



MEMORANDUM

TO: Mayor and Council

FROM: Greg Guernsey, Director
Planning and Zoning Department

DATE: May 14, 2015

SUBJECT: Council Work Session Follow-up – Vertical Mixed Use Zoning (Item 13)

At the Council Work Session on May 12, 2015, staff was asked to provide clarification on what the requirements and conditions are of vertical mixed use (VMU) zoning. A property with the VMU overlay is identified with a – V in its zoning string. For example, a property zoned CS-V is commercial services-vertical mixed use overlay. Generally speaking the VMU overlay is a density bonus program that allows a developer to take advantage of certain relaxed regulations in exchange for providing certain community benefits. At the time VMU was created in 2007 it was placed on properties along transit corridors by default and then an opt-in, opt-out process was undertaken to allow neighborhood input on which properties should have VMU and what the affordability levels should be.

A developer with a property subject to the VMU overlay may receive a waiver to site area (density limits), floor to area ratio (FAR), building coverage, and setback requirements as well as a 40% reduction in parking. In exchange the developer is required to have a different use on the first floor than on the upper floors, must construct at least 75% of the principal street frontage in a manner to allow for future commercial uses and provide affordability levels required by Code or as adjusted during the opt-in, opt-out process.

It is possible for a developer who has a property with the VMU overlay to build a residential project without providing the affordable housing provided that a different use is provided on the first floor than on the upper floors, and must construct at least 75% of the principal street frontage in a manner to allow for future commercial uses. The developer in this instance would not receive the waiver of the site area (density), floor to area ratio (FAR), setbacks and reduced parking requirements.

A property that is zoned CS-MU, or commercial services, mixed use overlay may be constructed with just commercial uses, just residential uses or a mixture of both. There are no bonuses provided under the mixed use overlay nor are there any community benefit requirements.

If you have any questions, you may contact me at (512) 974-2387.

Cc: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Jerry Rusthoven, Division Manager, Planning and Zoning Department