COMPARISONS OF ZONING APPROACHES FOR FOUR JURISDICTIONS: PORTLAND, ST. PAUL, BOSTON AND SEATTLE

CHARACTERISTIC	PORTLAND	ST. PAUL	BOSTON	SEATTLE
Historic Locations	Most existing colleges/medical centers located in SF or MF residential zones.	Most existing colleges located in SF or MF residential zones. Mainly located downtown, medical centers are not permitted in residential zones.	Many historic colleges/universities and medical centers located in range of residential areas from low-/moderate- density to innercity/urban-level density.	Most existing medical and educational institutions are located in SF residential zones, with particular concentration in Capital Hill area.
Zoning Status	 CU in all SF/MF residential zones. Outright uses in C and E zones. Not permitted in I zones. 	 Colleges allowed as CU in all SF/MF residential zones. Colleges and medical centers allowed by right in C and LI zones. Neither permitted in I zones. 	Major Institution Overlay (MIO) is applied to large medical and educational institutions; supersedes underlying zoning.	Large medical and educational institutions are regulated subject to the Major Institution Overlay (MIO) that applies to all uses with more than 60,000-sf site area and minimum of 300,000-gsf of development; supersedes underlying zoning.
Review Mechanism	Generally CUMP (PCC 33.820) required for campuses with over 500,000 gsf of development or voluntarily for approvals from 4-10 yrs; occasionally Conditional Use for single-phase development (CU) (PCC 33.815)	Conditional Use (CU) review (SPCC Chapters 65 and 66); no provision for CUMP.	Institutional Master Plan (IMP) required for campuses with more than 150,000 square feet of institutional uses, voluntary for smaller institutions. (BZC Article 80D-1); Major Institutional Overlay Zone established in Article 3-1A(f).	Within MIO, institutions must file a Major Institutional Master Plan (MIMP) (SMC 23.69).
Philosophy/Key Components	 Cumulative approach: Cumulative impacts of existing and proposed development are examined. By providing a high level of detail about future development, CUMPs are intended to provide sufficient review to allow projects to proceed without further land use review. Although new reviews do not question the status of existing development, COAs rolled forward; Makes no distinction between interior versus edge (transitional) development. 	Discrete approach: Underlying premise is that institutions can plan/manage development within boundary with the city responsibility to review transition between institution/neighborhood Project-specific review; does contain a "minor" master planning component as described below. Only proposed request is subject to appeal; does not affect previous or concurrent development. Once approved in previous review, never revisited. Requires needs justification	 Cumulative approach: IMP plan establishes the parameters of overall development but each project still must go through Type II review at time of construction to demonstrate compliance with IMP approval. IMP is holistic process allowing institutions to set their own development standards as well as elements such as job training program and Community Benefits Plan. Makes no distinction between interior versus edge (transitional) development. 	 Cumulative approach: Evaluates cumulative impacts of existing and proposed development. Focus on total scale of planned improvements, with moderate level of detail required for individual project. Once established, very difficult to expand campus boundary; requires significant documentation of need. Also concerned with off-campus institutional uses to prevent <i>de facto</i> expansion.

CHARACTERISTIC	PORTLAND	ST. PAUL	BOSTON	SEATTLE
Review Process/Initial	Type III hearing before the Land Use Hearings Officer with appeal to City Council	Type III hearings before Zoning Committee of Planning Commission with appeal to City Council	 IMP process multi-stepped: Institution files an IMP Notification Form (IMPNF) BRA prepares Scoping Determination Type III hearing before BRA Separate Type III hearing before Planning Commission with final decision rendered by City Council Individual projects required detailed Type II review by means of a Large Project Review (LPR) 	Type III hearing before Hearings Examiner who makes recommendation to City Council, which must adopt by ordinance. Type II Master Use Permit (MUP) is required at the time of construction to document compliance with approved MIMP approval.
Submission Requirements	As governed by PCC 33.820.070: Campus boundary General statement Uses/functions Existing/proposed site plans Site-specific development standards Phasing plan Transportation/parking analysis Proposed street vacations Adjustments Other discretionary reviews	As governed by SPCC 65.220(f) (colleges only): Proposed campus boundary 10-/20-year enrollment projections 10-year parking plan 10-year student housing plan Description of development impacts on major open space Impact analysis of social, physical and economic impacts on immediate neighborhood including neighborhood benefits	 As governed by BZC Article 80D-3(1): Mission and objectives Existing site plan Facility needs assessment Campus-specific development standards Description of detailed future projects Transportation/parking plan Pedestrian and urban design guidelines Current/future job-training analysis Community Benefits Plan 	 As governed by SMC 23.69.030: Proposed development standard to replace the standards of the underlying zone Development alternatives analysis is given by site plans and massing diagrams for existing and planned future physical development Infrastructure improvement plans Open space plans Phasing plan Transportation Management Program
Term	CUMP granted only for 10 years whether fully built our or not; approved but not built projects lose vesting and must be re-approved.	No limitations on term once project approved.	Up to 10 years after which new IMP must be submitted. Up until then, institution has the option to make major amendments of its current plan or start over with new IMP.	Old plans capped at 10 years but no plans open-ended until full build-o of approved amount of developmen occurs; could last for up to 20 years

CHARACTERISTIC	PORTLAND	ST. PAUL	BOSTON	SEATTLE
Review Process/Amendment	 By right: very limited options, e.g., expansions of up to 1,500 gsf Minor Amendment: Type II review generally based on 10% rule. Major Amendment: Type III 	Relatively generous: Triggers for review include increase of student body of 10% or 300, whichever is less; building increases over 50%; and boundary expansion and/or extraboundary development. Thus, significant additional development not initially approved allowed without review. Again review only applies to specific request.	 Three types of amendment: Exempt including interior alternations of existing buildings up to 50,000 gsf or new building of up to 20,000 gsf. Expedited (Type II) for very limited list of changes. Type III Major Amendment that requires virtually the same process as a new IMP. City staff and institutional respondents note that almost all amendments are major. 	 Three types of amendment: Exempt: Including new construction up to 12,000 gsf or 20 additional parking spaces; expansion of approved projects by 20%/20,000 gsf, whichever is less, and changes in phasing. Planning Director decides whether Minor (Type II) or Major (Type III) per above. In practice, many are major. Major amendments are essentially a new MIMP.
Implementation Latitude	Relatively little flexibility, e.g., moving approved building footprints or space into new buildings. However, custom to allow Institutions to submit own review triggers that may be more generous than allowed in PCC 33.820.090.	As noted immediately above, rather broad latitude.	Relatively little flexibility. More latitude for exempt changes, as compared to Portland, but less breadth of change permitted as Minor Amendments.	Moderate latitude, especially with regard to exempt changes. MIMPs are more flexible about phasing and square footage, which means more development, complies with the plan outright. However, little more can be done as minor amendment as triggers are relatively low.
Reporting Requirements	No code-required periodic updates but may be required as COA, e.g., update of traffic/parking and/or TDMP performance.	Institutions required to submit annual reports on parking performance and if demand exceeds 10% of projected, may be required to provide additional parking facilities.	Institutions are required to submit updates biennially. Institutions actively involved in development must keep current with reports to receive building permits for development. BRA does not enforce late/skipped reports for institutions without active development.	Institutions required to submit annual reports on development activity and TDMP implementation. City staff reports it is hard to enforce annual reporting due to lack of staff continuity on part of institution.

CHARACTERISTIC	PORTLAND	ST. PAUL	BOSTON	SEATTLE
Neighborhood Engagement	Not required but neighborhood associations given great deference in Oregon land use law, including ease of local appeal. Always recommended for institution to engage neighbors and formal association(s) early and often before and during review.	Applicant must meet with appropriate neighborhood coalition (District Council), which is required to give formal position; however, institutions often meet voluntarily on regular basis to build necessary relationships in advance of new applications. Although not required by code, the city convened an advisory committee to provide feedback on rapid campus growth at a local college, which has diffused some tension between neighbors and the institution. The city may create more such advisory committees in the future.	 There are numerous public participation opportunities: Formation of neighborhood task force even before institution files IMPNF. Public notice/hearings held at several points including IMPNF filing, BRA Scoping Determination, and Zoning Commission Neighborhood Councils also given formal opportunity to weigh in. 	At beginning of typical 2-year period that it takes to develop, submit and approve a MIMP, the institution names a Citizen Advisory Committee (CAC) composed of affected stakeholders. CAC makes a formal recommendation on MIMP approval. Once MIMP is approved, CAC becomes Standing Advisory Committee (SAC), with which the institution continues to interact during plan implementation. Institutions report liking the continuity that this provides in terms of stable, informed membership and building sustainable relationships with neighborhoods.
Neighborhood Benefits/ Infrastructure	No requirement that institutions provide neighborhood benefits' package; negotiations as part of neighborhood engagement described above often results in Good Neighbor Agreements (GNA) but BDS is reluctant to make such a document a COA because essentially two-party agreements with little legal authority. As either part of GNA or COA, many institutions have on-going stakeholder advisory committees, help support local activities/sports leagues, offer free meeting space, and/or offer staff down-payment subsidies for home purchases in adjacent area.	No provisions in SPCC for formal framework but several voluntary models such as Macalester College's Four Winds Fund. The fund's work includes offering grant opportunities to local efforts (pre-schools, children's sports teams) and down-payment/home improvement loans to faculty/staff who buy homes in immediate neighborhood.	A Community Benefits Plan is an integral and important element of the IMP, in an attempt to compensate for adverse impacts associated with the institution's scale and traffic. The more controversial the IMP, the more robust the plan. These can include job training/recruitment programs in low-income neighborhoods and helping to subsidize community facilities. Institutional representatives note that these programs exceed payoffs but can have far-reaching public relations' and employee/student/patient-recruitment benefits.	No formal requirements. In practice, institutions may offer neighbors special benefits such as invitations to special events and use of recreational/meeting facilities. Important for the institution to articulate agreements in writing, separate from the MIMP, both to ease implementation and to make sure the institution gets "credit" for its efforts.

CHARACTERISTIC	PORTLAND	ST. PAUL	BOSTON	SEATTLE
Strengths	 Grants up to 10-year development window, up from 3 years granted by traditional CUP. Gives institutions option to approve many projects up-front, if built out substantially as approved; require no further review than BDS Plan Check, Includes cumulative analysis of impacts including transportation and scale/density, providing city and neighbors complete picture. Includes detailed, integrative analysis of existing and proposed development. Assumes that institutions meet needs test by virtue of being CUs in residential zones. New CUMPs do not revisit need or current development but does push forward all pertinent previous COAs. 	 Very flexible regulatory approach allows for faster, cheaper development. Gives colleges' wide latitude to develop within their campus boundaries in recognition of community benefits. Reviews discrete, so they are focused on the specific project merits and prevent "horse-trading" between projects. Opposition to a specific project does not impair overall operations/development. Requires needs/community benefits assessment to off-set associated impacts such as congestion and scale. Has resulted in voluntary efforts to encourage institutional/neighborhood engagement. 	 Major Institution Overlay (MIO) District recognizes that use is unique and important in its own right. Overlay is legislatively mapped on Zoning Map. IMP gives institutions the opportunity to create development standards that are tailored to the institution's needs and often significantly exceed what is allowed by the underlying zoning. Formalized Community Benefits Plan becomes an important element of the IMP and a way for the institution to negotiate trade-offs for external impacts related to traffic and scale. Also recognizes the community work institutions are already doing in many cases. Dedicated institutional planning staff is familiar with campus issues and help ensure smoother plan implementation. 	 Major Institution Overlay (MIO) District replaces underlying zoning, in recognition that use is unique and important in its own right. This is recognized in the MIMP that allows the applicant to develop campus-specific development standards independent of underlying zoning Establishment of CACs that convert into SCAs once the MIMF is adopted provides the institution with continuity from knowledge- able, committed neighborhood stakeholders. Exempt amendments offer more generous plan modifications offered by right in other codes. In practice, may provide up to 20- year term for future MIMPs. Dedicated institutional planning sta provides continuity for both the MIMP process and the Master Use Permit (MUP) review required at th time of project construction.

CHARACTERISTIC	PORTLAND	ST. PAUL	BOSTON	SEATTLE
Weaknesses	 CUMPs very costly to produce, costing from \$100 - 200 K in consulting assistance and filing fees. As result, an institution may "front-load" the IMP with a large number of projects, but can provide few details about the projects or phasing, which often depends on fundraising. Level of detail about 10-year development generally difficult to provide, especially for projects in Years 5-10. Triggers for review relatively low, so even minor variations from approved plan trigger at least a Type II and frequently a Type III modification. Such reviews are costly and undermine the benefit of getting a 10-year approval, particularly because institutions risk losing approval for other components of the CUMP. Code provisions are confusing as to when an applicant can ask for modifications of underlying development standards as part of the CUMP and which require concurrent Adjustments. Various aspects of the CUMP are not severable and, therefore, an appeal of one aspect risks the whole plan; gives opponents significant leverage. 	 City planning staff has limited review oversight; difficult to review projects in a vacuum without information on broader campus development. Project-specific reviews result in lack of analysis regarding cumulative impacts, particularly with regard to transportation, student housing, and development scale/density. Relatively high review triggers permit substantial growth without city oversight or neighborhood input, which can fuel negative neighborhood reactions as well as piecemeal city permitting decisions. Institutional sprawl, or "campus creep," seen as a major threat to neighborhoods, with fewer opportunities to challenge it through planning or public process. 	 Extremely process-heavy. Even relatively uncontroversial plan requires three major hearings before BRA, Planning Commission and City Council, respectively. Once approved, each project requires an intensive Type II review Large Project Review (LPR), comparable to Portland's Design Review or Site Design Review in many jurisdictions. Multiple informal and formal opportunities for public input, a sort of public outreach on steroids. Combination of hearings and outreach add significant time, cost and uncertainty to project. Little flexibility in making exempt and minor amendments. A majority of amendments require major amendment in process similar to new IMP approval. Nexus between development plans and community benefits can be weak; institutions run the risk of being held hostage for neighborhood demands. Community Benefit Plans can be difficult to enforce for institutions and the city. 	 Very process-heavy. Even relatively uncontroversial plan takes up to two years to get approved. Once approved, each project requires a Type II review. Triggers for minor amendment are set pretty low and leave substantial discretion to the Planning Director. Most modifications that are not exempt are major amendments that require the same approval process as the original MIMP approval. City planning staff concerned about staff resources related to implementation including annual updates and Type II MUPs.

Source: City of Portland CUMP analysis (The Bookin Group LLC); Case studies for St. Paul (MN), Boston (MA) and Seattle (WA) (JET Consulting/Stoel Rives on behalf of Portland College Coalition)

General Notes:

- 1. Analysis does not include City of Portland's alternative institutional regulations, Impact Mitigation Plan (IMP (PCC 33.248) as used by only a small number of existing institutions such as Legacy Emanuel Medical Center and Portland Community College (PCC)/Cascade Campus.
- 2. Uses Portland's nomenclature for legal review, including Type II (minor quasi-judicial review/administrative) and Type III (major quasi-judicial review/public hearing), as short-hand for review procedures in other jurisdictions.

Abbreviations:

SF: Single-family residential zones MF: Multi-family residential zones

C: Commercial zones
LI: Light industrial zones

E: Employment, Portland's version of LI zones

I: Industrial zones

BDS: City of Portland Bureau of Development Services

COA: Conditions of approval CU: Conditional Uses

CUMP: Conditional Use Master Plan (CUMP)
GNA: Good Neighborhood Agreement

TDMP: Transportation Demand Management Plan

BRA Boston Redevelopment Agency

PCC: Portland City Code SMC Seattle Municipal Code SPCC: St. Paul City Code