

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Alex Hoffman, 915-212-1564

DISTRICT(S) AFFECTED: City-wide

STRATEGIC GOAL: Goal 1 - Cultivate an Environment Conducive to Strong, Economic Development
SUBGOAL: 1.1 Stabilize and expand El Paso's tax base

SUBJECT:
Presentation and adoption resolution on the Targeted Zoning Code Assessment.

BACKGROUND / DISCUSSION:
The CID – Planning Division, in collaboration with Clarion Associates, LLC, a national land-use consulting firm, is in the initial stages of a targeted zoning code assessment. This process has been ongoing for over a year running parallel with the Onward Alameda Corridor Plan (adopted June 2022), and the most recent Downtown, Uptown, and Surrounding Neighborhoods Master Plan (adopted July 2023).

PRIOR COUNCIL ACTION:
N/A

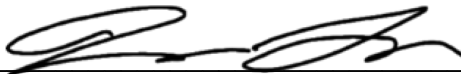
AMOUNT AND SOURCE OF FUNDING:
\$350,000 | Planning Documents – CIP 2020

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: CID - Planning
SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Joaquin Rodriguez, AICP, Director
Grant Funded Programs

RESOLUTION

WHEREAS, the El Paso City Council adopted the Infill and Redevelopment Policy in 2022 that identified and enumerate policy recommendations for promoting infill and redevelopment in certain areas of the City; and,

WHEREAS, the El Paso City Council adopted the Onward Alameda: Our Corridor Master Plan in 2022; and,

WHEREAS, the Downtown, Uptown and Surrounding Neighborhoods Master Plan was adopted by the El Paso City Council in 2023; and,

WHEREAS, the El Paso City Council identified in its 2021 Strategic Plan targeted areas for redevelopment including the Medical Center of the Americas/Alameda, Five Points, Downtown and Uptown; and,

WHEREAS, these aspirational documents necessitate amending the El Paso Municipal Code in order to implement and enforce the policy recommendations; and,

WHEREAS, the Targeted Code Assessment report identifies the necessary changes to the El Paso Municipal Code to realize the aforementioned plans and policies; and,

WHEREAS, the Targeted Code Assessment prioritizes Code changes to address housing affordability, promote housing choice, to reduce and remove barriers to development, and reinvest in priority areas as identified by the Strategic Plan; and,

WHEREAS, the recommended changes of the Targeted Code Assessment acknowledges past harm of exclusionary zoning and planning policies that categorically excluded particular races and classes from certain neighborhoods in El Paso and seeks to redress these injustices through inclusionary zoning reform.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the “Targeted Code Assessment” and its policy recommendations included within the document be adopted;

2. That the City Manager, or his designee, be authorized to begin fully implement the “Targeted Code Assessment” in a manner generally consistent with the recommended strategies and policies contained within the Plan and generally consistent with the recommended implementation phases.

APPROVED this _____ day of _____, 2023

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Yvette Hernandez

Yvette Hernandez, P.E., City Engineer
Capital Improvement Department



**Plan Implementation and
Zoning Code Updates:**
**Targeted Code
Assessment**

Public Draft August 2023



CLARION



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Zoning Reform for Inclusive Neighborhoods

On July 5, 2023, the City Council adopted Downtown, Uptown, and Surrounding Neighborhoods Plan (“DT+UT Plan”) which gave the City Manager direction to begin implementing the various aspects of the plan. The overarching themes of the implementation strategies contained within the plan can be summarized as follows:

1. **Address Housing Affordability**
2. **Promote Housing Choice**
3. **Reduce Barriers to Development**
4. **Reinvest in Priority Areas**

To achieve these strategies, we engaged with Clarion Associates to help us figure out how to make the goals of this plan a reality. This Code Assessment is not about making more plans or identifying new aspirational goals. Instead, its focus is first to identify ways our development ordinances prohibit the type of development both this plan and the City’s Comprehensive Plan, Plan El Paso, call for. Second, once the barriers are identified, new text will be proposed to replace the existing regulations found in our zoning ordinance with new policy that aligns with both documents.

Zoning can be thought of as an (mostly) invisible set of restrictions that regulate your property and go unnoticed except for the instances when things are either unwanted (a noisy neighbor) or not allowed (the addition to your house). These require-

ments shape the City around us, sometimes for the good and other times for the bad.

In this case, the zoning regulations we have in place have created a significant challenge for our fellow residents. Despite housing prices well below the national average, owning or renting a home is something that is far out of reach for many El Pasoans. [A 2023 study found that nearly one in three El Paso homeowners](#) pay more than 30% of their income on housing. For renters, [nearly half \(48%\)](#) are paying more than 30%. Complicating the matter is that construction costs continue to increase at a rate that exceed wage growth, making it difficult to produce housing that will be affordable to residents.

According to 2021 ACS Data published by the Census Bureau, more than 2/3 of El Pasoans live in a single-family detached home. Despite this housing type being the most expensive to own, residents have very few alternatives. The reason being: approximately 50% of the City’s total land area is zoned exclusively for single family homes. Through this implementation effort, we propose to increase the types of housing available in the City by [permitting other, middle housing typologies](#) within the study area. This allows residents to not only have a home that better reflects their individual needs, but also one that is less expensive to own or rent. Such choice is not only good housing policy, but also makes economic sense.



It has been well-documented that the City's tax rate is one of the highest in the State. Promoting more housing types besides single-family detached homes produces more valuable properties for purposes of generating taxes, but remains affordable on a per-unit basis for families. In short, this will allow for more housing units to be produced without expanding outward; reducing the need for new City services.

To be clear, the types of **development identified in the plan will not happen organically**, as most of the housing types, their arrangement, and density are not currently permitted by our Zoning Ordinance. Instead, our current code is geared towards suburban development and is reflected in the low densities, large lot requirements, open space requirements and parking requirements currently codified. While this development pattern is preferred by some, there are currently limited alternatives for residents preferring something other than a suburban-style of living. This alternative may include removing the burden of yard maintenance, opportunities for shared amenities, and close proximity to mass transit, commercial activity, and services.

Overall, we propose to develop new regulations that will better reflect the urban context that the study area is located in. Overall, we seek to legalize much of the development currently in existence by reducing setback requirements and lot sizes while increasing the permitted densities and building heights. Additionally, we propose **eliminating parking requirements**, which not only

reduces construction costs, but also **prioritizes housing people instead of cars**.

Through this assessment, we begin to chip away and address some of the most challenging issues American cities face today, from housing affordability to auto-dependency. Of great importance, **this work acknowledges the negative legacies planning and zoning have had and how they have been used to divide, exclude, diminish, and remove communities of color and historically marginalized communities**. Frequently, the tools of planning (such as urban renewal) and zoning were used to displace entire groups of residents while in other instances were tools of exclusion or to prevent change. The biggest strength of our proposed approach is that it responds to this history not by repeating the flawed approach of large change or no change, but by seeking to repair the damage of the past by returning to historic patterns in which neighborhoods and places are able to grow and evolve incrementally.

Finally, we recognize that zoning reform alone will not solve the affordability challenge our City faces, nor will it repair past harm in its entirety. Zoning, after all, is merely a set of rules and alone is not the silver bullet. However, with these new regulations, we believe we can begin to charter a new course towards greater housing choice, affordability and economic prosperity that together will improve the quality of life for all City residents.

City Design Lab, Capital Improvement Department

Executive Summary

ABOUT THE PROJECT

In the fall of 2022, the City of El Paso launched an effort to complete targeted zoning code amendments to support the successful implementation of priority initiatives, including, but not limited to, the 2022 Infill and Redevelopment Policy, the Downtown, Uptown, and Surrounding Neighborhoods Master Plan, and the Onward Alameda Corridor Plan. These initiatives represent recent and ongoing efforts by the City to encourage diverse housing options, mixed-use development, and re-investment in the urban core where services exist, and to stem the outward expansion of growth. Key priorities for this effort are to identify and remove potential barriers to infill development within the zoning code, to establish development standards and other parameters that build off these recent plans and reflect the varied development contexts found in older areas of El Paso. For the purposes of this effort, “older areas” generally encompass portions of the City that were zoned in 1930.

The zoning code includes both Title 20: Zoning and Title 21: Smart Code. While this targeted effort will not result in a comprehensive zoning code update, it may set the stage for potential additional code amendments in the future (following the completion of an updated comprehensive plan).

The project is being led by the City’s Capital Improvement Department (CID) with support from Clarion Associates, a Denver-based land-use consulting firm with extensive experience working with communities in Texas and elsewhere to support infill development. Implementation of these recommendations will require ongoing collaboration between CID and the numerous City departments and partner agencies that were engaged in the process: International Bridges (Parking), Community & Human Development, Economic & International Development, Environmental Services, Fire, Housing Opportunity Management Enterprises (HOME), Parks and Recreation, Planning & Inspections, Streets & Maintenance, City Attorney’s Office, and Sun Metro.

OVERARCHING THEMES

Several key themes emerged from stakeholder interviews and a survey conducted in late 2022; a thorough review of Title 20: Zoning, Title 21: Smart Code, and other relevant titles in the City’s Code of Ordinances; and an examination of the City’s various initiatives. These themes are reflected in recommendations for each of the focus areas in the following section.

- Remove regulatory barriers and streamline approvals for infill development
- Expand flexibility for nonconforming regulations
- Incorporate form-based rules where appropriate
- Establish a coordinated implementation strategy

SUMMARY OF RECOMMENDATIONS

This Targeted Code Assessment includes two tiers of recommendations for each of five focus areas:

- Focus Area 1: Facilitate denser, mixed-use development where supported by infrastructure and services
- Focus Area 2: Diversify housing options in older neighborhoods
- Focus Area 3: Encourage historic preservation and adaptive reuse
- Focus Area 4: Expand the adoption of sustainable development practices
- Focus Area 5: Promote safe, healthy, and livable neighborhoods

This structure reflects the City’s desire to prioritize “quick fixes” to streamline approvals for infill development in the near-term, while also building awareness of and addressing the need to develop new and more effective tools through longer-term efforts.



**TIER 1: TARGETED
CODE AMENDMENTS
("QUICK FIXES")**

The first tier of recommendations includes targeted code amendments to address commonly cited issues that are expected to have broad support and can be implemented relatively quickly or can be used to “test” the viability of new concepts such as streamlined review and approvals for certain types or locations of projects (e.g., adaptive reuse in Downtown). A summary of recommended “quick fixes” by focus area is provided on page 5.

To ensure targeted code amendments are implemented in a coordinated manner, a new Chapter 20.11 – Infill and Redevelopment, is proposed to replace the current adaptive reuse overlay and infill development standards in Chapter 20.10 – Supplemental Use Regulations. The new chapter would create a centralized location for infill incentives, as well as baseline and supplemental standards to support each of the focus areas addressed in this document. The new chapter would also provide cross-references or exceptions to applicable provisions in other titles of the City’s Code of Ordinances.

This document includes an annotated outline of the proposed chapter as a starting point for further discussion. (See page 38.)



**TIER 2: NEW TOOLS
("LONGER-TERM EFFORTS")**

The second tier of recommendations includes more complex code updates expected to warrant more in-depth discussion. A summary of longer-term efforts by focus area is provided on page 6. New tools could be applied on a project-by-project basis (e.g., to catalyst or priority sites identified as part of the DT+UT Plan), or applied more comprehensively to major redevelopment and/or transit corridors and/or downtown. These recommendations will require input from neighborhood organizations, residents, developers, and architects to collectively identify practical solutions to stated concerns. Close coordination with various El Paso departments and other partners (e.g., county, school district, housing authority, and others) also will be important.



TIER 1: TARGETED CODE UPDATES ("QUICK FIXES")

Fall-Winter 2023

1



Facilitate denser, mixed-use development where supported by infrastructure and services

- Offer built-in flexibility on dimensional standards
- Remove minimum parking requirements for multi-family residential
- Allow missing middle and transit-supportive uses by right
- Establish standards for residential adjacency and trash storage/collection

2



Diversify housing options in older neighborhoods

- Offer built-in flexibility on dimensional standards
- Expand opportunities for accessory dwelling units
- Allow missing middle housing types by right
- Remove minimum parking requirements
- Establish density incentives for affordable projects
- Establish infill compatibility/residential adjacency standards

3



Encourage historic preservation and adaptive reuse

- Expand applicability of Adaptive Reuse Overlay incentives/streamline review and approvals
- Bring greater predictability to the Neighborhood Conservation Overlay
- Document opportunities for flexibility in Title 18
- Facilitate the use of historic tax credits
- Establish a tiered approach to nonconforming uses/blds.

4



Expand the adoption of sustainable development practices

- Clarify landscape incentives for infill to prioritize shade
- Require use of low-water landscaping and stormwater best management practices
- Encourage adoption of green building strategies that advance local priorities
- Establish parking maximums

5



Promote safe, healthy, and livable neighborhoods

- Establish common open space requirements as an alternative to park dedication
- Require transit-supportive amenities
- Require complete streets
- Encourage neighborhood-supportive uses
- Maintain street tree spacing requirements



**TIER 2: NEW TOOLS
("LONGER-TERM EFFORTS")**
Winter-Spring 2024

1



Facilitate denser, mixed-use development where supported by infrastructure and services

- Establish a new set of mixed-use zoning districts
- Adopt standards to achieve higher quality architecture, site, and building design
- Calibrate density/height bonuses for regulatory and financial incentives
- Eliminate parking minimums for all other uses

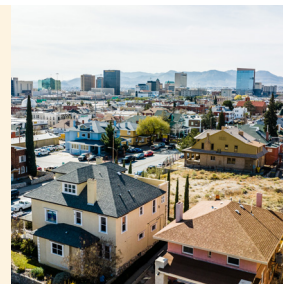


2



Diversify housing options in older neighborhoods

- Establish and adopt development prototypes to streamline approvals and design costs
- Establish new traditional neighborhood zoning tools

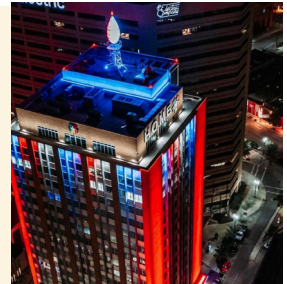


3



Encourage historic preservation and adaptive reuse

- Pursue anti-displacement strategies for historically disadvantaged or vulnerable communities

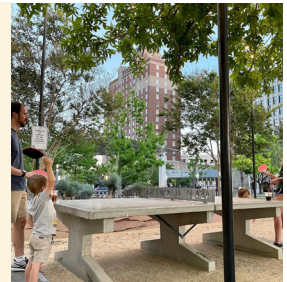


4



Expand the adoption of sustainable development practices

- Establish a new standalone sustainability section in Title 20 that includes a menu of options.

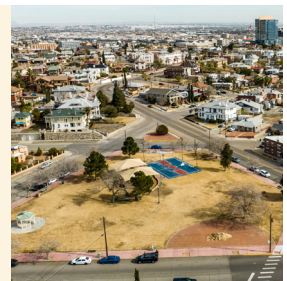


5



Promote safe, healthy, and livable neighborhoods

- Establish a new neighborhood mixed-use zoning district





Opportunities for Input

Code Assessment released,
September 2023

Presentations to City
Council and City Plan
Commission,
October 2023

Public draft released,
mid-November 2023

Public outreach,
early January 2024

Final review/adoption,
February/March 2024

Public draft released,
mid/late April 2024

Public outreach, *May 2024*

Final review/adoption
process, *June/July 2024*

NEXT STEPS

Recommendations will be refined based on input from city staff and brought forward for discussion with City Council this fall, following the recently-adopted Downtown, Uptown, and Surrounding Neighborhoods Master Plan. Based on input received, targeted code amendments will be drafted and distributed for review in late fall/winter.

Introduction

PROJECT OVERVIEW

In the fall of 2022, the City of El Paso launched an effort to complete targeted zoning code amendments. The zoning code includes both Title 20: Zoning and Title 21: Smart Code. While this effort will not be a comprehensive zoning code update, it may set the stage for potential additional code amendments in the future (following the completion of an updated comprehensive plan). Key priorities for this effort are to:

- identify and remove potential barriers to infill development within the zoning code, and
- to establish development standards and other parameters that reflect the varied development contexts found in established areas of the city.

This effort is intended to support the successful implementation of a number of priority initiatives underway in the City of El Paso, as briefly described below. While some of these initiatives were completed in 2022 (or are still underway), others represent ongoing efforts by various departments and agencies to encourage diverse housing options, mixed-use development, and reinvestment in the urban core where services exist, and to stem the outward expansion of growth. While each initiative has a specific topical and/or geographic focus, they share a common thread—*infill development*.

The project is being led by the City’s Capital Improvement Department (CID) with support from Clarion Associates, a Denver-based land-use consulting firm with extensive experience working with communities in Texas and elsewhere to support infill development. Implementation of these recommendations will require ongoing collaboration between CID and the numerous City departments and partner agencies that were engaged in the process.

As defined by Title 20- Zoning, “Infill development” means any development activity, including but not limited to new construction, renovation, addition, rehabilitation or redevelopment, associated with vacant or underutilized parcels within existing, largely developed urban areas.

ABOUT THE PROCESS

STAKEHOLDER AND COMMUNITY ENGAGEMENT

Interviews with city staff, departments, partner agencies, and other key external stakeholders involved in infill development were held in November and December 2022 to inform the process. Participants included representatives from the following departments and agencies: International Bridges (Parking), Community & Human Development, Economic & International Development, Environmental Services, Fire, Housing Opportunity Management Enterprises (HOME), Parks and Recreation, Planning & Inspections, Streets & Maintenance, City Attorney’s Office, and Sun Metro.

Interviews were also conducted with developers, architects, and designers with experience working in the city’s Infill Area to provide a private sector perspective on the efficacy of the city’s current policies and regulations to efficiently and effectively construct infill development. Boundaries of the current Infill Area and the various sub geographies within it are illustrated as part of the Priority Initiatives discussion in the next section. Following the interviews, stakeholders were also asked to complete an online survey to capture more nuanced input about the zoning code and development approval process. In all, 25 people completed the survey. Broader community engagement will be conducted as more specific recommendations and proposed code updates are brought forward for consideration. A particular emphasis will be placed on engaging business and landowners and residents in affected areas.

TIMELINE

Based on input received on this Code Assessment, targeted code amendments will be brought forward in two stages:

- **Tier 1: Targeted Code Amendments (Fall-Winter 2023).** Includes targeted code amendments (e.g., changes to existing development standard metrics) expected to have broad support (based on input received as part of parallel efforts like the Downtown Uptown and Surrounding Neighborhoods Master Plan) and can be implemented relatively quickly.
- **Tier 2: New Tools (Winter/Spring 2024).** Includes more complex code updates and the creation of new tools, such as new, amended, or consolidated zoning districts, new residential typology (duplex, triplex, etc.) prototypes, or procedural changes—that are expected to warrant a more in-depth discussion.

These targeted code amendments and new tools will be drafted so as to allow them to be applied on a targeted basis (e.g., to catalyst or priority sites), or more comprehensively to major transit corridors and/or downtown. These recommendations require input from neighborhood organizations, residents, developers, and architects to encourage an open dialogue and the identification of practical solutions for all concerns. Close coordination with various El Paso departments and other partners (e.g., county, school district, housing authority, and others) also will be important. Batches of code amendments may be adopted individually or integrated for concurrent adoption.

ORGANIZATION OF THIS REPORT

In addition to this introductory section, this assessment is organized into four parts:

Overarching Themes. This section summarizes key themes that emerged from stakeholder interviews and a survey conducted in 2022; a subsequent review of Title 20: Zoning, Title 21: Smart Code, and other relevant titles in the city’s Code of Ordinances; and a review of the city’s various initiatives.

Priority Initiatives. This section summarizes many priority initiatives the targeted code amendments will help implement.

Focus Area Assessments. Five focus areas (not listed in any order of importance) emerged from a review of recommendations made as part of the priority initiatives and were reinforced by input received as part of initial discussions and outreach

- Focus Area 1: Facilitate denser, mixed-use development where supported by infrastructure and services
- Focus Area 2: Diversify housing options in older neighborhoods
- Focus Area 3: Encourage historic preservation and adaptive reuse
- Focus Area 4: Expand the adoption of sustainable development practices
- Focus Area 5: Promote safe, healthy, and livable neighborhoods

This section provides a brief overview of adopted policy guidance related to each focus area, an assessment of applicable code provisions and potential barriers, and recommendations for targeted code updates and new tools. Recommendations include both generally applicable recommendations and—where applicable—recommendations that would apply to a specific context, zoning district, and/or type of place in El Paso (e.g., downtown vs. corridors vs. older neighborhoods).

Annotated Outline: Targeted Code Updates. This section provides an annotated outline of a new Chapter 20.11 – Infill and Redevelopment proposed to address the near-term recommendations contained in this document.

Overarching Themes

Four key themes emerged from the stakeholder interviews and survey conducted in 2022; a subsequent review of Title 20: Zoning, Title 21: Smart Code, and other relevant titles in the City's Code of Ordinances; and a review of the various priority initiatives noted above. These themes are summarized below and reflected in recommendations for each of the focus areas in the following section.

REMOVE REGULATORY BARRIERS AND STREAMLINE APPROVALS FOR INFILL DEVELOPMENT

A majority of the internal and external stakeholders expressed frustration about the disconnect between the City's Priority Initiatives and the underlying zoning. Stakeholders noted that this disconnect is discouraging higher-density infill and redevelopment in priority areas and making an already time-consuming review process longer and more unpredictable.

El Paso has implemented a variety of regulatory tools and incentives over the years to help provide flexibility for infill development. Despite these efforts, the general sentiment expressed by stakeholders is that—while well-intentioned—the current regulatory tools and incentives are not working as well as they should be, and that some aspects of the city's approval processes are more onerous than necessary for infill development.

One of the examples that was repeatedly cited is that in order to gain the flexibility options available in section 20.10.280, infill applicants must go through the Special Permit Approval Process. This process requires a referral to the city plan commission and subsequent approval by the city council—a process that can be time consuming and costly. Stakeholders also noted that the Site Plan review process sometimes requires city council approval, making the approval process discretionary in nature. In their experience, most projects (infill and otherwise) are approved without discussion, which raises the question of why such projects should require a special permit.

Stakeholders expressed support for exploring opportunities to streamline the development process by allowing the administrative approval of specific Title 20 adjustments pertaining to infill projects in conjunction with clear and enforceable development standards. The DT+UT Plan recommends that the city increase its in-house capacity to administer infill development and create a separate function, liaison, and review process for purposes of realizing the many existing policies and strategies and implementing the code amendments identified in this assessment.¹

Infill development and adaptive reuse projects require a different approach to problem-solving and approvals and as such, requires dedicated staff and resources to bring the projects to fruition. Examples of the approach where cities take an active role in redevelopment include the Atlanta City Studio or the City of Los Angeles Urban Design Studio. While just two examples of many, the point is that redevelopment and infill require dedicated staff and resources to seeing it through and will not happen organically.

Finally, many stakeholders noted that some of the regulations often cited as barriers to infill are not located in Title 20, but instead are in other Titles in the Municipal Code (adding to the complexity and confusion of the approval process). Examples of these related provisions are included in this assessment where applicable.

EXPAND FLEXIBILITY FOR NONCONFORMING USES

Development in the Infill Area was constructed over an extended period, and in some cases predates the adoption of El Paso's zoning codes. As specified by 20.22.030 (Nonconforming uses) and 20.22.040 (Nonconforming structures), nonconforming uses and structures may continue to exist in their current form indefinitely until a change of use or proposed expansion of the building triggers compliance with current use and development standards.

¹ DT + UT Master Plan (1.15)

El Paso’s approach to nonconforming uses and structures is relatively restrictive; it has proven challenging for some adaptive reuse projects to meet the requirements triggered by a change of use (e.g., setbacks and parking), even when the proposed project is consistent with direction provided by the Priority Initiatives. Greater flexibility for nonconforming uses and structures should be considered in priority locations. At the same time, it is also important to “hold the line” on applicable regulations when proposed investments are not in line with direction provided by the Priority Initiatives. A tiered approach to nonconforming uses and buildings could be considered in the Infill Area to address differing levels of priority (by location or use) or incompatibility with current regulations and adopted plans.

INCORPORATE FORM-BASED RULES WHERE APPROPRIATE

El Paso’s 2012 Comprehensive Plan (Plan El Paso) established a framework for growth and change that respects the scale, form, and character of different areas of the city. More recent plans, such as the Onward Alameda Plan, reinforce these principles. The adoption of Title 21 - Smart Code provides an optional, form-based alternative to the use-based rules contained in Title 20. Over the past decade, only a small proportion of the City’s total land area has adopted SmartCode. They are: the Airport, the former ASARCO site, Medical Center of the Americas, Montecillo, Northgate, Painted Dunes, Soleado Trail (adjacent to UTEP), and Transmountain Corridor & Northwest El Paso. Of these, only the Medical Center of the Americas, Montecillo and Northgate have active development.

While Title 21 has not been implemented broadly in El Paso, strong support for the implementation of form-based rules still exists as is evidenced in the adoption of recent Planning Studies. The Onward Alameda Plan recommends the creation of regulating plans for individual segments of the Alameda Corridor for incorporation in Title 21. While this approach may be desirable for larger sites with a single owner or master developer, it would be costly and time intensive to implement across the entire corridor. In the near-term, opportunities

to incorporate form-based approaches for infill development within Title 20 should be considered, where appropriate.

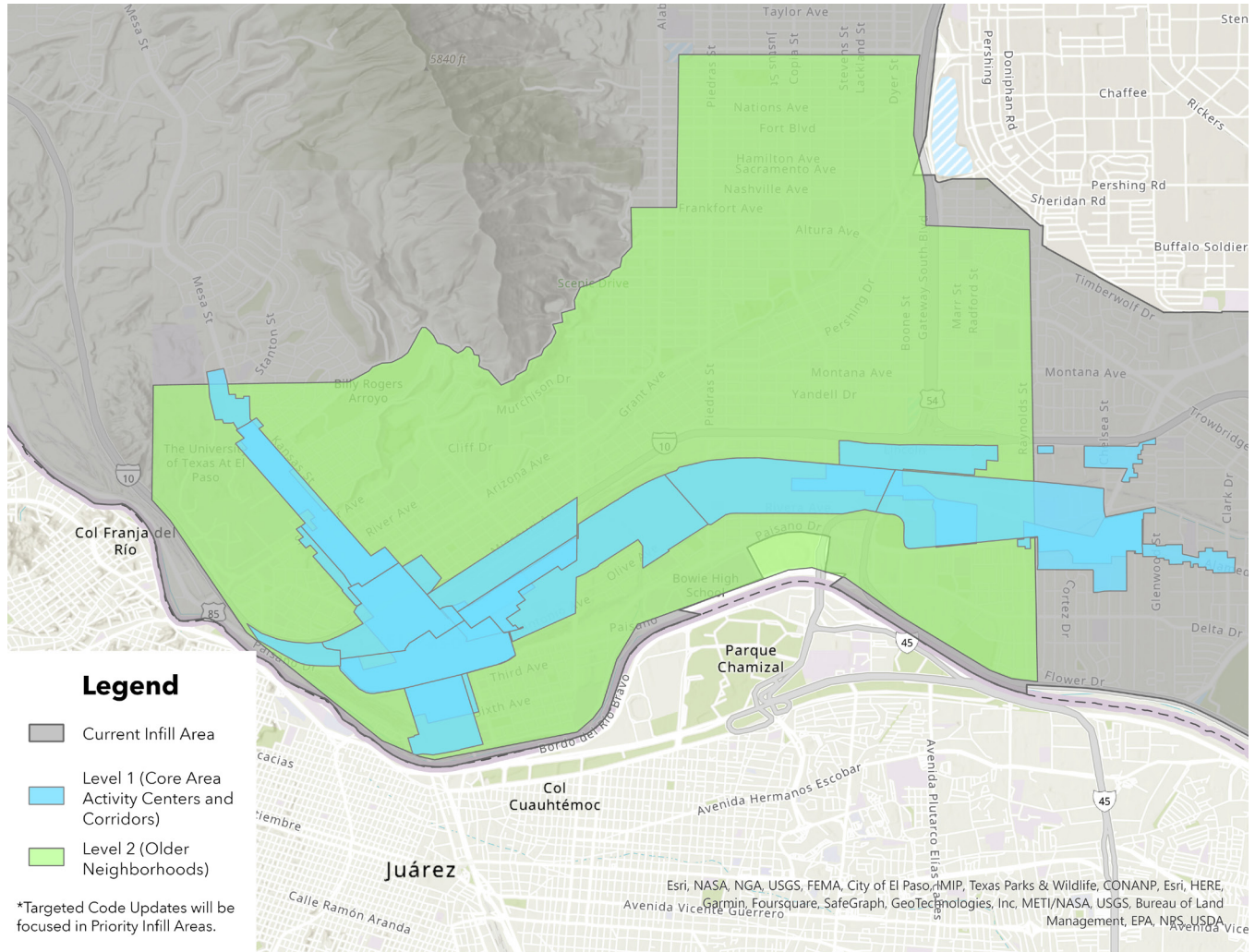
ESTABLISH A COORDINATED IMPLEMENTATION STRATEGY

There is significant overlap in general policy direction provided by the priority initiatives (though there are nuances in the types and intensities of infill desired in different locations). There are also numerous financial incentive programs that overlap in some parts of the Infill Area. While there has been a concerted effort on the part of the various departments and agencies to align their efforts in implementing infill policies over the last decade or more, existing tools and processes have proven challenging for applicants and staff to navigate. In order for infill and redevelopment to be successful, a coordinated implementation strategy is needed to connect the dots between rules and incentives and ensure that they are calibrated to work together effectively and efficiently. Organizing targeted code amendments in a centralized location is one part of the strategy, but designating a department to oversee the administration of the strategy will be essential.

One of the key recommendations of this Targeted Code Assessment is to establish a clearer hierarchy of priorities within the current Infill Area that can be used as the basis for targeted code updates, the application of infill incentives (both regulatory and financial), and the adoption of new regulatory tools. The map on the following page illustrates the proposed Priority Infill Areas where the proposed code amendments would apply. Proposed Priority Infill Areas fall into two categories:

- **Level 1 – Core Area Activity Centers and Corridors.** The Level 1 boundary reflects a compilation of the (sometimes overlapping) priorities identified as part of the Priority Initiatives that also overlap with some of the areas that were developed prior to the City’s initial adoption of zoning in 1930. Level 1 Priority Areas include: two of the eight Transit-oriented Development (TOD) Incentive areas (Uptown and MCA); the west end of the Alameda Corridor Plan area, and the Realize and Transform areas from the DT+UT plan,

Priority Infill Area (Proposed)



The proposed Priority Infill Area illustrates the areas that will be the focus of the targeted code updates. The proposed boundary substantially narrows the focus of the current Infill Area (which covers over half of the City of El Paso) and incorporates the various geographies established as part of the priority initiatives summarized in this Code Assessment.

which includes the Downtown Core, the Mesa and Texas Corridors, and the Segundo Barrio area. Generally, the Level 1 boundary represents areas where greater flexibility is desired for infill development and adaptive reuse regulatory, and areas where regulatory and financial incentives should be prioritized.

- Level 2 - Older Neighborhoods.** The Level 2 boundary represents the extent (more or less) of the remaining neighborhoods that were in existence before 1930, when the City first adopted zoning regulations. Greater flexibility is desired throughout Level 2 Priority Areas to encourage context-sensitive infill development and adaptive reuse, as many of the existing buildings do not comply with existing or previous zoning regulations.

Priority Initiatives

This section provides a summary of the many priority initiatives the targeted code amendments will help implement. Priority initiatives are listed in general order of importance based on the extent to which the targeted code amendments will directly or indirectly impact each initiative. Maps of boundaries associated with individual initiatives are provided where applicable.

CITY OF EL PASO INFILL AND REDEVELOPMENT POLICY

Adopted in 2022, the stated purpose of the city’s [Infill and Redevelopment Policy](#) (“2022 Policy”) is to promote, encourage, incentivize, and facilitate the development of vacant, blighted, or underutilized parcels of land within the City of El Paso’s urban core and within targeted areas of priority over continued outward expansion and development at the City of El Paso’s periphery. The 2022 Policy builds upon an initial ordinance adopted in 2003 to add the Infill Development section of Title 20 (20.10.280), and subsequent updates to 20.10.280 in May 2017 to add new location and design criteria for Infill Special Permits and new regulations and standards that govern how they are reviewed.

The boundary of the current Infill Area (shown on the following page) was established in conjunction with the adoption of the City’s first infill development ordinance in December 2003. The current Infill Area represents approximately 51 percent of the City of El Paso’s total area, and covers 133 square miles. Over time, more focused plans, policies, and incentives have been adopted to address specific opportunities within the current Infill Area.

The 2022 Infill and Redevelopment Policy establishes a set of guiding strategic principles which generally seek to ensure that regulatory or administrative changes made in support of infill development:

- Are balanced with provisions to preserve existing, naturally affordable housing stock and avoid displacement of residents;
- Address and mitigate the challenges commonly associated with infill development and address neighborhood compatibility and context sensitivity concerns;
- Align public infrastructure investments with targeted infill priority areas;
- Emphasize the revitalization of declining neighborhood corridors and town centers as an impetus for surrounding redevelopment, densification, and business expansion.

The 2022 Policy also establishes measurable goals to monitor infill trends that generally seek to increase infill and redevelopment activity, density, and housing options in priority areas, while reducing applications for special permits, rezoning applications, and legal non-conforming uses.

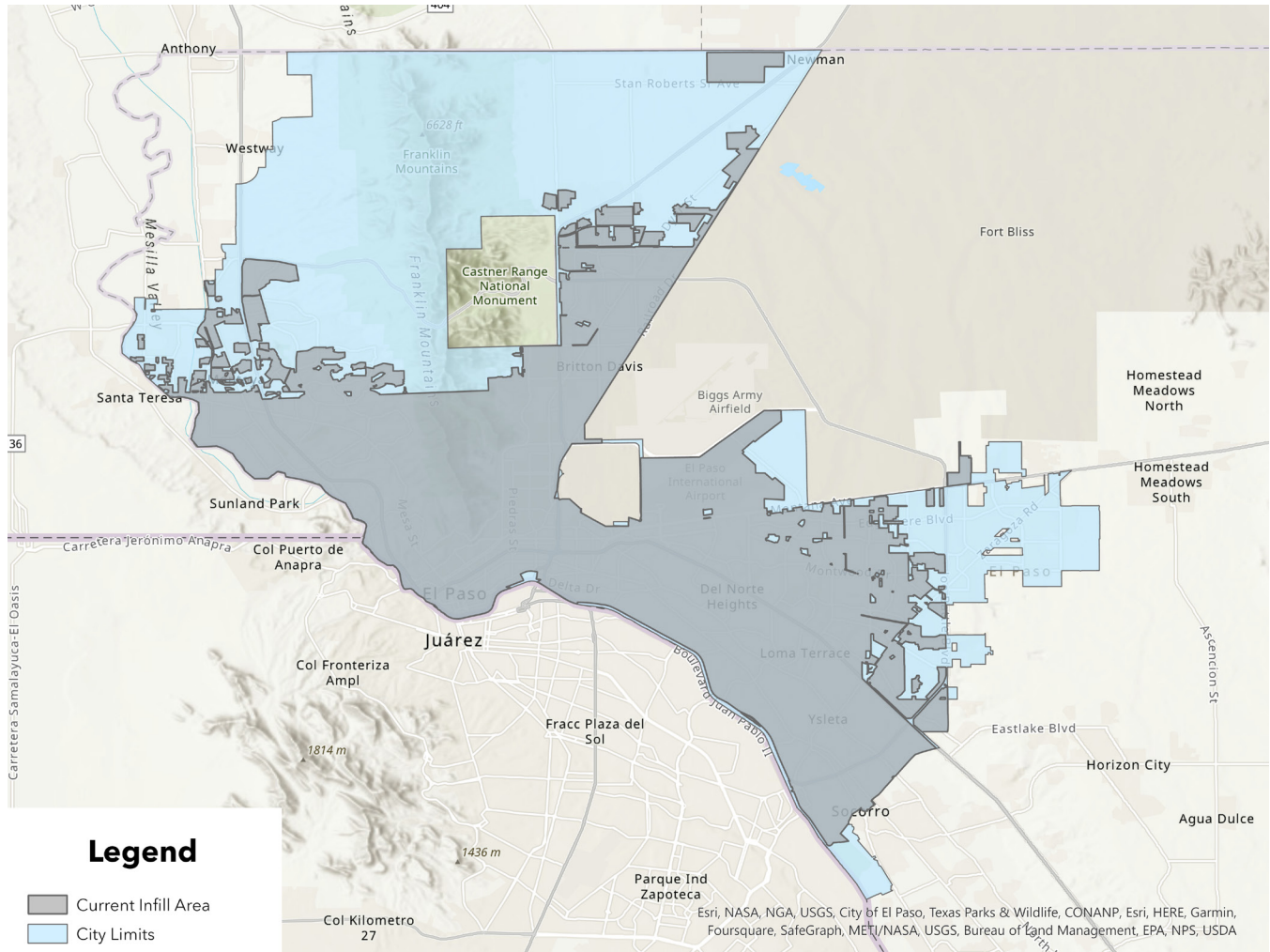
The 2017 Infill Policy Guide establishes seven location criteria, that include:

1. historic districts;
2. the 2015 Downtown Plan area;
3. areas annexed prior to 1955;
4. areas platted for more than 25 years;
5. brownfields and greyfields (as defined in the municipal code and/or by Plan El Paso);
6. Future Land Use Map, G2 and G7; and
7. civic buildings, public spaces, and educational facilities.

Properties that meet one of the seven categories are eligible to request a special permit and applicable incentives. The city provides two types of incentives for infill and redevelopment in priority locations:

- **Modifications to zoning requirements.** Requests for zoning modifications, such as density increases, or setback reductions are handled through the Special Permit Process. These requests are administered by the Planning Division of the Planning & Inspections Department.

Current Infill Area Boundary



El Paso’s current Infill Area covers more than half of the City of El Paso. A narrower focus is needed for effective implementation of the 2022 Infill and Redevelopment Policy.

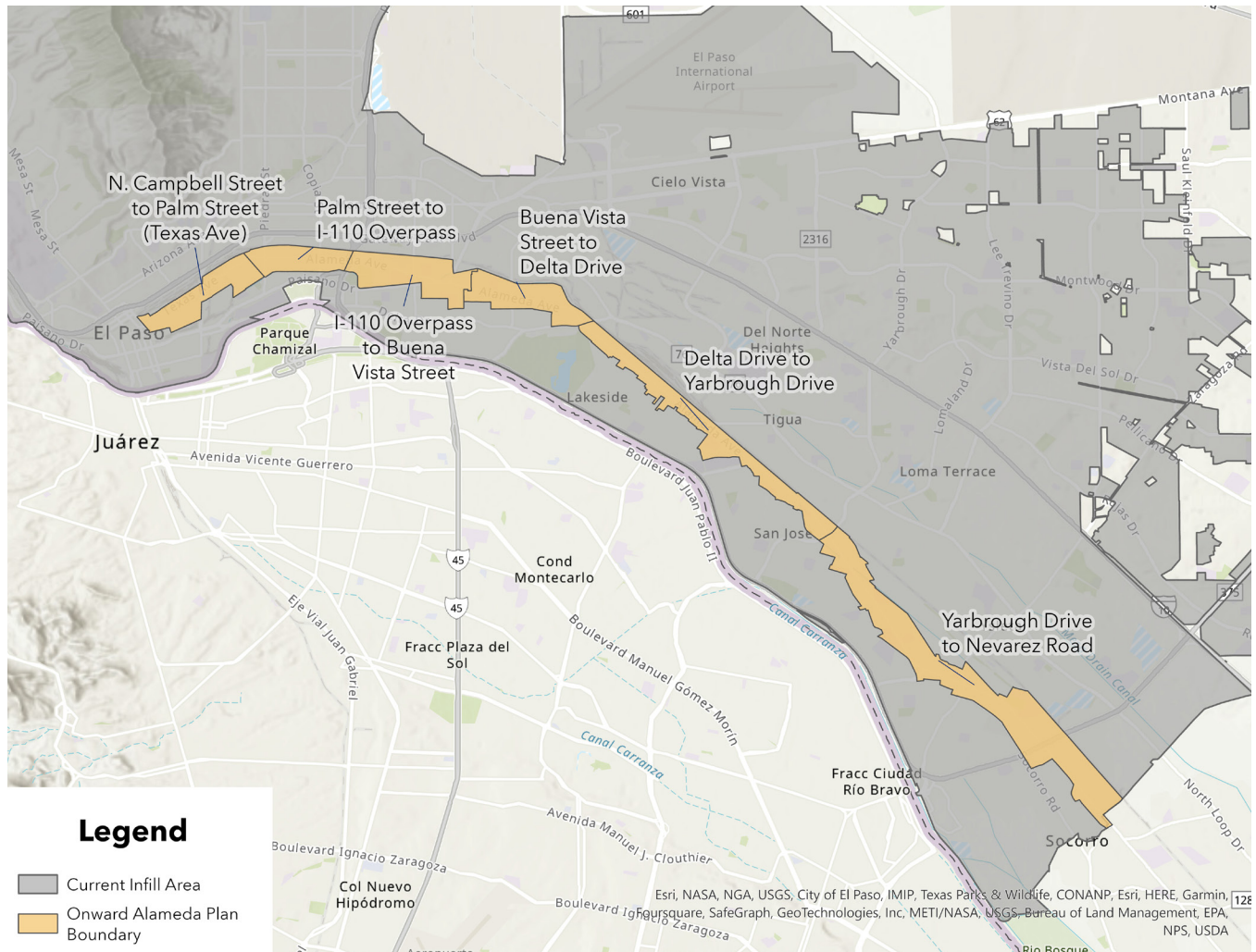
- Financial incentives.** In recognition of the potential physical or financial challenges associated with infill and redevelopment, the city offers projects that meet stated criteria an opportunity to earn supplemental financing through TIRZ (if applicable), Chapter 380 Agreements and tax rebates through the Infill or Transit-Oriented Development (TOD) Incentive Policy, described below. These requests are administered by the Economic & International Development Department.

Projects may apply for one or both types of incentives but must meet the Location Criteria and Mandatory Design Requirements outlined in the

Infill Policy Guide, as well as a minimum of three Selective Design Guidelines. The Infill Development Incentive Design Review Checklist provides a summary of these requirements.

The 2022 Policy acknowledges opportunities for improvement in the current lineup of infill incentives and seeks to move the city’s zoning and regulations away from a relief-driven approach. Specific aspects of the types of zoning and regulatory reform that are needed to support the implementation of the 2022 Policy are addressed in the next section of this assessment.

Onward Alameda Plan Study Area and Corridor Segments



The Onward Alameda Plan addresses six unique segments along the 14.5 mile corridor.

ONWARD ALAMEDA: OUR CORRIDOR MASTER PLAN

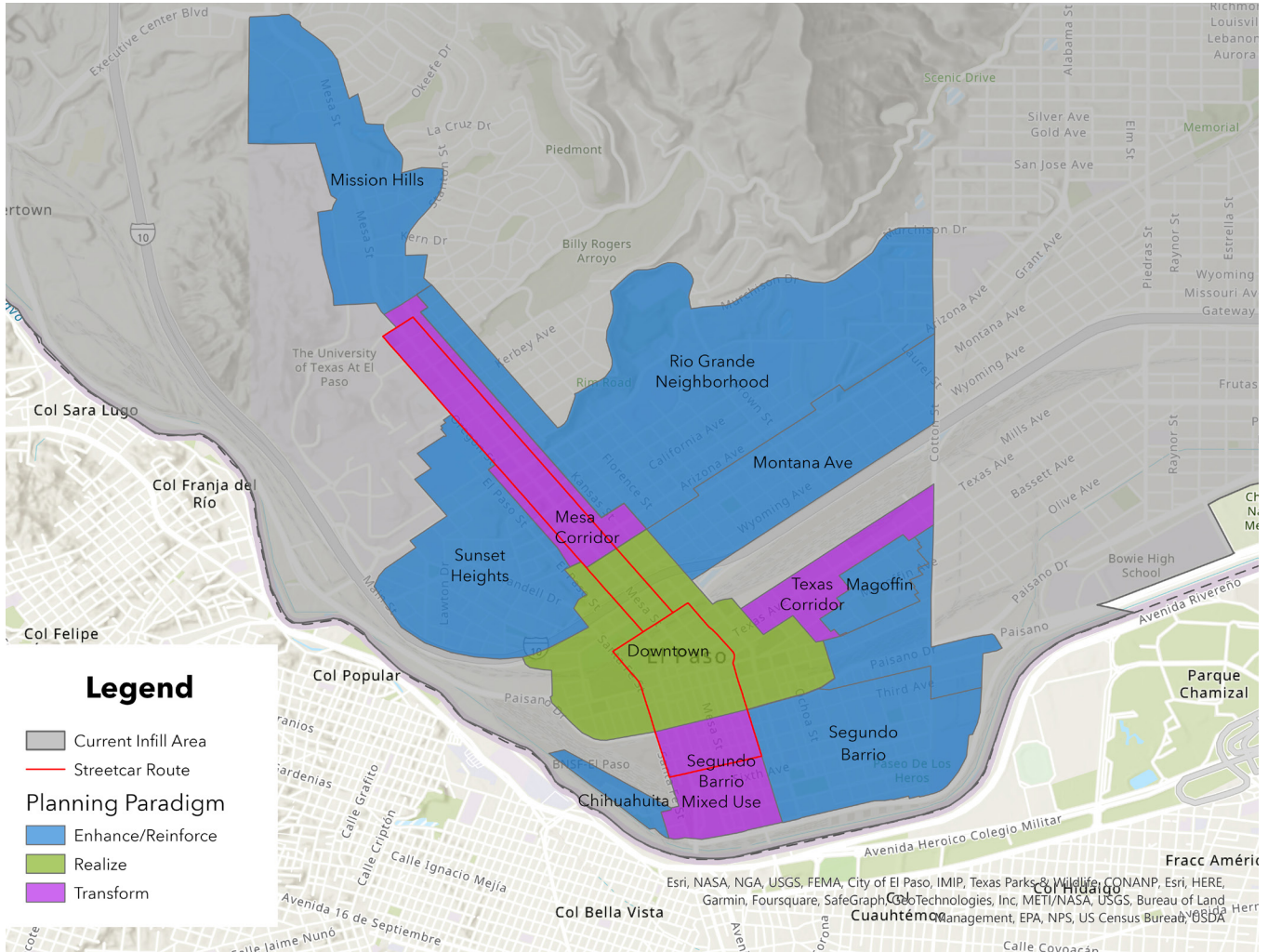
Adopted in the summer of 2022, the [Onward Alameda Plan](#) established five “big ideas” for the Alameda Corridor:

1. Create complete and healthy neighborhoods with a variety of housing choices;
2. Re-imagine streets as great public spaces, enhance mobility, and increase connectivity;
3. Become a leader in green energy and address stormwater sustainably;
4. Create capacity and structure for implementing the plan; and

5. Build upon existing strengths and focus efforts on a few places.

The Onward Alameda Plan provides several specific zoning recommendations in support of the big ideas, with an emphasis on increasing density, providing greater flexibility, and establishing form-based rules that address the varied development contexts along six different segments of the 14.5-mile corridor. Corridor segments are illustrated on the map above.

Downtown, Uptown, and Surrounding Neighborhoods Planning Boundaries



The DT+UT Plan contains targeted recommendations for each of the geographies illustrated on the map above, many of which will require targeted code amendments to implement.

DOWNTOWN, UPTOWN, AND SURROUNDING NEIGHBORHOODS MASTER PLAN

Adopted July 5, 2023, the Downtown, Uptown, and Surrounding Neighborhoods Master Plan (“DT+UT Plan”) effort is a strategic objective initiated by the City Council as part of its most recent Strategic Plan update (described below). The plan identifies actions to support downtown revitalization, priority corridor transformation, and neighborhood enhancement and connectivity to El Paso’s urban core.

Actions are guided by a goal of adding 10,000 housing units to the planning area by 2040 (one-

third of which are intended to be affordable units) and the need for strategic investments in infrastructure and public realm amenities needed to support transit, attract private investment, and retain an educated workforce from UTEP and attract talent from other schools to expand the workforce and achieve economic development. The DT+UT Plan provides detailed recommendations for different types of places within the planning area (e.g., downtown core, corridors, and neighborhoods).

Clarion worked with DT+UT Plan consultants and city staff to align the plan recommendations with the overall direction of the targeted code amendments. The extent of the DT+UT Plan boundary is illustrated on the map above, along with the plan-

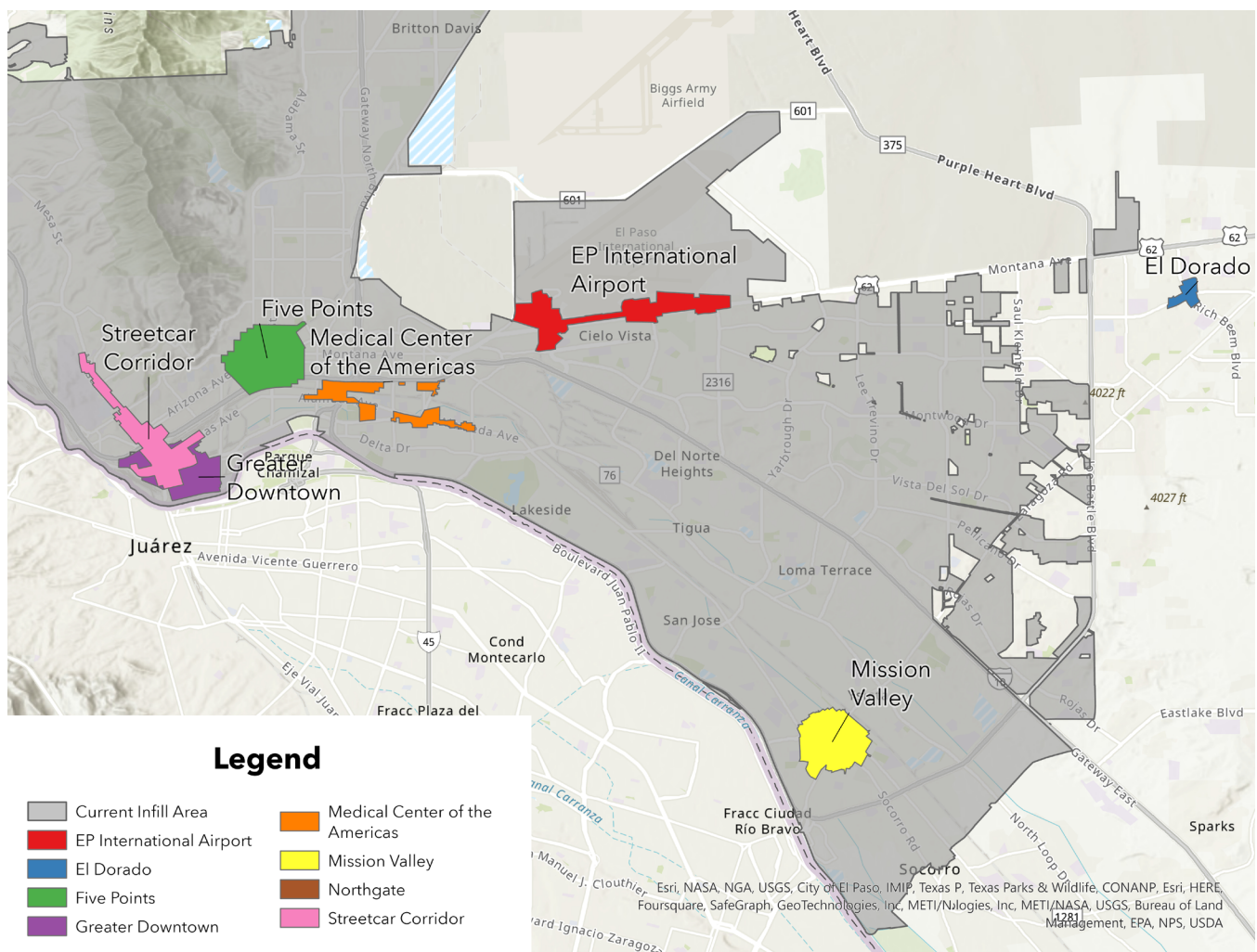
ning paradigms that were assigned to address different opportunities and challenges within the larger planning area.

Areas identified as ‘Realize’ are considered priorities for high density housing and economic development. ‘Transform’ areas are prioritized for midrise, walkable, and transit-oriented development. ‘Enhance/Reinforce’ areas are prioritized for investments in infrastructure and quality of life enhancements (e.g., streets, sidewalks, and public realm improvements), and for the incorporation of more diverse and inclusive housing options. Additionally, the plan developed Urban Design guidelines, which must be adopted by ordinance in order to be enforceable.

TRANSIT-ORIENTED (TOD) INCENTIVE POLICY

Adopted in 2017, the TOD Incentive Policy is intended to improve mobility and travel choices, spur economic development, support downtown revitalization, and stimulate investment in established neighborhoods. The TOD Incentive Policy applies to the following eight areas: 1) Streetcar Corridor, 2) Greater Downtown Area, 3) El Dorado, 4) Five Points, 5) Mission Valley, 6) Northgate, 7) the El Paso International Airport Southern Industrial Park (EPIA SIP), and 8) the Medical Center of the Americas (MCA). The TOD Incentive Policy offers a range of financial incentives (e.g., Building and Permit Fee Rebates, Construction Materials Sales

Transit-Oriented Development (TOD) Incentive Policy



The TOD Incentive Policy offers a range of financial incentives (e.g., Building and Permit Fee Rebates, Construction Materials Sales Tax Rebate, Property Tax Rebate) to projects located in the areas illustrated on the map and that meet other eligibility requirements.

Tax Rebate, Property Tax Rebate) to projects that must be 1) within the TOD incentive area, 2) meet the mandatory criteria under 20.10.280, and 3) propose a mix of uses that meet the policy’s eligibility requirements. The Economic & International Development Department is currently exploring updates to the policy.

EL PASO COMPLETE STREETS POLICY

The city first adopted a Complete Streets Policy in 2012 with the goal “to become the least car-dependent city in the southwest through meaningful travel options and land-use patterns that support walkability, livability, and sustainability.” This policy resulted in new street design cross-sections and multi-modal considerations that placed a larger emphasis on transit and cycling opportunities. The 2022 update of the Complete Streets Policy establishes a vision and guiding principles for Complete Streets as well as parameters for project review, design standards, coordination with partner agencies, as well as for implementation and monitoring. The Complete Streets Policy emphasizes the role of complementary land use policies and zoning ordinances—such as facilitating the creation of walkable neighborhoods and destinations as well as higher density, mixed-use, transit-oriented development along high-capacity transportation corridors—in the implementation of the city’s goal to reduce auto dependence in El Paso over time.

EL PASO REGIONAL HOUSING PLAN

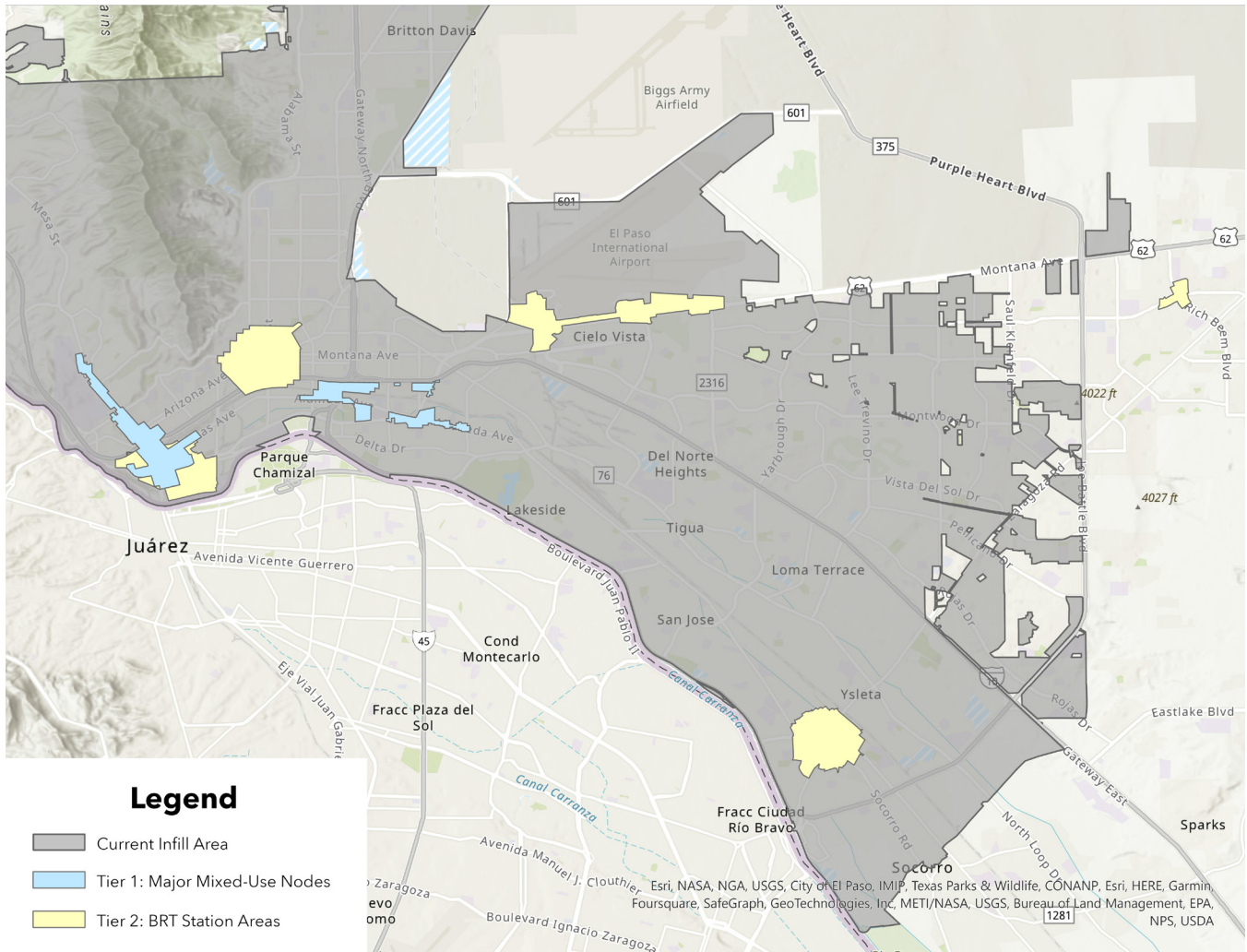
Adopted in 2019, the [Regional Housing Plan](#) provides a framework for the city; the Housing Authority of the City of El Paso (HACEP), which is now Housing Opportunity Management Enterprises (HOME); El Paso County; and other local governments in the region to collaborate and address their shared housing challenges. The Regional Housing Plan establishes two overarching goals: 1) Meet the needs of all residents; and 2) Support Economic Development. The plan underscores that ongoing greenfield and “edge” development patterns in the region are not fiscally sustainable and have contributed to disinvestment in El Paso’s central neighborhoods and downtown, and that despite relatively affordable values, home ownership in El Paso is declining. In addition to providing funding and project recommendations, the plan recommends fiscally sustainable development and revising development incentives to focus investment in two tiers of priority infill areas:

- **Tier 1** includes two major mixed-use nodes – Uptown and the Medical Center of the Americas area.
- **Tier 2** includes other areas within ¼ mile of a bus-rapid transit (BRT) station (e.g., Downtown, Chamizal, and Alameda, Dyer, Montana, and Mesa Corridors).

The Regional Housing Plan also calls for the prioritization of housing authority efforts and support for affordable projects (e.g., letters of support for Low Income Housing Tax Credit (LIHTC) projects and any funding support for these projects) in the two tiers, which means these areas will be the primary focus of affordable housing efforts.

Regional Housing Plan recommendations are being advanced through the DT+UT and Onward Alameda plans, as well as through the city’s Consolidated Plan (which is updated every five years), and Annual Action Plans prepared by the Department of Community and Human Development.

Regional Housing Plan Tiers



The Regional Housing Plan recommends fiscally sustainable development and revising development incentives to focus investment in two tiers of priority infill areas, as illustrated above.

RESILIENT EL PASO

El Paso is one of 100 cities from around the world that has received financial and logistical guidance from The Rockefeller Foundation as part of its 100 Resilient Cities initiative. The City's 2016 Resilience Strategy (Resilient El Paso) was established to help guide the work of the Chief Resilience Officer. Resilient El Paso establishes a roadmap organized around four pillars: The Vibrant Desert City; The Thriving Binational Economy; Empowered El Pasoans; and Resilient Governance. Each pillar is supported by multiple goals. While the individual goals of the resilience strategy are not listed here for the purposes of brevity, they broadly seek to foster healthy, affordable housing options; sustainable and resilient design and land development practices for public and private sector projects; infrastructure planning and investment; community vitality; and improve quality of life for El Pasoans. Resilient El Paso was integrated into the City Strategic Plan in 2019 and there are a number of strategic objectives adopted by the council as called for in that plan. Lastly, Resilient El Paso also notes that previous efforts in El Paso have tended to happen in a disconnected, siloed manner, and that implementation will require a coordinated approach.

EL PASO CITY COUNCIL STRATEGIC PLAN

Initially adopted in 2015 and updated most-recently in 2021, the Strategic Plan enables City leaders to communicate organizational priorities and ensure operations and resources align to achieve the priorities. The Strategic Plan establishes four vision blocks and eight broad goals to establish a baseline for measuring progress, supported by more detailed strategies (specific areas of interest and focus supporting traction on the goals) and strategic objectives (considered the most critical strategic imperatives for the organization). Many of the strategies and objectives target revitalization and redevelopment in and around Downtown El Paso and along major transit corridors. These specifics of these priorities are largely defined by the supporting plans and studies described above.

Focus Area Assessments

This section assesses current policy direction, applicable code provisions, and potential barriers to infill and redevelopment for each of the five focus areas. Within each focus area, both targeted code updates (“quick fixes” and new tools “longer-term efforts”) are proposed. Where applicable, recommendations are tied to proposed Priority Infill Areas and/or specific geographies identified through the Priority Initiatives.



BACKGROUND

El Paso’s 2022 Policy applies to a broad swath of the city; however, the allowed density and mix of uses varies by location and development context. This focus area applies specifically to Level 1 Priority Areas (e.g., near high frequency transit stations; along as the west portion of the Alameda Corridor; and Mesa, Texas, and Stanton in the Downtown + Uptown area). Generally, densities envisioned based on the Priority Initiatives are generally significantly higher than what exists or is permitted today. While some pockets of two- to three-story buildings and/or mixed-use development exist in certain locations, the built environment and development patterns in many locations consist of one-story, auto-oriented uses.

For example, densities of up to 80 dwelling units/acre and unlimited height are envisioned for the Downtown core; mid-rise (up to five-story) development with a minimum density of 60-70 dwelling units/acre is recommended for corridors that intersect with downtown—Mesa and Texas, as well for as the Segundo Barrio area. The Alameda Corridor Plan envisions more moderate heights (three- to five-story) and densities depending on the surrounding context. Meanwhile, the current zoning regulations only permit a maximum of 29 units per acre outside of downtown.

While the Infill Review Criteria and various incentives are designed to help implement planned densities, they do not address the unique needs of areas within the Infill Area. Specific density-related challenges cited by stakeholders include:

- **One-size fits all review criteria.** Regulations referenced as part of the Infill Review Criteria checklist are codified as a subsection of Chapter 20.10 (Supplemental Use Regulations). 20.10.280 provides flexibility in lot area, height, setbacks, and other development standards. This section also establishes mandatory design standards for parking location and access, building orientation, and average setbacks and 12 selective design guidelines, of which infill development must comply with at least three. The selective design guidelines cover a range of topics and do not distinguish applicability based on whether an infill project is for residential or non-residential or mixed-use development, or where the project is located within the Priority Infill Area. Chapter 20.10.280 also provides reductions in required setbacks, parking, density, and uses with city council approval or other conditions (e.g., submission of a parking reduction impact study). Projects that meet the location and design requirements may also qualify for rebate-based incentives, either under the Infill or TOD Incentive Policies. All zoning relief is through the Infill special permit process.
- **Zone districts that don't align with adopted plans.** Current zoning along major corridors outside of downtown includes a mix of C-2, C-3, C-4, and A-4, among others. Densities for apartments in these three "C" districts are capped at 29 dwelling units/acre—far less than densities called for in the adopted DT+UT and Onward Alameda plans for these areas. The A-4 district prohibits a vertical mix of residential and non-residential uses,

effectively limiting overall density. Numerous stakeholders noted that the C-5 zoning district in the downtown area is viewed as "ideal" because it does not restrict height, density, setbacks, or parking. However, stakeholders indicated a "middle ground" for mid-rise and neighborhood-oriented mixed-use (e.g., restaurants, small-scale retail, live-work spaces) is desirable to provide flexibility for development at various scales and in different urban-suburban contexts. A more appropriate alternative is to establish context-sensitive development regulations that respond to the surrounding existing development while simultaneously honoring the recommendations of adopted plans and policies.

- **Neighborhood opposition.** Higher-density projects proposed along commercial corridors abutting established neighborhoods are often met with community opposition due, in part, to a lack of clarity about residential adjacency protections, and development transitions along the shared edge. Neighborhood residents need clarity of standards that apply to individual projects, and confidence the zoning code will protect established neighborhoods from increased traffic, on-street parking, noise, and any other potential impacts.

Opportunities to support increased density in a neighborhood context are addressed as part of Focus Area 2: Diversify Housing Options in Older Neighborhoods.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)



A new Chapter 20.11 – Infill and Redevelopment, is proposed to replace the current adaptive reuse overlay and infill development standards in Chapter 20.10 – Supplemental Use Regulations. The new chapter creates a centralized location for infill incentives, as well as baseline and supplemental standards to support each of the focus areas addressed in this document. The new chapter also provides cross-references or exceptions to applicable provisions in other titles of the city’s Code of Ordinances, and establishes a mechanism that can be used to allow for streamlined site plan approval processes in Level 1 Priority Areas. With regard to facilitating denser infill development, the new chapter distinguishes Level 1 and Level 2 Priority Areas.

Offer built-in flexibility on dimensional standards. Establish minor modification and/or alternative equivalent compliance provisions that offer built-in flexibility for certain development standards (e.g., parking configurations, setbacks, site access, open space requirements, and others) that may be available with administrative approval.

Remove minimum parking requirements for multi-family residential. This step would also include eliminating the need for special review and city council approval of parking exceptions, allowing on-street parking to count toward parking calculations, and the potential for broader parking exemptions or minimum parking reductions for other uses downtown and priority locations (e.g., near Brio stations).² Implement recommended parking ratios outlined in the DT+UT Plan.

Establish standards for trash storage and collection. A menu of standards for trash collection, screening, storage, and access is needed to address varied site configurations and project types, such as new construction vs. adaptive reuse, and sites with or without alley access.

Establish residential adjacency standards. Standards should address uses, noise, on-street parking, lighting, height and massing transitions (shading), hours of operation, and the siting of trash and HVAC systems where corridors and higher-intensity districts abut neighborhoods. Standards would build upon 20.10.020 (General Performance Standards), but address transitions between uses and intensities specific to infill areas.³

Allow missing middle and transit-supportive uses by right. Live/work spaces, missing middle housing options (where corridors abut neighborhoods), and other transit-supportive uses should be allowed by-right subject to clear urban design development standards, along with greater flexibility for accessory dwelling units.⁴ Allow for micro-units or small apartments (e.g., 350 square feet or less), in accordance with building code requirements, to provide lower cost options.

² DT + UT Plan (1.3).

³ DT + UT Plan (5.10). Expanded to address related standards and shift from “compatibility” to “adjacency.”

⁴ DT + UT Plan (5.4). 20.10.320 provides allowances and standards for ‘live-work flex uses.’



Part 2: New Tools ("Longer-Term Efforts")



Establish a new set of mixed-use zone districts. New zone districts are needed to accommodate variations in the desired scale, mix, and intensity of uses in different parts of the Level 1 Priority Area (e.g., portions of the DT+UT Plan and Onward Alameda Plan areas, and TOD stations located in the Infill Area). New tools could potentially be adapted to other parts of the Infill Area and city (e.g., TOD priorities outside of the Infill Priority Area or other mixed-use areas) over time.⁵ For example, TOD priorities identified in the Onward Alameda Plan outside of the Level 1 Priority Area include Brio stations at: Raynor and Texas (near the historic Chamizal community), Raynolds and Alameda (the El Paso Street-MCA area), and Mission Valley Transit Center (Ysleta).

Adopt standards to achieve higher quality architecture, site, and building design. Urban design development standards should focus on the design aspects that can be regulated under a 2019 Texas law⁶ that limits the ability of local governments to regulate aesthetics. Generally, local governments are only authorized to regulate urban design considerations such as building massing and form and building orientation. Local governments are not authorized to regulate building materials or other impose other types of aesthetic regulations outside of historic districts.⁷ Replace existing standards elsewhere in Title 20

to reduce confusion and potentially conflicting provisions (e.g., supplemental use standards for mixed-use development, 20.10.360).

Calibrate height/density bonuses for regulatory and financial incentives. Bonuses should be designed to incentivize the development of desired housing products on a neighborhood-by-neighborhood basis. Bonuses in areas that have restrictions on height or density of housing should be implemented in return for desired housing units on a by-right basis, and be oriented towards unlocking the inclusion of affordable housing options.⁸ In the DT+UT Plan area, this applies to A-2, C-1-C-5, and R-4 zoning districts. In the Alameda Corridor, this applies to priority locations within the Transit Oriented Development Incentive area, which include a mix of C-1, C-4, A-3, and other zoning districts, as well as the SCZ Special District in the El Paso Street-MCA area. In the near-term, density and/or height bonuses should be focused in Level 1 Priority Areas.

Eliminate parking minimums for all other uses. As recommended in the DT+UT Plan, eliminating minimum parking requirements for all land uses will be necessary in order to promote the type of mixed-use environment envisioned by the plan.

5 DT + UT Plan (5.8). Expanded to address areas outside of DT+UT boundary.

6 [Title 10, Subtitle Z, Chapter 3000 \(Government Action Affecting Residential and Commercial Construction\)](#).

7 DT + UT Plan (1.1)

8 DT + UT Master Plan (1.6)



FOCUS AREA 2: DIVERSIFY HOUSING OPTIONS IN OLDER NEIGHBORHOODS

BACKGROUND

The Priority Initiatives encourage the expansion of missing-middle housing types including townhouses, duplexes, fourplexes, cottage courts, accessory dwelling units, and small apartment buildings to increase access to smaller and more affordable housing types in the Infill Area and encourage equitable development. Opportunities for missing-middle housing types are generally concentrated in Level 2 Priority Areas, which include El Paso's older neighborhoods, most of which were zoned in 1930. These neighborhoods are generally zoned R-1, R-2, R-3, and R-4, which only allows attached dwellings in certain locations based on lot size; however, pockets of higher density zoning do exist. Opportunities for larger apartments and mixed-use buildings are generally accommodated in Level 1 Priority Areas such as the Downtown core, along the streetcar line, and along BRIO bus rapid transit corridors such as Alameda, Dyer, Mesa, and Montana. Opportunities to diversify housing options in these contexts are addressed as part of Focus Area 1: Facilitate Denser, Mixed-Use Development Where Supported by Infrastructure and Services.

Although single-family detached homes are the most prevalent building form in El Paso's older neighborhoods, missing-middle housing types exist in Sunset Heights, Kern, Rio Grande, Magof-

fin, and Segundo Barrio. However, the underlying zoning does not typically allow the same types of housing to be constructed without a rezoning, special permit, or special exception approval. As a result, the number of infill projects that have been built in recent years is low. Historic districts also exist, as discussed in more detail as part of Focus Area 3: Encourage Historic Preservation and Adaptive Reuse.

Stakeholders cited the following as potential barriers to the diversification of housing options in El Paso's older neighborhoods:

- **Limited allowances for desired housing options in residential zoning districts.** As noted above, existing zoning districts in many of El Paso's neighborhoods do not allow for missing-middle housing options by-right (beyond a duplex). As a result, applicants must request a rezoning to build a project that is consistent with city policy.
- **"Suburban" dimensional standards.** Minimum front and rear setbacks in R-3 and R-4 districts vary based on location and established development patterns. In many instances, required setbacks exceed "as-built" conditions and are more typical of what would be found in a suburban development context on the

edges of El Paso. Cumulative front and rear yard setbacks apply to most residential districts. These can be as high as 100 feet in the R-1 district and 40 feet in higher-density residential districts. In some instances, a cumulative side to side street setback is also required. These setbacks are too large to achieve infill development on smaller lots. Opportunities to convert existing garages to accessory dwelling units (ADUs) are also hindered by an overly generous (10-foot) setback requirement that does not reflect as-built conditions, in which many parcels feature alley-loaded garages with a shared wall along the side-setback.

- **Off-street parking requirements.** Off-street parking requirements for residential uses specify two spaces for single-family detached homes, duplexes, and triplexes. Requirements for apartments over five units vary based on the number of bedrooms and occupancy: 0.7/elderly apt.; 1/efficiency apt.; 1.5/one-bedroom; 2/two or more bedrooms. These requirements are higher than is what is typically found in an infill context. Opportunities for reductions in required off-street parking are provided through 20.14.070 (Parking Reductions) and 20.10.280 (Infill Development), but stakeholders felt that the process of obtaining approval for these reductions was too onerous. Parking reductions of up to ten percent of the minimum required may be granted administratively. A 15 percent parking reduction may be approved by the Zoning Board of Appeals with a slightly lower burden of proof (and may be “stacked” with the administrative reduction), but does still require a hearing. All other requests require a parking impact mitigation study and must be approved by the city council. Many stakeholders suggested that off-street parking requirements should be removed/reduced to provide greater flexibility to accommodate infill development on smaller lots or adaptive reuse. Others expressed concern about the potential effects of such a change because El Paso has traditionally been an auto-oriented city



- **Neighborhood opposition.** Rezoning to provide more diverse housing can be controversial even if there are similar types of housing in the immediate vicinity. Neighborhood concerns generally stem from a lack of certainty regarding the standards that apply to individual projects, and a concern that the zoning code lacks protections for established neighborhoods about traffic, parking, shading, viewshed, noise, another potential impacts.
- **Equitable development.** While housing advocates and other stakeholders expressed the need for, and support of, the diversification of housing types in El Paso’s central neighborhoods, concerns about the corresponding potential for displacement of long-time residents due to new development, rising property values, and infill development were expressed. Density increases must be calibrated to minimize impacts on, or displacement of, existing residents as stated in the 2022 Infill and Redevelopment Policy.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, tailor provisions for central neighborhoods (Level 2 Priority Areas) from those that apply to major transit corridors and/or downtown (Level 1 Priority Areas) and establish supplemental standards that promote compatibility with neighborhoods.

Offer build in flexibility on dimensional standards. Establish minor modification and/or alternative equivalent compliance provisions that offer built-in flexibility for certain development standards (e.g., parking configurations, setbacks, site access, open space requirements, and others) that may be available with administrative approval.

Expand opportunities for accessory dwelling units. Incorporate greater flexibility for ADUs by reducing the required setback from ten feet to zero feet along interior side setbacks (in accordance with fire rating requirements for shared walls) and rear yard/alley to accommodate patterns that already exist in residential neighborhoods, expanding ADU allowances to duplex sites in conjunction with the adoption of design and development standards, and expanding the definition of ADUs to include internal (basement or attic) ADUs and attached (lock-off) ADUs.

Establish infill compatibility standards. Distill basic form and site design parameters (e.g., building orientation and massing, roof forms, porches, fencing, garage placement, maintenance of alley access) for desired missing-middle housing types from the Community Design Manual of Plan El Paso and adopt as mandatory design standards.

Allow missing middle housing types by right.

Allow for duplexes, triplexes, and fourplexes in the R-1 and R-2 zoning districts (up to four units per parcel) within the Infill Area. Allow the full spectrum of missing middle housing types by-right in R-3 and R-4 zoning districts within the Infill Area. Providing opportunities for a diversity of housing options that include smaller, more affordable housing types and more flexible options for accessory dwelling units associated with existing homes increases the potential that existing residents can stay in their neighborhoods.

Establish residential adjacency standards.

Standards should address concerns regarding uses, noise, parking, lighting, height and massing transitions (shading), hours of operation, and the siting of trash and HVAC systems where more intense housing types are proposed within established neighborhoods.

Remove minimum parking requirements.

Eliminate minimum parking requirements for multifamily and missing-middle housing types (including the need for special review and city council approval of parking exceptions) and establish parking maximums recommended outlined in the DT+UT Plan.⁹ Allow on-street parking to count toward parking calculations.

Establish density incentives for affordable projects.

Establish and calibrate density, height, dimensional standard, and other regulatory bonuses to incentivize the development of desired housing products on a neighborhood-by-neighborhood basis. Bonuses in areas that have restrictions on height or density of housing should be implemented in return for desired housing units on a by-right basis. Bonuses should be oriented towards unlocking the inclusion of affordable housing options.

⁹ DT + UT Plan (1.3). Adapted to fit neighborhood focus of this section.



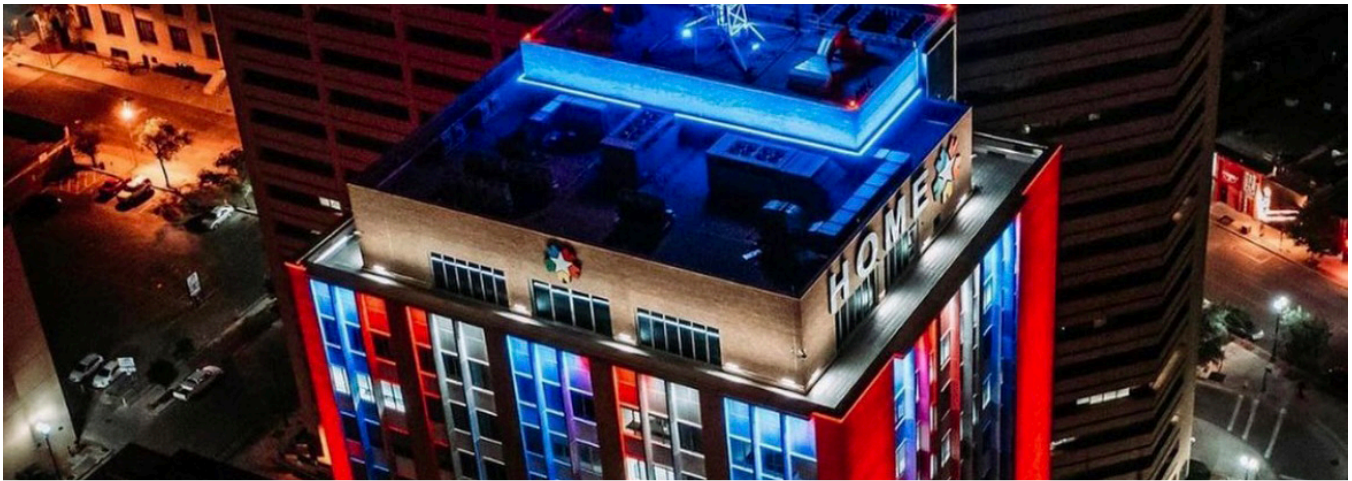
Part 2: New Tools ("Longer-Term Efforts")

Establish and adopt development prototypes too streamline approvals and design costs.

Develop and adopt pre-approved building plans for context-sensitive missing middle-housing prototypes to reduce design costs and plan review timelines for development in established neighborhoods. Prototypes should reflect a smaller, more affordable product. A series of prototypes for each type of housing will help maintain diverse and architecturally interesting streetscapes in El Paso's neighborhoods. This recommendation could be implemented with or without wholesale changes to the underlying zoning (as outlined below).

Establish new traditional neighborhood zoning tools.

Establish new base zoning districts, location-specific standards, overlay districts, or other tools that are tailored to the characteristics of established older neighborhoods and the community's vision for the revitalization of these areas. At minimum, new tools should be established and applied to neighborhoods within the proposed Priority Infill Area—one to replace or augment lower-density R-1 and R-2 zoning districts, and one (or more) to replace or augment moderate- and higher-density R-3, R-4, and A-2 zoning districts. Regardless of the type of tool that is used, height, density, and dimensional standards would be calibrated to allow established development patterns and desired housing types by-right, reinforce form-based design principles, and provide opportunities for higher density housing types as a way to avoid displacement. Minimum unit and lot sizes should be eliminated.



FOCUS AREA 3: ENCOURAGE HISTORIC PRESERVATION AND ADAPTIVE REUSE

BACKGROUND

El Paso has nine [local historic districts](#), as illustrated on the map on page 30. Several districts are located in the Priority Infill Areas, but El Paso's historic resources extend well beyond the boundaries of these two planning areas, or the historic districts. Priority Initiatives in El Paso encourage the adaptive reuse of historic buildings, regardless of whether they are contributing resources within a historic district or are designated as historic landmarks. Both designated and non-designated historic resources contribute to the character and cultural heritage of the many distinct neighborhoods and business districts within the Infill Area.

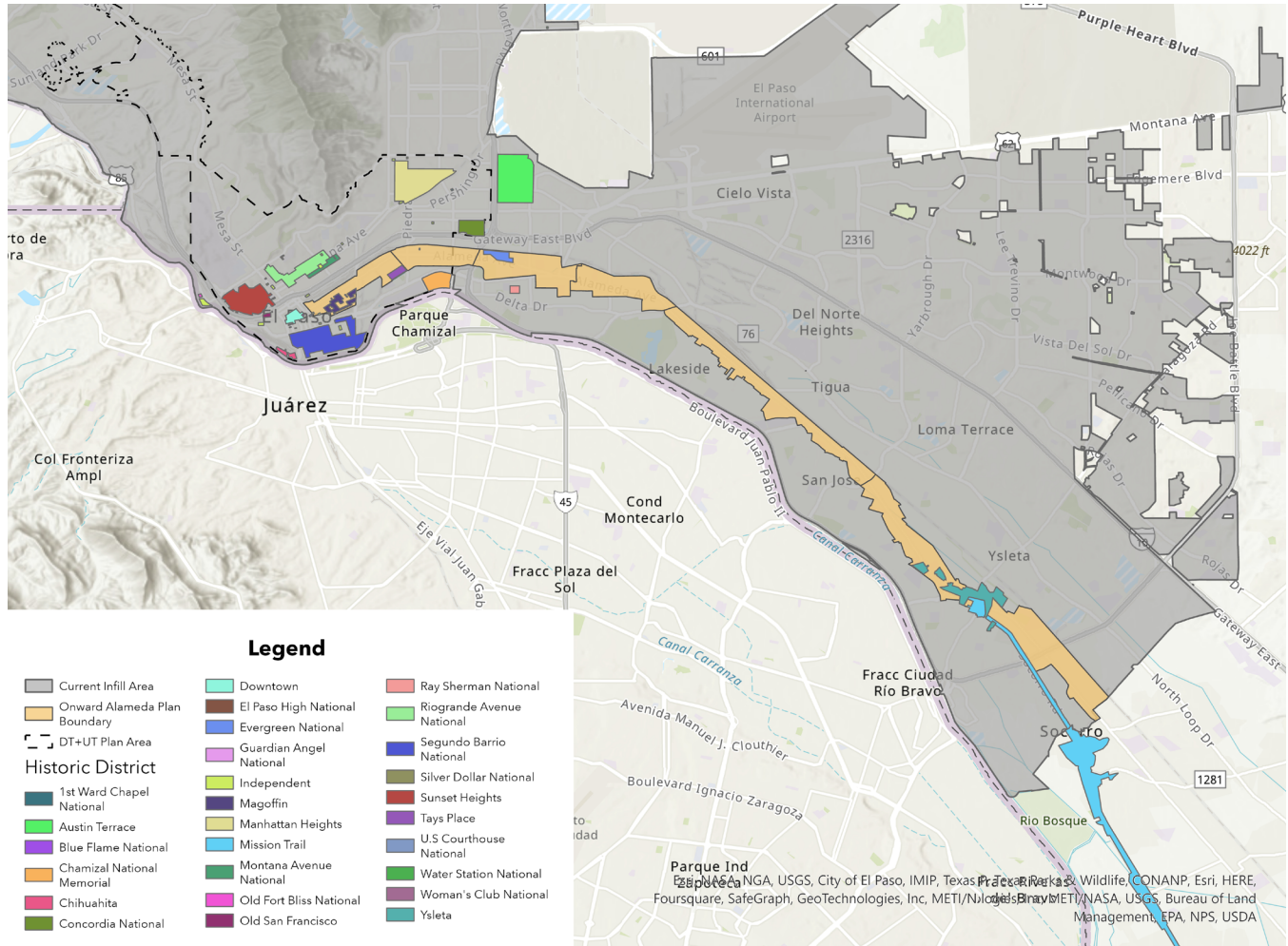
Multiple tools and incentives exist to help facilitate historic preservation and adaptive reuse. However, stakeholders stated that adaptive reuse of a historic landmark building is inherently complex, particularly in Level 1 Priority Areas. For example, larger buildings in downtown El Paso require developers to navigate multiple tiers of financing, tax credits, regulatory incentives, on top of building code provisions. Generally, only more experienced developers with significant capital have the ability to take these projects (e.g., the Blue Flame or the Plaza Theatre block). Stakeholders also indicated that a change of use request triggers a rezoning and/or a special permit application to reduce parking, setbacks, or modify any other requirements associated with a non-conforming building, and

that this extra step will likely dissuade most of the smaller developers from pursuing these types of projects. Others noted that fire safety and access requirements in Chapter 18 limit the types of uses allowed on the upper floors of historic buildings without the adaptation or addition of secondary access points, fire sprinklers, and other system upgrades.

Current regulatory tools and incentives intended to encourage historic preservation and adaptive reuse (and some of the limitations of these tools) include:

- **Historic Landmark Preservation.** [Chapter 20.20](#) of the zoning code establishes procedures for the designation of historic landmarks and districts and for alterations and changes to these properties. The following types of changes must be reviewed by the Historic Landmark Commission (HLC): new construction, major exterior remodeling, demolition, demolition by neglect, and review and recommendation of historic properties for designation by the city council (H-overlay). Section 20.20.100 establishes an economic hardship process. Section 20.20.150 establishes the opportunity for ad valorem tax incentives for historic properties through a special resolution of the City Council.

El Paso Historic Districts



- Historic District Design Guidelines.** El Paso has generally applicable [design guidelines](#) in place for historic districts, sites, and properties, as well as district-specific guidelines for the Chihuahita, Downtown, Magoffin, Mission, and Ysleta districts. Administrative (staff) review is offered for landscaping, fences, ornamental wrought iron, ramps, skylights, signs, doors and windows, concrete, swimming pools, routine maintenance, HVAC, and lighting.¹⁰ The city's existing design guidelines are more than 30 years old. While they touch on infill development compatibility, they do not address the potential for accessory dwelling units and/or missing middle housing types.

- Adaptive Reuse Overlay (ARO).** 2010.055 (Adaptive Reuse Overlay) provides flexibility in setbacks, lot area, height, density, and other standards for the conversion of all or any portion of an existing building within the 2015 Downtown Plan to specified residential uses and/or a mix of uses. The ARO applies to properties zoned UP, C-5, C-4, C-1, S-D, SRR, and M-1. The ARO also allows for an exemption from detailed site development plan requirements in Title 20. The ARO was adopted as an interim tool to support Plan El Paso implementation while Title 21 was being developed and was intended to be applied to TOD sites and other targeted areas. It has not been used.

¹⁰ It was noted during our interviews and/or survey responses that a limitation of the guidelines was that they don't apply to non-contributing structures in historic districts. It does appear that they apply to all new construction (including detached infill and major additions to existing structures) per the Secretary of the Interior's Standards for the Treatment of Historic Properties standards. Need to clarify.



- **Neighborhood Conservancy Overlay (NCO).** 20.10.400 (Neighborhood conservancy overlay) was established in 2007 to promote the conservation of neighborhood attributes in areas outside of designated historic districts that have historic, cultural, or architectural significance. NCOs must include design standards (as defined through a neighborhood plan) that contribute to the existing stability or would stabilize the neighborhood, but may not prohibit uses that are otherwise permitted by the underlying zoning. Currently, the Rim University Plan area is the only NCO in place. Generally, the NCO is used perceived as a tool to prevent or substantially limit change in a neighborhood, rather than to try to define parameters to accommodate positive change.
- **Building Code.** El Paso operates under the 2015 Edition of the International Existing Building Code (“2015 IEBC”), with some exceptions, as specified in Chapter 18.02. Chapter 12 of the 2015 IEBC provides some flexibility from code requirements for buildings that have historic significance. Specifically, the performance compliance method (301.1.3) offers flexibility for repairs, alterations, additions, changes in occupancy and relocated buildings based on a set of evaluation procedures/criteria.¹¹ Additionally, existing high-rise buildings (defined as a building with an occupied floor located more than 75 feet

above the lowest level of fire department vehicle access) may file a compliance schedule with the fire code official that allows for the installation of an automatic sprinkler system retrofit within 12 years.¹² The 2021 suite of ICC codes are scheduled for adoption this fall.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, clarify and strengthen incentives that encourage historic preservation and adaptive reuse. By increasing applicant awareness of available opportunities for flexibility and/or incentives and connecting them with the appropriate department/staff member for more information.

Expand applicability of Adaptive Reuse Overlay (ARO) incentives and streamline review and approvals. Within the context of a new Chapter 20.11, update the applicability of ARO incentives to include the areas designated as Downtown, Mesa Corridor, Texas Corridor, and Segundo Barrio in previous planning studies. Allow expedited review and approvals for projects within the Downtown and Mesa Corridor as a pilot. If successful, expedited review and approvals could be expanded to additional areas over time. Any provisions that are determined to be desirable

¹¹ While we reference the 2015 IEBC in this section, it is not the focus of this effort or Clarion’s area of expertise. The city is in the process of engaging an architecture firm with this expertise to assess building code/adaptive reuse barriers in the IBC, draft text amendments, and work with permitting to overcome hurdles. As part of this work, they will be doing some testing. Their work will need to be coordinated with recommended text edits in Title 20.

¹² Appendix M, International Fire Code

to carry forward and update as part of the first tier of text amendments should be embedded in the proposed Chapter 20.11 and the current ARO retracted.

Bring greater predictability and inclusivity to the Neighborhood Conservation Overlay (NCO). Update the purpose statement for the NCO process to include a stronger emphasis on the cultural heritage and social fabric of neighborhoods as defining characteristics worthy of protection. Require the creation of pre-approved building plans for context-sensitive missing middle-housing prototypes as a component of new NCOs to ensure opportunities for smaller, more affordable products are included. This recommendation could be implemented with or without wholesale changes to the underlying zoning (as outlined in Focus Area 2).

Document opportunities for flexibility in Title 18. While opportunities may be applicable to a small proportion of projects, documenting 2015 IBEC and fire code provisions that provide flexibility for the adaptive reuse of historic structures can help increase awareness and encourage applicants to make use of these provisions and reduce total project costs. While this solution is technically not a zoning code update, the documentation and publicization of this information will be appreciated by all who require flexibility in development schemes and increase the likelihood of broader adoption in similarly-situated projects.

Facilitate the use of historic tax credits. Facilitate the use of historic tax credits to unlock adaptive reuse of existing multistory buildings to make these projects feasible in the short-term.¹³ Again, while this may not technically be a zoning code update, the additional focused educational effort by staff and/or preservation partners helps encourage overall preservation efforts throughout the city.

Establish a tiered approach to nonconforming uses and buildings. A tiered approach could be considered to encourage historic preservation and adaptive reuse and address differing levels of incompatibility with current regulations and adopted plans.



Part 2: New Tools ("Longer-Term Efforts")

Pursue anti-displacement strategies for historically disadvantaged or vulnerable communities. The guiding strategic principles outlined in the City's 2022 Policy emphasize the need to be sensitive to displacement and gentrification in stable residential areas and stable, prewar, commercial corridors and town centers. The principles also note that efforts to increase density or spur redevelopment should be coupled with strategies to ensure residents are not displaced from their communities. Opportunities to work with historically disadvantaged or vulnerable communities within the Infill Area should be explored as part of the city's forthcoming comprehensive plan update to identify business districts or neighborhoods that have historically served and focused on the needs of these communities and that may warrant alternative zoning strategies to support the retention and expansion of smaller, more affordable housing options and establish protective measures for legacy businesses that may not otherwise "fit" the density and character of the Priority Initiatives.

13 DT + UT Plan (5.7).



FOCUS AREA 4: EXPAND THE ADOPTION OF SUSTAINABLE DEVELOPMENT PRACTICES

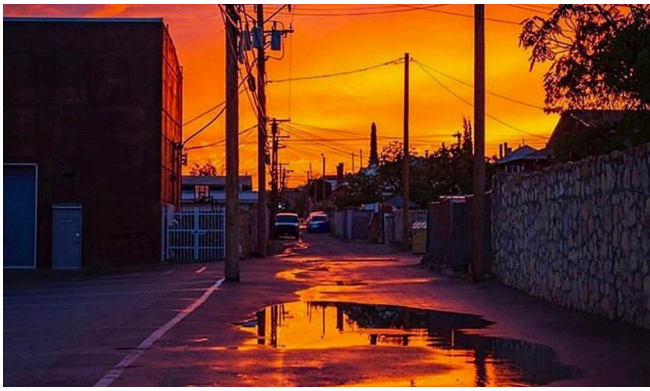
BACKGROUND

The Priority Initiatives—particularly the Onward Alameda Plan and Complete Streets Policy—support the expanded use of sustainable design and development practices as a key component of infill development. As they pertain to the zoning code, examples of sustainable design and development practices include, but are not limited to, the use of xeric landscape plants and materials, support for the expanded use of renewable energy, and the integration of low impact design solutions. Stakeholders noted that Title 20 is largely silent on these topics, and that regulations and incentives that do address them are limited in scope and scattered among related titles in the City’s Code of Ordinances. The disjointed nature of these provisions makes it difficult to articulate a coordinated policy position and request such practices as a condition of approval. Current City standards, incentives, and programs that address sustainable design and development practices to some extent include:

- **Landscaping.** Chapter 18.46 (Landscape) encourages water conservation and the use of low water-thrifty plants (as listed on the City’s [approved plant and tree list](#)) and other landscape materials, and waterwise irrigation practices. A 30 percent reduction in the total amount of landscaped area required is permitted for infill projects. Irrigated turf

grass is allowed, subject to mandatory water conservation measures outlined in Chapter 15.30 (Water Conservation).

- **Stormwater drainage facilities.** Chapter 19.19 (Stormwater Management Requirements) includes requirements for stormwater drainage facilities and references the City’s [2008 Drainage Design Manual](#). While the preservation of natural arroyos is encouraged, Best Management Practices (BMPs) for Stormwater or other low-impact development (LID) approaches to stormwater management are not addressed specifically. Staff noted that LID approaches are encouraged for public projects. In addition, one of the 12 selective design guidelines listed in the Infill Review Criteria (of which applications for infill development incentives must select three) encourages the use of low impact stormwater management.
- **Green buildings.** One of the 12 selective design guidelines listed in the Infill Review Criteria encourages project certification as part of the United States Green Building Council LEED certification program or any equivalent, or participation in the El Paso Green Building Grant Program. The Green Building Grant Program was funded through Performance Award money from El Paso Electric. The Program distributed all available funds and is no longer active.



RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, establish supplemental standards that expand the use of sustainable development practices:

Clarify landscape incentives for infill to prioritize shade. Clarify existing infill incentive in Chapter 18.46 (Landscape) to specify that the 30 percent reduction in the total amount of landscaped area cannot include the parkway.¹⁴ Incorporating climate appropriate street trees and/or landscaping in these locations is an essential part of the City’s efforts to increase shade, enhance stormwater management, and improve neighborhood livability.

Require low-water landscaping. Require all development in the Infill Areas to utilize drought tolerant and native and naturalized species for landscaping and street trees. Limit allowances for irrigated turf grass to high-use recreation areas included as part of multi-family or mixed-use projects.

Require stormwater best management practices. Require the use of low impact development that is suited to El Paso’s climate as part of required landscaping and streetscape enhancements in certain priority infill areas, such as in downtown and at Brio stations.

Encourage adoption of green building strategies that advance local priorities. Continue to encourage project certification as part of the United States Green Building Council LEED certification program or establish a point-based system that focuses on improving performance in key areas that are important to El Paso’s climate and sustainability needs.

Establish parking maximums. Limit the amount of land area used for surface parking by establishing an upper limit on the amount of parking spaces that can be provided for different uses.



Part 2: New Tools (“Longer-Term Efforts”)

Establish a new standalone sustainability section in Title 20. The new section should articulate the city’s priorities for sustainable design and development practices, which include minimum requirements for multi-family residential, commercial, and mixed-use projects in priority infill areas. Because many of the topics tied to sustainable design and development practices are in different titles of the city’s Code of Ordinances (e.g., landscaping, stormwater drainage facilities) establishing a separate section would result in similar topics being addressed in two places. However, this approach can help increase awareness of and coordinate relevant provisions throughout the Code of Ordinances. This section should be drafted with the potential to expand the requirements to other areas of the city over time, as appropriate.

¹⁴ Defined in Title 18 as “the portion of the street right-of-way between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.”



FOCUS AREA 5: PROMOTE SAFE, HEALTHY, AND LIVABLE NEIGHBORHOODS

BACKGROUND

Healthy and livable neighborhoods are safe and provide ample opportunities for people to walk, bike, and access parks, trails, and other physical activities. They also support the overall health and wellbeing of residents by providing access to essential services nearby, or via transit, and opportunities for multigenerational living. As infill and redevelopment occur in El Paso, the zoning code, and related titles in the city's Code of Ordinances can help support these objectives through connectivity requirements, allowances for desired uses, and reduced parking requirements.

Recent plans and policies, such as the Onward Alameda, Complete Streets Policy, 2016 Bike Plan, and DT + UT Plan emphasize the importance of improving pedestrian, bicycle, transit, and park infrastructure, and other aspects of the public realm in conjunction with all new construction and/or street improvement projects. Stakeholders stated that while incremental progress is underway to improve walking and biking infrastructure in the City's Priority Infill Areas, transitioning from a car-oriented culture requires time. TxDOT and/or the City of El Paso are making most of these improvements currently in conjunction with other roadway improvement projects.

Adopted city standards, incentives, and programs that directly promote safe, healthy, and livable neighborhoods include:

- **Parks and Open Space.** Chapter 19.20 (Parks and Open Space) defines different types of parks—neighborhood parks, community parks, linear parks, trails, and open space areas—and establishes standards for dedication of parkland based in part on the standards, needs and objectives set forth in the El Paso Parks and Recreation Master Plan. While a fee in lieu option used to be available, parkland dedication is now required for all residential and nonresidential subdivisions. Standard park sizes range from less than one-acre to more than 40 acres. Chapter 19.20 offers the potential for alternative, smaller park types to address more urban contexts. The smallest alternative park types are the tot lot and pocket park, both of which can be as small as $\frac{1}{4}$ -acre. Additional specifications are provided by the 2018 Design and Construction Standards for Parks Facilities. Common open space for larger developments is not addressed. [Chapter 19.26.020](#) offers reduced park dedication requirements (up to 50 percent) for infill development; however, this conflicts with both the DT+UT and Onward Alameda plans which

emphasize that more park space is needed (especially smaller park spaces).

- **Sidewalks.** Chapter 19.21.20 (Sidewalks) requires five-foot sidewalks on both sides of the street for new development and infill development. Where wider sidewalks exist or are called for by street standards, infill projects must match the wider width. On-site circulation and connectivity is required for larger, multi-building projects. Additional parameters for existing streets (e.g., connections to adjoining properties, closure of gaps less than a certain distance, and references to City plans) are provided in 19.21.040.
- **Street trees.** Chapter 18.46 (Landscape) requires street trees on all city streets and arterials. Street tree requirements apply to all commercial and residential development with landscape requirements and must comply with the City’s [approved plant and tree list](#). Standards currently specify that street trees shall be at 30 feet or less for all streets, and that every lot over 20 feet wide shall have at least one street tree. While current spacing requirements are consistent with those found in most larger cities, future amendments may increase street tree spacing to 40 feet or less.

RECOMMENDATIONS



Part 1: Targeted Code Updates (“Quick Fixes”)

As part of a new Chapter 20.11 – Infill and Redevelopment, establish supplemental standards that promote healthy, safe, and livable neighborhoods:

Establish common open space requirements as an alternative to park dedication. This strategy would offer greater flexibility for projects in Priority Infill Areas. Common open space would not be publicly dedicated, but instead privately owned and intended primarily for the users of the development (though they may be made publicly accessible). Minimum size and design standards would apply to ensure such areas are usable, though a variety of features may be allowed to count as private common open



space (e.g., pedestrian plazas, rooftop gardens). Additional credit towards common open space requirements could be considered for spaces that are made available to residents of the surrounding neighborhood.

Require transit-supportive amenities. Establish minimum requirements for transit-supportive amenities near Brio stations that function as major transfer hubs and/or are located in TOD Incentive Areas (e.g., bicycle parking, comfortable seating, shade, and micromobility storage areas) for all projects with grant funding or tax abatement subsidies. Offer incentives for projects that exceed minimum requirements.¹⁵

Require complete streets. Require development constructed in accordance with the 2022 City of El Paso Street Design Manual and Complete Streets Policy

Encourage neighborhood-supportive uses. Allow the incorporation of small-scale, neighborhood-supportive uses in residential zoning districts based on set criteria (e.g., along transit/streetcar routes, in areas designated as having or desirable for active frontages in the DT+UT Plan, in a location/building where similar uses previously existed). Size limits would apply to minimize impacts (e.g., less than 10,000 sf).

Maintain street tree spacing requirements. Require that the current street tree spacing requirements of 30 feet or less be carried forward in Priority Infill Areas.



Part 2: New Tools ("Longer-Term Efforts")

Establish a new neighborhood mixed-use zoning district. The new district (or similar tool) would accommodate small-scale (one- to two-story) neighborhood services in locations where walkable access to services and amenities is desired. Neighborhood mixed-use zoning could be applied to small nodes within a neighborhood, and/or located along neighborhood edges. This district would be the lowest intensity option of the hierarchy of mixed-use districts recommended part of Focus Area 1. The intent of the new district is to address the desire for smaller-scale mixed-use development in an infill context. The existing R-MU district tends to be used in a greenfield context at the edges of the city.

Annotated Outline: Targeted Code Updates

A new Chapter 20.11 – Infill and Redevelopment is proposed to replace the current adaptive reuse overlay and infill development standards in Chapter 20.10 – Supplemental Use Regulations. The new chapter creates a centralized location for infill and adaptive reuse incentives, as well as baseline and supplemental standards to support each of the focus areas addressed in this document. The new chapter also provides select cross-references or exceptions to applicable provisions in other titles of the city’s Code of Ordinances.

An annotated outline of the proposed chapter is provided below, drawing from the targeted code update recommendations provided for each of the focus areas.

Opportunities for broader community awareness and involvement of neighborhoods in the development process will also be explored in conjunction with proposed changes to the code. In particular, expanded opportunities for input on major development projects, rezonings, and the use of public land/incentives should be explored.

CHAPTER 20.11 – INFILL AND REDEVELOPMENT (NEW)

PURPOSE

A new purpose statement will be drafted to reflect the 2022 Policy priorities, promote alignment with supporting plans and policies, and incorporate more specific statements related to each of the focus areas outlined in this document.

APPLICABILITY

Existing location criteria contained in 20.10.280 will be replaced with a map of Infill Priority Areas for simplicity. However, some incentives will be limited to Level 1 Priority Areas or only available to projects that provide certain community benefits (e.g., affordable housing units, adaptive reuse of a historic building, community services, community amenities such as parks and recreation spaces).

BASELINE FLEXIBILITY BY LOCATION

This section establishes administrative exceptions to existing development standards available to infill development and/or adaptive reuse projects in Priority Infill Areas. Certain projects could trigger additional review based on their size, type, and/or potential impacts. Two primary distinctions are proposed, building on the Priority Initiatives.

Baseline Flexibility ¹⁶	Level 1 Priority Areas (Core Area Centers and Corridors)		Level 2 Priority Areas (Older Neighborhoods)	
	Infill	Adaptive Reuse	Infill	Adaptive Reuse
Setbacks				
Building Height				
Parking				
Housing Types				
Accessory Dwelling Units				

¹⁶ This list is preliminary. It represents the parameters that were cited with the most frequency as barriers.

SUPPLEMENTAL STANDARDS

Supplemental standards address some of the current gaps in code related to massing and form, building orientation, stormwater best management practices, etc. While some of the supplemental standards may be structured as a “menu” of options, like the Selective Design Guidelines in 20.10.280 (Infill Development), they require applicants select from multiple categories to ensure projects incorporate site and building design guidance provided by the Priority Initiatives. Potential categories and topics are listed below as a starting point for discussion.

Site Planning

- Complete streets
- Common open space
- Parking location
- Residential adjacency standards

Building massing and form

- Consistent with established building forms [Level 2 Priority Areas only]
- Orientation of primary and secondary entrances to transit corridors
- Orientation of primary and secondary entrances to existing or planned trail, park, or another public amenity

Sustainable Design and Development Practices

- Low Impact Development (LID)
- Low-water landscaping
- Green Building
- Transit-supportive amenities (e.g., on bus bike holders, shade shelters, comfortable benches, off-bus fare collection, ramps, signage, bike racks, and shower facilities at larger transit stations)
- Renewable energy

REGULATORY INCENTIVES

Additional height and density incentives may be available to infill projects in Level 1 Priority Areas and/or to projects that provide specific community benefits. To access incentives, infill projects are required to provide community benefits outlined below [others may be added]. Incentives will be calibrated to ensure the magnitude of the community benefit provided equates to the incentive given. Different types of flexibility may need to be provided for 100% affordable projects (e.g., flexibility in build-to lines or lot coverage).

Historic Preservation/Adaptive reuse

- Rehabilitation of a local, state, or national landmark
- Adaptive reuse of an undesignated historic resource [outside of historic district]

Housing options¹⁷

- A minimum 15 percentage of units are affordable to certain income threshold [This is the baseline; addition tiers will be added for the draft regulations]
- Incorporates missing middle housing or other underrepresented housing types (e.g., microunits, senior housing)
- Density or height bonus in constrained areas

Public amenities

- On-site open space or parks
- Sidewalks, street trees, and/or infrastructure improvements above what is required

Mix of uses

- Projects with a mix of uses that will significantly increase access to higher-paying jobs in priority areas [a range will be developed in conjunction with the draft amendments]
- Projects with a mix of uses that will significantly improve access to services and amenities in a currently underserved area [a

17 Required AMI thresholds for current City of El Paso housing incentives are based on the criteria for specific funding tools. A target AMI based on tenure will need to be developed in conjunction with these targeted code amendments.

range will be developed in conjunction with the draft amendments]

Equity

- Project dedicates affordable retail space or residential units for relocation of displaced businesses or residents
- Project incorporates public amenities that will be accessible to residents of the surrounding neighborhood

FINANCIAL INCENTIVES

This section outlines the range of financial incentives available to certain types of infill projects and addresses linkages to other sections of the new Chapter 20.11, as applicable. While the detail of every program is not provided here, this section allows applicants to quickly assess the types of programs available for specific projects and the necessary steps to follow to pursue financial incentives. The intent would be to bring forward this section with proposed text amendments, but to reference a living document/page on the Economic & International Development Department website for ease of administration.

El Paso Financial Incentives

For each of the incentives listed, the city should stipulate: Eligible Projects, Required Community Benefits, Terms/Conditions, Approval Requirements (administrative vs city council).

- Chapter 380 Agreements (Property Tax Abatement/Deferral)
- Tax Increment Reinvestment Grants/Loans
- Development Fee Waivers/Rebates
- Direct Project Loans/Grants
- City Land Lease/Donation
- City Sponsored Public Facilities Corporation
- Special or Public Improvement District

County/State/Federal Financial Incentives

For each of the incentives listed, the city should stipulate: Eligible Projects, Required Community Benefits, Terms/Conditions, Approval Requirements (administrative vs city council).

- 9% Low Income Housing Tax Credits
- 4% Low Income Housing Tax Credits
- Federal Historic Preservation Tax Credits
- State of Texas Historic Preservation Tax Credits
- County Chapter 381 Agreements (Property Tax Abatement/Deferral)
- Non-City Sponsored Public Facilities Corporation