



## CodeNEXT Has Returned: More Details

Austin’s City Council issued on May 2nd [guidelines](#) to the city staff to pick up where they left off last year with the ill-fated CodeNEXT project – with instructions to rewrite the land development code with even more far-reaching consequences to existing residents than the last version of CodeNEXT. The plan is to reshape almost every Austin neighborhood. It could lead to the demolition and replacement of thousands of our community’s homes and small businesses. It could further raise our property taxes, and it would displace the people who live there now, replacing them with high-income people who want to take their places.

### What does CodeNEXT have in store for you?

Local land investors and their allies want to carve “transition” zones into neighborhoods across Austin. Even outside these zones, it is clear that all neighborhoods will be allowed to have accessory dwelling units (ADUs), and it is likely that the new zoning will allow more lots to be subdivided and more units allowed on your streets. Parking will be pushed to your streets, many without sidewalks.

### If your lot is within a transition zone:

If your lot falls within one of these “transition” zones, neighboring lots could be redeveloped with multifamily units out of scale with your street, reducing the tree canopy, increasing flood risks, and making your street a parking lot. In some cases commercial businesses would be allowed. Incredibly, if a home within a transition zone is demolished, its replacement would have to conform to the new zoning —and only multifamily housing could be built in its place.

The city plans to create transition zones in the following:

- Neighborhoods adjoining [all roadways designated as “corridors”](#) by the 2012 plan *Imagine Austin*
- Neighborhoods adjoining [all areas designated as “activity centers”](#) by *Imagine Austin*
- Neighborhoods [along Transit Priority Networks](#) (essentially Cap Metro routes where buses run at intervals of 15 minutes or less)

For neighborhoods adjoining corridors and centers, the city wants to eliminate the current requirements that commercial properties meet compatibility standards that protect nearby homes.

*“Lot(s) adjacent to parcels fronting an activity corridor will not trigger compatibility”<sup>1</sup>*

Going deeper into the neighborhood, upzoning would “generally” extend 2-5 or more lots deep. This could cover a distance of 2 ½ blocks (or more), depending on street orientation.

*“Generally, the transition area should be two (2) to (5) lots deep beyond the corridor lot... Four units within a house scale should be the least intense zone within a transition area, subject to staff’s consideration of what is appropriate.”*

Homes that now abut designated corridors could be upzoned to the same zoning as the corridor, which in the last version of CodeNEXT allowed 75 feet (+10 feet bonus height). Additionally, corridor heights would be stepped down into neighborhoods. This could bring tall developments into an existing neighborhood by applying corridor-level zoning.

*“Lot(s) adjacent to parcels fronting an activity corridor will be mapped with a zone that does not trigger compatibility and that could provide a step-down in scale from the zone of the parcel fronting an activity corridor. For a shallow lot on a corridor, consideration will be given to maintaining the zoning of the corridor- fronting lot to the adjoining rear lot, if appropriate.”*

The current land development code allows single-family housing in multifamily zones. The new policy direction would make upzoned single-family homes in transition zones nonconforming properties. If a home within a transition zone is demolished, its replacement would have to conform to the new zoning —and only multifamily housing could be built in its place.

*To the greatest extent possible, include code restrictions that provide properties zoned for multi-family will develop with multi-family and not single-family structures. At the same time, however, make allowances for existing single- family structures that become non-conforming to be maintained, remodeled, and potentially expanded, so long as they are not demolished or substantially rebuilt. Staff should provide options for minimum unit yield based on the zone.*

*Code revisions to provide additional housing capacity should include: ... Measures to dis-incentivize the demolition and replacement of an existing housing unit(s) with a single, larger housing unit.*

*Provide options to revise McMansion ordinance that provide for ability to add a room or limited remodel but constrain ability to demolish existing home and replace with another larger single family home.*

Council discussion made their policy position clear:

>> Harper-madison: So if you were -- what you're saying, if you were to demolish the house or substantially rebuild it and you were in a zone that's been upzoned, the only thing can do, as

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<sup>1</sup> Quotes in the shaded boxes are from the May 2, 2019 guidance memo.

opposed to rebuilding your single-family home, is do multifamily. >> Kitchen: Yes, that's what it says. ... Adler>>... [Brent Lloyd, staff's chief code editor]: So once you demolish that with -- that property and you want to rebuild, it would have to be multifamily...[Adler:] "I think we're okay. Move on to the next item"<sup>2</sup>

**If your lot is outside of transition zones:**

Council also directed Staff to consider rezoning homes outside of transition zones.

*"Staff will consider mapping missing middle areas in high opportunity areas not impacted by environmental concerns in order to help achieve goals related to housing throughout the city"*

*"Staff to provide options for timelines and methods for implementation of the new code and map and to achieve additional housing capacity and affordable housing goals beyond those contained in the new code and map."*

An email blast from Mayor Adler to certain members of the community appears to confirm that portions of neighborhoods in addition to the transition zones would be upzoned for duplexes, triplexes and four-plexes.

**From:** Mayor Steve Adler

**Subject:** An update from Mayor Adler on the future land development code in Austin

**Date:** May 20, 2019 at 5:11:40 PM CDT.....

**What about in neighborhoods? Will there be new development entitlements given there?**

Yes. In addition to more allowances for ADUs (see above), there will be more opportunity for Missing Middle housing (like duplexes, triplexes and quads) that are built in the same form and scale as a single-family home. There will also be Transition Areas located between the commercial uses on corridors and centers and the adjoining neighborhoods.

In concert with the densification of neighborhoods, parking requirements for commercial and residential uses within a quarter mile of corridors will – except in special circumstances – be eliminated, turning neighborhood streets, many without sidewalks, into substitute parking lots.

*"Minimum parking requirements should be generally eliminated in areas that are within the ¼ mile of activity centers, activity corridors, and transit priority network, except that some parking requirements may be maintained for areas where elimination of parking requirements would be particularly disruptive (conditions to be proposed by staff)."*

It is unknown what Staff will consider "particularly disruptive" but last year Staff, on its own initiative, sharply cut parking requirements for commercial uses in CodeNext even when they were located near residences and schools.

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<sup>2</sup> From the council meeting transcript.

## Housing Capacity Goal

The city council has chosen their housing capacity goal in the CodeNext upzoning program to be an astonishing 405,000 units in 10 years.

*“The new code and map should allow for housing capacity equivalent to at least **three** times the Austin Strategic Housing Blueprint (ASHB) goal of 135,000 new housing units”*

When asked to explain the reasoning behind this goal, city staff has said simply that many people want to live here. The City Demographer has said that the city needs an additional 80,000 units over 10 years, and Staff admits that Austin already has capacity for 145,000 units.

75% of this housing capacity (upzoning) is designated to be within ½ mile of the designated corridors and centers.

*“75% of new housing capacity should be within ½ mile of transit priority networks as identified by the Austin Strategic Mobility Plan and Imagine Austin activity centers and corridors. Staff should update the growth maps for Imagine Austin including both corridors and centers”*

## Timeline

The Council directed staff and the Planning Commission to recommend the new code and maps for action by Council in October 2019. Apparently the only public feedback allowed on the code and maps will be minimal hearings at the Planning Commission and Council.

*“The Manager should establish and communicate clearly the public input process for Council’s adoption of the revised Land Development Code, including timelines and opportunities for public input. Include a transparent and educational public process under which stakeholders are informed on how their input has been received and is being evaluated.”*

*May 14, 2019 Cronk memo: “Once the draft code and map are complete, we will dedicate time for public review and comment before beginning the Planning Commission process. During the public review period, staff will hold regular office hours to answer questions and meet with the public. The feedback received through this informal process will build on the deliberations that occurred last year and provide a valuable point of reference for the subsequent Planning Commission and Council process.”<sup>3</sup>*

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<sup>3</sup> From the City Manager’s memo to Council May 14, 2019, Land Development Code Revision: Process and City Team Structure