



Meeting Notes

May 18, 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 81 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 Frazier. Andy Teas, representing HAA (Houston Apartment Association) was added to the group as a subject matter expert.

Director's report - Margaret Wallace Brown, Director, Planning & Development Department welcomed everyone to the meeting. Discussed the Committees understanding of the word consensus and the steps to address a topic which include:

1. Present a topic and get Committee's thoughts
2. Present more definitive recommendations for direction
3. Gather input from TAG (Technical Advisory Group)
4. Present proposed amendment details with TAG input for consensus to move forward to the Planning Commission
5. Code amendment language drafted by legal to move forward to the Planning Commission (will be circulated to the Committee)

Curtis Davis: At step four, when it goes in the form of a working document to legal, and a document comes back, my assumption is that the document will have the intent of the committee. If the document comes back, and one feels that the intent that went forward in the draft document is not reflected in the legal language, is there an opportunity to make that clear. The staff could send the supplement if there are any significant changes because of legal requirements. That might also serve the purpose of resolving any variations between what the committee was seeking and what legal thought was acceptable.

Margaret Wallace Brown: My expectation is that we won't run into any hiccups, with the legal department, if we, the planning department do our homework correctly and provide you information that is fully vetted either through the TAG or the legal department. Kim Mickelson is with us along the way on this. She is in most of these meetings and she hears all the background information. So, she gets the intent of this committee. And I don't think anything will be a surprise to her in step five, when she starts putting pen to paper. If that happens, clearly we would come back and maybe even to step 3 and have to redo step 3 again but come back to you again with alternatives to address the way we thought we were going and we couldn't go there. Also, when we make presentations to the Planning Commission, we always open up a 30-day comment period with them, and so, that might be another time for all of you on the committee to fully, read, digest and consider, what we've put forward.

Peter Freedman: After we go through number four, is there going to be any type of vote, or any type of way to determine actual consensus, or are we really not talking consensus, more just to the committee's input over consensus?

Margaret Wallace Brown: I do think what we'll get to, when we get to step 4, in my experience with previous groups, is that there may be some conversation about what you want to do. When it gets to specific details there might in fact be a vote. If we get to the end of step 4 and you all want to have an up and down about whether it moves forward or not, then the planning department has really failed you in this process and so I'm going to take it as our responsibility to make sure that you are brought along in steps 1, 2, 3 and 4 so that we don't get to the point where we have a divisive vote on a topic. We may have a vote on a specific piece of that topic, but I would hope that by the time you get to 4 we are in an acclamation, you agree by acclamation, kind of position.

Sonny Garza: The idea would be that by step 4 we know where we are going, we know what we're trying to accomplish. The TAG may come back to us with details that we might disagree with, or not quote vote yea or nay and come to an agreement, a majority, so to speak. But again, I want to point out that our job is not to write the amendment to the ordinance. Our job is to give the planning staff and the TAG team directions and then let our TAG team really put it together and come back to us.

Luis Guajardo: Once there's a lot of different moving pieces, that we are going to be juggling in this project, I think it'll be helpful to know where we are with all of them. Because they're going to be moving in many different speeds. I think it would be great if even just keeping it as simple as, a label or something, like, ADU's, we are in step 2 of 5. Somehow, labeling or identifying them, so we don't lose track as committee members.

The Kinder Institute, would be happy to participate in the TAG group and could provide expertise on some items. Due to our connections to data and the researchers that we have, I would be happy to be a conduit for any expertise that may arise at the TAG group. I'm volunteering myself, if there's an opportunity.

Suvidha: Topics to be covered related to density and affordability

- Residential Lots
- Small scale Multi-Family
- Lot size
- Standards for reduced lot sizes
- Reserve standards
- Special min lot size/Special min BL amendments
- Lot access to streets
- Parking

The Agenda will Identify issues to address related to Single Family Residential lots.

There will be a discussion on the following topics

- Single-Family Residential
- Small Scale Multi-Family Residential

The Goal is to encourage the development and preservation of variety of housing types at various price points that meet the needs of middle-income households making housing affordable.

Future demand contains

- Increased demand for housing due to population increase
- Increase in smaller household size (single parent or multigenerational)
- Increase in housing value
- Growing demand for rental housing (2-3 bedroom)
- Increase in housing value
- Decrease in homeownership rates for younger families
- Growing need for small homes

Recommendations from Plan Houston and Resilient Houston

Plan Houston: Fosters an affordable city

- Encourage affordable, workforce and mixed-income housing development and make it more attractive to private investment.
- Provide incentives to replace affordable housing units lost through redevelopment and neglect

Resilient Houston: Build up not out - Protect and Strengthen neighborhoods

- Incentivize appropriate denser urban infill by encouraging compact development
- Integrate accessory dwelling units into existing neighborhoods

Challenges in achieving the goal include

- Current regulations not conducive to encourage missing middle housing (triplex, fourplex, etc.)
- Increased demand for walkable and compact neighborhoods
- Rising housing cost
- Shortage of available housing that is affordable

How to achieve housing options? – Missing Middle Housing

Missing middle housing refers to a smaller, more efficient form and house scaled building (2-3 story) between single family and multifamily buildings. A range of smaller units in multi-unit or cluster housing types are not allowed in many cities due to limitations in the existing codes. When allowed, they are more attainable building types for many reasons.

- They have smaller width, depth, and height than large multifamily complexes and provide more housing choices at different price points.
- “Missing” because typically there are missing in the housing stock due the existing regulations

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- “Middle” because they are a spectrum of housing types between detached single-family residential homes and mid-rise apartment buildings, in terms of form & scale, number of units and often affordability.
 - Allowing missing middle housing is a positive change but there are many other factors that should be considered like financing, cost of construction, length of time for approvals, impact fees and parking requirements.
 - They allow housing types like triplex, fourplex, courtyard apartments, bungalow court, townhouses, and live/work units that blend well into an existing neighborhood without disturbing the residential character.
 - Densities for these are often higher and support transit but do not look like dense multifamily. They are usually smaller units than single-family homes, low-rise, low parking, and wood – frame construction which results in lower per-unit construction cost and, therefore, lower housing costs.
 - Missing Middle Housing helps solve the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.
 - Many of these that exist in Houston were built in 1920’s and 30’s but not built anymore. Another way to increase housing options is by allowing homeowners to add a secondary dwelling unit also called garage apartment, granny flat or Accessory Dwelling Unit on the property.

How to achieve housing options? – Accessory Dwelling Units

Accessory dwelling units are an affordable type of development because they use existing infrastructure and land, when compared to single or multifamily developments. Accessory dwelling units can increase the density of single-family neighborhoods without negatively impacting the existing neighborhood fabric or character. Accessory dwelling units can also increase the socioeconomic diversity of a neighborhood by providing lower-cost rental housing that is more affordable, resilient, built to today’s energy and flooding standards, and building net worth for homeowners.

Many of these, that exist in Houston, were built in 1920’s and 30’s. But are not widely built anymore due to limitations in the current ordinance.

Let us look at the ordinance and the limitations.

Integrate accessory dwelling units into existing neighborhoods.

- As Houston confronts the rising economic and environmental costs associated with housing, traffic, and flooding, accessory dwellings can help.
- ADUs effectively double the density of single-family neighborhoods without negatively impacting the existing neighborhood fabric or character.
- They reduce sprawl and traffic while helping to mitigate flooding with better infrastructure and land use.
- ADUs can also increase the socioeconomic diversity of a neighborhood by providing lower-cost rental housing—more affordable, resilient, and built to today’s energy and flooding standards.
- With ADUs, Greater Houston could provide more than one million new units of housing, all without using a single additional piece of land.

Current regulations – Single Family and Multi Family

- A lot with one building containing not more than two separate units
- A lot with one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet
- A building containing one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot

Now let's say the property owner decides to add an additional unit on the lot, what happens?

- In a development like this with a duplex and garage apartment in the back (total of 3 units) is considered multi-family.
- Per the ordinance, a multi-family development with density less than 30 du/a must provide a 28' private street. With the property fronting on public street, it is impractical and un-necessary to provide a 28' wide private street.

So as a Committee, we will be looking at rules for such developments.

- Multi-Family: One or more buildings on a parcel designed for and containing an aggregate of three or more dwelling on a property is considered multi-family
- Duplex with garage apartment is multifamily with density less than 30 du/a (garden style) and therefore must provide a 28' private street for fire
- In Multi-family there are two categories 30 du/a or less and 30 du/a or more
- The moment a third unit is added it becomes multi-family.
- In Houston there are multiple neighborhoods that have duplex and triplex units and some also have an additional detached secondary unit in the back. In today's time, an addition of secondary unit to such lots will trigger a multifamily review.
- In a development like this with a duplex and a garage apartment in the back (total of 3 units is considered multi-family) and a 28' private street is required even though the property has public street frontage. This is un-necessary, impractical and discourages naturally occurring affordable housing.

Let me share a simple example of a 5000sf (50'x100') lot.

- On the left side, it a 5000 sf with an existing duplex but adding the 3rd unit on the back makes it MF. Note that the density is 26.1. Keep that in mind while I talk about the picture on the right.
- If you notice, the same 5000 sf lot can be subdivided into 3 single family lots with a density of 26.1dwu/a which is less than the ordinance allowed 27 dwu/a for lots smaller than 3500 sf.
- Essentially, this means that the regulations promote subdivision of land into smaller SF lots adding significant development cost than encouraging naturally occurring affordable housing.

If you look at the example here, one original lot was subdivided into 3 townhomes. The same result could be achieved if the original lot was allowed to add one additional unit without kicking in the multi-family requirements.

Current parking requirements

PARKING FOR SINGLE-FAMILY

Single family unit - 2 Parking Spaces Required Per Unit (could be tandem)

900 sf detached secondary unit - 1 Parking Space Required

Suvidha Bandi: For a detached secondary unit, the maximum is nine hundred square feet. They cannot get a variance. If the property is attached, it can be more than 900 square feet.

PARKING FOR MULTI-FAMILY

Efficiency – 1.25 Parking Spaces Required Per Unit

1 Bedroom – 1.333 Parking Spaces Required Per Unit

2 Bedrooms – 1.666 Parking Spaces Required Per Unit

3 or more bedrooms - 2 Parking Spaces Required Per Unit (could be tandem)

Margaret Wallace Brown: I just want to make sure, that we are clear, that we're not talking about opening the entire parking ordinance. We are talking parking, as it relates to residential structures.

John Blount: I live in a neighborhood where there's many of them. Parking is required to be put in and as soon as the City finishes with the inspection, the property owner removes it. They typically put the extra parking space in their front yard. They get a violation from the homeowner association, and they remove it.

Suvidha Bandi: That this tells me that homeowners, or renters, that live in the additional units, and together as a whole can exist without that additional parking. So that's a good point for us to seriously consider. Do we even need that additional parking?

John Blount: That's my point. Clearly, they don't. They got rid of them, and they only put them in because they were required by the city. And a lot of people don't have the room. They are not building secondary units for that very reason.

Challenges due to current regulations Discourage the development of missing middle housing types (triplex, fourplex, etc.)

- Unnecessary infrastructure required and increased impervious cover
- Parking requirements take up developable land
- Added development cost to subdivide
- Cost of housing increases – new units are not affordable
- Affordable housing option (renter unit) is lost
- Causes displacement
- Added cost to achieve the same result of 3 units
- Original units are demolished – Environmental waste

National Best Practices Study Recommendations

- Allow up to 4 units on Single Family lots
- Focus on building mass and scale over density
- Reduce or eliminate minimum parking requirements in transit served areas
- Single family cottage lot development with no minimum lot size consists of 8-10 attached units facing a common open space
- Allowing and encouraging shared spaces
- Reduce barriers to the construction of ADU's
- Expand allowances for housing on corner lots.

Density vs Floor Area Ratio

Density: The maximum number of dwelling units permitted on a lot. Number of units divided by acreage of the site gives maximum density.

FAR: Building square footage divided by the total property square footage gives the FAR.

Density refers to the maximum number of residential units that can be built on a particular lot. Strict density rules limit the construction of multi-unit dwellings in favor of single-family homes. Where multiple units are permitted, density rules tend to promote the construction of larger buildings making harder for developers to build smaller ones.

The issue with density caps in the form of allowed units per acre, combined with large lot requirements, discourages the creation of 2, 3, and 4-unit projects and encourages developers to build the largest buildings the lot will allow.

Instead, if the maximum form is regulated regardless of the lot size and unit count within that form, it can allow more number of smaller units within that maximum allowed form.

Density is the permissible number of dwelling units that are allowed per unit of lot area -- for example, two dwelling units per acre

Density is not the most effective tool for regulating development intensity in an infill setting.

This is based on number of units allowed and therefore promotes building the largest home possible

The floor area ratio is the relationship of the total usable floor area of a building relative to the total area of the lot on which the building stands.

Floor Area Ratio, maximum building coverage or impervious cover percentage are effective in controlling the mass and scale.

This is based on a building square footage and therefore promotes building a greater number of small units. (Source: City of San Pablo handout)

Questions to think about

- How many units can be on a single-family lot? (3-4?)
- When does a development become multi-family?
- Do all multi-family developments need 28' private street?
- Do we need parking for every unit?
- Density or Floor Area Ratio? How much? (1.5, 2, 2.4?)
- How to incentivize? Repurpose the existing structure?
- Consideration in development cost, permit cost & impact fee?

Curtis Davis: One question about the role of the Technical Advisory Group. It is critical to incorporate building code and fire regulations in this process, as we go through, so that there is parallel revisions or adjustments, in order to assure all things associated with a fire protection and building codes are handled in a coordinated manner. One question I have, as it relates to the FAR approach, which deals with stormwater management. As you move to an FAR approach, there may be some opportunities to reconsider how we calculate the stormwater management and the impacts on parcels. And finally, with the changes and opportunities for utility district with certain types of cluster developments. There may be new opportunities, particularly around solar, onsite battery storage, geothermal, and the like. The Technical Advisory Group would be a great place to begin, to coordinate about these.

Luis Guajardo: This is an excellent framing of what is at stake. I agree with Curtis on that. One area I would ask Suvidha and staff about is if this is also the appropriate time to also consider driveway and street scape. The relationship of the building to the street scape. As we're thinking about these different infill housing types, how do they relate to the street and the walkability components of them. I think there are some lessons learned, that we can take from some of the townhome construction that we've seen making sure that people have safe areas to walk in and be able to access the bus stops and the bike ways and different nearby destinations where they are going to. So, I would pose that as a question, if it's worth also diving into that now, or maybe that's too premature at this point as the TAG is looking at the different considerations around density and scale, etc.

Suvidha Bandi: Like I said in the beginning, this is very complicated, because the moment you touch one thing, it makes a ripple effect into something else. The issue we want to first tackle is the possibility to allow 3 or 4 units on a lot without triggering the reserve and Multi-family requirements. If we are concluding on that, then we will transition into thinking about shared driveways or how many units need a shared driveway, or a front-loading type of units. What could be the frontage and access requirements? Do we want to focus more on rear access? All of that will be a separate topic. They will all be intertwined in the end.

Yuhayna Mahmud: I do believe, like other cities, transit access and proximity should be considered. Is it a possibility to also consider access to green space as it relates to flooding and all the new drainage and detention regulations etcetera that you probably will be speaking to with the TAG regarding the implications of adding a dwelling unit. And already, in some of our areas, in terms of incentives, I wonder if there is an opportunity, for example, if you're providing these, and if you're close to these areas, then the city would come in and make sure that there's infrastructure. And finally, it has been a while in terms of affordable housing but I think it was a smart housing application in Austin, where you had to basically check all these boxes like proximity to transit, that this idea of green space, solar considerations, etc. and there would be certain incentives, so it was like an application process for this specific program. It will help to look into that kind of programs.

Suvidha Bandi: Thank you Ms. Mahmud. Actually, Lionheart is from Austin, and they have identified that Austin has a lot of different programs to encourage affordability. We will look into the idea that you presented.

Luis Guajardo: The city has its own green storm water incentives, for low impact development, for green infrastructure, that was passed last year. It mostly applies to commercial properties, I believe, but I think it's worth checking out and seeing what can be brought in from it. Maybe look at it from a housing perspective, as creating incentives. To help incentivize the kind of holistic and diverse housing that will create and check off a lot of different goals that the city's trying to achieve in the Climate Action Plan, in the Resilient Houston Strategy etcetera.

And I think it's worth looking at it anytime we're looking at open space or green space requirements, or the floor area ratio consideration. That could really be a great carrot and stick situation, where, "if you comply with certain affordability requirements" you get this kind of exemption. It could also help us do more at the parcel level, to withhold water. You know one site isn't going to solve the problem. But once this starts adding up over 15, 20, or 30 years, it may make a difference to our long-term resilience.

Curtis Davis: One other agenda item for the Technical Advisory Group, if we are looking to promote naturally occurring affordable housing. I think that the Technical Advisory Group or a subcommittee of it, needs to look at the market economics related issue, particularly in Houston, going inside the loop, given the strong demand for construction and the growth pressures and the phenomena of institutional investors now getting into the single-family home market. They've moved from the acquisition of underperforming properties market, into the single family's home market. And these kinds of densities are great. I think the more you add, they add to the market. I think it gives flexibility for the homebuilders. It gives them a product option. But if we are to assure that products are being delivered at affordable levels there needs to be some consideration as to what the consequences of these kind of regulations might be on the market that would facilitate this. Normally, if you have more product being produced, generally prices would stabilize, or may be forced down. But when you have institutional investors coming in, really looking at the market as a commodity that tends to drive prices up. I don't know of an environment ever, in the United States, where you had institutional investment coming into a housing market stabilizing prices to the housing market. It usually drives them up.

Michael Dishberger: Yes, I agree with Mr. Davis's initial comments that there are some other things we have to be concerned about here, and this is just the planning group working on this particular ordinance. I think we need people from public works as they have a lot of the things that you are talking about in building codes. When you go from so many units to another unit you move from the IRC to the UBC code, that's a lot more strict, and cost more money to build the product. Anything with

alley ways, driveways, they set rules. And so, you may come up with some great things to have some smaller housing or affordable housing, but these rules are still with Public Works, and the various departments. The building department, the storm department, and such. We need to have buy in from them that they're are willing to change those requirements, because those are getting stricter and stricter and stricter each year, and that actually forces builders, to change what they're building in size, scope, length. I really encourage this Technical Advisory Group, that there be people from public works, office of engineering, office of Building department, to be involved with this to say, this aint going to work, we are not going to change our mind, or yes it will work, we could make some modifications here.

Suvidha Bandi: We already started the discussion with public works, and they are aware of what we are discussing today, and they are a part of this meeting. But yes, we will make sure to coordinate with them, and provide solutions that are feasible and meet the various codes.

Peter Freedman: I know an area that we're building in, gentrification is happening, land values keep going up, and these ADU's are a great resource for such area. We're building one home that has an ADU. We were doing affordable housing. And if we're building under the medium house price in Houston, it's considered affordable housing, and we have an exemption on impact fees. As soon as we tacked on an ADU, that exemption went away. There are also additional fees that kind of get tacked on when you do an ADU. So, one thing, I think we need to consider, is figuring out how to price an ADU into an affordable size as well. So, if we say an affordable house is a medium house price, then what is an affordable ADU? And I think Curtis Davis kind of mentioned about that on the economic side, and I think that's very important.

Sonny Garza: That's great direction, because that tells us the kind of incentives that we need to be looking at.

Suvidha Bandi: We will talk more about ADU's, and we will share more information on it in the next meeting, but these are all great comments.

Suvidha Bandi: Going back to those questions that we had. Are there any opinions about how many units should be allowed? What should be the parking? I think overall I heard that probably considering no parking for the additional unit maybe an option, as we draft this. I'm trying to gauge the committee's thinking. Right now, I don't know how much FAR it should be. Should we even go that route? Some guidance on this will be helpful.

Sonny Garza: Suvidha, in the buffering ordinance, did we not say that 4 units were still single family?

Suvidha Bandi: Yes. We consider them as residential and that's why the question. Should be just do 3 units, or should we go up to 4?

Curtis Davis: This is another topic that might be reminded to the Technical Advisory Group. As you get into more complexity in the site planning arrangements, on a small scale, there may be consideration for an intermediate level comprehensive planning strategy or comprehensive plan proposal or master plan proposal, that might work for the smaller builder, who is aggregating multiple lots, to get a courtyard style development or some kind of cluster development, that's on a smaller scale. Or if multiple individual lots, are coming together, they could come under that plan, without having to replat the lot. So, I think having a conversation around what the enablement could be would also help.

Suvidha Bandi: In my preliminary concepts I went up to combining 3 lots. Not very deep, but to see how we can get maybe up to 8 units is what I was thinking. But again, all of this has to be analyzed, and that's why we're not presenting any solutions today. These are all great points.

Peter Freedman: Just to answer the question. I think 4 is the right number as well. And when you put the best practice slide up, I thought the majority, if not all the things on there, was a correct approach.

Suvidha Bandi: With that, we will prepare some ideas based upon what we heard today and looking at all the other references that were provided today.

Homework Activity: Please log on to Let's Talk Houston (www.LetsTalkHouston.org/Livable-Places) and read the residential development best practices study report, attainable housing and the family renter housing study and watch the Accessory Dwelling Units video.

Next Meeting

June 15, 2021 – 3:00pm through 5:00pm

Public Comments - There were no Public Comments

Questions and Comments from the Livable Places Chat

Villasana, Luis - HPC-HPW: What constitutes a small-scale multi-family?

Mathur, Dipti – PD: Villasana, Luis - HPC-HPW - We will be getting to a discussion tackling small scale multi-family during the next few upcoming committee meeting. That will help us define the term and also come up with number of units that may be allowed in small scale multifamily.

Curtis Davis: I believe "small-scale" makes reference to building and site plan typologies. Example: single family, duplex, quad, and site planning typologies like "village court", cluster, zero lot line, attached and detached row house, etc.

Fang, Muxian – PD: parking space calculation always rounds up

Bowie, Kimberly – PD: Clarification on parking fractional requirement 26-491 parking spaces are rounded down if below 0.5 and rounded up when 0.5 or more; bicycle spaces always rounds up.

Meeting Adjourned at 4:34pm