

FOR PUBLIC COMMENT

The Waivers Are The Lever

Mayor, Councilmembers, and Commissioners, thank you.

This study session asks what levers of control the City still has under state housing law. I want to offer one practical observation, using the 700 Irwin Street project as an example, in order to inform this discussion.

What the 700 Irwin case shows is that waivers are now the primary lever of local control. State law makes it difficult to deny housing outright, but it does not make waivers automatic.

In that case, the Planning Commission granted multiple, extraordinary waivers — including height, stepbacks, bicycle parking, and reliance on a mechanized parking system — while acknowledging unresolved issues related to evacuation, emergency access, traffic, and operations.

That sequencing matters. Once waivers take effect, the City's leverage drops sharply, and later reviews are often limited to code compliance rather than core assumptions.

As the City considers whether to redefine the Planning Commission's role or expand ministerial processes, I would urge you to treat waiver decisions — especially those affecting public safety — as the point where elected officials should pause, ask hard questions, and ensure issues are resolved on the record before approvals become precedent.

That's not anti-housing. It's good governance under the legal framework we're all working within.

Thank you.

A handwritten signature in cursive script that reads "Marianne Nannestad". The signature is written in dark ink and is positioned below the printed name.