**About SCAD Task Force Convened**

This is the fifth of a series of short pieces about problems with SCAD. 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, most of SCAD’s provisions have nothing to do with housing affordability. Instead, they are designed to allow developers to build more, bigger, and higher. It will make redevelopment of Durham more profitable for the development community – usually at the expense of Durham’s environment and residential quality of life.

In August, the Durham City Council opened a scheduled public hearing preparatory to voting on SCAD. The council chambers were filled with SCAD opponents signed up to speak. After just a few speakers, the lead SCAD proponent, Raleigh developer Jim Anthony, asked for a ninety-day delay. He suggested that perhaps the proposal could be studied by a “Task Force” of interested citizens. The council granted Anthony’s request and a number of citizens in the room signed up to be considered for the task force. Nothing happened for about six weeks until mid-October when the city announced the appointment of a SCAD task force made up of about a dozen citizens evenly divided between proponents and opponents.

Three meetings were held during the week of October 23rd. Mayor O’Neal and council members Freeman and Williams shared the gavel. Discussion during the meetings consisted mainly of opponents expressing their concerns about SCAD and proponents dismissing them. No areas of real agreement were identified and the group was not able to get much into the details of the proposal. SCAD is very fine grained and multilayered. Two things did emerge from the meetings, though. First, the only thing that the developers offered to eliminate from SCAD is its program for affordable housing. Because of the shortness of its period of affordability – just five years for rental units and one sale for ownership units, SCAD’s affordability program has been criticized even by Durham’s housing nonprofits. The second thing SCAD’s developer proponents revealed is that they have a number of real, on-the-ground, projects lined up waiting for SCAD to pass. This news was disturbing to SCAD’s opponents. Over and again, they asked the developers to say where these projects are and what they planned to build on them, but they got no response.

To SCAD’s opponents, these two revelations indicate that for the developers, affordable housing is just window-dressing. Of all of SCAD’s provisions, affordable housing is the only item they are willing to abandon. SCAD isn’t about housing affordability; it is really about getting the developer’s lined-up projects passed without public scrutiny. Instead of asking for conventional rezonings, they have asked that the whole zoning code be rewritten. All rezonings are legislative actions. A rezoning is someone’s request to change the public law to their private advantage. In an ordinary rezoning, i.e., a change of a property from one zone to another, the public learns about the project and what the developer has in mind. Neighbors get notified. There’s a public hearing about the project. The public can measure the impact of the project against the public’s interest. Rather than change the zoning and face public scrutiny and oversight, SCAD’s proponents prefer to just change the rules and keep their projects secret.

The developers have argued (with some planning staff support) that we should adopt SCAD blindly and measure the impacts afterwards. But now that the developers admit that they have projects waiting in the wings, wouldn’t it be better to know what the projects are and measure their impacts and SCAD’s impacts before we adopt the developer’s changes? Don’t the neighbors of these projects have the right to know about them?

Durham has just put together a new comprehensive plan and has already begun the process to completely rewrite the zoning code to conform to the new plan. Planning and code writing consultants have been hired. Citizen focus groups have been created and are meeting. The process is open. Everyone is represented at the table. SCAD opponents are asking why are we considering SCAD at all? Why would we change the current code in its twilight at the request of a handful of private developers to benefit their undisclosed projects just before changing the rules all over again? Where is the public interest in this?

At the conclusion of the third task force meeting, there was some discussion of holding more meetings, but no more meetings have been scheduled. The city council is supposed to take SCAD up again at its meeting on Monday, November 20. If SCAD concerns you, let the council know how you feel. You can e-mail Mayor O’Neal and the council members at Email the Council Members. Please make sure your messages clear and polite. Come to the council meeting Monday evening and sign up to speak. The meeting convenes at 7 p.m.