

From: [Paul](#)
To: [Michael Behrendt](#); [Karen Edwards](#)
Subject: Downtown Amendment: some thoughts from Paul
Date: Wednesday, October 21, 2020 3:03:16 PM
Attachments: [pnrasmus.vcf](#)

Michael,

Please share this with the Board as preparation for our upcoming discussion. These thoughts, like James Bubar's, are to help people think about the issues in front of us prior to the meeting so that we can have a better discussion during our meeting when time is short. These are my interpretations of the relevant laws and public documents that pertain to the discussions.

Although my analysis is short, the supporting documentation is lengthy, you won't get through it in five minutes unless you are already intimate with the Master Plan's Goals and Recommendations, please set aside sufficient time. I've included relevant RSA and Master Plan excerpts after my analysis.

Analysis by amendment category

1. Allowing an additional story in the Central Business District(CBD) by Conditional Use

The overriding theme of the Master Plan is to follow the tenets of Smart Growth. That is to encourage much greater density in the downtown areas, specifically in the CBD, in order to protect our outlying areas from sprawling commercial *and* residential development. Balancing this is one recommendation capping the downtown building height to four stories and a couple that promote buffers of various sorts between multi-unit housing and single family houses.

I see minimal conflict with allowing four stories throughout downtown to encourage affordable housing, repurposing of underutilized properties, and promoting higher quality commercial spaces; although we may consider whether a three-story transition zone should be maintained at the downtown periphery through spot zoning or a transitional overlay. It would be easier if the CBD only abutted other downtown zones, but there are 2 RA areas that abut the CBD and these complicate any CBD-wide discussion.

2. Changing the configuration of uses in a mixed-use building in the CBD and allowing a public plaza to count toward a portion of the commercial requirement.

Nothing in the Master Plan speaks against this. I believe it supports the ideas of improving Durham's aesthetics, sense-of-place, and providing high quality commercial/office spaces. In the end, I believe we should be concerned with the outside of the building (site plan), its uses inside (zoning), and how those uses interface with the public spaces (zoning/public safety). We shouldn't try to micromanage the layout of the inside of the building which should be flexible to change with society's trends.

3. Changing the method for determining building height;

This is a long-standing thorn that the Town Planner has been promising to fix the last couple of years.

4. Changing provisions for drive-through facilities.

The Master Plan is silent on drive-through facilities. In my mind a drive-through is a curbside pickup with additional safety measures to protect pedestrians from cars stopped in an unlawful manner in a parking lot or curbside. In the US we now see drive-through medical facilities used for flu shots, COVID screenings, and urgent care visits. All forms of retail and service industries are adding or converting to no-contact business models, including some farm stands that I've visited in Maine. I don't see this as a temporary solution but one that will continue forever because there is a sizeable segment of our population that needs it. I believe that many of the reasons that Durham had to prohibit these belong to another time and that we need to look outside of Durham and New Hampshire or be left behind.

A drive-through is a space-waster in that it takes an area that would otherwise be landscaped or set aside for parking, and turns it into a driveway. I do not see them as a useful element to a high-density area like the CBD where we are already space-constrained unless they are part of an understory of a building. I do see them as appropriate where we have or want medical offices and other commercial/office space development, like Courthouse (C), Coe's Corner (CC), Office and Research Rt108 (OR), Office, Research, and Light Industry (ORLI), Multi-Unit Dwelling/Office Research (MUDOR), Professional Office (PO), and maybe Rural (R) or in support of a farm stand or farmer's market. I recognize that this is controversial, but we are currently living in a pandemic and some of these areas could be allowed by ordinance via special exception during the current emergency or under an emergency conditions resolution by the Town Council.

I also would like to know what is the difference between a pickup window that you approach by foot, bicycle, scooter, or car. Does it change if it is a temporary structure like a tent? In these days of physical distancing is it better to have someone part and stand in line or line up in their vehicles?

Supporting Documentation

RSA 672:1(III)

"III. Proper regulations enhance the public health, safety and general welfare and encourage the appropriate and wise use of land;"

RSA 674:2

"1. The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, ..." in the course of our duties.

Durham Master Plan (from town website)

The **Future Land Use** chapter has a number of maps starting on page 12 that are of interest.

Land Use Goals and Recommendations (pertinent Goals are presented, recommendations marked with an * are outside the scope of this discussion)

Demographics and Housing

Issue: Durham provides minimal affordable housing options for young families

and professionals

Goal: Provide an adequate supply of affordable housing in Durham

1. Apply smart growth principles when siting future affordable housing developments within the community by increasing density in the downtown area while restricting development in the peripheral areas of the Town.

2-6. *

7. Ensure that zoning measures such as density requirements do not prevent the construction and/or provision of affordable housing.

8. Consider using density bonuses to incentivize the construction of affordable housing by developers.

9. *

Goal: Increase diversity by attracting young professionals and families to Durham

1-2. *

3. Ensure the Zoning Ordinance and other regulations provide opportunities for business development in the downtown and commercial core as well as peripheral community areas.

Issue: New housing developments must be compatible with Durham's needs and demands while being environmentally compatible

Goal: Integrate Smart Growth principles into redevelopment as well as new construction housing projects.

1. Encourage higher density development in the downtown area,
2. Plan for development in a manner that maximize the use of existing infrastructure and reduces the need for new roads, services, and facilities.

3. Promote linkages and integration between neighborhoods, community facilities, and places of employment.

4. Encourage new housing development and redevelopment in downtown mixed-use areas that promote live, work, and play lifestyles.

5. Prioritize areas for development of new housing units based on existing and planned infrastructure access.

6. Provide mixed-use developments that create housing for seniors and younger residents in close proximity to shopping and services and encourage multi-generational neighborhoods.

7. Encourage infill development within established neighborhoods and is compatible with current land uses, compatible in scale with surrounding areas, and adequately supported by public utilities and the existing transportation system.

8-9. *

Issue: Durham has seen an increased development of student housing stock that could increase supply to the point of meeting demands.

Goal: Continue to provide and maintain high quality on and off campus student housing/Carefully monitor student housing stock.

1. Support the conversion of older student housing stock into condominiums or other attractive, multi-generational housing areas that do not increase unit count increase unit quality.
2. *
3. Continue to leverage new student housing strategically in the Central Business, Church Hill, and Professional Office districts through the use of mixed-use development.
- 4-5. *

Issue: Investment in and protection of existing housing must be prioritized as development of student housing declines.

Goal: Maintain existing single, multi-family, and condominium housing stock.

1. *
2. Stabilize neighborhoods adjacent to commercial and multi-unit uses through the establishment of regulations and ordinances that create transitional yards, vegetative buffers, architectural screens, and control of transportation access.
3. Provide adequate buffers between multi-unit housing and other residential areas.
4. Ensure that new construction within or adjacent to existing neighborhoods is compatible with current land uses, compatible in scale with surrounding areas, and is adequately supported by public utilities and the existing transportation system.

Issue: An aging population will create additional demand for housing options for seniors.

Goal: Create and maintain attractive and affordable senior housing

1. *
2. Find ways to site senior housing in the downtown area in a way that avoids noise and light pollution.
3. Provide an opportunity for repurposing underdeveloped sites in the downtown area for senior housing.
4. Support the development of affordable senior housing in the downtown that provides access to vital services and amenities.
5. Actively encourage senior housing development on lands most suitable, such as locations within walking distance to the downtown, and those served by existing infrastructure.
6. Encourage multi-generational neighborhoods and developments.
7. Consider allowing senior multi-family housing by right in the Central Business district.
8. Consider an incentive-based zoning ordinance provision that allows increased density for development reserved for seniors.

Downtown and Commercial Core

Issue: Land uses in the downtown should be more diverse and compatible with community needs.

Goal: Encourage a wide range of retail and other commercial uses in downtown Durham.

1. Promote development of new, flexible office space to support a market for more diverse retail and commercial uses.
2. Encourage business development through the expansion of permitted commercial uses in the Central Business District.
3. Encourage the replacement of underdeveloped and/or underutilized properties two and three, and under special circumstances, four story buildings.
4. *
5. Through land use regulation, encourage housing development targeted at young professionals and seniors, who want to take advantage of the vibrant life of a university town.
6. Consider amending regulatory setbacks to allow for wider sidewalks to improve the pedestrian experience and allow for restaurant and cafe outdoor seating.

Goal: Modify the zoning ordinance to encourage multi-story buildings that make more efficient use of sites with a smaller footprint than the historical sprawling design that covers more surface area and consists of only one or two stories.

1. Improve efficiency within the regulatory process to encourage new construction, expansion, and renovations of buildings in the downtown.

Issue: Downtown and surrounding 'core' areas do not create a sense-of-place that brands Durham as a destination community.

Goal: Create an environment that recognizes downtown Durham as a destination rather than a drive-through; where it is safe and enhances shopping and chance meetings; increase bicycle and pedestrian connectivity.

- 1-2. *
3. Amend ordinances to reflect a hierarchy of sidewalk widths and to require applicants to construct sidewalks as part of permitting new development.
- 4-9. *
10. Explore creation of civic space in the downtown.
11. Explore development of pedestrian mall in under or underdeveloped downtown spaces.

Issue: Existing transportation infrastructure in the downtown and core areas does not facilitate a Park-Once-and-Walk system.

Goal: Provide parking areas in the downtown that accommodate retail and commercial uses, maximize the number of on-street spaces, discourage new surface parking, support a Park-Once-and-Walk environment, are well landscaped, and blend with the character of downtown while allowing access by alternate forms of transportation.

- 1.-2. *
3. Amend land use ordinances to require "public access parking," which is parking that is available to the general public for a cash fee at the time of parking. This parking would be separate from leased parking that might be available for tenants, businesses, or the general

public to buy in advance for fixed periods.

4. *

5. Amend the parking standards in the zoning ordinance to require shared parking for mixed use development based on current and future research.

6. Adopt maximum parking standards in the zoning ordinance to encourage infill development, prevent an oversupply of parking, and reduce impervious surfaces.

7. Create incentives, such as density bonuses, relaxed parking standards, and encourage the use of RSA 79-E by private land owners to build new structured parking.

Issue: Several zoning districts have not been successful in fostering compatible development.

Goal: Explore rezoning of the Professional Office District to encourage expanded commercial uses that are compatible with surrounding residential districts.

1. Town should consider creation of a transitional overlay zone between the Commercial Business District and Professional Office District that allows for some permitted uses of the Central Business District.

Goal: Continue to expand the variety of retail, offices, and services in the Courthouse District.

1-2. *

3. Encourage a broader range of use than currently exists in this district.

Goal: Allow limited commercial uses in the Coe's CORner that complement the existing scale of buildings and the natural environment.

1. Maintain this zoning district to allow for those commercial uses that complement the scenic and low density character of the corridor; prohibit most, if not all, retail uses.

2. Consider the removal of Coe's Corner from the downtown and commercial core as it does not match the character or density of other districts. However, ensure that architectural design regulations continue to be applied should rezoning occur.

3-4. *

Economic Development

Issue: Durham must diversify its commercial activity in order to develop a healthier business environment.

Goal: Proactively recruit new businesses that will lead to a continually improving employment cycle.

1-2. *

3. Use zoning regulations to increase the availability of office and flex space in areas where it is appropriate.

Issue Durham is not perceived by the business community as an attractive environment for development.

Goal Make Durham more business friendly.

1. *
2. Communicate with the Planning Board and Town Council on an enhanced table of uses and approval procedures to improve the overall application review process.

Issue: Land suitable for future development is limited

Goal: Leverage development, redevelopment, or repurposing of student housing to obtain space for other residential and non-residential uses.

1. Use zoning as a tool to strategically leverage mixed use development in downtown to enable repurposing of student housing to more flexible uses as market conditions change.
2. Use zoning to create housing units that are attractive to residents of all socio-economic backgrounds.
3. Monitor the effectiveness of zoning as a tool to achieve mixed uses in downtown.
4. *