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WHITE WORKS TO LIMIT SIZE OF HIGH-RISE

Mayor fast-tracks an ordinance aimed at project on Bissonnet

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Mayor Bill White's administration has proposed an ordinance that could require developers to reduce the size of a planned high-rise building that's ignited a bitter dispute over what's appropriate to develop in Houston.

The ordinance, distributed to City Council members Tuesday, could be on the council's agenda next week — an unusually fast timetable for a new regulatory law in Houston. Such measures typically take months to work their way through the city bureaucracy.

White acknowledged that the ordinance was drafted in response to a controversial high-rise planned near Rice University that has not yet received a building permit. Residents of the adjoining Southampton and Boulevard Oaks neighborhoods hired a prominent attorney and staged a street protest against the project.

The ordinance would require traffic impact studies of projects on two-lane, two-way streets that include at least 100 dwelling units and increase density 100 percent

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or more. This description fits the 23-story building that developers Kevin Kirton and Matthew Morgan of Houston-based Buckhead Investment Partners want to build at 1717 Bissonnet.

The measure would give the public works director broad discretion to require steps to ease traffic problems involved. In the case of the Bissonnet project, White said, reducing the building's size would be the most logical solution.

"The development on Bissonnet that will dump more than 2,000 (daily) trips onto a



See the complete seven-page draft of the high-rise ordinance at chron.com/metro

two-lane, two-way street exposed a loophole" in city regulations, White said, explaining why he put the ordinance on such a fast track.

Morgan and Kirton, however, said it appeared the city has unfairly singled their project out in drafting the ordinance.

DRAFT: Measure could affect other buildings

"As a native Houstonian, I'm utterly shocked we're heading in this direction in the fourth largest city in the country, targeting specific developments with emergency ordinances," Morgan said. "I'm not sure that's the right way to do business. I'm not sure that's the message we want to project to the national real estate investment community."

The ordinance would authorize the public works director to use the traffic impact analysis as well as his "independent judgment" to determine whether the project would cause excessive impact on traffic. It would be the first time the city has required traffic impact studies of new developments.

If the director finds that the project would worsen traffic congestion, he could require any corrective action he deemed appropriate. The developers could appeal to the city Planning Commission.

Neighborhood leaders and the district councilwoman, Anne Clutterbuck, praised the ordinance Friday. Clutterbuck said it was a first step toward a broader traffic impact ordinance that would apply to other types of developments.

Andy Icken, a deputy public works director who asked the legal department to draft the ordinance, said it would apply to four or five additional projects with pending applications in Houston. He declined to identify them.

Morgan and Kirton voluntarily hired a firm to do a traffic analysis and submitted the findings to the city. The study, they said, found that the building would have little impact on traffic — a finding initially endorsed by the city, which later withdrew its approval of the traffic study.

The city asked for a second study, saying the first one the developers submitted was not consistent with information in documents submitted for approval of utility improvements that the developers have completed.

"We've played by the rules when we first went in and sat down with the city," Morgan said. "What we're doing now is we're going the extra mile again."

In its current form, the ordinance would have an impact on nearly all multifamily developments, not just high-rises, said Andy Teas, vice president of public affairs for the Houston Apartment Association.

Most projects now are designed as mid- or high-rises in response to rising land costs in Houston, Teas said. And it would be hard to find such a project, he said, that doesn't have at least one side adjacent to a two-lane street.

Teas also questioned why the measure applies only to residential projects, since large commercial buildings on two-lane streets presumably could cause similar traffic problems.

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