



ANNE CLUTTERBUCK
Council Member
District C

February 28, 2008

Dear Neighbor:

Since you have contacted me in the past with your concern about the proposed "Ashby high-rise" located at 1717 Bissonnet, I want to provide you with an update on the most recent action related to the issue.

On Wednesday, February 27, 2008, Mayor Bill White again reaffirmed his commitment that the City of Houston will reject permits for the 23 story/226 unit mixed-use project at 1717 Bissonnet, should Buckhead Development choose to re-submit their original plan to the city.

Also on Wednesday, I made a procedural motion to refer the original high-density ordinance back to the Mayor's administration. The original ordinance was introduced in October of last year and was postponed for an additional 4 months to enable stakeholders and community representatives to participate in the drafting of comprehensive rules to regulate potential traffic impacts of high-density developments. Because the current draft ordinance no longer resembles the original October proposal, it became necessary from a procedural standpoint to remove the old proposal from the agenda. The stakeholder meetings about the new version of the ordinance will continue and progress will continue to be made in drafting an ordinance that provides predictable rules that protect neighborhoods from the impacts of higher density. We hope to have a complete ordinance available for public comment by June.

What does this mean for those of us who live near the site of the proposed Ashby high-rise? We believe that our existing ordinances allow us to regulate street access and we intend to enforce these ordinances. Specifically, Chapter 40-86 of the City of Houston Code of Ordinances gives the City Engineer authority to consider public safety and potential impact on traffic in the public right-of-way when granting or denying access to our public streets. If the developers continue to propose a project that exceeds the capacity of our streets and other vital infrastructure, then the City Engineer may reject their permits. Enforcing our existing ordinances helps us to protect our neighborhoods without jeopardizing our legal position.

The developers have made several additional proposals to various parties involved in helping to negotiate a compromise. No deal or agreement has yet been made with the developers of 1717 Bissonnet and we await their next proposal. It is most likely, however, that any new development of that site will be denser and taller than what is currently occupying the site. Neither our existing ordinances, nor those being contemplated by the stakeholder group address height. It is uncertain whether we have the legal authority to regulate or limit height without a citywide referendum or a change in state law.

Thank you for the opportunity to summarize what has become a very complex legal and procedural matter for our city. We will continue to work to use all the authority at our disposal to modify the proposed project as well as to develop comprehensive rules to protect all Houston neighborhoods.

Warm regards,

Anne Clutterbuck