

March 8, 2023

To: Mayor O'Neal and sitting members of the Durham City Council,

A committee of nine delegates representing the InterNeighborhood Council of Durham and their diverse neighborhoods has met 12 times over the past 4 weeks to do a deep-dive into the 85+ pages of privately initiated proposed text amendments to the UDO (Unified Development Ordinance) called "SCAD (Simplifying Codes for more Affordable Development)" by its applicant, the Raleigh-based developer James Anthony. We call it "the Anthony Amendments."

Our only agenda in presenting this report is the safety and opportunity for Durham residents to live equitably and in harmony with their neighbors.

The draft Anthony Amendments are highly technical, complex, and in many cases obscure in their current form. We have worked hard to boil down our findings to keep our recommendations short and to the point. A longer document with more detail is also provided for your reference.

Durham needs to be very intentional about how we increase density. We want to welcome investment in our city by developers and builders. However, new construction needs to happen within an overall planned, functional regulatory structure, both socially and environmentally sustainable. Climate change resilience has to be built in.

The process for the Anthony Amendments has been fundamentally anti-democratic. Approving the proposed Anthony Amendments would devalue the draft Comprehensive Plan, undermining the money and time that Durham residents have invested in building a community-wide consensus of values for Durham's future planning and development.

The Anthony Amendments are steeped in deregulation and complexity. They remove many forms of residential development from reviews and site planning, including removing stormwater planning and oversight. Already, the Small Lot Option has often resulted in complete denuding of land, stormwater runoff flooding, and other damage to existing neighbors. The small lots allowed under the Anthony Amendments will worsen the existing situation, with smaller or zero setbacks, larger structures in both footprint and height, along with high percentages of impervious surface with virtually no room for substantially sized shade trees. This is the opposite of climate resilience planning.

In its totality, this is an unacceptable proposal. However, some aspects could very well be better focused on. Where these exist, we have tried to point them out.

Our reviewers have identified these as the most important factors to consider when you vote on March 20th:

- The P.A.T.H. section (pg. 31) states that rental units would only be kept Affordable for five years and for-sale units only to the first buyer, then they can be sold at market rate. That does so little to address the problem. It is shocking given how advocates emphasize this benefit in presentations.

Nationally, building for the sake of reducing prices has not lowered housing costs. It will not happen in Durham either. With the inward migration both from new residents and corporate expansions, Durham be a hot market for a long time, adding to the displacement of those unable to afford the increases in housing costs. Building poorly will only exacerbate the problem. Removing all parking requirements for every lot in every part of the city and county is unrealistic in the near term. It is, however, worth considering reducing the requirements. For businesses—either retail, commercial, or restaurants—there must be some parking, or the businesses will fail. Handicapped parking will

remain critical as will the ability to navigate between nearby residents and business patrons' parking needs.

- The provisions to reduce setbacks to less than 5' for all types of buildings in every type of zoning cannot support trees of any size. This will create a broader heat island effect bringing many deleterious effects. It is the antithesis of sustainability. And if this is applied only to "Affordable" homes, it continues the tradition of environmental discrimination.

It also may create neighbor-on-neighbor discontent. If you have a 5' or less lot line and allow encumbrances in that space as the SCAD amendments do, walking around your property may cause you to trespass. It is unclear if fire and emergency personnel will be able to easily access the home when adjoining neighbors both have their HVAC units encumbering the same space (and there is no rule against that in the draft).

- The measures remove the sustainability provisions of EHC (Expanding Housing Choices) in 2019. The suggestion that a water-saving shower head is equivalent to a ribbon driveway is also the antithesis of sustainability (other than denying that people will still need cars for some years to come). Further, it does not address the unintended consequences of the downspout to a "permeable surface" created by EHC provisions (see attached photo) where the only remedy is for homeowners to file a civil suit on developers to receive payment for damages.
- It completely removes all Infill standards. This represents a broken promise to the residents of Durham when the EHC was passed that the infill standards would "save our neighborhoods." That said, we do think it is necessary to review infill standards.

The draft deletes the entire section on building appearance and configuration (6.8.3): width, height, main entrance, garage and access, and downspouts. This, combined with the Rowhouse addition to "types", may allow parts of the city to look more like barracks as developers protect their profit margin by reducing aesthetics and disregarding block face parameters.

- The "Engagement" hosted by Anthony Group has largely been focused on organizations that would enjoy the financial benefits of the suggested text amendment changes. By your election for office, you are obligated to represent the present residents of Durham who will surely suffer if this set of amendments –as it is currently written—is passed.

For these reasons and more (detailed in the attached document), we ask –on behalf of the residents in Durham's neighborhoods-- that you vote against the proposal as a *whole* and rethink how the beneficial elements contained in the proposal can be made actionable in conjunction with the new Comprehensive Plan. We appreciate your serious consideration before voting.

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