

Responses to Super Neighborhood Alliance Comments

In the spring of 2012, The Super Neighborhood Alliance submitted to the Mayor and several council members comments to the proposed Amendments to Chapter 42 of the Code of Ordinances. The Alliance has further refined their statements by adding draft language for changes. The Planning and Development Department participated (like many Council Members) in a 1 block walking tour of the Old Sixth Ward. Issues were raised relative to enforcement of private no parking signs in the public street, illegally filling in ditches, projects that lacked sidewalks, and obstructions of sidewalks with utilities, signs and garbage cans. These issues are mostly enforcement issues and fall outside the scope of Chapter 42. However, the information that they provided is helpful to the City to look for gaps and improvements to City enforcement and processes.

1. Extend the “urban area” to Beltway 8 in stages, over say a three-year period, prioritizing development in transit and declining commercial corridors, brown fields, obsolete multifamily tracts, and larger vacant areas.

As currently proposed, the amendment to Chapter 42 will take place in two stages. Immediately upon passage by City Council, the sections relating to Special Minimum Building Line (SMBL) and Special Minimum Lot Size (SMLS) requirements will go into effect. Then six months later, the remaining amendments will become effective. This staging will allow neighborhoods an opportunity to amend their deed restrictions and establish their SMBL and/or SMLS character in advance of the other changes. During this time, the City will work closely with the neighborhoods to teach and train them in these activities and to prepare for the remaining changes to this Code.

Following this initial six-month period, the amendments will remove the “Urban Area” designation and establish optional city-wide performance standards for single-family residential developments and reduced building lines along major thoroughfares with a planned right-of-way of 80 feet or less.

2. Improve Drainage by making storm water management and adequate infrastructure an integral part of every project, and by phasing out the “grandfathering” of drainage exemptions, which shifts flooding burdens to taxpayers and adjacent property owners.

Chapter 42 is not the part of City Code that addresses drainage. Drainage requirements are found in Chapter 9 of the Public Works and Engineering Infrastructure Design Manual (IDM), Chapter 19 of the City’s Code of Ordinances, the 2010 Harris County Flood Control Policy Criteria Manual (PCM) and Appendix E of the 2006 International Building Code.

As a matter of practice, the Planning & Development Department coordinates plat review with the Department of Public Works and Engineering (PWE) and Harris County. The implementation of **Plat Tracker**, the City’s new online plat submittal application will increase the transparency, and decrease the time required, for this coordination.

A recent version of the Super Neighborhood Alliance comments provides recommendations on specific changes to the IDM. PWE is currently reviewing these recommendations and making amendments to Chapter 9 of the IDM. It is expected that the proposal will be complete by July, 2013.

3. Adopt modern urban street standards, or “complete streets,” designed for all users— motor vehicles, pedestrians, bicyclists, persons with disabilities and car parking – unimpeded by obstructions such as utility poles, fire hydrants, and random signs. Attractive, well-designed streets can be strong incentives for new investment in the city.

While the Administration agrees with the concept of a more walkable street, Chapter 42 is not the correct vehicle. As it relates to streets, Chapter 42 only ensures adequate street right-of-way based upon the City roadway design. It does not address roadway design or the placement of ancillary items such as sidewalks, utility poles, hydrants or signage.

The placement of utility poles in rights-of-way are allowed, and regulated, through Franchise Agreements with utility companies. While these agreements give the utility authority to place a pole (or similar item) in the right-of-way, the placement is subject to City regulations and approval must be obtained by PWE prior to the installation. PWE is currently working with utilities to improve the review/approval process. In addition, CenterPoint has agreed to open discussion on criteria for burying utilities. Those discussions will begin shortly.

The Planning and PWE Departments are working on a Complete Street and Transportation Plan, independent of Chapter 42, that examines the potential future growth of an area and recommends the appropriate street configuration to accommodate such growth and a variety of modes of transportation. This plan will result in revisions to the Major Thoroughfare and Freeway Plan and Policy, as well as the IDM.

4. Keep public rights-of-way public, walkable and “green” by protecting trees, landscaping and adequate sidewalks. Private uses such as utility meter boards, gang mailboxes, and trash receptacles, and excessive curb cuts, should be prohibited. Wider, attractive sidewalks should be a priority in a car-dependent city like Houston.

As with the previous suggestions, this one is not found in Chapter 42. The regulation of roadway cross sections, the location of utilities and curb cuts, trees and sidewalks are all found in other Chapters of the Code, as well as the Building Code and the PWE Infrastructure Design Manual (IDM).

The proposed amendments to Chapter 42 include the requirement of an Existing Conditions Survey for proposed single family residential subdivisions. This survey will help reviewers identify such intrusions into the ROW early enough to resolve them, as well as determine potential site layout problems prior to the building permit process. The Planning & Development Department will shortly begin discussions with Centerpoint and the US Postal Service to develop standards to ameliorate the appearance and location of utility meter boards and gang mail boxes.

5. Manage Solid Waste responsibly by requiring sufficient space for garbage bins and recycling pick-up, without compromising on-street parking, drainage and sidewalk functions.

While Chapter 42 requires the filing of a “solid waste collection plan” that is reviewed by the Solid Waste Department, it is Chapter 39 that sets forth the regulations. The Departments of Planning and Solid Waste Management are currently reviewing these regulations and expect to have proposed amendments within six months. The Administration supports requiring an applicant to show the location and proposed method of screening of bulk containers on a Development Plat, and this will be included in the amendments. Proper screening of bulk

containers is enforced by Solid Waste. Increased enforcement of the improper placement of dumpsters will be pursued and is the responsibility of the Solid Waste Department.

6. Limit Lot Size Averaging to entire blocks or to larger tracts, to preserve neighborhood character, on-street parking, and vegetation.

Lots outside the plat boundary are not allowed to be used to obtain the average lot size, making sure the average is derived only from the proposed subdivision. The current 20-foot width was a 1970s townhouse style that is no longer desired by most builders and potential homebuyers. The proposed amendment, using the average of the lots will encourage a mixed housing product in a subdivision, thereby improving the likely affordability of homes built on the smaller lots

7. Require Adequate Setbacks by setting minimum safe distances between buildings and lot lines. Allow reduced front setbacks in exchange for wide, landscaped sidewalks. Attractive architectural projections such as roof overhangs, balconies, window bays, and porches should be encouraged.

The amendment package does include changes to Chapter 10 of the Code of Ordinances, which in affect establishes a three-foot side property setback next to a single-family residential property, unless the adjoining property owner provides a perpetual maintenance, repair and construction easement.

The Chapter 42 amendments also propose to codify an established policy that allows for certain encroachments such as overhangs, bay windows and exterior stairs based on the front setback lines, as well as allow for encroachments into setback lines established along shared driveways. In addition, the Planning & Development Department has worked with the Fire Department to establish criteria for the construction of a single-family residential building over a shared driveway at the entrance of the subdivision.

8. Share Driveways safely by setting maximum lengths and minimum widths for private streets, to insure safe emergency access and vehicular circulation.

The Administration agrees with this recommendation. The amendments to Chapter 42 include improved shared driveway standards for vehicular circulation and emergency access. This includes limiting the length of the shared driveway and increasing the standard width of the shared driveway.

These changes are the result of a Planning Commission tour and discussions regarding allowing portals over a portion of a shared driveway. The proposed portal standards were developed with the Fire Department's input and support.

9. Use Parking Regulations as a Development Tool, by maximizing on-street spaces, limiting unnecessary curb cuts and reserving sufficient spaces for guest parking. Reward with reduced on-site parking requirements, the use of rear alleys, development at rail transit stations, provision of bike racks, shared parking garages, and walkable multi-destination "park-once" projects. "Smart" parking is a powerful incentive for good urbanism.

There are many efforts underway addressing these issues. There is the Washington Avenue Parking Benefit District pilot program. Chapter 26 proposed amendments include the reduction of parking requirement for Historic Districts and Protected Landmarks, bicycle parking and incentives for reduced parking where additional bicycle parking is provided, an improved shared-use parking table, and increased parking distance for off-site parking lots.

10. Allow the Creation of Special Purpose Urban Districts (SPUDs), well-planned areas, such as transit corridors, with customized standards, recognizing that cities grow and change based on coherent districts of differing character, not on fragmented individual projects reflecting one-size-fits-all regulations.

Chapter 42 has a core set of rules that apply equally across the city and the ETJ as well as the proposed performance standards for inside the City. Additionally, we are developing more performance standards through our Sustainable Communities grant that will create specialized development scenarios in targeted areas. Several years ago, the City of Houston implemented customized transit corridor standards that allow developments to take advantage of certain incentives if they utilize certain development standards. This process is careful not to create specific zones (such as SPUDS) that could be argued to violate the City Charter's prohibition of implementing zoning without a vote of the public. The next step will be developing eligibility criteria and associated performance standards for the areas.

Furthermore, the City is also moving toward a more contextual review of the plat process as we roll out *Plat Tracker*, the new plat submittal application that allows reviewing agencies, and the public, to look at an application in the context of the entire neighborhood. This can reduce, perhaps even eliminate, the "fragmented" review of projects.