

The Belfry

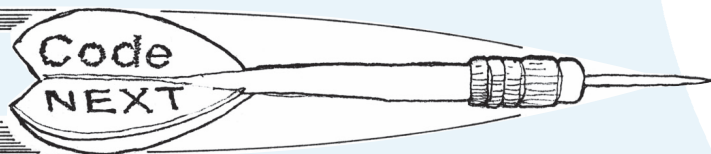
CodeNEXT got your knickers in a twist? Then read on...

July 2018

Austin, Texas

Issue 2

* CODENEXT HOT NEWS *



People ask: Where are we today with CodeNEXT? That is not an easy question to answer. To paraphrase legendary singer song-writer Pete Seeger, **we are waist deep in the Big Muddy, headed toward deeper water, and the City Council is telling us to push on.**

But not everyone agrees that we should push on. The Zoning and Platting Commission, having struggled for over a year to salvage the 1300-page document and 400-page addendum, ultimately recommended that the city staff “immediately terminate” the CodeNEXT process. The Commission suggested instead that the City pursue an alternate path for repairing today’s code. Vice-chair of the Zoning and Platting Commission Jim Duncan couldn’t help but make this observation about CodeNEXT: “This is, without a doubt, **the worst code I have ever seen in my life.** We’re a world-class city and we don’t deserve that.” Duncan is a past president of the American Planning Association and has written over 300 city codes.

Meanwhile, the Planning Commission, overstocked with members connected to real estate and land development, opened the flood gates to a torrent of developer-friendly amendments that passed so quickly and in such volume that not everyone agrees what, in fact, was adopted or what it all means. As best we can tell, **they took it upon themselves to plan your neighborhood for you by designating over 100 city streets and roads as development “corridors.”** On both sides of these “corridors” they created “transition zones” which they envision extending 5 blocks,

or about ½ mile into residential neighborhoods. The “transition zones” would transform neighborhoods by increasing density (and thereby raising property taxes) and adding commercial uses. Front yards could be completely paved by deleting front yard impervious cover regulations in residential zones. And, they directed Staff to further reduce parking standards to “as close to no parking requirements as possible,” leaving it to neighborhoods to deal with new on-street commercial and residential parking through mechanisms like parking permits and parking meters. They did a lot more, like limiting the standards that promote compatibility between uses and require open space, but you get the picture. These amendments are on top of the Staff’s provisions that made it easier to put bars, nightclubs and high traffic-generating uses near residences.

The Council, or at least the Mayor and his allied council members, wants to push on into deeper water, taking up the Staff draft and Planning Commission amendments while ignoring the Zoning and Platting Commission warning to return to shore. Over the objections of Council Members Alter, Houston, Pool and Mayor Pro Tem Tovo, the Council refused to honor the citizens’ petition signed by 31,000 people asking the Council to let the voters decide whether CodeNEXT should be on the ballot. The citizens are fighting for the right to vote, and that matter is now in court with a hearing pending.

Meanwhile, the Council has pushed on putting CodeNEXT on the agenda before their July recess. The current timeline is unclear, but the public must

stay engaged in the process, communicating with the Mayor and their Council Member on the impacts on their community. It is up to us to let the Council know whether we want “transition zones,” reduced parking, less compatibility, more commercial uses including bars near residences, higher property taxes resulting from increased density, and more pavement in front yards.

WHAT CAN YOU DO TODAY?

Insist that those making claims about “affordability” and “density” and who say “*That* won’t happen,” or “Don’t worry. Nobody would do *that*,” or “You’re just a NIMBY” back up their statements with facts. Talk to your neighbors. Make sure they understand what will happen to their properties and neighborhood. Speak up. Numbers matter. Read the CodeNEXT for yourself at: <https://austintexas.app.box.com/s/jcdsly4x0dtdgthyxwm2w2f5dx6d23k0>.

Weigh the positions and determine where you stand in this. If you believe that CodeNEXT’s wholesale citywide zoning changes will hurt our city and our quality of life, then write, email, and tweet the mayor and city council members and let them know.

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GLOSSARY

*Sticks and stones may break my bones, but words will never hurt me.
Unless they are part of CodeNEXT.*

**ED WENDLER, JR.
TRANSLATES CODENEXT NEWSPEAK**

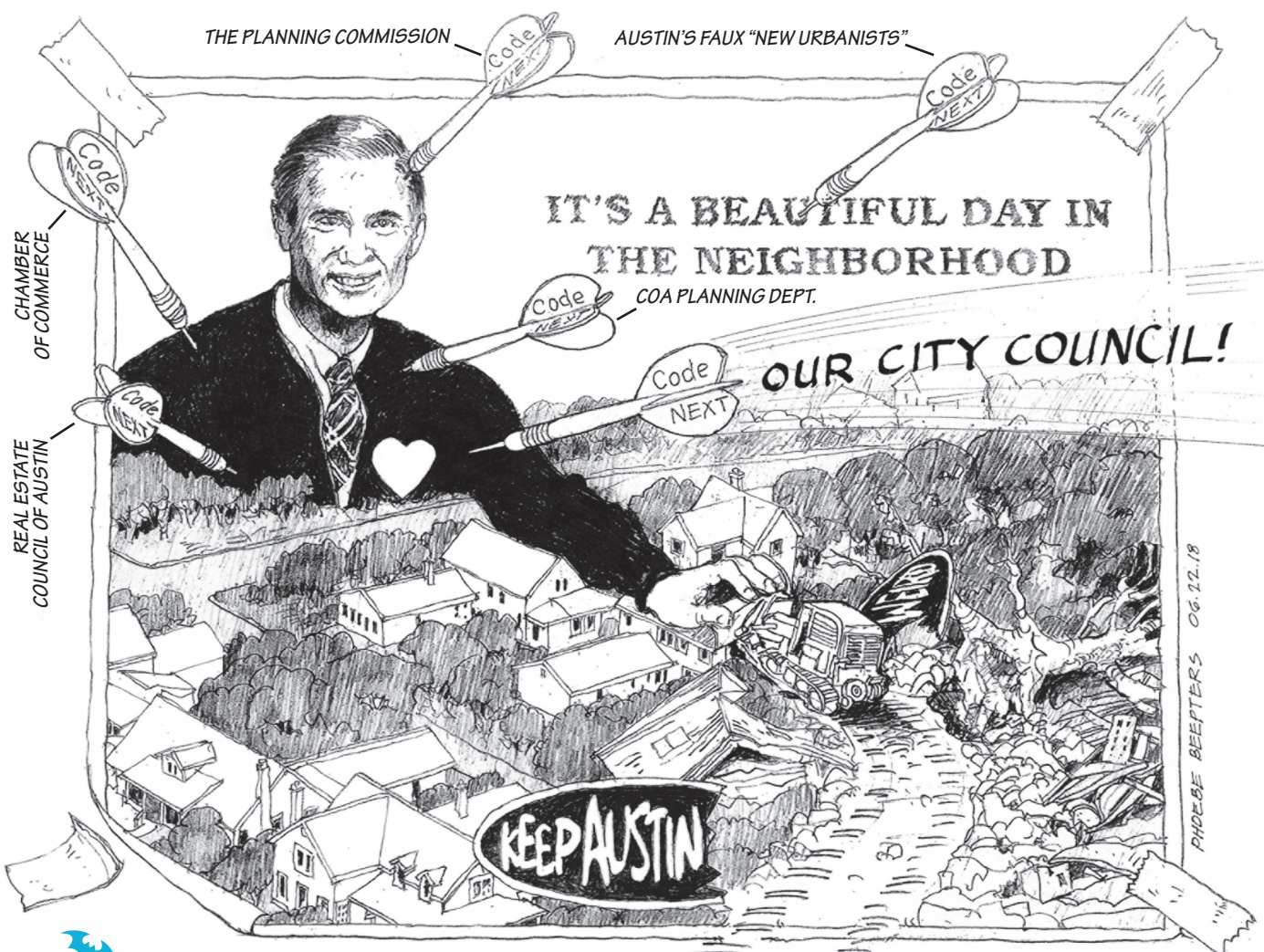
If you’re reading this op-ed you must be a news junky and must be aware of the battles at City Hall over CodeNEXT, the massive rewrite of Austin’s zoning ordinances. Because it’s a controversial issue I used the online Urban(ist) Dictionary to look up some of the words that are bandied about. You can’t understand the action if you don’t speak the lingo. Here’s what I found.

CodeNEXT (sometimes spelled CodeYou’reNEXT)
Etymologists debate whether CodeNEXT is a noun or a verb. Some argue it’s a noun as in: “I read all 1400 pages of CodeNEXT (Third Edition), all 400 pages of staff comments, and all 1000 last minute amendments offered by the Planning Commission.” Others argue it is a verb as used by the Zoning and Platting Commission when they gave up reviewing CodeNEXT and screamed, “We can’t CodeNEXT anymore. No mas.” To me, CodeNEXT is definitely an action verb. The consultants’ contracts have been extended, now totaling \$8.6 million. We’re on the sixth edition, three by consultants, one each by the staff and Planning Commission, and one by the City Council. A petition was filed to allow the public to vote on CodeNEXT — the Council refused to acknowledge it and a lawsuit was filed.

TRANSIT CORRIDOR

A street along which the City will cram as much “zoning capacity” as possible. When you can’t cram any more, you call another street a corridor. When you run out of corridors, zoning capacity is added to “transition zones” (see below). Bonus question — Are more corridors needed for a zoning capacity of 170,000 home sites or 320,000?

Continued on the flip side



KILLING MISTER ROGERS

TRANSITION ZONE

The land behind the “zoning capacity” that’s crammed onto a corridor. When “corridors” are full, the additional “zoning capacity” oozes into the “transition zone” behind the corridor. The only difference between a transition zone and a corridor is how much capacity is crammed onto it. Trick question – Which requires a larger transition zone, 170,000 home sites or 320,000 home sites?

AFFORDABLE HOUSING

This is tricky math requiring a calculator. A \$900,000 house is more affordable than a \$1,000,000 house. \$700,000 is more affordable than \$800,000. \$499,999 is more affordable than \$600,000. It’s simpleton math once you get the hang of it.

LOW-INCOME HOUSING

Newly constructed housing in Austin that sells for less than \$499,999. This term is sometimes used with “ADU” (see below) as in “In Austin ‘low-income housing’ is produced by building a \$499,000 ADU.”

ACCESSORY DWELLING UNIT (ADU)

Obviously coined by a bureaucrat, it is actually a little house built in somebody’s backyard. A marketing term was created because while it is cool to say you live in a micro unit on East 5th, it’s not hip to say you live in somebody’s back yard. If you’re a hipster never say you live in a “granny flat” (see below). “ADU” is the preferred usage because initials are chic, like BMW.

GRANNY FLAT

They used to be called garage apartments and were occupied by all the hippies at UT. Now they are occupied by all the hipsters gentrifying East Austin. Except they call them ADUs (see above). They can sell for \$499,000. Seriously. No kidding. No one can remember when Granny actually lived in one. For clarification, there is no etymological relationship between hippie and hipster.

NEIGHBORHOOD

A community of people who enjoy their homes and the companionship of the people living around them. They raise their families there, become longtime friends, carpool the kids, and support the elementary school. Neighborhoods can be located anywhere in Austin, east or west. Remember, “neighborhood” has a negative connotation as used in the sentence *Those NIMBYs are just “neighborhood” advocates and preservationists.*

ZONING CAPACITY

Get your calculator back out. “Zoning capacity” is the number of sites available for future homes. The City says we need “zoning capacity” for twice as many sites as households moving here. If 85,000 households are moving here, we need capacity for 170,000 home sites. If you claim that 135,000 households will move here, we need 270,000 home sites. Now the math test – If you claim that 135,000 households will move here, and the Mayor successfully lures Amazon HQ2 with an additional 25,000 households, how much zoning capacity is needed? If you answered 320,000 you are correct. Move on to the bonus question. Do developers and the Chamber of Commerce covet a larger or smaller zoning capacity?

“CORE” OF A NEIGHBORHOOD

What’s left of a neighborhood after “corridors” and “transition zones” are taken away. (Remember, even living in the “core” of a neighborhood is not cool – therefore, the smaller the “core” the better).

REMEMBER...

Sticks and stones may break my bones, but words will never hurt me. Unless they are part of CodeNEXT. — Ed Wendler, Jr., Austin developer

AUSTIN TEXAS? OR AUSTIN TAXES?

Planning Commissioner Conor Kenny expresses the prevailing view of the Planning Commission in a letter from the PC to the City Council. Full text at: <http://www.austintexas.gov/edims/document.cfm?id=301265>.

“There will be a potentially huge amount of new property tax revenue coming to the city as redevelopment occurs along Imagine Austin Comprehensive Plan Centers and Corridors due to zoning changes in CodeNEXT and other small area plans.

The City must – if possible – seize this opportunity to finance the capital projects necessary to implement particularly the capital projects that would achieve the complete communities and high capacity transit goals of the Austin Strategic Mobility Plan.

As building permitted by new zoning occurs, the taxable value of Centers and Corridors on redeveloped land will skyrocket, providing an opportunity to finance capital projects through Tax Increment Financing, which would allow large projects to be built now in anticipation of growth, rather than catching up to it.

Substantial increases in density along Austin’s corridors present a financing opportunity for the City that must not be missed.”



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ABOMINATIONS OF THE AUSTIN CORRIDOR PLAN

RIP LAMAR PLAZA

nominated and described by Mary Ley

Austin’s homegrown small businesses are steadily being crushed and replaced by monster generic retail/apartment malls. A case in point is the transformation of what was once a stroll-worthy South Austin collection of local businesses, with parking at the door. If you ever climbed the metal stairway to work out at Big Steve’s little gym, bought a guitar at Ray Hennig’s famous Heart of Texas Music Store, or had a coffee and studied Transcendental Meditation at the Crystal Connection, you know what I mean.

You once could check out Glitch Records and Texas Beat Magazine, find a few treasures at the vintage clothing and miscellany shop named Let’s Dish, and eat at Trudy’s, Suzy’s Chinese Kitchen, or get a sand-

wich to go at a bright green, drive-through Thundercloud Subs that had once been a Photo-Mat. The pharmacist at the tiny Lamar Plaza Drugstore likely remembered your name and what you were there to get. The Salvation Army Thrift Store is long gone, as is the funky Foodland Market. And, I doubt you could now find a friendlier collection of small site social service agencies like the Planned Parenthood, Al-Anon and the Austin Stress Clinic that were once all found in this neighborhood location.

What replaced a well-used and much loved piece of South Austin is now huge, shiny, and slick, but has no soul at all. More of same is headed your way if Code Next doesn’t become Code Never.



RIP Lamar Plaza and its homegrown businesses that made Austin Austin. Expect more huge, slick, no-soul developments from Code Next!

Austin Gentrification and Responsibility Four Lessons

Dr. Fred McGhee

As we continue to debate the meaning and consequences of the displacement of East Austin’s indigenous population, it is important for us to become cognizant of some of the lessons our steroidal real estate markets should have taught us by now.

LESSON NUMBER ONE

The primary actor, the main cause of gentrification, is government, not the real estate market. It is not a phenomenon of nature or of the invisible hand. It is the logical consequence of political determinations made by elected politicians and other public officials. Efforts to cast gentrification as primarily a matter of supply and demand are mostly efforts to evade responsibility. As are deterministic claims that we are somehow enslaved to gentrification and are powerless to stop it. It bears repeating: The state is to capitalism as hell is to Christianity. The latter cannot work without the former. Nowhere is this more true than with real estate. At root, gentrification is a human rights violation.

LESSON NUMBER TWO

Austin hasn’t just grown unaffordable and unsustainable, it has done so unequally. In addition to the well documented demographic collapse of the city’s African-American population, Austin’s GINI Index (a measure of income inequality) is about .49, a number higher than the United States at large, higher than Mexico’s, and higher than every OECD country. Wealth inequality is even worse. As a point of comparison, Seattle, a city that is also experiencing gentrification, has a GINI Index of about .45. Two important factors in Seattle’s higher level of equality are the fact that the city has embraced a \$15 per hour minimum wage and levies an affordable housing tax—not just a bond—that will raise hundreds of millions of dollars.

LESSON NUMBER THREE

The City of Austin and other governmental entities have steadfastly refused to measure the impacts of gentrification. For example, a major consequence of gentrification is eviction, both formal and informal. According to Travis County data, in FY2015 7,745 eviction petitions were filed.

Approximately 55% (4,235) of the petitions resulted in an eviction judgment, and 35% (1,477) of eviction judgments resulted in a writ of possession. These numbers only refer to formal eviction proceedings and do not include informal evictions, where a tenant left voluntarily after being told to vacate or where a landlord changed the locks or put a tenant’s belongings at the curb.

How many evictions take place in Austin per month? We have no official statistics, but the Austin Tenants Council has stated that it fields about 50 phone calls per month from concerned Austinites. When combined with people seeking assistance in person, the number is even higher. Add to this the accelerating displacement of families from mobile home parks—a population often not reflected in official real estate statistics for various reasons—and the scope and scale of involuntary residential displacement here begins to look unsettling and alarming.

You cannot fix what you refuse to properly measure. Do our elected officials receive monthly reports or briefings on the number of evictions in Austin? Are they made aware of the number of people who are made homeless by our steroidal real estate practices? What impact are high utility bills and property taxes having on people and families, not just “the economy?” These are questions for which there are answers. A refusal to ask them, or to ask them properly, is to continue to evade responsibility.

LESSON NUMBER FOUR

A final lesson: CodeNEXT should be seen in historical perspective. Our city’s recent history has been characterized by large-scale residential displacement of the pigmented and poor and by neoliberal worship of market economics. Over this recent history, identity politics and charity have covered up what should have been a sober discussion about who the actual political winners and losers are in our city that would have gone well beyond facile “quality of life” concerns. If we are to truly defeat gentrification, we must have that conversation.