

Expanding Housing Choices Meeting Recap

OVERVIEW

On Sunday, February 3, 2019 at 2 p.m., interested neighbors met at the George Watts Elementary School media center to learn more about the Expanding Housing Choices (EHC) zoning initiative. The meeting included a presentation by City-County Planning Department Director Patrick Young and Senior Planner Michael Stock, a Q&A session with the Planning Department representatives, and brief comment from Tom Miller who serves on the Durham Planning Committee and has been advising his neighborhood (Watts Hillandale) on this matter. More than 100 neighbors attended and shared opinions across the spectrum, from general support of the proposal to uncertainty and concern about the impact on the neighborhood.

The presentation materials can be found on the City of Durham website:

https://durhamnc.gov/DocumentCenter/View/24619/Expanding-Housing-Choices_Rolling-with-VoiceOver

Check the project website for additional details and updates:

<https://durhamnc.gov/3679/Expanding-Housing-Choices>

On this website you can find diagrams of various possible scenarios for RU-5 areas (including “southern” Trinity Park), RS-8 (“northern” Trinity Park), and RU-5(2) (Walltown).

The following timeline of upcoming events is copied from the City of Durham website:

The anticipated date of the Planning Commission public hearing for the EHC project is March 12, 2019, with the complete set of proposed UDO amendments publicly available by February 25th. The Planning Commission is charged with making a recommendation to the City Council and the Board of Commissioners, who will also hold a public hearing and ultimately make the final decisions on the UDO amendments proposed through the EHC.

MEETING NOTES

The following is a general recap of comments (in bold) that were made during the meeting:

Many neighbors have additional questions or comments they would like to share. How can people get involved or send their feedback?

The City-County Planning Department will accept comments through February. Director Patrick Young stated multiple times that they want the process to be open and transparent and welcome all feedback to help inform this process. Comments can be sent in writing, via email, or by visiting the City-County Planning Department at 101 City Hall Plaza. In addition, the Planning Committee public hearing on March 12 and future City Council meetings are opportunities for community members to voice their opinions.

General department email: planning@durhamnc.gov

- **Patrick Young**, Planning Director, patrick.young@durhamnc.gov, 919-560-4137 ext. 28273
- **Michael Stock**, Senior Planner, michael.stock@durhamnc.gov, or 919-560-4137, ext. 28227
- **Scott Whiteman**, Planning Supervisor, scott.whiteman@durhamnc.gov, or 919-560-4137, ext. 28253

Tom Miller of the Planning Commission also was present and spoke briefly about a white paper he has written and said he was willing to return to speak further about the issue.

One possible outcome of the Expanding Housing Choices parameters as written would allow for a half acre lot to be purchased, existing home torn down, lot divided in two, with a duplex and accessory dwelling unit built on each (3 units on each lot), increasing from a single family home to six units on the same land.

The city-county planning staff confirmed that this scenario is possible with the current version of the plan. They do not believe this to be a common or likely outcome due to the high values of the existing homes in the neighborhood but do not currently have specific data to support or guarantee that. They predict this scenario would be most likely for an older, original home that is not in good repair that a developer might purchase and replace with multiple newer units under the proposed regulations. In addition, it is possible that the density cap would not allow for six units on this size lot but the Planning Department representatives did not say for certain. Additionally, they clarified that while duplexes would be allowed, triplexes or quadplexes would not be.

Many neighbors are only now hearing the details of the Expanding Housing Choices plans and do not feel the communication effort from the city and county has been aggressive enough and are not clear if the communication effort follows protocols for these types of changes. The use of language in the press releases and communications may intentionally or unintentionally disguise the nature of the initiative, such as not referring to zoning changes.

The Planning Department has been putting out information since June 2018 and has documented their communication efforts on the website. The department representatives assured that they have followed the notification protocols for this type of change. It is not technically a rezoning, but an update to zoning guidelines and specifications, so notifying individual homeowners and putting up rezoning signage does not apply in this case. The staff acknowledged that their closeness to the issue/material may create a blindspot in how it is communicated, and that they will review the communications and reconsider wording.

Neighbors asked about the timeline and the need to move forward quickly with these recommendations when it is a complex issue with many people still trying to get informed.

Affordable housing is an issue that the mayor and many current city council members ran on and have prioritized, putting it on the Planning Department's work plan for the 2018-19 fiscal year. The date for the public hearing has been pushed back to March 12, 2019 and Director Patrick Young feels it is his job to present their updated recommendations to the Planning Committee on that date. At that point, the Planning Committee may choose to set a 90 day delay, and/or the City Council may choose to extend the timeline, particularly if there is a lot of concern coming from the community.

Why does this plan focus on neighborhoods around downtown such as Trinity Park? What about areas such as Hope Valley that may have more available space?

The focus of the EHC initiative is on the urban core, or a general 2-mile radius around downtown Durham. This is because of the increasing demand to live near downtown while the supply of housing in the downtown neighborhoods has not grown (and has possibly decreased). In addition, newer neighborhoods have covenants that prohibit dividing lots and other changes, which makes it a much more complicated process.

How will this create affordable housing?

The Planning Department representatives acknowledged that the proposed housing growth in downtown neighborhoods like Trinity Park will be market based and unlikely to create affordable housing in these neighborhoods, but would potentially deflect or delay gentrification from spreading to other areas. They suggested that creating more diverse housing options in the urban core will accommodate many of the new, higher-income transplants who are moving to Durham who might otherwise gentrify and push out residents in surrounding areas like East Durham. In addition it might help stabilize price increases with more diverse options and price ranges.

Who will be able to take advantage of the proposed zoning changes?

The ideal according to Planning Department representatives is that the zoning changes will encourage a grassroots effort to increase housing options by making it easier and more appealing for existing residents to create accessory dwelling units as income properties, downsize to a duplex, or sell small sections of their property, leading to increased and diverse housing density. It is unclear how many new units are desired/projected based on the proposal and representatives did not have numbers to share but said they are working to calculate this. Zoning updates that were set in 2006 have only resulted in 70-80 ADUs, and the hope with the new updates is to make this a more attractive option with growing interest in small living spaces such as granny flats.

In addition, nonprofits such as Habitat for Humanity could more easily develop housing, however this sounded less likely in Trinity Park as it does not appear that these organizations own property in this neighborhood. Of course, builders and developers could also get involved, but according to the defined rules.

Affordable housing and the impacts of population growth are complex issues. How are other departments such as Economic Development, Community Development, Engineering, etc. being utilized to find solutions to these problems?

The Planning Department representatives said the EHC initiative is just one part of the effort to address affordable housing and related issues. Separate projects are being pursued to create permanent affordable housing facilities (government owned), utilize underdeveloped neighborhoods or shopping centers, etc. This was not discussed in detail and it is not clear that this is being presented or considered as a comprehensive effort by the City or County.

Questions were raised about some of the specific zoning changes such as allowing a duplex AND an accessory dwelling unit on one property, or the parking and pedestrian concerns of flag dwellings that back up to alleyways.

The Planning Department seemed interested and willing to consider this feedback and adjust the recommendations in some cases.

It was communicated that many or most neighbors acknowledge the issue of affordable housing and want to find progressive solutions, and that many supported the current mayor and city council representatives who are pushing this initiative. But there also seemed to be reservations or uncertainty whether this is the best approach or even an effective approach. There was a feeling by many that there are more details to work out and more detailed needed; needs to be more concrete evidence to show how this will work.

It sounds like the Planning Department is compiling additional data. Patrick Young mentioned that the mayor asked for a literature review which looks at academic research and examples of other cities - there are some lessons to be learned and we will share all of that, although they did note that only a handful of communities have attempted this style of progressive zoning in the United States. In addition they will look at what is the maximum yield that could happen if we make this change.

How do historic designations protect the neighborhood? Are there protections for historic homes that don't have designations. What stops someone from tearing down existing homes?

Not currently a law to prevent tear downs. A historic section can request one year delay of a teardown. Current historic designations do not provide much protection. The neighborhood could try to get support for a local historic designation request that the City Council would have to approve. This local designation would not prohibit the proposed changes but would require a more involved approval process and possible review of architecture plans. If this is desired, it should be considered carefully as it would make any property changes, expansions more difficult.

Neighbors who have lived in Trinity Park for many decades remember past efforts to protect and build up the neighborhood when it was not as desirable and thriving. Many express concerns about recreating issues such as landlords who split up historic properties and attract college/frat renters who do not respect the property or neighborhood.

Planning Director Patrick Young assured that they don't want to damage, destroy, or degrade the neighborhood or kill what brought people to the neighborhood in the first place. But he also said you can't legally put restrictions on who rents or purchases properties. He mentioned past neighborhood advocacy efforts which led to a limit of 3 non-related people who can live in a single dwelling, a limit which will not change in this proposal. In addition, there is no allowance for tris or quads - only duplexes.

It was pointed out that the Trinity Park neighborhood already has diverse housing including, duplexes, multifamily housing, ADUs etc. Does any of that get considered in how these updates are applied - do we get credit for any of that? Many other neighborhoods don't have this type of variety. It was suggested that there is a tipping point where adding more and more of these units will change the character of the neighborhood.

The Planning Department acknowledged this and said it is a good point that they will take into consideration. It was also noted that in recent decades more duplexes have been turned into single family homes than the opposite, reducing the overall density.

Is the "pole" of a flag lot necessary, if the "flag" portion backs up to an alley with vehicle access?

The Planning Department said that a flag lot does not need a driveway as part of it and that it would look into whether the pole would be needed if there was viable alley access.

One neighbor created a petition to sign to request a six month delay and asked for signatures; will potentially distribute the petition online.

Important to consider the impact on all of Durham not just our neighborhood.

How can people stay informed and continue to get updates about city planning?

<https://durhamnc.gov/3012/Public-Hearings-and-Notices>

<https://durhamnc.gov/411/Planning-Public-Notification-Service>

The current legislature does not support a lot of requirements for affordable housing and limits on development. It is possible that a change in the legislature could lead to changes in the law, but it may not be a good idea to count on or wait on this to deal with some of these issues.