



**A JOINT EFFORT BETWEEN
BOULEVARD OAKS CIVIC ASSOCIATION
AND SOUTHAMPTON CIVIC CLUB TO
PRESERVE HOUSTON NEIGHBORHOODS**

TO: BOCA & Southampton Civic Club
FROM: Ashby High Rise Task Force
RE: Meetings of Neighbors with Buckheads on March 24, 25 and 26
Update on Ashby High-Rise Permit Process

MEETINGS

BACKGROUND

As we reported in our eBlast update of March 18, Matthew Morgan and Kevin Kirton, the Buckhead developers, initiated a series of meetings with small groups of neighbors who live immediately adjacent to Maryland Manor. The meeting notices were addressed to the male members of the households and were received on the first day of spring break. The meetings were held at the downtown offices of Vollmer, the developers' public relations firm.

Presumably, the purpose of the meetings was to provide feedback on alternative development options. The fact that these meetings occurred at the same time that the Buckhead developers announced renewal of their permit applications for the original 23-story project appeared contrary to their stated purpose of receiving feedback on alternatives. This contradiction further called into question the sincerity of the Buckhead developers to reach a compromise. Many of those attending these meetings came away with the sense that the meetings were scheduled only as a formality to claim some dialogue with the community had occurred.

Our neighborhood was well-represented at each of the three meetings. Kevin Kirton and Matthew Morgan attended all the meetings, as did Allen Caudle from Vollmer. Neighbors provided us with written descriptions of each meeting, which we have summarized below.

OVERVIEW

Our neighbors reported that Kirton and Morgan were:

- Poorly prepared
- Generally imprecise and often non-responsive in their answers
- Convinced that the neighborhood will eventually 'come around...to love their project'
- Determined to build the original 23-story high-rise
- Surprised, yet unconcerned, by the neighbors' strong opposition

Those who attended felt that the Buckhead developers were unsuccessful in their attempt to persuade small groups of neighbors to endorse any of their proposals as currently presented. The general sentiment of each meeting reflected agreement with the response previously provided by the Task Force to each of the three alternate plans. The developer's assertions that "we will be sensitive to the community" and "we love the neighborhood" were met with general incredulity, in light of their prior actions. The Buckhead developers did not seem to approach the meeting with any degree of seriousness or professional preparation. They did not consistently disclose specifics about the contingencies associated with each of the three alternative plans. For example, they would not discuss specifics about reimbursements required by the city or why they believed the city would relinquish the 10 feet of right-of way on Bissonnet required in some of the options.

ISSUES & RESPONSES

On the Three Alternative Plans:

- The three plans (22 story, 19 story and 6 story) were the same ones previously rejected by the Task Force.
- The Buckhead developers did not consistently present contextual details about the alternatives. For example, neither the amount of parking and traffic associated with each one nor the financial contributions of \$2.65 million required from the city, or the community, were provided.
- The 4-on-2 alternative is a “wood frame” construction for rental apartments. Regarding the height of the building, the developers “couldn’t read the figure in the plans” but thought the garages would be either 50 ft. or 60 ft. tall.
- When questioned, they stated that luxury townhouses are not an option, a “non-starter.”

Construction

- Regarding cranes swinging over homes and streets, Kirton said cranes “would not go over anyone’s airspace.” He was not specific about how this could be accomplished.
- The Buckhead developers dismissed concerns about the staging area and deliveries of building materials, except to say that workers will be bussed in, and with the large setback on one of the plans, there would be sufficient space on site for a laydown area.
- Time of construction is estimated to be 2 years for the high-rise options, but less lengthy for the 4-on-2 option.

Property values

- The Buckhead developers seemed surprised when told by one neighbor that he would bring a class action lawsuit against them for diminution of property values.
- The Buckhead developers insisted that their project will not hurt property values.
- They insist that Inwood Manor is a comparable development that has not hurt nearby values - despite the fact that San Felipe is a four lane major thoroughfare, and the setbacks from all sides are drastically different.

Sources of finance

- The Buckhead developers essentially refused to answer all questions about sources of their financing, other than to say that they have their financing in place and the project is financed as apartments.
- They did acknowledge that their lenders’ equity requirement was 40% and stated that they intend to put in more.

Walk-away/buy-out price

- Morgan avoided answering.
- Kirton said at two meetings, “it’s not for sale.”
- At one meeting, they stated that they had approached Rice University about the property, but Rice was not interested.

Demands on the City

- The Buckhead developers stated that it was not our concern how they plan to acquire the 10 ft right-of-way along Bissonnet, nor did they disclose their demands regarding the \$2.15 million tax rebate associated with the 19-story alternative.
- They said that the City makes these types of payments to developers “all the time.”

- Morgan & Kirton tried to generate sympathy about their investment in sewer lines, plans and other infrastructure. Neighbors responded that they should have sought input before making expenditures.

Pet waste

- The Buckhead developers had not thought about this issue.

Memory Issues

- One of our neighbors told Matthew Morgan that he had misled neighborhood reps about the reason for the sewer line. Morgan denied that he had been less than honest.
- Morgan stated that he tried to present the project plans to the neighborhood last August. In fact, no such offer was made, and the Buckhead developers declined the Task Force's invitation to present their plans to the entire neighborhood in lieu of the 3 smaller meetings that were held.

PERMIT PROCESS UPDATE

As you may have read, the Houston Chronicle reported on March 28 that the Buckhead developer's application for permits for the 23-story plan had been returned for a series of deficiencies. These actions are consistent with the written and verbal statements made by City officials. The City's response to the permitting is in line with the approval process that the city has put into place while a broader ordinance is under development. We expect that the developers will resubmit their plans and the requested materials to the city and will continue to pursue the original 23-story tower until it has been firmly rejected by the city's Permitting Department.

Visit www.StopAshbyHigRise.org for the latest information.