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Zoning Houston — Not

DONNA H. KRISTAPONIS

The 2 November 1993 public referendum on zoning was expected to elicit widespread support from citizens who were tired of Houston's haphazard development and who sought land-use controls as a way to help the city's threatened neighborhoods. But the multiyear zoning effort, thought to be a grassroots movement spearheaded by community leaders and citizens alike, lost steam at the polls and was defeated in the 11th hour by avowed antizoning advocates.

What happened to the widespread support for zoning? Was it ever there? According to a late 1992 survey by Dr. Steven L. Klineberg, done well before the mapping debates and the concentrated, obviously effective antizoning campaign, zoning had the support of 70 percent of the population. Although there was not a hotly contested mayoral race on the November ballot, many political pundits predicted that the zoning issue would produce a heavy voter response. But the turnout was dismal, with only 23 percent of the voters showing an interest, despite extensive news coverage of the issue in the waning weeks of the campaign. In a city with 777,000 registered voters, only 168,009 voted on the zoning issue, defeating the ordinance by a margin of only 6,000 votes.

The advertising assault by the antizoners was well financed and focused on the issues identified by their survey as most apt to sway voters away from zoning. As reported in the *Houston Chronicle* on 24 July 1993, minorities were key to the antizoning campaign. "Our arguments are most effective with minorities (especially blacks), low incomes, females and Democrats," an executive summary prepared by antizoning consultants Calabrese & Associates stated. The antizoners' strategy was twofold: raise doubts about the effectiveness of zoning and get the message to "low-income minority voters and make sure they turn out on election day," the *Chronicle* reported. The antizoners focused on minority neighborhoods and hit on pocketbook issues, warning that zoning would cost jobs and raise rents and taxes. They drafted and pushed a plan of action to stop what many thought was a key to Houston's future and certainly a major public policy initiative.

For all the discussions, debates, seminars, and summits on zoning, however, there was not an effective coalition to finance

the passage of the new ordinance. As the debates concluded in the final days before the vote, prozoning endorsements emerged, but that did not slow down the momentum of the antizoning campaign. Perhaps the prozoning camp was overconfident that the well-publicized, consensus document would be overwhelmingly approved by voters. Their overconfidence may have created apathy among the citizens in favor of zoning, who stayed home on election day while the antizoning forces turned out the opposition vote.

Did the city succeed in educating the public and making information available? While there never seems to be enough time or energy to educate citizens about a proposed public policy, the effort to give citizens information was pervasive. In the 11 months preceding the election, 450 news stories appeared in local publications, not including radio and television stories. Planning and Development Department employees conducted or attended about 500 meetings during the last several years. In addition, other groups held countless meetings on the issue. But educating is different from creating a compelling need to take an action — a role that belonged to the neighborhoods and zoning proponents, who obviously did not deliver.

Many analysts maintained that zoning was a middle-class homeowner issue, and in fact middle-income homeowners voted strongly for zoning. Upper-income homeowners did not, and neither did homeowners in low-income areas. Race and ethnicity did not seem to matter much; income was the determinant. Clearly the renter community did not perceive a stake in the outcome and did not vote.

What has happened since the November 2 election? Several key zoning advocates were not elected to city council or could not run because of term limitations. Several new council members, however, have already stated their support for zoning and some land-use controls. Will this support be enough to carry another call for zoning in light of the recent vote by the people? Some neighborhood groups were stunned by the recent vote but have not given up. In fact, they were back before city council just weeks later protesting the establishment of a new bar in the Montrose area (one that zoning would not have prevented anyway). But

can anyone argue that there has been a real hue and cry for a redress of grievances? The Houston Homeowners Association is reassessing how it can help protect neighborhoods, and downtown business groups remain actively interested in establishing some form of protection for neighborhoods. Former council member Jim Greenwood, who led the fight to bring zoning to Houston, vowed to bring zoning back for another vote within one to three years.

But is that realistic? The middle-class homeowner is a diminishing constituency in Houston. Since 1980, the percentage of home ownership in Houston has fallen to 45 percent from 48 percent. Houston ranks eighth from the bottom of all major cities in its percentage of home ownership. Think about this: judging from their zoning position, upper-income homeowners seem comfortable with the protection afforded them by deed restrictions. White, middle-income homeowners have been moving to the suburbs in a steady stream; and poor folks worry most about jobs and making ends meet. Is there a long-term constituency for zoning, or any other form of land regulation?

What does the near future offer? The Residential Protection Ordinance, which was a temporary measure to curtail commercial intrusion into residential areas, expired on 31 December 1993. The moratorium on the demolition of historic buildings will be continued until 31 March 1994, by which time the planning department must submit to city council a proposed historical preservation ordinance that does not rely on zoning. (Three Texas cities have similar legislation: Goliad, Bryan, and Wichita Falls.)

Also in December, city council unanimously adopted the Comprehensive Urban Rehabilitation and Buildings Ordinance (CURB), which will support historical preservation efforts through its requirement that property owners maintain their buildings to a minimum code standard, thereby preventing demolition by neglect.

Does all this paint a picture of doom and gloom for the future of Houston neighborhoods? Not necessarily. Mayor Bob Lanier's priorities for the next two years clearly include protecting and preserving neighborhoods, with special emphasis inside Loop 610. At his urging, city council has moved forward on a "visioning" process, a public involvement program to consider our future and set a comprehensive plan for achieving it. Community meetings and hearings are expected to begin in early 1994. It is as important to participate in these proceedings as it was in the zoning process. Through comprehensive planning, the community will again try to balance competing interests in policy areas ranging from infrastructure and the environment to education and economic development. The mayor's

goal is to secure a strong, vital region, one that is not saddled with a weak central city. The issues, however, can be quite sweeping, and achieving a consensus will not be easy. Setting goals for the future, and then following through with policy and legislative decisions that seek to achieve those goals, means making choices on how to use scarce resources. Do we wish to grow here or grow there? What will it take to make the inner city competitive with the suburbs? Like it or not, the issues of land use and urban form are quite likely to be resurrected. They will make the debate over zoning seem rather tame.

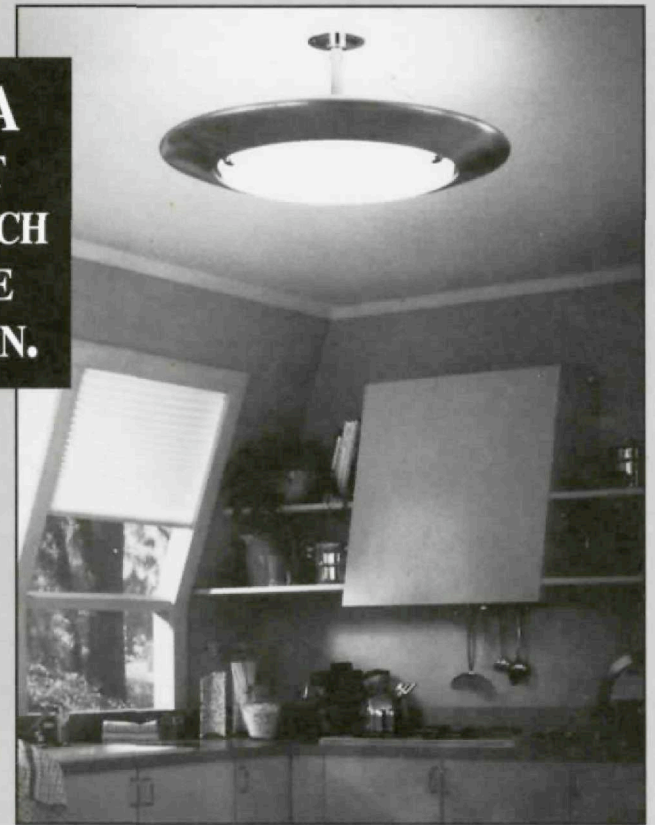
On another track, the Planning and Development Department is working to come up with alternatives for neighborhood protection without zoning. A vast amount of new information was generated by the zoning process. Detailed land-use maps that did not exist three years ago are now available for all 590 square miles of the city. Communication and new working relationships between citizen groups and city officials grew out of the zoning public participation process. A new pool of planning professionals who are intimately familiar with the city's neighborhoods is available to assist with individual neighborhood plans and enhance efforts to enforce and implement deed restrictions.

Clearly, the department's mission to protect and enhance neighborhoods remains unchanged, even though zoning is not an available tool. Alternative policy options range from doing nothing to neighborhood planning and limited relief through performance standards – the planning but no zoning concept – with variations in between. The mayor currently is evaluating the options. Because this journal has been in the forefront in expanding Houston's dialogue in urban planning and design issues, *Cite's* readers may have ideas. I would like to hear from you. ■

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