

MUCH OF HOUSTON REGARDS THE CONTROVERSY over the planned Ashby high-rise with some *schadenfreude*, judging from letters to newspaper editors and Internet comments about it.

The project is a planned 23-story residential tower on a 1.7-acre lot on Bissonnet, now occupied by the 67-unit Maryland Manor Apartments. It will have parking for up to 468 cars, ground floor retail and restaurant space, and up to 231 apartments or 187 condominium units. The developer is Buckhead Investment Partners, Inc.

North and south of the site lie the Southampton and Boulevard Oaks neighborhoods, among the richest and most stable in the city, characterized by single-family houses (and a few low-rise apartments and condos) that range from the modestly sized but expensive to the truly manorial.

Buckhead, while keeping a low public profile, applied to the city of Houston for the first of a series of needed permits in July 2007. The site had no deed restrictions: In Houston, where zoning was last rejected in a 1994 referendum, that looks like Game Over.

In 2006, the city had required the developers to improve local sanitary and storm sewers to handle the increased load created by a larger project. The developers also engaged a consultant to create projections of traffic impacts on adjoining streets because, they later said, they were anticipating that there would be objections from the neighborhoods.

The Southampton Civic Club and Boulevard Oaks Civic Association (SHCC and BOCA, respectively) reacted with shock. A task force called Stop Ashby High Rise was formed, with a Web site, a petition, and lots of yard signs.

The neighborhood groups urged Buckhead to change the project to low-rise condominiums. Impossible, company representatives responded, citing land costs and the more than \$500,000 spent on sewer improvements. The task force hired a legal team including high-profile lawyer Rusty Hardin to block the project.

Houston City Council member Anne Clutterbuck (a former SHCC president) announced her opposition, followed, later, by Councilmember Peter Brown (an architect and urban planner). Mayor Bill White wrote an open letter promising to “use any appropriate power under law to alter the proposed project as currently planned.”

There wasn't much to work with, however, given

COME, LET US MAKE A CITY AND A TOWER, THE TOP WHEREOF MAY REACH TO HEAVEN...

GENESIS 11:4

## THE ASHBY HIGH-RISE

by Joel Warren Barna

the property's unprotected status. City officials and neighborhood representatives settled on the argument that the Buckhead-sponsored traffic study's data tables showed that traffic would increase enough to make the area unacceptably congested and raising safety and emergency-services issues.

By late October, city officials had drafted a new ordinance focusing on traffic impacts, with an expanded list of criteria, and giving the city's planning director discretion to intervene in—even halt—projects that violated new standards. A vote on this measure was scheduled for November 7, but that vote was postponed for 90 days, until February 2008—and only Clutterbuck, of the 14 councilmembers, voted against postponement. Newspaper reports credited the outcome to pressure from other developers, who were expressing concern behind the scenes that the ordinance would give too much latitude to the city's planning director or that their projects could be caught up in a hastily drafted measure.

As it stands now, the developers argue that they've played by the rules, even going beyond what is required, and that the city is now changing its regulations arbitrarily and in violation of their property rights. SHCC and BOCA argue that the property rights of the neighbors matter also, that the developers had proceeded with stealth and disinformation, and that the tower is so out of scale and will generate so much traffic that the neighborhoods will be damaged. The Buckhead corporate Web site features the assertion that the project will be good for the area. The SHCC and BOCA Web sites highlight the fact that Buckhead's owners live in the nearby enclave cities of Southside Place and West University Place—both of which have zoning laws.

Jim Reeder, an attorney and SHCC spokesman, says: “The city is supposed to perform certain functions, like providing police and fire protection to keep our neighborhoods safe. This project is a threat to our neighborhood, and the city needs to respond.” Adds Evalyn Krudy, SHCC's executive director: “We are

not against increased density, when it's in an appropriate location, and our fight is not because we don't like the look of this project. It has to do with the integrity of our neighborhoods and what cramming this huge project onto this site will do to them.”

Underlying these arguments is the fear that this project could be only the first of many—bad enough in itself, but even worse as a stimulus to the value of unrestricted property nearby and a harbinger of things to come.

The city administration is stuck with a dilemma—crafting an ordinance that isn't so targeted against one project as to invite a court challenge, while keeping the ordinance so narrow that it won't unite the city's apartment and commercial developers against it. Some, including Councilman Peter Brown, even express the hope that the controversy will ignite widespread public interest in zoning or a form-based building code.

Back to that *schadenfreude*: Houstonians are used to watching impotently as whole neighborhoods are swept away when the land along a transit corridor becomes more valuable for high-density development than for single-family homes (e.g., the blocks of houses cleared in the second wave of development at Greenway Plaza and Galleria/Post Oak). Indeed, many see it as natural urban development. A sizeable number of people, irritated that the city doesn't address traffic problems and rapid change in their own neighborhoods, are irked at the special attention paid to Southampton and Boulevard Oaks. Instead of seeing this as a precedent that could strengthen neighborhoods in the future, many seem to see only economic and political privilege at work, and look forward to the swells getting shoved around like everybody else. This holds little hope for the long-term prospect of change in Houston's approach to growth, to one that strongly values neighborhood cohesion as a positive force.

Bissonnet Street is already caught on an axis between nodes of intense development—the South Main/Medical Center district and the Kirby/Rice Village area. There will be steady pressure from now on to increase density in the zone between Richmond Avenue and Holcombe Boulevard. The Ashby high-rise, if built, will reinforce the conditions for shifting land use even where it makes least sense. Perhaps the political will can be summoned to stop it. If not, it may be the first step in creation of a Bissonnet Canyon. ★