

To: The Planning Board

From: Diane Chen, 12 Oyster River Road, Durham

Re: Zoning Ordinance Amendments

Date: September 7, 2018

Having worked for a number of years for developers, I tend to understand and respect developers' needs and desires. Nevertheless, I admit to being surprised by the proposed changes to the downtown Zoning Ordinances. The proposals seem to be written *exclusively* from a developer's point of view without sufficient respect for the Town's goals. Given the current and proposed glut of student housing in Durham (especially if Colonial Durham Associates' current plan for the Mill Plaza proceeds), and the dramatic changes to the character of the Town over recent years, some of these specific zoning proposals seem short-sighted.

- Specifically, according to the Town Update, the density of dwelling units will be reduced from 1200 sf to 600 sf. In occupants of unrelated households, the proposal is reducing the density from 600 sf to 300 sf.

When we look at what Colonial Durham is proposing in Mill Plaza (330 more student beds at only 300 sf per occupant), there would already be an excessive amount of units in Town, especially in the face of expected dramatic declines in student enrollments at UNH and in New England in general in the near future. This concern about housing excess has been acknowledged by the Town. Durham changed the CBD mixed-use with housing to Conditional Use in 2013 (in response to overwhelming resident desire to limit the number of additional downtown student beds beyond the more than 2,000 new student beds in Durham since 2008) and the Town attempted to reduce the number of units in the Plaza redevelopment by applying a 600 sf per occupant zoning change to the Plaza applications (resulting in a CDA lawsuit and a 2015 legal Settlement). How does this proposed zoning change work to the Town's advantage?

- Allowing individual floors to be potentially a mix of office/retail/residential doesn't serve any of those tenant groups effectively. It makes the space more difficult to lease since there are obviously varied intentions of the three subgroups. How does this proposed change work to the Town's advantage?
- After years of Town resident input and ordinances to maintain a small-town character for Durham with a 2-3 story limit of buildings on Main Street, why are we considering allowing 4-story buildings at the heart of the Town? Again, how does this proposed change work to the Town's advantage?

I am also concerned about allowing developers to pay the parking impact fee rather than building the required number of parking spaces. If I take that sentence at face value, apparently there will be additional parking deficits downtown. With all of this proposed development, it seems as if we would be better served by paying *more* attention to parking requirements rather than less.

One can understand the desires of owners of old downtown properties to have options for redevelopment, and wise redevelopment would be positive for everyone. But the development approach must include moderate and balanced changes. Additionally, it is essential that the Table of Uses maintain mixed-use with housing as a Conditional Use in the CBD, in keeping with overwhelming public support for that restriction and the 2013 zoning changes.

Of course, the biggest concern is how any changes in zoning ordinances could impact the CDA Mill Plaza project, which is currently in a holding pattern. Wouldn't it make sense to wait until the review of the Mill Plaza's "final application" is complete, with approval or rejection, so that we can evaluate the larger impact of any CBD zoning changes?

In short, I hope these and all proposed changes will be reviewed from the Towns' perspective, not exclusively from the perspective of the developers