



### Meeting Notes

January 12, 2021

#### **Call to Order**

Recording started by Truscenia Garrett.

Sonny Garza, Co-Chair, called the meeting to order at 3:00 p.m. There were 95 participants.

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

Mr. Garza welcomed Melissa Fontenot, took roll call and presented the speaker rules. Dustin O'Neal was represented by Shawn Massock

#### **Director's report**

Margaret Wallace Brown, Director, Planning & Development Department welcomed everyone to the first meeting of the new year. Director announced and welcomed Council Member Sallie Alcorn, who joined the meeting.

#### **Recap**

- Ms. Bandi provided a Recap of the Residential Buffering Ordinance requirements
- A Residential Buffering Matrix and one-page Summary are posted on the Livable Places website

#### **Public Engagement**

In order to understand the effects of high-density structures next to single-family residential development and receive input from public, staff published an interactive map tool on Dec 6th. This tool allowed public to drop a pin in the area of a high-density structure and provide comments. Staff collected all the comments until Jan 6th and prepared a summary report available on the website.

- The public Engagement map shows the approximate location of the pins in orange and green.
- Staff received 131 pins in the map tool activity
- 45 pins represent high rises (26 are proposed)
- 26 represent mid rises (2 are proposed)
- 30 represent 2-4 stories
- 30 represent open land, truck yard sites, industrial development next to homes
- Received 10 feedback/suggestions
- Map Summary Report is available on the Livable Places Website
- Disclaimer: Pictures used in the presentation were for educational purposes only and the source is Google earth or clicked by Planning Staff.

#### **Comment/Concern**

- Three to 4 story townhomes next to traditional single-family homes. **Response:** though seem tall are also single-family residential developments

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- Truck yard and industrial developments near residential homes causing dust, chemical pollution, odor, flooding, and health issues. **Response:** These concerns are not within the scope of this action committee. These concerns were referred to the appropriate City department.
  - Structures are too close or too tall, excessive noise from exhaust fans and HVAC equipment, light shining from the buildings, access from narrow streets, visitor parking needs not considered during planning, removal of trees, wind tunnel effect, no landscape or lack of maintenance, flooding, loss of privacy, increased traffic, blocked sunlight, reduced home values, no proper provision of dumpsters leading them to be left on the street, lack of green space to socialize or walk dogs.
  - Tall structures, that are under construction have noise during odd hours creating disturbance, no dust mitigation, street closures making them inaccessible to travel, sidewalks being blocked, illegal parking of construction crew, all on street parking occupied at all hours, property damage from construction vehicles, too much traffic, trash and not adequate enforcement of noise and parking ordinance. **Response:** These comments are outside the scope of this action committee. Staff has communicated these concerns to the appropriate department.

### **Committee Discussion**

**Ron Lindsey:** Explain your comment again about projects under construction

**Suvidha Bandi:** We received comments about projects that are under construction.

The comments were related to height, noise, excessive dust, roads being closed, and the lights from the construction equipment shining in the night. We have forwarded the concerns to the appropriate department, which handles noise ordinance and the enforcement of the noise ordinance. The parking issues that were brought up were forwarded to Houston Public Works.

**Ron Lindsey:** You dealt with the noise and parking, but the other issues that these residents have raised will continue to be a part of this committee or not.

**Sonny Garza:** Actually, they are not. The information that we received on the website about proposed structures or structures under construction fall outside the purview of this committee. It's like noise, traffic, things like that, that are happening because of construction.

**Director Wallace Brown:** Houston Public Works is the department that manages the construction permitting, as it relates to closing sidewalks or protecting pedestrians and keeping mobility going during construction of high rises. They will be looking at the rules and regulations associated with that, and so we have referred these comments to Houston Public Works for them to have in their hands when they start talking about mobility options related to construction projects. We want to keep the focus of this committee more tight about what the Planning Departments responsibilities are and how we can get some changes to the City Council quicker rather than later and by including those other topics, we felt that it would delay the hard work that this committee is doing immediately.

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**Ron Lindsey:** Can we ask that the notes that you get back and forth from Public Works and their intention be shared with this committee because I think it could provide some context.

**Director Wallace Brown:** I understand Mr. Lindsey's concern and I don't know that it's as clear cut as what he is asking, but I am happy to report back to the committee, in some point in the very near future, on some of the conversations that we are having with public works about improving mobility around construction sites. I don't really want to make it a long full committee meeting but I'm happy to have a conversation.

**Juan Soto:** I think it is very important that we continue to define who we are to the general public, because obviously these are comments that people took the time and effort to put into the platform, so I think that we need to find a good tool or mechanism or strategy to make sure that happens.

**Curtis Davis:** Staff did a good job in putting together a chart titled residential buffering ordinance summary and what might be helpful is in an ongoing basis, as we go through this process, at the bottom of that chart, we have an ordinance reference and you might add a category or use this particular category to reference other codes and regulatory bodies that cover issues as they come up.

**Megan Sigler:** When someone posted a comment and maybe it wasn't directly related to what we are looking at or studying, do they get a response from you? Is it that simple, that you could say that this is a public works issue, this is the phone number to contact, or is this system not quite set up like that?

**Suvidha Bandi:** The website, Let's Talk Houston, is not set up like that. We received a lot of comments, up until one week ago and I went through each of them and noted down everything that we have heard and discussed with other department officials how we can help address these concerns. However, the scope is limited with this action committee. In the summary sheet I added the column called staff findings and in there it is referenced that it is outside the scope of this committee's work, if that helps.

**Megan Sigler:** I just want the public, that is taking the time to participate, to want, to come back and continue in the process, even if it's not in the purview that they feel heard and responded to.

**Sonny Garza:** Ms. Bandi, what we might be able to do, since you put the matrix up on the livable places website, I wonder that we might use that same site, to tell people, that if they have a continuing problem to call either us directly, or call 311. I mean go ahead and add that line that basically says "if you have reported an event or used a pin, please contact this person or this group" to voice your complaint.

**Luis Guajardo:** I think, one thing that could be helpful for our ordinance making capacity here is if some of the comments are also looked at or analyzed from a different light in what is for this committee and that maybe it serves a good purpose to have them online and available to others. I think, it will help to

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have a small summary of what we are hearing or where public opinion may be on this if that's a possibility.

**Suvidha Bandi:** We will accommodate that.

### **Site Visits**

Planning Department staff conducted 40 site visits to study all effects of high rise and midrise structures on residential uses:

- High- and mid-rise structures adjacent to single family
- High- and mid-rise structures adjacent to condos
- High- and mid-rise structures adjacent to apartments
- Townhomes next to apartments and condos
- Garage structures with residential across the street
- Commercial (storage, hotel) structures next to residential

Site visits were conducted during the daytime and some at night. On average, the structures are located anywhere from 5' to 20' from the adjacent residential developments. Sometimes trees are provided, which helps in creating a soft scape and shield some light. Garage light and lighting fixtures shine on the adjacent properties. All developments did not use cut off lighting fixtures. Some developments contain white lights, on the sides abutting the residential development, that shine onto the adjacent property. Some developments use cutoff lighting, but not all of them, so there is some impact on to the adjacent development. Garage screening is not provided in some cases and when provided it is sometimes not adequate. A few developments have enclosed the mechanical equipment and screen or enclosed the dumpsters. This is not a current requirement in the ordinance. Many of the developments have single family lots abutting them with lot sizes smaller than 3500 square feet and contain townhomes. Dual frontage, distance from the adjacent residential development is an added advantage on certain projects, but not all sites used it.

### **Committee Discussion**

**Kirby Liu:** In the summary, you sort of focused on a collector street versus a major transit corridor. I was thinking and just from research that I've done previously in other cities, in New York for example, the height of the buildings and the setbacks are sort of set by the width of the street that the building is actually on and we are going to have a concern about this because there are areas in town for example EADO where the streets are very wide and can accommodate more traffic, but may not be a major thoroughfare right now, but that doesn't mean that it won't be a major thoroughfare in the future. So, it seems like if there was a more objective way of identifying what is a Thoroughfare, what is not a major collector street, things like that, it will help. What I was saying is what is the criteria for what is a collector, what is a local street, and what is a major thoroughfare.

**Suvidha Bandi:** The major thoroughfares and collector streets are established by the major thoroughfare plan. Criteria to determine those based on the number of trips and the speeds that are established, the number of lanes and turn lanes. I do understand your comment that you are making is based on the

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width of the street, is there a possibility for us to define the building setbacks or the height of the structure. That will be the committee's consideration, as we move through the process of amendments, to see if that is the right way to do it.

**Sonny Garza:** I think the issue is that because major thoroughfare and freeway plan is malleable and it changes literally, every single year, I don't know if that is a criteria that we could use, because it could literally change. As you have, like a Westheimer going out to Katy, which initially had no traffic but today has huge traffic.

**Suvidha Bandi:** Yes, every year the Major Thoroughfare and Freeway Plan amendments are done and based on the number of trips and travel demand, the amendments are done to change certain streets to collector or major thoroughfare.

**Sonny Garza:** I would say that we should take that into consideration without question. It sounds like an easy solution, but I don't think it would work the way we think it might.

**Director Wallace Brown:** It is worthy of investigation. It is something that this committee might want to talk about as we move forward. I also would like to say that how we identify streets on the major thoroughfare plan might be shifting also as we realize that what is more important than perhaps just their width, and their number of lanes, is how the roadway is used and by whom the roadways are used. And so, maybe we are looking at some minor changes to the way we do the major thoroughfare plan this year, but in the future, especially as we coordinate more with the new Deputy Director of the Houston Public Works department and really implement the Mayors desire to become more multimodal, the major thoroughfare plan might work also and become more useful, kind of more of what Mr. Liu was asking about, but it is a process, we need to get there.

### **The Research from other Cities**

We studied six cities. Austin, Dallas, Los Angeles, Charlotte, Chicago and Denver to find out what other cities do when non-residential developments abut residential developments. We looked for standards related to buffering distance, screening, lighting fixture requirements, noise related regulations as well as shielding or enclosing the mechanical equipment. Due to zoning, in these cities, they do not have the same challenges that Houston does. Mostly, these cities have landscape buffer regulations in the instance of non-compatible development. Almost all cities have requirements related to lighting and visually screening the nonresidential uses.

### **Residential Buffering Concerns & Consensus**

#### **What Do We Try to Accomplish?**

In this session, we would like to have the committee form a consensus on what we want to accomplish by revisiting the residential buffering ordinance. Then we will go over what we learned from the research from other U.S. cities, as well as discuss the potential options and get the committee's

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feedback on these potential options/solutions. During the discussion in the previous meeting, we think the committee agreed that we should explore ways to improve four sets of standards to promote compatible developments and help the city grow sustainably.

The four sets of standards are: Physical separation standards for incompatible developments, garage screening standards, lighting fixture standards, and noise control standards

Before we discuss the details of the standards, it's very important for the committee to form a consensus on what type of development we want to try to protect. The answer to this question will influence how we develop the options for the ordinance amendments.

### **What Type of Developments Do We Try to Protect?**

- Traditional single-family residential houses

The main intent of the current ordinance is to protect traditional single-family residential homes constructed on lots larger than 3500 sqft. We believe the committee agrees that this type of development should be protected.

- Townhouses

As the city is getting denser, we have seen more and more townhomes constructed in the urban area. Most of these townhomes are constructed on lots less than 2000 sqft. Some of them are two stories, like the ones on the left. Some of them are 3-4 stories, like the one on the right.

Since their lot sizes are smaller than 3500 sqft, they are not protected by the current ordinance. Should these townhomes be protected as well? Should we treat the two-story townhomes the same as 3-4 story townhomes? Or should they be treated differently?

- Triplex/quadplex

Some Triplex/quadplex look like traditional single-family homes. According to the land use classification, it's a multifamily development. Therefore, it is not protected by the current ordinance. Should the triplex/quadplex be protected?

- Condos

Some condos look like townhomes. However, according to the land use classification, since the property owners do not own the land where the houses are constructed, they are multifamily development. Therefore, they are not protected by the current ordinance. Should condos be protected?

- Apartments

In the urban area, there are many 1-2 story apartments existing for decades. When a mid-rise/ high-rise is constructed next to this type of apartments, should they be protected?

Meanwhile, there are more and more 4-5 story apartments constructed in the city. When incompatible development is constructed next door, should this type of apartments be protected as well?

### **Committee Discussion**

**Sonny Garza:** Currently it sounds as though the ordinance was written specifically to protect single family dwellings but did not consider townhomes, condos or even apartment developments. The biases was toward single family. And, as it becomes more dense, it seems to me that all single family, whether it's a single home or a townhome, or any kind of development, which should at least be

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protected from lighting, intrusive lighting and noise pollution at the very least. I don't know about distancing.

**Ron Lindsey:** I was involved in that ordinance when it was being considered, and the reason we went with single family, is the idea that somebody lived there did not expect there to be density around them when they bought their home. If you start to expand this to cover people who are in high density townhomes and multi-story townhomes, that premise is no longer true. They knew there was going to be density when they bought a dense home. So, I think we have to be very careful about that because now we say we need to include all homes, because people live in them and they need to be protected. In terms of things like noise and light, I have some sympathy for saying well there ought not be light pollution, there ought not be noise pollution, regardless of adjacency.

**Mike Dishberger:** First, we need to be clear on what a townhome is. A townhome is an attached product. Single family homes are not attached. So, townhome is just used by everybody, because it's on smaller lots. To me, these are all single-family homes on a separate lot. They should be protected just like the homes are protected. Maybe there might be some smaller variations.

**Muxian Fang:** According to Chapter 42, both townhomes on the screen are single family residential homes. the housing type is single family residential. the reason they are not protected is because of their lost size. They are smaller than 3500 square feet.

**Sonny Garza:** Muxian, that would not apply to condominiums that basically look like townhomes and are side-by-side units, but they don't own the property beneath them, it's all shared as part of the community, correct?

**Muxian Fang:** Correct, so condos are not treated as single family. It is under the multi-family category. That's why it is not protected.

**Sandy Stephens:** People are residents of a townhome, a single family resident, even some of the low rise apartment buildings and they do need protection from noise, from light, from the traffic, which the buffering does give you some of that protection. Residential homes, whatever the term might be, even four plexes, that are basically rental apartments. The city has continued to encourage denser development and so many times people moved into neighborhoods, into a townhome, expecting it to be a townhome, single family residential neighborhood and over time we've seen high rises. coming into these areas. No one ever expected a 36-story high rise to go in across the street from them and that brings with it a lot of fallout as you can well imagine. So, we need to be proactive for residents and I would say all residents. And maybe we are going to look at something like height restrictions and in relation to which residents we are going to be protecting.

**Curtis Davis:** I think Mr. Lindsey raised a very good point, at the beginning and in developing a consensus on what we envision the ordinance conceptually to be doing. That is, if we are trying to protect the interest of the single-family home, as we understand it in terms of its character, that's one thing. If we are trying to protect a residential environment at a certain scale and we are talking about mitigating adverse impacts on, that's another. And a third approach is to think about a design intent. That is, as we provide greater density, what is the gradient, the impact of height, impacts of density,

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impacts of light, that are allowed. I think those three ways of looking at it are all appropriate but it's very easy to get confused and for them to cross back and forth. I think the points that were made were great, because they deal with public interest, from the point of view of property interest. But when we talk about the shared interest of the city and the quality of the city, that's another concern.

**Meg Lousteau:** I completely agree with what Mr. Davis just said. As a resident of Midtown if a 10 story building or 23 story building were to go up I think the impacts would be just the same, as if we lived in single family homes. Just being 5' away from your bedroom window is going to have very adverse impact. I hope that we can, at least consider, expanding what we are involving or contemplating in this ordinance, so that the many neighborhoods where there has been a densification, in the form of townhouses, will still offer those people who bought into those neighborhoods, some kind of protection. And lastly, I just want to point out that I am very pro density. There are a lot of ways to achieve density. What we are talking about here, is allowing development to occur densely, but just in a way that is very respectful and sensitive to existing investments, and existing fabric.

**Muxian Fang:** We will incorporate these great ideas when we develop the detailed options.

**Curtis Davis:** I understand Mr. Lindsey's point and I understand the rationale. I think the question of whether or not this ordinance should remain narrowly focused is a question. I would say that the quadplexes and duplexes should all be included in the ordinance.

**Muxian Fang:** It looks like the committee agreed that all these different type of developments should be protected by lighting, garage screening and noise control setting, but the committee members do not have a consensus or maybe need more time for research regarding the distance separation. We need the committee to think about and provide feedback on how we define incompatible development.

**Ron Lindsey:** That last picture raised an interesting point. That's the project on Wesleyan and Alabama. As you see next to it, one of the units in the condo project was rebuilt. So, what happens when you have a high rise like the one that was built on the right and you have someone building a new unit next to them now. Are they going to be required to separate themselves from the commercial or are you going to grandfather the use? Now if another high rise, just say this is torn down 20 years from now and that new structure was built there afterwards, is there going to be grandfathering for existing high rise, like it used to be for drainage or as a high density condo project like that on the left moved in, or does it somehow take away the ability of that property to be redeveloped as a high rise?

**Muxian Fang:** We do not have the exact answer right now. So, for now, if they just use the platting land use, they would be able to just continue to demolish the old one and start the new one. Right now, the ordinance does not specify any of those old grandfather rules, but we are open to see the different options, based on our discussion. For example, in this picture, if the high rise is existing and a new single-family home is constructed after the high rise, the single-family home will be required to contribute 50% of the buffer area. We see this practice, in some other cities. This is a valid point because if the single-family home comes after the high-density development, they already know about the existing condition, so that maybe that we need to take into consideration and treat it differently.



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**Sonny Garza:** So here is the situation, this is a great slide. So, you could see the parking on the right. One of the discussions that staff is having is, should we make the developer shield. Right now the shielding is 42" so it basically stops headlights, car headlights from shining onto the property next door, but that doesn't do anything about the overhead lighting that you have in a garage. That could be on for security purposes all night long. So, it seems to me that if you got residential, and by that I mean homes and that could be townhomes, condos, single family dwellings, that they should all be guarded from that noise and light pollution. I think that the buffer zone can be treated as an entirely separate piece of information.

**Muxian Fang:** Actually, that is the plan. In the following section, we would like to share with you what we have found from the site visits and our research on other U.S. cities. We will go through the findings based on the four sets of standards we have been discussing.

We can separate the four standards because they don't have to be applied to all developments simultaneously. What I heard from the committee is that garage screening, the lighting fixture, and the noise control, are the ones to be properly applied to all developments adjacent to residential use regardless whether if it is single family townhomes or condos or apartments because these are all related to the to the quality of life, and regarding minimizing the nuisance, to not only the residence next door, but also the public passing by. Am I capturing this correctly?

**Sonny Garza:** I think so.

**Peter Freedman:** I think that it's a great idea to separate them. One thing I do want to mention was when you do buffering for noise and physical separation, where light would be blocked, you do have issues with possible safety issues. If someone was to be in an accident, or get hurt and call out for help, it could be detrimental, if you have very strong noise and light protection.

**Muxian Fang:** Since the physical separation standards for incompatible development are very complicated and we need more time to analyze the different options and talk to different stakeholders, we will discuss this set of standards with you in the next meeting. Today we will focus on the others three sets of standards. Garage screening, outdoor lighting fixture and noise control standards. Based on the Site Visits and our research we have come up with some preliminary thoughts on this three set of standards. We would like to get your feedback on these preliminary thoughts before we draft the details with the Technical Advisory Committee in the coming weeks.

**Muxian Fang:** Let's go over the garage screening standards. So, this is an exhibit illustrating the current garage screening requirements. Each floor of the garage structure facing single family is required to install a 42" tall opaque exterior cover. The exterior cover is required for the finish floor less than 50' from grade. There are two major concerns related to the garage screening requirements. The first concern is that screening is not required for single family residential across the street and the second concern is that the screening is not required over 50' from the grade in other words, screening is not required six floors and above.

During the site visits, we found some garages without any screening blocking headlights. We also found many garages with opaque cover blocking headlights. We intentionally conducted some site visits

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during the evening to find out how these garages impact the adjacent residential developments. We noticed that opaque cover is very important and helpful for blocking vehicular headlights. However, the opaque cover itself is not enough to reduce light pollution. During the night, the interior lighting from the garage could still create nuisance for the adjacent residential developments even though all of them have the opaque cover blocking vehicular headlights. On the other hand, we also find that many garage structures have full screenings. The screening materials and designs vary significantly. During the day, semi opaque screening functions well. However, during the night, we could clearly see the glare. We find that some screenings work better to block the glare than others. Based on our observation, we find that full screenings for the first three floors of the garage structure play an important role in minimizing nuisance for the adjacent development and reduce glare on the street to promote traffic safety. So, when we researched the garage screening standards in the other six U.S. cities, none of them require any structure screening for garages, like opaque exterior cover, or the screenings we just saw. Some of them have screening requirements, but those are related to landscape area on the ground, not screening on the structure. The major reason is that all these cities have zoning ordinances. Commercial garage structures are normally not allowed in the residential zones.

Even though we are not able to borrow ideas from the other cities, based on our site visits, we believe the potential option to improve the current garage screening standards is that we require 42" tall opaque exterior cover for every floor of garage structures regardless of the height & adjacent development; and require full screening for the first three above grade levels of ALL garage structures. This is just a preliminary idea. We still need to discuss with the Technical Advisory Committee regarding the details of full screening requirements and the feasibility of this option. We need your feedback on this option or other potential options.

**Kirby Liu:** If you could go back to the diagram. If light pollution is the primary concern, it would make sense to cover more of the top part, as opposed to the bottom part. Obviously you have a handrail issue, but with respect to the lights, because if you cover more of the top part that actually does a better job of blocking the light rather than having the 42" connected to the bottom of the, connected to the floor plate below, if that makes sense.

**Sonny Garza:** Yes, that makes sense. So, Kirby the other question is, you noticed in the recommendation, it was only the first three floors. In your opinion, should we go to cover all the garage levels? Should all garage levels be shielded or the first three or the first five. Do you have an opinion?

**Kirby Liu:** I don't have a strong opinion about this. I just think that the way that we place this 42" can be done in a more strategic way, so that it does the job of covering the light. Right now, if you go the next slide below, or the one that shows the light pollution, you kind of see, like the lights are all mounted to the top of the deck of the ceiling, essentially. So, if you would drop that ceiling a little bit it, might help cover that.

**Sonny Garza:** Or the 42" plus additional screening of some sort?

**Ron Lindsey:** I'm unclear about why you want to have full screening above 50' if we are talking about trying to minimize the impact on adjacent more or less residential type structures, none of them are

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going to be over 50' and if they are, then they are very high density anyway. and if they are close enough to the property line in all likelihood, they have a non-fenestration wall against that property line anyway, because it is required by the fire code.

**Sonny Garza:** Agreed, but if you look at the picture in the middle, a six or seven story garage. Right now, the recommendation was to cover only the first three floors, but if you look at the one in the middle you are still getting substantial light from floors four, five and six, so that's the question. We don't know what is across the street either. It might be 30' to 50' away.

**Ron Lindsey:** When you start adding more and more screening, you start to impact the requirement for mechanical ventilation and you also complicate exiting in case of fire. So it is not just a question of light, you need to look at all the impacts of this, and decide whether or not to change, Look at the impact it really has on the way development occurs.

**Sonny Garza:** Also, again, as one of our committee members brought up safety issue of being on the street, that you do want light on the street, to some extent you know, eyes on the street, for safety reasons but want to minimize glare for those who are driving on the freeway or on the street itself.

**Curtis Davis:** When you start writing this down, you can also describe this as the performance criteria. So, any lighting engineer can understand. And, any kind of illumination placed on adjacent property will have glare. There are lots of objective performance criteria, that could go into this to supplement the design criteria in a physical sense, that you've shown here. So, I would describe both in terms of design criteria and performance.

**Muxian Fang:** Thank you everyone. Now let's discuss the outdoor lighting fixture standards. Before we get into the details of the lighting fixture standards, let's talk about the intent of regulating outdoor lighting fixture standards. The exhibit on the screen illustrates a great example of useful light and light pollution from a typical pole mounted outdoor fixture. The light within the yellow area is the useful light as that is the area intended to be lit. Light emitted outside the yellow area creates light pollution for the adjacent development and the public passing by. Therefore, establishing proper outdoor lighting equipment plays an important role in minimizing light pollution and nuisance throughout the city. The exhibit on the screen illustrates the current outdoor lighting fixture requirements. The building code requires full cutoff fixture for all abutting developments located within 30' from Single Family Residential homes. The building code has a very detailed technical requirement for full cutoff fixture to prevent lights from spilling over at all directions. It's required for both wall mounted fixtures and light poles within 30' from Single Family Residential house. The major lighting fixture concern we have heard is that abutting developments are not required to provide full cutoff fixtures when the Single-Family Residential homes are across from the structure or more than 30' away.

These exhibits illustrate different types of lighting fixtures. The exhibit on the left distinguishes different types of cutoff fixtures. As you could see, the full cutoff fixture works the best to prevent lights from spilling over to adjacent developments across the street. The exhibit on the right distinguishes unshielded fixtures and shielded fixtures.

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During our site visits, we found that there is some development that installed full cut-off fixtures. As you could see on the screen, the full cut-off fixtures do help in preventing the light from spilling over to the adjacent development and minimize lighting pollution. There are some developments installed with non-cut-off fixtures.

When we researched the lighting fixture standards in the other six U.S. cities, we find that both Austin and Dallas require fully shielded or full cut-off lighting fixtures along all street types to reduce glare for the public and the adjacent development. Charlotte require all outdoor lighting be screened or shielded from the adjacent residential uses and in a manner as not to cause glare or impair the vision of motorists. Charlotte, Denver and Dallas set maximum height requirements for outdoor lighting fixture adjacent to residential use. We think these are good practices.

The potential option is to require outdoor full cut-off lighting fixtures for all development regardless of the adjacent development. Again, we would like your feedback on lighting standards before we have further discussion with the Technical Advisory Committee.

**Ron Lindsey:** You mentioned the Technical Advisory Committee a couple of times, but I am not familiar with who is on that Committee. Since I thought all issues related to the residential buffering ordinance would be within this committee and not a separate committee.

**Muxian Fang:** A technical advisory committee is composed of staff from different divisions and other departments in the city like Public Works, the Fire Department, the Building Code Official. We invite them to get their technical support, to review the specific options that we are exploring. It is just other City staff.

**Sonny Garza:** We don't want to pass something or agree on something that can't be initiated by the city. We are going to them to make sure that what we are proposing is actually doable. It is not a separate committee from this one, they are just technical advisers versus a separate committee.

**Ron Lindsey:** In terms of the cut off fixtures. I do like full cutoff fixtures except when you get into a parking lot and you have lighting in the middle. If you have full cutoff fixtures for all the parking lot lights what you end up with is a lot more light poles because you can only cover a very small area with a light. Is that what you are intending or just the perimeter where it abuts the other property?

**Muxian Fang:** I think that's a great question. It's a very practical question. The main intent of the full cut off is to minimize the light pollution, so maybe for the parking lot adjacent to the other development across the street, it should be full cutoff and maybe in the middle of the parking lot it could be something different.

**Ron Lindsey:** So, with a band of 20' or so from the property line the full cutoff fixtures would apply. And I will be open to the idea that somehow you phase that in towards the middle. There is no requirement for anything other than a regular cut off. In the end you don't want light going upward either, but you do want to have as much coverage as possible.

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**Mike Dishberger:** Depending on what the development is next door, I do agree that we need some distance. So, if you are going to do these full cut off and these are pretty good lights for what they do, then we must have some distance like from the property line. It has to be within 50 feet, because it's not only parking lot, because these buildings have lights around them, and they are there for security, to keep things lit up so people don't break in at night. This technical committee should come up with a distance, but I can see the distance being like 50 feet or something.

**Curtis Davis:** As staff and you write the draft, keep in mind the difference in proscriptive and prescriptive ordinance language. The purpose is to keep light pollution off of surface X or area X, versus what is shown in the diagram right now, which deals with general light pollution and sky pollution. So, we are trying to accomplish a specific goal. So, one thing could be, if I ran out with a light meter, I could literally tell you, you got so many illumes coming on this surface that's too much and you are not meeting the standards. The other has to do with glare. Because even in a security situation you might bring up light to a certain level but because you have increased glare you have decreased security because you don't see as well. So again, keep it in mind what is proscriptive and what is prescriptive, what's the performance that you are trying to accomplish, and to write these ordinances in such a way that we don't either overlook the intent or we over clarify what we are trying to do.

**Muxian Fang:** The Residential Buffer Ordinance does not include noise control standards because the noise control standards were addressed by a separate ordinance prior to the Residential Buffer Ordinance in 2011. And all noise control standards are enforced by the Police Department.

The Noise and Sound Level Regulation is written in Chapter 30 of the Code of Ordinances. It provides some general guidance related to noise and establishes maximum permissible sound levels as well as method of sound measurement. There are three major noise related concerns we have heard. They are noise from the adjacent commercial use like bars, restaurants, and retail use, building equipment noise, and dumpster noise. As we discussed during the last meeting, controlling the noise from commercial use is very complicated and needs involvement from the police department. The control for this type of noise is out of this committee's purview. However, we believe this committee could explore the potential ordinance amendments to control equipment noise and dumpster noise.

During our site visits, we found that there are many developments with dumpsters without any screening right next to a residential development. We also see some developments do provide dumpster screening. Meanwhile, we see a significant number of developments enclose dumpsters as well. During the site visits, we also paid additional attention to the equipment location. We noticed that there are some developments leaving equipment outdoors and generate significant noise. On the other hand, we also find many developments enclose the equipment.

The current city regulations do not have any screening or location requirements for bulk containers adjacent to residential uses. There are no screening requirements for building equipment either. The only requirement for equipment location is that equipment is not allowed to be placed below or above grade on any easement. Chapter 39 Section 101 does require screenings to make bulk containers invisible from the street on the address side of the property only, not on the other side of the property or the street. And the screening can be a combination of a berm, building, fence, etc. When we researched the noise control standards in the other six U.S. cities, we found that Austin, Charlotte,

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Dallas, and Denver require screening for surface parking lots, dumpsters, recycle containers, utility structures, equipment adjacent to residential use and public streets. Chicago requires enclosure and screening for dumpsters, recycle containers adjacent to residential uses and public streets. Compared with these other cities, we think this part of the ordinance should be improved in Houston.

The potential options to improve the noise control standards are to require screening for bulk containers, utility structures, equipment adjacent to residential uses and public streets; or require enclosure and screening for bulk containers, utility structures, and equipment adjacent to residential uses and public streets. So, what do you think, Committee members we need your feedback?

**Shawn Massock:** So, by enclosures do you mean just screening walls, or do you mean like four walls and a roof type enclosure, is my question.

**Muxian Fang:** Enclosure means you have both roof and wall. If no roof that is considered screening, it could be a wall, it could be a different design.

**Shawn Massock:** Just screening should be enough. Depending on the screening, then it could be solid screening such as a wall or a fence or landscaping to accommodate that. I would say a wall screening that is a wall or fence, provides the opportunity for noise blocking as people are putting things in the dumpster. If noise blocking is the trash being picked up that's a whole different story.

**Peter Freedman:** Just wanted a point of clarity, are we talking about only permanent dumpsters and not temporary that you bring out for maybe a construction site. Also are we talking about only for new developments or will this go back and have to retroactively change your dumpster screening if you already have a building?

**Muxian Fang:** We are talking about the permanent dumpster, not the construction one or temporary one. And we believe we are talking about, after this is adopted as an ordinance, after the ordinance is effective, we are talking about for the new development.

**Suvidha Bandi:** I want to mention that it is not just about the dumpsters, this is also about mechanically equipment. I understand screening maybe adequate for the dumpsters, but we are considering mechanic equipment that generates a lot of continuous noise, which is a nuisance for neighbors. That is the reason we were proposing enclosures within the structure.

**Muxian Fang:** Also, on top of that, we are also aware, there may be a potential for cost consideration regarding enclosing mechanical equipment or dumpster, so we saw what other cities do and think maybe it is a good idea. We need more time to explore the technical details and feasibility.

**Shawn Massock:** As for as enclosures for utility structures and equipment, yes, I think there is a cost consideration, and I think the other consideration is what noise level is acceptable. There may be some equipment, that with a vertical element only provides enough screening and buffering of noise, or screening of noise from the residents, and a full enclosure is not needed. Especially equipment that generates heat or fumes of some type right, should not be enclosed.

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**Ron Lindsey:** The pictures included the types of equipment. One was obviously a generator which would be intermittent use in case of an emergency. It doesn't generate noise all the time. The other appears to be electrical equipment, which to my knowledge doesn't generate any noise. So, I want to be careful not to require full enclosure of equipment that doesn't carry noise, and I want to be careful not to get too carried away with things that maybe operate only intermittently. So, I think with both of those, you don't need to have an enclosure for noise. Landscape screening for visual benefit would be nice, if that faces a public street, or if its adjacent to a home then we could actually look into it and see that equipment is screened.

**Curtis Davis:** I thought you said that the noise ordinance could cover some of this. In the noise ordinance, there could be a technical recommendation that the noise ordinance be performance based. When generators fire up, they kick out fumes, so their location might matter. Whether it affects someone, what it looks like, the question of visual screening for aesthetics, and then environmental concerns for smells and noxious gases, and then noise, the latter two should be covered in ordinances somewhere else, and this could make reference to it, and we not get too deep into that.

**Mike Dishberger:** I would vote for number one, the screening. Screening would be nice for visual thing. But as far as noise, again, I would encourage us to have a distance. If its within so many feet of a residential, you must have an enclosure. If I was a builder here, I would probably screen them with plants or something to make them less intrusive.

**Suvidha Bandi:** One of the things also which we don't have a picture of, is that HVAC and the garage fans make a lot of continuous noise, even on structures which are four-story have HVAC that make a lot of noise. We did hear that bafflers may help curtail that. So, that is also something that we want the committee to consider, what do we do about the HVAC equipment noise and the garage fans?

**Homework Activity** was presented to attend the AARP webinar on ['Creating Flexible Housing Options'](#)

**Paul Locke, CenterPoint Representative:** Thank you for including Center Point in these conversations and we really appreciate being at the table. I want to go back to your slide regarding a structures or walls around utility structures, and I want to ask if there have been a number of complaints about noise, or kind of what the reasoning was for including utility structures in that proposed ordinance. I work very closely with the City of Houston, and deal with the number of constituent complaints, and noise has not been one of them. And two, if you, if we could get some idea or direction as to what that structure wall might look like, that would be helpful.

**Muxian Fang:** Mr. Locke, what we propose for closing potential option for utility equipment is for the equipment constructed on the private development. Not the utility box like CenterPoint is handling.

#### **February 9, 2021 – 3:00pm through 5:00pm**

- During the next meeting, we will come back, look at, and discuss the concerns that we talked about today. We will brainstorm, what concerns the committee should address

#### **Public Comments**

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**Barbara McGuffey:** I just want to very quickly state that museum park will offer a Tour to any of you, committee members, who would like to come to our neighborhood. We would love to show you what it's like if you live in a residential neighborhood that has some commercial use and are densifying without deed restrictions, zoning or minimum lot size, and you'll see Mr. Lindsey, the issues that we have. We request that you consider a variety of types of residential, and think of it more as residential use, and think of it as screening, as full garage screening. We brought all this up, from our neighborhood, during the TOD ordinance, which are further densifying us, even though we bought and we are seeing higher density coming in because of the city's change in ordinances, and all we ask for is to be protected in our neighborhood.

**Barb Brooks:** My name is Barb Brooks, and I also live in Museum Park, and I live in a townhome, and I like to say, I truly support townhomes being a part of this ordinance. Second, we brought up the issue about street closures. We bring it not up for operational reasons, but really to say, on a going forward basis, a developer should be able to build within the footprint of their property without closing multiple residential streets.

**Dale Furrow:** Hi, this Dale Furrow. Just wanted to echo Barb Brooks' point on townhomes being included. I respect what Mr. Lindsey said about townhomes knew there was density when they went into the neighborhood, however you, in the city, through TOD, have removed a large quantity of setbacks and protections that were previously available to us, and that's why we are here on this buffering, and that's one of the concerns that we brought up in TOD. Second on the construction issue that we talked about before. If a standard is good for the building when it's in place, that should be good for the life cycle of the building. I shouldn't have to, as we are here today, having a car light shine into my kitchen window, simply because the building is under construction. Finally, with respect to issues of noise and light. I think that the ordinance ought to address penalties.

**Kathy Gunther:** Hi, my name is Kathy Gunter. I was wondering, is there anyway to reduce the requirement for 75' because on the North side of Houston we have a lot of industrial plants, and it doesn't protect the single family residence that are in our area as it is currently written. So, we wanted the committee to consider amending the requirement as far as 75 feet or more, so that it would include more of the city and it would not exclude our community and our area.

**Victor Paredes:** I just really want to say that I really like the discussion on light pollution. I think that's an issue that isn't really talked about all that much, and I really do like the idea that we are trying to do something to reduce light pollution. I really would like the consideration of maybe adding the same light pollution designs to parking lots, and I was also wondering why exactly do we need to put shielding around dumpsters, because as far as I'm concerned, most of the noise that comes from dumpsters, comes from the garbage trucks coming to pick up the dumpster can, and not necessarily from people dumping trash into the dumpster, thank you.

**Meeting Adjourned at 5:14pm**