

An Interview with Eleanor Tinsley

Beyond the Woodway Canyon

In June, 1982, when the Houston City Council passed the first ordinance requiring city approval of certain aspects of commercial development, the news made the front sections of the New York Times and the International Herald Tribune. The ordinance, requiring that commercial structures (outside downtown) be at least 25 feet from the edges of city rights-of-way on major thoroughfares and at least 10 feet away from the edges on other streets, prohibits dead-end or "stub" streets in subdivisions, and sets an 1,800 foot limit for the length of blocks on major thoroughfares and a 1,400 foot limit on other streets. Eleanor Tinsley, the first woman elected to the Houston City Council and now one of its most influential members, hammered out the provisions of the ordinance. Cite Executive Editor Joel Barna interviewed Tinsley earlier this year to find out how she thinks the Tinsley Development Ordinance is working, and about the other initiatives she and her colleagues on City Council have planned.

Cite: Mrs. Tinsley, in June of 1982 the Houston City Council passed what is called the Tinsley Development Ordinance, regulating block lengths, set-backs and other matters relating to commercial development. What has been the impact of the ordinance since it went into effect?

Tinsley: That ordinance got more national and international coverage than it did locally. I think the national media saw it as more important than the local media did—as Houston turning a corner, taking an interest in planning for the first time.

The effect of the ordinance shows in the exceptions—the buildings that got in before the ordinance took effect in September of 1982. For each of those instances, the city is, I'm sorry to say, the loser. There is that building that Dr. Cooley is putting up near the Southgate area (Travis Centre, a project of Mariner Development Corporation and Darlco, designed by Morris & Aubry Architects.) That was approved before the ordinance went into effect. We're hearing from innumerable constituents who are frustrated by the way that is being built, but there's nothing we can do right now.

What the ordinance does is provide help for the future. We know it's having its effect because, for the first time, it has required commercial developments to follow the same type of guidelines that used to informally govern residential developments. We know that's changing things because we're getting complaint calls from people who never before had to get city approval for what they were going to do. It's hard to say how any given building changed because of the ordinance. In 20 years the effects will be visible, though.

Cite: You built a consensus for the ordinance. When you first proposed it publicly, Jeff Lewis, then president of the Greater Houston Builders Association, called the idea all-but-useless and suggested that the controversy over the "Woodway canyon" was a red herring. James Box of the Mischer Corporation took part in drafting the measure. By the time the proposal came to a vote by the City Council, however, Lewis urged passage of the ordinance. And it passed on the first reading, unanimously. How did you do it?

Tinsley: I think the secret is Lyndon Johnson's concept that you have to bring people "under the tent." It's one thing to let a group write an ordinance that affects them. It's another thing to let them be participants in what can be done, with the city writing the ordinance and their having input. We really did turn the situation around over eight months. At first when we said we were going to do it, they not only said it couldn't be done, they said I would never get re-elected if we proceeded on it. We met with individuals and several groups and sounded them out. Then people from various city agencies and representatives of developer- and community-groups met to work out the ordinance. It made a big difference that we had the support of Mayor Whitmire, which allowed the active participation of the City Attorney. The city departments drafted the ordinance, then we discussed it. That took from January until March. Then we got another draft out in May, reflecting the input from all the people we had consulted with, and got to a vote in June.

It never had been done this way before. We never had had a group with those various components arguing out what was going to happen if we enacted this or that provision. We learned a lot from the experience. Then, too, we mailed out hundreds of copies for suggestions. So by the time we got to a public hearing we had had a tremendous amount of public reaction to the proposal.

Cite: Large portions of Houston are affected by devel-



Photo, Barbara Ginsburg

“ At first when we said we were going to write a development ordinance, they said I would never get re-elected if we proceeded on it. ”

opment controls enacted as a result of the shortage of sewer capacity. Are you considering proposing an ordinance to help end the "sewer moratorium?"

Tinsley: Yes, we're working on a proposal that provides for a new way of financing sewer treatment plants. It's remarkable, considering the opposition that we had when we first proposed the setback ordinance, that no one has come forward challenging the concept of providing a different way of financing sewer treatment plants. In the areas affected by the sewer moratorium, if you wanted to build a multistory building on property with only as much sewer capacity allocated for it as would serve five houses per acre, you couldn't do it—even if you had all the financing and everything else. If there was a need for that building you still couldn't build it.

The proposed ordinance, the way we have it drafted now, would give you the opportunity to put some money up front that would help the city finance the sewer treatment plant you would be adding to. The current thing is that you're allowed about 1,575 gallons per acre of wastewater—approximately what's generated from five houses. What we propose is to keep that level as a base level a citizen would have a permit to use. If you want more than that, you would help finance that extra amount—paying a capital recovery charge, so much per gallon per day per acre.

The ordinance is still a draft—it's gone through the first negotiation and the first submittal to the public and we're now just at the stage of going through every submission we receive one by one, looking at the suggestions and evaluating how or whether to incorporate them. We've had 150 different suggestions, plus a lot of input from home owners, environmental engineers and developers before that.

We thought at first that this was going to be mostly a technical issue, affecting the development industry more than individuals. But there is a section dealing with "package" water treatment plants, because those would still be allowed, and they're the bad guys out at Lake Houston and elsewhere. So we do have a section, due to the civic associations and the environmental groups, which specifies what you have to do and the criteria you have to meet.

Cite: In this instance you're trying to come up with a way to allow for growth that the city can't pay for fast enough. The Regional Mobility Plan, released by the Chamber of Commerce over a year ago, calls for the city to increase its annual expenditures for streets and roads by as much as 75 percent over current levels, and continuing that high level of spending for 15 years. Does the city have that kind of money to spend? Is it politically feasible to make the kind of commitment called for in the Regional Mobility Plan?

Tinsley: I don't think, realistically, that we can do that. Our budget is just not that flexible. And I don't know if we'll get the state funds that are called for in the Regional Mobility Plan, either. Some of those projects may have to be cut.

Cite: Do you think there'll come a time when it will be necessary in Houston or in parts of the city to have a kind of "congestion permit" because of the increasing mobility problems in some of the faster developing areas. Take for example the Galleria and Post Oak areas—do you foresee requiring a developer whose new building would add a given number of cars to the streets there to get a city permit?

Tinsley: It's possible. Councilmembers George Greanias and John Goodner and I are working on a kind of traffic and mobility ordinance. We've just had one meeting so far. Off-street parking is one of the major questions involved—so much so that I even call this the proposed off-street parking ordinance. If you're going to build a building, you need to provide for off-street parking, so that you don't force the people with homes near that building to put up with people parking on the streets. There are other parts of the ordinance that will come out as we work.

Developers are eventually going to have to start providing for better access. One developer of a 25-story building on Woodway has built a new access road onto Woodway at his own expense. It may be in the future that if you, as a builder, are going to impact the mobility of traffic on a street, you are going to have to start providing for that increased need of that street. You may need to provide a lane of traffic, perhaps.

Cite: If you follow the pattern from the development and sewer ordinances, there'll be a lot of negotiation and compromise before this measure ever gets to a public hearing. How long will that process take in this instance?

Tinsley: It's too early to say, exactly, but a long time. We're still working out the sewer ordinance, having all day meetings about that, and the off-street parking ordinance will have to come after that.

Cite: In January of 1981 the City Council passed your ordinance providing a tax break for the preservation of local buildings listed in the National Register of Historic Places. Has that been a success?

Tinsley: It's having a small effect—only two or three buildings have received the exemption. It was the first legislation of that sort, to say that Houston cares about preserving its few remaining old buildings. It's a step in the right direction in a state like Texas where we have traditionally made parking lots out of our old buildings and haven't cared. Dallas and San Antonio and Austin have passed similar ordinances since.

Cite: Can Houston sustain growth on the same scale as it has experienced in the last half century?

Tinsley: The projections I've seen show it levelling off some. The population will grow, however, and the city will continue to expand its borders. We need room to grow, which is why I support the city's annexation powers. That's what has made Houston unique.

There's a lot we can do to make the growth work for us instead of strangling us. On the other hand, no matter what we do, it's still going to be more taxing living in a big city than it is living in some suburban area, in terms of the quality of life.