



June 13, 2006

Haley Fleming  
Atlanta Regional Commission  
40 Courtland Street  
Atlanta, GA 30303

Re: Sembler Mixed Use DRI on Peachtree Road

Dear Haley:

Thank you for forwarding the June 2, 2006, memorandum from the Brookhaven Homeowners and Neighborhood Business Alliance. Please know that Jeff Fuqua and I have spoken to Mr. Hughley, president of this organization, and offered to meet with his group at their convenience. I also know that our attorney, Kathryn M. Zickert, offered to meet with Mr. Hughley as well. That offer stands.

Responding to some of the issues raised in the memorandum, we note the following:

- The 50 acres that make up the parcel are currently zoned RM-75 and C-1. Sembler has filed an application to rezone the property to the OCR category. The land use designations for the parcel are MDR, OPR and POS. Sembler has filed a companion application to amend the future land use map to OMX. Finally, we also are seeking a Special Land Use Permit (SLUP) to allow us to construct buildings over two stories in height. All applications are scheduled to be heard by the Board of Commissioners on July 25, 2006.
- Our technical response and traffic study is being completed and forwarded to the Georgia Regional Transportation Authority and the Atlanta Regional Commission. It appears that Mr. Hughley copied several of the recommendations of this report in forming his questions. We assume GRTA and ARC will make recommendations as to infrastructure and street improvements, with which Sembler plans to fully comply. Sembler will bear its appropriate share (or all) of the costs to install the infrastructure.

## **The Sembler Company**

Shopping Center Development & Management

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- As for current residents of the apartments located on the parcel, Sembler is in the process of formulating a relocation plan, so that those residents will be able to find comparable accommodations in the vicinity. We hope to have that plan complete by July 25, 2006. Additionally, we are currently assessing the creation of new affordable housing opportunities in the project itself. At present we anticipate a wide range of rental rates and for sale units.
- We believe this project is consistent with the development principles announced in the Brookhaven LCI Study, which was prepared by Urban Collage. Eric S. Bosman of Urban Collage attended Sembler's recent meeting with the Brookhaven Peachtree Community Alliance and he confirmed that Urban Collage agrees with this conclusion. Dekalb County Planning Department has also stated that the proposed site plan meets the objectives of the LCI.
- At this conceptual phase, Sembler is not in a position to evaluate what, if any, variances will be needed. When and if the zoning is approved, Sembler will be in a position to engage in more detailed analysis and make decisions on this point. In order to make a project more pedestrian-friendly, however, we often need setback variances to pull our structures closer to streetscapes.
- We will comply with all applicable water quality and sedimentation and erosion control regulations.

I understand these are general points, but believe they address most of the themes raised in the memorandum. Again, however, we look forward to meeting with the Brookhaven Homeowners and Neighborhood Business Alliance, at their invitation, and more specifically answering their questions. In the meantime, should additional specific questions arise, we would be happy to respond to them.

Very Truly Yours,



Heather Correa Duffy  
Vice President of Development

Cc: Kathryn M. Zickert  
Jeff Fuqua