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To Whom It May Concern,

Over my career, I have sought to avoid politics. In general, I find most political issues will neither be as good nor as bad as anticipated. This was until I learned about codeNEXT. codeNEXT, a misunderstood, misinterpreted and poorly constructed rezoning plan for the City of Austin, has the opportunity to create permanent damage to the long-term success of Austin. The theoretical, unproven and incomplete thought process of codeNEXT will not solve the problems it seeks to address. Instead, codeNEXT will destroy the uniqueness of Austin and the character of this great City. I implore you, for the reasons below, to eliminate codeNEXT and work with each community to address the City's long-term needs in a collaborative and not authoritarian manner.

Based on my reviews of codeNEXT, discussions with government confidantes and public information sessions, I see the following issues with codeNEXT.

- **codeNEXT destroys what makes Austin special.** codeNEXT will destroy the characteristics that make Austin special. The uniqueness of the city is driven by the diversity of its neighborhoods and creativity of its residents. When visitors come to Austin, they have the opportunity to explore a culturally diverse city. codeNEXT destroys this by emphasizing form and function over community. As you know, the plan was developed by Opticos Design, a firm that has never undertaken a zoning of this scale and does not have the tenure to illustrate its long-term success (they have not been around long-enough to see the generational impact of their theories). Their approach, although theoretically compelling, has never been proven on this scale nor in an established, vibrant community. What is proven is that a city dominated with homogenous development will become staid much like other planned communities.
- **The breadth of the codeNEXT plan is unprecedented and lacks neighborhood input.** The approach taken by City Planners in developing codeNEXT is unprecedented in its lack of input from neighborhoods and its heavy handed approach. We are not the first city to undergo rezoning - and it is necessary for Austin - but we are the most aggressive. For instance, when Denver went through rezoning - mostly to rejuvenate its

deteriorating downtown – they ensured there was minimal impact to established neighborhoods. As stated in Blueprint Denver:

“Areas of Stability include the **vast majority** of Denver and are **primarily the fairly stable neighborhoods where minimal change is expected during the next 20 years**. The goal is to maintain the character of these areas yet accommodate some new development and redevelopment to prevent stagnation. Meanwhile, the vast majority of **new development will be funneled into areas that will benefit from and thrive from an infusion of population, economic activity and investment**. These places are Areas of Change.” – Blueprint Denver [emphasis added]

Instead of taking this approach, City leadership has attacked the most established, stable neighborhoods in Austin. These areas will not benefit and thrive from further investment, they will be destroyed by it.

Furthermore, when such significant rezoning occurs, it is typical for established neighborhoods to determine their own participation in such zoning. As noted below, Cincinnati approved form based zoning in 2009 but is still rolling it out based on neighborhood participation.

“Four neighborhoods were included in the initial implementation schedule: Madisonville, College Hill, Westwood and Walnut Hills. Both Madisonville and College Hill have fully adopted the code. Westwood appears to be the next neighborhood poised to adopt the code after winning unanimous support from the city’s Planning Commission in December 2013.” - Cincinnati Business Courier, Jan. 21, 2014

Fortunately for Austin, we are neither Denver nor Cincinnati (and Cincinnati has had limited improvement since initiating form based zoning). Both cities had urban flight and deteriorating downtowns. Although Austin does have urban sprawl, we are blessed with a vibrant downtown and City.

- **Radical and unproven vs. incremental and tested.** The codeNEXT plan on a city-wide basis is unproven and radical in its approach. If it fails, so will the City of Austin. In fact, in neighborhoods that have multi-family, single family and cottage courts in Austin, this approach has been a failure. I have spoken with residents in a section of Crestview where this exists. These residents feel their community has been destroyed by this zoning and one citizen implored me to ‘fight codeNEXT’ at all costs. Austin should not undertake a radical and unproven approach to zoning. Instead, it should meet with each neighborhood and work with them to meet both the needs of their constituents and the needs of the City. codeNEXT only focuses on the theoretical needs of the City in an unproven, non-traditional manner.

- **CodeNEXT takes from the property owners and gives to the developers.** It should be alarming to all City leaders that their support is coming from the Real Estate Council of Austin and local developers while the anger is coming from property owners. This math is simple – all current residential property owners lose – while developers are eager to increase profitable development close to downtown. Although most people haven't figured this out yet because the City doesn't wish to publicize it, the switch from SF-3 to LMDR reduces an individual's property value (due to property restrictions and reduced impervious cover). If your property was converted from SF-3 to Transect, you are best served selling your house immediately. As property owners can attest to on Rainey Street, the unsold bungalows on Rainey at this point are essentially worthless (some of which are even boarded up). This will occur in all Transect neighborhoods where the last to sell will receive the lowest price or its owners will vacate their property. Meanwhile, the neighborhoods that radically adopt transect development will become less desirable (see Crestview above) devaluing the homes of those in adjacent LMDR dwellings.
- **codeNEXT will reduce public safety and increase school over-crowding.** Public safety is already an issue in Austin as it is for most fast-growing Southern cities. Forcing density without addressing transportation first is backwards. As has been proven since the advent of the transportation, people will move to the areas where they have accessible transportation systems. If you want to improve density, you improve the transportation routes. Without a solid transportation plan (adding bike lanes in 100-degree weather isn't the plan), codeNEXT will increase pedestrian and vehicle incidents in Austin.

Similarly, codeNEXT does not address the impact on the Austin school system. If density is forced on West Austin, what are the plans for Austin High School, O'Henry Middle School and several elementary schools? The City has sought to save money by trying to eliminate certain schools. Is the revised plan under codeNEXT to simply over-crowd the existing school system? Once again, codeNEXT emphasizes density over practical decision making.

- **The affordability argument for codeNEXT is a farce.** The 'missing middle' and affordability are the biggest fallacies of codeNEXT. Simply put, good cities (New York, San Francisco, Chicago) all have affordability issues as defined by the City Planners. Bad cities with urban decay and crime or smaller, suburban communities have high affordability (ie – Detroit, Birmingham). Furthermore, the lack of affordability in Austin is a fictitious political maneuver. In 2015, Forbes ranked Austin as the 19th most affordable major metropolitan city in the United States. Have housing prices in central Austin been rising? Yes. Have incomes in the Austin metropolitan area been rising faster than the national average? Yes. In fact, the Real Median Household Income for Austin residents in 2015 was \$67,195. This is over 20% higher than the US Real Median Household Income of \$55,775 and one of the highest in Texas. As long as there are good

paying jobs and employers moving their companies to Austin, people with good paying jobs will pay a premium to live in areas they deem desirable. By destroying the most established Austin neighborhoods, those individuals will simply move outside of the Austin city limits further driving suburban sprawl and degrading Central Austin. Furthermore, the income level for Austin residents supports higher housing prices. There are two ways to make the City more affordable: (i) promote crime and decay (aka - codeNEXT) or (ii) reduce wages.

Furthermore, the 'missing middle' is not the result of zoning but a result of demand. That said, by rezoning neighborhoods transect the city is 'forcing' multi-unit development. This development will not solve the missing middle issue but will provide more high-priced housing conveniently located adjacent to downtown. The simple math requires these new units (which will be small) to be priced north of \$500,000 per unit. This neither solves the 'missing middle' or affordability but it does lead to generous profits for developers.

- **Car ownership is growing and the plan shrinks parking.** The parking plan for codeNEXT is comical. For a city that has increasing pedestrian/vehicle public safety issues, you should not reduce parking for commercial properties and force cars into neighborhoods. If the City Planners believe Austin will become a city of bicyclists and pedestrians, they obviously haven't walked or rode their bike around Austin between May and October. If you are a professional, you cannot bike to work without needing to take a shower when you get to your office for six months of the year. Furthermore, this flies in the face of national trends regarding car ownership. The City should promote parking develop in central Austin and insist downtown development have retail/restaurants on the ground floor of most buildings. If you want to promote pedestrian activity you need to make it compelling for pedestrians. Forcing cars into neighborhoods is neither safe for pedestrians nor does it support the City Planners' vision for the City.
- **The duration of the comment period wrecks of corrupt politics.** The public comment period for codeNEXT wrecks of corrupt politics. The short time frame for public commentary is insulting. Furthermore, the lack of understanding of codeNEXT by elected officials - while limiting the public comment period - is shocking. City Officials have offered contradictory comments during their public information sessions with concerned citizens. Either purposefully or due to ignorance, public officials cannot explain key aspects of codeNEXT. As any attorney will attest, "Ignorance is not a defense." This plan - which continues to expand and still lacks adequate disclosure on affordability and density bonuses - has been rammed down the throat of Austin residents. Most importantly, the plan did not provide citizens adequate time to understand or organize around the plan. However, it did provide the previously organized Real Estate Council of Austin adequate time to support the plan inasmuch as they were already organized to promote real estate development in Austin. Every

politician involved in codeNEXT should be ashamed of this role out and their lack of understanding of this important, generational rezoning proposal for Austin.

As can be seen above, I strongly believe that codeNEXT should be voted down now before more time and money is spent on a destructive rezoning of Austin. The Austin City Council, by district, should work with each neighborhood to develop plans that both promote (i) the character of the City and the individual neighborhoods and (ii) support the long-term needs of a growing Austin. Collaboratively the objectives of the City Planners can be achieved for the long-term benefit of Austin.

Furthermore, I am personally prepared to spend significant time and money to see that codeNEXT never exists in Austin. Once again, I am an advocate for new zoning in Austin that includes input from local residents (not Berkley consultants) and promotes the long term success of Austin. I am against an unproven, top-down approach to zoning that will have long-term implications with limited input from the very neighborhoods it seeks to impact the most. Top down management went out of style decades ago and so should the City Councils' approach to rezoning Austin. It should be inclusive so it can benefit the most residents of Austin and position the City for long-term prosperity.

If codeNEXT progresses, I will work tirelessly to defeat those that support this rezoning. Although the City Council may have moved quickly to 'push' codeNEXT through the public, the public has adequate time to organize to challenge the reelection of any City Council person or Mayoral candidate that supports codeNEXT. Once people understand codeNEXT, I feel this won't be a very hard sell for any single-family property owner in Austin. There is already a significant groundswell against codeNEXT that is getting organized. With funding and education, political supporters of codeNEXT will suffer at the polls as it becomes apparent that the actions of the few have affected the lives of the many.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnathan Gormin". The signature is stylized with a large, looping initial "J" and "G".

Mr. Johnathan Gormin