

**Case A1800001 (2017 Evaluation and Assessment Report)**

**BAKER** - I voted to recommend approval of the text amendments with the changes as proposed by staff during the Commission meeting. Kudos to staff for the work they did preparing this assessment.

**BRINE** – I voted to recommend approval of this report in spite of some concerns about proposed policy 3.1.1 (Impacts on Housing Affordability). Staff did agree to modifications to the second sentence in this policy. I am concerned that we are making it more difficult for a neighborhood to create a NPO.

**BUZBY** – Given the changes staff indicated they will make on Policy 3.1.1, to clarify how the staff will offer advance input on NPO applications regarding impacts an housing affordability, I vote to approve.

**DURKIN** – Policy 3.1.1 Impacts on Housing Affordability

Voted in favor predicated on revisions to the proposed changes to this policy (which remove Planning Staff’s ability to recommend denial of NPO applications) the metrics that will be used to assess affordability have not been determined and potential conflicts with the primary objectives of NPO’s and historic districts not yet identified.

**GIBBS** – Approve as described in motion.

**HYMAN** – Voted yes; moving forward with a favorable recommendation.

**JOHNSON** – Is the affordable housing impact assessment and proposed recommendation based on “net impact” on affordable housing for city overall or is the assessment landscape confined to the overlay district or NPO area?

Staff response is the assessment will be restricted to area related to overlay district or NPO under review.

Not okay with the proposed language that staff “shall” recommend denial of affordable housed impact is deemed negative.

Staff agreed to remove existing proposed language and include unspecified “softer” language.

**KENCHEN** – I vote to approve.

**MILLER** – The City Council and Board of County Commissioners should not approve the changes to the Comprehensive Plan recommended by this report as long as they include the new policy, 3.1.1, Impacts on Housing Affordability. The policy is directed only at applications for local historic districts and neighborhood protection overlays. It would require the planning staff to recommend against new historic districts and NPOs if an analysis of impacts on housing affordability or housing supply were negative. The policy as written includes no metric for measuring “net impact” on housing affordability or supply and consequently could work to empower the planning department to recommend against all Historic district and NPO applications. Since the Comprehensive Plan is incorporated into the UDO, the plan itself is law and even paragraphs labelled “policy” become legal requirements. Such an undefined requirement is impermissibly vague.

At the Planning Commission meeting, several members questioned this new policy and the staff responded by promising to remove the language concerning the required staff denial recommendation. Even if this language is removed, I still object to the policy, not only because it contains no metric for the required analysis, but because it

targets the only two rezoning actions which may be initiated by ordinary citizens as a practical matter. I note that the proposed policy when coupled with the Planning Department's recent proposal to substantially raise the bar for NPO applications, indicates an official hostility to citizen-initiated zoning actions. Taken together, the policy and the proposed ordinance changes signal that citizen participation in the planning process is unwelcome.

But finally, and perhaps most importantly, I must note that the proposed policy singles out the two rezoning actions least likely to have any impact on housing supply or affordability while totally ignoring the routine rezonings that have the greatest impact on both. History tells us that the creation of new local historic districts and NPOs is unlikely. In the last ten years the city has created only one new historic district and it took more than five years of official foot dragging to bring it about. In the same time or longer, only one NPO has been created. Neither historic districts nor NPOs can be said to have had much impact on housing in Durham, the real action is in regular rezonings. Nearly every month we rezone property from residential to non-residential uses. Within residential zones we regularly approve applications to create more housing – thousands of units and potential units pass beneath official scrutiny. Nearly all of them are approved. Why do we not analyze housing affordability and supply in connection with these cases? When we rezone land from residential to commercial, what is the impact on supply? When we create approve a new apartment building what is the impact on affordability? It is in these cases where an analysis of supply and affordability might guide us to better results. And there are dozens if not scores of these cases for every historic district or NPO. Much recent housing action has been occurring in the downtown and Ninth Street design districts. In these districts, the city has already given away the right to shape and control the number and affordability of the housing that is built. We have more such districts on the drawing board. If we really care about housing affordability and supply would not our policy making energy be better spent requiring an analysis of affordability and supply in connection with these districts? The simple truth is that we do not even require any housing to be built in these districts at all!

I ask the City Council and the Board of Commissioners to look at Figures 6 and 7 on page 10 of the Evaluation and Assessment Report. These graphs indicate that new housing, both ownership and rental, is dramatically more expensive than existing dwellings of both types. And the gap between the costs of existing and new are widening. The rare creation of an historic district or NPO only serves to stabilize and preserve existing housing. These devices are no threat to supply or affordability. Why single them out for special study when dramatic changes in affordability and supply are going on everywhere else? It doesn't make sense and it isn't good policy-making.