



Meeting Notes
March 23, 2021

Call to Order

Recording started by Truscenia Garrett.

Sonny Garza, Co-Chair, called the meeting to order at 3:00 p.m. There were 77 participants.

Welcome by Co-Chairs

Mr. Garza took the roll and presented the speaker rules. Dustin O'Neal was represented by Shawn Massock. CM Alcorn's office was represented by Jordan McGinty.

Director's report

Margaret Wallace Brown, Director, Planning & Development Department welcomed everyone to the meeting and reminded them about the Conservation District Focus Group meeting scheduled for March 24th.

Dumpsters

- Site visits showed that there are many developments without any screening for the dumpsters located right next to residential development.
- Some developments provide dumpster screening, and this was pointed out as a favorable feature by public in the map tool.
- Some developments enclose the dumpsters or locate them within the building.

Current City of Houston related regulations related to dumpsters:

1. No screening or location requirements for dumpsters adjacent to residential uses
2. Ch. 39 requires screenings to make dumpsters invisible from the street on the address side of the property
3. Ch. 39 allows a berm, building, fence, wall, gate, shrubbery as screening when visible
4. Ch. 20 requires that dumpsters have tight fitting lids and kept closed
5. Ch. 40 requires that dumpsters be not left on the roadway or sidewalks
6. Ch. 26 requires that existing or planned physical features such as dumpsters must be shown on the site plan

Dumpster Screening Amendment Potential option:

- Require screening for dumpsters when located adjacent to residential uses and public streets

Outcome of TAG meeting

Issues with dumpsters are

- Unpleasant view
- Odor
- Enclosing dumpsters on the top was considered but will create operational challenges.
- There is a recommendation to require screening for dumpsters when located adjacent to residential uses and public streets

Proposed Dumpster Screening Standards

- Require screening for all dumpsters unless housed inside the building
- Exception for dumpsters during construction or renovation (temporary)

Committee Discussion

Sandy Stevens: Did you say that this will be retroactive or is this only going forward?

Suvidha Bandi: Its going forward. It's only for new establishments.

Curtis Davis: As we develop these regulations concerning screening I would just encourage that it is coordinated with City Health Department so that issues of pest control, and all of that are cross referenced.

Sonny Garza: We are looking for Consensus on that all dumpsters need to be screened.

The current requirements for dumpsters are very minimal. And you can see, from the pictures, and Suidha's presentation, that this amendment allows for the dumpsters to basically be anywhere on the property. And so, we want to make sure that they are shielded from public view, are sanitary, and safe. We are looking for consensus that all dumpsters need to be screened. Any other discussion.

Sonny Garza: Hearing none, I believe we have consensus.

Distance Separation Standards in Other U.S. Cities

1. No residential buffering requirements. Except planned developments, the zoning ordinance prevents incompatible land uses in the same zoning district. (Chicago)
2. Establish buffer requirements for non-residential uses in single-family residential district. Buffer area requirements are determined by zoning classification and property size. (Austin, Charlotte, Dallas)
3. Establish maximum height requirements in single-family residential district and establish both ground floor and upper floor building setbacks for mid-rises/ high-rises in the high-density zoning districts. (Denver)

City of Houston Current Distance Separation Standards

Apply to abutting developments if meeting ALL the followings:

1. Adjacent to or taking access from a public street other than a Major Thoroughfare or a Transit Corridor Street
2. Not located in a Major Activity Center
3. Greater than 75 feet in height measured from grade to the finished floor of the highest habitable floor
4. Majority of the adjacent SFR lots greater than 3500 sqft
5. Min 60% of a property line adjacent to SFR lots greater than 3500 sqft

City of Houston Current Distance Separation Standards

Abutting development is:

- Located on property not used or restricted to single-family residential use (SFR); and
- Directly abutting or within 30 feet of a SFR property
- High-rise building height:
- A structure is greater than 75' in height measured from grade to the finished floor of the highest habitable floor or the highest floor of a parking garage.
- Building height:
- Building height shall be the vertical distance from grade plane to the average height of the highest roof surface.
- The ordinance requires all abutting developments meeting the five criteria we just went over to provide a buffer area from any side of a property line abutting SFR.
- The min width of a buffer area is 30' wide if it is adjacent to or takes access from a Collector Street.
- The min width is 40' if it is adjacent to or takes access from a local street.
- Within the buffer area, there must be a min 10' wide landscape buffer. Vehicular access and surface parking are allowed within the buffer area, no structures or covered parking are allowed.

Muxian Fang: Before the February 9th committee meeting, you received two options of proposed amendments for the distance separation standards. However, we ran out of time during the last meeting and did not have a chance to go over the options with you. The two options were developed based on the concerns we have heard

from the residents and the feedback we heard from the committee members during the previous meetings. However, we were not confident that the two options would be able to address the challenges effectively, because the two options were not developed based on an objective analysis on the effectiveness of the ordinance. Therefore, to find out how effective the ordinance is, and the factors affecting the effectiveness of the ordinance, staff used the current distance separation standards to test the 40 sites where staff conducted site visits in December 2020.

Distance Separation Standards – Case Studies

- Analyze the 40 sites where staff conducted site visits in December 2020.
- Test 29 relevant sites with the following criteria:
 1. Adjacent to or taking access from a public street other than a Major Thoroughfare or a Transit Corridor Street
 2. Not located in a Major Activity Center
 3. Greater than 75 feet in height measured from grade to the finished floor of the highest habitable floor or the highest floor of a parking garage
 4. Majority of the adjacent SFR lots greater than 3500 sqft
 5. Min 60% of a property line adjacent to SFR lots greater than 3500 sqft

Muxian Fang: We checked the elevation plans for the buildings and found that all the 7 and 8-story structures were less than 75' measured from grade to the finished floor of the highest habitable floor.

Therefore, out of the 29 sites, 5 of them are high-rises as defined by the building code.

We tested each site with the five criteria and if ALL the five criteria are applicable to the site, that means this site is required to provide a buffer area abutting the existing Single Family Residential (SFR). As long as one of the five criteria does not apply to the site, the site is not required to provide a buffer area.

For example, if a site is a 5-story multi-family residential development abutting an existing SFR home, and it meets criteria 1, 2, 4, and 5. However, it is NOT greater than 75', it is not required to provide a buffer area along its northern property boundary.

Similarly, if a site is an 8-story multi-family residential development abutting an existing SFR home, less than 3500 sqft, and it meets criteria 1 and 2, but doesn't meet 3, 4, and 5. It is not required to provide a buffer area along its northern property boundary.

These are just two examples illustrating how we conducted the analysis.

To summarize the applicability of the five criteria to the 29 sites.

- Specifically, 20 out of 29 sites are located along either a major thoroughfare or a transit corridor
- 2 out of 29 sites are located in a major activity center
- 24 out of 29 sites do not meet the high-rise building height criteria, and therefore are exempted for compliance
- 20 out of 29 sites do not meet criteria 4 and 5. Some of them abuts SFR lots smaller than 3500 sqft, some of them abuts SFR lots larger than 3500 sqft, but not majority of the property line abutting SFR lots larger than 3500 sqft.
- Most sites are exempted for compliance by multiple criteria, like the example we just showed.

Distance Separation Standards – Criteria Analysis

Findings:

1. 0 sites required to comply with the current distance separation standards
2. All high-rise developments are located along Major Thoroughfares
3. Most mid-rise developments along local streets are 5-8 stories multi-family residential developments
4. 20 out of 29 high-rises and mid-rises developments are located along either a Major Thoroughfare or a Transit Corridor St
5. 22 out of the 29 sites are mid-rise developments with 5-8 stories
6. 17 out of the 29 sites abut single-family residential lots smaller than 3500 sqft

Distance Separation Standard Overarching Principles

Establish distance separation standards will:

1. Encourage high-rise developments along major corridors and in Major Activity Centers
2. Discourage high-rise developments along local streets where most residence occurs
3. Guide compatible mid-rise developments abutting existing single-family residence along local streets

Distance Separation Standards – Criteria Analysis

These two criteria exempt high-rise developments from providing a buffer area abutting existing single-family residential developments. The intent of the criteria is to encourage high density, mixed –uses developments along the major corridors and in Major Activity Centers. We believe these two criteria meet the overarching principle we just discussed.

1. Major thoroughfares and Major Activity Centers are the places where most high-rises/mid-rises occur
2. Most single-family residential developments occur along local streets
3. The proposed amendments on garage screening, lighting fixtures and dumpsters will address most concerns.

Therefore, we propose no amendments to these two criteria.

Muxian Fang; The third criteria is regarding the high-rise building height. The main intent of this criteria is to mitigate the adverse impacts by reserving more buffer area between the proposed high-rise structures and the existing abutting single-family residential homes. As we just discussed, with the high-rise building height definition, the actual building height could be much taller than 75’.

Based on our analysis, we see more 7-8 story mid-rises, constructed along local streets where most existing SFR developments are located. According to the current ordinance, these 7-8 story mid-rises are not required to provide a buffer area abutting the existing SFR homes. To improve the quality of life and allow sunlight and air for the existing SFR homes, it’s necessary to require some buffer area for this type of mid-rise. Therefore, we propose the following amendments.

In addition to the current buffer area requirements for high-rise structures, to require a 15’ buffer for development with a structure meeting all of the followings:

- a) not a high-rise structure
- b) greater than 65’ in height measured from grade to the top of structure, this is the actual building height, and
- c) abuts or takes access from only a local street

Distance Separation Standards – Criteria Analysis

Current standards: no buffer is required.

Proposed amendments: require 15’ buffer

Example 1: If a mid-rise is a 7-story multifamily building, and its actual height is taller than 65', but it's not a high-rise building as defined by the building code. According to the current ordinance, the mid-rise is not required to provide a buffer area abutting the townhomes. It's required to provide a 5' clear zoning for fire protection purposes only. With the propose amendments, it's required to provide a 15' buffer area.

Example 2: The mid-rises are not required to provide a buffer area abutting the townhomes for two reasons: 1. they are not high-rise buildings as defined by the building code; 2. the abutting townhomes are located at SFR lots smaller than 3500 sqft. With the proposed amendments, they are required to provide a 15' wide buffer area abutting these townhomes.

Distance Separation Standards – Criteria Analysis

Current standards: no buffer is required.

Proposed amendments: no buffer is required

Example 3: A 5-story multifamily building is less than 65' tall. As you could see, it's slightly taller than the abutting townhomes. We think this is a compatible development. Therefore, no buffer area is required.

Muxian Fang: Now, let's go over the last two criteria.

As we mentioned before, the current buffer area ordinance solely protects single-family residential lots greater than 3500 sqft. As the city is getting denser, we have seen more and more townhomes constructed in the urban areas. Most of these townhomes are constructed on lots less than 2000 sqft. Since their lot sizes are smaller than 3500 sqft, they are not protected by the current ordinance. We believe all existing single-family residential properties should be protected equally. We should not distinguish existing traditional single-family residential homes from existing townhomes. In addition, during our site visits and the previous research, we realized that there are many triplexes and quadplexes in the city which look like traditional single-family residential homes, but do not fall under the single-family residential definition. Most of these triplexes and quadplexes have existed for decades. They should be protected as well. Therefore, we propose the amendments to expand the standard applicability to all SFR lots regardless of the size and small-scale multi-family residential (up to 4 units)

Proposed Distance Separation Standards

Small-scale multi-family residential means:

A development with 3 or 4 dwelling units on a lot or a tract. It could be

1. Two duplexes
2. One triplex
3. One triplex with an accessory dwelling unit
4. One quadplex

Muxian Fang: We propose amendments on 3 out of the 5 criteria. These amendments are developed based on a series of objective data analysis and will significantly expand the applicability of the distance separation standards.

Proposed Distance Separation Standards

Current Criteria

- 3) Greater than 75 feet in height (high-rise building height)

Proposed Amendments

3) Create two building height criteria, one for high-rises & one for mid-rises abutting or taking access from only a local street. Different distance separation standards are proposed for the two types of development respectively:

- (a) High-rises: greater than 75 feet in height (high-rise building height)
- (b) Mid-rises: greater than 65 feet in height (actual building height)

Current Criteria

4) Majority of the adjacent SFR lots greater than 3500 sqft

Proposed Amendments

4) Majority of the abutting properties are either existing single-family residential development or small-scale multi-family residential (up to 4 units)

Current Criteria

5) Min 60% of a property line adjacent to SFR lots greater than 3500 sqft

Proposed Amendments

5) Min 60% of a property line abuts either existing single-family residential development or small-scale multi-family residential (up to 4 units)

There are no changes on the high-rise structure standards. The standards for mid-rise structures taller than 65' require a 15' buffer area. Within the 15' buffer area, landscape is optional. Within both of the buffer areas, no structures or covered parking are allowed, but Vehicular access and surface parking are allowed.

Proposed Standards

(b) Mid-rises greater than 65 feet in height (actual building height) and the development abuts or takes access from only a local street:

1. Min 15 feet wide buffer area
2. No structures or covered parking within the buffer area
3. Vehicular access and surface parking are allowed

Proposed Residential Buffer Ordinance Amendments

In the past four months, we have conducted intensive research and analysis on the residential buffer ordinance and proposed amendments to the garage screening standards, lighting fixture standards, dumpster screening standards, and distance separation standards. We believe, altogether these amendments will effectively address the residents' concerns, improve the quality of life for Houstonians, and help the city grow sustainably.

Along with the residential buffering ordinance, 8 Major Activity Centers (MAC) were created. Major activity centers were introduced as pilot areas where residential buffering ordinance does not apply. The reason these areas were created is because they have high-density, mixed-use developments and have the potential to become further busy urban centers, with less than 3% single family residential development and are adjacent to freeways or transit corridor streets.

Major Activity Centers – Criteria

- Two or more major thoroughfares or abuts a freeway or transit corridor street
- At-least 400 acres of land
- At-least 10,000,000 sf of gross floor area developed for other uses
- No more than 3% is single-family residential

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- Properties used for two or more other uses
 - Contiguous tracts

Committee Discussion

Sonny Garza: Muxian, we heard you when you said that you wanted to protect all single family residential property. That is not just single-family dwelling of 3500sf or more but also includes small-scale apartments, townhomes, and the like.

we're also differentiating between high-rise and mid-rise. You can see that the high-rise ordinance has been very instrumental and is working as it is, in keeping high-rise developments from happening in neighborhoods on local streets. So, that part of the ordinance is working well. And, as Muxian said, what's been lacking is that we really have not addressed mid-rises.

Applicability Criteria

- 3) Create two building height criteria, one for high-rises & one for mid-rises abutting or taking access from only a local street.
 - (a) High-rises: greater than 75 feet in height (high-rise building height)
 - (b) Mid-rises: greater than 65 feet in height (actual building height)
- 4) Majority of the property line abutting existing SFR or small-scale multi-family residential (up to 4 units)
- 5) Min 60% of a property line adjacent to SFR lots or small-scale multi-family residential (up to 4 units)

Proposed Standards

(b) Mid-rises greater than 65 feet in height (actual building height) and the development abuts or takes access from only a local street:

- 1) Min 15 feet wide buffer area
- 2) No structures or covered parking within the buffer area

Vehicular access and surface parking are allowed

Kirby Liu: I was wondering if you could give more clarity to what is identified as a Major Activity Center and how are we identifying local streets, versus collector streets because I feel like, as neighborhoods, the boundaries of what a major activity center is, continues to shift. So, do you guys know what the Major Activity Centers are right now?

Muxian Fang: Yes. City Council adopted an ordinance that was effective back in 2011. It designated, 8 Major Activity Centers in the city limits. So, the major activity centers were designated, based on a certain criteria. Right now, the major activity centers include the galleria area, Medical Center, Greenway Plaza, and Willowbrook, in the North, close to 1960. So, there are 8 major activity centers identified. It is also available on our Houston Map Viewer as a layer.

Kirby Liu: This is my problem with this. It's basically the last time the major activity centers were designated was in what, in 2011. It's been 10 years and there's a tremendous amount of commercial development activities, other kinds of development activity across the city. For example, EADO is a commercial Development Center. I mean in EADO, there is a mix of both townhomes and multi-family residential high-rise. Under this code, the multi-family residential, would not be allowed, in EADO, even though there are all these sports stadiums and entertainment around that area. So, it seems to me that, if you are going to impose this type of separation standard, the designation of the major activity centers needs to be updated on a frequent basis, as opposed to being something justified from something 10,15, 20 years back. And also, just from a principle standpoint, it seems that multifamily is really what houses a lot of the young professionals that are moving into the city. And it

doesn't seem right to me, that we are basically prioritizing the interests of a few. Which is your town house owners paying 400 some thousand, 500 some thousand, for a town house. Over something that, you know, services a lot more people, that's much more compatible, with the development of our city in terms of walkability, density, and affordability.

Sonny Garza: Mr. Liu one of the ideas, if you recall, is that the original ordinance, in 2011, did not protect anything but single-family dwellings that are 3,500 square feet or larger. These changes are being made to protect all single-family residential developments and small-scale multi-family developments. So, we are looking at requirements for mid-rises. But, when you've got a mid-rise, next to a mid-rise, that buffer is not required. So, what we are talking about is 15' buffer.

Kirby Liu: So, let's say, like Midtown for example. Where there's a ton of townhouses and mid-rise apartments and things like that. Is Midtown a major activity center?

Muxian Fang: Midtown is not a major activity center. Midtown has many layers on it. It is a walkable place. Part of it is in the market-based parking area. Midtown has a lot of special ordinances.

Kirby Liu: I understand that but it's not located in the major activity center. Let's say that EADO or say that part of the Fifth Ward becomes the future Midtown. And you know, with East River developing, are we still going to, restrict the development of multi-family in those areas where the places are a little bit under populated as of right now? So, I wanted to get a sense of how often are major activity centers updated. Which areas are being activated or updated as activity centers? And, having something that is compatible with sort of the pulse of the city, which is greater densification within the loop, especially in these areas which might have, you know, very low density in housing right now, but are sought of having a lot of development activity going on.

Muxian Fang: So, the major activity center, you are right, we don't update it that frequently. I think that would be a decision, as it is out of the scope of this study, at this time. But we can definitely investigate that, to see if there is a need. Because the ordinance created really specific criteria for the major activity center qualifications, we need to look into how many areas in the city would be qualified for those criteria. I don't have the answer at this time.

Sonny Garza: Muxian, it also goes without saying, that if an area becomes a major activity center going forward, that will not apply to construction that is happening at this point of time. You'll have to meet today's ordinance, which means you are located outside a major activity center, and then again, you'd be grandfathered. So, you would build the 15-foot now, because you're not located in a major activity center. But if going forward you were put into one, then that requirement would fall away.

Curtis Davis: Yes, I share some of Mr. Liu's concerns and I do agree with him about this issue of the designations and goals. And my question goes to the heart of the separation standard, as a tool to accomplish the goal that we are looking to achieve. My concern is that, the, separation standard, as I understand it, was designed to protect the small-scale residential property. And in so doing, the tool that we are talking about today, specifically, is focused on separation and separation criteria, are defined principally around things like height. One of the things we don't talk about, in it, is things like masses. That is, is the building next to it presenting a street wall, in terms of the scale? So, a building could fall under the height constraints, and not have the same impact as a height would have on a property. But from the street character, and that impact on the property, it could be quite profound. And so, this question of, what are the impacts that we are trying to protect, is it the property, is where my concern lies? So, the standards and the analysis that you have done, I commend it, I think it's fine for what it is. But my larger concern is that the provision, and how it is structured, is very limited in terms of what it is trying to protect. And I will give three elements of what I don't think it does a very good job of

protecting. The question of property values. That is property values in the context of stabilization, in neighborhood stabilization. It doesn't really address that when you start talking about density. Neighborhood character. Again, a very broad and kind of snaky kind of definition of what that means. But I think, sooner or later we've got to wrestle with that in some context. I'm not sure if this is the place to do it. But if we're going to really meet the principles of this group, as I understand it, that will need to be addressed. And finally, quality-of-life. When we talk about the height of a building, next to, in terms of scale. Part of the issue is, are we trying to stabilize and maintain some sort of notion, of quality of life. What is that and what does that mean. So, my concern is that the framework, in which we are doing these revisions, is inadequate, to address the challenges that we face as a growing City. That's with density, and all the issues that we are trying to address. That's my concern.

Sonny Garza: Mr. Davis one of the other things is that we are only trying to address one of the aspects. I think Muxian, you can speak to the fact that chapter 42 and other ordinances would speak to things like the setback, its 25 foot. You need to get a variance, to go closer to the street. So, there are a lot of other ordinances, that are in place, that we're not addressing today, that do give protection to the neighborhoods. And then, of course, we're also talking about the Conservation District, which would answer your question about neighborhood character, and how do we state that. Now property value is out of my pay grade. I have no idea, how other cities, would address that at all. But I think the answer to your question is, a lot of those items are taken into consideration in other ordinances besides the ones that we are discussing, as part and parcel, of this. Does that make sense to you?

Curtis Davis: Sonny I think it makes a lot of sense. And it might be helpful, for us all. And I know that this might be a herculean task for staff, so if it's too difficult, I appreciate it. But if we could understand how these various discrete pieces map to a comprehensive concept about what we're trying to do. So the pieces that you just made reference to Sonny, to the extent that the people involved in this task force, and the development community, and the public at large, could understand how the constellation of tools, are deployed, to maintain neighborhood character. Then we might not get as caught up in, certainly I wouldn't, into some of the really minutia of one particular issue and feel like I'm being very myopic in trying to understand the problem.

Sonny Garza: That's certainly fair sir. There's no question. I will tell you, when we go through these, there's such a tangle here. I really have to give it to the staff that they do this every day. And, in this particular ordinance, we are separating high-rises from mid-rises. And already, high-rises have to be buffered 30 or 40 ft from residential property, that is 3500 square feet. So, what we're doing now is, we would protect all single-family, all residences, not just show priority to individual single families. We are trying to put in place, some ordinances that would give, single family residences and small apartments, some benefit of those buffering zones, that larger single-family dwellings already enjoy. It's a really complex issue and there's a lot of moving parts here, so, feel free to ask questions.

Kirby Liu: My other question is, how would you resolve issues of let's say, terrace or step structures, for example. If it was, let's say, 60 feet, you know, next to the townhouses. But then it steps up to say 65 or more feet, you know, as it gets towards the center of the building, you know. What are we saying is the top of the structure, if the building's massing, is not uniform in height?

Sonny Garza: Muxian, I think we go back to that, those two new definitions. 65, to the top of the structure and 75 for the tallest floor in the building.

Muxian Fang: Yes, from the grade, to the finish floor. The highest habitable floor. Basically Mr. Liu

the 65 feet is the building height definition in the building code. Even though we know that there are some buildings that have step and maybe the upper floors were setback farther, to make it simple, as long as it is 65 feet or taller, we apply this buffer.

Kirby Liu: I don't think that, it doesn't necessarily make sense, I don't want to just ameliorate these concerns. Someone designs a building, that it steps down to say 3 stories or 4 stories as it approaches the townhome, but then you're just using the highest point of the building, as a way to measure this 15-foot setback. You know, logically, it just doesn't make sense.

Margaret Wallace Brown: I think he's making a good point, and perhaps we ought to be looking at the height, that is closest to the residential side. And if that height is less than the threshold, then maybe that's the setback.

Sonny Garza: Margaret, that's a good point. I'm not going to say, I think it's worthy of consideration. But if I live in a town home, and it starts to step back at the 5th story, that doesn't help me. I've got five stories in my face. If it starts stepping back from the third floor, which seems unlikely, because why would you give up that residential space that makes you money. I am just seeing a wall for four stories and then it starts to step back, and I don't live that high. So, things to think about, without a question.

Curtis Davis: I think the staff did address some of that when they talked about average height of the building, but again Mr. Liu's point is a valid one. And I think, when we get into questions of design, and we try to regulate, without it being design standards, it's a difficult kind of concern. Again, this question of character, is really what it's all about in some instances. And in some instances, the question is direct impact. Light, shadow, and the light. And so I think, if there are other standards that reference to this, and we can map to it, and begin to create a network of clear, and a network of controls that improve or protect quality of life, great. But I'm not sure that it is clear in any one particular document. And I think that we are always going to be chasing the limitations of the specific criteria, because I would agree, if you are standing across the street from this, and you see a building that might be 100, that might be 200 ft long, and that it steps up like a pyramid, away from the house, at what point, does that stepping work, or not work. And that's a design question, and it is really a question of, the impression that is giving on the street, the character of the street, it's a design question and so the tools associated with design review, we are going to be talking about that in the Conservation District dialogue, but I think that, to simplify this, as a developer coming at this, I would want rules and regulation that are pretty clear, pretty straightforward, and then there's got to be some wrap around structure, or concept, that allows these rules, to function in a way that they are effective.

Muxian Fang: I think both comments are very good. What I would like to clarify is that, the criteria for the 65 feet, this criteria is mainly to cover the mid-rise with seven or eight stories. Think about if a building has two steps. For example, up to 60 feet, is close to the single-family residential home but then, taller than 60 feet, they have, step back farther. However, think about, this criteria is only to cover mid-rise, taller than 65 ft. But shorter than 75 feet, high-rise structure. So, it is really that we are talking about a two-story difference and would that make a big difference for the developer. So that's why we came up with this. But we can definitely look into that, to see the feasibility of the design.

Sonny Garza: Muxian, can you go back to the chart of the 29 sites.

# of Stories	# of Sites	Percentage
4 or less	2	7%

5 stories	6	21%
6 stories	11	38%
7 stories	1	3%
8 stories	4	14%
9 or more	5	17%

And what I want to point out to everyone is that the five and six story buildings. You have 17 buildings that would be affected by the change. Which is about 60% so again the high-rise ordinance seems to be working in place and keeping high-rises to major thoroughfares and away from neighborhoods. But since we don't address mid-rises, that's why staff has gone to all this work and all this effort, to really give us some hard numbers on what would be effective and what wouldn't be. You can see that 60% of these buildings, that are basically mid-rises, offer no buffering at all, to local neighborhoods. And, whether they are townhomes, or small scale apartments, or whatever. So, again, this committee said, we want to see those people protected too. So Muxian, I appreciate you putting these numbers together because this says, this is where the rubber meets the road. This is where we need to be adjusting the ordinance, to be fair to more and more people here. Anyone else? Does anyone need any clarification from Muxian, on any particular item?

Sandy Stevens: Muxian, can you go back to the slide, that shows the ordinances, the last slide that shows the analysis of the ordinances, and your proposed amendments on the chart. I have a question about the high-rise ordinances and being located on a transit corridor, a TOD Street. I'll try to formulate my question without that, because, I understand, the reasoning for using transit-oriented development streets and transit corridors, to exempt, developments, from providing this wider buffer area. And I know that your research apparently shows that these don't happen in residential areas. But I live in an area, where it has happened, and where we expect it will happen. Up against possibly, well already single-family residential property, and wondered why, buffer could not be adjusted to not to provide when it's adjacent to the major thoroughfare, but only provide when it is adjacent to a single-family home. Could not buffering be required in that instance.

Muxian Fang: Yes, I hear your question. We did discuss that, because we understand that there are some developments that could be along a major thoroughfare and multifamily including a local Street on the back, and that has an effect. We do see some single-family homes adjacent to those type of developments. However, we look over all of the development in the city, like there is a chance for this type of development to come in and lots of time even though they are high-rise adjacent to the single-family home along a major thoroughfare, we do see that they provide some sort of buffer. Lots of good developments do. For example, they have their driveway adjacent to the development. Ms. Stevens, some time we see these high rise, they sometimes supply a buffer, and plus, with the proposed amendments, we have work on the garage screening and the lighting fixture, and the dumpster screening, we think that will help. That's why we still keep the same criteria at this location.

Sandy Stevens: I understand that, however, since most of them, do this already, my question is why we don't ask all of them to do this?

Sonny Garza: Sandy, I was just going to say that, part of the problem that we are having here is that you know, one of the things that we looked at was, we want the transit corridors to become more dense. There was a discussion about, do we X size them, but then do we really want to discourage multi-family development in a Transit Corridor. And the answer is no, of course not. We want to push it on a major corridor, on a major thoroughfare, and a transit corridor. That's the direction that we are going at. Now granted, unfortunately, in your district, you're getting, what the worst of it, because there was nothing, in place, to protect your

neighborhood. But, as Muxian said, what we have been able to do is, hopefully, 1. include townhomes in this protection, you know, do the opaque garages and the screening so that your neighborhood, and neighborhoods like yours, get some measure of protection, without impeding new development. And so, I'm afraid that there has to be a, how much good and how much bad. How much Pro and how much con, do we have to deal with. Now, the good news, on the other side, is that there are always going to be a number of tools that we can use, like variances and different cases. And we had a big discussion, as you know, in planning, all the time, we don't make the rules for all the good players. We make the rules for the bad players. So, the high-end developers, those that have the budget, are going to do, the better looking, better property, that works for their entire neighborhood. It's the ones who are trying to get by on a dime, that we invariably have trouble. And again, I have to remind you that we are trying to build this with broad brush strokes, but I think the final decision was that to take out a transit corridor street, really flies in the face of having the transit corridor. Its purpose is to incentivize the development in that area. At this point, I don't know how we could find a way to protect the neighborhood any more than what we are doing with the lighting, and the dumpsters and so on and so forth. It seems to be an all or nothing. You either, push people to build in a transit corridor area or you don't. And so, that's that kind of that conundrum that we find ourselves in.

Sandy Stevens: Okay, thank you.

Sonny Garza: Alright, anyone else? So Muxian, we discussed buffering, number 5, do we go on to number 6 or what?

Muxian Fang: No that's it, for all the proposed amendments.

Sonny Garza: Alright. But we still have to get information and see technically, what's going to be going on. I'm sure there's going to be more questions and more answers given as we start doing language. Is that correct?

Muxian Fang: That's correct. So the next step would be, what we heard from the committee, we will go over this, with the technical advisory group, make sure that this makes sense, that it is consistent with the other department regulations and agencies and then, we will report back to the Committee Members. And then we will start to draft the language.

Sonny Garza: So, I guess the two big items that were brought up here were 1. Mr. Liu's item about is there any benefit to stepping pyramiding the building, which I know we've considered in the past. And I know, Margaret just said that it is worth looking at. Second was Mr. Davis, who brought up his points about certain issues that we want to make sure that they're seeing the whole picture. So maybe we include, in the next meeting, the idea that chapter 42 dictates certain setbacks, on certain streets and we can just do a diagram, you know, this is the local street, this is a collector and this is a major thoroughfare. And then, Ms. Stevens was bringing up, is there any opportunity, should we take a second look back at any possibility of giving further protection to neighborhoods, that are in transit corridors, without impeding the need for development on those kinds of corridors. So, maybe we should look at it, from a new perspective and see if there's anything that we left out, or that we missed, that we might be able to implement, in addition to screening the parking garage, and lighting and so on and so forth.

Curtis Davis: Yes, and going forth. Staff has done an excellent job in summarizing fairly complex issues in a clear way. Going forward, as you finalize the language and do this, I would recommend including some three-dimensional drawings. Either a diagram or an asymmetric or something like that. That might help, better illustrate this in three dimensions. Because it's not a two-dimensional problem. We are trying to understand and appreciate that these regulations are covering. And that might be a tool to help. I know it's another level of demand on staff to do that, but to the extent that, we can see these problems as three-dimensional problems.

Asymmetric, or any other kind of three-dimensional drawings, would be very helpful. Axioms are good because you can put the direct dimensions on them. And that would allow, I think, a better understanding. And through that drawing, you could actually annotate it, and make reference, to the other regulatory documents that cover the things that, in total will help us understand how one particular thing, that we're acting on, works with the constellation of things or regulations that we are using to create the quality of neighborhood that we're trying to support.

Sonny Garza: Sure, Muxian, you know what I was thinking. You know the two examples that you showed. The five story and the eight story buildings. If you blew those up a little bit more and showed them on local or collector or major throughfare, and then showed the setback that is required by Chapter 42. That would be a quick and easy. Now it doesn't give you the three-dimensional visual, but it does give you, some idea of what the current requirements are. If you showed the setbacks, required by Chapter 42, on all three sides, that might be a good place to start. And that, we can show what some of those ordinances are, and how they are in place to protect the neighborhoods already. That might be an easier start. And if you want to go three dimensional, knock yourself out. We are good to go. Alright, anyone else? Any commentary from anyone?

Suvidha Bandi: Did we receive consensus on the physical separation distance?

Sonny Garza: Yes, we still have a couple of questions, but I've asked Muxian to address those in our next meeting.

Homework Activity Please provide comments on the technical amendments to Chapter 42 at https://www.letstalkhouston.org/livable-places/survey_tools/chapter-42-amendments

Lynn Henson: The Houston Planning Commission is accepting comments on the proposed amendments to the Chapter 42 Code of ordinances. The public hearing and comment period is open now and closes April 18th. The Livable Places Action Committee reviewed these amendments last fall and have referred them to the Planning Commission for their consideration. You may find an opportunity to comment, on the proposed amendments, on https://www.letstalkhouston.org/livable-places/survey_tools/chapter-42-amendments, and you can find it at the bottom, under the survey tab. A link to this draft ordinance language is also available on this site. This short survey is available to the general public and constituents may send their comments via the survey throughout the public hearing and comment period.

Next Meeting

April 20, 2021 – 3:00pm through 5:00pm

Sonny Garza: So, anyone or anything else? We discussed a couple of things that we're going to go back and ask staff to take a look at including, some drawings, with chapter 42 setbacks, and the like. Transit corridor streets. And, I don't know how we would address property value at all. So, I know, Mr. Davis, you brought that up, but honestly, staff I don't know if you have an option, or an idea, that you might be able to show. I do know that we had, like historical districts, there was some conversation about that, and we found that over time historical districts grew in value over time, faster than regular neighborhoods. But I don't know if you have some access to some information, we might be able to bring in the next meeting.

Margaret Wallace Brown: Chairman Garza would you like us to look at MACs. The definition, delineation. Look at how we create/establish them?

Sonny Garza: Yes, if you think that would be helpful. I think it would be, yes.

Public Comments

Suvidha Bandi: Yes, before we move on, I would like to mention, that as part of the public comments, I would like to mention an email that we received from one of the public members. These comments were received from Ms. Cindy Woods. She appreciates the fact that we addressed the garage screening and lighting. However, she has concerns about, while proposing the amendment for lighting, we incorporated that there would be an exception for architectural and brand lighting, and she opposes that. She presented an example of a structure in the vicinity of Emancipation and Elgin, where the lights are too bright. And also, she had provided a comment that the buffering physical separation distance, buffering requirement should be extended from 30 feet to 90 feet.

Barbara Brooks: My name is Bob Brooks, and I am at the museum district the Museum Park District. My concerns is that, there are high-rises in Museum Park, currently being put up in residential neighborhoods. So, it is extremely important, not only to have the light, the garage, and the noise ordinances. But also, to be thinking about future enforcement, because, our experience is, enforcement doing the construction, even though there's ordinances, its non-existent. So, it really doesn't do us any good, to do these ordinances, if there's not going to be a means of enforcement going forward.

Jack Miller: I appreciate the work the committee has done. I just wanted to speak out to advise hesitancy, I guess, in terms of redesignating major activity centers as came up in discussion today. My view on it, the committee, we recently passed the transit-oriented development ordinance here in Houston. I know that I've clashed with my neighbors in Museum Park on that, I was pleased with it. I think we need to let that run its course a little bit. Part of the form factor, that we are going to see in buildings, the idea, at least what I understand about it, is that it would allow smaller scale buildings to pencil out, because you're not having to build so much for parking, by reducing parking minimum. And so, to me, reducing the height requirement, buffering from 75 feet to 65 feet, just means there is a new potential category of development waiting to be unlocked, with less parking. That wouldn't require as much height because you don't need as much parking above grade. So, I just ask, before visiting the issue of, what is a major activity center. That the committee allowed that to, run its course. And so, we can see what kind of developments can unfold from that.

Mark Williamson: I have a growing concern with the conflation of what used to be major traffic corridor with major development corridors. Even when businesses tend to migrate towards major traffic corridors, I don't think there's a lot of buy-in from the people around the major traffic corridors for incentivizing development along them. Particularly in older areas. I live in Houston Heights, as I believe you know, and our area and Barb's area, down at Museum Park, are already pretty dense in many places. Lots of residential development. And the low-rise business districts are being rapidly replaced. They are not necessarily producing greater density in some cases where the buildings don't actually have residence, they are used for other purposes. I think we need to be cautious about, how, and what exactly we do incentivize, in the immediate vicinity of residential area. Even if the streets are necessary for major traffic. It contributes to what we have been calling erosion, on the edges of neighborhoods, or in this case, in the middle of neighborhoods, along streets that were never intended to carry major sets of traffic, but have been wedged into existing neighborhoods afterwards.

Barbara McGuffey: And you know, thank you Mr. Garza about making the point about you, we do ordinances for bad actors. We see a lot of good examples of developers who do a great job and unfortunately, part of our problem in Museum Park is that we have seen some of the bad developers come in, so if you hear us asking for a lot of things, that is why, because we don't seem to get many of those. So, I would ask that we go back over, it was very confusing to me because we start talking about what we're doing, what we are proposing, in the garage screening. So, you know, it's been several weeks since we talked about that. If they could post on the website, how that's all works together. So, we can really see, and understand, how it affects us, the people who

live here. And you know, I differ with Mr. Liu, with all due respect, you know, many of us who, bought in these neighborhoods, in these urban neighborhoods, there's lots of residential in here. And I grant you, there will be transition but, somehow, we have to be protected and we all need to understand what these ordinances are doing. And maybe give some specifics, so that we can see exactly how we will be protected by the garage screening again, and where those ordinances stand. And so, thank you again for addressing all of this, we really do appreciate. And appreciate if you would go back and look at the transit corridor. Because we do have quite a bit of residential, that's developed, along the back side of a block of transit corridors streets. And it's really not fair to those people who've made a significant investment, and some have lived in our neighborhood a long time. So, thank you.

Kathy Gunter: Okay, the Conservation District proposal, we're hoping that it includes land use criteria. I know that's a discussion that I'll probably have on the sub-committee. But the resulting regulation, should clearly define, industrial and commercial use. And the residential use and including land use in the conservation district criteria would greatly improve the character and the culture of many other neighborhoods in the community. And the height restriction, doesn't offer all communities protection. So this is how a proactive, for residential home that she demonstrated earlier, she told us earlier, but the committee overlooks a lot of other communities, and it doesn't benefit communities that don't have the problem with the height restrictions. So, I wanted to make sure that, that is something that you guys look at or at least tell us, how is this proactive for all residential homes, if it's only for a certain height restriction.

Sonny Garza: I'll give you a call, so I better understand. And I'm not sure I understand, what you are talking about when you're talking about protection. I want to make sure that we hear you, and if there's an opportunity to act on it, then we do it, if we can. At least explain to what we are doing.

Elena Contreras Grassi: So my comment was about, you know is there any possibility of implementing a building code or something that would require, for example a set number of square footage of green space, or maybe land use set aside for school development or something like that. number of inhabitants in the development, like what I'm saying is, I guess the goal of these committee is to reduce the driving in Houston and make it more walkable right. And so, I think having, you know, green areas and early schooling for children, near the place where people are actually living, will be a great way to reduce, you know, traffic and the need of, for people to drive. You know, having parks and also bike ways, that connect, you know, to the major bike ways that are existing in Houston. That would be a great way to do it.

Sonny Garza: We can do two out of three. Which is walkable places is talking about building a more walkable city. There are ordinances put into place to make sure that it is more walkable. There are more eyes on the street for safety purposes and so on and so forth. And there is green space in between buildings and the street or behind or interior because we want to make it walkable, and not have the whole town being a giant parking lot. So, that is one issue. Chapter 42 also addresses you know, the amount of Greenspace, that must be dedicated to any kind of development. Now the last one is schools, close to developments. And that I cannot help you with. That's something else altogether. But two out of three are addressed.

Elena Contreras Grassi: I actually sent everything, the comment today to Ms. Bandi. And so, I summarized my question in my comment here, but I guess it was too late for her to address it in the meeting, if she was planning to. Thank you.

Sonny Garza: Ms Bandi, can we make sure that somebody gets in touch with Ms. Contreras and tells her what is covered. Because I think a lot of what she is asking for is already done. But we want to give her some direction if we can. Can we do that.

Lisa Clark: There was one quick question in the chat, that I want to ask that we add to our list of the things that we are going to take a look at. Mr. Hightower asked a very good question. What the definition of a residential neighborhood, and what determines if you are in one.

Sonny Garza: It's interesting because we think we know, but we need to contemplate the specifics. So, I think if we take that sixty percent, and just expand a little bit on it. What a definition is, basically any kind of single-family housing at all, we might need a hard definition. That's a good idea.

Questions and Comments from the Livable Places Chat

Guy Hagstette: Please note that NOISE is another big problem with dumpsters because when they are emptied the lids hitting the dumpster sound like an explosion. We have one commercial business in our neighborhood, and its dumpster is emptied in the early morning, which is heard for more than a block. This is another problem when residential areas co-exist in close proximity with commercial uses.

Barb Brooks: My name is Barb Brooks. I do have a question about how high rises have been discouraged from local neighborhoods.

CGESBailey: Question, when will the city explore high rise setbacks as a policy tool (example New York City or Los Angeles, more similar to Houston) to add into this distance separation standards conversation that has sparked this Highrise vs residential areas dilemma in our neighborhoods?

Jack Miller: If development is on a Transit Corridor, the buffering ordinance would not apply.

Kirby Liu: that's a chicken and egg situation. You can't have a transit corridor without housing

Jack Miller: There are plenty of lots located along secondary transit corridors and within areas near transit stations. Also, midrises that take advantage of TOD would not necessarily exceed 65'.

Barbara McGuffey: Jack, I think Transit Corridor streets are not the same as TOD streets (primary or secondary). TOD streets would not be exempted.

Jack Miller: Structures on TOD streets could be built with less parking, which would decrease the overall height and exempt them from the ordinance. I thought that was part of the point to TOD. To make smaller scale developments more economically feasible to address the "missing middle"

Kirby Liu: No. That's not true. A floor to floor of a standard midrise building is 13.5' which means you are affecting anything 5 stories.

Nguyen, Khang M. - HPW: What's the difference between mid-rises, 65' or taller, and high-rises that are 75' or shorter?

Jack Miller: Are we seeing any stepped designs here in Houston?

Elena Contreras: Hi, are there any considerations on establishing a minimum square footage of green spaces and early education facilities within walking distance of urban places? Is this still a possibility to explore or are we too late in the process?

David Hightower: What is the definition of a residential neighborhood what determines if you are "in" one?

Meeting Adjourned at 4:35pm