

## CodeNEXT v4 Bullets

**Foundation** – Rather than updating and reorganizing the existing code, the city has chosen to remap and redefine every piece of property in Austin. The remapping has focused upon the 135,000 residential units in ten years that was directed by the *Austin Housing Blueprint (AHBP)*. Our own demographer cited a need for ~80,000 units in that time period. . The council chose to triple that *AHBP* goal for a capacity target of over 400,000 units. The 397,966 unit capacity that city staff reported, they only counted the “market-feasible units”. Therefore, the actual upzoned capacity far exceeds the 397,966 that were counted. Upzoning that much is not planning.

**Residential-** Every residential property whether single or multi-family is upzoned significantly. In transition zones near corridors, where homes are upzoned to either R4 or RM1, a house or duplex can be replaced by up to 10 units, impervious cover up to 60% and height up to 45 feet and FAR of 1.2. *Single family homes are not listed as “allowed uses” in transition zones.* They would fall under a category called “compliant residential use”. Those homes not in transition zones, are being upzoned to R2 categories, which have smaller lots (2,500 or 5,000 sq. ft) With the “Preservation Bonus” (keeping two walls of a 30 year old structure) 3 units on a 5,000 sq. ft. lot would be allowed. These additional units are not counted in the FAR (floor-area ratio) limit. With COA implementation of HB3167, resubdivision of up to 4 lots would be an administrative approval, and flag lots would be an administrative waiver. Existing apartment homes are being upzoned with increases of bonus density that are over 100% of existing entitlements or have an unlimited increase in units. The COA estimated that over 95% of bonus units would be market rate. Occupancy is being increased from 4 unrelated adults in McMansion areas to 6 unrelated adults per unit.

**Compatibility** – Previous standards that ensured compatible development/redevelopment between communities and commercial areas are being grossly reduced. Instead of the current maximum 540’ setback between homes and 120’ tall commercial buildings, the setbacks have been reduced to either 50’ for MU or 100’ for MS.

**Commercial** - Office zoning no longer exists, so all current offices have been upzoned into Main Street (MS) and Mixed-Use (MU) categories. These categories allow many more uses, with very different operating characteristics than office buildings. Instead of required special alcohol rezoning (CS-1) for bars, bars are now allowed in almost all commercial categories. They are either allowed either by right, or administrative approval (Minor Use Permit) or a CUP (Conditional Use Permit).

**Conditional Overlays and F25** – Many properties have negotiated conditional overlays to allow development or redevelopment to be compatible with its surroundings. For the most part, these overlays have been abandoned without consideration. Some areas with special conditional overlays or other specialized zoning have been labelled F25, but this will be phased out in the near future.

**Parking** - Parking requirements have been radically reduced. Within ¼ mile of corridors and centers there is a 100% reduction of parking requirements if the area has sidewalks, or has sidewalks on a priority list. Within ½ mile, the already reduced parking standards are reduced a further 50%. This abdication of responsibility by the City will allow developers to opt-out of providing adequate parking, thus saddling the adjacent properties to address the development's real needs.

**Environment** - Higher densities (including transition zones) and impervious cover have been mapped in and adjacent to flood plains. This is rationalized by a COS city-wide study that predicted near equality of what current existing maximum buildout would allow compared to proposed buildout. No consideration has been given to areas with more serious flooding histories. Localized flooding is not seen as an issue to be addressed. We are told that "impervious cover is not related to flooding". Heritage trees can now be removed with administrative approvals rather than having to go through public commissions. Open space requirement have been reduced.

**Infrastructure** – The current capacity of any existing infrastructure was not included as a factor in the city-wide re-mapping. Mayor Adler said that the appropriate time to consider infrastructure is at the site plan stage. Questions such as "How much additional sewage can aging pipes handle?", or "How much more water pressure is needed for high capacity buildings?" were not asked. Our failing drainage infrastructure, which is causing constant expansion of localized flood areas was not considered. The criteria manuals which detail the specific design characteristics of various elements in the development process have not even been written.

**Taxes** – While residential structures can only be appraised at the same rate as similar structures, the appraisal of land in an area does not have similar constraints. While people have some protection with the homestead increase on their taxes (not their appraisals), the increased entitlements being placed upon all residential land will inevitably push the market values higher and higher on the land. People who rent their homes, will be displaced first, as landlords raise rents to meet their increased tax bills, owners on fixed income will be next. At the same time as your increasingly entitled land value goes up, your home that you live in is devalued. Small business will find themselves also displaced as more entitlements are placed on commercial property, raising taxes.

### **Community**

The new LDC shows little respect for existing communities where people live with the maps that have been drawn. The city declares citizens have no state granted petition rights on the changes to their property, you have no "say". The mapping regards Austin as a "*tabula rasa*" to be demolished and rebuilt. The map lays a huge foundation for displacement (as the envision analysis shows) based upon the granting of free entitlements with little community benefits. There is no equity analysis of the disparate impacts upon those in our community that have the least. The new LDC defers to "Marketplace" solutions, instead of regulating land use on behalf of all citizens. Marketplace solutions are more aligned with "natural selection"; where

the fittest survive and the weak perish. This seems to be the antithesis of Austin's proclaimed desire to look after the less fortunate (e.g. ensuring affordable housing, etc). In this LDC, notions of "survival of the fittest" have replaced the concept that all citizens have value and that the local community's needs eclipses the desires of one individual (developer) for profit. The new LDC appears to be a step backward by relying on the marketplace to ensure success, instead of taking a firm stance for the benefit of the entire community. We need a consensus process that restore the community values Austin proclaims and is formed from the ground up and not the top-down.