

## **Construction Issues Committee Interim Report**

### **March 12, 2012: Town Hall Meeting**

At the town hall meeting held at Congregation Emanu El, the Mayor announced that the City of Houston (COH) had settled the lawsuit pending in Federal court brought by Buckhead Development concerning the proposed Ashby High Rise project. Her remarks included statements that a committee would be formed to create a forum for the developers and the neighborhood to discuss construction and operational concerns presented by the proposed project.

Subsequently a Construction Issues Committee (CIC) was established to pursue the goals identified by the Mayor. The following is brief summary of the two CIC meetings held to date.

### **June 7, 2012: First CIC Meeting**

The meeting was chaired by Council Member Cohen and facilitated by City Attorney David Feldman. Attendees included neighborhood residents, the developers and its counsel. As of the date of the meeting, COH believed it premature to have Public Works attend since no new permit applications had been filed.

A list of demolition, construction and operational concerns was outlined by community representatives. The issues raised included workforce parking, construction material delivery and storage, proposed timeline of construction activity, noise ordinance compliance, construction crane operation and prohibited aerial trespass, no lane closures on Bissonnet and Ashby, lunch trucks, street and tree protection, disaster preparation, timing of construction activity, security onsite an in surrounding area, and demolition.

The developers stated that worker parking would be remotely located and workers would be transported by shuttle to and from the site (the proposed staging area was not disclosed; no parking on neighborhood streets); all materials would be stored on-site (laydown would be within the bounds of the property); demolition of the existing Maryland Manor apartments anticipated to occur in fourth quarter of 2012; no construction crane would project over private property. The first construction activity will be demolition of existing improvements, then foundation pour followed by construction of the parking garage. Once the parking garage is completed, the work force will park on site.

The developers stated that demolition of existing apartments will be managed in accordance with EPA and legal requirements. A demolition contractor is to be introduced at a future meeting. The general contractor was not identified but developers promised to do so at next meeting. No lane closures will be allowed. The City representatives were clear that all rules and regulations must be followed. With regard to remaining questions, the developers indicated they would attempt to provide answers at the next meeting, at which the contractor would be identified. August 23 was set as the next meeting date.

## **August 2012 Activity**

On August 7, 2012, the developers issued a press release that they hope construction of the project will begin in the fourth quarter of 2012 and they plan to apply for permits in the very near future. (<http://www.chron.com/news/article/Developer-hopes-to-start-high-rise-construction-3769533.php>) On August 10, 2012, the developers informed the Council Member that nothing has changed since the June 7 meeting, the developers have no new information to share with the Committee and requests that the August 23 meeting be canceled. On August 15, the Council Member notified the Committee that the August meeting was canceled and would be rescheduled. On August 17, the developers submit a foundation construction and site work application permit to the COH. The August 23 meeting is not held. The Committee is informed that the next meeting will be held on September 12. Members of the CIC request that certain information be provided by the developers to the CIC in advance of the September meeting. The developers declined to do so.

## **September 12, 2012: Second Meeting**

The meeting was chaired by Council Member Cohen and facilitated by City Attorney David Feldman. Other representatives of the COH also attend.

A press release is issued by the developers to the media immediately after conclusion of the meeting indicating that Linbeck Construction Company had been engaged as the general contractor and the Hunt Cos. of El Paso, Texas will provide equity financing for the proposed project. (<http://www.chron.com/default/article/Construction-company-with-neighborhood-tie-to-3860517.php>) Representatives of Linbeck and the architecture firm EDI attend the meeting, as well as the developers' counsel. No final construction drawings are presented, but architectural renderings similar to those presented previously for a 21-story building are distributed by the developers. Issues posed include the type of foundation, potential operator of restaurant, protection of trees, staging of dump trucks and concrete trucks, no tolerance for any lane closures as promised previously by the COH, and length of construction. A brief summary of responses by the developers and its contractor to these issues follow:

- The initial activity will be demolition of existing improvements, which is expected to take approximately two weeks. Demolition to include proposed removal of most or all trees on the site and located in the COH right-of-way (to be replaced post-construction in accordance with COH requirements). Where possible, existing trees will be used on site or donated.
- Site to be enclosed by an 8' plywood fence, with gated access on Bissonnet. Proposed use of flaggers and police to control access to be in accordance with Settlement Agreement.
- Actual start date is undetermined, as is amount of notice that will be given to community. Notice will be posted on developers' website, which will generally provide information about the nature and progress of construction on an ongoing basis. Once activity commences, the construction period is estimated to be two years. The sequence of events

and timing are anticipated to be foundation (3 months), vertical construction (12 months), and finishing work (6-9 months). Construction work to occur weekdays only between 7:00 a.m. and 4:00 p.m. Covered trucks to be used; completion to occur as soon as possible to minimize dust and noise; scheduling of demolition and construction activities to occur so as to minimize traffic impact.

- Construction workers, all of whom will be ID-tagged, trained and drug-tested, will be shuttled to and from the site from an as-yet undetermined location. Parking on neighborhood streets by workers, subcontractors and suppliers will not be allowed. Enforcement of parking restriction to be determined. Public sidewalk should remain open until its demolition and reconstruction as part of the planned plaza area.
- The type of foundation to be constructed is undetermined. The expected number of concrete trucks and number of deliveries for the foundation pour is undetermined. The developers and general contractor acknowledged there would be no lane closures on Bissonnet or Ashby. The concrete trucks will be staged at an as-yet undetermined location and arrive at the site as needed.
- The developers and the general contractor will make a photographic record of conditions (roads, trees, etc.) prior to construction that will serve as a baseline to ensure that the neighborhood is restored to its pre-construction condition.
- The developers and general contractor are identifying an appropriate type of construction crane to ensure the safety of the public and adjacent private property. They acknowledge use of adjacent private property airspace is not permitted.
- 228 apartments and four townhomes (facing Ashby) are proposed. Exterior will be similar in style and materials to Lovett Hall on Rice campus, with rose-colored brick and stone. Tinted glass (no mirrored glazing or reflective glass; however, no reflectivity study will be conducted); all units will have balconies; most units will be 1-bedroom, with some 2-bedroom units and a few 3-bedroom units. Average unit square footage is not disclosed. The garage will contain 476 parking spaces.
- COH reminds the developers that the site is limited to one restaurant pursuant to the Settlement Agreement.
- All construction access and materials deliveries are from Bissonnet. All residential and visitor ingress to the garage is from Bissonnet. Egress is Bissonnet and a right-turn only lane onto Ashby. Developers to confirm that traffic exiting onto Ashby will not be able to access the alley between Bissonnet and Wroxton. Post-construction commercial access (delivery trucks) to and from loading docks located at east property line and Bissonnet and Ashby.
- Ellen Cohen insists on a dedicated person at the City to take complaints and communications; not a 311 matter.

October 10, 2012 is selected as the next meeting date.

Date: September 27, 2012