

## **Director's Report and Recommendation Minor Amendment Process for MIMPs**

### **Purpose and Background**

The purpose of this proposal is to define a pathway within the Land Use Code's Major Institution Master Plan (MIMP) regulations to provide more flexibility for housing construction at community colleges in Urban Centers, to serve students and employees of the Major Institution. Urban Centers are designated in the City's comprehensive plan and are mixed-use neighborhoods with dense residential and employment uses served by transit. The proposal would allow the "minor amendment" process to be used to update an existing MIMP for colleges in Urban Centers, which includes Seattle Central College (SCC). Under the proposal, one development with residential uses serving students and employees could be added to an existing campus master plan during the master plan's lifetime.

Seattle's codes define SCC as a "Major Institution" that must have a MIMP addressing long-term anticipated future development. Large institutions like hospitals and colleges typically need facility renovations and expansions over time to support their modern health and education programs. Through the master planning process, the institutions must consider how their planned facilities for the next 15-20 years will relate to their campus setting and the neighborhood. The institution also may request zoning adjustments in a MIMP, to accommodate development of new buildings while maintaining compatibility with surroundings.

Chapter 23.69 of the Land Use Code has Seattle's Major Institution regulations that include guidance on when MIMPs are required, types of plan amendments, and the public processes involved in preparing and revising MIMPs. These include City Council approval of new MIMPs, and prior to that, citizen advisory committee review and recommendations on a number of processes.

SCC is a public college that is part of the Washington State Community and Technical Colleges (WSCTC) system. These colleges focus on basic education, workforce education, and students preparing for academic transfers to universities.

### **Summary of Proposal**

The proposal would update the Land Use Code for MIMP actions, to support a minor amendment process to allow for a one-time addition of student or employee housing. It would newly allow a single development with residential uses at community colleges in Urban Centers to be approvable as a minor amendment to an existing MIMP when certain criteria are met. The only college that currently matches the criteria is Seattle Central College (SCC).

This minor amendment would support a degree of regulatory flexibility and adaptability to achieve very limited student housing or employee housing options before the next update to the Master Planning process is completed while still including notice to and feedback from the SCC community advisory committee and neighbors. Otherwise, SCC would need to complete a new

campus-wide master planning process before new student housing could be permitted, which could take years.

The proposal would:

- 1) Allow a single development with residential uses at a community college<sup>1</sup> in an Urban Center to not trigger the required creation of a whole new campus-wide Master Plan, and not be a “major amendment” to an existing Master Plan;
- 2) Allow this kind of development proposal to be evaluated as a “minor amendment” to an existing Master Plan just once during the lifetime of a Master Plan;
- 3) To qualify for the minor amendment, the residential uses would need to be student or employee housing and could not exceed 550 sleeping rooms.
- 4) Allow the floor area of this residential use (and other uses in the building, which could include non-residential uses such as those required at street-level in a pedestrian-designated zone) to be exempt from the calculations of total development capacity of the major institution overlay zone, and the total amount of floor area permitted by the Master Plan. This would allow a development to occur without causing an institution to alter its existing plans for other future developments already covered by the existing Master Plan;
- 5) Clarify that this kind of housing may be “affiliated” with the college, meaning that it does not have to only be housing “owned” by the college. This allows flexibility in ownership arrangements of the housing while retaining a relationship to the college.

## **Analysis**

This section evaluates the proposal’s relationship to major institution master planning, its rationale, and policy considerations.

### **Relationship to Major Institution Master Plans**

#### ***Summary of existing regulations***

The current approach in the code to Major Institution regulations was established in 1990; prior versions originated in the 1970s. The main purposes relate to accommodating growth within a Major Institution’s campus while minimizing impacts on nearby areas and protecting the livability and vitality of those neighborhoods.

In order to effectively regulate the uses and development that would occur in Major Institutions, the codes in SMC Chapter 23.69 define permissible uses, development standards and other controls, and allow “Major Institution Overlay” (MIO) zones to be mapped. When included in an adopted Master Plan, the MIO zones define the allowances for Major Institutions to have higher height limits and sizes of future buildings than are generally accommodated in underlying zoning in an area.

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<sup>1</sup> This kind of college is part of the Washington State Community and Technical Colleges system.

A Major Institution Master Plan (MIMP) is a conceptual plan for growth of an individual institution, describing a long term anticipated development program, the specific development standards that will apply to its campus, and its transportation management program (TMP).

Chapter 23.69 of the Land Use Code has many details about processes for MIMPs. This includes steps for the approval of new MIMPs. It also explains what to do if a Major Institution proposes revisions to the MIMP, and how to determine what are “exempt changes,” “major amendments,” or “minor amendments.” For example, exempt changes include small buildings or additions that are 12,000 square feet or less, or with 20 or fewer parking spaces, or changes in amount of floor space that is underground.

Minor amendments include actions like: waiving a development standard or a Master Plan condition; other changes that are the minimum necessary and will not result in significantly greater impacts or be detrimental to public welfare; allowances to lease space nearby but outside an MIO zone; and actions that support neighborhood plan objectives.

Major amendments include: increases in height limits; changes to the boundary of an MIO zone; any change to a development standard that is less restrictive; additional demolition of housing that is beyond what was approved in a MIMP; a change in a single-occupant vehicle goal of a TMP; a special use needing City Council approval that was not in an approved MIMP; and updates to development programs in a MIMP that increase total gross floor area allowed or increase total parking spaces.

### ***Relationship of this proposal to MIMP regulatory controls***

These definitions of minor and major amendments are limiting of what can qualify as a minor amendment. This has tended to prevent some possible actions from being proposed by institutions, even if they might objectively have merit.

Because the MIMPs are in place for such a long period and are difficult to update, this means the institutions and the City do not have enough flexibility to efficiently respond to changes in public priorities and previously-unanticipated needs. This becomes more significant when recognizing that housing needs are now at the forefront of public interests, while the existing SCC MIMP is twenty years old.

The community and technical colleges' role in providing affordable educational opportunity is ever more important, and the college system's more recent interest in serving their students with campus housing opportunities is also compelling. Housing affordability and supply, growth management, and transportation mobility management are all vital public planning purposes, and yet SCC's MIMP could not have anticipated this level of significant public interest in housing back in 2002.

The newer systemic needs relating to housing at community and technical college campuses should be recognized as a significant exception to the major institution code's purposes. This justifies granting more flexibility and relief from the code's currently strict categories for minor and major amendments.

The proposal addresses these compelling needs by allowing such housing to be proposed as an addition to an existing MIMP for a community college in an Urban Center, using the current “minor amendment” process. This provides a relatively efficient pathway for accommodating new housing that still abides by the established processes, which include input from a citizen advisory committee with public representation. All of the proposed code amendments work together to serve this purpose.

### **Policy Considerations**

***The proposal increases code flexibility to accommodate beneficial housing actions that could not previously be anticipated:*** The Major Institutions chapter in the Land Use Code has proven to be thorough, rigorous, and protective of the public interest. However, for the narrow but compelling public interests related to promoting affordable housing for students and employees, the code is currently not flexible enough to allow an efficient response for community colleges in Urban Centers. The proposal would remedy this gap.

***The proposal would help expedite consideration of new student housing:*** Without approval of this legislation, the college would need a “major amendment” to its MIMP or wait until they finish a new MIMP. SCC is beginning to write a new campus MIMP but that will take 2-4 years to complete, which would delay the timing for even beginning to permit student or employee housing.

***Will not set a precedent:*** This action does not set a precedent for future MIMPs. The City will still expect that new MIMPs define all parts of the institutions’ future development programs including housing. Also, there is not an expectation that major institutions should be able to insert non-residential structures into an existing MIMP. Rather, the existing code should continue to regulate a Major Institution’s general development program.

***The proposal is narrowly defined:*** The proposal limits the added housing allowance to be only for community and technical colleges within Urban Centers. The only Major Institution that meets these criteria is Seattle Central College. (North Seattle College is not within an Urban Center and its leadership has not expressed an interest in having this proposal apply at their campus.) The Capitol Hill Urban Center is already dense and urban in nature, and can accommodate an additional development while also benefiting as a neighborhood from the increased presence of more student and employee residents in its core.

***The proposal allows for an action that is beyond what is currently defined by the “minor amendment” category:*** The proposal creates the possibility of an added development with residential uses to a master plan, which is more than previously contemplated within the code’s determination of a “minor” amendment. However, the Land Use Code processes that would continue to be followed to approve a minor amendment would address the topics of public interest for a new Major Institution use, which would be asking the advisory committee for a Master Plan to provide input to permit decision-makers (SDCI) on whether a minor amendment should be approved, and, separately, providing input about use-related and design-related details of a proposed development. These procedures for public and advisory committee input are the established methods to address a development proposal and its compatibility with its surroundings, and limit its degree of overall impacts. Also, a more holistic view should be taken about the prospective benefits of creating more student and employee housing at the SCC

campus in particular, which would help support neighborhood vitality, transportation efficiencies, housing affordability, and growth management objectives that the City supports.

***The proposal allows more flexibility in ownership arrangements:*** Many arrangements for who owns a development may be possible. The proposal would allow the development to be “affiliated” with the college, but not necessarily “owned” by the college.

### **If adopted, what next steps would the City require for a student housing development?**

With approval of this legislation, any housing-related MIMP amendment proposal at SCC would still need to be given a positive recommendation by the SCC citizen advisory committee at a public meeting or meetings. In addition, other land use and building permit approvals by SDCI would be needed, which would involve one or more public comment periods and likely additional citizen advisory committee meetings about building design.<sup>2</sup> SEPA review would also likely be required. These future forums will fulfill typical required public process purposes, including public comment and related citizen advisory committee deliberations that will help ensure a future development is compatible with the neighborhood. These steps would likely occur over the next year or so.

### **Comprehensive Plan Policies**

The proposed action does not conflict with policy provisions for Major Institutions in the City's Comprehensive Plan. These policies recognize the rationale for preparing master plans for Major Institutions located within neighborhood settings, and accommodating zoning flexibility that relates to the institution's future development plans. Also, the policies seek to:

- maintain compatible conditions between the institutional and non-institutional uses nearby;
- avoid demolition of housing in surrounding areas (Policy LU 13.15);
- “*balance the need for major institutions to grow and change with the need to maintain the livability and vitality of neighboring areas*” (Policy LU 13.3); and
- require revisions to master plans or new master plans when a “*proposed major development...does not conform to the underlying zoning and is not included in an existing master plan.*” (Policy LU 13.8).

With the proposal, the Land Use Code would require a revision to an existing MIMP through a minor amendment process, consistent with the spirit of Policy LU 13.8, which would then enable a future development that was not previously included in the existing master plan. Such a development at SCC would be able to conform to the underlying NC3P-75 zoning. Both of these factors – following minor amendment processes with public input and being designed consistent with zoning requirements – would help a future development proposal achieve a compatible relationship with its surroundings. At SCC, the built surroundings reflect a wide variety of mid-scaled residential, mixed-use, commercial, and Major Institution buildings, many with active ground-floor uses, and zoning with 75- or 80-foot height limits, which help define the current active and dense character of the Capitol Hill Urban Center.

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<sup>2</sup> Projects subject to review by a Major Institution's citizen advisory committee do not go through Design Review.

Applicable Comprehensive Plan goals and policies include:

***Land Use Element – Major Institutions***

*Land Use Goal LU G13: Encourage the benefits that major institutions offer the city and the region, including health care, educational services, and significant employment opportunities, while mitigating the adverse impacts associated with their development and geographic expansion.*

***Policies***

*LU 13.2: Support the coordinated growth of major institutions through conceptual master plans and the creation of major institution overlay districts. Use a master plan process to identify development standards for the overlay district that are specifically tailored to the major institution and the surrounding area.*

*LU 13.3: Balance the need for major institutions to grow and change with the need to maintain the livability and vitality of neighboring areas.*

*LU 13.5: Encourage community involvement in the development, monitoring, implementation, and amendment of major institution master plans, including the establishment of citizens' advisory committees that include community and major institution representatives.*

*LU 13.6: Allow the MIO to modify underlying zoning provisions and development standards, including use restrictions and parking requirements, in order to accommodate the changing needs of major institutions, provide development flexibility, and encourage a high-quality environment.*

*LU 13.8: Require either that a master plan be prepared or that the existing master plan be revised when a proposed major development that is part of a major institution does not conform to the underlying zoning and is not included in an existing master plan.*

*LU 13.10: Define as major institution uses those that are part of, or substantively related to, the major institution's central mission or that primarily and directly serve institution users, and allow these uses within the MIO district, in accordance with the development standards of the underlying zoning classifications or adopted master plan.*

*LU 13.18: Achieve a better relationship between residential, commercial, or industrial uses and the major institution's activities when considering rezones, while also trying to reduce or eliminate major land use conflicts.*

These policies indicate the City's accommodation of Major-Institution-specific zone standards addressing institutional growth, support for MIMP amendment processes and varieties of facilities to support institutional needs, and support for achieving better compatibility between institutional and non-institutional uses over time. The proposed legislation would accommodate a limited allowance for a single development with residential uses using a minor amendment pathway. It should be noted that at SCC the Major Institution Overlay zone reaches a 105-foot height limit at the relevant site, while the underlying zone has a 75-foot height limit. By following requirements

of the underlying zoning with respect to details such as height and street-level uses, the possible future development at SCC would be able to achieve an outcome that is compatible with its surroundings.

### **Public Outreach and Notice**

The SEPA environmental review for the proposal included analysis and disclosure of impacts. During this process, the public had opportunities for comment. Also, a discussion of this proposal occurred at public meeting of the Seattle Central College's Citizen Advisory Committee held on October 11, 2021.

After the proposal has been transmitted to City Council, a public hearing on the proposed legislation will be scheduled before the Council's Land Use Committee in early 2022. Additional opportunities to provide input will occur as the City Council deliberates on the proposal.

### **Recommendation**

The SDCI Director recommends the proposed legislation to increase flexibility for potential student/employee housing not to exceed 550 sleeping rooms at community colleges and technical colleges in Urban Centers as a minor amendment.