



## **Meeting Notes**

**October 5, 2021**

### **Call to Order**

Recording started by Truscenia Garrett.

Sonny Garza, Co-Chair, called the meeting to order at 3:02 p.m.

### **Welcome by Co-Chairs**

Mr. Sonny Garza, Co-Chair took the roll and presented the speaker rules. 16 committee members were present during roll call. There were 68 participants.

**Director's Report:** Margaret Wallace Brown, Director, Planning & Development Department welcomed everyone to the meeting and mentioned the following:

- The draft technical amendments will be available for review within the next 6 weeks
- The Administrative & Regulatory Affairs Office is working on noise ordinance amendments associated with bars and restaurants. This doesn't include noise generated from construction or leaf blowers. They are hosting a series of focus group meetings. For more information, call 832-393-6600.
- Through the City's Vision Zero effort, we're working with the Public Works Department to look into road construction process improvements as a separate project.
- Welcome Tyron McDaniel and Neal Dikeman as the newest Livable Places Committee members. We would like all Committee members to vocalize their thoughts and opinions during these meetings.

**Suvidha Bandi:** Today's discussion points are:

- Project schedule
- Lot design standards
- Discuss best practices from other cities
- Homework activity and next meeting
- Public comments

The purpose of today's meeting is to brainstorm ideas and explore lot design standards from other cities. Can any of the concepts and standards from these other cities be considered for Houston? If so, what are the necessary development code changes?

During the previous September meeting we discussed:

- Allowing multiple units on an unrestricted lot
- Design scenarios for analysis
- Parking when close to other modes of transit

This is how lot design standards currently work in Houston today: If you want to develop a property, you have to plat it into lots for single family residential uses or as reserves for all other uses. We have standards for fee-simple lots and we want to see if there's a need for changes to lot sizes, lot width and lot access based on development that we're seeing in other cities. **Graphic showing site plans and images of typical Houston 5,000 SF developments with shared driveway single-family lots and front loader single family lots:** See recording.

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**Colin Scarff:** I want to acknowledge that there are previous planning documents in place that set the City's framework for more sustainable growth, more affordable housing, and less car dependent neighborhoods. The Livable Places Action Committee is part of the implementation of these planning document recommendations. These planning documents include:

- Resilient Houston
- Plan Houston
- Houston Climate Action Plan
- Houston Complete Communities Action Plans

**Graphic examples of single-family homes in Houston versus other options within other cities:** See recording.

**Suvidha Bandi:** These are the current rules for single-family development today:

- Min lot size (ETJ): 5,000 SF
- Min lot size (City): 3,500 SF
- Max units: 1 principal unit plus 1 detached ADU (900 SF max); or 2 attached principal units in a structure (duplex)
- Performance standards for smaller lot size: Average lot of 1,400 SF (City and ETJ) when providing compensating open space; or max density of 27 dwelling units per acre (City only) with 60% lot coverage and 150 SF of permeable area per lot
- Min lot width: 20 feet (or 15 FT if the average lot width is not less than 18 FT in City)
- Lot frontage: Can front a public street; permanent access easement (PAE); or shared driveway
- Parking: 2 spaces per unit; a Type 2 PAE or shared driveway will require 1 additional parking space for every 6 units

#### **Initial Single-Family Case Study Questions? Comments?**

**Ron Lindsey:** How do these minimum lot sizes apply to land condos in Houston? I'm referring to some of the Nashville examples.

**Suvidha Bandi:** We don't have regulations for this unless you plat this as a reserve. We will bring this up.

**Ron Lindsey:** But you could do that today. You can plat your land as a reserve and put a condo declaration on it, build separate structures, and sell them off. There's nothing stopping you from doing that today.

**Margaret Wallace Brown:** The concern is mostly related to small pieces of land and what portions must be dedicated to transportation-oriented uses or driveways.

**Colin Scarff:** We don't want to be constrained by ownership models. We just want to show the different development patterns occurring across the country that you might not be seeing in Houston. Why aren't people building them in Houston?

**Ron Lindsey:** Agreed, but it doesn't seem like you can't do any of these condo developments already in Houston today.

**Colin Scarff:** Are there ways to make these fee-simple which might make them more viable in Houston?

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**Suvidha Bandi:** These properties are being platted as reserves which then need to be divided by metes and bounds. It's more about deeds and fronting streets. These subdivided portions can't currently be called single-family lots today.

**Hector Rodriguez:** A replat is still required if you're creating single family lots on a reserve. There are also other utility considerations like utility splits and Public Works would likely require you to show the re-plat, etc.

**Margaret Wallace Brown:** We want the Committee to give us feedback about why we're not seeing these types of condo developments in Houston today. Maybe it's not rules—maybe it's something else. How can we encourage people to build them?

**Curtis Davis:** I would recommend that we hold questions until the end. There are questions about design and then there are questions about why we don't see these getting built. We can get into the weeds in the planning framework, but there's also issues about financing, condos, utility hookups, etc. Let's look at the physical design first, then get into the other types of questions.

**Peter Freedman:** I'll hold onto my comments. My comment is mostly about why we're not seeing these getting built and Public Works.

**Neal Dikeman:** I really like the content and am supportive of this effort. I've struggled with alleys, ADU limits, and parking requirements. The problem is really death by a thousand cuts: Public Works' requirements, utilities, and replating, setbacks, unwritten rules, number of inspection points, etc. I'm unclear about which cut specifically kills the project. These become problems with small projects. It should be much easier to build small units. The combination of 2-3 of these permitting issues makes these small projects not feasible. The question should be why can't we build tiny homes easily within 60 days? I'd like a framework to provide comments for some of the goals that we're trying to achieve. Just the concept of having to condo out these units means that a developer will try to build the biggest units possible because you can't add complexity on a small project. Customers rent my houses in an hour at premium prices. They don't care about parking, but you can't build anything without parking today.

**Mike Dishberger:** The setback rules are a big problem and should be part of the conversation—particularly on corner lots with alley access. The City also makes alley construction and development nearly impossible today.

**Suvidha Bandi:** Yes, setbacks should be part of the discussion. Currently, the ordinance requires a 10 FT building line on the corner while there's no building line requirement for mid-block parcels.

**Omar Izfar:** Related to alley permitting, can we have someone from the City Engineer's office address the issue?

**Suvidha Bandi:** Yes, we'll follow up on this.

#### **Single-Family Case Studies:**

**Colin Scarff:** We looked at 4 case studies in Nashville, 1 case study in New Orleans, 2 case studies in Austin, 1 case study outside of Atlanta and 2 case studies in Houston. Some questions to think about:

- Is this a development typology Houston should be encouraging?

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- What size of units should we target?
  - What size lots should we target?
  - Should there be a certain project size? 15,000 SF for example
  - Parking: Should parking be unbundled? Should parking be reduced to 1 space per unit for smaller units? Should parking be reduced to 1 space per unit for any size unit when near transit?
  - Can lots front an open space? Parking could be provided on-site (park car and walk to unit)? No vehicle access provided to individual lots? Pedestrian easement only from parking area?
  - Density: No density for multi-family? Should single-family have a density max? Provide incentives for workforce or affordable housing?

**Graphic case studies from Nashville: See recording.** The case studies included:

- Cottage Courts
- Variety of unit sizes
- On-street parking
- Units fronting streets or courtyards with front porches
- Parking is hidden in rear

**Graphic case study from New Orleans: See recording.** The case study included:

- Entirely affordable units
- Informal parking
- Variety of unit sizes
- High density

**Graphic case studies from Austin: See recording.** The case studies included:

- Large unit sizes
- Parking access from alleys
- Main pedestrian access from courtyards

**Graphic case study from the Atlanta suburbs: See recording.** The case study included:

- Tiny homes
- Houses that front a courtyard—not a street
- Individual lots

**Graphic case studies from Houston: See recording.** The case studies included:

- Modular prefabricated units
- Small units
- Individual lots
- Stacked duplexes
- Centralized parking

**Suvidha Bandi:** Most of these examples allow for separated parking. When every lot needs vehicular access, development gets challenging. Houston's density numbers are pretty good, but can we try to encourage more developments like these in Houston that also work as fee-simple? What are the challenges that we need to address as part of our development code amendments? Can we consider performance standards?

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## **Single-Family Case Study Questions? Comments?:**

**Peter Freedman:** In Houston, common driveways triggers detention requirements and gets expensive. They're no longer affordable. Density typically requires more detention to be underground. There are also issues with where utilities are located—requiring complicated utility easements, metering, and agreements that probably kill these projects in Houston today. There could be some simple solutions to these issues.

**Ron Lindsey:** As we provide density, can the City provide more infrastructure investments, especially for stormwater detention? The City might need to build it like sewer infrastructure.

**Suvidha Bandi:** This is less about density and more about development styles. Can we have lots front common spaces instead of streets? Can lots have access from alleys? That's what we're trying to get your thoughts on.

**Colin Scarff:** Most of these case studies had lower densities than what Houston already allows. Can we multipurpose green space for stormwater?

**Curtis Davis:** Can we have a matrix for these case studies to show what the current development barriers are if we were trying to build them in Houston or the ETJ? Then, have each city department tell us what all the issues are with each case study project so that we can understand how to resolve these. For Project Rowhouses, those were not done fee-simple. If you wanted to sell the units separately today, you couldn't easily do it without re-platting them. There's another example on Webster Street in Live Oak from a sister organization that's just shotgun houses that also are multi-family because they couldn't do them as fee-simple. The current permitting process is not set up for these types of projects. It would be more productive to list these out rather than have us list out all the problems. Get the appropriate departments in the same room to resolve these issues.

**Mike Dishberger:** Yes, let's separate out the parking from the units. I would love to do these types of projects in Houston. Private alleys could be challenging as they use more land which could worsen affordability. These other cities are also allowing parking within the alleys, which Houston doesn't allow. There are also some recent changes in Chapter 9 related to detention that make these developments even less feasible. Public Works should be involved in this process.

**Omar Izfar:** Lay out what an entitlement looks like. Chapter 42 probably isn't the biggest obstacle to these developments. The barriers are mostly on the Public Works side. Don't impose large scale development costs on smaller scale developments. It's not helpful to have a Chapter 42 entitlement that you can't build. The Fire Marshall's office should also weigh in on things like distances from a structure to fire hydrants, etc. We shouldn't be dealing with multi-family fire hose lay regulations on these types of projects. Whatever gets recommended as part of this discussion should also be codified in the IDM and should be future proofed to further encourage these types of developments.

**Megan Sigler:** It would be interesting to know the price points when you present these case studies. It would also be helpful to get a better definition of alley versus a shared driveway. Detention and paving (materials and land) are some of our largest costs. It would be nice to get Public Works in on this discussion. Separating parking or centralizing it would be nice. Can we get away from selling properties by metes and bounds?

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**Suvidha Bandi:** Yes, I agree with centralized parking rather than directly associating it to each unit on-site. Yes, we're having discussions with Public Works and Fire. A shared driveway is an access easement on private property and an alley is within the ROW—functionally, they're almost equal.

**Neal Dikeman:** Over-ditch parking—you can't currently do this in Houston. The same is true for head-in parking. This goes together with drainage. Gravel is the cheapest way to do this. Gravel gets treated like concrete for detention. We should also discuss additions—not just new construction. They run into the same issues. Why don't we build the fourplex, garage apartment and shotgun projects anymore? They were reliable projects historically. Also, can we get back to pier and beam foundations—not just concrete slabs? Also, you need to consider that rental projects need more units than a SFR project. Typically, you need more units to make the rental options viable. What about oblong lots? We don't always have simple rectangular lots in Houston like these case study projects.

**Peter Freedman:** I just want to reiterate that the new 5 FT side setback within the new code would be a big problem. Keeping it to 3 FT would make these small lot projects a lot more viable.

**Suvidha Bandi:** Margaret, can you discuss what kinds of affordability we're trying to enable here?

**Margaret Wallace Brown:** We're talking more about lowercase "a" affordable—market-rate affordable rather than subsidized Affordable with capital "A". The mission of this group is to provide more housing variety to Houstonians. Regardless of how we define affordable, we need your help to provide ways to get more affordable product types.

**Sonny Garza:** Today, it seems like the Project Rowhouse product isn't incentivized for a for-profit project. We want more than just nonprofits building these types of units.

**Curtis Davis:** This is the core of the question. Should we be discussing regulations related to buyer types and their motivations? I don't think so. If we layer systems of building and builder types on top of a regulatory framework, we might be blowing a gasket. I want to make sure that we put things in the right box and don't make things more complicated for this Committee. It would be better to incentivize with finances rather than regulations.

**Megan Sigler:** I think we can develop some of these project types in Houston if we get creative. These projects are mostly challenging because of stormwater detention and the cost of alleys, etc. We don't want to end up creating more expensive units.

**Margaret Wallace Brown:** Most of the time, a developer will try to build fewer larger units on a site to turn a profit. What do we need to do to get a developer to build more smaller units on that site instead while achieving the same profits?

**Sonny Garza:** It seems like it's mostly a regulatory problem, right?

**Ron Lindsey:** There's a market for smaller units. It's hard to find smaller units like that in the city today.

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**Neal Dikeman:** This is the right question. Unfortunately, there's no silver bullet. It's death by a thousand cuts. Small is really challenging. The City needs to provide an "easy button" to enable developers to build them. When you run into more than 3 permitting issues, you just default to doing the larger units.

**Suvidha Bandi:** I think the reason is related to the density limitation that we have. Even if you opt for the compensating open space option to achieve smaller lots, you still are reducing the amount of buildable land for more units.

**Homework:**

**Lynn Henson:** Visit Let's Talk Houston\Livable Places to:

- Read the Microlife Institute article: "Cottages on Vaughan".
- Read the single-family survey responses summary.
- Register for the third ADU workshop, "Costs and Financing", on October 26<sup>th</sup> at 6 PM.
- Cast your ballot for the ADU design competition.

**Next Meeting:** November 9<sup>th</sup>

**Public Comment:**

**Barbara McGuffey:** Thank you, Margaret Wallace Brown, for your responses and follow up to our Museum Park concerns. Please pull together a list of all the issues and questions that the Committee and public have raised that need to be addressed outside of this Committee so that we don't lose track.

**Dale Furrow:** I would like to echo Barbara's points. I think it's time to take stock as a committee now that you're a year in. What about preserving great neighborhoods? It seems like most of the discussion is around getting rid of barriers to density. Great neighborhoods and density are orthogonal to each other. During the January 12<sup>th</sup> meeting, there was a list of concerns presented by the public. A lot of those concerns were deemed to be outside the purview of this Committee even though they reflect public concerns about density. What's the follow up on this? Take stock of how you want to uphold preserving great neighborhoods. We keep referring to HPW and they're not in the room.

**Mike Shelton:** Are we doing Livable Places for developers or for individuals? It seems like everyone's concentrated on how a developer can get more units per acre instead of how we can do something more affordable for an individual. Trying to make things denser versus encouraging an individual to do an ADU is a different topic. A developer is in this for the money and not for getting affordable housing.

**Melissa Beeler:** We have an opportunity to incentivize subsidized and market-rate affordable housing. Can we refer to the County or the Kinder Institute to understand what those specific affordability needs are? I also want to refer to affordable density bonuses from Austin and Portland that were mentioned in the *Residential Development Best Practices Study Report*. We should be looking into incentivizing affordable housing. Creating different development codes, entitlements, processes, etc. would encourage non-profit and for-profit affordable housing opportunities. This might require a feasibility analysis, but I would encourage you to look into this.

**Meeting adjourned at 5:03 p.m.**