

# A Stranger Here Myself

## Cite Talks With Planning Director Donna Kristaponis

**The mandate to produce a viable zoning strategy for a city still lacking a comprehensive plan presents the Houston Planning and Development Department with an ambitious new agenda. Leading the effort is Kathy Whitmire's appointee, Donna Kristaponis, who came to Houston this year from Palm Beach County, Florida, where she was the director of planning, building, and zoning. William F. Stern and Rives Taylor interviewed the director in her office on September 5, 1991.**

**CITE** Could you tell us something about your background – how you came into planning and how you came into this position?

**DK** I have a B.A. from the University of Washington, a liberal arts degree with a concentration in music and history. Government and politics were an avocation when I was a student. After finishing my degree and some teaching I went into the Peace Corps.

I was assigned to public administration projects in West Africa, where I spent three and a half years. I came to the University of Texas with my then husband, who was working on a Ph.D. I was accepted at the LBJ School of Public Affairs and spent two years in that program, then left to pursue a Ph.D. in business. I did some of the coursework, then went to work for the city of Austin.

**CITE** When was that?

**DK** Late 1978. I had done a lot of work in between. I had worked for the legislature as an adviser on governmental relations. Coming out of graduate school, I went to work as the health planning director for the city of Austin. Having been to the doctor a few times in my life qualified me to talk about health planning. Planning is a process: it's being able to facilitate and bring people together. I'm not sure that there's a particular magic to it. As the health planning director, my responsibility was to move the care program out of the city-owned hospital and into community clinics, which is a much cheaper way of providing service. Austin has a very aggressive program for the indigent population. We also developed a sliding fee scale and automatic Medicare/Medicaid repayments and turned what had been a horrible financial picture into a good financial picture.

I was interested in moving forward in the city of Austin. When two assistant directorships became available, one in land-use planning and one in research and budget, the personnel director recommended that I apply for both of them. I told him I was eminently qualified for research and budget and not eminently qualified for the planning position. That is not what happened. Planning came up first. I was included in the initial 25 people of the 100-plus applications they looked at because I was the only city of Austin employee who applied, and I was also the only woman. Everything that Austin did at that point had a very rigorous selection process. I was interviewed, went through an assessment process, and was selected. In terms of comprehensive planning and zoning, I began on-the-job training in 1980 with the city of Austin.

**CITE** Your position there was what?

**DK** Number two position in the department, when Austin was the fastest-growing city in the country; it was not a bad place to start. I think that I was hired because I have strong management skills. Planners aren't always the best managers; I was able

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to provide immediate help to a department coping with phenomenal growth and finishing its comprehensive plan. The number one issue in the comprehensive plan process was the zoning ordinance; that became my responsibility. We put a number of environmental ordinances in place. Austin was more adventurous and more on the cutting edge in terms of planning issues than any city in Texas. Probably not more than in California or Florida, but very few states would have been in terms of what we were considering.

In 1984 I left the city to work as a consultant to cities on growth management; I also worked with developers on development projects. I always knew that I would come back to the public sector, but I didn't know how to put a project on the ground. I didn't know what it meant to take an idea, fund it, get it approved, construct it, have a grand opening, and cut the ribbon. That was an education I needed. I was committed to staying in the field of planning, but when you are going to regulate an industry you ought to know something about that industry. There were some things I had done as a staff member in Austin that probably weren't as well thought out as they might have been.

Toward the end of 1988, I met a recruiter who had a job he thought I was made for, and he asked if I would consider going back into the public sector as executive director of planning, zoning, and building for Palm Beach County, Florida. Palm Beach is the largest county in area east of the Mississippi. It's bigger than a number of states. And in Florida, counties are the local government of power.

**CITE** What's the population of the county?

**DK** Nine hundred thousand permanent residents. Palm Beach also has an awful lot of people who come just for "the season" – the very wealthy who live in mansions on the beach, as well as retirees who come down for the winter. That's probably another 150,000. I directed five divisions that were under the gun to submit a state-mandated comprehensive plan shortly after I got there. Then we had a year to make all development regulations consistent with

the comprehensive plan. We were the first local government in Florida to have land development codes done in the time frame allotted by the state.

I was responsible for code enforcement, a need we have here in Houston. We faced a number of critical planning issues, like mobility. Palm Beach doesn't have as good a mobility system as we have in Houston. Most of the development is along the coast, and so one commutes from west to east in the morning and then east to west in the afternoon. There were also many wetlands and major water problems. Florida is having severe problems providing potable water to the people who live there.

**CITE** How did you become interested in the Houston position?

**DK** I was recruited to come here. I received a call saying that they had heard about me and liked what they heard, and they asked if I was interested in being considered for this position. I told them I would be delighted. Why would anyone not be interested in coming to Houston, Texas? Even though I have no interest in being the czar of subdivision platting for the city of Houston.

**CITE** You said you didn't want to be the subdivision czar. The perception of the planning department prior to the recent changes is that it was basically what we called the "curbs and gutters department." It didn't really do a lot. Whatever planning occurred seemed to come out of the planning commission. How do you see the position of the planning director and department changing?

**DK** Fifteen months ago, the planning department had perhaps 45 staff members. Twelve months ago it had 300, due to the reorganization. It took in the building permitting functions and the capital improvements programming functions. That seems fairly legitimate for a planning organization. We also took in some traffic planning functions, although we did not get all the staff that would be related to that. In January the council adopted the planning and zoning ordinance, number 91-63, which mandates a comprehensive plan, a zoning ordinance, and doing something about nuisance codes, without spelling out what to do. I arrived in February. In terms of approved positions within this budget, the department is now close to 700. We have a lot to do under the mandates of that ordinance. While we're building an organization to do the new things, we're still trying to figure out what happened to us a year ago.



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**CITE** So the building permit process has been taken from public works and is now under your aegis?

**DK** Yes, it's been here for over a year. I now have planning and zoning and platting, the capital improvements program, and the regional systems program, including utilities and transportation planning. I deal with street closures that neighborhoods are interested in. I deal with the major thoroughfare plan. I deal with the city's Metrocom system [a computer mapping system], including the analysis of census data. We respond to public inquiries related to data. We handle the building inspection functions, sign administration, and neighborhood protection, which is a consolidation of assignments formerly in other departments. It's a rather sizable undertaking.

**CITE** So planning and zoning could be just a small part of what you do.

**DK** It could be, but it isn't. The department is now fashioned like my department in Florida, which makes a lot of sense, from what I've seen of how other departments are organized. These are areas that belong together. The interesting thing is to pull them together and make new assignments in the process, and locate people in order to do what needs to be done. When I say planning, I don't just mean comprehensive planning.

**"The planning commission certainly can be the initiator of ideas and public policy, and ought to be. For the most part the commissioners are citizens, not specialists in planning."**

**CITE** What do you mean?

**DK** It is the comprehensive planning, it is the regional system, and it is, "I am a property owner and I want to develop; how do I develop in the context of that comprehensive plan and the regional issues we've identified? And now, you have to get a building permit." That's the technical picky part that I'd just as soon not have a whole lot to do with. I don't have to, since [deputy director] Hal Catun is here, and he's the deputy over that area. People who are trying to get a building permit want the process to work as efficiently and as effectively as possible.

**CITE** What do you see the planning and zoning commission doing?

**DK** The planning commission certainly can be the initiator of ideas and public policy, and ought to be. For the most part the commissioners are citizens, not

specialists in planning. But they are out there listening to the public and need to help form the policies under which we operate. I'm not going to lay an ordinance down in front of the planning and zoning commission and say, "Hey, I think you ought to adopt this." On a couple of occasions I've gone to the commission and said, "I would like you to consider the potential for doing X, and if you think it's a good idea we'd like to look into it." If they're not interested, I'm not going to spend a whole lot of time on an issue that they don't see as a big problem. Clearly they need to deal with some of the priorities. The things I've done so far have been fairly simplistic. With council's adoption of the zoning ordinance in January, we know what we are supposed to do, we understand the work plan, and we understand the time frame.

**CITE** Ultimately, whatever is generated from your department will still have to pass through the planning commission for its approval or its recommendation to council. Is that how the process works?

**DK** That's traditional. That's true in Texas, that's true in every state I've ever known. It's one of the few departments in any city government that operates that way, that has its board of directors. I am in essence the director who reports to this board of directors. I do more than that, because they don't have anything to do with the building functions, the sign functions, or the neighborhood protection functions. But all things related to comprehensive planning and zoning will require their recommendation to the council. Still, I'm not going to wait for the planning commission to dream up ideas. I'm known as being pretty pro-active. I think I've demonstrated my pro-activeness since I've been here.

**CITE** Is that what Mayor Whitmire wants you to do? Is she in agreement?

**DK** We've really never discussed that.

**CITE** There's a general feeling that the mayor was pushed into planning and zoning because the people wanted it. Before your arrival there was a perception that a brake had been applied that got in the way of any creative thinking coming out of the planning department, and that brake might still be there.

**DK** I haven't heard it and I haven't seen it. I was on a radio program, and on that program with me was council member Jim Greenwood. The talk show host raised the same issue you did about the mayor. Council member Greenwood said, "I don't think the mayor leapt on this with two feet and two hands immediately. What the mayor did do, which is what you want a



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mayor to do, is to sit back and listen and decide whether it's good public policy or not. What the mayor decided is that this is good public policy." And he said, "Since she's made that decision that it's good public policy, she's never faltered. She never blinked in terms of moving it forward, seeing that it's funded, finding the right staff, doing what needs to be done." He said, "I think she's very supportive."

**CITE** On the funding . . .

**DK** You noted how quickly it happened. I think some of the council members and possibly the mayor are amazed at how quickly it happened. I think that's another issue: Will they stall, or was it an avalanche, was it a snowball?

**CITE** Perhaps what has happened is that the planning directorship is now a position of influence and authority. That leads to the next question: Was the \$6 million that was requested from council funded in this budget?

**DK** It's a \$7 million figure. I need every penny. Please do not do what other journalists have done and report that that's the planning and zoning figure, because nothing could be further from the truth.

**CITE** Well, what is it?

**DK** It's basically \$4 million for planning and zoning and \$3 million for neighborhood protection.

**CITE** Neighborhood protection is what you're referring to as the nuisance ordinance?

**DK** Nuisance ordinance enforcement: rats, weeds, tires, abandoned buildings, abandoned vehicles on private property, housing code enforcement. That's a \$3 million program.

**CITE** So it's really \$4 million that has been approved. What is that for?

**DK** That is for a lot of new staff – 26 to 27 new people in comprehensive planning, 39 new people in support staff, professional planners for neighborhood planning and zoning, new staff in research analysis



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**"I am hiring staff. But, like so many organizations, there are a few people at the top and you get more as you go down. I've got a lot of kids that have just finished their master's degrees and have never done this before. Do you trust them with your ordinance?"**

and data systems to be able to support the planning and zoning effort. We are turning out current land-use maps and zoning maps 24 hours a day, seven days a week. It includes a public information officer, which this department has never had before. I want to make that into a community relations position. We need some newsletters, some focus papers, and an awful lot of information to the public on planning and zoning issues. We have not had the personnel to be able to do that. We have no filing system here. I have a records administrator coming in. I have development plats that literally are filed by receipt number, so that if you don't know your receipt number, we can't access them for you. We need to take a look at that.

**CITE** How many individuals are we talking about?

**DK** Probably 90 new staff just to do the planning and zoning and augment the other areas, which couldn't possibly have provided this support. The staff is working morning, noon, and night. Part of it is for that. I have monies in my budget for consulting services. We did a zoning RFP [request for proposals] and we hope to have that on council's agenda for approval next week. I also have some very peculiar computer systems. I have a Metrocom system, which is really a computer-aided drafting system. It has no relational data bases, so for comprehensive planning

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purposes I can't say "What if." I can't draw the parameters and have the computer deal with me about what happens to this community over the next 23 years. I also have a stand-alone building inspection system that does not feed information to the city's Metrocom system. I have no subdivision data on the computer. I have no microfiche or microforms of subdivisions. I can only go back to the original drawings. There is no automated tracking of records here. Now we're going to introduce zoning. One of the things that I'm going to be doing shortly is a request for proposal to do a management study of our information needs and to put forward the priorities in terms of getting the most for our money.

**CITE** You mentioned the RFP for a consultant, a loose issue. How many firms replied to that?

**DK** Eight.

**CITE** Only eight?

**DK** Let's talk about what that really means. One came late, so it was excluded. Another submitted only qualifications and did not respond to the RFP. So we had six real ones.

**CITE** You're building a staff, and some of these people will have experience in planning and zoning. What is the necessity of bringing in an outside consultant on top of that? Why are you not building it all from within?

**DK** That would truly be unique, Houston-style zoning. I know of no major city in the country that has attempted this type of legislation without outside help. I suspect that there is a reason. I am hiring staff. But, like so many organizations, there are a few people at the top and you get more as you go down. I've got a lot of kids that have just finished their master's degrees and have never done this before. Do you trust them with your ordinance? Do you want them to talk about performance zoning and how it works? Or do you want to have your staff working with folks who have done it before?

**CITE** What will the consultant team be doing specifically? Will they be making overall recommendations for how we should be proceeding?

**DK** They will be working with the staff and with the zoning strategies committee, which includes members of the planning and zoning commission as well as members of the community, to talk about zoning philosophies. We already know here in Houston that we really don't want to create a zoning ordinance that looks like the ordinance in Dallas or San Antonio or El Paso or Austin. We are going to be performance driven for the most part.

**CITE** Could you explain what you mean by "performance driven"?

**DK** Performance standards can include height, setback, location of driveway, landscaping, design standards. These are a part of performance standards that I think architects in particular are interested in. It can be the scale, massing, and bulk of the building and how it fits into its environment. Those are performance standards. The issue becomes the building itself. The relation with the context is many times more significant than use or what goes on inside the building.

**CITE** When you talk about performance standards you raise one of the bigger issues facing Houston. There are some people who really only care about the protection of their neighborhoods, who believe that we should not broaden the scope of zoning

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and planning beyond neighborhoods. Then there is the other view, the far more expansive view that you've just described, of the kinds of broad things that zoning or planning can do. Which direction do you think it's going?

**DK** It's going in several directions. Performance standards will become more stringent as you move toward a residential neighborhood. As you move away from residential neighborhoods, it's very unlikely that you're going to have to do a whole lot more than is currently being done. Since 1982 we have had a minimum lot size. We will shortly have a tree and shrub ordinance that's been under discussion for at least a year. There may be continued discussion regarding dumpsters, and I think signs will come up again, although I don't know that signs will come up this round. The other thing, though, is that not all areas are the same. I hear people in the Montrose and Neartown areas saying, "We're not going to make it as a wonderful mixed-use area if we don't have zoning. And in doing zoning we want to protect the businesses that are there now, at least the vast majority of them, as well as the single-family housing and the duplexes, and the multifamily housing. We just don't want to be overridden. We don't want the restaurants to be so successful that we can't live here anymore." They see that zoning is the only way of doing this. They're right in terms of protection. But when I hear you saying, "Well, it came from the neighborhoods and they want to protect . . ." it makes it sound like it's very single-family, residential only. In this process we have to be able to recognize the differences in these neighborhoods.

**CITE** There has been a tendency in the past to see the city as one fabric, and what we do in one place we do in every other. The setback ordinance was a perfect example of a blanket ordinance.

**DK** There are some places where I think it would be great if we didn't do setbacks.  
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Kristaponis

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**CITE** Agreed, but the current ordinances don't allow it. How are you going to reverse that pattern?

**DK** I'm not sure I can. I've come to a community that's never really talked about zoning before. We are developing the vocabulary, we're developing the syntax. I think that there is a clear difference between architects and planners in terms of what each does. Houston has many architects, but it doesn't have very many planners. I think some of our ordinances that you've just referred to, such as the parking ordinance, occurred because no one stopped to think about how else it might be done.

When it comes to land-use regulation, there's no one here who has done it before. Until my new staff started coming on board, no one here had the experience base to do that. People who were working here in Houston, in this department, had never worked in the process. Their whole career has been here. Don't get me wrong — there are some good people here, and there are some great people here, and there are some dedicated people here. But in terms of having experience working in a variety of places, either as a staff member or as a consultant, they did not have a knowledge base to say, "They did it this way and they did it that way, you might consider this, and this might work." I make recommendations. I put together information. I think I've developed a credibility level

**"A neighborhood is a much broader context; it includes where you live and walk and shop, and get your videos, and go to the cleaners, and pick up the yogurt."**

since I've been here. At least to this point, the community trusts me. They see me as knowledgeable and credible, and I think the council does also. I need to be careful that I don't do anything that would violate that trust. We've got to deal with diversity. West University is probably a great place, and I like going through there, but West U. to me is like a single-family community in Houston that's got deed restrictions. It says here you can do single-family, and here on Rice Boulevard you can do multifamily. It's like it's deed restricted. It's not a city that has diversity. In our ordinances, we've got to recognize the diversity of ancestry. We have ethnic diversity and cultural diversity across the board.

**CITE** This brings up a very interesting point. The zoning RFP was broken into two phases. The first phase was the educational process: inviting experts from planning and legal firms outside the county. They were to come to educate the council, the staff, the planning and zoning commission, and anyone else involved with the process. The second phase was the creation of the zoning ordinance. In stating the scope, the RFP was very complete and impressively so. Yet the biggest question is the time frame. We're talking about creating a zoning ordinance for the fourth largest city in the country, with no experience base at all, in roughly one year. Obviously, political reality says one thing, planning and management reality may say another. In forecasting what you need to do in roughly one year, you have a great deal of ground to cover. How can you avoid the cookie-cutter approach? How can you avoid falling into a very quick fix?

**DK** When you move to performance standards, and few districts, then you leave a great deal of leeway. You want to have the ability to set planning and development guidelines. Plan development basically says there's a minimum set of rules, but if you show us how what you're going to do works better, you can do it. We're going to create a process, not identify it, not define it on a map anyplace. Other people have, in RFP responses, talked about conservation. I think our philosophy or approach is different from a neighborhood conservation district, because we won't identify neighborhoods necessarily as a place where people live only in a house. A neighborhood is a much broader context; it includes where you live and walk and shop, and get your videos, and go to the cleaners, and pick up the yogurt, whatever. We've talked about a process of a neighborhood identity district that would allow neighborhoods to recognize the context in which they operate. The one that jumps to mind immediately is the Heights. The Heights is very interested in having some special regulations that are theirs alone. That will allow them to continue the scale and design of the fabric of what was a hundred years ago the Houston Heights. I don't want to get into the architectural argument of whether new or old is good and whether we should be dealing with scale and that sort of thing. But if folks in the Heights want to be able to address the design they have in their Victorian houses, they should have a process identified in the zoning ordinance that allows them to create a special layer of regulations to address what they want to see in their area.

**CITE** So you see a very specific, neighborhood-by-neighborhood zoning situation geared to the residential areas.

**DK** The identity district would only be defined as a process in the ordinance. By setting up a process it allows various property owners to become involved, and they agree to a set of rules.

**CITE** As you go through making the performance standards, community by community, how much say will each community have in establishing those performance standards?

**DK** First of all, I don't know how to say to you how much. Part of it is a self-selecting process, but some of it isn't going to happen in terms of what neighborhoods would like to have happen. I had a wonderful meeting at the University of St.

**"I don't hear the groundswell of support for historical preservation that I hear for neighborhood protection."**

Thomas; we were talking about what to protect and what to improve, and one of the issues was a better level of service from the city. I said right, and zoning also cures warts! I mean, it's not going to do everything, folks. I went to a meeting with Neartown [a neighborhood association in the Montrose area]; they laid out what they thought would be the ideal plan. On the inside it showed what the land uses were today and what they wanted in 2020, and they took the area that had the least amount of mixed use, and said what they wanted to see in this area. Commercial, retail, ringing the area, and in some areas and next to the retail a row of orange, which was the multifamily, a Berlin Wall of multifamily. I don't think that's going to happen.

I heard after the fact that there was some real question about whether everybody agreed to that plan, but I don't think it's going to happen in Texas law that we're going to go through a court and amortize all this stuff and get rid of it. There are some great multifamily projects in that area. Those that I can identify are pedestrian oriented and don't turn their back to the street. They have projects that work, and some of them are new and some of them are old. I encouraged the group to take a look at that. What is it that works? Because we may not need to get rid of them all. If we're going to double in size over the next 30 years in this region, clearly we know there's a call for multifamily. Maybe we ought to be calling for it to be on streets of a certain width or of a certain carrying capacity for traffic.

I also told them I was very discouraged to see the whole area ringed with retail. Why not some multifamily in those areas? I was really surprised at that presentation. So when you ask me how much a neighborhood can influence, I think a neighborhood will have a lot of influence. What the planning commission and council will have to weigh is the legal considerations — how do we get rid of all these things over time that we've decided we don't like. Again, performance standards come into play. Should we plop down multifamily

right in the middle of this established single-family? Probably not. But is a duplex necessarily bad?

**CITE** In order to do this properly you've almost got to go block by block.

**DK** You use percentages. You use bulk. That means that by using a percentage you've forced the architect to look at the area and design in context. That percentage will change depending on where you're going to be going. Fifteen percent in the Galleria area is very different from 15 percent in the Memorial area. That's certainly one way, and you don't have to apply neighborhood-by-neighborhood because you're in a ratio with what is already there.

**CITE** One point that we haven't talked about is historical preservation, which is nonexistent in Houston. In fact, a lot of us hope that this will be at the top of the agenda, not toward the bottom. What possibility do you see for this, since we are losing buildings rapidly?

**DK** I know we are. I don't see a groundswell of support, I don't hear the groundswell of support for historical preservation that I hear for neighborhood protection. I think it's incredibly important and I know that Houston's lost a lot of buildings. And one of the things that puts me in a difficult position is if you designate some of our wards, our shotgun housing, and things that truly are unique to be historically significant, what responsibility do we have to take care of them? There's nothing that requires property owners to take care of historic property. There are certainly no economic incentives. I know of no city that has particular funds to assist in historical preservation. Having served for a year as a person responsible for operations and maintenance of a major historic theater, I will tell you it's very costly. It's a real dilemma.

**CITE** You raise another question that is a delicate one. Most of the talk of planning and zoning is dealing with established neighborhoods. There are neglected parts of the city, the poorer areas that are just not participating. How are those neighborhoods going to be addressed?

**DK** The wards have already been acted on in processes. In fact I think there's a lot of focus on the wards, and you can find civic associations in the wards, and you can find redevelopment agencies active in the wards. At least they are being part of the process. I'm very concerned about the more outlying areas, where things are not good at all, and it's been very difficult to get people involved.

I don't know that zoning is going to help them a whole lot. It's a little like Masloff's hierarchy of needs. When you're hunting shelter, and when you're really hungry, it's pretty hard to worry about

grass and trees and setback. I'm not surprised when those folks aren't out for planning and zoning meetings, because I can tell you they are massively concerned about neighborhood protection programs and enforcement of nuisance codes. Zoning also doesn't bring with it economic reinvestment. So I think a number of things could be done for those areas. We're going to continue to reach out, and we're going to continue to work with the district council members, and we're going to continue to identify church leaders and civic leaders to get them involved. Oftentimes it's pretty hard to move something esoteric like comprehensive planning issues associated with zoning.

**CITE** Houston has an opportunity, a chance to do something that no other city has ever done before, because we're the last city in American to be zoned or planned.

**DK** We've got 60 years of history to learn from.

**CITE** That's right; it is a chance to do it in a way that's appropriate for Houston. It's also a chance to look at other issues. One of those most important issues would be the way we view our environment, and the way we've destroyed our environment. Houston has probably one of the worst track records in the country. There are those who feel that this is the time to specifically address what we do with the environment and how we deal with it, and that this should be a major part of the comprehensive plan. How do you feel about that?

**DK** Amen.

**CITE** Will general issues of environmental quality be addressed?

**DK** Certainly environmental issues have been identified as of critical importance. When I started comprehensive planning, there were several things I wanted. One was an analysis of the environment: where are the suitable soils for development, where are the watersheds? If we're going to double in size over the next 30 years, do we really want those people living in environmentally sensitive areas? There's nothing to preclude that from happening now. Perhaps the wetlands definitions used previously were too onerous. They've just been redone, but we don't locally look at any of those issues. We don't preclude building in the floodplain. I always thought it was real interesting that in the name of flood control or whatever we cemented over many of our creeks. That just means water runs faster and usually leads to more downstream flooding. I haven't looked at it, but I've asked myself every time I look at one of our paved-over drainage ditches. I suspect they used to be quite lovely.

**"We're going to need at least three years in our comprehensive planning program. Basically the state law – and I've heard this from several land-use attorneys in several Texas cities – requires that your zoning code be done comprehensively. That's different from having a comprehensive plan."**



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**CITE** Would greenways and parks be included in the comprehensive plan?

**DK** Absolutely. But you have to have a comprehensive plan to get there.

**CITE** To wrap it up: the future projection. It's pretty clear what has to happen with the zoning ordinance. The mandate and the RFP have said where you need to be in a year. But what about the comprehensive plan, which by Texas code needs to be developed concurrently?

**DK** We'll have to look closely at that because we're going to need at least three years in our comprehensive planning program. Basically the state law – and I've heard this from several land-use attorneys in several Texas cities – requires that your zoning code be done comprehensively. That's different from having a comprehensive plan. Also, there is case law in this state – I'm sure there's more than one case – where the zoning code and the zoning map itself can be identified by the courts as the comprehensive plan.

When we start the comprehensive planning process regionally, we will be setting up a major public participation program dealing with the environment. We haven't talked about clean air, but it certainly is a big issue that faces the environment. We will spend a lot of time working with each of the elements of the comprehensive plan, and we will be coming, presumably, to some community agreement. If we envision Westheimer being a wonderful parkway with some green space and not all the asphalt, just putting that on a comprehensive plan is not worth the paper it's printed on. If we decide that's what we want, and we identify the major corridors on which we want it, we then need to come back and revise our zoning ordinance to add those requirements, because it's only through zoning that we can implement those portions of our comprehensive plan. If we decide that the environment is really important and we want to deal with retention, detention, building in the flood plain, downstream flooding, or whatever,

and we come to some agreement on those things in the comprehensive planning process, then we've got to revise our ordinances, and presumably most of those will be subdivision ordinances that preclude those things.

I imagine that out of the comprehensive planning program, which is much longer, we are going to see a series of changes that will be effected in the city of Houston over the years to come. At first it really bothered me that we were zoning first and then doing the planning, but there is a goal that everybody has agreed upon, and that is we've got to do something to preserve our neighborhoods. It doesn't mean that we can't come back as a result of our comprehensive planning program and do some things that we want to see done. I chide people here by saying that some of our apartments are so bad because open space is calculated as parking space. There's no amenity – it's asphalt and structure. Do we want to continue to do that? I don't think we'll ever address that in this round of the zoning ordinance. I think we're going to get more sophisticated as we go through this process. And my sense is that the people of Houston want to learn more, to see how it works, and we'll come back and do it again. Forty years from now we'll probably be like other cities, and we'll be saying, "We really need to comprehensively revise our zoning." ■

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