expanded campus boundary to the City. SPCC 65.220(f). The statement must include:

- The proposed campus boundary.
- Enrollment plans for the next 10, 20 years.
- Plans for parking for the next 10 years, including phasing and locations.
- Plans for student housing.
- Plans for use of land and buildings, new construction and changes affecting major open space.
- Analysis of impacts on the social, economic and physical well-being of the neighborhood, including benefits to the neighborhood. SPCC 65.220(f).

The statement can be brief—in some cases less than a page—depending on the scope of the anticipated changes.⁴

Colleges may develop master plans internally to guide development, but the Zoning Committee approves—and the college must follow—the conditional use permit, informed by the anticipated growth and development statement rather than the master plan itself. City staff reports that they are rarely involved in campus master planning discussions, and believe that the conditional use permits could be more effectively reviewed and administered if master plans were shared with the City as part of the conditional use review. College administrators confirm that master planning is usually an internal process intended

⁴ See for example: St. Paul Zoning Committee File #11-011-647.

to plot a more general direction rather than detail specific construction plans, often begun at the start of a new college president's term as part of a new campus vision.

In lieu of a master plan, the conditional use application must also demonstrate that the proposed development meets physical and performance standards. The applicant must show that the college meets site development standards for setbacks, building height, and campus size. SPCC 65.220(a) - (f). Colleges also must demonstrate conformance with general housing, parking, and open space requirements as part of the conditional use application, providing for limited review of off-campus impacts stemming from campus development and uses. SPCC 65.220(f)(6). However, the City's review for meeting these standards are fairly vague and the level of detail submitted by applicants varies widely depending on the scope of the proposed uses. For example, City staff reports that a major expansion by St. Thomas generated significant discussion about how much on-campus housing was enough, but there was no firm standard that the university had to meet. There are considerable concerns about off-campus student housing, particularly the impacts on primarily single-family residential neighborhoods by a large number of student renters, as well as multifamily properties developed and marketed specifically towards students but not controlled by the college. Although there are requirements for on-campus parking, in part to reduce off-campus parking pressures, traffic impacts studies are not always required in connection with campus development.

Planning Process: Colleges are subject to the conditional use permit process. Depending on the magnitude of the changes proposed, colleges may engage with the District Councils or advisory committees prior to submitting an application to modify their conditional use permit. Once filed, the Zoning Committee of the Planning Commission holds a public hearing before issuing a decision. SPCC 61.501. Decisions are appealable to City Council. SPCC 61.301. The timeframe for completing the permitting process can vary significantly, from 60 days to five years, depending on the controversy and projected impacts associated with a project.

Term: There is no expiration date or mandatory review of conditional use permits for colleges. Conditional use permits expire if the use is discontinued or is substantially reduced in size. SPCC 61.505. Colleges only need to return to the permitting process if they require an amendment to their conditional use permit.

Amendments: Campus changes that exceed stated thresholds require an amendment to the conditional use permit. Triggers for review include:

- Student enrollment increases by 10 percent or 300 people, whichever is less, requiring approval of more parking. SPCC 65.220(g).
- Floor area expands by 50% or more. SPCC 61.503.
- Boundary expands to accommodate expansion of existing use or addition of a building or parking facility outside current campus boundaries. *Id.*

The amendment process generally focuses solely on the proposed change to the conditional use permit, rather than a comprehensive look at the proposed development in the context of existing conditions.

Additionally, significant on-campus development is allowed without an amendment. The code specifies that no new conditional use permit is needed if the college adds a building or parking facility within the approved campus boundary. SPCC 61.504(e).

Periodic Updates: Colleges must submit annual updates to the City detailing numbers of students and staff, as well as parking capacity to determine if the colleges are meeting their parking requirements. If enrollment or staff levels fluctuate by more than 10 percent of the approved capacity, the City may require additional parking facilities.

Plan Implementation: Because colleges operate under a general conditional use permit rather than an approved master plan, development generally proceeds on a project-specific basis. The existing campus boundary and all development within the boundary are permitted uses under previously issued conditional use permits but must complete site plan review and obtain building permits at the time of development. Colleges apply for discrete review of proposed modifications to the campus boundary and additional development, such as construction of a new student center building. The scope of the hearing and approval is limited to the proposed modification or development, rather than a full-scale review of campus land uses and future development.⁵ All the cases reviewed were approved with conditions; the conditions of approval were specific to the proposed development or change, rather than affecting campus-wide land uses. In most of the cases, the District Council recommended approval of the use. Public testimony was limited to one to two letters both for and against, in addition to public testimony from one to two people during the hearing.

In many cases, major on-campus construction such as a fine arts center, stadium, or residence hall can be approved through site plan review rather than conditional use permit review. Site plan review is focused on the proposed development. Specific analysis of impacts, such as traffic impact reports, and mitigation measures, is prepared at the time of site plan review, rather than the conditional use permit application.

Public Involvement: St. Paul has a system of District Councils, 17 in all, to represent neighborhood voices in the land use process. The District Councils are asked for their formal recommendation on a college land use proposal as part of the review process. Colleges and the City also report that they frequently engage with the neighborhoods on an on-going basis, which allows for discussion of any proposed development prior to a formal application.

At the time of application, conditional use permits for colleges are reviewed through a public hearing process, which provides another forum for formal public comments. Neighbors within 350 feet of the campus boundary are notified of the opportunity to

⁵ See for examples, St. Paul Zoning Committee Files #11-011-647, 10-932-130, 10-123-489, 10-122-449.

comment. City staff reports that a majority of public concerns are addressed prior to the actual hearings, and therefore generally fewer than a handful of comments are received in each case.

A longer-term approach to neighborhood engagement is the High Winds Fund at Macalester, which was founded in 1956 with the mission of enhancing the surrounding neighborhood. The fund, which operates independently of the College, manages about 30 properties within a one-mile radius of the campus and provides significant grant opportunities to neighborhood organizations in that area, such as preschools and little league teams, as well as financial support for Macalester faculty and staff living in the neighborhood through down-payment guarantees and home improvement grants. College staff reports that the long-term efforts have been instrumental in maintaining good neighborhood relationships, in part by creating “institutional cheerleaders” on every block.

The City and University of St. Thomas have also relied on the West Summit Neighborhood Advisory Committee to address development pressures on the neighborhood in light of significant campus expansion. The group is comprised of representatives from the two abutting District Councils, several neighborhood activist groups, university officials, and ex officio members from City staff and elected officials. City staff reports that it has been useful as a forum for ironing out future development ideas before application filing, and for building trust between stakeholders.

Staff Involvement: The City has one planner on staff who specializes in college land use reviews, in addition to other responsibilities. College administrators report that many of the land use applications can be handled internally by college staff, and they hire planners and attorneys for more complicated or specific cases. Architects and engineers are also hired for specific building projects, and assist with the site plan review process.

Conclusions: St. Paul’s system of conditional use permits appears to work well for colleges with limited plans for growth or development. Non-regulatory initiatives such as the High Winds Fund and the West Summit Neighborhood Advisory Committee have contributed to improved, long-term neighborhood relationships. The system provides considerable flexibility for colleges to develop within the existing campus boundary, and can be administered with a relatively smaller staff commitment from both the City and the colleges. The system also provides for discrete review of individual projects, helping to focus the review process on just one proposal at a time rather than encouraging horse-trading between proposals.

Weaknesses of the system stem from the limited scope of City review. City staff is not privy to master planning, making it more difficult to review proposals in the context of cumulative impacts. Colleges can sometimes move forward with significant on-campus development without the opportunity for City review or public comment if the development is within the existing boundary. It can be difficult for the City and college to administer so many separate applications and decisions for one institution, given that each parcel added to the boundary may be approved as part of a separate conditional use permit. The process also

has the potential to result in piecemeal campus development and incremental expansion of the campus boundaries into adjacent neighborhoods. City control over off-campus impacts is also limited; colleges may not be required to thoroughly address off-campus student housing issues and, to a lesser degree, transportation/parking issues. The off-campus housing impacts have become such a flashpoint in several neighborhoods that the City Council recently passed a moratorium on rental conversions designed to limit student rentals off-campus.

2.3 Seattle, WA Case Study

Profile: The City of Seattle has over 600,000 residents, and is part of a larger metropolitan area of over 3.5 million residents. Seattle is defined by water, which bisects the City and forms the western and eastern borders of the City. The largest university in Seattle is the University of Washington, with over 40,000 students in graduate and undergraduate programs.⁶ Other schools include a mix of private and public institutions, including Seattle Pacific University and Seattle University, with 4,000 and 7,500 students respectively, and three community colleges with 4,000 to 10,000 students each. Medical centers are also a major institutional presence in Seattle.

Institutional Land Use Status: Colleges and medical centers in Seattle are regulated under the Major Institutional Overlay (MIO) District regulations contained in the Seattle Municipal Code (SMC) Section 23.69. The MIO district applies to all institutions with a minimum site size of 60,000 square feet and a minimum gross floor area of 300,000 square feet. SMC 23.84.A.025. In many cases the institutions are located within neighborhoods predominately zoned for single-family use. Institutional density is particularly high in the Capital Hill neighborhood located southeast of downtown, where MIO boundaries for different institutions bump up against one another. Seattle University, for example, is in the middle of an “institutional sandwich,” with medical institutions’ MIO boundaries to the east and west and the boundary of a nearby community college closing in on the north side.

Master Planning: Within the MIO district, institutional land use is subject to the underlying zoning or the provisions of a Major Institutional Master Plan (MIMP) developed by the City and the institution. SMC 23.69.006.A.

The MIMP includes three parts: development standards, a development program, and a transportation management plan (TMP). SMC 23.69.030.A. The discretion to establish new development standards within the MIO District, including height, setbacks, lot coverage, and landscaping requirements, is a major benefit for the institutions. SMC 23.69.030.C. The development program is divided into planned development and potential development, which is more conceptual. SMC 23.69.030.D. The MIMP includes detailed descriptions of planned development projects, including use, dimensions, location and phasing, whereas potential development details are preliminary and are simply provided for additional

⁶ Institutional development and land use for the University of Washington is controlled by a separate agreement signed between the University and the City, rather than the MIO district provisions. See SMC 23.69.006.B.

context. SMC 23.69.030.E. Preliminary development plans can later be changed without the need for an amendment so long as they remain preliminary; a minor or major amendment would be required to move a project from the preliminary to the planned development list.

MIMPs also establish the institutional boundaries. Boundary expansion is officially discouraged, and any expansion plans must document substantial need. SMC 23.69.002.E. MIMPs must detail not only the current and proposed boundaries, but also disclose any institutional uses within 2,500 feet of the campus, which are subject to greater scrutiny than similar uses in that area by any other user. SMC 23.69.022. Given these regulations, institutions actively work to limit expansions. Seattle University, for example, has previously expanded its boundary under the previous MIMP to accommodate substantial new development such as a law school, but it has worked to accommodate the next 20-years-worth of forecasted development within existing boundaries.

Planning Process: Once it is determined that a MIMP is required, the planning process can take up to two years and provides multiple opportunities for City and public input. One of the first steps in the MIMP process is the formation of a Citizens' Advisory Committee (CAC). SMC 23.69.032.B. The CAC is composed of neighborhood residents and institutional representatives, with City staff serving as ex officio members. All CAC meetings are open to the public and CACs publish the agendas and minutes through the City's website. The series of CAC meetings serves to provide feedback on the MIMP as it is refined, and culminates in a final CAC report. City staff meanwhile develops a staff report based on its own analysis. The staff and CAC reports are forwarded to a Hearing Examiner who submits a recommendation to City Council. The City Council must adopt the MIMP by ordinance, following Council consideration. SMC 23.69.032.I-J. The stated goal is for the City Council to issue a final decision within two years of the date of the application. SMC 23.69.032.C.3. The two-year time frame is typically adequate for review, however, some cases have stretched over three years. Reasons for the delay have included staff turnover at both the institutions and the City, particularly during the current economic downturn.

Term: Recent revisions to the MIMP regulations change the typical term of validity for a MIMP from 10 years to the point of completion of forecasted development. Existing plans that include an expiration date will still be bound by the defined term, however, new plans will not include an expiration date. SMC 23.69.026.B-C. Rather, development of a new plan will be triggered by proposed increases in gross floor area or parking spaces beyond the levels forecast in the MIMP. SMC 23.69.026.C.1. Additional conditions apply if the MIMP has already been in effect for more than 10 years: a new MIMP is required for expansion of the MIO District boundaries or proposed changes that constitute a major amendment, if the Planning Director believes there have been significant changes to the neighborhood. SMC 23.69.026.C.2-3. In practice, Seattle University staff believes that the MIMP it is currently completing could guide development for the next 20 years before the university will exceed the gross floor area allowed in the plan. City staff reports that this change towards a term limited by a development threshold was fairly contentious on both sides.

Amendments: Development that exceeds or differs from the approved MIMP may be handled through three different channels, depending on the extent of the changes. Changes in development that differ from the MIMP but do not require modification of the MIMP are classified as exempt changes, and include: new construction or additions less than 12,000 square feet, increase of no more than 20 parking spaces, expansion of planned development project by 20% or 20,000 square feet, whichever is less, and changes in the phasing of construction. SMC 23.69.035.B. College staff reports that this provision allows a small but welcome measure of flexibility in development.

Development that departs from the MIMP to a greater degree is reviewed through the amendment process. The two categories of amendments, minor and major, differ in terms of the extent of the proposed deviation from the approved MIMP. SMC 23.69.035.C-E. The differentiation between minor and major amendments hinges on whether the proposed changes would have greater cumulative impacts on the neighborhood than the approved plan, and the Planning Director has the final say on categorizing an amendment. SMC 23.69.035.C. Minor amendments can be used to reallocate square footage between approved developments, or change an element of the building design. Seattle University administrators report that they used five minor amendments in the past five years to revise the MIMP to fit project changes at the time of development. The review process for the two types of amendments differs: minor amendments can be approved by the Planning Director, whereas major amendments require many of the steps required for the approval of a MIMP itself. SMC 23.69.035.G. City staff indicated that a large number of MIMP amendments exceed the requirements for a minor amendment and must go through the major amendment process. From staff perspective, a review process with an intermediate level of scrutiny would be useful for medium-level changes, those that are more than a minor but less than a major amendment in terms of their scope.

Periodic Updates: Institutions are required to submit annual status reports to the City and the CAC on MIMP implementation progress, including development underway, activity within 2,500 feet of the MIO boundary, and progress on TMP objectives. SMC 23.69.034.I. Although City staff affirms the utility of the program as a method for on-going communication with institutions, there has been difficulty managing the program over time, particularly following up with institutions that have fallen behind on submittals and reviewing the reports once submitted.

Plan Implementation: Projects included in the MIMP as planned development require a Master Use Permit (MUP) and relevant building permits to move forward. SMC 23.69.034.C. The MUP is a Type II review that assesses whether the proposed development meets the terms of MIMP and all other applicable regulations which is completed by the senior planner assigned to the institution. The process also includes review by the CAC and provides them with an opportunity to comment. SMC 23.69.034. College staff reports that they often need a minor amendment before they can obtain a MUP for a given project.

Public Involvement: Seattle relies heavily on its advisory committee system for public involvement. The CAC, as mentioned previously, has significant formal input into the

MIMP process, including issuing a final written report with findings and recommendations akin to a staff report for consideration by the hearing officer and City Council. SMC 23.69.032.F. Another feature of the CACs is that they transition to SACs—Standing Advisory Committees—once the MIMP planning process is complete, and continue to serve an advisory role during the implementation of and amendments to the MIMP. City and college staff reports that CACs are a preferred approach to public involvement because members elevate the discussion based on knowledge of the issues and understanding of the scope of review.

Colleges' engagement with their neighbors extends beyond the CAC and the MIMP planning process as well. Colleges often provide direct benefits to neighbors, such as invitations to special events and access to recreational facilities, but administrators caution not to offer any neighborhood benefits without putting it in writing, preferably as part of the MIMP, and having adequate staff to oversee the implementation in order to avoid misunderstandings.

Staff Involvement: The detailed MIMP process requires considerable City and college staff resources to complete. The process typically takes two years or more, and colleges may spend more than \$1 million on professional consultants and counsel. At the City, both the Department of Planning and the Department of Neighborhoods commit significant staff time to the process. The City has designated a senior planner for each institution who guides the MIMP process and serves as a prime contact for all planning and development work.

Conclusions: Seattle's approach is very centered on process, but the process appears to be working well for the major players. The CACs create a valuable forum for public engagement, bringing together a small, knowledgeable group of neighborhood and institutional stakeholders, and funneling neighborhood concerns through designated representatives. The MIMPs that result from the process, particularly with the recent change to a term defined by a development threshold rather than a set timeframe, have proven both durable and flexible upon implementation. The minor amendment process and relatively generous provisions for exempt changes have both been important to allow for flexibility, while limiting increases in neighborhood impacts. Throughout, direct relationships between institutions and designated planners at the City create greater expertise in these issues on both sides.

The major concerns expressed by staff were related to their ability to continue to support and manage such an intensive process, particularly its implementation. City staff noted specific concerns about ensuring consistent future interpretation of development standards established in the MIMP, particularly with staff changes over time, as well as difficulties tracking annual updates.

2.4 Boston, MA Case Study

Profile: A city synonymous with colleges, Boston is home to a high density of residents and institutions. The population of 600,000 is part of the larger metropolitan area with 4.5 million residents. The majority of educational institutions are private schools, and there is a great diversity of both size and mission. Smaller schools include specialized institutions like Wheelock College and Berklee College of Music, with 1,000 and 4,000 students respectively. The largest institutions include Boston University, which, with 32,000 students, is one of the largest employers in the city, and Harvard University, which actually owns more acres in Boston than Cambridge. There are also a significant number of medical centers, many of which are associated with the university medical schools.

Institutional Land Use Status: Many of the educational institutions in Boston predate the Boston Zoning Code (BZC), and are integrated into the fabric of existing neighborhoods. Surrounding uses vary considerably, from the residential, nearly suburban neighborhood near Boston College, to the dense, urban mixed-use neighborhood surrounding Boston University. There are several large institutional clusters where both colleges and medical centers butt up against each other. The Boston Redevelopment Agency (BRA), which implements planning and zoning for the city, has applied the Major Institutional Overlay (MIO) District to all large educational and medical institutions that supersedes the underlying zoning. BZC Article 3-1A(f). In the MIO District, nothing is allowed as of right, and institutions must develop an Institutional Master Plan (IMP) to establish development standards and allowed uses specific for each institution. Because these may significantly exceed the standards for the underlying zoning district, there is a clear advantage for institutions to develop an IMP.

Master Planning: The IMP is intended to serve as both a planning and zoning document. It serves as a comprehensive development plan that describes existing facilities, long-range planning goals, and proposed projects, while establishing standards for development. BZC Article 80D-3. The development plan generally describes the anticipated growth and services of the institution for a minimum of 10 years. *Id.* IMPs must detail:

- Mission and objectives. BZC Article 80D-3(1).
- Existing property and uses, including parking facilities. BZC Article 80D-3(2).
- Needs of the institution for a range of facilities, including academic facilities (classrooms, laboratories, libraries), offices, housing, and parking. A Student Housing Plan is required, with detailed information about on- and off-campus student housing, though there are no set quotas for the on-campus student housing. BZC Article 80D-3(3). City staff and consultants retained by the institutions report that off-campus student housing is the primary point of friction between colleges and their neighbors due to lifestyle differences and escalating rents, making this component a critical focus during the planning process.
- Proposed Future Projects, detailing building location, footprint, envelope, uses and parking. BZC Article 80D-3(4). However, detailed analysis of project impacts and

mitigation measures are not required as part of the IMP; they are submitted as part of Large Project Review (LPR); see “Plan Implementation” subheading.

- Transportation and parking plan, including mitigation strategies. BZC Article 80D-3(5).
- Pedestrian circulation guidelines. BZC Article 80D-3(6).
- Urban design guidelines. BZC Article 80D-3(7).
- Job training analysis, detailing current workforce, plans to train and employ people from the community. BZC Article 80D-3(8).
- Community Benefits Plan describing benefits to mitigate impacts of the proposed projects, to be negotiated with the community as part of the planning process and enforceable throughout the IMP term. BZC Article 80D-3(9).

Given the scope of the requirements, IMPs are lengthy documents of many hundreds of pages.

Planning Process: Developing an IMP is a multi-step process. Typically, the institutions and BRA staff begin a conversation outside of the formal planning process, and BRA assembles a taskforce of institutional stakeholders that meets with representatives of the institution to discuss the major planning issues. Institutions formally begin the IMP process by filing an IMP Notification Form (IMP NF) with preliminary plans, shaped by the discussions with the taskforce. BZC Article 80D-5(2). The BRA then responds with a Scoping Determination that sets the criteria for the IMP and review process. BZC Article 80D-5(3). The institution prepares the IMP to address the review requirements and the specific issues identified by staff, and then submits the plan to BRA for their review at a public hearing. BZC Article 80D-5(4). The Zoning Commission, a separate body, holds their own public hearing before sending the plan to the City Council. Given the City’s strong-mayor form of government, staff reports that the Mayor typically has a very strong influence on whether a plan is approved.

Term: Generally, IMPs are approved for a 10-year term, and institutions are required to develop a new IMP rather than amend the existing one at the end of the term. BZC Article 80D-8(2). The BRA will not issue any additional approvals for IMP projects until the IMP itself is renewed. BZC Article 80D-8(1). Staff and consultants concur that there are advantages to starting with a new IMP periodically rather than amending an older version repeatedly, although there are no limits on the number of times an institution may amend the plan before a new plan is required. For example, Northeastern University added multiple dormitory buildings to their campus through a series of amendments, generating some controversy about whether they should have been required to develop a new IMP to better plan for such development. Consultants report that there is a grey area when carrying projects forward into the new IMP that were approved in an earlier IMP but not yet developed ; while the projects are not legally vested as part of the prior approval, they may receive lesser scrutiny in the new IMP review.

The BRA Director retains a certain degree of latitude to require an institution to begin a new IMP planning process, and also has the authority to extend the term of an approved IMP. Staff reports that they may renew an existing plan at the end of the 10-year term as-is for several more years if an institution has no near-term development plans or ideas for future development.

Amendments: IMPs must be amended to reflect any significant changes in the institutional development program, although there are several narrow exemptions. Exempt projects, which do not require a plan amendment, include interior alterations to an existing building not more than 50,000 square feet or new construction not more than 20,000 square feet. BZC Article 80D-2.2(b)(i). Additionally, there are some expedited processes for minor amendments; for example, amendments limited to the addition of one or more Proposed Future Projects focus review on the new projects and their impacts within the context of the cumulative impacts forecasted, rather than a complete IMP review. BZC Article 80D-5.3(d). However, staff and consultants report that these exemptions and expedited review can only be used in very limited circumstances, despite institutions' desire to apply them more frequently. A full amendment, which is required for all changes that do not qualify for exemptions, is equivalent in detail and procedural requirements to a full IMP. Consultants report that institutions frequently need to seek amendments during the IMP term, and typically elect to limit the scope of amendment to discrete projects, rather than bundling multiple projects in a single amendment.

Periodic Updates: Institutions must file reports every two years detailing completed, ongoing and scheduled project, with a timetable of project progress. BZC Article 80D-7. Staff reports that this typically only applies to colleges with active development; staff does not always follow up with inactive institutions that fall behind with their submittals.

Plan Implementation: The IMP establishes development standards for development within the MIO District, but does not serve as zoning approval for specific developments. Individual projects are reviewed separately through Large Project Review (LPR). The LPR planning process focuses on reviewing impacts of the proposed development in much greater detail than the IMP, including transportation and parking, environmental, urban design, infrastructure, and historic resources. BZC Article 80B-3. Applicants must detail everything from rodent control plans to construction vehicle parking locations. *Id.* Institutions may elect to complete the IMP and LPR processes concurrently, or delay LPR until the time of development. Staff reports seeing every possible combination of IMP and LPR filings, including combined filings, deferred LPR filings, and filing of one or more LPRs with the IMP while deferring other LPRs. Consultants noted that institutions strive to combine IMP and LPR filings whenever possible to minimize duplication at a later date.

Following LPR approval, the BRA retains review authority over institutional projects through the permitting process. The BRA reviews all proposed developments for compliance with the IMP before issuing a Certification of Consistency, which is required to obtain the building permits for the project. BZC Article 80D-10. Projects must be

consistent with the size, height, floor area, uses and location specified in the IMP, or the institution must seek an IMP amendment. BZC Article 80D-10(1)(c).

Public Involvement: There are formal and informal opportunities for public participation at multiple points during the IMP process. There are formal 30- to 60-day public comment periods built into IMP review, at the time of IMPNF filing, BRA's review of the IMP, and the Zoning Commission's review of the IMP, including public hearings at each stage. There are additional public comment periods as part of LPR, if completed separately from the IMP. BZC Article 80B-5. The Neighborhood Councils are also notified and engaged in the review process. However, staff reports that public involvement starts well before the formal comment periods with the formation of a taskforce. Composed of neighbors and stakeholders, the taskforce begins meeting before any applications are filed to work out the major issues, which then allows the taskforce to focus on specific details during the limited window of time for formal public review. The taskforce is convened by BRA for the duration of the IMP process; the institutions do not have to retain the taskforce once the IMP is approved, but some voluntarily provide updates to the taskforce about campus developments and typically enjoy improved relationship with neighbors as a result.

Community benefits are also a significant feature of ongoing institutional relationships with neighbors. Benefits are intended to compensate for the institutional impacts on the surrounding neighborhood. BZC Article 80D-3(9). Staff reports that the Community Benefits Plan is a significant part of the IMP, and generally see more benefits associated with more controversial projects. The benefits go far beyond inviting neighbors to campus for designated events, and are generally responsive to specific community needs, such as jobs and job training in low-income neighborhoods, or maintenance of community facilities. Although staff admits that the nexus between project impacts and community benefits promised can be tenuous, consultants report that the benefits go beyond pay-offs. The benefits package often showcases colleges' ongoing efforts, and the benefits themselves often are related to the institutional mission, while providing secondary benefits to the institution such as increasing student recruitment from local communities and building relationships with prospective employers of future graduates.

Staff Involvement: At the BRA, there are four staff members dedicated full time to institutional planning, split between higher educational and medical institutions. Their role also includes coordinating with other departments, such as Transportation, to implement the IMPs. Consultants' expertise is similarly concentrated; one major law firm has completed nearly half of all IMPs filed. However, BRA staff reports that it is possible for smaller colleges and institutions with less controversial projects to complete their own IMP process with minimal help from outside consultants, and that in-house institutional expertise on planning and real estate can be more valuable than the best consultant team.

Conclusions: The IMP process, as implemented by City staff and institutions, appears to have evolved to a point where both sides are satisfied with multiple layers of time-intensive review. Voluntary procedures, such as formation of institutional taskforces and dedicated institutional planning staff, are as important as the codified regulatory process. The

distinction between IMP and LPR approval works to separate the planning and zoning aspects of campus development, and succeeds to a degree. The tradeoff is a greater procedural and review burden for the institutions and staff. The amendment process, while providing narrow exemptions, also appears to be a detailed, time-intensive process. The requirement to develop a new IMP for each term rather than amending the previous plan offers the advantage of consolidating changes in a single, presumably more holistic, document, but can require duplication of previous planning work for any projects included in the IMP but not yet developed. The key to making this intensive process work appears to be the staff and consultants themselves, who bring their expertise to the task of navigating and interpreting the code.

Section 3: Alternatives

3.1 Overview

The previous case studies and the discussion of Portland's existing regulations in Section 1 together form a broad range of alternative approaches to a number of key college planning issues.⁷ Examining the issues across jurisdictions provides the opportunity to evaluate Portland's current regulations in relative terms as well as to examine potential alternatives that may improve the institutional regulatory process. Broadly, points of differentiation between Portland and the three subject cities include differences in their respective zoning codes, interpretations in code implementation, and organizational practices. The specific issues and alternatives emerging across jurisdictions are detailed below, grouped into main themes. These comparisons form the basis for the institutional planning recommendations detailed in Section 4.

3.2 Planning Requirements

- **Regulatory Structure:** St. Paul regulates colleges as conditional uses in residential zones, with specific criteria for approval to address boundaries and other institutional impacts. Seattle and Boston have developed institutional overlay zones tied to master planning requirements, which supersede the underlying zoning.

Portland could choose from among several additional zoning tools. Colleges could be rezoned as zones that allow college uses outright, either using existing zoning districts or creating a new base zone for colleges. Two more targeted approaches would be to create a plan district for colleges or an overlay zone, which would likely be tied to a master planning requirement. Finally, the CUMP code itself could be revised, leaving intact the conditional use review process and master plan requirement.

- **Institutional Types:** Seattle, Boston and Portland use common institutional use provisions to regulate both colleges and medical centers, but St. Paul regulates the two types of uses separately.⁸ In general, Boston and Seattle planners reported that the master plan regulatory approach works equally well for the two kinds of institutions provided they have a contiguous campus comprised of multiple facilities, even though the actual mix of uses and potential off-campus impacts may vary. An additional consideration is institutional size relative to surrounding users: both colleges and medical centers can be perceived as “guests” in a residential

⁷ In addition to the CUMP process, the Institutional Master Plan (IMP) land use review process provides an alternative. However, due to its limited use to date, analysis here will focus primarily on the CUMP review process.

⁸ In St. Paul, colleges are conditionally permitted in residential zones whereas medical centers are regulated as commercial uses. St. Paul's planner suggested this was due to the existing geographic distribution of these two types of institutions, with medical centers clustered downtown and colleges located in primarily residential neighborhoods.

neighborhood setting because of the size disparity between users, thus inviting a similar regulatory response for both types of institutions.

- **Master Planning:** All four jurisdictions require development of a college master plan, but St. Paul had the most liberal requirements. City staff there reported that the lack of a detailed master plan makes it substantially more difficult to review campus land use applications because staff lacks adequate context. Master plans required as part of the regulatory process range in length and level of detail from a few pages in St. Paul to over 400 pages in Boston, although St. Paul institutions reportedly complete more detailed campus master plans for internal use that are not submitted to the City.

3.3 Key Issues and Components of Master Plans

- **Campus Boundaries:** Seattle, Boston and St. Paul reported that “campus creep” or institutional sprawl was the predominant concern about college development over time that drives the land use regulatory process. In those three cities, code provisions establish institutional boundaries through the land use regulatory process and set a high regulatory hurdle for expanding the boundary. In contrast, the expansion of institutional boundaries has not been a major concern in Portland, and is allowed as part of a new master plan or amendment, which many colleges have utilized for both incremental and more significant boundary expansions. Where expanded boundaries have generated controversy, it has often been the proposed use on the site, rather than the expansion itself, that has been contentious.
- **Off-Campus Uses and Ownership:** Seattle, Boston and St. Paul reported a range of concerns about institutional land uses and property ownership outside of the campus boundary. The central issue is whether the utilization of a property for an institutional use or the ownership of a property by the institution—or both—triggers the inclusion of the property within the master plan. In Seattle, master plans must detail any off-campus institutional uses within 2,500 feet of the campus boundary; such uses are subject to regulations beyond the underlying zoning, regardless of whether the property is owned or leased by the institution. In Portland, the limited institutional ownership of off-campus properties has not emerged as a contentious issue, provided the properties are managed in accordance with the underlying zoning.
- **Student Housing:** One of the most visible impacts of college uses is off-campus student housing, particularly when student enrollment increases faster than construction of dormitories. In Seattle, St. Paul and Boston, student housing plans are a required component of master plans, but there are no set requirements for the provision of on-campus housing. In St. Paul, tensions over off-campus student housing have led to the introduction of an emergency moratorium on student rental conversions to address mounting neighborhood concerns. Portland’s CUMPs do not specifically call for student housing plans either on- or off-campus as part of the plan, though current and proposed on-campus student housing is detailed in the plan

as a campus use. Generally, off-campus student housing has not generated significant concerns in Portland that could be addressed through the CUMP.

- **Neighborhood Benefits:** City and college staff in all three cities acknowledged the unique benefits that colleges provide, ranging from employment to open space to music lessons for neighborhood children. Boston requires colleges to negotiate a package of such benefits with the neighborhood and formally articulate them in the master plan; the benefits plan is enforceable by the City for the term of the master plan. Colleges in Seattle typically incorporate similar benefits information in their master plans, although the information is provided voluntarily and self-regulated. In St. Paul, colleges are not required to prepare benefit plans, but report success maintaining open relationships with neighbors in part due to extending benefits such as special event invitations to neighbors. Portland's colleges provide a range of similar benefits; similar to St. Paul, which are not tied to the master plan but rather are self-initiated by the colleges.

3.4 Plan Administration and Revisions

- **Term:** Generally speaking, the master plans in Seattle, Boston and Portland cover a 10-year timeframe. St. Paul is an exception; the conditional use permits for institutions have no expiration date. In practice, city and college staff acknowledged that development projections for the first five years of a plan's term are generally more certain than those for years 6-10. City and college staff felt that these varying levels of certainty should be addressed in the master plan. Seattle has recently switched from an expiration date to a total development threshold: a total amount of gross floor area and number of parking spaces are approved, and the master plan remains in effect until that quantity of development is completed. College administrators at Seattle University optimistically report that the new plan may guide development for up to 20 years into the future. The Portland code specifies that CUMPs remain in effect until all development in the plan is completed, or the plan is amended or superseded; in practice hearing officers often set a 10-year expiration as a condition of approval. Boston also uses a 10-year term, though the exact timing is at the discretion of the BRA Director, with the additional requirement that institutions submit a new master plan at the end of the term rather than a further amendment. City and college staff in both Boston and Seattle spoke to the benefit of drafting a new master plan at the completion of the term rather than extending a plan's term repeatedly with a series of amendments.
- **Amendments:** Boston, Seattle, and St. Paul all acknowledged the need for modifications to the master plan during its term, or in the case of St. Paul, to the conditional use permit. Seattle and Boston have developed several channels for amendments to differentiate between lesser and greater changes, with commensurate levels of review, although interviewees report that a majority of amendments are reviewed under the most intensive process because of the magnitude of changes sought. Portland also provides for two levels of review, a Type II or Type III process, depending on the magnitude of the proposed changes, but most

amendments address multiple issues and require a Type III review that re-examines the entire CUMP. St. Paul, in contrast, has a relatively simple process to modify the institution's conditional use permit, and reported success with limiting each modification to a single issue.

- **Updates:** Seattle, Boston, and St. Paul require colleges to submit a periodic update to the city on metrics such as enrollment, parking and completed development. City staff there reported that this helps staff to stay informed of campus conditions outside of the formal master planning process. However, cities have also struggled with tracking the updates, particularly following staff changes at the city or the college. The CUMP process does not have a specific standard requiring periodic updates however there have been instances where the Portland Bureau of Transportation has conditioned annual reports outlining the expected student enrollment, numbers of faculty and staff for the upcoming fall term to be submitted in order to measure traffic and parking demands.

3.5 Plan Implementation

- **Development Under the Master Plan:** The process for completing specific projects forecast in the master plan, such as a recreation center or dormitory, varies. In St. Paul, development within the approved campus boundary requires only site plan review and building permits at the time of development. Boston has developed a separate, highly detailed review process for projects in addition to master plan review, which can be completed concurrently with master planning or at the time of development. Although project-specific development is reviewed in reference to the master plan, neither Boston nor Seattle has found ways to reduce the review requirements for individual development projects in exchange for greater detail on proposed projects in the master plan itself. Portland's CUMP process offers such an opportunity to complete project-specific reviews as part of the master plan, and thus eliminate the need for further review at the time of development, but in practice too many project details change during the transition from master plan to development proposal for prior review to obviate the need for review concurrent with development.

An additional tool for regulating institutional development is a master plan use permit process, which requires the planning staff involved with the master planning process to review proposed development for consistency with the master plan. Both Seattle and Boston use a similar process, and report that it smoothes plan implementation.

- **Development Flexibility:** The degree to which colleges can develop their campuses under an approved master plan without requiring an amendment varies. Because the master planning requirements in St. Paul are relatively loose, colleges have sole control over on-campus development within approved campus boundaries, whereas campus development in Boston must conform to the stated uses, dimensions, and locations designated in the master plan. Both Boston and Seattle permit a small

amount of development not forecast in the master plan provided it does not exceed a certain square footage limit. Portland provides for a very limited amount of development not conforming to the plan without the need for an amendment, but with a much lower cap than Boston or Seattle: 1,500 square feet of new construction compared to 20,000 or 12,000 square feet, respectively.

3.6 Relationships with Stakeholders

- **Public Engagement:** Seattle, Boston, Portland and St. Paul all provide for public input into the master planning process, and create a role for neighborhood groups in the process to varying degrees. Portland has an established system of neighborhood associations, supported by the City, that are important participants in the CUMP planning process. An important distinction, however, is that St. Paul and Seattle provide a formal role for the neighborhood associations and advisory committees through the procedural process requirements. In contrast, the master planning process requirements in Portland do not formally delegate a role to neighborhood associations, which provides institutions with the flexibility to engage neighborhood associations on less formal terms.

Additionally, Seattle, Boston and St. Paul have experimented with advisory committees; Seattle has the most structured process of neighborhood engagement, creating standing advisory committees for each institution that are coordinated by the city's Department of Neighborhoods. Cities and colleges stressed that public engagement is a long-term, rather than project-specific, commitment.

- **Staff:** All interviewees in Boston, Seattle and St. Paul highlighted the benefits of having staff at both the city and the college dedicated to institutional land use issues. Having in-house land use expertise helped the colleges to maintain long-term relationships with neighbors and the city, as well as to work more effectively with consultants on land use applications. The City, in turn, benefitted from having a dedicated contact person for each institution that was familiar with the institution and the master plan who could help guide implementation.

3.7 Conclusions

The comparison with the other cities illustrates where there are relatively wider and narrower ranges of alternatives for regulating institutional uses. However, there is relative agreement that master planning for both medical centers and colleges is the preferred approach, whether required in association with a conditional use or an overlay district. St. Paul appears to get mixed results without a master plan requirement; relatively stable institutions benefit from the lessened regulatory burden, while expansionary institutions often strain relationships with neighbors. The exact content and approval process for the master plan differs across jurisdictions, providing a range of alternatives for Portland to consider, from the definition of the master plan term to formation of advisory committees as the forum for public involvement. Regardless of the specifics of the different planning processes, cities reported similar problems with key aspects of the master planning process,

namely providing sufficient detail and certainty to surrounding users while retaining institutions' flexibility to develop over time, given the difficulty of planning up to 10 years into the future. The amendment process and the plan implementation process emerged as the primary opportunities to address the tradeoff, though no one city felt that they had it "right." The case studies also highlight a fundamental reality of institutional uses: they are complex, often contentious, and merit greater planning and scrutiny.

Section 4: Recommendations

4.1 Overview

After examining the range of alternatives set forth above, we generated several recommendations for refining the institutional planning process in Portland. College land use planning is, and should be, a detailed, careful and intensive process that engages City staff, neighbors, and colleges themselves. Accordingly, the recommendations offered herein aim to balance the impacts and the benefits that colleges generate, within the overall context of the City's zoning and land use planning system.

We recommend retaining a master plan approach for institutions, but tying the master plan to an institutional overlay zone rather than a conditional use approval within the underlying zone. Although we recommend starting with the current CUMP code as a basis for the master plan requirements, we recommend a series of revisions to the CUMP code to address critical concerns about the flexibility and durability of the master plan process, the plan itself, and plan implementation. Recommended master planning changes, to be implemented through an institutional overlay zone, fall in three categories:

- Changes to the content of the master plan and the review process;
- Changes to the amendment process; and
- Changes to plan implementation.

4.2 Regulatory Structure

The initial consideration for regulating college land uses is the overall regulatory framework, and whether those regulations should be differentiated for educational and medical institutions.

- We recommend creating an institutional overlay zone with a mandatory master plan requirement based on the current CUMP regulations. Across the variety of regulatory approaches to college land uses, institutions generally receive a higher level of scrutiny due to the complex mix of land uses and impacts generated by campuses. Important tools for regulating campuses are master planning and a review process that provides extensive opportunities for staff input and public participation, which the CUMP process provides and which would be retained with the institutional overlay requirements. The institutional overlay zone would have supremacy over the underlying zoning provisions, which is often residential. While institutions strive to be good neighbors and should be reviewed in light of their potential impacts on residential uses, residential development standards are rarely applicable to institutional campuses. An overlay zone could specify base development standards for institutions, or the master plans could detail applicable development standards for the individual institution. An overlay zone would also simplify cases where a campus and even individual buildings straddle several

underlying zones, creating a patchwork of regulations and standards for the institution to meet.

As a minimum alternative to an institutional overlay zone, we would recommend targeted amendments to the existing CUMP code to clarify master planning requirements. The recommendations for the master planning process outlined in Section 4.3 to 4.5 would ideally be coupled with a new overlay zone, but could be applied to improve the master plan requirements for the existing CUMP process as well.

- We recommend retaining the IMP provisions with no changes. There are several institutions with a current IMP in place that will likely continue to plan under the IMP regulations until the end of the plan's term, and possibly renew the plan, given their investment in drafting and receiving approval for their IMPs. However, the IMP process has not been broadly adopted by institutions, and is not perceived by most institutions to offer a significant benefit over the CUMP process. At this point it is unlikely that additional institutions will elect to begin planning under the IMP process. Retaining the IMP regulations in the code will ease administration of active IMPs while preserving the rights of institutions to continue planning under the regulations, as well as preserving the opportunity to use the IMP process for the future.
- We recommend a single institutional planning process for both colleges and medical centers. Despite the differences in day-to-day operations, facilities, and clients served, colleges and medical centers share several characteristics: both are large, campus-based land users that develop a mix of facilities over time in a set location, with many interlocking pieces and cumulative impacts. The exact impacts of medical centers and colleges may differ, but reviewing them in a systematic and holistic way, within the context of the surrounding neighborhood, remains crucial. The CUMP process provides for this level of review for both colleges and medical centers through the master planning and conditional use review. At this time, we do not recommend that the overall master plan approach be differentiated for the two institutional groups, although it may be useful to consider tailoring the specific plan requirements and approval criteria for each group.

4.3 Changes to the Content of the Master Plan and the Review Process

A central concern relating to the content of the master plan, whether tied to an institutional overlay zone or the CUMP process, is whether the plan is intended to function primarily as a planning or zoning mechanism. As a planning tool, the plan is intended to serve as a guide for likely future development. When serving as a zoning approval mechanism, however, the plan is expected to provide more concrete details about physical development and its impacts as a basis for the City's review. Given this tension, we recommend that the City explore the ability of colleges to accurately forecast and the utility of providing such detailed information. Tradeoffs may be possible between including greater detail in the plan or at a later date, corresponding to receiving regulatory approvals now or later, respectively.

Ideally, the zoning approval function of the plan should not obligate colleges to provide so much detail that it undermines the more general planning function of the plan. The recommendations that follow are intended to simplify the master planning requirements while balancing the planning and zoning functions of the process.

- We recommend that the City vest approval of existing campus uses to avoid the need for colleges to seek re-approval as part of plan approval. There are no other known conditional uses that must seek re-approval on a periodic basis. Although present uses should be detailed and their impacts analyzed as part of the plan, eliminating additional review of these uses as part of each plan revision would allow the review process to focus on the proposed changes to the use, essentially the ‘net change,’ much like reviews of alterations to existing conditional or non-conforming uses. Additionally, this would avoid putting existing college uses at risk of losing conditional use status with every plan application, given that many institutions have been established for 100 years or more.
- We recommend focusing on proposed uses and limiting or eliminating discussion of possible future uses given the greater uncertainties associated with development further out on the planning horizon. Colleges are typically able to forecast development for approximately 10 years into the future. Projects that are further off, those described in the CUMP code as potential or possible future uses, are generally so vague that it is unfeasible to provide any significant level of detail about them. Lacking such details, meaningful review of possible future uses is difficult and results either in deferring review or amending the plan at a later date, thus negating any benefit of having included them in the plan. We recommend that discussion of potential or possible future uses be removed from the master plan requirement, or made optional.
- We recommend changes to the impact analysis and future review procedures that would provide flexibility to defer certain reviews. The applicant could elect to defer certain reviews of proposed uses, including transportation and parking analysis, rather than complete them concurrently with the master plan review. Development approval would be granted following completion of the deferred reviews.
- We recommend using the master plan to articulate development standards for the campus and eliminating the requirement for separate review of any adjustments necessitated by the proposed development standards. Because the urban form of institutions differs significantly from surrounding users in most cases, as well as across different institutions, the master plan provides an appropriate venue for articulating campus-specific development standards. The current CUMP process requires that development standards different from the underlying zone be specified in the plan, and that the applicant complete an adjustment process if needed. The master plan process is intended to combine multiple reviews required for the institution’s future development through a Type III review, and thus the proposed

development standards would receive the same level of scrutiny through the master plan review as would be required through a separate adjustment review.

- We recommend including trips avoided due to discontinuation of previous uses in the analysis of cumulative transportation and parking impacts, in addition to trips added as a result of the new uses. Additionally, we recommend that the transportation impact analysis requirement be refined to provide a breakdown of individual project impacts along with cumulative impacts. Given the mix of proposed and possible future projects in the plan and associated development uncertainty, the cumulative impacts often overstate the likely outcome and overshadow discussion surrounding the actual impacts from proposed projects. Subtracting trips avoided from the total trip count and attributing trips to individual projects rather than cumulatively would provide a more detailed and realistic forecast of likely impacts.
- We recommend a change in the duration of the master plan to move away from a set term measured in years, as has frequently been imposed as a condition of approval. Although colleges are generally able to forecast development over a 10-year period, the pace of implementation may be slower than anticipated due to unanticipated financial or other regulatory hurdles. To provide more flexibility, the plan would remain in effect until all development forecast in the plan is complete, or the plan's duration could be measured against a cumulative metric of development. Possible metrics include a maximum square footage of development, student enrollment, or trips generated. However measured, the CUMP should remain in effect until the threshold is reached to allow the college to develop the uses allowed in the plan, rather than specifying an expiration date. Redefining the term of the master plan should likely be tied to a discussion about vesting to specify the regulations that will apply to development detailed in the plan, and address any concerns the City may have about vesting campus development beyond the current de facto 10-year term.

4.4 Changes to the Amendment Process

The amendment process is crucial for dealing with unanticipated changes in development specifics that occur as the plan is implemented. Ideally, campus development unfolds as forecasted in the master plan in terms of the use, location, size and phasing of discrete projects. However, there are frequently changes in the project specifics at the time of obtaining regulatory approvals due to changing needs of the institution or financing options. This set of recommendations focuses on how to acknowledge these changes: both how closely development must match the plan to be implemented without an amendment, and how to amend the plan to permit development that is significantly different from that forecasted.

- We recommend that the City increase the threshold of development not conforming to the approved plan that is allowed without an amendment to reduce the need for frequent amendments. The current cap on development not conforming to the plan is set at 1,500 square feet or a four percent change in parking spaces, while Seattle

and Boston allow changes totaling 12,000 and 20,000 square feet of new construction without an amendment, respectively. Given the large size of many college campuses and the need to adapt development plans to evolving conditions, a higher threshold for both square footage and parking would provide for greater flexibility and less administrative cost for the City and colleges without undermining the fundamental master planning aim or significantly increasing off-site impacts.

- We also recommend a two-track amendment process to further differentiate between minor and major changes to the plan, with corresponding levels of review. The CUMP code currently provides for both Type II and Type III procedures to review amendments, but almost all amendments trigger the threshold for Type III review. PCC 33.820.090. Refining the thresholds to allow minor plan modifications with lesser impacts, such as reallocating square footage between proposed uses or changes in phasing, to utilize the Type II review process would provide greater flexibility and a more appropriate alternative to a full Type III amendment. Additionally, relaxing the 400-foot standard, which requires any development within 400 feet of the campus boundary—effectively encompassing the entire interior or a significant portion of the campus—to be reviewed as a Type III amendment, would provide more opportunities to use a minor Type II amendment.⁹ Review of minor amendments would be limited to the changes proposed, within the context of the larger plan but without reopening the entire master plan for review. More complex changes with greater potential for impacts would continue to be reviewed through a Type III process as major amendments, focusing review on the propose changes themselves within the broader institutional context rather than revisiting the full plan. Institutions could also be given the flexibility to specify in their plans which type of amendment would apply to future changes.

4.5 Changes to Plan Implementation

The success of a master plan can be measured at the time of implementation: well-executed master plans should facilitate project development with minimum additional or repetitive review necessary. The key is broadening the definition of development in conformance with the master plan, delaying specific impact analysis until development details are more certain, and ensuring consistent translation of the plan into action.

- We recommend that the City include an option for applicants to complete specific impact analyses at the time of project development rather than at the time of plan

⁹ Planners with a long history of institutional planning in the Portland area reported that as originally conceived, the 400-foot standard was intended to apply to any uses immediately outside of the campus boundary, to prevent unregulated fringe development. It was never intended to apply to development within the boundary, as it has been applied in recent years. Returning to the original intent would provide significantly more flexibility for institutions to use Type II amendments for minor changes within their existing boundaries. See PCC 33.820.090.A.1.

review, as detailed in Section 4.3. The offsite impacts could be reviewed through a Type III process, limited to the scope of the proposed project.

- We recommend that the City incorporate greater flexibility for limited development not conforming to the plan and add a meaningful minor amendment process, as mentioned in Section 4.4, to simplify the transition from master plan to project development. Given the time that elapses between master plan approval and ground breaking, many individual projects require small adjustments that currently necessitate a full plan amendment before development can begin.
- We recommend that the City review projects for consistency with the approved plan to ensure accurate implementation of the plan. This review, which could be formalized as a Consistency Permit or Master Plan Use Permit, would be most effectively completed by the planning staff involved in the development of the plan, rather than other BDS staff. Both Seattle and Boston require similar permits, to be completed by the institutional planning staff; they report success in preserving the fidelity of the plan upon implementation. While the permit would add another layer of process, it would likely expedite overall project development by providing an accurate initial determination of project suitability. The City has already developed a similar review required for IMPs, a Type II process called a Compliance Review, a modified version of which could be applied to master plan development. PCC 33.848.090.

4.6 Overarching Procedural Recommendations

A final component of successful institutional planning is meaningful relationships with key stakeholders and efficient implementation of the code.

- We recommend maintaining formal and informal channels for public input. Neighborhood engagement and public involvement in the planning process are critical issues for successful institutional planning. The combination of formal public input during the master planning process and the colleges' long-term commitment to building relationships with their neighbors currently provides multiple opportunities for citizens to engage in the planning process. The colleges report that they have undertaken a number of steps to partner with the surrounding neighborhoods, including making presentations to neighborhood associations in advance of submitting plan applications and appointing a college representative to serve a liaison to the neighborhood association on an ongoing basis. Developing more collaborative and less adversarial relationships between colleges and neighborhood associations remains a challenge, however, because of the amount of power granted to Portland's neighborhood associations in the planning process and the potential for individuals with strong opinions to dominate the process, even if they do not represent the majority of neighbors' opinions.
- We recommend that the City and the colleges work together to develop organizational best practices to guide review and implementation of the plan. These

practices would facilitate on-going communication between City staff and colleges. Colleges are committed to developing expertise on land use planning and development issues as well as identifying a single staff person at each college that can serve as the main contact with the City on planning issues. Given the complexity of administering college land uses over time, colleges would value working with dedicated staff person(s) at the City, to the extent that the Bureaus can provide. One potential tool for facilitating the on-going implementation and revisions to the CUMP is periodic updates. Before proposing any formal periodic update process, the colleges would like to work with staff to determine the content, submission schedule, and utility of such updates to avoid the difficulties experienced by other cities. Colleges value the work and knowledge of City staff, and while there are no formal code recommendations governing these relationships, commit to improving on-going communications.

- We recommend thorough and careful application of the code to institutional land use applications. High quality, accurate decision-making is a necessity for the master plan process, given the many complicated nuances of the code and institutional uses.

Appendix A: Sources

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Appendix B: Acronyms

Where an acronym is used specifically in one of the cities studied, the city is noted.

BDS:	Bureau of Development Services, Portland
BRA:	Boston Redevelopment Agency
BZC:	Boston Zoning Code
CAC:	Citizens' Advisory Committee, Seattle
CUMP:	Conditional Use Master Plan, Portland
CUP:	Conditional Use Permit
FTE:	Full-Time Equivalent
IMP:	Impact Mitigation Plan, Portland
IMP:	Institutional Master Plan, Boston
IMPNF:	Institutional Master Plan Notification Form, Boston
IR:	Institutional Residential zone, Portland
LPR:	Large Project Review, Boston
MIMP:	Major Institutional Master Plan, Seattle
MIO:	Major Institutional Overlay district, Seattle and Boston
MUP:	Master Use Permit, Seattle
PCC:	Portland City Code
SAC:	Standing Advisory Committee, Seattle
SMC:	Seattle Municipal Code
SPCC:	St. Paul City Code
TMP:	Transportation Management Plan