



Meeting Notes

December 8, 2020

Call to Order

Recording started by Truscenia Garrett.

Lisa Clark, Co-Chair, called the meeting to order at 3:02 p.m. There were 84 participants.

Welcome by Co-Chairs

Ms. Clark did the welcome, roll call and presented the speaker rules. Dustin O'Neal was represented by Shawn Massock

Director's report

Margaret Wallace Brown, Director, Planning & Development Department welcomed everyone to the 4th Livable Places Action Committee meeting, thanked the Committee members for their service and asked everyone to participate in the interactive activity and add LetsTalkHouston.org to their favorites.

Ms. Wallace Brown announced and welcomed Council Member Sallie Alcorn's staff, who joined the meeting.

Project Schedule

Recap of the project schedule to date.

- Staff presented the issues to be addressed with this Committee and established consensus during the previous meeting. The ordinance language is currently being drafted for the technical amendments that the Committee reviewed and provided consensus on.

The goal of this meeting is to provide a presentation on the Residential Buffering Ordinance requirements and look at some examples. After that we will present some concerns followed by discussion.

1. Residential Buffering Ordinance

- The residential buffering ordinance attempts to mitigate the effects of high-density development on adjacent single-family structures. Staff explained that they have heard concerns about this ordinance related to lighting, noise and height and would like for the committee to address some of these concerns.
- The Residential Buffer is provided while developing high density structures adjacent to single family residential developments and was introduced to address the effects of abutting high-density developments on existing single-family residential homes.

2. Major Activity Centers (MAC)

Major Activity Centers are pilot areas introduced where Residential Buffering does not apply due to the high concentration of mixed-use development. Generally, these areas abut freeways or transit corridor streets and have less than 3% single-family residential developments.

Staff introduced the Criteria designating an area as a MAC

- The MAC must contain two or more major thoroughfares or abuts a freeway, tollway or transit corridor street
- The MAC must have at-least 400 acres of land
- The MAC must have at-least 10,000,000 sf of gross floor area developed for uses other than single-family residential
- The MAC must have no more than 3% is single-family residential
- The MAC must contain properties used for two or more other uses-office, commercial, institutional, or multi-family
- The MAC must be comprised of contiguous tracts with no out tracts

Muxian was introduced to present the residential buffering Ordinance requirements and concerns

3. The Residential Buffering Ordinance has three different standards

- Residential buffer area standards (Sec 42.271 & 272, Code of Ordinances)
Only apply to Abutting Developments meeting certain requirements
- Garage screening standards (Section 406.2.11, Building Code)
Apply to all Abutting Developments in the city
- Lighting fixture standards (Section 513.1, Building Code)
Apply to all Abutting Developments in the city

Residential buffer area standards apply to only to abutting developments that meet certain criteria but Garage screening and lighting standards apply to all abutting developments within City limits.

- **An Abutting Development:** Not used or restricted to single-family residential use (SFR); and Directly abutting or within 30 feet of a single-family residential property
Examples of abutting development were shared.
- **Residential Buffer Area Standards (Sec 42.271 & 272):** Apply to abutting developments if meeting ALL the followings:
 - Greater than 75 feet in height
 - Adjacent to or taking access from a public street other than a Major Thoroughfare or a Transit Corridor Street
 - Not located in a Major Activity Center
 - Majority of the adjacent SFR lots greater than 3500 sqft
 - Min 60% of a property line adjacent to SFR lots greater than 3500 sqft

75 feet is not the height of the entire structure. It is defined as the height of the structure when measured from grade to the highest habitable finished floor or the highest floor of a parking garage. Therefore, the actual building could be greater than 75'. This specific height was introduced to match the definition of mid-rise structures in the building code beyond which different construction standards apply and avoid any confusion.

Concerns

The following are the concerns that we have heard:

- No buffer areas required for SFR uses abutting mid-rises under 75 feet
- No height limitation for abutting developments
- No buffer areas required if abutting developments front a Major Thoroughfare or a Transit Corridor Street.
- No buffer areas required for townhomes and condos adjacent to abutting developments

Think about these concerns and share your thoughts with us during the next meeting.

Committee Discussion

Mr. Garza said that the 3500 sqft and 60% requirements are worthy of more inspection and discussion moving forward as the housing stock changes. Are the 3500 sqft lots growing or shrinking to meet the needs of the communities?

Muxian Fang That this is a great question. Over time we will review these issues and during the next meeting we will be open to discuss and address these issues one by one. We also encourage the public to share their ideas via the map tool on letstalkhouston.org webpage. Please bring some examples to assist in developing strategies in the next few meetings.

Commissioner Randy Jones: Should the buffer area be renamed as structural buffer as the 10 feet landscape buffer is included within and may get confusing.

Sheri Smith: What is the underlying rationale of the buffer? (landscape, noise, open space?)

Curtis Davis: Are the terms condos and townhomes used to define the building type of ownership type? For example, a single-family home that has 2 units in that is a form or typology of a single family home, but has an ownership structure that creates a condo, where each unit is owned separately, would be equally impacted.

Muxian Fang: Regarding your question related to condos and townhomes, townhomes is one type of single-family residential use with the lot size smaller than 3500 square feet. Condo are multifamily because of how they are platted and also due to the land ownership. They are not considered single-family residential today.

Curtis Davis: If a single-family home, or home built in the form of a single family home contains multiple units, that would not be eligible under the ordinance If I understand correctly.

Margaret Wallace Brown: The definition of single family can be 2 units on a lot. It is either an attached duplex or one home with a secondary structure, like an ADU, not to exceed 900 ft². So, a townhome, could be single family, but they typically don't receive the buffer protection because typically they are less than 3500 square foot lots.

Mr. Miller: Do we have a council meeting or other legislative history on why the 3500 square foot lot minimum was used? It doesn't match the old 5000 square foot lot minimum, nor the new minimum SFR lot size.

Suvidha Bandi: The 3500 ft² is the minimum lot size requirement in the city, the 5000 ft² is in the extraterritorial jurisdiction per the current ordinance requirements.

Shawn Massock: Earlier we talked about what kind of buffer to call it, and it seems more like a 30 or 40' building setback and within that is the 10' landscape buffer so he doesn't know if maybe set back might be a better term to use versus calling it a 30 or 40' buffer.

Suvidha Bandi: Per the ordinance, building lines are only along the street right of way and not next to adjacent properties. That's the reason, right now, it is called the buffer; because it's the distance between the two structures versus a building line which is the distance from the structure to the right of way.

Shawn Massock: Earlier we were reviewing Major Activity Centers and you said that there were 8 currently; is there a potential for future MACS and what is the process for getting new macs created or added within the city.

Muxian Fang: There is a potential, that's why the ordinance created the criteria for the MAC and as long as the area qualifies all those criteria, they can submit an application and create a new Activity Center.

Megan Sigler: in the case where is a 5000 ft² lot and 3 townhouses are building on it; that's less than the minimum lot size for the City of Houston, so how would those lots be treated for those type of developments.

Suvidha Bandi: If a 5000 ft² lot is subdivided into 3 lots with a shared drive and town homes are built, that means the lot sizes are less than 3500 ft². With respect to the buffering ordinance, the buffering requirement doesn't apply.

Megan Sigler: Are the 3 townhomes still residential, even though they don't fit the minimum. And they could be, as often does happen, at the end of a residential neighborhood. I am just thinking through the logistics of that.

Suvidha Bandi: If the lot sizes are less than 3500 ft², the ordinance allows that, and they still qualify per the definition of single family residential.

4. Garage Screening Standards (Section 406.2.11, Building Code)

Any part of an abutting developments used as a parking garage structure shall:

1. Provide an exterior cover for each floor directly facing SFR
2. The exterior cover shall be:
 - a) An opaque surface sufficient to block headlights
 - b) At least 42 inches in height
 - c) Block headlights for ramps and other sloped surfaces adjacent to SFR
 - d) Not required for a finished floor over 50 feet from grade

Concerns

The following are the two concerns identified for Garage Screening Standards.

- Screening not required when SFR is across the street from the structure
- Screening not required for the structure over 50' from grade

5. Lighting Fixture Standards (Section 513.1, Building Code)

- All outdoor lighting fixtures located within 30 feet from SFR shall be **full cutoff fixture**
- Full cutoff fixture not required when SFR is across the street from the structure

Concerns

The following are the two concerns identified for Lighting Fixture Standards.

- Abutting development are not required to provide full cutoff fixtures when the SFR development is across the street from the structure.

Committee Discussion

Sonny Garza: I think as we see more mid rises coming in or maybe retail with housing above moving into where maybe warehousing might be today, like in the Eastend it is important to consider light pollution and make some decisions on how to apply those fixtures where we need them shielded.

Lisa Clark: There are ways that you can shield that light, that doesn't have to be a full cut off. We could have a partial cut, on the side where the residents are, so there are some options to be explored.

Shawn Massock: What is the definition of "full cut-off" fixture?

Muxian Fang: A full cutoff fixture shall mean a light fixture that prevents more than ten percent (10%) of the light it emits from emitting at all angles beginning at 80 degrees up from the nadir to less than 90 degrees, and no light (0%) from emitting at 90 degrees (horizontal plane) and above. This applies to all horizontal angles around the light fixture.

Curtis Davis: I think that this lighting issue is a good example of something we need to think about throughout, in terms of the relationship between ordinances themselves and the codes, and in this case, in terms of the buffer zone discussion that we are having. It can be described in terms of static conditions, that is, the massing physical setbacks and dynamic conditions like lighting, smells, sound, acoustic things. Static conditions may also include character and so on. I think this is an opportunity to think about all of our guidance as a whole, and that when we make a specific ordinance around a discrete element like lighting, one needs to think about it in a dynamic condition, in terms of all of its impacts, in terms of light pollution and so on, and glare, and the condition. If light levels are higher, you blind someone, and so on. So, as we go forward, we should begin to catalogue, to capture the issues, and think about how they map across our various ordinances, so that we can provide a holistic approach, and provide some clarity on all of these matters.

Shawn Massock: Are we defining the maximum height from the ground to the fixture itself whether it is pole mounted or wall mounted because there seems like we have two concerns.

One is seeing the fixture i.e. a glare bomb for the residential neighbors and second that is light possibly crossing the property line possibly lighting up their backyard area. I am not sure if just having full cutoff fixtures addresses the second of the light crossing the property line.

Suvidha Bandi: To answer your question, currently in the ordinance, there is no maximum height requirement from the ground to the fixture? We could consider height of the fixtures if we decide to address light crossing the property line.

Shawn Massock: The cut off fixtures control light bleed up into the sky and not necessarily the spread. And if it is 30ft from the property line with 20 or 50' in the air, it is still providing a whole bunch of light on that residents. So, I am just trying to get to the root or the purpose for the ordinance in the first place, and if it is light shining on the single-family lot.

Muxian Fang: The full cutoff lighting fixture definition was created by the residential buffering ordinance to try to provide some sort of protection from the light shining onto adjacent residential homes. We will need your input when we develop a better solution down the road.

Mike Dishberger: Are there standards for single-family homes that prohibit similar lights or is it just for the structures that are within abutting development.

Muxian Fang: The lighting fixture requirement is only for the abutting development, not for the single-family residential use.

Sandra Stevens: Light is dynamic and there is concern about lighting that escapes from parking garages. For example, from the ceiling fixtures within the parking garages and screening is only 42" high. We should look at the big picture beyond just headlights of cars while driving through the garage.

6. Noise Control Standard

- The Residential Buffer Ordinance does not include noise control standards
- Chapter 30 Noise and Sound Level Regulation provides general guidance

Concerns

The following are the three concerns identified for Garage Screening Standards.

- Noise from the adjacent commercial uses (bars, restaurants)
- Building equipment noise
- Dumpster noise

Committee Discussion

Lisa Clark: When you are trying to meet the noise standards, and are doing the testing, it is very difficult. You must hire A sound engineer, and you have to pay them for travel. The sound may not happen when they come, and they go away. You have to call them back when the noise starts again, and that's about a \$1200 trip, every time they come. So, I don't know what we can do about it. It is very difficult when it's an intermittent sound that is constant but not completely constant and is hard to catch but is yet very disturbing to the quality of life.

Sonny Garza: Mid-rise apartments being built along major thoroughfare and backing up to a single - family housing, bringing their dumpsters and their building material and everything through a narrow backstreet, when they could come in, from a major thoroughfare is a concern. I don't know how we would put that in an ordinance or where it would fit but I think that might be something that we could consider from a design standpoint versus this ordinance.

Yuhayna Mahmud: Ordinance currently requires one tree every 20' and perhaps to provide protection from light and noise, we could consider increasing the tree caliper depending on the species.

Curtis Davis: I recommend to staff that having the information in a tabular form is very helpful and as we go through these categories, looking across ordinances and within an ordinance, having a tabular form and so we began to see where things are redundant or not, is very helpful. And in the case of these dynamic issues like sound, noise, smell, visual character, history, all that, if we can categorize them as nuisance versus character defining so there are something that relate to those issues of noise and light, sound and smell, that inform the character of an area and impact enjoyment use for particular type of use like in the backyard, and there are others that are just flat out nuisances. Add if we can begin to categorize to see where we are regulating nuisance and where we are facilitating character, that would be helpful. And for the development community, that would help for this to begin to be a little more whole. So, people don't feel like they are dying by death of a 1000 cuts or trying to go through many things that touch on the same topic in different ways.

Commissioner Randy Jones: I just want to say I echo or support Commissioner Garza's comment about service drives. You would recall that in a prior planning commission meeting, that the proposed redevelopment of a property in the Southwest region of Allen Parkway and Waugh, I believe that is correct, and the residents who chimed in were very vocal about service drives and garbage truck pickup coming up off of a rear side street, right across from the front of their properties, and this was a densely developed residential area. And when I say that, I would say probably a 5 foot set back maybe 10 with a 3 foot side setback, you know a very dense area. Again, I just think that Commissioner Garza's comment is on point. Thank you.

Homework Activity

Please log onto www.LetsTalkHouston.org to

- Participate in the interactive activity <https://bit.ly/36KyWhl> through January 1, 2021
- Read Articles
- Think about questions you might have to help consider ordinance recommendations

Next Meeting

January 12, 2021 – 3:00pm through 5:00pm

- During the next meeting, we will come back, look at, and discuss the concerns that we talked about today. We will brainstorm, what concerns the committee should address, what we learned from other cities, the public concerns and the outcome of the survey.
- Next Conservation District Focus Group meeting is scheduled for December 18 at 10:00 AM

Public Comments

Barbara McGuffey: First of all I want to say that I'm from Museum Park and we are very grateful to have the committee address this issue. We raised it repeatedly, as many of you got tired of hearing us, relative to the transit oriented development ordinances. So, it's very important to Museum Park. And I think you know that the residential buffering ordinance does not go far enough. I live in a townhome, which is single family residential. And as we encourage higher density development in our neighborhoods, and we consider Museum Park a neighborhood still, we have major concerns that there's no buffering from across the street. And we started to see how hi rises affect us. In fact on January 24th 2017 a group of us spoke at City Council on just this topic and raised many of these same issues at that time about problems that we saw and it's high time that we get all this addressed. I do want to point out one thing, before I lose my time here, that is very important to us, the transit corridor exemption and the major thoroughfare exemption. When you think about museum park, we have many townhomes and single-family residences that are on the back side of a block where the higher density development faces the major thoroughfare or transit corridor street. And those are not protected at all from any buffering. We really need to change that. To make a change there, not so much on the front of the street but on the backside, where it engages with single family residential. We actually started calling it a buffering ordinance as opposed to just a residential buffering ordinance for just that reason that you all have said, and when you limit to single family residential, it doesn't protect someone who lives in a condo, it doesn't protect someone who lives in an apartment. We think that there should just be design standards. Many buildings have beautiful garages. If you just drive around, they have beautiful garages, where you would never know that the first floor were our garages. Not here, in Museum Park we don't have that, and a lot of places in the city don't have that. So, I think it's very important to look at garage screening, it's very important to look at the lighting. We are just as concerned about the lighting fixtures in the garage as we are about the headlights because of the lighting going too far out into our neighborhood. Thank You.

Jack Liu: Livable Places requires green space to relax. Multi use channels can achieve this goal. Multi use channels use reinforced concrete box culvert to retain banks, create maximum space for water convenience and support road inside the channel for public transit or trail doing normal weather. During extreme weather, entire space is available for water convenience. the City is working on North canal high flow channel project. This channel can be built with a trail atop the concrete box culvert. It offers maximum convenience capacity within the limited space and connect the existing bayous hills. the Box culvert offers an enclosed path. If it is used for wastewater, the resumed water can be desalted and flow in the open channel. A boating service could also be established. Houston downtown could have a river walk that is more spectacular than San Antonio. thank you

Dale Furrow: just a few brief comments. I live across the street from the 13 story of blue manor project so this is a personal issue to me. We obviously have an issue with a single family residence definition. We have six homes on a hundred by hundred-foot wide in the of the middle street. None of us have any protection via the current ordinance. I would like to reinforce what Mr. Davis said, I sort of understood what he was talking about. We are talking about performance standards here, in terms of the ability of one development to impose upon a single family residence. And I really don't see why we can't write the ordinance in that or correct the ordinance in that matter. The next comment that I have is construction. We are experiencing that live, right now in Museum Park, but I think that the standards that we eventually settle on ought to have the full life of the property including construction and some

form of a contemplation of how the ordinance ought to go and finally penalties. If we do buffering right, we should have no need of civil litigation or civil settlement. So far, in Museum Park, we have had three major projects. I'm aware of civil litigation or settlement being either executed or contemplated in two of those. I would argue that each time that happens, that is a policy failure. Thank you.

Mark Williamson: I live in the Houston Heights area. I had a couple of general comments about lighting and about angle versus building height. There are a number places where light spills are happening that are much worse, well they are as bad as, in residential neighborhoods. There are lots of places around town where a parking lot lights for example, are spilling onto freeways, and affecting the ability of drivers to continue. Either we don't have adequate rules against that or they are not being adequately enforced. Lights need an angle component, if the light is further or higher, it needs to have a better shielding and that's also true of buildings. If a building is taller, it needs a bigger buffer. And those are the general comments that I wanted to introduce. Thank you

Barbara McGuffey: Will there still be a Buffering Focus Group?

Suvidha Bandi Because there is so much interest and so much input from the committee, and because a majority of the members, within the committee, wanted to participate in this residential buffering amendment, committee leadership has decided that we will continue with this being committees' work, and if there is a need, while we go through the solutions, the committee will decide to call on a focus group.

Meeting Adjourned at 4:31pm

Chat Comments

Mike: I wish someone would invent some type of window covering that limited the amount of light that would enter our households

Cindy Woods: This 30 feet cutoff is too small. As a resident who is having a 13-story building directly across the street from my bedroom window, residents need protection. Please consider revising this, Cindy Woods, Museum Park

Barbara McGuffey: I will speak about this, but garage lighting is a major concern, beyond shielding from just headlights.