

CodeNEXT: Win-Win or Land Grab?

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The CodeNEXT text came out in January and map in April.

Austin has now had six months to digest, discuss and debate both and the only thing everybody seems to agree upon is that neither text or map is ready for prime-time.

Staff and consultants have said they are listening.

Revised versions of both are to be released in September.

We will then see how well they have been listening!

If Codes Were Rated by Pages or Pounds, CodeNEXT Would Win the Blue Ribbon!

City	Pages	Zones	A&P
Tulsa*	315	27	42
Miami	342	18	45
Albuquerque	390	28	39
Buffalo	334	25	53
Chicago*	339	56	53
Memphis*	478	30	59
Raleigh	464	18	78
Denver	1,204	116	76
Austin	1,164	64	222

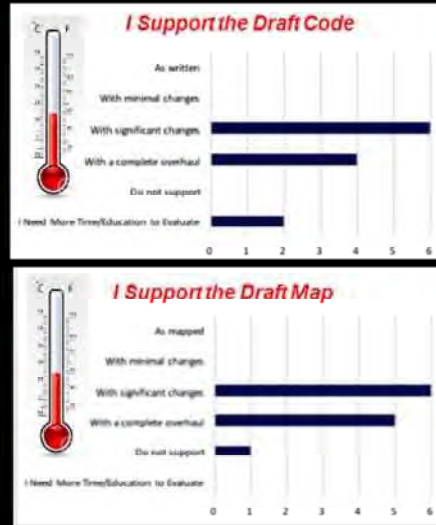
Like Joel Osteen, I like to begin presentations with something positive or funny.

So let us just say that if zoning codes were judged by the page or pound, CodeNEXT would be a big winner.

Unfortunately, however, that is not the case. Good codes are measured qualitatively and not quantitatively!

Devoting 222-pages to administration, for example, is ridiculous! That is four times what most cities devote.

After Five Years, CAG Did Not Support CodeNEXT Draft 1.0!



After five years of service, the CodeNEXT citizens advisory group (CAG) recently released its final report.

It is telling that not one member supported the text or map.

Half want significant change and half a complete overhaul.

Are We Creating A More Livable, Affordable and Compatible Austin?



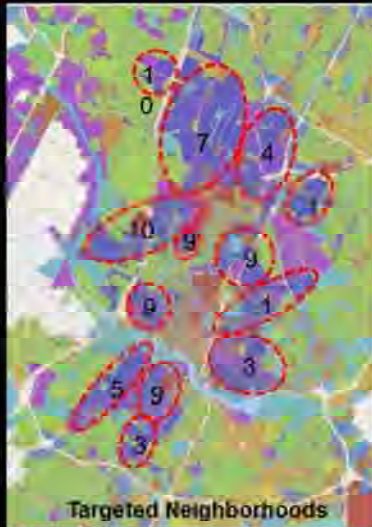
The most controversial aspect of CodeNEXT is its focus on densifying urban core single family neighborhoods.

With densification, comes many changes. Home prices, rents and taxes increase and the less affluent are forced to move. Parked cars crowd streets and bigger buildings displace yards and trees. Green is gone!

Neighborhood character changes overnight!

Local examples are West Campus where densification increased land values, rents and taxes, causing many less affluent students to relocate; and East Austin where densification is rapidly displacing low-income families.

Or Just a More Profitable Austin for Builders and Developers?



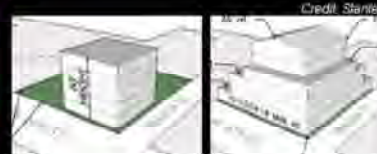
Credit: Chris Allen

Residential

T4N, Shallow Setback
One - Six Units
600% Density Increase

Nonresidential

T5 Main Street
21,500 sf - 55,325 sf
275% FAR Increase



Credit: Starlec

The blue areas are urban core neighborhoods targeted by CodeNEXT for significant densification.

As shown in this Rosedale example, CodeNEXT would allow six homes to replace one single family home.

Here is a nonresidential example on West 5th that shows CodeNEXT would allow almost three times the floor area.

Or Just a More Profitable Austin for Builders and Developers?



As indicated by the green dots on this feedback map, public concern and response to CodeNEXT has closely coincided with its densification recommendations.

Are We Cutting or Gutting Compatibility Standards?

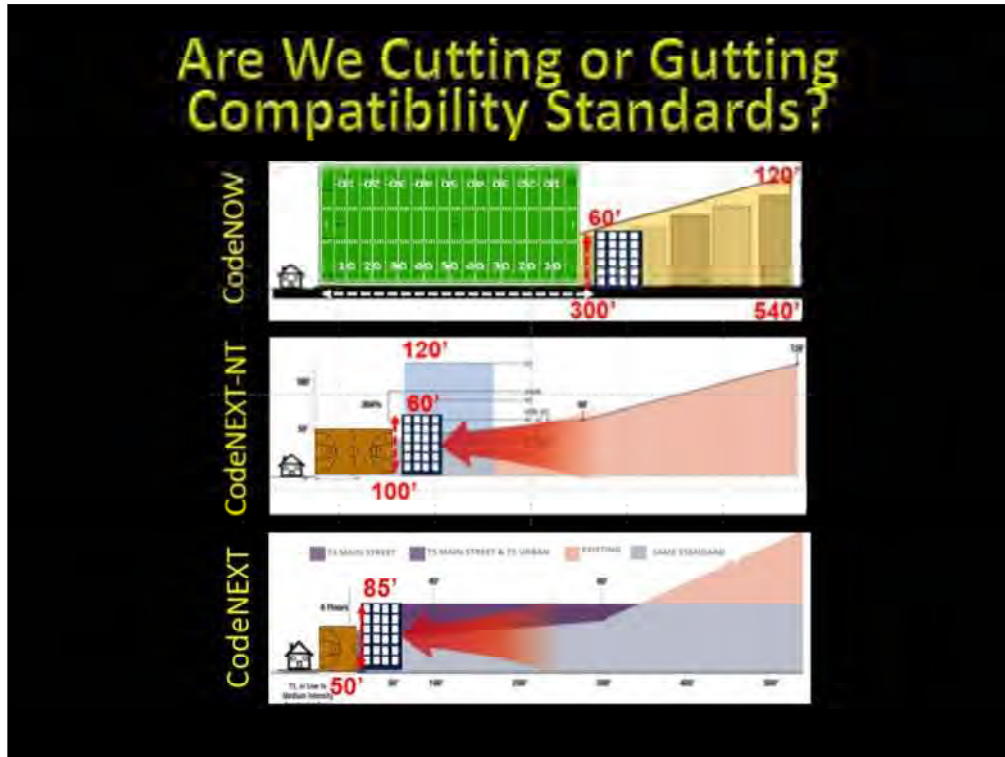


In 1985, Austin was one of the first cities in the nation to adopt performance-based compatibility standards.

Since then, they have mitigated the negative effects of incompatible development on single family homes.

For example, tall buildings must be at least 300 feet, the length of a football field, from any single family home.

Are We Cutting or Gutting Compatibility Standards?



CodeNEXT cripples Austin's compatibility standards!

In the suburbs, the protected distance is reduced to 100 feet, the length of a basketball court

And in the urban core, that distance is reduced even further to 50 feet, or half-court.

Accessory Dwellings

CodeWAS: 850sf

CodeNOW: 1,100sf

CodeNEXT: 1,344sf

BEST PRACTICES:

Honolulu: 400sf<5,000sf lot, 800sf>5,000sf lot

Miami: 450sf, 1 space (ancillary)

Santa Cruz: 640sf, 1 space, owner

Denver: 650sf<6,000sf lot, 864sf 6,000-7,000sf lot

Seattle: 650-800sf, 4,000sf lot, 1 space, covenant

San Diego: 700sf, 1 space, 21' (companion unit)

Nashville: 750sf <10,000sf lot, 1,000sf>10,000sf lot

Atlanta: 750sf, R5 district only, .5 FAR

San Antonio: 800sf (40% main), 300sf min

Portland: 800sf (75% main), 20', 15% cover

Charlotte: 800sf (35% main), 1 space

Phoenix: 900sf (50% main), 1 space, no STR

The image shows a screenshot of a zoning code table. The table has a header row with the title 'ZONING CODE' and a sub-header 'ACCESSORY DWELLING'. Below the header, there are several rows of text, each representing a different zoning code or regulation. The text is small and difficult to read, but it appears to be a list of conditions or requirements for accessory dwellings. A red dashed box highlights a specific row in the table, which likely corresponds to the 'CodeNEXT' entry mentioned in the text above.

In keeping with national “best practices”, Austin has for decades limited the size of accessory dwellings to 850 sf or less to encourage their affordability and compatibility.

Last year, at the urging of local infill builders, the city council increased ADU max floor area by 30% to 1,100 sf.

Now, CodeNEXT is proposing another 20% to 1,344 sf.

With these increases, Austin is losing an affordable housing resource and creating neighborhood compatibility issues.

Austin's Existing Density Bonus Programs Have Major Problems...



Density Bonus Program	Year Adopt	Percent MFI		Percent Affordable	Period (years)	FIL (psf)
		Own	Rent			
West Campus	2004	65	65	10% uts	15	\$1
Rainey Street	2005	80	80	5%	none	none
FID	2008	80	60	5%/10% uts	99/40	\$6
Downtown	2009	120	80	10% uts	99/40	\$3-\$10
TDD	2009	varies	varies	10% BA	99/40	\$10
Burnet Gateway	2009	80	60	10% BA	99/40	\$6
VMU	2010	100-80	80-60	5%/10% uts	99/40	none
East Riverside	2013	80	60	10%	99/40	\$50

Inconsistent & High MFIs ▼

Period too short ▼

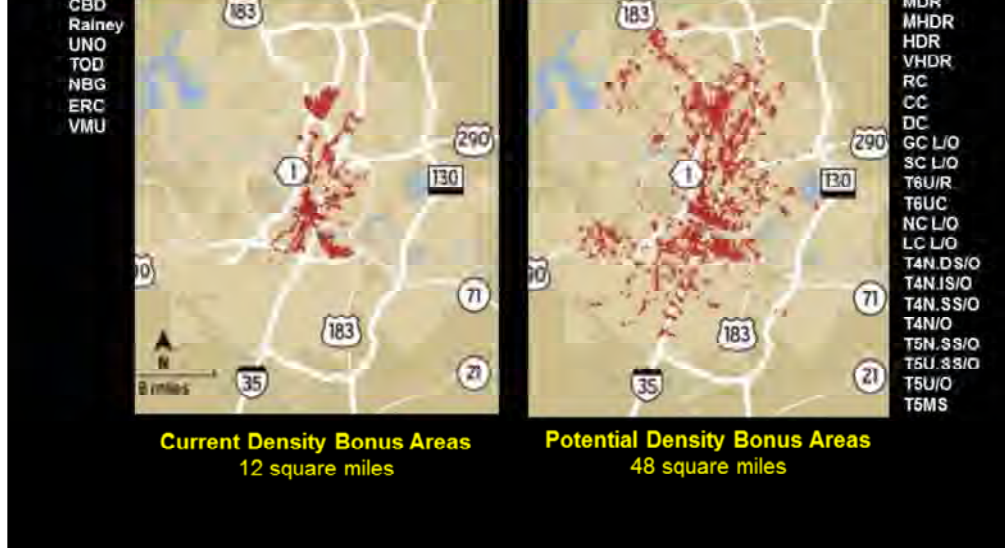
Percent inconsistent ▲

FIL too low ▲

Since 2004, Austin has attempted to use density bonuses as a zoning tool to secure affordable housing. Thus far, the program has been a major disappointment because:

- it does not benefit truly needy families,
- it does not produce many units,
- two of its programs are short-termers, and
- its “bail out” fees-in-lieu are ridiculously low.

CodeNEXT Recommends Expanding Density Bonus Coverage!



CodeNEXT recommends that the density bonus program be expanded fourfold and that bonus densities be doubled if 10% of the bonus units are affordable.

These may be very worthy recommendations, but existing problems should be fixed before expanding the program.

Since the State has now denied access to most other tools, it is imperative that Austin gets density bonuses right!

Procedures Should be Streamlined Without Sacrificing Public Vetting!

Sec 23	Provision	Change	Action
Public Participation Impediments			
2C-2010	Notice with errors	Allows case to proceed	strike
2C-3020	Notice date trigger	Uses mailed (USPO) date	strike
2D-2030	Changes in hearing location	Creates public difficulties	strike
2I-3030	Administrative appeals	Shortens appeal time	strike
2J-2030	Staff resolve issues	Allows private meetings	strike
2I-3050	Conduct of appeal hearing	Reduces rebuttal rights	strike
2L-1050	ILA notification requirements	Removes mail notice	strike
various	Tolling ("stopping the clock")	Renotices not required	renotify
Waivers and Adjustments			
2F-2020	Administrative waivers	Grants considerable authority	legal
4B-4040	BOA Type 1: Conditional uses	Waives any zoning regulation	discuss
4B-4040	BOA Type 2: Setbacks	Removes notice and hearing	strike
4B-4050	BOA Type 3: Use errors	Allows existing prohibited use	strike
Decreased Notice and Response Times			
1A-5020	Required public notice	Reduces by collective 27 days	strike

In order to speed up Austin's development review and approval process, CodeNEXT recommends shortening required times for waivers, adjustments, notices and input.

After a thorough examination, the CAG and League of Women Voters both determined that, although maybe saving builders and developers time and money, the changes would significantly diminish public noticing and input and should not be implemented as proposed.

And the CodeNEXT Debate Goes On!



"What's striking about the current CodeNEXT debate is its unusual local polarization – between those who believe the code can be remade to solve all Austin's problems, and those who believe it can only make them worse – with as yet no clear path to a public consensus for some middle ground." Michael King, Austin Chronicle

And the CodeNEXT debate goes on, and on, and on ...

For example, while over 400 Brentwood and Crestview residents were protesting CodeNEXT last month in north Austin, 20 persons were supporting it at an Evolve Austin Partners press conference in south Austin.

To be totally fair and accurate, however, it probably should be noted that five of the Evolve attendees were Press and seven were hired door-to-door canvassers.

So you might say that “on that day, the CodeNEXT nays significantly outnumbered the yays!”

Who Are Evolve Austin Partners?

Austin Community Design and Development Center (ACDDC) *Austin UP*
Downtown Austin Neighborhood Association (DANA) *Bike Austin*
Homebuilders Association of Greater Austin (HBA) *College Houses*
Austin Cooperative Business Association (ACBA) *Skillpoint Alliance*
Greater Austin Chamber of Commerce (ACC) *Urban Patchwork*
Alliance for Public Transportation (APT) *Reconnect Austin*
Friends of Austin Neighborhoods (FAN) *Environment Texas*
Congress of the New Urbanism (CNU) *Desegregate Austin*
Real Estate Council of Austin (RECA) *One Voice Central Texas*
Austin Apartment Association (AAA) *Habitat for Humanity (HH)*
Austin Technology Council (ATC) *Austin Tech Alliance (ATS)*
Austin Board of Realtors (ABOR) *Austin Music People (AMP)*
Austin Downtown Alliance (ADA) *Austin Justice Coalition (AJC)*
Austin Housing Coalition (AHC) *Ecology Action of Texas (EAT)*

Just who are Evolve Austin Partners ...

According to its website, it is an organization dedicated to “leveraging decades of combined experience in” and “established relationships with” City Hall towards influencing the type, amount and location of growth.

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And its membership is anchored by Austin's “Big Four” promoters of and lobbyists for growth and development:

- the Homebuilders Association of Austin
- the Austin Chamber of Commerce
- the Real Estate Council of Austin
- the Austin Board of Realtors



Since one's place on the "playing field" at Austin city hall is apparently influenced by how many partners you have, ...

Maybe ANC Needs More Partners!

Supporters for Prevention of Increased Taxes (SPIT)

Progressive Austinites for Pervious Area (PAPA)

Advisory Council for Irritated Drivers (ACID)

Group Outing Growth Oligarchies (GOGO)

Society of Pissed-Off Taxpayers (SPOT)

Partners for Equity and Equality (PEE)

Friends Against Rising Taxes (FART)



Residents Exposing Cronyism in Austin (RECA)

Citizens Against Variances and Exceptions (CAVE)

Austinites for Rational and Intelligent Density (ARID)

Citizens Alliance for Sustainable Environment (CASE)

Political Action Committee for the Environment (PACE)

Members of the Peoples Automobile Coalition (MOPAC)

Austinites for Affordable and Reasonable Growth (AARG)

I would suggest that ANC might want to think about bringing on board the following new partners:

- *Supporters for Prevention of Increased Taxes (SPIT)*
- *Progressive Austinites for Pervious Area (PAPA)*
- *Advisory Council for Irritated Drivers (ACID)*
- *Group Outing Growth Oligarchies (GOGO)*
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Thank You!