

April 2, 2024

Durham Planning Commission
City of Durham
101 City Hall Plaza
Durham, NC 27701

RE: Z2200048 – Duke East Campus Addition

Dear Honorable Members of Durham Planning Commission,

The Burch Avenue Neighborhood Association (BANA) Board wants to be able to support Duke's application to rezone 400 Gattis Street (the "Property").

An abandoned building contaminated with asbestos currently sits on the Property. We sincerely wish Duke would present ideas to develop the property for the good for Duke, our neighborhood, and the greater Durham community as part of any rezoning application.

Unfortunately, we cannot support Duke's application because of:

- Duke's failure to provide any plans, ideas, or group of uses for the Property, and
- Duke's refusal to commit to common-sense safeguards in its current application to address neighborhood traffic concerns.

Over an almost three-year period, we have met with Duke representatives and asked them to provide possible uses for the Property and make commitments in their application to:

1. keep our neighborhood **safe**, and
2. preserve the **character and quiet enjoyment** of our neighborhood.

Duke has provided some minor concessions, such as making permanent the existing buffer and a Community Advisory Board, which we appreciate. However, Duke will not provide a list of possible uses and has only provided a very short list of excluded uses that remains unchanged since its first presentation.

At this time, Duke sends all of its vehicular traffic to the Property through our tiny neighborhood, because the Property has no vehicular access to campus. Vehicular access to, through, and from our neighborhood is severely limited—a problem compounded by the legacy of NC-147, which destroyed the neighborhood of Brookstown, and resulted in our neighborhood being cut off to the east by NC-147. See Appendix I.

Our traffic concerns are not without precedent – in fact, this is one of very few "knowns" about the Property. Neighbors on Wilkerson dealt with laundry trucks that were loud, fast, and frequent when Duke's laundry operated on the Property.

Earlene Thomas of Transportation repeatedly requested common-sense language in Duke's application to address traffic concerns. See Appendix II for more details.

Our neighborhood representatives engaged with Duke's representatives in good faith and offered compromises related to traffic concerns, such as routing non-emergency traffic to the Property via a road from Campus Drive or ensuring any parking garage would be accessed via Campus Drive. Duke's position has remained steadfast. No. No. No. Duke cites "too many unknowns."

Duke has actively chosen to pursue a rezoning request without contemplating alternatives for vehicular access from its own campus and without knowing what it wants to use the Property for in future years. However, we do know that the last time the Property was operational, Duke's traffic was a significant and incessant problem. **Duke should not be able to use these "unknowns" as a shield from meaningful engagement when Duke controls the unknowns. Furthermore, allowing Duke to rezone the Property now will severely limit opportunity for community engagement when Duke finally does decide to develop the Property.**

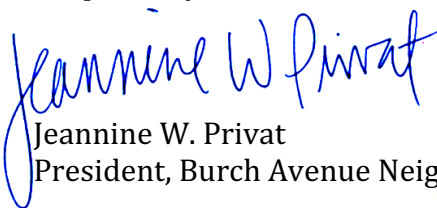
Nestled within our small, residential neighborhood, the Property is currently zoned for residential development. With so many unknowns and a residential housing crisis in Durham, we believe residential zoning is the only reasonable and appropriate zoning at this time.

We are incredibly disappointed. Given the opportunity to meaningfully engage with neighbors to turn an abandoned, asbestos-contaminated building into something new and wonderful for Duke, the community, and Durham, Duke has pursued a tight-lipped stance to rezone its property only on its own terms.

Please do not compound the mistakes of the past and expose our neighborhood to the deleterious effects of an ostensibly simple zoning change requested by an uncompromising powerful entity that refuses to include the reasonable recommendations of Transportation, refuses to consider common-sense solutions, and hides behind "unknowns" of its own creation.

Thank you for taking the time to consider our comments.

Respectfully,



Jeannine W. Privat
President, Burch Avenue Neighborhood Association Board

Burch Avenue Neighborhood Association Board

Caroline Tilley Asher

Lynne Bahrami

Doug Coonley

Will Herbst

Sam Hummel

Cristen Paige

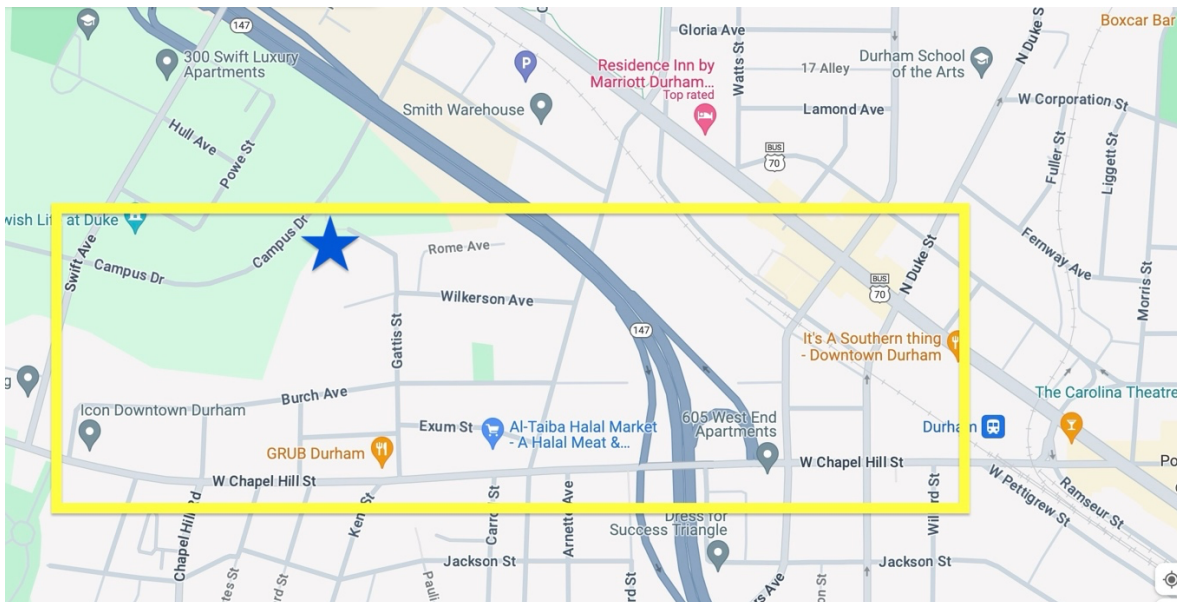
Rachael Tilley

Appendix I



The Burch Avenue neighborhood and nearby streets around 1957. The blue star depicts the approximate location of the Property.

Western States Publishing Co. Map of Durham, N.C. c. 1957, accessed via DigitalNC, digitalnc.org



Roughly the same area in 2024. The Burch Avenue Neighborhood's borders are W. Chapel Hill Street to the south, Swan St. and Duke's campus to the west, Duke's campus and NC-147 to the north, and S. Buchanan Blvd./NC-147 to the east. Vehicular access to the neighborhood is only available from W. Chapel Hill Street and S. Buchanan Blvd. at this time.

Accessed via Google Maps.

Appendix II

Staff Review Cycle 1, December 5, 2022, page 5

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1. Add the following text commitment to the cover sheet: "Any redevelopment of PID 197975 that will result in additional trip generation will require the vehicular access to Gattis Street to be eliminated and vehicular access shall be provided from Campus Drive."

Staff Review Cycle 2, April 5, 2023, page 3

Development Plan Comments:

1. Add the following text commitment to the cover sheet: "Any redevelopment of PID 197975 that will result in additional trip generation will require the vehicular access to Gattis Street to be eliminated and vehicular access shall be provided from Campus Drive." **Repeat comment. Transportation requests the applicant make the requested proffer such that access is provided from Campus Drive rather than through the adjacent residential neighborhoods for any redevelopment that generates additional trips above those generated by the existing use.**

Staff Review Cycle 3, July 26, 2023, page 3

Development Plan Comments:

1. Text commitment #1 has been revised from the previously agreed upon language. Revise to previously agreed upon language: "No site plan for new development on PID 197975 shall be approved with vehicular access to Gattis unless it is demonstrated at time of site plan that no alternative access is reasonably feasible or that such access to Gattis is necessary to satisfy access requirements for the proposed development. Should access to Gattis be necessary for new development on PID 197975, gated or otherwise secured vehicular access shall be required to prevent public vehicular access between Campus Drive and Gattis Street through PID 197975." **New comment due to revisions by the applicant. The language currently proposed does not have the same meaning as the previously agreed upon language.**

response.

Note to the case planner: The applicant indicated that text commitment #5 was added in lieu of the requested proffer in the comment below. While this commitment establishes a committee, there are no provisions for how the committee's input will be addressed/incorporated into the plans.

Note to the case planner: Transportation requested the proffer below, which the applicant indicated that they are unable or unwilling to provide. However, the applicant's response for not providing the requested proffer appears to agree with the requested proffer. Please list this in the staff report as an unfulfilled Transportation request.

"No site plan for new development on PID 197975 shall be approved with vehicular access to Gattis Street unless it is demonstrated at time of site plan that no alternative access is reasonably feasible or that such access to Gattis Street is necessary to satisfy access requirements for the proposed development. Should access to Gattis Street be necessary for new development on PID 197975, gated or otherwise secured vehicular access shall be required to prevent public vehicular access between Campus Drive and Gattis Street through PID 197975." **New comment due to applicant response.**