



R/UDAT

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HOUSTON R/UDAT 90

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CHARGE TO THE R/UDAT

The charge to the R/UDAT was shaped by months of discussions between representatives of the community, the City, including Mayor Whitmire, and the Houston Chapter of the AIA. It was agreed that the founding of the R/UDAT would be based on the following assumptions—

1. Absent conventional land use controls, Houston is unique among major American cities.
2. In response to popular pressure, some elements of land use control have been implemented in recent years.
3. It is time for a comprehensive plan for Houston that will provide a guiding framework for these and other appropriate tools.

The R/UDAT was to address the following question—

How does Houston create a flexible comprehensive planning system?

Within this question, the Team was given 6 specific charges:

1. Identify successful planning processes and underlying goals in other major cities;
2. Describe how these cities have updated their plans in the face of change and shifting priorities;
3. Outline effective tools (including types of land use controls) used to implement plans and identify pros and cons of each;
4. Identify technical problems with implementing land use controls in an already developed environment and suggest solutions;
5. Identify guiding principles for the development of a comprehensive plan for Houston;
6. Study existing Houston land use control tools to determine which should be retained, discarded or modified in support of the guiding principles for the comprehensive plan.

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SUMMARY

Over the past few days, R/UDAT has looked and listened. We've seen development of all types and scales. We've seen development that works and some that doesn't.

We've listened to people from neighborhoods, developers, professionals, business, educators, and government. What we've seen and heard supports Houston's world reputation as a very special city.

The scale, the ethnic and cultural diversity, the dynamics of the private/public relationship, and the spirit and concerns of its people and its leaders have made a strong impression on the team.

Like all cities, Houston has problems. Some exist and others will surface depending on what is done now.

In responding to the charge, R/UDAT has attempted in its recommendations to retain and focus existing strengths, while suggesting process to minimize problems as Houston moves into the next century.

R/UDAT includes in its recommendations, a Neighborhood Stabilization Program and a Process starting with Strategic Planning.

With regard to planning, R/UDAT considered three options:

1. Continue the existing planning process.
2. Implement a Comprehensive Planning Process at the city scale with strong land use regulation.
3. Establish a process for city coordination of metropolitan systems (transport, utilities, open space/environmentally sensitive areas) and capital improvement programs and implement a comprehensive planning process at the "Sector" scale with land use regulation determined by the sector.

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SUMMARY

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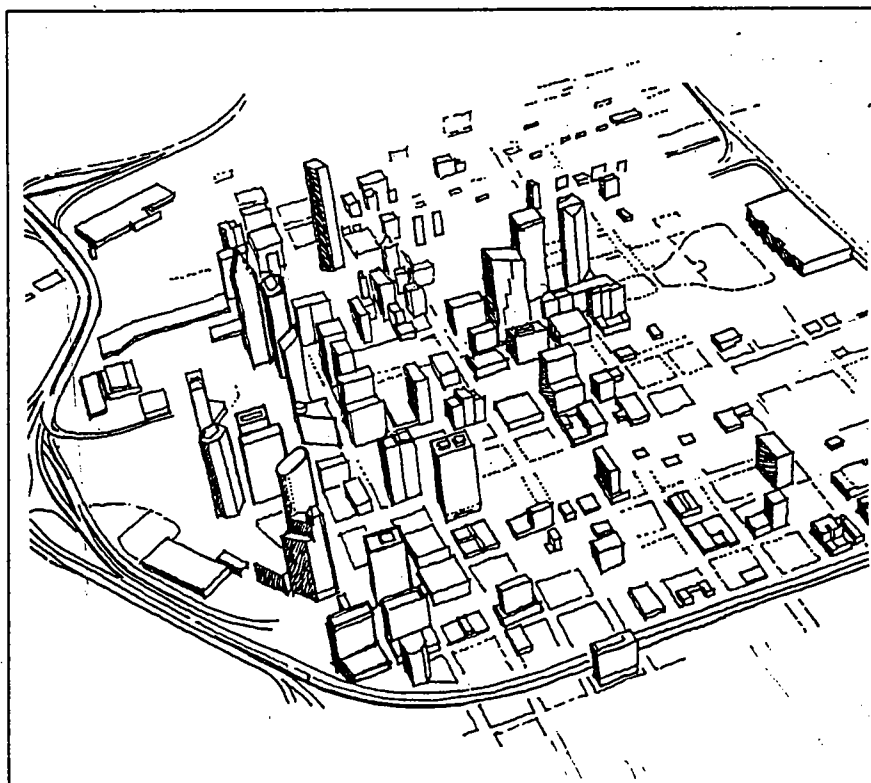
Option 1 was considered only briefly. The need for regional coordination of major systems together with additional control at the neighborhood scale is outstripping the capacity of existing process and regulation.

Option 2 was considered inappropriate given Houston's history and the difficulty and time required to implement a single comprehensive plan in a community of this scale and diversity.

Option 3 is recommended by R/UDAT.

The need for regional coordination of major systems will grow. The cost of growth and upgrading of existing infrastructure requires the cost efficiencies available through careful coordination and integration of planning.

Comprehensive planning on a "sector" basis provides for better response to local conditions, residents, and the business community. The level and nature of land-use regulation can be different from other sectors as well as the progress and timing of the process.



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CONTEXT

PHYSICAL

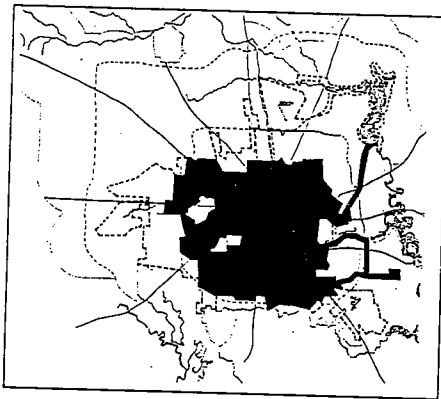
Setting

The City of Houston covers about 600 square miles with another 1,500 square miles within the extraterritorial jurisdiction (ETJ). Between 100 and 120 square miles of land within the City remains undeveloped; in addition the City Planning Department estimates that approximately 20% of the built-up areas remains underdeveloped.

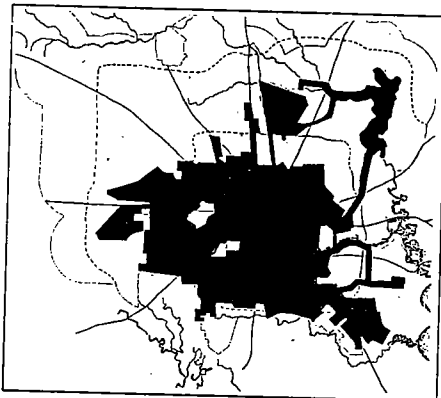
Land within the ETJ lies primarily to the west, northwest and north of the City, extending in some cases 25 to 30 miles beyond the City boundary. Although development within the ETJ zone is characterized by scattered, low-density subdivisions, significant large scale construction has occurred in the area. These developments include construction associated with the Houston Intercontinental Airport, the commercial and light industrial centers located at Willowbrook Mall, the Woodlands new community and other planned communities such as Copperfield and Cinco Ranch.

Despite the perception generally held by citizens that there is an absence of planning, the R/UDAT Team was surprised to find that the majority of the physical context elements for planning and development have been documented. While they may not be comprehensive, and they may not be coordinated with each other, and they may not have the sanction of being "officially adopted" as blueprints for the future, they have been documented in a thoughtful manner that begins to provide implications for future urbanization patterns, opportunities and constraints to development.

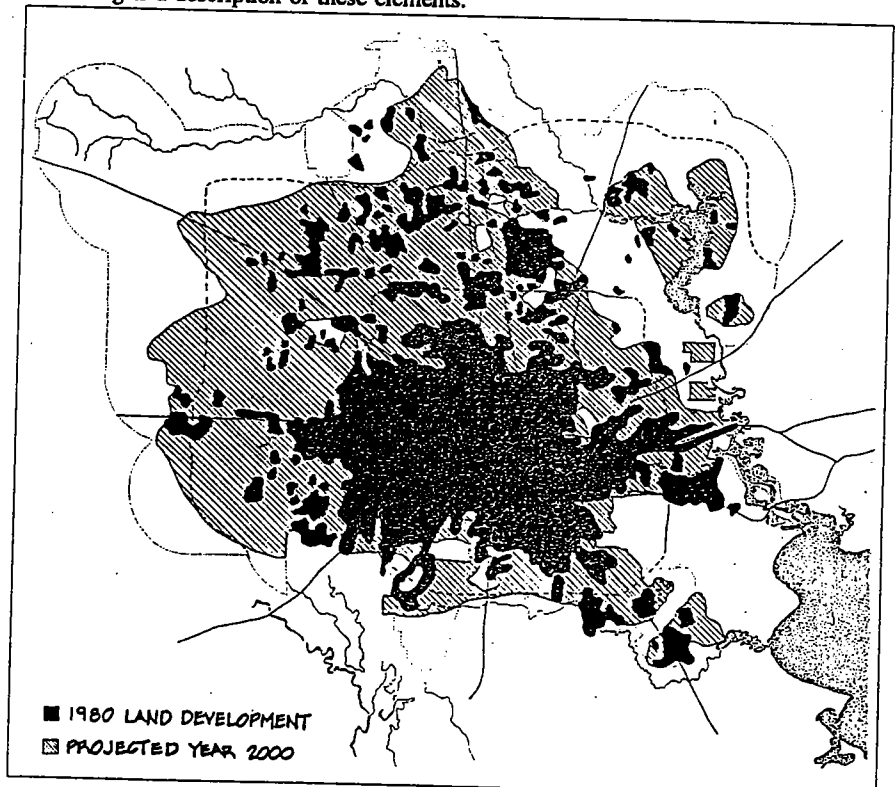
Following is a description of these elements.



City Limits 1960



City Limits 1980



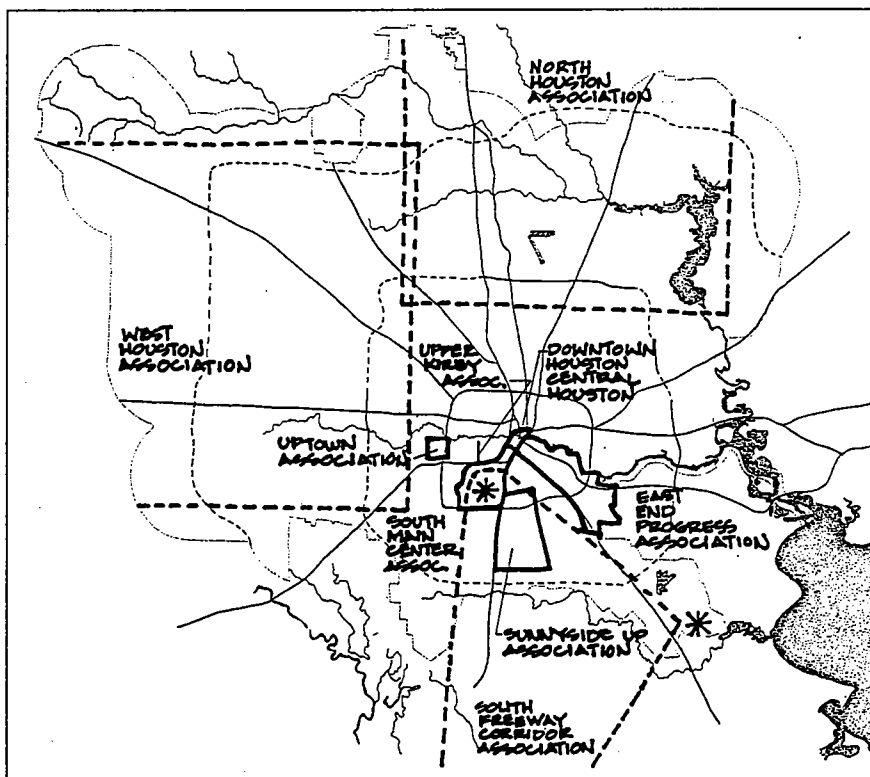
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CONTEXT

Neighborhood and Area Organizations

A number of neighborhood and area associations have sprung up throughout the city, providing services in economic development, area revitalizations and general community planning. These organizations cover areas that vary widely in size and character, ranging from associations in North and West Houston with geographic areas that extend over several square miles, to much smaller areas located nearer the CBD. The organizations include:

- Downtown Houston/Central Houston
- Uptown Houston/Harris County Improvement District #1
- South Main Center Association
- East End Progress Association
- Sunnyside Up
- Upper Kirby Association
- South Freeway Corridor Association
- West Houston Association
- North Houston Association

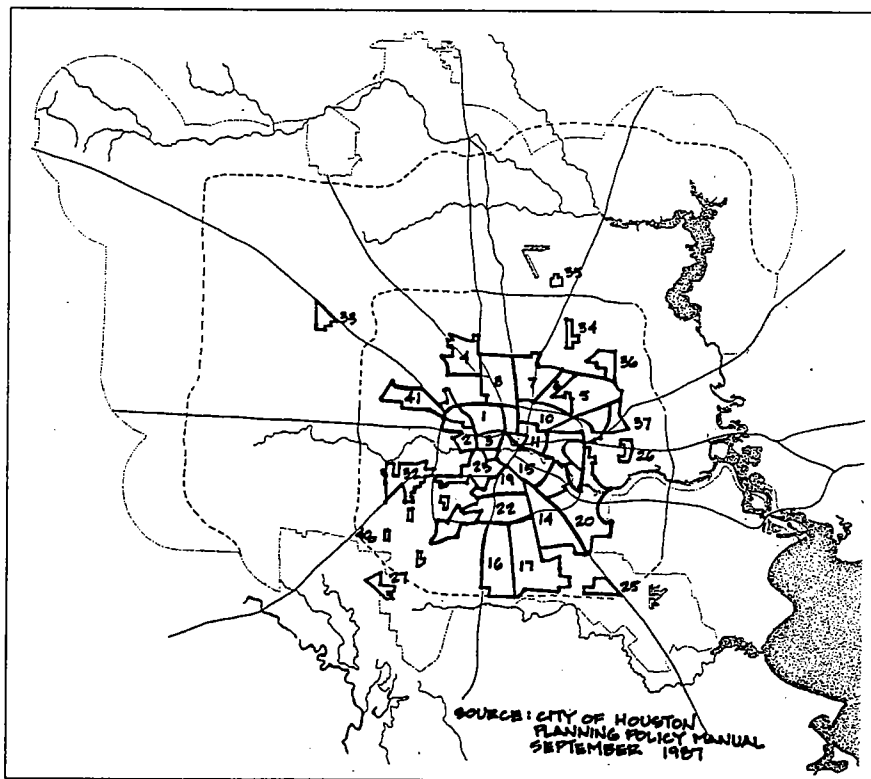


Area Associations

CONTEXT

Neighborhood Sector Planning Program (City of Houston, Department of Planning and Development)

This program focuses on the needs of selected low and moderate-income communities through preparation of comprehensive revitalization plans. Forty-one neighborhood planning areas have been identified for study. These areas are concentrated in the eastern half of the City, within or adjacent to the inner freeway loop system. Four neighborhood plans have been completed in draft form as of April 1990.



Community Development Areas

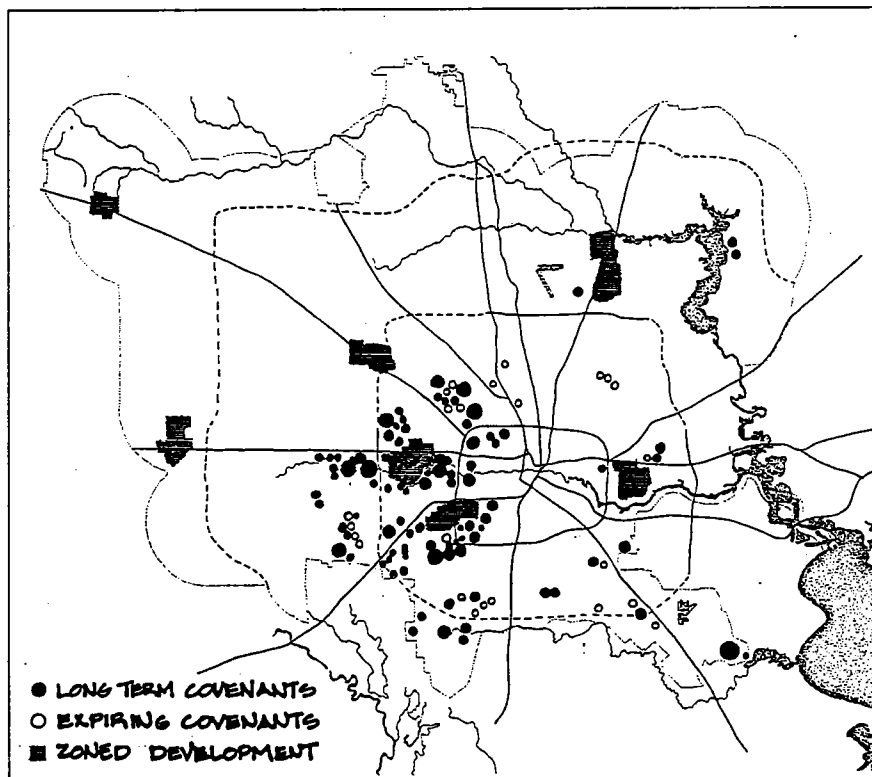
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CONTEXT

Deed Restricted Subdivisions and Zoned Developments

Over 100 subdivisions exist within the City limits where protective covenants remain in force. The majority of these developments occur westward of the CBD, i.e. west of the I-45 Freeway and State Highway 288. It is estimated that between 20 and 30 subdivisions are 'at risk'; i.e., the protective covenant will expire within the next 5 to 10 years. Currently a number of neighborhoods have either successfully reintroduced deed restrictions or are seeking to do so.

Within Houston boundaries there are a number of communities that have, over the years, chosen to become separate municipalities with zoning as a means of protecting property values. These include Bellaire, West University Place, Southside Place, Hillshire Village, Spring Valley, Piney Point Village, Hunters Creek Village, Bunker Hill Village, and Hedwig Village. these communities range in population from 1,000 to 15,000. Residential property values in these areas have been maintained or increased, particularly during the recent economic downturn.



Areas with Covenants, Zoning

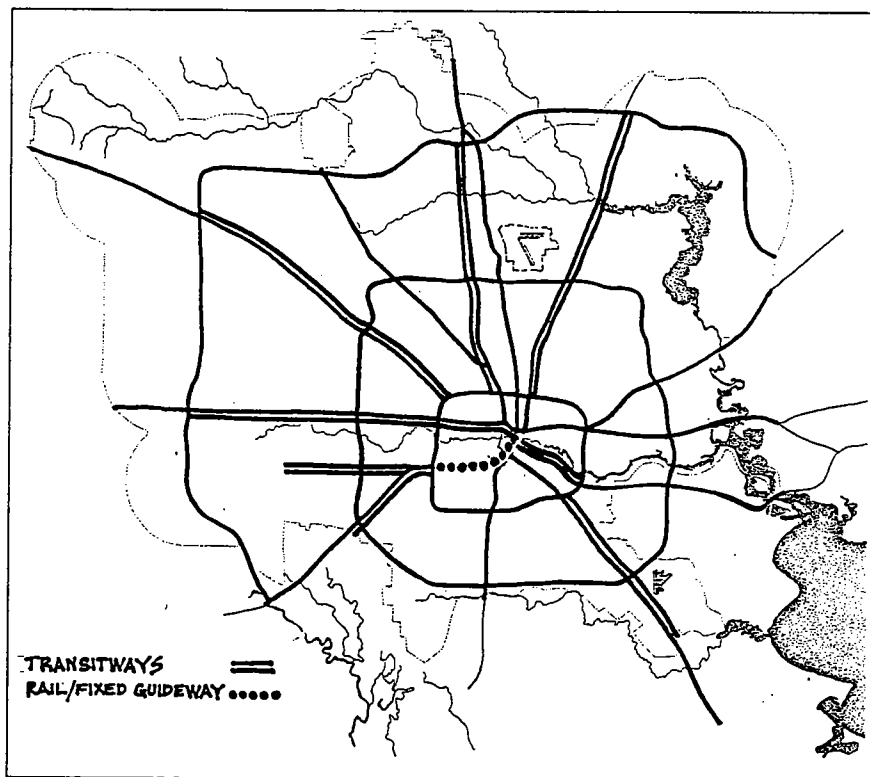
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CONTEXT

Mobility Planning

A series of long term transportation plans have been prepared for the Houston area which have examined arterial street and freeway improvements as well as a variety of alternative transitway projects. METRO currently has a Regional Mobility Plan involving recommendations for general roadway improvements, bus service requirements, transit centers, and transitways, and is also examining a rail/fixed guideway component.

Earlier transportation planning efforts begun in the early 1980's have led to improved bus transit services, the development of a number of transit and transfer centers, and the construction of special transitways within the right-of-way of four of the City's major freeways.



Some Conceptual Gaps in Houston's Transportation Planning

Houston is to be congratulated for spending the money that was needed to increase mobility and reduce congestion. Most of the money was spent on roadway improvements and much of that on adding new freeway lanes.

The problem that Houston should plan against is that, over time, these achievements tend to fall victim to the very improvements that have accomplished them in the first place. The conventional wisdom recognizes this phenomenon with the observation that "highways breed still more highways" This memorandum will attempt to describe the phenomenon in more detail and suggest how mobility, once achieved, might be ensured over the long term without building expensive capacity ad infinitum

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CONTEXT

The immediate results of Houston's transportation efforts are impressive. Congestion has been measurably reduced. According to the 1989 report of the Committee for Regional Mobility "Traffic volume per lane-mile of roadway ...has been reduced by more than 10 percent since 1984" At the same time "substantial improvements have been recorded in freeway operations during peak hours since 1982" Average freeway speeds during the PM rush hour have gone up almost 20 percent, saving Houston commuters about five minutes and a good deal of unquantifiable aggravation.

The other side of the of the mobility coin is accessibility which has also improved dramatically. For example, according to Committee report, "The area accessible within 30 minutes of driving time from the heart of the Central Business District has increased from 350 to 600 square miles".

This means that people now working in the CBD have almost doubled the area in which they can live and still travel only 30 minutes to work.

If history is any guide, over time, more and more people who work in the CBD will settle in this newly accessible area, trading off the five minute time savings for a longer journeys to work. Already, the daily vehicle-miles traveled by residents of Harris county have more than doubled from 1970 to 1988 That's fine as far as it goes, but sooner or later so many people will be traveling longer distances especially to work that the highway capacities that enabled this in the first place will be used up.

This phenomenon has been observed in many places including Los Angeles where commuters seem to budget their travel times to about 45 minutes and use up improvements in the freeway system by moving closer to their preferred areas of recreation and further from their places of work. Similarly, in the Washington DC area highways and parkways opened up new living opportunities in Northern Virginia which is now about to spend billions to relieve the congestion brought on by the very highways built to improve mobility in the first place.

The point is, that more travel capacity generates more travel which, in turn, demands still more capacity to "satisfy" it. The trouble is that absent some new concepts for addressing this "loose linkage" phenomenon there is no end to this process of chasing one's transportation tail.

Earmarking funds for transportation encourages chasing one's transportation tail; if there's plenty of money for solving transportation problems you can be sure that there will be no end of transportation problems demanding to be solved. The danger is that scarce capital that might better be invested to address other kinds of expensive problems such as water and sewage will be spent to ratchet up the transportation problem rather than solve it at some acceptable level of transportation service..

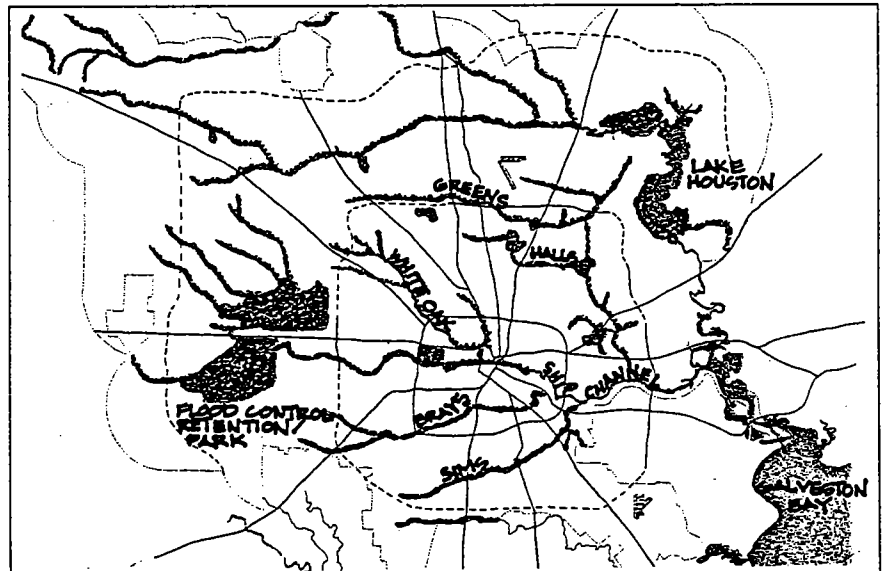
Theoretically, the transportation problem can be solved more or less permanently Until the travel linkages that are loosened by transportation improvements are somehow constrained

CONTEXT

Green Ribbon Committee Plan, Buffalo Bayou Task Force Recommendations, and CEC Trails Report

Prepared between 1979-82, and organized into report form in 1983, the Green Ribbon Committee Plan outlined a system of parks throughout the City and Extra Territorial Jurisdiction area. It also indicated a system of interconnections that includes the bayou system. Since that time, this plan has become a basis for determining where parks are located. However, the interconnection system has, for the most part, not been implemented. Subsequent to this effort, in 1986, the Buffalo Bayou Task Force published a series of recommendations for this historic waterway. This year the Citizens Environmental Coalition has prepared a county-wide Trails Plan called the Path Finders Guide to Recreational Trails of Houston.

The experience of Houston, as well as other cities, has generally been that parks, especially those with natural water courses, tend to make the City more liveable, tend to enhance real estate values, and tend to provide a sense of neighborhood identity. The bayous in particular represent an underutilized resource for improving the liveability of the city. In Toronto, Canada, considered one of the world's most liveable cities, the ravine/water course system represents one of the most significant assets of the city, set aside as an extensive, natural linear park system meandering through the gridiron urban pattern. To live next to or near one of the ravine linear parks is considered most desirable. These ravines, in addition to the more manicured urban park systems, are used extensively by the citizens as a respite from the pressures of urban life—a sense of peace within walking distance from home or work. As Houston continues to urbanize, the park system will become more and more valuable. The bayou system in Houston represents an opportunity to interconnect with a more comprehensive system of pedestrian and bicycle trails throughout the City. The initial planning efforts put forth by the Green Ribbon Committee and the Buffalo Bayou Task Force and the Citizens Environmental Coalition should be a part of a comprehensive plan for urban infrastructure in the city. A major emphasis in implementing this plan must be retention of natural systems, including such devices of utilization of natural land forms for flood control rather than concrete channelization.



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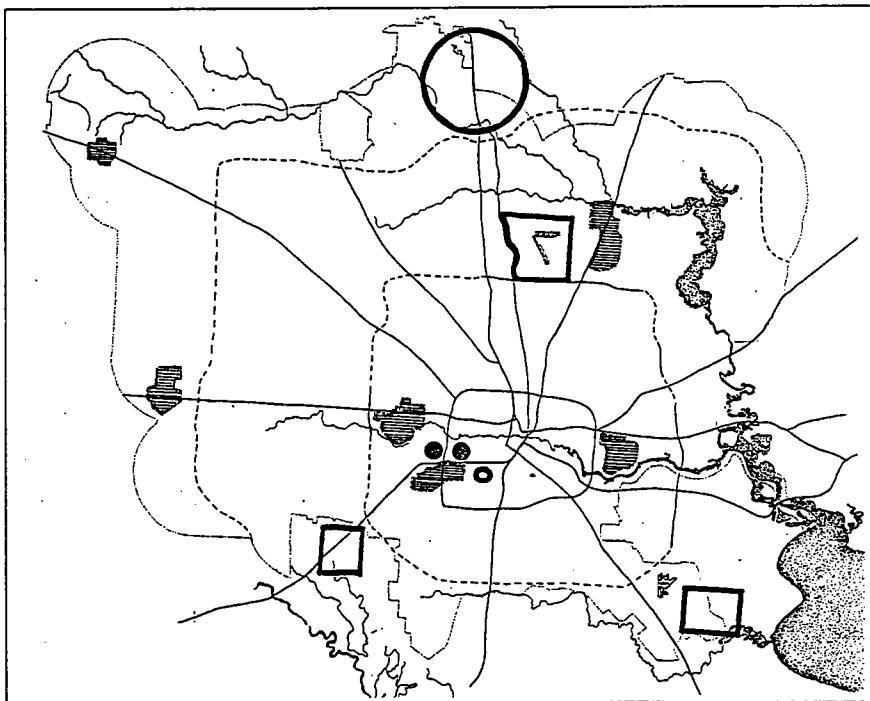
CONTEXT

Major Centers Outside the Urban Core

As Houston has continued to grow, major new centers have emerged to change the urban patterns of the city and to challenge the central core for importance in the region. The Texas Medical Center (TMC), Uptown Houston/ Galleria, and Greenway Plaza are the major centers. These "activity centers" have made a substantial impact in creating a polynuclear city. The Texas Medical Center, the world's largest, has 37 institutions and provides employment for over 60,000 people. Uptown Houston, the County's largest suburban center has over 25 million square feet of offices and employment of 76,000 persons. These centers have emerged as the result of disjointed, incremental decision-making, driven substantially by market economy decisions. They are not comprehensively planned, yet they contain some of the more significant urban spaces and experiences within the city. They all include high-density residential buildings in addition to their office/retail uses, although TMC is almost exclusively institutional in its use.

Surrounding the urban area, a number of "planned communities" have emerged to house a substantial component of the population that works closer to the central core. These communities are tending toward mixed use, providing retail as well as residential, and even some office development. The most completely developed are The Woodlands, Clear Lake City and First Colony.

The majority of the employment for these satellite communities tends to come toward the central core, and are served by the "radial plan" system of arterial highways to service this demand. These communities are generally comprehensively planned, and the more successful of these have maintained strong economic demand, particularly for residential property during the recent recession.



Major Centers

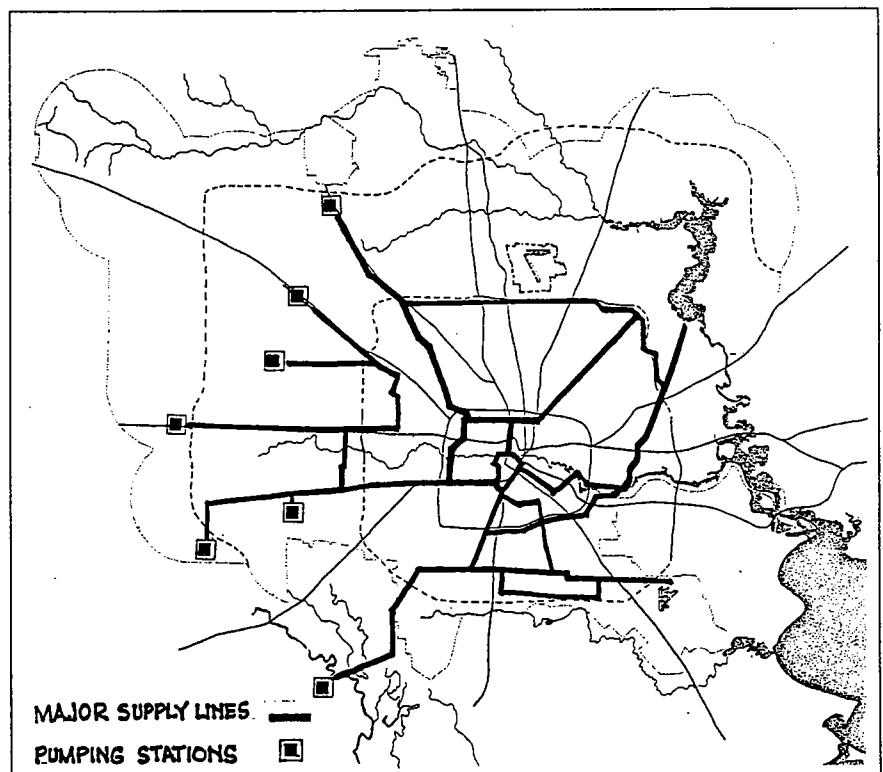
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CONTEXT

Utility Planning

The City has initiated a series of comprehensive water supply and distribution plans beginning in 1962. Proposals for the collection and treatment of wastewater recently culminated in the comprehensive plan prepared in 1989. In addition the County and the City have jointly funded studies focusing on the drainage of all major wetlands.

These series of plans and proposals have responded to the growing demands imposed by the rapid pace of urbanization. A weakness of these sets of plans occurs in the lack of clear implementation strategies, particularly in the areas of financing and maintenance.



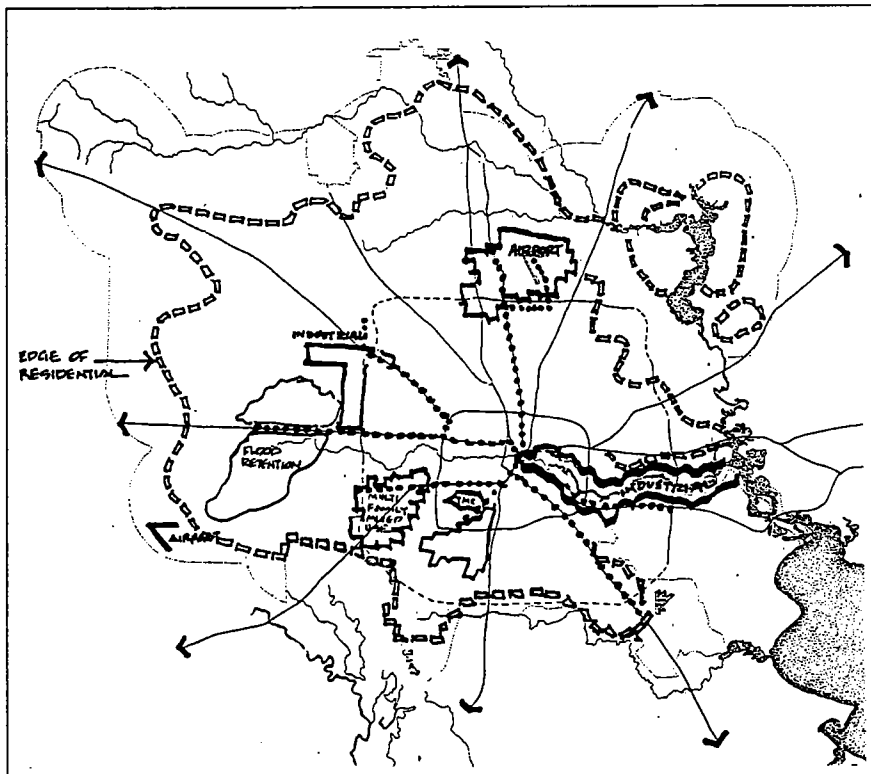
Utilities

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CONTEXT

Houston Year 2000 Map

The Houston City Planning Commission prepared a map in 1980 that provides a projected image of the urban pattern for Houston. The roadway pattern is a continuation of the existing gridiron/block plan, overlaid with the radial and concentric circle plan of regional arteries. The bayous and flood retention basins are shown as parks and open space. Existing land use patterns, including the existing centers, are projected to infill, and generally expand toward the ETJ boundary, with the exception that new service retail centers will emerge to service the expanding residential areas.



Houston Year 2000 Map

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CONTEXT

Conclusion

Comprehensive master planning has a long history in Houston, beginning with the master plans prepared in 1913 and 1929. Subsequent long range planning studies were carried out in 1964, 1966, and 1973. Within the last decade a series of specific proposals covering future utility and infrastructure needs, transportation and community service agreements have been completed or are underway.

It is clear, however, that a more comprehensive and coordinated approach to long term planning is needed. Plans prepared by neighborhood and area associations promote internal needs without relationship to or liaison with the planning efforts of similar entities in other areas of the City. METRO has endeavored to provide long range transit planning in an environment of uncertainty about the location and size of employment centers and residential density. A comprehensive approach to planning for change, the preservation of existing neighborhoods, the efficient management of limited municipal resources and other issues resulting from a maturing city must all be addressed.

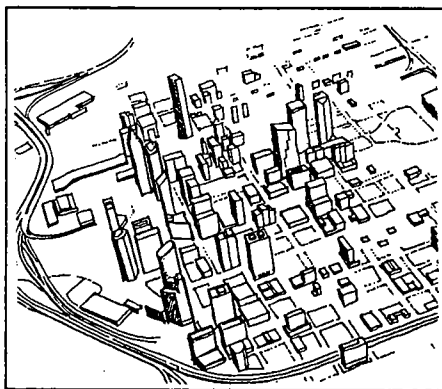
The existing plans, documents and built form patterns of Houston indicate that substantial considered effort has been put forth. The physical context for future change in Houston has been established. However, not until this point in its history has the "strategy of disjointed incrementalism" unique to Houston and the urbanization patterns it creates, begun to show signs of being inadequate to serve the needs of residents, workers, and the development community. Given the assumption that urban growth will generally continue, the elected officials and the public employees of Houston are being asked to take new steps, and to accept a greater responsibility for resolving the inevitable conflicts that begin to occur between competing interests in a more dense urban environment.

A comprehensive approach to planning for change, preservation of existing neighborhoods, equality of development rights, efficient management of limited municipal resources and other issues resulting from a maturing city have not yet been addressed by planning and development strategies in the City of Houston.

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CONTEXT

ECONOMIC



Houston's economic growth in the late 70's and early 80's was nothing short of spectacular. The city produced so many new jobs that migration of population to fill them was averaging 50,000 per year from 1974-81. Over that same period per capita incomes jumped 160% while those elsewhere in the country rose 108%. The City added office space at an unbelievably rapid pace: 69% of the existing Houston market was built in the ten years from 1975-85. This was over 100 million square ft. in more than 1000 buildings. Houston was seen as an economic miracle.

The economic growth in jobs and incomes occurred in a rapidly expanding urban metropolis. By 1985 Houston was approaching 600 sq. miles in area. Border to border the city limits stretch more than 25 miles. Houston had grown enough to be able to contain 9 of America's largest cities within its bounds, including Denver, San Francisco, Miami, St. Louis, Baltimore, Boston, Cleveland, Pittsburgh and Washington, D. C. In addition to growth within, the City annexed growing suburban areas vigorously.

Automobile travel also exploded. Miles traveled by motorists rose from 26.5 million vehicle miles traveled per day in 1970 to 47.9 in 1980. Housing units expanded.

This tremendous economic growth in jobs, incomes, office space, and the growth in population, city land area, and housing created great demand for supporting public systems and services necessary to carry on the business of Houston. Because most travel in Houston is by auto, congestion began to become a serious problem by the late 70's. Quickly, funds for more roads were raised locally and used to leverage additional monies from State and federal sources. Eventually, in 1979, voters in Houston and the surrounding area voted to fund "METRO" with an additional 1% sales tax dedicated to regional transportation. METRO aimed to develop transit capacity to enhance regional mobility and reduce congestion. Today the sales tax in Houston is 8 %, one of the highest sales tax rates in the country.

New freeways built in the 1980's have helped greatly in reducing congestion, but for many other roads in the regional system, particularly in the City, continual aging is occurring, as is the wear and tear directly in proportion to their higher use. More maintenance expenditures will be needed indefinitely just to maintain the status quo for most of the system. And in the years ahead, older parts of the system will need to be rehabilitated and in some cases replaced. This will provide a reason to keep the current level of financial commitment of Houston citizens to METRO locked in.

Several other public systems played key roles in Houston's growth. The expanding population needed water and a system for treating its wastewater. As the City grew, thousands of new water and sewer customers were connected to its existing systems very quickly. Serving growth that was occurring at breakneck speed became the focus of intense and sometimes almost exclusive attention throughout most of the growth period. But progress was insufficient to keep up with the expanding demands. It was essential that new homes be provided quickly to house the new population that was occurring so rapidly. Much of this growth was occurring in the City's ETJ. Existing capacities in the City were stretched. Systems were created outside Houston using hundreds of MUD's, most in the city's ETJ. This growth resulted in deteriorated water and sewer service within the city and undesirable side effects throughout the entire ETJ.

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CONTEXT

ECONOMIC

continued

For example, as a result of groundwater extraction, subsidence accelerated so that more and more of the City fell into the 100 year flood plain. For this and other reasons, it was determined in the early 80's that massive redirection of the entire water system was needed. To be sure, the City responded, and between 1983 and 1986, appropriated \$372 million for water system improvements. To provide more funding, residential rates were tripled from 1974-1986. At the same time, and largely after these major financial commitments were occurring, work on an update to the Comprehensive Water Master Plan was initiated. This was done in 1985. Because so much growth had already occurred, the plan was focussed on how best to react to the patterns of demand within the many limiting constraints of the existing physical system, and environment of the urbanized area.

Costly problems also arose in attempting to provide sewer service to new residents. Like water, many new homes and businesses were connected to Houston's "centralized" collection and treatment system. In addition, utility districts constructed hundreds of small treatment systems in the ETJ to serve thousands of new homes. Many of these have since been annexed to Houston. As in the case of water, there was no plan to guide the expansion of the wastewater system outside the city limits during most of the boom period. Under the circumstances, it was only possible to react to demand, and pay the resulting costs. Even so, discharge violations became so serious by 1983 that EPA and State actions placed some 90% of Houston under a moratorium. This moved wastewater to the top of the list of Houston's numerous priorities. Since then more than \$500 million has been spent on remedial system problems. Like water, sewer rates have jumped: a minimal flat rate was charged before 1974, but in 1989, a typical single family home would pay \$25 - \$50 per month for sewer service alone. (Water would be about the same, and perhaps double in high irrigation months.)

Houston's significant difficulties in serving the boom-period growth with public services was not limited to the water and wastewater functions. Perhaps because so much attention and available financial resources were aimed at expanding capacities in transportation, water and sewer, other needs were neglected. For example, although potential flooding and drainage problems and associated liabilities have grown with new development of all types, little progress has been made in this area even as of today. The problems caused by growth were made even more difficult by changing regulatory requirements mandating higher levels of wastewater treatment, elimination of overflows, and increased levels of flood protection.

The parks systems has had a low priority. There are park deficiencies in many neighborhoods, both old and new, and as of today, no adopted masterplan for the future. Local and collector streets are showing their age in many of the neighborhoods built in the 1960's and earlier. In contrast to office space, 69% of which was built since 1975, more than 80% of the City's neighborhoods were built prior to 1975. Traffic has increased throughout Houston on all its streets, including local and collector streets. Recreation centers are not even discussed and there is a long list of needed police command stations and fire houses.

These needs are a result of the economic growth. They were not provided in a planned manner at the time growth occurred, and now, and for the next twenty years, Houston must pay the cost of catching up. It will be costly, because this is a highly inefficient

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CONTEXT

ECONOMIC

continued

way to provide these services, and because as catchup is occurring, keeping up the existing aging utility, streets, roads, and safety infrastructure will also demand large financial infusions. In the words of the Houston Chamber of Commerce, "The current slowdown in growth might best be viewed as a time during which we can remedy key system inadequacies before the next growth cycle occurs." This was stated in 1986. It is true today as well, and is a tactful way of alluding to billions of dollars of needed public investment.

What's ahead for Houston in regard to provision of public service and infrastructure? There will be a long period of increasing expenditures for water and sewer system rehabilitation and consolidation of utility district systems, transportation improvements, initial remedial work on flood control, and ever increasing demands from neighborhoods for local street improvements, parks and trails, police and fire stations, and increased maintenance in these areas. Many inner neighborhoods have now aged to the point they are rapidly deteriorating at the same time their residents are gaining in political power as the composition of the Houston electorate has changed from the mid70's through the decade of the 80's. All this means higher taxes, higher utility charges, continued tight budgets, even if economic growth in the tax base resumes, in order to pay the public costs associated with the boom of the late 70's and early 80's that were not paid at the time.

These costs are higher than they would have been had the existing systems been planned to accommodate expansion in an orderly and cost-effective way before the growth occurred. The master plans for both water and sewer did not adequately address integration of utility district systems into the city's overall plan. These systems are highly complex networks that are totally integrated and must be expanded with a view toward the whole for any degree of efficiency; piecemeal additions add to the complexity and become a serious constraint to efficient performance.

It is very important to note that because of a lack of planning to guide the boom growth beginning in the mid 1970's, Houston has not really had the option to spend less on basic utilities and safety since 1975. Once the boom began, it was generally too late to take all the actions that today in retrospect would have been advisable.

Indeed this is not a sanguine view of a key element of Houston's economy. But Houston has great resources to work with. First, it has some time now to review what has occurred and adjust the way it prepares for the future growth that will come. This is vital, as pointed out by the Chamber in 1986 (see above). But as the clock ticks, action is needed in taking remedial actions and planning ahead. There is no time to waste. Houston also has a substantial income from public revenues now. Yet tax rates and utility charges are high enough so that future increases will most likely be relatively small year to year changes, if at all. Sales tax is 8%; property taxes are about 2%/yr on actual values, which is about average for large Sunbelt cities; and utility charges are moving into the above average category for comparable cities. But housing costs for the land and home are quite low by comparison.

Houston is also blessed with one of the nation's most energetic, interested and involved business communities. Its support for, and in many cases, direct provision of public services is legendary. But the question for the future is how this energy can be

CONTEXT

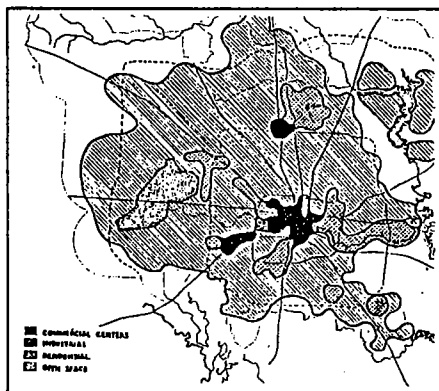
ECONOMIC

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integrated with the needs of the large highly integrated urban systems that because of their scope must fundamentally be public responsibilities. Houston has not yet come to terms with this issue. Above all, this private sector energy and financial commitment cannot be lost. Its diminishing effect would be devastating.

Houston must understand that planning is vital for an efficient public sector, just like it is in business. The technology for public sector planning and management of large urban areas exists, has been proven in other cities, and can be tailored to fit Houston's specific needs. For the sake of future economic growth, as well as city livability, embrace the opportunity!

From the economic/fiscal viewpoint there are several priorities for Houston now:



(1) Complete a financial analysis to illustrate the City's available funds and future tax capacity and debt capacity, together with realistic projections of ongoing operations and maintenance costs, and funds needed for remedial capital improvements. Most of this information is now available, though from several sources. The analysis should focus on City, County and METRO programs paid for by Houstonian tax dollars. This should be done to establish an understanding of what can be expected in the way of taxation and public spending in the City in the next decade or so. This should take no more than 3 - 6 months and be done under the auspices of the Planning Department to ensure a tie with the CIP.

(2) Houston should act to prevent any future deterioration of its financial position, and assets, so growth in its tax base, and the investments it is making can move the remedial process forward. For example, Houston investments serving the interest of citizens in the unincorporated areas should be carefully examined, and ways identified to allocate costs equitably. The Hardy Toll Road is a good example of suburban citizens helping to pay the costs of services benefiting them. MUDs should not be left on groundwater and Houstonians required to shift to a surface system at higher cost without some compensation to Houston.

(3) Houston should push forward with comprehensive land use and functional planning on a metropolitan basis because this will be the best way to make the next economic boom affordable. Preparation for expansion (and rehabilitation) of complex, integrated urban systems is the best way to get value for the dollar — the tax dollar. Over time, these more efficient systems, obtained through planning, will be reflected in lower budgets. But this takes time, even when growth is slow. Start now!

(4) Houston should do metropolitan planning and bring all the major players into the process, or at least coordinate them. The city of Houston should take the lead in doing this. An overall Houston framework plan should set the planning assumptions for all other plans.

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CONTEXT

Political/Organizational Overview

Recent public opinion polls reflect a prevailing mood among Houstonians that zoning is a necessary next step in the city's land use decision-making, and there seems no question that how Houston abets its physical change and growth is at a watershed.

Despite Houston's historical lack of zoning and its stated aversion to planning, there seems to be no dearth of public and private planning efforts in recent times, nor is there any indication that a community leadership vacuum exists on this issue—neighborhood groups and area associations show considerable evidence of commitment, expertise, and achievement.

The confluence of these ingredients—private and public skills and organizations—and an emerging political will offer Houston the opportunity to choose how it wants to continue its maturation as a major American city.

Prime among the specifics that have caused pressures and created a climate for the possibility of comprehensive city planning and zoning measures are---

- An established, effective Mayor, not beholden to development interests, turning her attention to a growth agenda-setting for the '90's
- City Council interest in neighborhood controls
- A newly-appointed director of the Planning and Development Department—a position vacant for 19 months
- The reorganization and expansion of the Planning Department's scope and ability to coordinate various planning related activities
- Leadership in Houston's neighborhoods, at risk from inappropriate development, are demanding adequate protection for residential communities
- The threat of legislative action by the Texas Legislature—the "Mixon" syndrome—poses the usurpation of local development prerogatives
- Houston's developer leadership seems to have accepted the need for protective initiatives on behalf of the city's neighborhoods

Thus, the political and organizational elements of an overall planning structure for Houston exist with considerable vitality.

The challenge is to translate grassroots support for zoning at the neighborhood level into a broad-based process of comprehensive planning that incorporates that which has made Houston a great city into the goals for the next generation of physical change and growth.

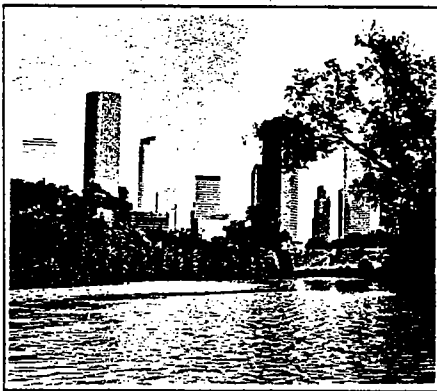
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CONTEXT

Land Management

R/UDAT understands that in response to various, specific development problems, the City has adopted code or ordinance provisions to prevent excesses or to establish basic requirements in such areas as:

- Off Street Parking
- Helicopter Pads
- Sexually Oriented Businesses
- Setback Requirements
- Signage Control and Barner Districts



In each instance, City staff and appointed citizen task force members addressed, evaluated and proposed alternate solutions to perceived encroachment by some landowners on the property rights of others for adoption of regulations and guidelines by the City Council. Houston, therefore, may not have "zoning," in the sense of mapped, categorized use districts, but it cannot be said that the City lacks concern for managing land uses. What is missing is an unified, active, umbrella document with clear lines of administrative responsibility.

Planning Department staff has undertaken active urban design initiatives. Three projects are currently underway: Buffalo Bayou, Chinatown, and Market Square. These and future projects can assist in the identification of natural and man-made distinctions that establish neighborhood or area character. Establishing themes and positive examples for future land use is a worthwhile counter balance to the often negative implications brought by regulation.

A specific area in which City staff might improve service to the development community (and, thereby, the neighborhoods affected by new construction) within the context of its existing Development (subdivision) Ordinance is site plan review. The City presently reviews subdivision plats with the positive attitude that no plan should be rejected out of hand. Affirmative suggestions for design improvements or conformance with engineering standards is a community service which ought to be extended to non-residential and multi-family or clustered housing site plans.

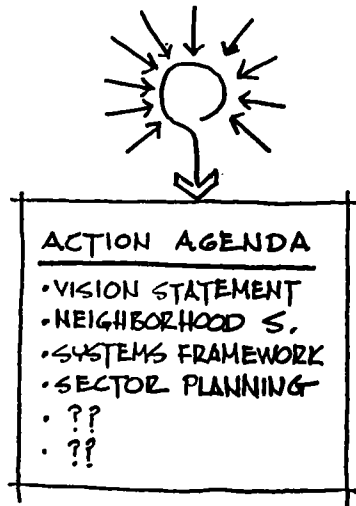
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PROCESS

Strategic Planning

STRATEGIC PLANNING WORKSHOP



As the first step, R/UDAT recommends a Strategic Planning Workshop to prepare an action agenda for the City. Issues for discussion should include 1) a metropolitan visions statement, 2) immediate action to stabilize neighborhood transition, 3) coordination of regional systems as a framework, and 4) sector planning.

The Mayor's Land Use Strategy Committee should lead the Strategic Planning effort. The product, an ACTION AGENDA, is a plan for planning, a determination of what needs to be planned and when. The Action Agenda should be reviewed on a regular basis.

These issues seem clear:

- The Houston community wants to move on creating a vision for its future, both long and short term.
- City neighborhoods have immediate needs that should not wait for resolution of all related issues.
- Metropolitan systems—flood control, water, sewer, transport, public safety, etc., need closer coordination to ensure maximum cost-effectiveness and capacity necessary to match future growth. Taken together, these systems can serve as a framework for development.
- The scale and diversity of Houston point toward a process that breaks the total into sectors of manageable size based on rational boundaries and common interest. Sector Planning can respond to physical, political and cultural diversity.
- The Systems Framework together with the Sector Plans can be the components of the Houston Comprehensive Plan.

Vision

Step two is the creation of the Houston Vision Statement.

Mayor Whitmire has said, "I see the Houston of the 1990's as a place of prosperity, of new growth, of a solid and diverse economy. We'll assume our place of prominence—as one of the world's leading cities."

Such optimism begs a broad vision-setting process that engages Houstonians in thoughtful dialogue about the regions overarching growth goals and principles. The resultant product becomes the roadmap that frames debate on these steps to fulfilling economic development objectives and guides subsequent discussion and decision making about the specifics of how best to achieve a Houston whose economic vitality serves all sectors of its community.

Central Components for success include:

- Authorization and initiation of the process by Houston's Chief Executive
- Endorsement by the City's private sector leadership
- Participation and representation by all sectors of Houston's diverse community.
- Collaboration of private and public interests.
- Establishment of mini town meetings on core elements of a Houston vision.
- Key ingredients to the mechanics of such a process include:
 - Continuity of participation
 - Research support from Houston's universities and its Department of Planning and Development
 - Production of a comprehensive data base

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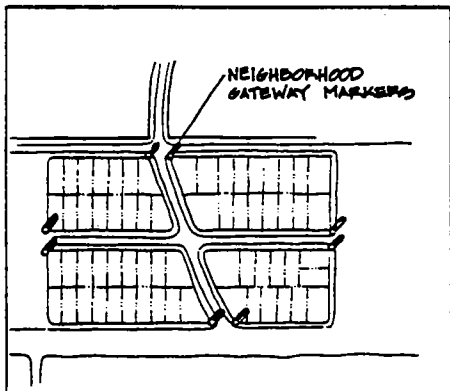
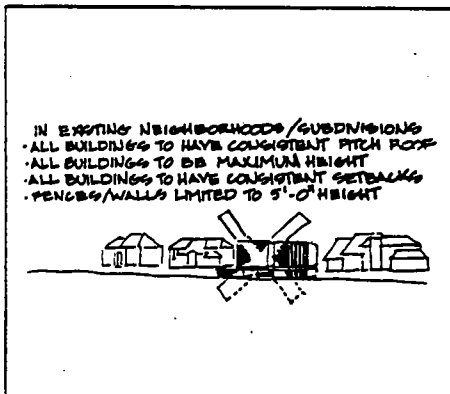
- Sensitive but aggressive facilitation from a third party
- Creation of consensus on the first phase in a relatively short time period
- Establishment of an agenda for specific next steps, with much of the leadership for second generation processes coming from those involved in the Vision effort.
- Periodic assessment of progress

Such a first-cut goals process provides the vision glue that holds the next steps together, creates community consensus, and forms the day-to-day work of assembling and implementing a comprehensive plan for Houston.

The City, it appears, has the nascent structure and momentum for such an effort in its mayoral-appointed Land Use Strategy Committee (LUSC), which seems, to an outsider, to fulfill the basics for a successful visions working group.

LUSC, authorized by Mayor Whitmire, driven by its private sector and community leadership, and supported by the City's Department of Planning and Development, could become not only the Visions working group, but also the parent for the comprehensive planning process itself.

Neighborhood Stabilization



Step three is the initiation of a Neighborhood Stabilization Program.

Because many of Houston's neighborhoods are directly at risk from needless and short-sighted change, the highest priority must go to those steps that address immediate relief for those areas.

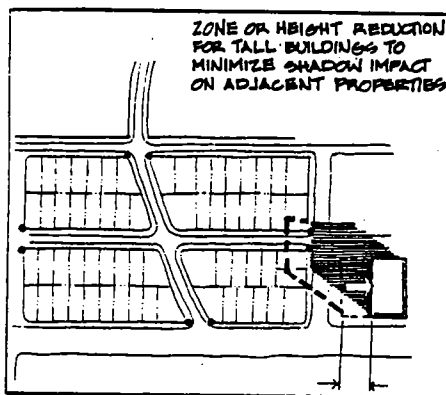
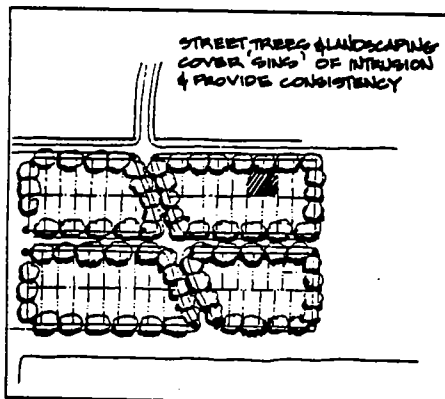
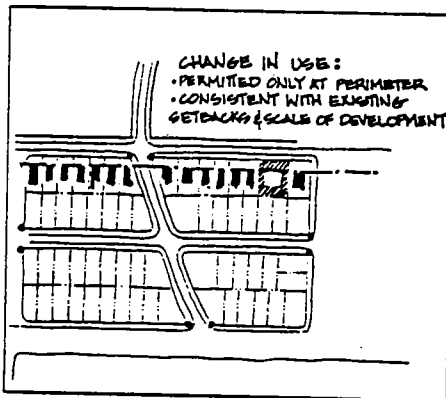
Restrictive covenants (also known as deed restrictions) do not effectively serve to protect residential neighborhoods in Houston today. They are no longer operative at all in some subdivisions, whether through lapse, abandonment or termination, and they engender tremendous controversy, insecurity, and financial expenditures in other neighborhoods. In some areas, restrictive covenants never were imposed or adopted. Private enforcement is prohibitively expensive for many neighborhoods, and public enforcement by the City of Houston is completely inadequate at this time. On a fiscal level, the lack of protection for residential neighborhoods in Houston leads to disincentives to repair and maintain homes in those neighborhoods further contributing to the transition in those locations.

Aggressive enforcement of restrictive covenants, and health and building codes by the City in residential areas is the only technique (other than the sexually-oriented businesses ordinance and the helicopter pad ordinance) currently available to protect Houston's neighborhoods.

Enhancement/Enforcement of Restrictive Covenants

Texas enabling legislation may have inadequacies in relation to enforcing the deed restrictions. A study could be made and proposals for legislation considered. For example, Texas law presently allows 75% of the homeowners in a subdivision to extend or amend expired covenants for specific periods. Consideration could be given to asking the Legislature to reduce the necessary percentage to 51% of the homeowners.

PROCESS



Other Approaches

The City presently has ordinances prohibiting the location of certain uses within residential areas: sexually-oriented businesses, junk yards and helicopter landing pads among others. R/UDAT recommends that the list be extended to regulate half-way houses and that further consideration be given to the prohibition or regulation of other adverse uses. In addition, impact ordinances, such as noise regulations, should be considered to address nuisance-type problems which are not limited to specific uses.

Additional techniques to be considered include: prevention of further encroachment of incompatible uses in residential areas; a system for monitoring and limiting incompatible intrusion through use permits; and required mitigation of incompatible characteristics in transitional neighborhoods.

Prohibition of Use Changes in Residential Areas

One version of a residential use protection ordinance would prevent further encroachment by incompatible uses by identifying and designating all residential neighborhoods in the City, prohibiting all non-residential uses therein and creating an enforcement process.

Such a residential protection approach would complement restrictive covenants, where they exist, and serve as a protective mechanism in all other residential areas of the City.

One constraint to this approach is that under the Texas zoning enabling act, zoning regulations must be adopted "in accordance with a comprehensive plan." Arguably, the zoning enabling act itself would have to be amended to allow zoning of only a portion of the City, but such an amendment could be designed also to obviate the need for a comprehensive plan as a precedent condition to passage of an ordinance.

Limitation on Use Changes in Residential Areas

A second version of a residential use protection ordinance would regulate changes of use in residential areas through enforcement of use permits under the jurisdiction of a Neighborhood Stabilization Office (NSO), or a similar entity, perhaps within the City's Department of Planning and Development. The use permit system could be enforced through denial of demolition permits and building permits, although such existing regulatory systems would have to be substantially strengthened in order to serve as effective enforcement mechanisms. The obligation and liability for obtaining a demolition or building permit could be placed on the contractor, rather than the owner, to improve and increase compliance.

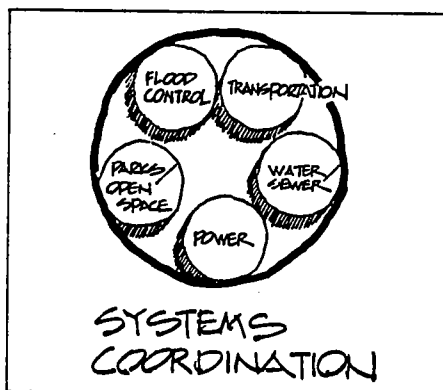
Mitigation of Negative Impacts of Use Changes

Short of enabling legislation and a comprehensive plan, but in conjunction with aggressive enforcement of restrictive covenants, the City could adopt a residential use protection ordinance that would not outright prohibit incompatible uses in residential areas, but would require mitigation of the incompatible characteristics (such as height, bulk, noise, lights, parking) by techniques such as setbacks, landscaping, buffering and innovative urban design techniques. As with the other approaches, strict enforcement would be critical to successful mitigation of adverse impacts.

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Systems Coordination The Public Framework



Step four is the initiation of a systems coordination program leading to the creation of the Public Framework. It should be noted that transportation, water/sewer, flood control, parks/open space, and power distribution plans taken together form a physical framework contributing to sector definition.

The sheer size and complexity of Houston's geographic reach require that major systems must be dealt with as a whole. Regardless of jurisdictional and departmental lines of authority and responsibility, there must be one entity coordinating decisions regarding systems delivery, measuring the full cost of such services, and determining the best deployment of these large-scale functions in service of appropriate growth.

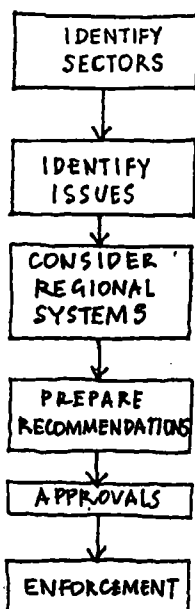
Further, the challenges of new regulatory requirements and questions of deferred maintenance for some of these systems argue strongly for one-stop coordination.

The City's Department of Planning and Development should be invested with full authority to be the repository for regional analyses for such metro-serving systems such as water, sewer, flood control, transportation and transit, and open space networks.

The Department should:

- Catalog all such services
- Ensure that relevant information on each is current and comprehensive
- Convene a coordinating council of affected agencies and departments
- Establish a regional system of planning processes that begins to measure effectiveness, reduce unnecessary overlap, and determine capacity, including funding sources, for future requirements.

Sector Planning



Step five is the initiation of a sector planning program.

Because Houston has a valuable and vital network of neighborhoods and because of its history of private, local initiative, R/UDAT recommends that Houston's plans be constructed from the bottom-up, through the establishment of Planning Sectors—organized around and within natural and man-made boundaries and barriers.

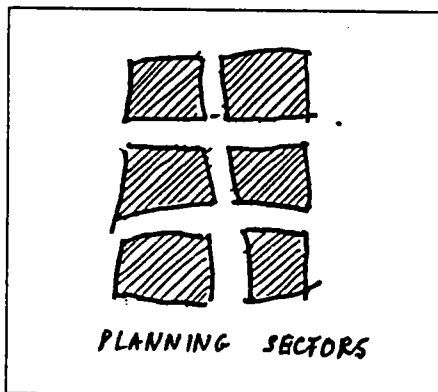
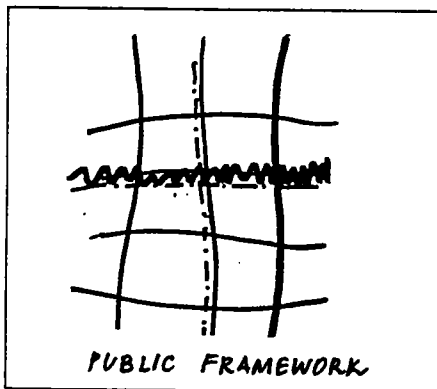
Basic elements of this approach include:

- Planning areas of manageable scale—sectors
- Institutionalization of the pre-eminent role of indigenous leadership
- Incorporation of existing planning efforts and plans into base line data for decision making
- Broad and appropriately representative citizen participation
- Coordination with the City's articulated visions/goals

Houston's historical goal-oriented approach to solving problems can be incorporated into such a planning process to ensure a balance between necessary protections and desirable flexibility.

PROCESS

Comprehensive Planning



The Houston Comprehensive Plan has two components: **THE PUBLIC FRAMEWORK AND THE SECTOR PLANS.**

This plan needs to respond to both the natural and built environments and as a product of public process, provide for change over time.

Realization of the Houston Comprehensive Planning Process, first and foremost, depends upon creativity, commitment, enthusiasm and plain hard work from large numbers of process participants. There are however, a half dozen basic precepts which, if observed, will help to maintain direction and manageability.

The Houston Planning Department should act as a central information repository for municipal and metropolitan statistics. Base data for growth projections and future service demands are essential components. Geographic Information System (GIS) resources will require updating for this purpose.

Opportunities for full participation in the planning process by the community's many civic associations and neighborhood organizations should be afforded on a regular basis. Special outreach informational efforts should be extended to residents in underrepresented, minority, and unorganized areas of the City and its ETJ.

Full responsibility for the staffing of the planning process will be vested in the Department of Planning and Development, which must receive appropriate financial and personnel resources to devise and support such a planning system. Second, the Planning Department should have authority to determine how best to construct each Sector Plan, addressing, at a minimum, goals, objectives, and policies regarding the following elements:

- Land use
- Transportation, circulation
- Water, sewer and other utilities
- Parks and open space
- Housing
- Finance

It is not redundant for subject matter treated in regional scope to be analyzed from Sector Plan perspectives as well.

Implementation

No Plan component, at whatever tier, is considered complete, ready for recommendations, acceptance or adoption until a multifaceted implementation package accompanies it. The tiered approach, of course, invites using different assortments of tools for the panoply of development, preservation and other challenges presented by metropolitan Houston.

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TOOLS

Sector Planning

R/UDAT recommends a staged program that addresses immediate neighborhood concerns, expanding as deemed necessary pursuant to Sector Planning.

RESIDENTIAL NEIGHBORHOOD STABILIZATION is the first priority in this recommended action program. A majority of the community's residential stock either lacks protection from effective, enforceable deed restrictions or soon will. Substantial public commentary has been recorded as favoring immediate, supplemental assistance to neighborhoods to conserve and enhance the enjoyment and the investment value of Houstonians' homes.

GENERAL LAND USE STANDARDS/COMMUNITY PRESERVATION GUIDES, the second step, consists of organizing existing ordinance provisions, adding neighborhood stabilization and related sections, and establishing or strengthening administrative mechanisms for their enforcement. That is, the disparate land use regulations need to be coordinated into a single, understandable document for immediate limited, land use management activities and as a foundation for future Development Guidelines codes.

These steps may be undertaken during the evolution of the Sector Planning Process. Phase Three, **DEVELOPMENT GUIDELINES**, is intended to provide support for the Plan's **IMPLEMENTATION STRATEGIES** component.

DEVELOPMENT GUIDELINES, in the form of a unified code, will be required for each Planning Sector. It is envisioned that each Sector Plan will have its own Guidelines, specifically tailored to its geographic area, social and economic conditions. Unlike a traditional zoning ordinance. The **DEVELOPMENT GUIDELINES** may operate independently of district classifications, "zone" maps or lengthy use category listings.

Market-Led Implementation

Master planned communities represent private developer planning initiatives. High density commercial nodes, likewise, are responsive to planning goals if sited in locations where municipal systems are adequate and in place.

Where development occurs as a matter of right, free market responses contribute rapidly to maintaining supplies, or creating demand for different land use types and intensities.

Regulatory Techniques

Regulations may be added, sparingly, in accord with the community's tradition, to basic ordinances compiled as General Land Use Standards. These additions constitute each Sector Plan's own administrative document or Development Guidelines.

A listing of common regulatory techniques, with some advantages and drawbacks associated with each type, appears in the Appendix. These tools, from Activity Centers to traditional zoning, are not specifically advocated for Houston's sectors; however, they illustrate the array of options that may be considered to achieve local objectives.

It should be particularly emphasized that regulations, if proposed, must relate to public health, safety or welfare and should not be used as devices to exclude property ownership on bases of social or economic discrimination.

TOOLS

Special attention must be paid to treat the inconsistencies between existing development and subsequently adopted ordinance provisions.

Some of the problems confronted in applying land use regulations to existing, developed areas include:

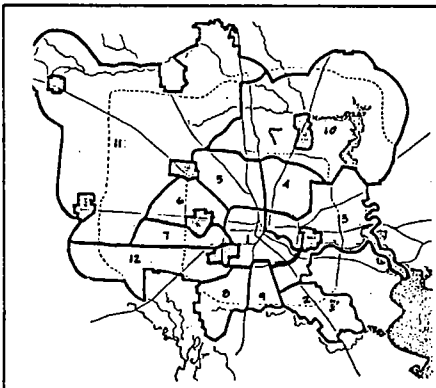
- How to treat nonconforming uses
- Impediments to redevelopment or change of use
- Adequacy of streets and other public facilities to support continued or expanded use
- Increased likelihood for zoning adjustments (i.e. Board of Adjustment/Zoning Board of Appeals/Zoning Administrator hearings re:variances, use permits, ordinance interpretations).

Solutions for these and related ex post facto problems include:

- Identifying and permitting continuance of nonconforming uses and/or conditions
- Allowing expansion, alteration or even change of one nonconforming use to another (subject to use permit approval)
- Administrative approvals (no formal hearing required)
- Acknowledged 'historical standards' (i.e., permitting expansion or alteration in accord with prevailing standards of neighborhood, rather than subsequently adopted ordinance standard
- Accepting an ad hoc approach for infill projects.

Land Use Administration

As current regulations are focused—and with the possible addition of Neighborhood Stabilization Program responsibilities streamlined administrative service delivery will be required. Staff assigned to land use implementation programs should be viewed as enablers, assisting residents and developers in obtaining compliance, rather than as inspectors or code enforcers.



The geographic breadth of Houston commends consideration of a decentralized deployment of administrative service personnel. Perhaps each Plan Sector would have its own staff Development Administrator, familiar with the City's general standards but, also, with the particulars of any Specific Plan or Overlay area regulations applicable within the Sector.

Telecommunication potentials would reduce the need for these personnel to travel into the City center on a daily basis. More importantly, consultations, record searches and informal administrative hearings could be facilitated in the affected area rather than requiring residents to trek Downtown.

Administrators may have limited decision-making authority (e.g., Phoenix, such as conducting initial hearings on change of use permits, site plans, Specific Plan/Overlay area developments) with appeal to an appointed citizen Board of Appeals. Alternatively, the Administrator may serve as staff to such a body. The Board would serve on a Sector (or smaller geographical unit) basis to maintain decision-making processes close to affected neighborhoods.

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OTHER CITIES

LAND USE REGULATION IN OTHER CITIES

Most of the large and medium-sized cities in the United States, and many of the smaller municipalities, have some form of regulation of land uses, whether or not preceded or accompanied by a comprehensive planning effort. In many communities, the emphasis has shifted from traditional zoning ordinances to a more comprehensive approach to managing development and redevelopment of land.

Various forms of land use regulations work well, miserably, or with grudging acceptance depending on the community and the context, and perhaps one's personal experience. Regulatory innovations have occurred in response to a variety of real or perceived problems, such as overcrowding, inadequate capital infrastructures (e.g. roads, sewer, water schools), environmental constraints, or unfettered growth, and as a result of philosophical shifts toward a more active governmental role in promoting, limiting, or directing development.

The mature cities of the Northeast and Midwest typically operate with traditional zoning ordinances, dividing the city into zoning districts to separate uses and containing very detailed language regarding height, setbacks, and density. Modifications have occurred to address both substantive and process-oriented concerns.

Boston

In Boston, an Interim Planning Overlay District divides the commercial downtown into separate sub-districts. Citizen advisory committees for each sub-district recommend policies and performance standards to be applied to future commercial development. Any proposed development over 10 stories requires a variance and results in a form of negotiated development process.

New York

New York's comprehensive zoning ordinance is continually updated. In recent years, significant efforts have been made to redefine certain residential neighborhoods with "contextual" zoning, or the imposition of urban design standards to ensure that new development "fits in" with existing development.

Toronto

Toronto shares the interest in context and character of development and has used capital improvements to induce private developers to follow urban design guidelines. Toronto also emphasizes the development of residential units within the commercial core, both to reduce commutes and to create a 24-hour environment in those areas. A growing demand for apartments and new single-family homes is creating pressure on single-family zoning assumptions.

Chicago

Chicago operates with a detailed zoning ordinance that is amended on an as-needed basis but which has not been comprehensively revised since 1957. "Planned development" approval, which began as a flexible tool for developers and has evolved into a form of negotiated development, is required for projects exceeding a specified height, number of units or acreage, in specified locations (e.g. in the Lakefront Protection District or along the Chicago River), or of specified uses.

Denver

After three years of consideration, last year Denver adopted a comprehensive plan which will be the basis of a future zoning ordinance. Zoning in Denver presently emphasizes protection of neighborhoods. The city will soon be confronting a major land use problem

OTHER CITIES

when it decides upon the future use of Stapleton Airport, which the voters have decided to replace.

Phoenix

Phoenix, which has an incorporated area of approximately 500 square miles, employs an "urban village" concept. Citizen committees create individual village plans encompassing seven state mandated elements. The village plans are then melded together into a general plan for the city as a whole. Zoning is used as a tool to implement the village plans. Like Denver, annexation is a significant part of Phoenix' growth management strategy. The city attempts to annex underdeveloped land so that it can manage the future development.

Albuquerque

Albuquerque uses a tiered approach, creating broad area plans and sub-area plans, with sector development plans used for planned communities.

San Diego

The issues in San Diego are different from those of many large cities and can be summarized in one word: growth. The voters in the city and county rejected four growth control measures, but recently elected a slow growth city council whose majority supported those initiatives. The city council has adopted a concurrency ordinance pursuant to which many facilities must be in place before a building permit is issued.

Los Angeles

The traditional comprehensive plan and zoning code in Los Angeles incorporates a strong "urban centers" concept. The city uses zoning to guide development by restricting density in some areas and relaxing density requirements in others. Complementary utility and transportation planning policies further the urban centers approach.

San Francisco

San Francisco is an example of strong governmental control over land uses, in terms of both substantive regulations and stringent procedures. The city is well-known for exacting land or financial contributions from developers for transportation improvements, affordable housing, and child-care facilities. San Francisco limits high-rise development on an annual basis and conducts a design competition to select the "best" proposals.

Seattle Portland

Seattle and Portland, like San Francisco, emphasize "linkage" trade-offs: high-rise office developers are required to support housing construction.

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GLOSSARY OF TERMS

Comprehensive Planning

A variety of terms have been used, prior to and during the R/UDAT process, sometimes to inflammatory effect, without a common understanding of their technical meanings or typical usages. Chief among these are the concepts "comprehensive planning" and "zoning".

Comprehensive planning, as distinguished from single purpose planning and/or micro-area planning, is an attempt to integrate and influence data collection and manipulation, goal-setting and action prioritization on a range of substantive areas and/or for a larger geographic area in order to achieve a vision of "place" and "identity." Comprehensive planning recognizes existing and anticipated interconnections and relevancies between and among population centers, natural and man-made features, capital improvements, and economic factors. It seeks to coordinate the intergovernmental decision-making process in order to achieve the greatest possible economic efficiencies. It is on-going and requires continuous review and refinement of its direction.

Comprehensive planning is mandatory in some states (eg., Florida). In other states (eg., Illinois), while comprehensive planning is not required, it is recognized by the courts as an element supporting the validity of land use (sometimes known as zoning) decisions.

Zoning

Zoning traditionally has been a system of classification (and often separation) of uses of land based on compatibility (or lack thereof) with other uses. The typical classes of use include residential, commercial, industrial and agricultural, often with subsets of each use based on density (lot size, floor area ratio, setbacks, etc.) and/or height limitations. Standard zoning ordinances usually contain off-street parking requirements and off-street loading requirements, and may contain standards for landscaping, lighting, noise and noxious fumes. Particular uses may be labeled as "permitted" (allowed as of right), "special" (requiring affirmative action to approve), "conditional" (authorized subject to compliance with specified standards), or variations on those themes. Land uses are sometimes categorized as "principal" (the primary, intended use) or "accessory" (a secondary compatible use). Specified "home occupations," or secondary uses which are deemed compatible with the primary residential use, are often regulated as accessory uses. Traditional zoning ordinances address the concept of "non-conformities," those land uses, structures and lots which do not comply with the requirements either for that use or the use/structure in that location. "Zoning" can occur without a comprehensive plan (eg., Illinois), although in some states (eg., Florida) it is a required implementation mechanism for comprehensive planning.

The primary characteristic of zoning may be the separation of incompatible uses, usually into districts or zones. The other elements of zoning—regulation of uses, density, height, setbacks, parking, loading, landscaping, etc.—can be utilized absent a strict geographic system of districts. In fact, some elements of zoning have been employed in Houston to address specific problems, such as sexually-oriented businesses, off street parking requirements, and setbacks. These types of regulations should be referred to as "land use standards," to distinguish them from traditional zoning. Separation of incompatible uses may be achieved short of strict geographic zones through the use of setbacks and landscaped buffers. Creative urban design techniques

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may ameliorate visual and/or audible incompatibilities when spatial separation is not possible. Modified, hybrid forms of zoning will continue to evolve in response to the unique characteristics of various communities.

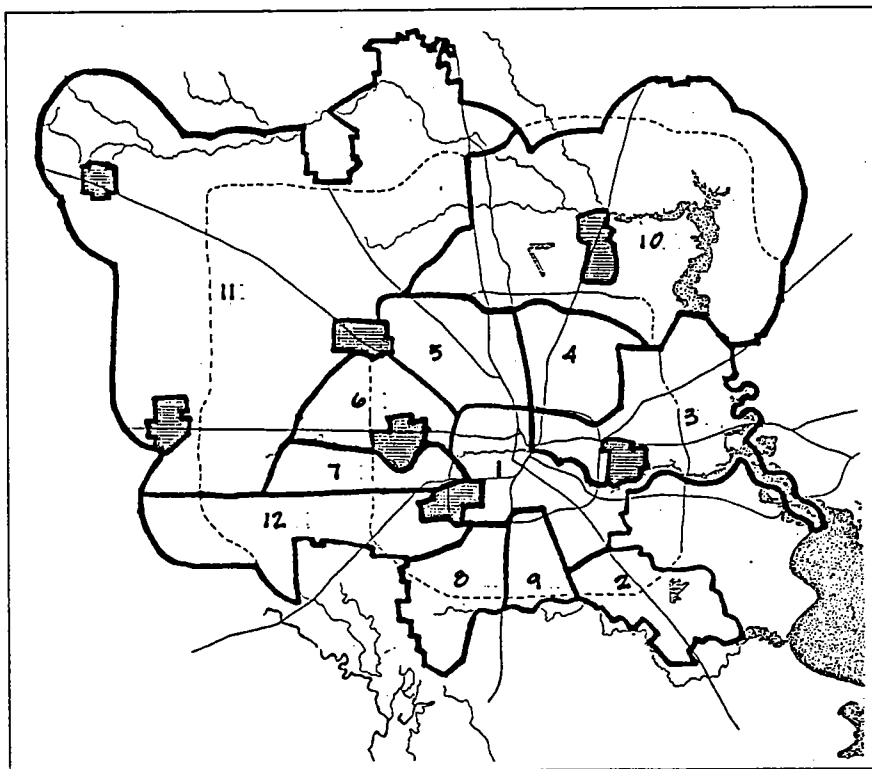
Sector Planning

Sector Planning, in the context of this report, represents a component approach to the organization of a comprehensive land use plan. Such planning seeks to address the special challenges presented by Houston's geographic scope, allowing the Planning Department a manageable entity to work with in assembling a comprehensive identification of issues and action agenda for the area.

Sector Planning responds to the individual characteristics and interests of a particular section of the City, determined on the basis of rational boundaries (that is, natural and man-made dividing lines), sufficient scale, and common interests. All interests in the Sector have an opportunity to participate in the Sector's policy formulation and decision-making processes. Sector Planning is intended to foster and promote a sense of common interest in the Sector. Individual Sector Plans together create a comprehensive plan for the City.

Tools

Tools, in the land use context, means implementation techniques. Land use tools include zoning (in its various forms), subdivision (platting) requirements, development standards, and urban design criteria. Such tools may overlap in purpose and scope, based on the goals and objectives of a given community.



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In the early nineteen hundreds, New York businessmen became concerned about some of the tacky stores moving in adjacent to their Fifth Avenue stores. They ventured to Germany to examine a new technique called "zoning". Essentially, the German system respected the natural mix of uses that occurred in all cities before the spatial separation made possible through transportation. A form of "performance standards" or "development standards" was used for those uses desirably located near each other, but which were not totally compatible. For uses such as slaughter houses, which could not be made locationally acceptable to residences even with performance standards, physical separation was the solution. We inherited the latter approach—zoning as separation of "incompatible" uses into separate districts or "zones". Today we are moving toward that middle ground with new, creative performance-oriented approaches. Mixed-use development is now deemed desirable in many communities, particularly when accomplished pursuant to an overall vision and plan.

As noted earlier, techniques have evolved in land use management that vary from enabling/encouraging the market to produce more socially acceptable results (e.g., incentives, risk sharing, joint ventures) to the other end of the spectrum, where government replaces the private sector (e.g., public housing, highways, recreation facilities). The pendulum in the United States has been moving toward techniques that are more facilitative and reinforcing of markets and private sector actions at the same time that European countries have been moving more toward our approaches.

Traditional zoning, for example, designates an "acceptable" use at a given location in light of its perceived side effects. "Performance zoning", on the other hand, specifies acceptable levels of side effects and allows the market to decide what is an acceptable use. Use of development standards (also known as performance standards) is a measure in between, providing a means to mitigate or ameliorate side effects through specific requirements. The movement is unmistakable. We are moving toward performance management. But it is a difficult arena, the cutting edge of practice.

There is no free lunch. Someone pays in the relation between neighbors. The question is who, and how much. The cost is borne by the new development, by existing neighbors, or by government on behalf of either or both of the parties.

Without restriction, a new use moving in imposes its adverse side effects on neighbors. They pay in loss of value, loss of quietude, or other ways. The new development "gains" to the extent it does not have to pay for the full costs of its activity.

With broadly-based impact fees, new development pays for most of its side effects on public systems. With development standards or performance zoning, new developments incorporate mitigation of adverse effect on neighbors; it incorporates costs internally.

Deed restrictions are an instrument, collectively among neighbors, to protect themselves through private agreements. The cost of this defense usually falls on the parties to the agreement. Government can step in, as in Houston, and absorb some of the neighbor costs of self-defense. The technique cannot handle side effects from uses that are at the boundary of the collective agreements.

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The Philosophical/Legal Basis for Governmental Involvement in Land Use Decisions

Individual actions and effects.

Individual decisions regarding the use of land have effects, positive or negative, on the adjacent owners/users. Normally, the neighbor affected has not been party to the decision that produced the result. The question is whether any responsibilities should encumber an individual's rights regarding the use of his land.

Early concepts in the law of property provided for land use decisions to be made solely by the owner without consideration of any other interests. Nuisance law emerged to address the adverse effects on others, using a modification of "the golden rule"—to use the land in any way the owner chooses so long as that use does not impair the rights of neighbors in the use of their lands. But nuisance remedies were and are available only after the fact. They cannot prevent problems from occurring. Land development controls were invented to address this weakness.

The field of economics had to reckon with the issue, as well. Every use of land produces externalities or side effects. When these are sufficiently severe, some collective strategy evolves to ameliorate the situation. "Market failure" occurs when private markets, even collectively, are unable to perform a desired function such as protection from or amelioration of side effects, or to perform in a socially acceptable manner. In such instances, the public sector role will become more prominent, varying from attempts to make the markets work better to replacing or superseding the market. Land use control techniques fall along this spectrum.

Institutional roles

When our society was more primitive, tribal customs and norms were the means of harmonizing individual freedoms and social responsibilities. Property generally was held in common. Later, labor became more specialized, barter markets emerged, then cash markets and tribal governance evolved into forms of social governance more akin to those of the present day.

As a number of authors have written, to the extent that cultural norms of behavior are strong and widely shared, markets will function in socially acceptable ways without the need for social intervention via government. Where populations are very diverse in their beliefs and ideologies, markets have difficulty performing in ways acceptable to all, and calls for government intervention rise. Therefore, investment of time and energy in developing shared perceptions of "appropriate behavior" remains a valid alternative to coercive restriction.

Evolution of techniques for a public role in land use decisions

In the United States, the early agrarian population and sparse settlement permitted the use of open land to offset some of the side effects of individual actions that were later to become known as "nuisances". As population density increased, nuisance law was used to defend against negative impacts of adjacent land use decisions and then yielded to zoning, subdivision regulation and other legal forms of management to the effects of land use.

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Both zoning and deed restrictions are techniques better suited to maintaining the status quo, to protecting what is, rather than facilitating transition. In fact, techniques for transitioning uses are very limited. It is a field needing creative experimentation. Further, both zoning and deed restrictions accomplish protection at relatively low cost to the protected property owner and to the government. Costs are higher to those proposing change. On the other hand, performance zoning increases government costs while increasing developers flexibility, if the performance criteria are clearly and unambiguously drawn. Thus, choice in techniques relates both to philosophy or belief about who should bear costs and to the magnitude of costs of maintaining the system.

Performance approaches seem the most compatible with the cultural views of Houston. Certainly, with the amount of creative talent in the community, and no long precedent of more traditional approaches, Houston should be capable of fashioning inventions that could lead the field. There is risk involved, but the rewards could be substantial.

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Land Use Management Techniques

Land use techniques which can be adopted by local ordinance include the following (pros/cons provided):

Zoning Ordinance

- Pros- reliability; focuses municipal facilities and services; health, safety, welfare
- Cons- processing costs; red tape; politics; inconsistent behavior; emotionalism

Subdivision Regulations

- Pros- street, utility, platting standards; assures adequacy of design and construction for City maintenance after dedication
- Cons- few negatives if trained staff, reasonably efficient processing

Site Plan Review

- Pros- quality site development; bonuses for exceeding minimum standards or providing amenities
- Cons- processing, bureaucracy; subjectivity of design criteria

Planned Development

- Pros- spatial economy; amenities; flexibility in regulations
- Cons- review process may be cumbersome

Overlay Districts or Regulations

- Pros- geographically (e.g., Historic or Special Conservation District)
- Cons- multiple standards vary throughout City

Mixed-Use Activity Center

- Pros- economies of scale, joint facilities (e.g., parking); 24-hour presence
- Cons- heightened demand for services and traffic capacity; nuisance and density impacts on residential users

Specific Plan

- Pros- flexible requirements tailored to particular project
- Cons- multiple standards vary throughout City

Performance Zoning

- Pros- capacity utilization; residential development options
- Cons- accuracy of measurement, thresholds

Any or all of these tools may be selected for a given Sector Plan's implementation strategy. That is, the package of regulatory or guiding ordinances, like the Sector Plan itself, is expressly tailored to fit subregional development propensities and citizen preferences.

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Metro's Rail Decision

At this writing, there is some concern about whether the rail/fixed guideway component of Metro's Regional Transit Plan (Phase 2 Mobility Plan) is needed. This concern is manifest in Board Resolution 89-119 which directs staff to prepare materials for soliciting proposals for private sector development of the rail/fixed guideway component of the plan. While this approach is not without value - the private sector might, after all, come forward with an attractive technology that nobody has considered - it is not clear how it addresses the fundamental question underlying the decision to build or not to build the most expensive component of the plan.

To oversimplify things just a bit, the fundamental question to be addressed is future ridership. There is just no way to assess the benefits of deploying whatever system the private sector might propose without getting a solid estimate of the ridership market for that system in Houston.

Given the high cost and irreversibility of deploying any kind of fixed guideway technology, the estimate of future ridership must be relatively certain to materialize for Houston. The question, then, is how to improve the certainty of these all important ridership estimates?

The answer is, practice and feedback. Fortunately, Metro's Regional Transit Plan includes a number of relatively inexpensive, multiple-use transit ways. As each transitway is opened to bus service, Metro planners ought to estimate future ridership for that leg of the system. Periodically, they should check their estimates against actual ridership as it materializes. Given this kind of practice and feedback, the planners ought to become better and better at estimating future transit ridership in the context of the Houston market.

Assuming that these estimating skills develop to an acceptable level, (say plus or minus 10 percent), they might then be applied to estimating future ridership on the rail/fixed guideway component of the plan. The ridership figures so estimated can, in turn be used as a basis for computing benefits as well as future revenues. If these data stack up satisfactorily against the cost data, Houston can go ahead with reasonable assurance to deploy the most expensive component of Metro's Regional Transit Plan.

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Planning and Politics

There is obviously much appeal in the notion that we must have more and better planning. Do not individuals and corporations carefully plan their activities and outlays? Why then should government not be required to engage in the selfsame activity? However, a great difference exists between public and private planning.

Public land use planning means or implies an orderly, rational arrangement of land uses directed by experts in planning. Although the definition raises many questions, it seems to represent what most people think of when they speak or write about planning. The assumption seems to be that there is something precise, measureable, or quantitative about planning, or its standards.

This assumption is exceedingly difficult to substantiate, and few of even its most ardent proponents make the effort. Is there some precise measurement available to determine the "best" use of some or all of the land, of growth and antigrowth proposals, and whether the land is better suited for trees, industry, or the housing of people? Should the land be developed with two, eight, or twelve units to the acre, or is it better suited for a mobile home park or shopping center, or should it be retained as open space?

By now, after seventy years of zoning experiences in the United States, it should be clear there are respectable, distinguished, and knowledgeable planners who would disagree in many if not most instances to any or all of these alternatives. Planning is unquestionably highly subjective, lacking those standards and measurements that are requisites of a scientific discipline.

However, regardless of their knowledge or ability, the fact is that planners are not destined to make a major impact on the regulation of land use. The major decisions will be adopted by the elected office holders who possess the final authority. They can be expected to and will respond to a variety of pressures and concerns, a principal one being the interests of those who help them obtain and keep public office.

Politics, rather than planning, will be largely involved. In short, zoning and other land use regulations are, and have to be, tools more of politics than of planning. Consider these limitations on the power of the planner. First, he is a paid employee and cannot be expected to espouse with any degree of consistency, politics contrary to those of his employers. The basic rules are established by those elected to govern or appointed to administer.

Secondly, even if a proposed plan appears to be in accord with the general desires of the lawmakers or administrators, and its preparation may actually have been commissioned by them, there will still have to be public hearings and debates before it can be adopted. Amendments required for passage can easily change the meaning and impact of the proposed legislation. In practice, the "perfect" plan stands little chance of remaining intact against the opposition of a group of voters or politicians, pressures exerted by political supporters or contributors, payment of graft, or perhaps even the voice of the local newspaper.

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Accordingly, the "perfect" plan is likely to be quite imperfect by the time it emerges from the legislative process, whether it be on a local or higher governmental level, and it might be ravaged still more as administered. And, it is possible the courts may ultimately lay some or much of it to rest.

Nor is the plan or law that is finally passed likely to remain intact very long. From the moment of adoption, special interest groups such as environmentalists, developers, and civic organizations will seek to change it to their own benefit. A plan will never have enough open space for the many environmentalists hostile to development. Nor will those who can reap huge profits by gutting the regulations sit idly by. They will make every conceivable effort to rezone the classifications on their properties or on those they would like to buy. They will attempt to increase the number of units per acre or change the category to one that is more valuable. Civic groups, likewise, will sooner or later find the plan wanting in some or many respects.

Many of these pressures are bound to succeed, and that "perfect" plan may in time be little more than history. The changes will be made on a piecemeal basis, guided principally by political rather than planning considerations. Thus New York City's first zoning ordinance adopted in 1916 contained less than ten use districts; at last count the current ordinance contains over sixty districts and a host of other and more sophisticated controls.

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HOUSTON R/UDAT TEAM

Ben Cunningham, AIA, an architect/urban planner from West Palm Beach, Florida, chaired the team. Currently Executive Director of Baton Malow/Ginn, Program Management Consultants, Cunningham has served as Chief Operating Officer of the CRSS Architecture Group. He was Executive Director for planning, design, and construction supervision of ten communities in Saudi Arabia. He has chaired five R/UDATs for the AIA, has received two National Honor Awards for Design Excellence for the Jonathan New town, and has lectured at the University of Minnesota, MIT Carlton College, and Pennsylvania State University.

Joseph Breitenelcher, Senior Fellow at the Lincoln Filene Center at Tufts University, Medford, MA, and president of Beacon Management Company, Boston. As a member of the Executive Committee of the Beacon Companies, he has been responsible for major initiatives in urban design, public affairs, and governmental relations including development of a maritime master plan for Rowes Wharf, access planning for sites, construction management of tenant work and special capital projects, and organizing Beacon's monitoring of the Central Artery Project. At the request of the Chamber of Commerce and the Boston Redevelopment Authority, Breitenelcher served as mediator/facilitator with the Boylston Street Zoning Citizens Advisory Committee, producing new zoning regulations out of a deadlocked process.

Paul Buckhurst, ARIBA, AICP, an urban designer/city planner from New York City, and professor at Princeton University. His current projects include urban revitalization programs, large scale redevelopment projects, and planning for neighborhood organizations.

Susan Connelly, land use attorney from Chicago. Connelly has practiced law in Florida and Illinois, with experience in land development and transactional real estate, land use litigation, zoning ordinance drafting, comprehensive plan formulation and general municipal representation. Her experience includes growth management implementation and financing.

Rick Counts, vice president of Gruen Associates, an architecture, planning and engineering firm in Phoenix. Prior to joining Gruen, Counts served as Planning Director for the City of Phoenix for eight years and as Deputy Planning Director for five years. During his tenure he established a new emphasis on quality growth, neighborhood preservation initiatives, and directed the citizen-based urban village planning process which culminated in October 1985 with the City Council's adoption of the Phoenix General Plan. He was the first zoning administrator in the state of Arizona. His expertise in land use regulation has been recognized at local, state and national levels through appearances before legislative bodies and participation on study task forces.

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Mark Hall, FAIA, AICP, MCIP, an urban designer/city planner from Toronto, Canada. Hall has a special interest and expertise in preservation and adaptive reuse of historic structures and city districts. His city development and urban design projects include waterfront revitalization, commercial and industrial reuse, and major mixed use for both public and private clients.

James Murray, president of Environmental Economics, Inc., Denver, a consulting firm providing services to governmental and corporate clients relating to economic and environmental planning and infrastructure issues. He specializes in policy-level work on public/private issues in political settings. Prior to joining the consulting firm, he served as special assistant to the Mayor of Denver and as Director of Finance for the City of Denver.

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