

Summary of the Application Rebuttals on Evergreen’s 170-unit Apartment February 11, 2019

Here are three keys milestones:

1. The public record for the application was closed at the end of the public hearing on January 25th.
2. The period for rebuttals by the opponents ended on February 1st.
3. The period for rebuttal by the applicant ended on February 8th.

Here is a brief summary of three key points of contention:

1. Shevlin Riverfront Master Plan (SRMP):
 - a. The opponents claim the applicant’s project doesn’t comply with the previously approved standards and conditions of the SRMP.
 - b. The applicant claims the project only needs to comply with the three conditions of approval of the 2009 amendment to the SRMP. In their rebuttal, the applicant has “labeled” the SRMP’s elements as “conceptual” only and doesn’t need to be complied with.
2. Building Height Variance:
 - a. The applicant first argues that the height variance is not needed because the architectural elements above the 45-foot height limit should not be considered part of the building height calculations. Just in case, they argue that the variance request should be approved because of the precedent set with the approval of other tall buildings in the Riverfront District.
 - b. The opponents claim correctly that staff’s findings determined the building application required a variance to be approved. Also, they point out the tall building examples fall outside the SRMP.
3. The Applicability of the SRMP regarding the Recent Legislation for “Needed Housing”
 - a. The applicant claims recent legislation requires all applicable criteria for “needed housing” be clear and objective and as a result, the SRMP and amendment cannot be applied to the application because there is ambiguity regarding the applicability and effectiveness of both decisions.

- b. The opponents claim the record and standards of the SRMP are clear and objective. Their rebuttal states the applicant should not be allowed to ignore the SRMP standards and conditions. The public record is available at the counter and within a few minutes of reviewing the public record, most reviewers can easily see the applicable standards (maps and text). They claim the applicant is should not be granted an approval because of a failure to make a reasonable due diligence effort.

This application is now under review by the hearing officer and there is no deadline for his decision other that the entire process has to be completed within 120 days of staff's declaring the application was complete in late November.