



## **Meeting Notes**

**June 7, 2022**

### **Call to Order**

Recording started by Tamara Fou.

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

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

Mr. Sonny Garza, Co-Chair, took the roll and presented the speaker rules. 13 committee members were present during roll call. There were 60 participants.

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

- City Council approved changes recommended at onset of this work (technical amendments)— changes can be found at [houstonplanning.com](http://houstonplanning.com)
- Major Thoroughfare & Freeway Plan meeting will be virtual on June 15<sup>th</sup> from 5:30-7:30 p.m.

**Meeting Agenda:** Tammi Williamson introduced the agenda items for the rest of the meeting.

- Announce Transportation Focus Group
- Changes to Previous Recommendations
- Reserves
- Other Chapter 42 Changes
- Homework Activity & Next Meeting
- Public Comments

### **Transportation Focus Group**

**Aracely Rodriguez:** We're organizing up a stakeholder group to focus on transportation related topics. Focus group recommendations will be presented to the Committee on August 9<sup>th</sup>. Topics include:

- Lot access to collector streets
- Cul-de-sac length requirements
- 150 lots with one point of access
- Intersection spacing requirements along collector streets
- Maximum intersection spacing between two through-streets

### **Transportation Focus Group Questions? Comments?:**

No questions/comments.

### **Changes to Previous Recommendations:**

**Tammi Williamson:** We've made some minor changes to parking and narrow-lot development recommendations since our last meeting.

Two parking-related recommendation changes:

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- Maximum unit sizes that qualify for reduced parking for Multi-Unit Residential (MUR) and Secondary Dwelling Units have increased to 1500 SF. **Strikethrough text highlighting unit size changes.** See recording.
  - Market-based parking will also be allowed within a ½ mile of blue route stops within Opportunity Zones. **Maps highlighting blue routes and Opportunity Zones.** See recording.

One narrow-lot-related recommendation change about creating lots less than 40' wide. The property size phrasing has been simplified. **Strikethrough text highlighting phrasing changes.** See recording.

**Changes to Previous Recommendations Questions? Comments?:**

No questions/comments.

**Reserves Chapter 42 Changes:**

**Tammi Williamson:** A reserve is defined in Chapter 42 as “a parcels of land that is not a lot, but is created within a subdivision plat for other than single-family residential use and is established to accommodate some purpose for which a division into lots is not suitable or appropriate.”

Current requirements for Compensating Open Space (C.O.S.) reserves:

- Can be used to reduce lot size below minimums
- Can NOT be used for:
  - Areas designated for lots, utility/storage purposes, or carports/garages
  - Driveways or roadways
  - Private medians less than 12' wide
- Include a maximum size of 240 SF, with dimensions of 20' x 12'
- “Shall be accessible to all of the residents of the subdivision”

To ensure more usable C.O.S. reserves, we're recommending revised language. **Graphics highlighting how C.O.S. reserves are being designated today and how they should be designated going forward.** See recording. C.O.S. reserves will be required to:

- Be truly accessible;
- Not be on the perimeter outside the subdivision fence; and
- Be a common green space instead of 12' landscape strips.

We're also recommending changes to recreation and parking reserves. **Graphics demonstrating changes to parking and recreation reserves.** See recording. Recommendations include:

- Recreation reserves will also be allowed on Type II PAEs and shared driveways, within a minimum frontage width of 50'
- Parking reserves must be accessible to most lots, and NOT located along a public street for safe turning maneuverability

**Reserves Chapter 42 Questions? Comments?:**

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**Neal Dikeman:** Question on the first one. It looks like you're trying to solve the problem of putting grass outside a fence in a way that is not useful to a subdivision. Why are applicants doing that in the first place? Is there something in development restrictions or requirements causing applicants to put fences in those locations?

**Tammi Williamson:** That is largely driven by design decisions. Applicants sometimes use C.O.S. this way to accommodate monument signs/landscape buffers/other things they want to include in spaces along the perimeter.

**Neal Dikeman:** Is that going to "cost" that development twice? As in putting setbacks/buffer outside, and also a C.O.S. inside?

**Tammi Williamson:** Oftentimes C.O.S. inside a site is separated into smaller reserves from "leftover" pieces, which can work but can also be just as bad.

**Neal Dikeman:** I'm concerned it will reduce effective density.

**Sonny Garza:** Neal, I know we've got Mike and Lisa who may have insight into this and can speak to it.

**Neal Dikeman:** No thanks, my point is made.

**Mike Dishberger:** 3 comments. First, what is the minimum lot size to trigger C.O.S.?

**Tammi Williamson:** In the ETJ its 5000 SF, in City it's 3500 SF.

**Mike Dishberger:** In the first drawing, I see what they're doing. The purpose of C.O.S. is for compensation but also beauty (trees, trails, etc). It seems like an enforcement problem with the fencing, as there is no inspection for it. These changes will be very hard to put into writing. We need to see language on it before deciding. Second comment – question of parking being accessible. I would say most lots need parking to be accessible, but putting it in writing could reduce flexibility, and will also be hard to write up. For example, some projects in Acres Homes are on 570' deep lots – is that accessible? We need to see the language on it. Maybe allow an exception for some portion of parking spaces (1 out of 6?) to be less accessible. Third – I see on the picture how it's hard to access property line-adjacent parking spaces, but property line and street edge aren't the same. Most setbacks provide sufficient room to maneuver, so I don't agree with this recommendation. Maybe forbid fences from being that close, not parking reserves.

**Lisa Clark:** In the first example, I see verbiage in your slide "no compensating open space on the perimeter." I don't agree with that. Could be valid reasons for C.O.S. on the perimeter – buffering against busy road, etc. I do agree that those perimeter C.O.S. should be accessible and usable. But in some instances, perimeter may be the best option – I don't want to see loss of trees and beautification efforts in the City and in the ETJ.

**Sonny Garza:** We know what we don't want, we just need to figure out how to put what we *do* want into language.

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**Omar Izfar:** I wanted to piggyback off Lisa and Mike. I like what the City is trying to propose, and agree C.O.S. needs to be accessible. My perspective is that platting regulations should be extremely objective. Words like “accessible” are subjective. For example, offsite parking rules say, “parking must be this close to the use intended to serve, and here’s how we measure it.” Rather than words like accessible, there should be a metric one can use. For example, “all lots in a subdivision proposing to use C.O.S must be XX distance from a minimum amount of C.O.S., reachable with XX type of pedestrian route.” Performance standards with objective metrics could allow workable perimeter C.O.S. instead of banning it outright.

**Scott Cubbler:** Hearing Omar’s comments, and to add to discussion of C.O.S., we also need clear performance standards to ensure that what people place in C.O.S. is usable – both technically and *actually* usable (not just a 3’ wide pathway, for instance).

**Sonny Garza:** I like what you all have said about performance standards and making a “buffer” usable – I want to open up this discussion. What about something like, “if you provide amenities to X level, then Y percentage of buffer counts as C.O.S.”? What does the subcommittee think about it right now?

**Tammi Williamson:** As an FYI, this is called an open space amenities plan and it’s included in the current ordinance, but only required in conjunction with C.O.S. in very specific instances. It includes a list of specific amenities to choose from.

**Sonny Garza:** My question is, when we see an exterior strip with no amenities, do we marry those two things together and apply limited amenity requirements to instances where they don’t work?

**Neal Dikeman:** What are we trying to solve? It seems to me that if one is trying to create internal communities, it’s great to have interior C.O.S. with amenities. If we want communities to integrate together, wouldn’t exterior C.O.S. with amenities/trails would be better? Is there a specific issue we are trying to address with this rule change, or just thinking through what might be good?

**Tammi Williamson:** We’re trying to get back to the intent of C.O.S. When reducing lot size, one takes away green space from that single property, and C.O.S. is to *compensate* for the lack of green space on a smaller private lot by providing shared green space in the public space instead. That green space *should be* truly usable, not just a landscape buffer. Those buffers are fine, but are not the intent of C.O.S.

**Neal Dikeman:** That makes sense, but it’s challenging. I could see many reasons why you would want the perimeter to have that open space. I still worry that this will force people to just do buffers *and* interior C.O.S.

**Jennifer Ostlind:** One problem we’ve seen (especially in smaller subdivisions) is that exterior “common” space gets fenced-off and lost, and abutters absorb it into their own yards. This is partially an enforcement issue, but we really can’t quite enforce that.

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**Scott Cubbler:** It would be useful to understand the legal definition of word “usable” in this case moving forward.

**Omar Izfar:** I do think it’s difficult to define something like “usable,” and the current ordinance uses the word “accessible,” which has led to debates during plat approval. In my view this reinforces the need for performance standards for C.O.S. (metrics, distances, etc.).

**Dipti Mathur:** This is on the discussion today because C.O.S is an option for lot size reduction. While C.O.S. is allowed in the ETJ and City, it is mostly used in the ETJ. The intent was to provide common open space which remains dry and flat to be used by an entire subdivision. We have seen many variances at Planning Commission regarding “accessibility” of C.O.S. Maybe we should write and/or clarify minimum standards for size and distance for accessibility and usability of C.O.S.

**Lloyd Smith:** Dipti, I’m glad you mentioned difference between City and ETJ. With the next update, could you explain these differences in more detail and the rationale behind them?

**Sonny Garza:** Tammi would you explain amenities plan more?

**Tammi Williamson:** In the current ordinance, it is spelled out that an open space amenities plan is required for C.O.S. in floodways/waterway/drainage ponds/ravines, areas that are not flat and dry, or when combined with recreation/community structures (buildings).

**Sonny Garza:** Obviously what’s not on that list is perimeter C.O.S. – couldn’t we just add that as a case where an amenities plan is required? That way exterior space could still be used as C.O.S., but it would force an amenities plan to be put in place which would become enforceable.

**Tammi Williamson:** That could work – it would be enforced by City or County permitting group (in ETJ), and recorded with the plat.

**Sonny Garza:** You opened this asking for consensus, but I think it’s too early for that.

**Curtis Davis:** Defining what “compensation” means is important – that is, what makes a lot size smaller than what is expected for quality of life? What are the activities that we seek to compensate? For not-completely-private activities (picnic areas or a garden), C.O.S. could be truly usable. Because of the variability, it might be helpful to have examples of what is “compensating” and not an exhaustive list. Could be a dog walk, could be other things – we could define examples of them.

**Mike Dishberger:** It dawned on me that at our last meeting we had a nice picture of a courtyard project. Everyone does 60% rule most of the time, but may not be possible on a courtyard project, where you require C.O.S. Maybe on projects like that (one big courtyard), carefully defined, the ratio of required C.O.S. could go down to reflect the quality of that shared space – it may not be possible to do small lots and hit the 60% rule. It

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may be hard to define, but builders/developers need definitions. Have you looked to figure out if courtyard-style projects would be able to fit C.O.S.?

**Tammi Williamson:** For courtyard style, common area would be subject to a performance standard, and with no minimum lot size there would be no need for C.O.S. Project would simply need to meet minimum requirements in the proposed courtyard-style rules.

**Sonny Garza:** To summarize, Neal asked “are we doubling the C.O.S.?” Mike was asking about language of the ordinance. Lisa talked about the benefits of perimeter-style C.O.S. – we may follow up with you about what those amenities look like, which can beautify and provide other benefits. Omar wanted to quantify, get metrics. Scott talked about predictability and standards. Lloyd asked for a refresher on and consideration of the distinction between ETJ and City re: Chapter 42 standards.

**Tammi Williamson:** I will come back at the next meeting with answers to questions on proposed changes to reserves.

**Neal Dikeman:** Question on recreation reserves and attempting to not limit it to existing street. Do you care where it is if there’s a footpath to it? Isn’t that the goal? Why is there a need to touch *any* street?

**Tammi Williamson:** Recreation reserve is intended for larger facilities (vs. open space reserves), so having an abutting *something public domain* for access is the goal to prevent folks being locked out.

**Neal Dikeman:** But do you need car access to these amenities or pocket parks, especially in smaller subdivisions? Basically, are we going far enough on this?

**Tammi Williamson:** Pocket parks and playgrounds can be platted as OS reserve, with no frontage requirement. A recreation reserve is only for much larger/more intense things. If it were just a footpath, what land would that traverse to give access to the reserve?

**Neal Dikeman:** A footpath is much easier to fit into a new development than a new street, for example. I like this effort, but does it even need a secondary street, or wouldn’t *any* access accomplish the objective?

**Sonny Garza:** The current ordinance is much more restrictive – today we’re trying to add more, less restrictive, frontage types. Dipti?

**Dipti Mathur:** We are just wanting to expand current requirements, make them less stringent. This change would allow for recreation reserves in Type II PAE/private street projects, which is currently not allowed. Since these are larger areas, they typically require access for maintenance vehicles and/or parking. But maybe not all lots need access, per Neal’s comment. Just the recreation reserve itself requires access from a PAE.

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**Mike Dishberger:** I often end up putting these areas at a corner cul-de-sac or at the end of a T driveway. If revising to allow access from shared driveways, I would recommend a minimum frontage of 28' – that's the width of a shared drive and would allow siting flexibility.

**Tammi Williamson:** The last reserve type is parking reserve.

**Sonny Garza:** The parking reserve question is a matter of where parking reserves are required to be located – should we walk through one at a time or just open the floor? Tammi, what was minimum distance on this?

**Tammi Williamson:** No hard number recommendation, just not allowed immediately adjacent to the ROW.

**Lloyd Smith:** Help me understand the problem we're trying to solve. Visitors here are backing out into a local street, maybe just a few throughout the day. What's the issue with that?

**Tammi Williamson:** A potential five-point turn is being required to enter or exit a parking space, especially when accessed from major thoroughfares. Also, we're making sure that parking isn't placed where a future sidewalk will need to go - specifically with sidewalk easements on private property.

**Lloyd Smith:** The example you gave is on a divided street with the one-way U-turn issue – that's a small subset of public streets. I'm not sure that concern applies to most public streets. Maybe we should only apply to certain classifications or geometric configurations of streets, something with distance requirements or less all-inclusive.

#### **Other Chapter 42 Changes**

**Tammi Williamson:** We're also recommending changes to other portions of Chapter 42. **Graphics and diagrams demonstrating other Chapter 42 changes.** See recording. These recommendations include:

- Simplifying Public Hearing with Notice (PHN) plats
- Reducing lot width minimum requirements on shared driveways under specific situation to 16' instead of requiring lot width averaging

**Sonny Garza:** Basically, this is streamlining both for applicants and for review staff.

**Lynn Henson:** We're also proposing some technical amendments to Chapter 42 sections related to Special Minimum Building Lines and Special Minimum Lot Size Ordinances. Strikethrough text highlighting phrasing changes. See recording.

#### **Other Chapter 42 Changes Comments? Questions?**

No questions/comments.

#### **Homework:**

**Lynn Henson:** Visit Let's letstalkhouston.org/livable-places to:

- Watch Stewart Hicks' YouTube video, "This is What Makes Good Cities Great"
- Provide input

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- Spread the word

**Next Meeting:** July 12<sup>th</sup>

**Public Comment:**

**Mark Williamson:** I am consistently having a technical issue with these meetings – can't access Teams chat. While we're revisiting special minimum lot size, is there any way that can we fix the 'glitch' which allows old minimum lot-size blocks with no land use component to override newer minimum lot-size areas which do include a land use component? This has caused some problems in the Heights.

**Tammi Williamson:** I'll look into it.

**Melissa Beeler:** I'm with Air Alliance Houston. I appreciate everything and am glad that Lynn went over requesting a presentation for community groups. Would love to see a full engagement timeline or overview. I believe last month you talked about phasing into full engagement for the initiative over the summer, and want communities to be aware of how they can engage. I appreciated the question of "what problem are we trying to solve?" I hope that community presentations can help crystallize that. I think community voices could help us get to more decisions on the various topics being discussed.

**Sonny Garza:** With no other speakers, this meeting is adjourned.

**Meeting adjourned at 4:25 p.m.**