



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

To: City Council Members
Mike Marcotte, Director of Public
Works & Engineering
Andy Icken, Deputy Director of
Public Works & Engineering
Marlene Gafrick, Director of Planning
& Development
Dr. Carole Lewis, Special Assistant for
Transportation Planning

From: Mayor Bill White *pw*

Date: February 27, 2008

**Subject: Interim Procedures on Traffic
Impacts of High Density
Development**

During the course of the last six months there has been considerable public dialogue on the need for regulation of traffic related to high density development. Section 40-86 of the Code of Ordinances, adopted forty years ago, and establishes the City Engineer's authority to review all building permit applications that include driveways or curb cuts. The City Engineer has authority to consider public safety and the potential impact on traffic in the public right-of-way. Section 40-86 appropriately relies on the City Engineer's professional judgment, a fundamental component of many infrastructure-related evaluations by the City Engineer. When the City Engineer discharges these responsibilities he also exercises his professional judgment to accept or to reject any traffic mitigation measures proposed for the public right-of-way. Obviously the City has jurisdiction over the rights-of-way owned by the public.

The Administration, and many stakeholders, believes that predictability in this review process is important. Because of this, we plan to continue to work with stakeholders and the general public over the next few months to determine if specific performance standards and/or acceptable mitigation steps could be included in the Public Works and Engineering Design Manual or if a revised ordinance is needed. Public Comment will be accepted until July 1, 2008, to be followed by a proposal by the Administration on or before August 1, 2008. I will then ask for a public hearing both in Council Committee and the Planning Commission in August.

Existing informal procedures for regulatory approval have worked to both mitigate the traffic impact of higher density uses on adjacent neighborhoods while allowing consumers the choice to move into areas which many residents find attractive. Of course, there will be somewhat more traffic when more residents move into residential areas, and the City of Houston will not have a no growth policy in those areas when the growth complies with City laws plus deed restrictions.

Until the public comment process is completed, the City Engineer will continue our current review process at the time of plan submittal. However, projects meeting the following criteria will be subject to more intense scrutiny of their potential impact on public safety and traffic in particular:

- Where there is access sought to or from a local or collector street, and where the property does not abut a major thoroughfare;
AND
- Where 60% or more of the properties within 500 feet of the project's boundaries are residential;
AND
- Where the number of units and intended use are expected to produce a net increase of more than 50 peak hour trips.

The City Engineer will review permit applications meeting these criteria using the provisions of Section 40-86 of the Code of Ordinances relative to public safety and traffic impacts. In making the determination to grant or to deny a permit application, the City Engineer may request supplemental information to assist his evaluation. For these projects defined above, the determinations of the City Engineer under this authority can be reviewed by Public Works & Engineering management responsible for all permit issuances.

**Interim Procedures for Analysis of Traffic Impacts of
High-Density Development
Statement by Mayor Bill White
*February 27, 2008***

Today I will circulate to City Council members interim procedures that we will use for applying an ordinance to evaluate the traffic impact of certain high-density developments. This ordinance has been in effect for forty years. These procedures are not targeted to one particular project. These procedures will also require more intensive analysis of a defined number of projects which would be most likely to have an adverse traffic impact.

These procedures rely on some judgment by the City Engineer. For decades the City Engineer's judgment has come into play on a wide variety of matters under our ordinances and procedures in the Public Works Department. This is nothing new.

The approval of most site plans will include the approval of any curb cuts, with no additional analysis, as is customary within the City. Our intention is not to slow growth or create a new cottage industry of traffic engineering studies for everything built within the City.

We call these "interim" procedures because we expect that final regulation, or if necessary ordinance, will be adopted after numerous public stakeholder meetings, which began earlier this year and will continue through at least July 1. Then, after the Administration formulates a proposal by August 1, we anticipate one or more hearings before both Council Committees and the Planning Commission. As is typically the case, the Administration will consider individual comments and decide whether to accept or reject certain recommendations or revisions to its proposal throughout the process and after formal hearings.

These interim procedures themselves do take into account the comments received by numerous stakeholders, ranging from neighborhood activists to real estate investors, which we have received over the last several months.

Those of you who have been attending these Council meetings know that I began addressing these in open Council session at least as early as February of 2007, before any of us had heard about the Bissonnet project which has received media attention. I am asking the City staff to make sure that my remarks on this subject today are disseminated widely to stakeholder groups on YouTube. I will also provide members of Council with my remarks here in writing.

So how do the interim procedures affect the Administration's position concerning the proposed development at 1717 Bissonnet? We have not agreed with the developers to permit any particular proposal which they have made to date. By using the procedures we have under existing ordinances, rather than new ordinances, we do not reduce the options which the City has to regulate traffic impacts. By using existing authority, rather than new ordinances, we weaken any legal challenges to the City's protection of the public interest. For this reason, we support referral back of the draft ordinance to the Administration.

Various proposals the developer on Bissonnet has made show real progress in reducing the traffic impact of the proposed new development, but there is no agreement with the developer.

Neither existing nor proposed ordinances impose height restrictions. Some properties are deed restricted on height. Some City rules, such as building codes dealing with structural engineering and fire safety codes, do specify the requirements for buildings of various heights. But the City should not use fire safety regulations as a subterfuge to accomplish some other purpose. Significantly, state law limits a City's ability to apply any broadly-based height restriction on a particular project that has applied for an initial permit. Whether or not one agrees with that law, which is designed to create predictable rules for buyers and sellers of property, one cannot ignore that state law.

Is the City proposing new regulations which will significantly increase the uncertainty concerning development within the City of Houston? No. The City is not altering powers that it has had since 1968. The City is adopting interim procedures to clarify how those powers will be used.

None of these procedures should affect high-density development on major thoroughfares, or in non-residential areas, or those which only have modest increases in density from existing uses.

By adopting interim procedures we give all stakeholders, including those in the real estate business and neighborhood groups, the ability to attend both stakeholder meetings and public hearings to comment on any final regulation or ordinance.

Houston is a growing city and more people live closer to employment centers, and closer to each other. We encourage new residential options for Houstonians who seek to live closer to employment centers and civic amenities such as those available in the Medical Center or Downtown Arts District. Because of the high degree of development along the existing rights-of-way, it is also important that we manage traffic effectively to avoid the type of gridlock conditions which would reduce the attractiveness of all who live and work in certain neighborhoods. We must balance these two goals.