**About SCAD – The Process**

This is the fourth of a number of short pieces pointing out problems with SCAD. This one will be devoted to the lop-sided, exclusive process by which SCAD has come about.

What is SCAD? It is a developer-proposed re-write of Durham’s zoning code or “UDO.” The SCAD acronym was coined by the developers to stand for “Simplified Codes for Affordable Development.” Of course, this naming is strategic because it is meant to make us think SCAD is about affordable housing. While there are a couple of things in SCAD that are directed toward affordability, the vast majority of SCAD’s provisions have nothing to do with housing affordability. Instead, they are designed to make redevelopment of Durham more profitable for the development community – usually at the expense of Durham’s existing residential communities.

SCAD is a “text amendment” in Durham planning jargon. Most people are familiar with typical zoning changes where a parcel of land is rezoned from one zone to another, like from residential to commercial. This is called a “map change.” People who live near the parcel get a letter notice of the rezoning. A text amendment is a different procedure in Durham’s UDO that allows a private applicant to request rule changes not just for a single parcel of land but for the whole of Durham County. A text amendment can be small in its scope and easy to understand or it can also be a complex, sweeping re-write of the whole zoning code like SCAD. There is no direct notice. No one gets a letter explaining what is going on.

The text amendment procedure appears to be a Durham thing. Other cities handle major re-writes through the planning department or hired consultants with lots of public input. Durham’s procedural rules for text amendments, however, require no before-hand public engagement, no equal place at the table.

In SCAD’s case, the developer applicants submitted their nearly 80-page proposal to the planning department almost a year before it was rolled out to the public. During that year, the planning staff worked with the developer to fix problems and shape the proposal up. When SCAD was finally made public, much of it already had city staff support. The developers were already lining up their city council votes. This head start on the public is antidemocratic. By the time the people had a chance to absorb the SCAD’s many provisions, they had to play catch up. Gone was their opportunity to work with the city staff on an equal basis. Gone was their opportunity to negotiate with the developers. Gone was their opportunity to work effectively within their constituent groups. By the time we learned about it, SCAD’s train had left the station. Ordinary folks have been playing catch up ever since. It’s true the council slowed SCAD’s progress this spring and summer, but the people still remain overmatched and left behind.

Gigantic ordinance changes overwhelm and confuse the public. SCAD hides in its own size and complexity. By making SCAD too big to swallow, its applicants have effectively shut ordinary people out. The city council should step in to make sure this tactic is not rewarded. The development community has the resources – expertise, money, planners, public relations people, etc. SCAD’s success will result in a payoff for them at the expense of ordinary Durhamites – most of whom have little in the way of resources and no idea of what is in store for them.

Engagement for SCAD was not managed by the planning department. Instead, it was placed entirely in its developer-proponents hands. The developers held many sessions with development interests to garner their support. At some of these meetings, they even passed the hat for funds. There were only a few sessions for the general public. In those instances where the general public was invited, attendance was poor. Even for these most of those attending were people directly involved in the development and building business. In these sessions, the developers did not go through the provisions of their proposal, but instead presented a slide show of limited scenarios of what might be done if the changes they have asking for are adopted. In most instances, the scenarios presented exceptional and unlikely circumstances – not the true impact of the SCAD proposals. The public engagement was not supervised by the planning staff. Also, the developers have constantly changed their proposals making it difficult for even those with some knowledge to keep up.

Now the city council has scheduled an August 21 public hearing on SCAD preliminary to a vote. How will the council manage a meaningful hearing on a proposal so complex and so huge? Usually, each speaker at a council hearing gets two or three minutes to speak. How can any member of the public address the complexity of SCAD in so short a time? There are many serious reasons to object to SCAD. Who can explain even one of them in time measured in seconds? Is a hearing where every speaker gets just two minutes to speak on sixty pages of zoning changes really due process or it just going through the motions? How can a city that prides itself on being a progressive beacon do business this way?

And the amazing thing is that Durham plans to begin a comprehensive re-write of the its zoning rules – presumably with public stakeholders at the table. Why would the city entertain something like SCAD now, if a better, more democratic and inclusive process is to begin soon? Who is looking out for the people?

If adopted, SCAD will continue to exclude public stakeholders. The proposed changes would expand dramatically the development community’s ability to build increasingly intense projects “by right” without public input and review. By expanding the uses allowed in a host of districts and by allowing new development forms in existing neighborhoods, these proposals are, in effect, a way of avoiding the rezoning process that gives community stakeholders a voice in how the places where they live are regulated and grow. SCAD increases the trend of shutting ordinary people out of the planning and development process that is supposed exist for their welfare. For the vast majority of people who live in Durham, their homes and neighborhoods are their primary interests in the urban planning process. SCAD seeks to shut them out.

The city council’s public hearing will be held on August 21. The council may vote right afterward. If SCAD worries you, let the council know. Here’s the link to reach the mayor and council with an e-mail message: Email the Council Members .