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**Sent:** Monday, October 22, 2018 5:33 PM

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**Subject:** Item Nos. 2 and 3; October 23, 2018 Planning Commission Agenda; Berkman Terraces

Chair Sheih and Commissioners,

I am following up on the above referenced zoning and NPA cases, which were postponed 2 weeks ago. The property consists of 6203 – 6207 Berkman Drive and 6210 Hickman Drive. The property is currently zoned as LR-MU and SF-6. There is currently a transit stop adjacent to the site. The applicant is requesting GR-MU-NP in order to have greater density along this corridor. A Neighborhood Plan amendment was also filed in order to allow such zoning. That is why there are 2 items (Item 2 and NPA to allow “Mixed Use” land use, and Item 3 to allow GR-MU).

The applicant met with the Windsor Park NPCT, which supported the requested NPA and zoning case with “the provision of at least 2 affordable units”. I also understand the neighborhood wanted to see some limitation on uses to be sure that neighborhood compatible uses would be allowed. Staff has recommended LR-MU for the entire site and a NPA amendment to allow “Neighborhood Mixed Use”. However, affordable housing cannot be required in connection with such zoning. Moreover, such zoning does not provide an adequate density for the applicant.

We were recently retained and postponed so that we could determine if an alternative could be achieved that (i) met the concerns of the neighborhood, (ii) was consistent with staff recommendations, and (iii) would result in the site development flexibility the applicant needed. I am happy to confirm that my client has consulted with its architect and can live with **LR-V-MU** and **Neighborhood Mixed Use with VMU opt-in** as a compromise; provided that, however, the site development regulation exemptions and parking reduction is provided as allowed for VMU. Under the code, height and impervious cover cannot be modified. However, with the provision of 10% affordable units at 80% MFI as allowed for VMU and as previously discussed with the neighborhood, Code exemptions including to modifications related to FAR, site area per unit, front setback and parking requirements could apply. With this, the wishes of the neighborhood, staff and applicant would be met.

We had previously discussed with staff that PC could recommend, and Council could approve, LR-V-MU zoning based on Section 4.3.5.B (5) (b-d) of the Subchapter E. I have been informed that staff is reviewing this issue further. I believe those sections allow subsequent VMU opt-in on a parcel by parcel basis if the neighborhood plan is amended and a landowner requests it. I had hoped to get this

confirmation before I sent this email, but felt it important to let you know about the applicant's position since the meeting is tomorrow night.

If staff confirms that LR-V-MU is available for this site, we are hoping PC will move to recommend as follows: (1) On Item No. 2, amend the neighborhood plan to show this parcel as Neighborhood Mixed Use **and** to allow this parcel to opt-in to VMU and benefit from the site development regulation exemptions available for VMU buildings, and (2) on Item No. 3 to recommend LR-V-MU-NP for the zoning of the property. If staff indicates that LR-V-MU is not allowed, then we will be seeking GR-MU (with voluntary agreements with the neighborhood for affordable housing, height reductions and use limitations) as previously discussed with and agreed to with the NPCT.

Thank you very much. Let me know if you would like to discuss further.

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