

# NOZONE

## Houston's Mayoral Forum on Land Use

Please find the following information for the Mayoral Forum on Land Use, July 9, 2009 @ 7 pm, at the Contemporary Arts Museum Houston. This evening is being presented by Houston. It's Worth It. Innovation Territories (it), the Rice Building Institute and the Contemporary Arts Museum.

### **JULY 9, 2009—SCHEDULE**

6:00 pm	Doors open to the public
6:30 pm	Candidates arrive and are seated with review of the evening's proceedings
6:45 pm	Final sound check/press corps in place
7:00 pm	Welcoming remarks, Bill Arning, Director of the Contemporary Arts Museum Houston Introduction for Mary Ellen Carroll, moderator
7:05 pm	Introduction by Mary Ellen Carroll for the Mayoral Candidates and the Respondents

The candidates will respond in the following order to each question:  
(Please note: This order was determined by a random process, and the final question has a different order.)

#### **Candidates—confirmed**

1. Peter Brown, Houston City Councilman
2. Roy Morales, trustee, Harris County Department of Education
3. Annise Parker, Houston City Controller
4. Gene Locke, partner, Andrews Kurth, LLP
5. TJ Huntley, businessman

#### **Respondents—confirmed**

Jordan Fruge, SVP, Business Development, Standard Renewable Energy  
Robin Holzer, Chair, Citizen's Transportation Coalition  
Jenny Hyun, attorney  
Hugh Rice Kelly, attorney  
Janet Kohlhase, Professor of Urban Economics, University of Houston  
Asmara Tekle-Johnson, Assistant Professor of Law, Texas Southern University  
Reid Wilson, Chair, Urban Land Institute

Candidates will have two minutes to respond to each question.  
Respondent(s) will have four minutes to respond to the mayoral candidates.

### **QUESTIONS**

**7:15 First Question: Land Use Policy**  
Question proposed by Hugh Rice Kelly, attorney  
**Respondents:** Asmara Tekle-Johnson, Assistant Professor, Thurgood Marshall School of Law; Hugh Rice Kelly, attorney

#### **Question One**

A novel approach to zoning within defined boundaries for the otherwise 'no zoned' City of Houston, was proposed in House Bill 4648 (see below for the explanation) in this spring's 2009 Texas legislative session. Please respond if you were able to participate and had to vote on such a bill, would you have voted YES or NO. In addition, please provide an explanation for your decision.

Background: (Please note a brief background will be provided to the public on the evening of July 9th in the delivery of the question as well as the program notes for the evening.)

Sponsored by Representative Garnet Coleman, this bill would apply the area zoning concept with the zoning district governed by state law. The statute would define a process under which residents of area having no less than 90 percent single-family homes could petition the City to create a Residential Management District. This District would have zoning power as well as any other power defined in its charter.

The main points and limitations in the bill would be the following:

- The city council would have the power to grant or refuse the creation of the district, after receiving a petition by residents and landowners;
- Council action on the District could be taken only after giving full notice and an opportunity for all parties to be heard;
- In addition to city council approval, the district could not come into existence until approved by district residents and land owners in a general election;
- The governing board of the Residential Management District would be elected by the residents and landowners of the district.
- Separately from the vote approving the district, and electing directors, zoning power would also require express voter approval;
- The taxing powers of the Residential Management District would be limited to an amount needed to create and enforce the zoning ordinance unless the voters approved a higher taxing limit.

The justification for the creation of such districts is that deed restrictions legally cannot be created or reinstated to protect some single family residential areas in Houston, mostly in older neighborhoods developed before 1950:

- There are certain single-family areas of the city where deed restrictions lapsed so long ago that they cannot be revived. This is true for some of the neighborhoods in the Riverside area of Third Ward.
- There are certain single-family areas of the city in which there are numerous but scattered individual properties whose deed restrictions have long since lapsed, or which never were subject to deed restrictions. This is true for Boulevard Oaks, for example, but not Southampton, which adjoins the south side of Boulevard Oaks.
- Deed restrictions cannot protect these single-family residential areas from a development such as the Ashby High Rise.
- The strong and extensive deed restrictions used in postwar master planned communities cannot as a practical matter be imposed on existing neighborhoods. Most of these modern deed restrictions impose land use controls as strict or stricter than a zoning ordinance.

This legislation is not without precedent. It would be similar in concept to statutes now in existence that authorize two zoned enclaves within the City of Houston: St. Charles Place, which adjoins the Galleria on the west; and an area adjacent to Bush Intercontinental Airport.

State legislation would be very important because it eliminates any legal questions that might otherwise become the subject of litigation. Proposed residential districts instituted without express statutory authority would have no power to fund litigation, whereas it is likely that opponents of a zoning district would be well financed.

**7:30                    Second Question: Transportation**

Two part question proposed by the Citizens' Transportation Coalition

**Respondent:** Robin Holzer, Chair, Citizens' Transportation Coalition

**Question Two**

The land area of the fourth largest city in the United States (594.13 square miles) is greater than some states. Mobility is multi-modal. Transportation and land use are increasingly acknowledged as major factors affecting neighborhood quality of life. Roadways are used by cars, buses, and bicycles. and sidewalks can provide access to pedestrians, wheelchairs, scooters, and transit users. Better planning will benefit Houston neighborhoods; however, within the City of Houston, transportation-related planning functions are divided between the Planning & Development department and the Public Works & Engineering department.

First, would you support a policy to make sure every transportation-infrastructure project within the City of Houston—regardless of the implementing agency or department—preserves or enhances the full spectrum of mobility uses, including auto, pedestrian, bicycle, and transit access and how would you encourage developers in their proposed projects to provide easy access to these systems? Secondly, should the City have a single department with responsibility for transportation planning? Please provide a YES or NO response. In addition, please provide an explanation for your decision.

**7:45                    Third Question: Education**

Question proposed by Gerald Frug, the Louis D. Brandeis Professor of Law at Harvard Law School and author of the *CITY BOUND, How States Stifle Urban Innovation* and *City Making: Building Communities without Building Walls*

**Respondent:** Janet Kohlhase, Professor of Urban Economics, University of Houston

**Question Three**

Unlike most major cities in the country, Houston has several different schools districts rather than one city-wide district. Do you think that this system segregates education within the city and, if so, would you pledge to do something about correcting the problem and what would that be? Please provide a YES or NO response. In addition, please provide an explanation for your decision.

**8:00                    Fourth Question: Growth and Incentives**

Question proposed by Samuel Jacobson, undergraduate at the School of Architecture, Rice University

**Respondents:** Jenny Hyun, attorney; Reid Wilson, Chair, Urban Land Institute

**Question Four**

Houston has grown with the proven formula of private investment following public investment in infrastructure. The City has been able to use its authority over Municipal Utility Districts within its extraterritorial jurisdiction to guide greenfield development on the city's edge—

ensuring a good business climate for developers , economic growth, and the continued expansion of the property-tax base. Another potentially similar form of control over infrastructure is the city’s control over mass transit and its investment in the light rail system. This has not been very effective at guiding development in the city’s urban core, where developers seem to be more responsive to tax-based programs (for example, Tax Increment Reinvestment Zones or TIRZs) than direct investment in infrastructure.

Given the controversy over Buckhead Investment Partners’ proposal for a highrise at 1717 Bissonnet (the “Ashby Highrise”), might the city have been able to take a more proactive approach and incentivize the developers and the community to transfer the project to a site along the Main Street Corridor and Metro’s light rail line, in exchange for limiting the size of the proposed development on the Bissonnet site. This type of planning would encourage innovative thinking and development for the future of the City of Houston. How might infrastructure be used to proactively shape or reshape Houston’s already existing urban fabric?

**8:15**

**Final Response Order**

1. TJ Huntley, businessman
2. Annise Parker, Houston City Controller
3. Gene Locke, partner, Andrews Kurth, LLP
4. Peter Brown, Houston City Councilman
5. Roy Morales, trustee, Harris County Department of Education

**Fifth Question: The Future**

Question proposed by members of the Sharpstown Civic Association

**Respondents:** Reid Wilson, Chair, Urban Land Institute; Jordan Fruge, SVP, Business Development, Standard Renewable Energy

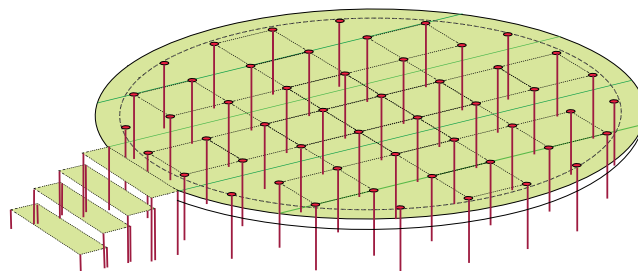
**Question Five**

Mayor Bill White has had some of the highest approval ratings of any elected mayor and was recently named one of seven “eco-mayors” for his commitment to improving the sustainable practices in the city of Houston. By this time next year, the stimulus funds allocated for proposed and ‘shovel ready’ projects will be underway and one of you will be the new elected mayor of the city of Houston. The city has been referred to as many things, but in terms of industry, ‘energy capital of the world’ is the historical moniker that the city rightfully cultivated and owns. Today, it would be hard-pressed to retain this classification without qualification.

This spring the same state legislature session that killed the ‘zoning’ bill for Houston also voted against a bill for solar rebates, as well as a bill that would make it harder for homeowner’s associations to ban solar panels. The city itself is making every effort to incorporate these technologies into its own buildings, practices and policies. This is evidenced by the creation of the Public Works & Engineering Green Building Department; the creation of the park and application of solar arrays at Discovery Green; and the proposed weatherization and retrofit programs for aging subdivisions that will begin later this summer. It seems nearly impossible, however for private businesses and homeowners to afford these renewable technologies.

If renewable energy is not accessible or affordable and it only exists as a municipal showcase; if the utility companies do not facilitate the buy and tie back into the grid; what incentives do the solar manufacturers, energy companies and other renewable energy technologies have to set up manufacturing, marketing and servicing facilities as well as job training programs in the Houston area? What if a location like the Sharpstown Mall (that suffers from an ill-gotten perception problem that bleeds into an affordable, stable, and diverse, middle-class community) was to be redeveloped into an area for the incubation and application of these renewable technologies? If elected mayor, what would you propose as an expansive proposition for the future of the city of Houston that would eliminate the necessity of this qualification to truly make it the ‘energy capital of the world’. (Please provide in your response a specific program or incentive for homeowners, businesses or industry and how this would be done, where it would be done, or idea for the response.)

**LOGISTICS/ FORMAT/STAGING**



The site for the Mayoral Forum is *prototype180:table*, a table/stage by Mary Ellen Carroll. The table is 16 feet in diameter and 30 inches in height. The design references tables that were created for the negotiation of treaties and peace talks (notably the Paris Peace Talks) as well as conference tables in corporate board rooms. The programming of the table is an important component of its use as a site. Considered programming of *prototype180:table* is paramount to the design and reinforces the potency of the evening and the potential for it to be historically significant.

The candidates and respondents will be seated around the table, equidistant from one another. The introductory remarks will be made

by Bill Arning, Director of the CAMH, from the stage; delivered standing on top of the table with the candidates and respondents seated around the table and the audience seated around them. Bill Arning will then introduce the moderator, Mary Ellen Carroll, who will in turn introduce the candidates and the respondents. This will also be from the stage, delivered standing on top of the table. Carroll will ask each question from the stage, delivered standing on top of the table. Each candidate will give their two-minute response from the stage, delivered standing on top of the table in order to address the other candidates, the respondents, and most importantly the public. Each of the candidates will individually give their responses to the questions in this manner and then return to their seats. Once all of the candidates have responded to the question, the respondent will begin the dialogue for that respective question with the candidates. It will be the respondent who will determine the format for the candidates during this portion of the forum. This will be a four-minute discussion.

Once the five questions and their respective discussions have been completed, there will be a 15-minute question and answer period for the attending public to engage with the candidates. These questions will be written out and read aloud by the moderator.

### **THE ORGANIZER and MODERATOR**

Mary Ellen Carroll teaches architecture at Rice University. This spring Carroll taught her ongoing seminar, *NOZONE* developed from her research on land use and the city of Houston. Carroll is an award-winning internationally recognized designer and conceptual artist who practices in Houston and New York City.

### **THE PRESENTERS**

contemporaryartsmuseum houston

The Contemporary Arts Museum Houston is an idea and a place shaped by the present moment. The Museum exemplifies the dynamic relationship between contemporary art and contemporary society through its exhibitions, public and educational programs, and publications. The CAMH provides the physical and intellectual framework essential to the presentation, interpretation, and advancement of contemporary art; it is a vibrant forum for artists and all audiences, and for critical, scholarly, and public discourse.

ALWAYS FRESH, ALWAYS FREE [www.camh.org](http://www.camh.org)



Innovation Territories (it) is a problem solving process that frames fundamental questions about how we work and live in order to identify and achieve solutions. (it) deploys strategies for expansive propositions through the creation of partnerships between the public and private sectors that result in considered and direct action. Research and program development is currently underway in Houston, Texas and downtown Detroit, Michigan. [www.innovationterritories.com](http://www.innovationterritories.com)

## **HIWI**

*Houston. It's Worth It.* (HIWI) began as an unsolicited campaign created by ttweak for the city of Houston in summer 2004. The first phase of the campaign was a website, providing a forum in which Houstonians can voice their enthusiasm and passion for a city that's often misrepresented and misunderstood by outsiders. In fall 2007, Houston. It's Worth It. released "HIWI: The Book," a selection of photographs of Houston taken by Houstonians. Their next book, "HIWI: Ike" is scheduled to be released on September 13, 2009, the one year anniversary of Hurricane Ike.

[www.houstonitsworthit.com](http://www.houstonitsworthit.com)



THE RICE UNIVERSITY BUILDING INSTITUTE

Rice Building Institute is a part of Rice University which has a distinguished track record in establishing and operating interdisciplinary collaborations in teaching and research. The creation of the built environment accounts for 8 percent of the total US GDP and touches every aspect of our economy, both national and local. The modern building process has become so complex that innovative approaches are required to reintegrate what has become a fragmented process. The Rice Building Institute, a university/industry partnership, provides the requisite forum in which this interdisciplinary search for innovation can come to life. [www.ricebuildinginstitute.org](http://www.ricebuildinginstitute.org)

### **CONTACTS**

Paula Newton is the director of public events at the Contemporary Arts Museum Houston.

She will be handling the logistics for the evening and any questions you may have about format or special needs.

Her direct telephone number is 713.284.8250. Her email is [pnewton@camh.org](mailto:pnewton@camh.org).

Connie McAllister is the communications and marketing manager at the Contemporary Arts Museum Houston and she will be handling all of the press relations and information. Her direct telephone number is 713.284.8255. Her email is [cmcallister@camh.org](mailto:cmcallister@camh.org).