



December 9, 2015

Via email (PSC@PortlandOregon.gov)

City of Portland
Planning and Sustainability Commission
1900 SW 4th Avenue, Ste. 7100
Portland, OR 97201

Re: University of Portland Comments on Campus Institutional
Zoning Project – Proposed Draft

Dear PSC Commissioners,

We have reviewed the November 2015 Campus Institutional Zoning Project (“CIZP”) Proposed Draft (the “Proposed Draft” or “Draft”) and the December 1, 2015 “Comparison of Conditions” spreadsheet prepared by John Cole of BPS and would like to submit the following comments.

First, we appreciate the analysis and comparison of the new CI provisions with UP’s existing master plan that was approved in 2013 and which will expire in 2023. We understand that this comparison shows how our existing approvals will be treated in a new CI zone, which approvals will continue, which will have to be amended, and which may no longer apply. We also understand however that this comparison is based on the BPS-proposed CI zone and that the CI zone provisions may change over the course of the public review and hearing process. Thus, we recognize that the comparison and analysis may change and we will continue to comment on those changes to the extent they do not meet UP’s expectations about campus development.

Second, UP is mindful of the long hours we have spent with the University Park Neighborhood Association (“UPNA”) coming to agreement on our last master plan. That work resulted in an uncontested hearing before the Hearings Officer and UPNA’s endorsement of the master plan. UP is sensitive to the commitments we made under the 2013-2023 master plan and we intend to honor those commitments. We understand those are 10 year commitments but to the extent the CI zone proposes to alter that agreement, the City will need to explain those changes to UPNA. UP will be mindful of the impacts on, and opinions of, the UPNA.

Conforming Uses. As stated above, UP’s most recent Master Plan was unanimously approved in 2013. All current campus buildings are allowed uses and conforming developments under UP’s current Master Plan, and all previous master plans. If the master planning process is eliminated for UP’s campus, the CIZP must preserve the conforming nature of each of these uses as a

baseline and not subject any of these previously permitted uses to any non-conforming use or development review. Our read of Mr. Cole's Comparison of Conditions chart is that BPS agrees with this comment. For instance, under the height regulations it is stated the "intent is for the building heights to be fully reflected on Map 150-2." We read this to say that all existing heights of buildings and allowed heights under the master plan will continue to be allowed as conforming uses. We assume this same conclusion applies to current and planned uses under the master plan such as athletic facilities and all other college or college accessory uses contained in the master plan.

McCormick and Baxter Site. The current master plan boundary includes the McCormick and Baxter site. UP is in discussions for the use or purchase of this site. The master plan has already approved college uses on the site and assigned a specific floor area ratio to development on that site. Thus, the new CI zone should be applied to the McCormick and Baxter site.

Athletic Fields. UP is an NCAA Division 1 University and is required to host nighttime sports events at its existing Merlo and Joe Etzel outdoor Fields for its NCAA sports teams. NCAA live sporting events require regulation-sized fields, team and training facilities, spectator seating, outdoor lighting, and voice amplification. UP athletes also need practice time on these fields which often require outdoor lighting outside of event hours. The development of Merlo and Joe Etzel Fields was allowed under UP's CUMP. The CUMP also regulates lighting and amplification at these venues. These existing facilities meet the minimum requirements for NCAA sporting events. In order to maintain its status and viability as an NCAA Division 1 University, UP must continue to operate its outdoor sporting fields under the existing baseline with opportunities for reasonable growth.

UP requests that its existing field standards (including the facilities and accessory buildings, lighting, and amplification standards) be incorporated into the CIZP as a baseline for UP's campus. Under this baseline, UP would not be required to obtain a conditional use permit to operate its sports fields in compliance with its existing standards. Again, the Comparison of Conditions report seems to agree with this conclusion by stating "outdoor sports field conditional use requirements carry forward until amended." UP understands this language to mean that our existing uses and approvals will carry forward even after any zone change to CI. Further, only if we apply to expand an outdoor sporting facility use in some measurable way beyond the level approved in the master plan will we be required to apply for a conditional use, if such an application is required under the new CI zone. We also understand that any such conditional use review would apply the existing use as a baseline and not operate to reduce the existing use.

Master Plan Expiration. The CIZP proposes to eliminate all existing campus CUMPs on or before December 31, 2020. After 2020, campuses must apply to rezone their properties to the appropriate CI zone even if their existing CUMP is still valid. UP's CUMP is valid from 2013 until 2023, and under its terms and the current Code, can be extended for an additional term of ten years. The 2020 cut-off will arbitrarily eliminate three years from UP's approved master plan and UP's extension rights. UP requests that the City honor its existing CUMP until its expiration in at least 2023. We recognize that the desire to limit the plan to 2020 is based on a concern that the City would like to see a new traffic study by that date for all institutional uses under the new CI zoning.

UP conducted a 10-year traffic study in 2013 with projections through and past 2023. Thus, all traffic impacts for the ten-year period have already been studied and mitigation is in place to address these impacts, including the three years after 2020. We cannot therefore agree to now limit our traffic vesting to less than the projected timeline but continue to honor our mitigation requirements based on the 10 year timeline.

Parking/Transportation/TDM. UP has built a parking supply and demand, special events and transportation demand management (TDM) program over the decades that both effectively manages its transportation and parking impacts as well as encourages multi-modal trips. We are requesting that any TDM program that comes with the CI zone recognize the unique setting of each of these institutions, including UP, and recognize the success of the existing programs to manage parking and transportation and increase multi-modal trips. If an existing program is effective, the City need not require amendments simply because there is also a desire to adopt a CI zone. In many cases, the CI zone may in effect be use - or density - neutral for the institution. In other words, the CI zone itself will not encourage or result in any more development than would have occurred under the existing master plan. In that way, the new CI zone may not, by itself, justify a more rigorous TDM program.

Thank you for the opportunity to comment on the proposed draft CI regulations. We look forward to participating in the upcoming hearings.

Best regards,



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Asst. VP for Community Relations & Special Projects

cc: Christe White, Radler White Parks & Alexander, LLP
Tom Armstrong, BPS
John Cole, BPS
Jim Ravelli, University of Portland