

**From:** [Steve Fort](#)  
**To:** [Andy Newkirk](#)  
**Cc:** [Jay Ritterbeck](#); [Anne Wells](#); [Mary Chang](#); [Chris Noddings](#)  
**Subject:** NZO - Comment - Section 17.01.040(E)  
**Date:** Thursday, June 20, 2019 11:19:26 AM  
**Attachments:** [image001.png](#)

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Andy,

I am emailing to submit a brief comment on NZO Section 17.01.040(E). I may follow this with additional comment upon release of the Hearing Draft of the NZO.

The November 2015 Draft NZO included the following language in Section 17.01.040.E Applicability - Project Vesting:

*"Effect on Projects in the Entitlement Process. Projects accepted for processing prior to the adoption of this Ordinance may continue to be processed with the previously adopted Title 17 or may utilize the provisions herein."*

This language from the 2015 Draft NZO is deleted in the current draft and replaced with language that applies only to projects that have been issued building permits.

I am processing a project for a new synagogue with Chris Noddings. The project is deemed complete, Chris is working on an MND, and we are hoping to get to PC in August. So I am presuming the project will have discretionary approval by PC prior to adoption of the NZO.

The January 2019 Draft NZO version of Section 17.01.040(E) does not distinguish between projects that are in process, deemed complete, or approved. It only addresses projects with building permits (also, no mention of grading permits).

The synagogue project (and that is only one example), may not have a grading or building permit prior to the NZO being adopted. The way Section 17.01.040(E) currently reads may require the synagogue project to return to the PC for a modification to the height limit (since the subject zoning designation is changing and the height limit is reduced). That is unacceptable and inequitable. And again, this is only one project example.

Applicants spend significant resources to get to the point of having an application deemed complete. Also consider the staff time necessary to go back and reassess these projects.

I implore staff to do the right thing and recommend to PC and Council to include the language from the previous draft or specify in some manner that projects that are deemed complete are not subject to the NZO.

Sincerely,

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