

December 12, 2012

Re: Citizen-Initiated Amendment to Limit Building Height Along Main Street

Dear Members of the Durham Planning Board,

We would like to take this opportunity to respond to some of the comments made in opposition to the proposed citizens-initiated amendment at the last Public Hearing.

- 1) During the last Public Hearing, it was stated that building height should not be determined by some arbitrary number, but should be part of a total vision for our downtown. We believe 35 feet is not arbitrary. It is the height of Libby's. Our proposed height limit *is* the result of visualizing a future downtown with buildings along the north side of Main Street at the height of Libby's versus what is currently allowed—50 plus feet. The vision of a Main Street lined with 4-story/50-plus foot tall buildings is *exactly* what drove this proposed amendment. As our new Town Planner stated at the August 27 EDC meeting, "In my opinion, at least aesthetically, the real building block for this downtown ideally would be a 3-story, flat-roof, brick building...a fine, handsome building." We agree.
- 2) Some argued that limiting building height along Main Street would serve as a deterrent to the redevelopment of our downtown. First, to be clear, this amendment does not include all of downtown, but rather a portion of Main Street. Second, it has been stated by Councilor Jim Lawson, who is also on the EDC, and Councilor Peter Stanhope, who is a professional appraiser, that the pro forma for a 3-story building in downtown Durham is much stronger than the pro forma for a 4-story building. That is, it will be easier to obtain bank financing for a 3-story building. This is because our regulations only allow a 4th floor if two floors are nonresidential. Filling that second floor with commercial is seen as risky. Case in point, note the empty commercial space on the fourth floor of 9-11 Madbury Road. Councilors Lawson and Stanhope have stated that there is no economic argument for the fourth story in downtown Durham, and that, in fact, the recently completed 4-story buildings were given tax breaks due to the assumed additional risk of adding a fourth floor. Thus the potential to create additional tax revenue is mitigated by the tax breaks these buildings have been granted due to the acknowledged risk involved in adding a fourth floor.
- 3) At the last Public Hearing, it was noted that those speaking against the amendment have a vested interest in redevelopment projects downtown. This is clearly true. While we all care about the downtown, those in the position to directly financially benefit from a redevelopment project clearly have a different perspective and vested interest than the rest of our residents do.

- 4) Let us not downplay, as one speaker did, the 360 signatures gathered last June or the 157 gathered on Election Day within a few hours in support of limiting building height downtown. If there are thousands of residents in favor of seeing a façade of 4-story buildings along Main Street, as was suggested two weeks ago, where are they? In our experience collecting signatures at the polls, people whom we did not know who overheard us talking about the petition were grabbing the petition from our hands. Others who heard us say, "limit building height downtown," asked to sign the petition before they even knew where downtown or how tall. Many many residents do not wish to see our downtown turn into an urban cityscape. We want to preserve our small town character. If, in theory, redevelopment is supposed to create a downtown that is more inviting to residents, we need to honor what residents want—a downtown that has retained its small town character while redeveloped to insure a New England charm and aesthetic thanks to our new design standards.
- 5) Are we against change, as was suggested by one opponent of the amendment? No. We recognize that redevelopment could be a very good thing for downtown Durham. We are in favor of thoughtful development, guided by the will of many, rather than what is to benefit a few.
- 6) Finally, one member of the public who spoke in opposition to our amendment suggested that a compromise proposal was in order. We want to make it clear that our proposal IS A COMPROMISE! Many citizens would rather see *buildings no taller than 3 stories anywhere in town!* (Remember 360 residents signed asking to limit building height to 3 stories along all of Main, Madbury, and Pettee Brook.)

We believe our amendment is a compromise, one that protects that area of our downtown that is most visually sensitive: the face of downtown Durham, our Main Street. We believe that there will be plenty room for office space in other buildings downtown and that the need for office space need not be used as an excuse to overbuild along our Main Street.

For these reasons, and the many reasons given by those who have signed petitions, attended and spoken at Public Hearings, and sent in letters to the Planning Board, we urge the Planning Board to recommend our citizens-initiated zoning amendment to the Town Council for further review and discussion.

Thank you for your time and consideration,

Dudley Dudley
Beth Olshansky