

Dear members of the Durham Planning Commission,

The Watts-Hospital Hillandale Neighborhood Association appreciates the opportunity to comment on the Expanding Housing Choice proposal. The WHHNA board has not taken a position on the merits of the EHC, but we believe that the following changes would enhance the initiative and the public's confidence in it.

1. Provide a sixty-day extension to allow Durham residents more time to study and respond to the proposed EHC text. This would also allow the planning staff and the planning commission time to seek input from impacted residents and neighborhood stakeholder groups, especially marginalized neighborhoods that have not had an opportunity to learn about the initiative.
2. To build a duplex by right, the owner must ensure that one unit is affordable (at 60% AMI for a rental unit and 80% AMI for homeowners) for a period of 25 years. We recommend this to make sure that the EHC specifically addresses affordability. We are concerned that instead of promoting housing affordability, the EHC measures may actually accelerate gentrification and replace existing affordable housing with new housing available only at higher market rental rates and purchase prices. We feel that instead of allowing duplexes in neighborhoods that have traditionally been single family on a by right basis, new duplex units must be conditioned on real affordability.
3. Accessory dwelling units (ADU) that are located outside of base zoning minimum side and rear yards should have a maximum height of 25 feet. As we learned during the exploration of an NPO in Old West Durham, tall Accessory Dwelling Units can tower over neighbors' backyards and rob them of privacy. A 25' maximum height limit will prevent this without unreasonably interfering with the ability to create an ADU of 800 sq. ft. even above a garage.
4. In the case of small houses on small lots, an accessory dwelling unit of up to 800 square feet, attached or unattached, should be permissible when the small lot is occupied by one dwelling unit up to 1,200 square feet. As proposed, a small lot under the new small houses/small lots rules can only be occupied by either a single dwelling unit of up to 1,200 sq. ft. or a duplex containing two dwelling units whose total area is 1,200 sq. ft. We propose expanding what may be built on a small lot to a house containing a single dwelling unit of up to 1,200 sq. ft. and an ADU of up to 800 sq. ft. A small house containing 1,000 to 1,200 sq. ft. may be a rental but it might also be an opportunity for someone to break into the housing market as an owner. By allowing the ADU to go with it, developers might be more inclined to build small houses instead of small duplexes. Note that we are asking to add an option, not take anything away from the existing proposal.
5. The EHC should not be applied in areas governed by a local historic district overlay, except for the provision concerning the size, location, and height of accessory dwelling units. Under current state law, the Historic Preservation Commission can say no to an inappropriate addition to a house in a local historic district. It may not deny a request to demolish that same house. It may only delay it. We fear that the EHC measures will so strongly incentivize teardowns and redevelopment in our local historic districts that the prospect of a 365-day delay will no longer deter the destruction of historically

important buildings – the buildings that give Durham its special character. It is important to note that local historic districts cover only a small portion of the Urban Tier.

6. Strike point 6.8.3(C)(2) on building height limitations. (“The height limitations shall not apply to additions to existing primary structures and accessory structures located solely to the rear of the rear building line of the primary structure.”) We believe this is important to make infill standards effective.

7. The EHC should provide for a sunset period of ten years and Durham residents should be provided with annual public reports detailing impacts of the EHC. We want this data collected and reported so that we can measure the success of the EHC and keep it or change it as need be.

We appreciate your consideration of these modifications to the EHC which we believe will enhance the initiative.

The Watts-Hospital Hillandale Neighborhood Association

March 8, 2019, modified on 3/12/18