



Meeting Notes

April 20, 2021

Call to Order

Recording started by Truscenia Garrett.

Sonny Garza, Co-Chair, called the meeting to order at 3:01 p.m. There were 70 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.

Meeting Notes will be sent one week before the next meeting.

Thank you to the Legal Team for all their hard work. Committee Members may address the Legal Team with any questions during the meeting.

Technical Advisory Group (TAG) meeting outcome on proposed physical separation distance (buffer) amendments

The proposed distance separation standards are developed based on three overarching principles as well as an objective data analysis on 29 mid-rise and high-rise developments in the city.

The overarching principles of the distance separation standards are to:

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 (SFR) along local streets

The current compliance criteria and the proposed amended criteria are below. The criteria in red are the proposed amendments.

Current 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 (high-rise building height)
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

Proposed Amendments

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. 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:
 - High-rises: greater than 75 feet in height (high-rise building height)

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- Mid-rises: greater than 65 feet in height (actual building height)
4. Majority of the abutting properties are either existing single-family residential development or small-scale multi-family residential (MF) up to 4 units
 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 high-rise structures standards. However, since we expand the compliance criteria from SFR lots larger than 3500 sqft to all SFR lots and small-scale MF, more abutting developments will be required to comply with these standards.

When looking at the standards for mid-rise structures solely fronting a local street and taller than 65' a 15' buffer area is required.

- 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.

It was suggested that we should set a maximum 8' height requirement for trees/shrubs planted within the 10' landscape buffer where there is a power line located close to the area.

Buffer Area Standards

- 1) Min 30 feet wide buffer area if adjacent to or taking access from a Collector Street
- 2) Min 40 feet wide buffer area if adjacent to or taking access from a local street
- 3) Include a 10 feet landscape buffer & an 8' fence/wall
- 4) No structures or covered parking within the buffer area
- 5) Vehicular access and surface parking are allowed

Proposed Standards

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

1. Min 30 feet wide buffer area if adjacent to or taking access from a Collector Street
2. Min 40 feet wide buffer area if adjacent to or taking access from a local street
3. Include a 10 feet landscape buffer & an 8' fence/wall
4. No structures or covered parking within the buffer area
5. Vehicular access and surface parking are allowed

(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. Provide an 8' fence/ wall
3. No structures or covered parking within the buffer area
4. Vehicular access and surface parking are allowed

From the previous meeting:

1. Is there a definition of residential neighborhood?

The current ordinance does not include such a definition. The intent of this ordinance is to guide certain development abutting existing single-family residential houses and small scale multifamily residential homes. These existing residential homes may not be in a neighborhood.

2. What is the feasibility of establishing different buffer standards for staircase buildings?

In 2011, the buffer area requirements for staircase building designs were discussed in the residential buffer ordinance drafting process. It was determined that there are not many staircase building designs in the city. And

most staircase building designs occurs on bigger sites, which have more development flexibility. It would be very complicated to establish buffer requirements for staircase buildings as the staircase designs could vary significantly from each other and would create challenges for code enforcement. Therefore, the distance separation standards were established based on the building height instead of building design.

- It was suggested that we provide exhibits to illustrate not only the distance separation standards but also other ordinance requirement such as building line to provide an overall picture for what an abutting development looks like. The abutting development in red boundary is required to provide both a 10' building line along the adjacent streets and a min 30'/40' wide buffer area along the abutting SFR or small scale MFR uses. The 30'/40' buffer area is not required if the high-rise development fronts a major thoroughfare/transit corridor street or it is inside the designated MACs. We believe this standard meets the overarching principle of the ordinance by discouraging high-rise developments along local streets where most residence occurs.
 - The three different scenarios demonstrate how the proposed distance separation standards would affect a mid-rise building taller than 65' and fronting a local street outside the designated MACs. On all three, the abutting development in red boundary is required to provide both a 10' building line along the adjacent streets and a min 15' buffer area along the existing abutting SFR or small-scale MFR. The 15' buffer area requirement mainly applies to 7-8 story mid-rise buildings which fronts only a local street. We understand this requirement may make some sites not feasible for a 7-8 story mid-rise, like the site on Exhibit C. However, the main intent of this requirement is to guide compatible mid-rise developments abutting existing single-family residence and small-scale MF residence along local streets. The site on Exhibit C may not be an appropriate site for this type of development. This requirement will help to guide developers to find another site not fronting a local street with existing abutting SFR or small scale MFR surrounded on three sides.
3. It was suggested that we should designate more major activity centers to encourage high density mixed-use development within these areas.
- Currently, we have 8 major activity centers in the city. They were created with the residential buffer ordinance in 2011.
 - They were introduced, as pilot areas, where the residential buffering ordinance does not apply. These areas have a cluster of high-density mixed-use developments and have potential to become further busy urban centers with less than 3% single family residential developments.
 - The residential buffer ordinance establishes a series of criteria for designating an area as a MAC. These include:
 - The area must contain two or more major thoroughfares or abut a freeway, tollway, or transit corridor street
 - It must contain at-least 400 acres of land
 - Include at-least 10 million sqft of gross floor area developed for uses other than single-family residential
 - No more than 3% of the land is used for single-family residential
 - Area contains properties used for two or more uses other than SFR, such as office, commercial, institutional, or multi-family, etc.
 - In addition, a major activity center shall be comprised of contiguous tracts with no out tracts.
 - The ordinance allows property owners to apply for designation or expansion of a MAC, however, the Planning Department has not received any applications in the past 10 years.

Committee Discussion:

Omar Izfar: I have a question about the major activity center criteria. I wonder if there are areas of Houston, that have more than 3% single family residential, but it just makes good policy sense, that they would eventually transition into allowing different types of mid-rise and high-rise developments.

Muxian Fang: The criteria for major activity centers was established in 2011. The residential buffering ordinance would not apply to a development within a major activity center. We recognize that there needs to be some work to the definition of MACs, but currently we do not have the capacity.

Meg Lousteau: Under the previous slide, it said something about these standards would apply for building 65' and higher and another standard was for a building 75' or higher so is it really one set of standards that applies to buildings that are between 65' and 75' and the other to anything that is 75' or taller?

Muxian Fang: Yes, there are two sets of standards. The first standard only applies to the high-rise buildings. A building that is measured from grade to the finished floor of the highest habitable floor and exceeds 75'. This standard requires a 30' or 40' buffer. The second standard is for a mid-rise. The building code does not have a definition for midrise. This building would be between 65' and 75' in height and require a 15' buffer.

Meg Lousteau: So were basically creating a definition of mid-rise buildings, as buildings that are between 65 and 75' and there's already a definition of high-rises meaning anything that is 75' or over. So, anything that's under 65' this doesn't apply other than the existing restrictions.

Muxian Fang: We are not intentionally defining a mid-rise building but are using mid-rise "in general". Basically, this is for the building, based on research, that are about 7 or 8 stories. All other buildings are required to provide a 5' instead of a 15' buffer.

Kirby Liu: I was just wondering if I could get more clarification about why, it was concluded, that a stair stepping building is complicated, because, there are multiple precedences, in other cities, that have adopted form based codes, that kind of allow for this. And then, the other kind of comment that I had is that when we are talking about a 65' building, it is a 5 story building because a 13' floor to floor basically resolve in a 9' ceiling and so basically it's a 5 story building. I just wanted to clarify that.

Muxian Fang: Based on the research conducted, there are some six story buildings, that could be less than 65' or close to 65'. Regarding the staircase, if the building is less than 65' then we should allow them to build closer. But if the upper floors are set back further, they should not be required to provide 15'.

Kirby Liu: If the first 30' of the building, that's closest to the single family residential, was at 55' or 64', and then it steps up, it then accomplishes, more or less the same as if we put a high rise building, right next to a midrise building. Wouldn't it be the same, in terms of its relationship, to the next-door building. Why would it be hard to implement it?

Muxian Fang: How would we define staircase. If we use this sort of criteria. Some buildings first 3 stories, are close to the next abutting development, but the 4th and above stories are setback 5' or 10' high. The design could vary significantly, so it would be hard to control.

Kirby Liu: Don't you already have a control here. The height of a high-rise building needs to be 30' away and the height of a mid-rise building needs to be 15 feet away. If the mid-rise, for the first floors is 15' or 25' away, and then it steps up to a high rise, then it is the same right.

Muxian Fang: The question is: If this 15' buffer criteria is already established to fill up the gap is it necessary to further narrow it down, to create another criteria?

Lisa Clark: Say you have a 3 or 4 story building, that is under 65 feet, you have a 15' buffer. When you start staircasing, if the first stair case is back an additional 15' aren't you are giving the 30' buffer, because the only point, at which the building is getting to the high rise level is already at 30' away?

Kirby Liu: The reason that I am concerned about this, because I know that we are trying to sort of basically lessen our car dependent culture by lessening the parking requirements, but it is sort of a chicken and egg thing, we don't really have effective mass transit or highly used mass transit, so Houston is still a very car dependent culture. And so, we do have a type of building, which is popping up around the city now, essentially its parking garage, for let's say 4 or 5 stories and then the residential portion of it is taller than the parking garage such as the Hanover River Oaks or what have you. It's a type that we are seeing, more and more often within the city. And so, it seems like we are going to see more and more of it as well, in the future, as the city densifies more.

Sonny Garza: Visually we have a high rise that looks like a mid-rise, but the function is different because there are a lot more people living in the high rise. And because different standards might need to be met, would we need design standards or have a style book because the issue is so complex, from building to building.

Kirby Liu: Right, but then at that point if it doesn't matter if it's between a 6 story and a 10 story building if there's really no difference to the single family resident then why is there a distinction between a high rise and a mid-rise.

Sonny Garza: That is the very reason that we are having this discussion today. Because we didn't have a midrise in the past, there was nothing to qualify or quantify, to protect neighborhood.

Lisa Clark: On the high rise itself, could you not reduce the buffer, by doing a partial midrise, and then turning it into a high rise? Because you turn the top into a high rise, does that mean, that you fit into the mid-rise definition? So, we are really talking about the buffer, not force fitting a high rise into a midrise.

Curtis Davis: If you take the mid-rise building at this 15' setback at its height along the length of the property line and you start a sloped plane like a sloped roof that goes to the 30' setback at the low height of the high rise at the height that you designate that you create Sloped plane and use that to define an envelope for any volumes in between so that those setbacks can vary as they touch that sloped plane. Are you visualizing what I am describing here?

Kirby Liu: yes but It doesn't necessarily have to be a sloped plane it could be just flat for, just say 15 or

Curtis Davis: I am not talking about the architecture I'm talking about the controlling envelope of how you Describe the control so you have a You have a setback on a 30 or 15' For a particular height of mid-rise Any you have a setback for the high rise at 30' and so those 2 lines are going parallel to the property Line define the top and the bottom of a sloped plane and that sloped plane defines the envelope in which you do whatever form you want to.

Kirby Liu: Right, I guess the only question, I want to make sure that we are trying to meet the intent of the current suggestions as much as possible and right now it doesn't contemplate any kind of slope plane because for example you can theoretically say at the 16th foot away from the single family residential it starts 65 at half an inch and that's you know doesn't conform with the intent of or at least with the letter of this current thing so I'm not saying that it has to be sloped at all but just even saying that its 15 feet of buffer then another 15 feet of

mid-rise which would then create the full 30 feet of buffer then before you can hit you can start to do either slope or it could just be a straight up. I'm asking about these really hybrid types of buildings if that's even a possibility or if they are always going to be treated as one or the other

Scott Cubbler: I'm sympathetic to the confusion that this is causing Mr. Kirby in understanding that part of what we want to do is to protect the interest of the residents. Maybe we should consider getting rid of the two Hybrid definitions and go with just The high rise definition and extract the greater buffer for high rise and lower the definition of the high rise down to the lower feet that we were talking about.

Sonny Garza: The idea, and the intention of the ordinance, is to discourage high rise development on local streets. Planning came up with these three definitions to make it clear and easy, for people to understand. It's hard to fit everything, that is wanted or needed, into 3 little boxes.

Lisa Clark: Do we have consensus on the physical operation? Can we move on, to the draft language on the 3 examples? We have consensus so let up move on.

Recap on the dumpster screening, garage screening and lighting fixture related amendments

Consensus has been established on the following three standards (garage screening, lighting fixture standards, and dumpster screening) and related amendment options. However, after meeting with TAG (Technical Advisory Group), they gave us some suggestions that I would like to discuss with the group and give you a chance to look at the modifications.

Current Dumpster/Bulk Container Standards

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 dumpsters be shown on the site plan
7. Ch. 42 site plans must illustrate screening for bulk containers required
8. Ch. 42 Any bulk container and related screening shall be located outside the pedestrian realm

The current city regulations do not have any screening or location requirements for bulk containers adjacent to residential uses.

The main issue, to be addressed, is the issue related to the dumpsters visibility and odor especially when located immediately adjacent to residential development.

Proposed Dumpster/Bulk Container Screening Standards

- Require screening of 6'- 8' high for all dumpsters on new developments unless housed inside the building
- Dumpsters used during construction, renovation etc. that are temporary in nature will be exempt from this requirement.

Committee Discussion:

Sonny Garza: The reason we are setting the height at less than 8' is because anything over 8 feet would require a permit and cannot be located within the building line. Do we need to require a minimum?

Lisa Clark: Please check and make sure that the minimum of dumpster is 6'.

Ron Lindsey: Is screening required for dumpsters that are not visible outside the property

Lisa Clark: We are proposing that all dumpsters be screened. From the research we find that through the city, even if a dumpster is at the back of the commercial unit, it can backup to residential, and that is an issue. It is hard to write criteria in an ordinance, that can cover every type of situation.

Ron Lindsey: If the building, or other structures on the property, impedes the ability to see the dumpster from outside the property, it ought to count as screening.

Lisa Clark: So, you are talking about a dumpster that is more interior to the facility

Ron Lindsey: Yes. If the dumpster, is not visible from outside of the property, whether that's adjacent to that the property or a public street, screening should not be required.

Suvidha Bandi: After looking into dumpsters, located within a development, especially for garden style apartments, where the dumpster is in the interior, we found that most of the developments already voluntarily provide screening. Because it was hard to determine, if the dumpster was visible or not. It was determined that the easiest solution was for all dumpsters to be screened. Also, a dumpster interior to the site could be along the interior property line right next to residential building. Requiring screening would provide a benefit for the adjacent developments and for the people who live within the development or use the development.

Ron Lindsey: Whether it is a benefit to the people who use the development, that's is between them and the landlord. The city shouldn't get involved. If you are looking at something at an eye level of 6', and you cannot see the dumpster from outside the property, no screen should be required. There's no purpose for it.

Sonny Garza: We sent out some articles this morning that talk about the conversion of commercial buildings to residential. The whole idea is to provide more protection for residential buildings. Whether it is a townhome, mid-rise or apartments, backing up to a building, although it is not visible from the street, it is visible to the residents on the other side of the fence. So, my thought was that this was a very inexpensive. easy. broad brushstroke change in the ordinance. We would no longer need to send people out there to make sure that permitting was correct.

Ron Lindsey: if the dumpster, is not visible from outside the property, whether that's visibility from the street or the adjacent property, then there is no purpose for the screening. The city has no vested interest in that. And so there shouldn't be a restriction on that. And, yes, wooden fences are cheap, but they don't last, and they require constant maintenance.

Dipti Mathur: We discussed this at length, and the requirement for any dumpster came from the fact that that it would lead to less confusion during the permitting process, reduce inconsistencies, and assure the developers consistency in requirements, cut down on subjectivity, provide a minimum cost to the developers, and provide a benefit to the neighbors.

Ron Lindsey: I don't understand how the neighborhood would have any benefit from screening a dumpster. They can't see them. There is no benefit to the neighbors. There is no benefit to the city. It's just an extraneous requirement. And, in terms of it being subjective, it's not subjective, it is objective. Can you see the dumpster at an eye level of 6 feet from a property outside the development?

Dipti Mathur: Seeing the dumpster depends on the distance from the street. If there is a building in front, then of course it will obscure from the street. But if that building was to go away, changes to the site and the building went away. Now the dumpster is open and can be seen from the street.

Suvidha Bandi: If you look at a dumpster on a site plan, depending on the dumpster location, you could call it interior to the site because there is a building obstructing your view. However, if there is a very slight gap between the property line and the building, somebody could say that dumpster is visible from the gap, of lets say 10 feet or 20'. It becomes arbitrary as to how we can visualize when the dumpster will be visible from the street.

Ron Lindsey: Please make sure to include my comment, that I believe the city has no interest.

Mike Dishberger: I don't know the dumpster ordinance that well, but agree, if you can't see the dumpster from the street, I don't see why you should have it. Also, is this applied to temporary dumpsters, like on construction sites, building a building, building a house.

Lisa Clark: No, it does not apply. Only permanent dumpsters. If use a roll around as your permanent dumpster, that is considered permanent, even though it can be moved around.

Current Garage Screening Standards (Section 406.2.11, Building Code)

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

1. Provide an exterior cover for each floor directly facing SFR within 30'
2. The exterior cover shall be:
 - a) An opaque surface or screen mesh of sufficient rating to block headlights
 - b) At least 42 inches in height from finished floor per tier
 - c) Positioned to block headlights shining into adjacent properties for ramps and other sloped surfaces
 - d) Not required for a finished floor over 50 feet from grade

There are two major concerns related to the garage screening requirements.

- e) One is that screening is not required for SFR across the street.
- f) And the other concern is that screening is not required over 50' from grade. In other words, 6th floor and above are not required to provide screening.

Proposed Garage Screening Standards

The committee established a consensus to address the light from car headlights. The proposed amendment requires a 50" opaque exterior cover for all garage faces on all tiers abutting residential developments or streets. However, during the TAG meeting there were some questions with different scenarios.

For example, if a proposed 8 story garage is next to an existing 2 story commercial development, which in turn abuts a 4 story single family townhomes, then the headlights from the garage will shine into the homes, because based on our proposal the 50" opaque cover is only along streets and residential development.

Because the garage is 8 stories and the townhome is 4 stories, the light would shine into the homes. After further discussions and looking into various examples of other adjacent uses that could be affected due to the headlights, staff proposes a modified garage screening amendment proposal.

Modified Garage Screening Amendment Proposal to address light from car headlights

- Provide 50" opaque exterior cover for all garage faces on all tiers except for garage faces interior to the site on campus style developments

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- For ramps and other sloped surfaces, the exterior cover shall be positioned to block headlights from emitting any light into adjacent properties.
 - The exterior cover shall be made of an opaque surface or screen mesh material of sufficient rating to block headlights.
 - Screening must meet the “openness” and ventilation requirements of the code.

The committee established consensus to address the light trespass from garage ceiling lights. The proposed amendment provides three options

1. Full screening for entire height of the garage facing street or abutting residential development to prevent light trespass or:
2. All internal garage lights must meet appropriate national standards and must be shielded when located along the periphery or;
3. Provide a photometric plan to demonstrate that no light trespass occurs beyond the property line that exceeds 0.2 fc (foot candles) measured at grade

These options were discussed with the TAG and a lighting expert within the city’s Houston Public Works department. Based on the input that we received, we understand now that cutoff light is an old standard which was revised in 2005 and now there are newer standards within the industry. During the TAG meeting, and after we had a chance to discuss the feasibility with the lighting experts and the following modified amendment options were suggested.

Modified Amendment Proposal to address light from garage ceiling fixtures

When the garage faces a street or other residential development:

1. All internal garage lights must meet IESNA parking garage recommendations and provide a photometric plan to demonstrate that no light trespass occurs beyond the property line that exceeds 0.2 fc (foot candles) measured at grade or;
2. Full screening for entire height of the garage facing street and abutting residential development to prevent light trespass

Current Lighting Fixture Standards (Section 513.1, Building Code)

All wall mounted outdoor fixtures installed on an abutting development within 30 feet of a SFR home shall be full cutoff

All pole mounted outdoor fixtures installed on an abutting development within 30 feet of a SFR home shall be full cutoff with house side shields.

Proposed Lighting Fixture Standards

Committee Discussion:

Ron Lindsey: On the interior light, I understand somewhat, about those lights that might face the residential, that’s adjacent to it. But when it comes to the street, if you have a streetlight, that is producing more than .2-foot candles. Shouldn’t the minimum be, whatever the streetlight would normally provide for the adjacent sidewalk?

Suvidha Bandi: We are attempting to keep the light from the garages from shining into the adjacent properties. That was the reasoning behind requiring the .2-foot candles along the residential developments and the streets.

Ron Lindsey: I did a calculation. If it’s a 100-watt hps bulb producing 9500 lumens, and you convert that, to put candles at grade. That’s 30’ candles at grade. Getting into the lighting, from the street side, doesn’t make much sense. I do see it for the adjacent residential.

Lisa Clark: We will take all of this into advisement. We will take the comments back, where they will be thoroughly investigated by the staff and the technical advisory group to make sure that we address each situation.

Martin Herrera: On the question regarding the illumination on the roadway. The gentleman stated earlier that a 100-watt high pressure sodium light produces 9500 lumens. If the next light is designed correctly, within the spacing, the amount of lumens that comes out of that fixture, and when it hits the ground is about 4500 lumens. When you look at the average foot candle, that it produces, assuming that the next street light is designed properly, within the correct distance, you have an average foot candles of about .3 to about .6 foot candles, on the road. And that's per the IESNA (Illuminating Engineering Society of North America). While the 9500 lumens, that people hear about is the initial lamp lumens. That is if you have the lamp, by itself, outside of a fixture. Once you put that lamp inside a fixture, and you turn the lamp on, it goes down, and by the time it hits the ground, you see a totally different lumen output. You bring a good point regarding the light from the streetlight, because there is light in back of the streetlight, that will illuminate the ground. And there is a certain level of lighting. that it does hit, and so the task here, is to limit the amount of light that's added beyond the property line. To do this, you can do a photometric analysis, exclude the ambient lighting, and determine that what you're getting from your lighting, from the garage is approximately .2-foot candles.

Ron Lindsey: I did look at the formula for converting the 9500 lumens to what the foot candle would be at grade and, at least according to the study I read. It's more than that, it's closer to 30. But I also want to point out, that the city of Houston Housing and Community Development regulations, for multifamily, put the exterior lighting requirement at a minimum of 2-foot candles. So, a multifamily, dealing with a garage, you are required to have 2-foot candles

Martin Herrera: The 9500 lumens, that you're mentioning, is the lamp by itself, that's the way it is rated. When you put that inside of a fixture. Fixtures are not 100% efficient. So by the time the light turns on, the light reflects into the housing of the fixture, the light that you lose, coming out of the side of the fixture, the actual light that hits the ground, you don't have the 9500 lumens, you have about 4500 lumens. You have to take into account the inefficiencies, of just the lamp itself and the fixture. You are not going to get that. I'd be glad to send you some information on the correct data. When you take a lamp by itself, in a room, and you just use that, yes you going to get the initial lumen lamp output as that. And just as an FYI, 90 percent of the fixtures within the city of Houston, the streetlight fixtures, have been converted to LED. Which are, and those lumens, which are 45 watt and about 4600 lumens coming out of those fixtures.

Ron Lindsey: Thank you, I would like the information. My comment is, it should not be less than what the streetlight would produce. And if my calculations are wrong, that's great, it should be whatever that standard is. And, I do think that addressing the City of Houston Community Development requirements is something we need to think about. Either those need to be changed or we need to address that in the lighting requirement.

Scott Cubbler: When you are talking about the multi-family and the light that is being emitted from the building, part of what you are discussing is the impact on walkways. And having a 2-foot candle requirement for the lighting of the walkways, as opposed to the impact that it would have on the surrounding areas. I'm sympathetic about your comments, as it relates to nonresidential side, but if I remember correctly, from our discussion 2 months ago, part of that was the impact, on the street side, but if we have residential communities on the other side of the street, they were being impacted. And that part of the discussion was, impacts on the other side of the street, and not limiting it just to the fact that there's a street there. I am representing the super neighborhood alliance at this point. So, I always want to take it back to the impact that we are having on the residential side of things and don't want to confuse it with the lighting, as it pertains to walkways, and requirements for that.

Ron Lindsey: I just wanted to say that if you have the light on the sidewalk already, the streetlight, it doesn't matter if you have light behind it. The experience across the street, for the single family across the street, is the same. So, I think that is not a relevant argument. You still need to look at, what is the streetlight providing, and that should be the standard.

Lisa Clark: We are not just talking about lighting at the street level. Two meetings ago, we talked in detail about the glare that, not only shines into adjacent neighbors, into their homes, but also into cars, when you are driving at night.

Sandy Stevens: I wanted to confirm that I think the concerns of residents has to do more with anything above 2 stories, that's emanating from these garages. because the light does spill over to residences that are across the street. I think it's important to maintain the perspective that we are not just talking about streetlights that are maybe 2 stories tall and are directed down to the street for lighting of the sidewalks but I think the concern for residents is that as you get higher in these garages, the lighting and its actual impact on residences across the street.

Suvidha Bandi: We already established consensus on this, and I am sharing the modifications. Are there any concerns about the modifications before we proceed to draft the language? The requirement that we just discussed is that the photometric plan and the lights are required to make sure that the .2-foot candle, measured at grade, is not affecting the adjacent properties, especially other residential developments.

Peter Freedman: I was thinking about how we come up with our consensus. I feel that it would be great if we could have a vote or put a different way forward other than just objection on the consensus. I don't know if it's just in the messages say yes or no, but some of these things I don't feel strongly about, that I'm not in full agreement either.

Lisa Clark: The consensus that we get, is not really a yes or no, it's a consensus with the direction that were headed in to write the language for the ordinance. When we get consensus, yes if no one speaks up, and you could count that as a yes vote but we take all comments into consideration and once we've exhausted the comments, talked about the comments and when there's no additional comments then that is consensus of our group that we are at least ready to move on with these proposed changes. Does that make sense?

Peter Freedman: It does make sense but for example with the stairstep I thought that was actually an innovative idea that kind of live up to what the rules were so if you had posed a question, yes or no directly on that I would have said yeah that's a great idea I think that is something we should consider. The same when it came with this screening for dumpster that is invisible from the street, I thought that was also something that was actually a very good idea. It wasn't something I really wanted to, I feel obligated to really take a strong side on but if it was a yes or no, that's the side that I would have been on.

Sonny Garza: Just to remind you all that we are not making the ordinance here. We are just giving direction and then all of this goes to legal and to our technical advisory group to make sure that it's even doable. I want you to understand, none of this is happening in a vacuum, we are not making an ordinance. We are an advisory committee, that's trying to implement the research, that has already been done. So again, as Lisa said, staff is going back and taking everyone's comments in mind and we are forming everything that we are looking at from the perspective of residential. This is not a yeah or nah. We are leaving that to our legal experts, our staff, and our TAG committee to finalize language.

Shawn Massock: On option number 2, when you say garages adjacent to the street, are you referring to only streets that have residential across the street from the garage? Existing residential single family or is it all streets?

Suvidha Bandi: All streets

Shawn Massock: Okay, so even if it's commercial office or whatever across the street

Lisa Clark: That is correct

Shawn Massock: I don't think they have the same expectations as our residential people do with the lights

Suvidha Bandi: The reasoning behind that, is that the light from these garages create issues when you're driving and if they are bright, in your eyes, it creates a glare problem while driving. It's a safety concern. There are a lot of issues with unwanted light and light pollution which we want to mitigate so that's the reason of the proposal.

Lisa Clark: I'm going to assume, moving forward with all the comments, that we've taken under advisement that we do have a consensus.

Conservation Districts Focus Group Report (Roman McAllen)

Existing Character Protection Tools

- Minimum Building Line - Preserves the building line character of a single-family residential neighborhood or block that does not have a minimum building line requirement established by deed restrictions.
- Minimum Lot Size - Preserves the lot size character of a single-family residential area or block that does not have a minimum lot size established by deed restrictions.
- Prohibited Yard Parking - Protects neighborhood property values, aesthetic appearance of the areas and prevents damage to the City of Houston's underground infrastructure by prohibiting parking of vehicles on any unimproved surface (front or side yard) in single-family residential areas.

Historic Districts

Ordinance allowing them adopted in 1993

- Proposed work in a Historic District must meet the 11 criteria established by that ordinance and significant work must be reviewed by the Houston Archeological and Historic Commission
- Majority of existing buildings in a proposed district must be 50 years old or older unless deemed of "extraordinary importance to the city, state or nation for reasons not based on age."
- Requires affirmative response by a minimum of 67% of property owners

Conservation Districts

The Conservation District Task Force (CDTF) recommends to the Livable Places Action Committee that the City establish a framework for creating Conservation Districts in the City of Houston.

Why:

- There are neighborhoods that would benefit from certain aspects of historic preservation that will lack the ability to garner support for historic districts due to the restrictions that come with them
- Historic districts maintain status quo and there are areas that wish to change but need a more modest level of protection

Purpose (You should have received the full narrative)

Key Points:

- To provide a new tool for property owners and residents to protect their community's character
- The CDTF sees potential conservation districts being used as part of future policy tools in the implementation of strategies to address affordability and historic preservation which should rely on incentives more often than regulation
- Historic Districts may be included within the boundaries of a Conservation District
- Conservation Districts will be tailor made solutions to the preservation challenges as seen by the residents who seek to establish the districts

A district could also be, according to the committee, a very small number of properties. We didn't put a lower limit on it. One could imagine a significant cemetery, with a few properties right around it that the neighborhood wants to protect.

How would you make a Conservation District?

Recommended Conservation District Creation Process

- Submit application to City of Houston to include map, significance of area, etc.
- City reviews and holds public meeting
- community input opportunity #1
- City notifies residents informs residents and provides voting ballots
- Community input opportunity #2

Does the Proposed District and what they wish to regulate include demolition (height?)

YES

- Requires approval by 67% of tract homeowners
- Staff may work with applicants regarding proposed district boundaries to achieve adequate support

Does the Proposed District and what they wish to regulate include demolition (height?)

NO

- Requires approval by 51% of homeowners
- Staff may work with applicants regarding proposed district boundaries to achieve adequate support

If the Approval percentage is met

- HAHC* holds a hearing and informs public with notice provided via signs, newspapers and mailed notice
- Community input opportunity #3
- HAHC recommends approval (or not) to City Council
- Community input opportunity #4
- Approval percentage cannot be met
- Proposed Application Fails

Recommended Certificate of Appropriateness (COA) Process

Submit application

Does the application involve CD* protection level 1& 2

non-binding or binding, but demolitions allowed

- City staff reviews and issues either a non-binding recommendation or COA*
- Applicant applies for building permit

Does the application involve CD* protection level 3

demolition protections

-
- City staff review and makes a recommendation to the HAHC
 - HAHC reviews at regular meeting and issues COA or denies

Did HAHC approve the application

Yes - Applicant applies for building permit

No - Applicant may revise plans and resubmit, appeal, or withdraw

Committee Discussion:

Mike Dishberger: Personally, I'm in favor of a conservation District, the problem is just how to make it work. 51%, even with the demolition allowed, just seems like a low bar. I've watched what happened in the historic district where they grab large sections of empty land and throw it in there. That homeowner or landowner just doesn't have a shot to stay out of it in because you get the area. It sounds like historic a bit. I, as a builder just stay away from historic. And if it was a conservation district, I would probably just stay away from it. That's not what I do. But I would probably just build all around it. The kick back would be people that do own some land. I saw some question about, is it homeowners, is it landowners. Obviously, it must be landowners. They are the ones who own the property, you can't take their rights away. Again, I'm actually in favor of this, but I'm racking my head, on how do you make this work. Because you must have a big area. It cannot be 1 or 2 lots or even a block face, that you're looking at. Maybe the committee came up with this.

Roman McAllen: Those are very good comments Mr. Dishberger. Let me just see if I can address a couple of them. There was a question about the size. The focus discussed this intentionally, how small an area could be. The committee didn't feel that it necessarily needed to be a big area, in fact it could be a small area. What we are calling the pilot area might be a part of Freedman's town, for example or a part of independence heights. When you get back to the kind of examples like Northeast Houston, there could be a block or a few houses close to one another, that still have their architectural integrity, and those owners feel unified in protecting the history of that particular neighborhood and they feel tied together for different reasons. They might apply for a very small conservation district. So, you could still develop around it. When you think of the question of value, there a lot of studies that show that the values of land in historic district are traditionally going up by a little more percentage than in areas that don't have districts. It's a community led effort. To address, who could apply, it was important to the focus group, that even residents, of an area, could apply. Task force was very concerned with the affordability. So, the remaining neighborhoods that haven't been tremendously redeveloped are neighborhoods of lower social economic status. Those neighborhoods are the last remaining core neighborhoods, which are important to our work force and many others.

Mike Dishberger: I agree on the affordability. I'm all over it. I'm on some other committees and we do, everything as builders, to try to keep affordability. I do respect some of your points. To me, a district is a bunch of homes. What a bunch is I can't tell you. But honestly, I can't see someone having one home and making a single district with one home. They could keep their home and not sell it and fix it up or do whatever. I just think you need to have more and what that number is, the committee here can decide. I am sure there will have to be some minimum on that. That's all I was getting at. It's the details and how it's done that I don't understand. What is on page 10, is what they are requiring. Historic districts are pretty difficult to build in. I sense this will not be as hard to build in.

Zion Escobar: I am the Executive Director of the Houston's Freedman's Town Conservancy. This will go a great way to helping us with many of the historic problems that the neighborhood has suffered from and give us the tools to do something unique and different to preserve the character, and to regulate things, as we go forward. We want to encourage development, affordable housing, and additional single-family homes, and this gives us additional tools in the tool kit to work with developers in doing this the right way. Thank you all for your effort.

Megan Sigler: I have a question regarding the residents being allowed to do applications. Can you just touch a little more on what that meant and what the role would be in preparing the application, but the homeowner would still have to sign?

Roman McAllen: We'd have to work out the details but the point being made in the application process is that some people, in some areas, haven't had a voice. So, we need to be cognizant of that. When we have a national register District like Freedmen's Town, which we still have, there are some benefits there financially. That is one of the reasons why we were thinking that it would be important to recognize the residence.

Minnette Boesel: This is a topic that's come up, a multiple times, by a number of Commissioners, over the last few years, to be used as a tool to protect areas such as Freedman's Town where they are losing their character and their historic resources. The neighborhood wants to maintain its sense of character, it's sense of place, it's sense of importance in terms of historic memory. It's scale, its massing. And this tool can help do that. There are areas like this, that don't have the density of qualifying historic resources and this tool can help maintain its sense of character and place. We are really thrilled, that this is coming forward.

Sandy Stevens: Roman, I just wanted you to clarify. so far, the discussion has revolved strictly around historic areas that don't quite meet the criteria for applying to become a historic district. however, during the conservation district meetings there were a number of other criteria that a community can use to gain or to apply for a Conservation District status. Can you expound on that a bit, please?

Roman McAllen: Sure, that would be the areas of cultural significance. So, if we have, like in certain areas, a cluster of museums and, there's an older property mixed in. It could be a cultural significance. It could be an area that is significant due to historical reasons, or archeological reasons, or cultural significance, or Community Pride, or civic pride. These are also in the historic district criteria. The narrative has the full list of those reasons that are acceptable for the establishment of a district, but it leaves it to the people of a neighborhood, for example like Frenchtown, in Fifth Ward, where they are unified, even though it is a very small area.

Curtis Davis: I just wanted to reinforce the distinction around the Conservation District and the historic district. One of the values of the Conservation District is that it is a tool to help recognize value in the city that goes beyond just the monetary component of the value, that the cultural and social fabric of the city needs to also be understood and recognized. I won't go into the whole history but I think the Conservation District provides a tool to help us better understand value in the city, beyond the economic component of value.

Minnette Boesel: I think we need to look carefully at the percentage of 67%. that is a very very high threshold bar to reach. When the preservation ordinance was changed in 2010, under Mayor Parker, it went from 51% up to 67. We have only had, maybe, two or three historic districts added, since that time, because the bar is so

high. So, we don't want to start a program that is hard to reach. I think that percentage level needs to be looked at carefully.

Roman McAllen: That does raise a question for me chair. We have the 67% when the neighborhood is protecting against demolition. Should that also include the regulation of height. We don't have, heights, where we have the 51%. Do we have to lower the bar, for what I think could be a lot of the districts? I am concerned, because, I could see someone building these districts around a few significant structures. Where the neighborhood wants to save them, but maybe the owner doesn't. The owner just wants to sell for land value. A good example is an old church. We have old churches that are just owned by people, they are not owned by Churches out right, so the question can be one of height or demolition. Does it seem appropriate to have two levels? Should there be a percentage of buy in?

Lisa Clark: This is a discussion that has to go to legal. We certainly don't want to set the bar so low, that we take people's property, or that we make it easy for their property to be taken. Director Wallace Brown, do you have any additional comments on that. I think that's the direction we should go.

Margaret Wallace Brown: No, I think that's an excellent direction. I think that we'll need to work through a lot of these questions but I think the best way to do it is to actually, go through some drafting of the language, and seeing the holes, and seeing the overlaps, and then seeing where we might want to come back to the committee for additional conversation. And I think moving forward, assuming we've got your concurrence, at a relatively fast pace on this would be good.

Lisa Clark: I believe we have a consensus with the understanding that a few issues will be addressed by working with legal and working through the process of drafting the ordinance.

Megan Sigler: Are you asking for a consensus on the 67%?

Lisa Clark: No, it is to move forward as it was presented with the understanding that we were going to work through the two different percentages and a few other things, that have been brought up to considered in the draft. We will bring the draft back to run by the committee.

Luis Guajardo: I'm curious to see more details. I think this is a very noble effort, especially around demolitions. I think there could be a lot more done in this city in general, ahead of time, to be able to preamp some of those things, and be able to know, how we might preserve more affordable housing stock. I have some questions around, how the task force has grappled with the topic of affordability. Given the number of studies, cited by Roman, we tend, typically in historic preservation districts, to see a rise in property value. How are we going to grapple with affordability? And on that front, there are possibly, competing goals in the city as to how we grow. I think the mayor has touted growing up and not out and so, I think the geographic location of, once you start accumulating conservation districts, in addition to deed restrictions, and addition to minimum lot sizes, can really start to impair the supply of land for future Houstonians. As we are growing to be a region of 10 million residents by 2050, how are we going to accommodate with that growth. And how are we going to have to deal with that growth. Is it going to be growth that is occurring in areas where it is transit rich and where people have multiple modes of transit and transportation to get around? So, I think there's a lot of different goals in the

Climate Action Plan and Resilient Houston that may be in slight tension with some of the goals from the task force, and how do we balance that as a committee. I just want to say that I think this is a great effort. And I'm really interested to see how we can tackle that and take that head-on, acknowledge where the contradictions are, and how we may work through them for the betterment of a policy that is smart and aligns with all the goals that the city has outlined before.

Sonny Garza: Freedman's town was brought up earlier in the discussion today. Because the historical ordinance at that time allowed for demolition after I believe 90 days, we lost all of Freedmen's Town architecture. When you lose that architecture, very often not only do you lose, the feel of a neighborhood, but you also lose the opportunity to have local housing at a reasonable rate. If I was a developer, I would be building to maximize my revenue on housing. So, I think we need to take a good hard look at demolition being allowed in these Conservation Districts.

Margaret Wallace Brown: May I add something to that, and to partially answer Luis's questions also. This committee is specifically oriented towards the build up not out concept. But building up not out does not necessarily mean that we need high-rises in every corner of Houston. What we expect, and what we believe is valuable to Houston, is that we have a variety of housing types that are available to Houstonians across all price points, across all ages, across all styles and development patterns. One of the things that these Conservation Districts might do, is to allow the neighborhoods that don't necessarily have the rich architectural history in place, but still have a personality to maintain that personality, particularly if they are older structures, we might be preserving more affordable housing that is already built. The greenest building is one that is already built. And so, that does not conflict, at all, with the Climate Action Plan, but it does address, the naturally occurring affordable housing that can be found throughout our community. And I think as this committee unfolds, more and more work that we're doing, we're talking about accessory dwelling units, small scale multi-family and so forth and so maybe in a Conservation District, garage apartments are encouraged, which could bring in a different price point of housing. So, I don't see these as being contradictory or competitive in any way. I see my goal from the planning departments perspective, is for this committee to be looking at any number of ways to provide a larger variety of homes, that are available to Houstonians.

Lisa Clark: Thank you that's a really good clarification of what we're doing. I am going to assume that we've covered all comments and questions and that we're going to move forward with consensus and look forward for the first draft of our conservation districts.

Homework Activity: Please log on to Let's Talk Houston (www.LetsTalkHouston.org/Livable-Places) and participate in the interactive activity called Residential Buffering Ordinance and the proposed amendments survey. Also please read the articles. Think about questions you might have to help you as the committee considers ordinance recommendations.

Next Meeting

May 18, 2021 – 3:00 to 5:00pm

Public Comments

Barbara McGuffey: I think you all have done a really good job of representing the residents. We didn't get everything we wanted, but we got a lot and I hope that we can continue to move forward with where we are

and not have anything removed. Also, one concern I did have is, it's still unclear to me about the transit corridors, and the major thoroughfares where they are backed up to residential properties. So I would ask that you all just make sure, to go and look at that again. I think that the way that you've written the garage screening, that it will apply to the people on the back side of a block.

James Evans: I agree that the 3500 square foot restriction needs to go away. We're currently having to deal with a predatory development right now and are learning firsthand, some of the difficulties and challenges with the buffering ordinance. And one of the pieces that I didn't hear any real discussion about was the issue of either requiring a majority or 60% of the property line. Which I don't really understand. It would seem, if there's a residential property adjacent, then the buffering ordinance should be enacted. In reality, if you happen to be under the 60%, or not in the majority, then your property is totally thrown under the bus by a development that could be several of hundreds of feet tall next to you. We've also run into the issue where when is this ordinance enforced, and by whom is it enforced. Is it during the platting process, or is it during the permitting process. I would suggest that it really needs to be enforced at both points in time, because certain properties might be platted 5, 10 or 15 years in advance of actually doing a building. I think it is an important factor to consider.

Muxian Fang: When the ordinance was created the reason for the 60% was to take into consideration, like for an example, if an abutting development, its property line is about 300 ft but only like 10 or 20 ft abutting single family and that requires a 30 ft or a 40 foot buffer along the side of the whole property line. It may not be fair for this abutting development and so that's why the ordinance grading is 60% and we carry this same percentage.

James Evans: I guess that is the real concern is, that that assumes, that you have to have a uniform set back or buffering ordinance along the entire property line. And that's really where the problem comes in because, there's no reason to say that you can't enforce a buffer ordinance along a portion of that property line. Additionally, defining what that property line is, and what determines a single property line is not clear because you may have a faceted property or a curved property. And so the definition of, what is 60%, what is the majority, is really not clear in the ordinance in any way.

Hannah Curry: I can appreciate wanting to provide districts as an option for areas that do not have sufficient architectural integrity. Is there a way that we are going to ensure that the Conservation District option, does not undermine existing preservation in a way that particularly wealthier areas that do you have the architectural integrity and the financial means would choose to do a Conservation District because it's easier, not because it's the only preservation option available to them. And I like the idea of opening preservation options to other communities, but I'm really not thoroughly clear on how this benefits the city's preservation beyond allowing for more you know cultural districts that lack the architectural integrity currently required under the ordinance.

Melissa Beeler: I totally agree with the comments before around balancing developer interest with other values in our city and that being the main purpose around the Conservation District idea. I also want to acknowledge and appreciate those who have been participating in the focus groups. Are there any meeting summaries, or write-ups, about those focus groups? That would also be really helpful for me to catch up on this idea. I wanted to echo Luis Guajardo's ideas on not contradicting ourselves when we're developing this tool. Thinking about Resilient Houston as a way to guide our development. The draft recommendation one-pager mentioned that the

standards and incentives may include things like FAR, minimum lot size, setbacks, height incentives. All of these are the things that we also would want to consider in density bonuses to encourage missing middle housing types in neighborhoods. So, I want us to be really specific, and deliver it intentional, as to how this policy or this framework that we're going to develop, will address affordability and thinking about those other tools that we have in our toolkit. So that they do not conflict with each other. I think we really need to think about the context of where this tool will apply. Lastly, my last question is how would you like for us to provide comments and feedback. Should we go to last talk houston, or is there a direct email. The conservation district tool may be easier to get than a Historic District, but CofA Process is the same. I'm concerned about the CofA process and accessibility. Please ensure that robust outreach, engagement, etc. is considered and articulated when writing the framework. Please ensure the equity of the process, citations, and costs associated with the CofA process and that communities that need the help get the help.

Suvidha Bandi: Through the let's talk Houston, there is a comment page, where public can comment and provide feedback. And I think we can have the conservation districts document also, to get the feedback like we're doing for the buffering regulations. But I will need a couple of days to accomplish that. And all of the focus groups meetings are available online on Livable Places webpage. They were virtual meetings and the recordings are available on our webpage.

Tonya Debose: I support this effort to try and help communities, that may not have the architectural standing but do have a cultural, as well as historical assets, within their communities. And I just wanted to make sure that we go on record supporting that. With this new Emancipation Trail coming, it is imperative that we try to find tools and ways, to be able to preserve these communities that don't have tools to help themselves, or preserve themselves. So working in independence heights, where we have Starkweather historic district. These types of tools will be tremendously helpful in us being able to preserve, so that people might be able to experience history and culture in its authentic environment. I also want to just speak to the fact of conflicting things. Every ordinance that we make in the city, conflicts with something. And I hope that we can meet, and the city council and others, can work together and make sure that this doesn't lose its umph. And make sure that it protects and continues to keep the intent that it was established under.

Mark Williamson: I have a couple of observations. Back when we were talking about lighting spilling out of parking garages it certainly is reasonable to allow for the entrances and exits to spill some light but wording that was mentioned at the time it seemed to imply that perhaps all of that ground floor might stay unscreened, and I want to have that as tightly restricted as possible to the actual entrances and exits and that the light be controlled there.

Lisa Clark: Yes sir, I believe that was the intent and maybe I might have confused you, but I was referencing the actual driveways in and out not being able to screen those. We'll make sure that we look at that.

Mark Williamson: Also somebody made a comment that 51% seems an awfully low bar. Having been involved in a number of efforts to get people to respond to such things at all 51% is high 67% is incredibly high. Absent anybody saying no, or significant nos, 60 versus 10% of opposition should be considered more than enough.

Meeting Adjourned at 5:43pm