

Renard U. Johnson
Mayor

Dionne Mack
City Manager



CITY COUNCIL
Alejandra Chávez, District 1
Josh Acevedo, District 2
Deanna Maldonado-Rocha, District 3
Cynthia Boyar Trejo, District 4
Ivan Niño, District 5
Art Fierro, District 6
Lily Limón, District 7
Chris Canales, District 8

AGENDA FOR THE REGULAR COUNCIL MEETING

September 03, 2025
COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM

Teleconference phone number: 1-915-213-4096
Toll free number: 1-833-664-9267
Conference ID: 153-781-51#

Notice is hereby given that a Regular Meeting of the City Council of the City of El Paso will be conducted on September 3, 2025, at 9:00 A.M. Members of the public may view the meeting via the following means:

Via the City's website: <http://www.elpasotexas.gov/videos>
Via television on City15,
YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

At the prompt, please enter Conference ID: Phone conference ID: 153-781-51#

The public may sign up to speak on items on this agenda before the 9:00 AM deadline on the meeting day at the following links:

For Call to the Public:

<https://app.smartsheet.com/b/form/dfad29e838da41fd86052bb264abd397>

To Speak on Agenda Items:

<https://app.smartsheet.com/b/form/7086be5f4ed44a239290caa6185d0bdb>

9:00 A.M. PLEDGE OF ALLEGIANCE

Canutillo High School and Northwest Early College High School at the Invitation of City Representative Alejandra Chávez

**Mason Gossett
Elias Ocon
Mia Valle
Moises Aguirre
Leen Azzam
Bianca Macias**

MAYOR'S PROCLAMATIONS

100th Anniversary of Cathedral High School

Josie Karam Day

El Paso International City of Peace Day

Childhood Cancer Awareness Month

El Paso Startup Week

10:00 A.M. ROLL CALL

A QUORUM OF THE CITY COUNCIL MUST BE PRESENT AT THIS TIME

INVOCATION

PUBLIC COMMENT ON CONSENT AGENDA AND REGULAR AGENDA ITEMS

Public comment on agenda items will begin at 10:00 a.m. Request to speak must be received by 9:00 a.m. on the day of the meeting.

Members of the public may choose to comment at 10:00 a.m. or at the time the item is heard, but not both.

CALL TO THE PUBLIC (CITY RELATED NON-AGENDA ITEMS)

Call to the Public will begin at 10:00 a.m. Requests to speak must be received by 9:00 a.m. on the date of the meeting. Sixty minutes in total will be devoted for Call to the Public. This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA - APPROVAL OF MINUTES:

1. Approval of the Minutes of the Work Session of August 18, 2025, and the Special Meeting of August 18, 2025. [25-1091](#)

All Districts

City Clerk's Office, Laura D. Prine, (915) 212-0049

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS [25-95](#)

CONSENT AGENDA - RESOLUTIONS:

3. A Resolution that the City Manager, or designee, is authorized to sign the First Amendment to the Air Cargo Center Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Landlord"), and Science Applications International Corporation, a Delaware Corporation authorized to do business in Texas, as ("Tenant"), at the Air Cargo Center located at 301 George Perry Blvd., Suite C & D, El Paso, Texas 79925, to extend the current option period until December 31, 2025, add an option to extend for five (5) years. [25-1026](#)

District 3

Airport, Tony Nevarez, (915) 212-7301

Airport, Debbie Olivas, (915) 212-7337

4. A Resolution that the City Manager, or designee, is authorized to sign a First Amendment to the Concession and License Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "City"), and SWYFT, Inc. ("Concessionaire"), located at 6701 Convair Road, El Paso, Texas, 79925, to increase the number of Automated Retail Machines, increase the square footage of the Concession site, adjust the rate per square foot, and change the annual rate. [25-1037](#)

District 3

Airport, Tony Nevarez, (915) 212-7301

Airport, Debbie Olivas, (915) 212-7337

5. A Resolution that the City Manager, or designee, be authorized to sign an Eighth Amendment to Lease Agreement by and between the City of El Paso ("Lessor") and Azar - Coleman Properties, ("Lessee") to the Lease Agreement dated June 8, 1982, as amended, for the purposes of removing the property upon which the Cattle Baron Restaurant is located, the remaining Leasehold interest is described as: [25-1089](#)
- Portion of Lot 1, Block 19, El Paso International Airport Tract, Unit 10, City of El Paso, El Paso County, Texas. Such leased premises are sometimes referred to as Parcel 1, Tract C (41,152.06 SF), Tract D (39,844.00 SF); and
- A Portion of Lot 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas. Such Leased premises are sometimes referred to as Parcel 3, Tract A (288,727.35 SF), Tract B (54,958.78SF).
- District 3**
Airport, Tony Nevarez, (915) 212-7301
Airport, Debbie Olivas, (915) 212-7337
6. A Resolution authorizing the City Manager or designee to ratify the outstanding invoices owed to LexisNexis Coplogic Solutions totaling \$67,500.00 relating to the annual maintenance for the El Paso Police Department's online reporting program and to sign any related paperwork to pay the outstanding invoices and authorize any budget transfers necessary to effectuate the payment of the outstanding invoices. [25-1088](#)
- All Districts**
Police, Executive Assistant Chief Zina Silva, (915) 212-4306
7. A Resolution authorizing the Mayor to sign the Interlocal agreement between the 911 District, City of El Paso, and the County of El Paso for Law Enforcement Information Sharing for the On-Call Records Management System. The City will fund the On-Call Records Management System (RMS) at 50% and the County of El Paso will fund in the amount of 50%. The 911 District will serve as the provider of the infrastructure, software application, and technical support for the RMS. [25-1061](#)
- All Districts**
Information Technology, Carolyn Patrick, (915) 212-1408
Police, Chief Peter Pacillas, (915) 212-4305
8. A Resolution re-establishing the AmeriCorps Seniors Advisory Council for the purpose of advising the City of El Paso on matters regarding the Retired and Senior Volunteer Program (RSVP), and the Foster Grandparents Program (FGP) also known as Senior Corps. [25-1070](#)
- All Districts**
Community and Human Development, Nickole H. Rodriguez, (915) 212-1673
City Attorney's Office, Sarah L. Hartnett, (915) 212-1141
9. A Resolution establishing the Greater El Paso, Civic, Convention and Tourism Advisory Board for the purpose of advising the City of El Paso on Matters [25-1084](#)

related to Promotion of Tourism and Convention Activity in the City.

All Districts

Destination El Paso, Ben Fyffe, (915) 212-1766
City Attorney's Office, Ignacio Troncoso, (915) 212-1046

10. A Resolution amending the enabling resolution of the Bond Overview Advisory Committee (BOAC) in accordance with the direction provided by the El Paso City Council on May 12, 2025 to standardize the Boards and Commissions of the City of El Paso. [25-1085](#)

All Districts

Capital Improvement Department, Yvette Hernandez, (915) 212-0065

11. A Resolution that the Taxpayer, DOUGLAS M. & SILVIA A WATTS, have met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2024 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$2,761.91, for the property with the following legal description: 2 STONEHEDGE ESTATES LOT 11. [25-1063](#)

District 1

Tax Office, Maria O. Pasillas, (915) 212-0106

CONSENT AGENDA - SPECIAL APPOINTMENT:

12. Ratify the reappointment of Gary M. Borsch to the Fire and Police Pension Fund Board of Trustees by City Manager Dionne Mack. [25-1090](#)
City Manager's Office, City Manager Dionne Mack, (915) 212-0023

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

13. Elizabeth Thurmond-Bengtson to the Zoning Board of Adjustment by Mayor Renard U. Johnson. [25-1138](#)
Members of the City Council, Mayor Renard U. Johnson, (915) 212-0023

CONSENT AGENDA - BOARD APPOINTMENTS:

14. Gabriel Gonzalez to the Capital Improvements Advisory Committee by Representative Alejandra Chávez, District 1. [25-1142](#)
Members of the City Council, Representative Alejandra Chávez, (915) 212-0001

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

15. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Alejandra Chávez in the amount of \$1,500 from Donald & Adair Margo, \$1,500 from Ryan & Meghan McCrory and \$1,000 from [25-1109](#)

Steve Ortega.

Members of the City Council, Representative Alejandra Chávez, (915) 212-0001

REGULAR AGENDA - FIRST READING OF ORDINANCES:

INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the first reading of ordinances. Public comments are invited at the date of the scheduled public hearing.

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 10:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 300 N. Campbell, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

- 16.** An Ordinance granting Special Permit No. PZST24-00018, to allow for infill development with reduction to rear and side street setbacks on the property described as Lots 28, 29, 30, and 31, Block 23, Second Revised Map of Sunset Heights, 506 Randolph Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

[25-1067](#)

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 506 Randolph Drive
Applicant: Hugo Castillo, PZST24-00018

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Blanca Perez, (915) 212-1561

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

- 17.** An Ordinance changing the zoning of a portion of Tract 9, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1068](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: South of Artcraft Rd. and West of Westside Dr.
Applicant: Artwest Ventures LLC PZRZ24-00005

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Andrew Salloum, (915) 212-1603

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

18. An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as a portion of Tract 9, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-4, Suburban (Walkable).

[25-1071](#)

Subject Property: South of Artcraft Rd. and West of Westside Dr.
Applicant: Artwest Ventures LLC PLCP24-00003

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Andrew Salloum, (915) 212-1603

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

19. An Ordinance granting Special Permit No. PZST24-00007, to allow for a governmental use, building on the property described as Tract 1B, A.F. Miller Survey 214, 6500 N. Mesa Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

[25-1072](#)

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 6500 N. Mesa Street
Applicant: City of El Paso, PZST24-00007

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Andrew Salloum, (915) 212-1603

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

20. An Ordinance changing the zoning of a portion of Tract 1B (n/k/a Tract 1B1), Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas from R-3A (Residential) to P-R II (Planned Residential II). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1074](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: Dewberry Dr. (North of Woodrow Bean Transmountain Dr. and East of Resler Dr.)
Applicant: DVEP Land LLC, PZRZ25-00010

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jose Beltran, (915) 212-1607

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

21. An Ordinance granting Special Permit No. PZST25-00003, to allow for a professional office, front, rear and side setback reduction, and 70% parking reduction on the property described as Lots 7, 8, and 9, Block 60, Franklin Heights Addition, 1514 Montana Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

[25-1075](#)

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 1514 Montana Avenue
Applicant: John Falvey, PZST25-00003

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Blanca Perez, (915) 212-1561

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

22. An Ordinance changing the zoning of the property described as the West 10 feet of Lot 22, all of Lot 23, and the East 5 feet of Lot 24, Block 17, Cotton Addition, 2320 Montana Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development), pursuant to Section 20.04.360, and approving a Detailed Site Development Plan pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for a boutique as permitted in the S-D (Special Development) zone district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1076](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 2320 Montana Avenue
Applicant: Ana Lujan, PZRZ25-00002

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Blanca Perez, (915) 212-1561

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

23. An Ordinance granting Special Permit No. PZST25-00002, to allow for a 100% parking reduction and a rear setback reduction on the property described as the northerly 58.90 feet of Lot 16 and the northerly 58.90 feet of the easterly-half of Lot 15, Block 13, Cotton Addition, 809 N. Eucalyptus Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1077](#)

The proposed Special Permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's

Comprehensive Plan.

Subject Property: 809 N. Eucalyptus Street
Applicant: John M. Holland LLC, PZST25-00002

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jose Beltran, (915) 212-1607

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

24. An Ordinance changing the zoning of a portion of Lot 54, Cinecue Park Subdivision, 8172 Lowd Avenue, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1078](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 8172 Lowd Avenue
Applicant: Armando and Leticia Urenda, PZRZ25-00017

District 7

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Blanca Perez, (915) 212-1561

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

25. An Ordinance changing the zoning of Lot 1, Block 1, Shadow Mountain, 201 Shadow Mountain Drive, City of El Paso, El Paso County, Texas from G-MU/c (General Mixed Use/conditions) to C-1/c (Commercial/conditions) and Lot 1, Block 1, Shadow Mountain Unit Two, 135 Shadow Mountain Drive, City of El Paso, El Paso County, Texas from G-MU (General Mixed Use) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1079](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 201 and 135 Shadow Mountain Drive
Applicant: Saadatkhah Abdolkarim, PZRZ25-00016

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Blanca Perez, (915) 212-1561

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

26. An Ordinance changing the zoning of a portion of Lot 3, Block B, Arnold Foothills, 7750 Alabama Street, City of El Paso, El Paso County, Texas from C-1 (Commercial) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1081](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7750 Alabama Street
Applicant: Karam Development, PZRZ25-00014

District 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Blanca Perez, (915) 212-1561

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2025

27. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.090 (Motor Vehicles) and Section 13.24.010 (Creation and Purpose of Parks and Recreation Department; Definitions; and Sale of Goods and Services) to allow motor vehicles to drive and park at Lincoln Park for permitted Cultural Events with a penalty as provided by Section 13.24.220.

[25-1107](#)

District 2

Parks and Recreation, Pablo Caballero, (915) 212-0092
City Attorney's Office, Jesus Quintanilla, (915) 212-0033

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2025

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

28. An Ordinance changing the zoning of being a portion of Tract 8, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to G-MU (General Mixed Use), approving a master zoning plan, and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-916](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: Generally North of Talbot Ave. and West of S. Desert Blvd.
Applicant: Sangiovese, LLC PZRZ24-00021

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Andrew Salloum, (915) 212-1603

29. An Ordinance changing the zoning of Lot 6 and a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3101 N. Lee Trevino Drive, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-980](#)

The proposed rezoning meets the intent of the Future Land Use designation for

the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 3101 North Lee Trevino Drive
Applicant: Martha Summerford, PZRZ24-00033

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jose Beltran, (915) 212-1607

30. An Ordinance granting Special Permit No. PZST24-00015, to allow for a ballroom on the property described as all of Lot 6 and a portion of Lot 5, Block 48, Pebble Hills Subdivision Unit 4 Replat A, 3101 N. Lee Trevino Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being a provided in Chapter 20.24 of the El Paso City Code.

[25-981](#)

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 3101 North Lee Trevino Drive
Applicant: Martha Summerford, PZST24-00015

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jose Beltran, (915) 212-1607

31. An Ordinance changing the zoning of a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3113 North Lee Trevino Drive, City of El Paso, El Paso County, Texas from C-1 (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-982](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 3113 North Lee Trevino Drive
Applicant: The Savage Oil Company, PZRZ24-00028

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Jose Beltran, (915) 212-1607

32. An Ordinance granting Special Permit No. PZST24-00005, to allow for a planned residential development on the property described as Lot 34, and 35, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.470 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

[25-983](#)

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's

Comprehensive Plan.

Subject Property: 7233-7235 Dale Road
Applicant: EVIS Properties LLC, PZST24-00005

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Saul J. G. Pina, (915) 212-1604

33. An Ordinance changing the zoning of the following real property known as: Parcel 1: A Portion of Tract 3A, S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas from R-3 (Residential) to PR-II (Planned Residential II); and, Parcel 2: A Portion of Tract 3A, S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial); and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[25-1005](#)

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: North of Montoya Ln., and West of Desert Blvd.
Applicant: Charles Patrick Mitchell, PZRZ25-00005

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Saul J. G. Pina, (915) 212-1604

34. An Ordinance Repealing Ordinances 011469 and 019329 that created the Americorps Seniors Advisory Council of the City of El Paso.

[25-1019](#)

All Districts

Community and Human Development, Nickole H. Rodriguez, (915) 212-2673
City Attorney's Office, Sarah L. Harnett, (915) 212-1141

35. An Ordinance repealing Ordinance No. 015105 (an Ordinance Creating the Greater El Paso Civic, Convention and Tourism Advisory Board) as amended by Ordinance No. 017990, to repeal references and language regarding the Greater El Paso Civic, Convention and Tourism Advisory Board.

[25-1021](#)

All Districts

Destination El Paso, Ben Fyffe, (915) 212-1766
City Attorney's Office, Ignacio Troncoso, (915) 212-1046

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

36. Discussion and action to direct the City Manager to explore and develop a comprehensive set of anti-displacement strategies, tools, and policies grounded in best practices and tailored to El Paso's context, with a particular focus on vulnerable neighborhoods experiencing emergent economic pressures, redevelopment activity, and/or rising housing costs. This framework may include, but is not limited to: tenant protections to the extent allowed by state law; preservation of naturally occurring affordable housing; income-targeted

[25-1135](#)

zoning and overlay tools; community ownership models such as community land trusts (CLTs), limited-equity housing cooperatives, tenant opportunity to purchase/right of first refusal programs, and community development corporations (CDCs); and other relevant strategies. Preliminary recommendations and potential implementation pathways shall be presented for Council consideration on a timeline consistent with the implementation of other forthcoming Goal 8 housing strategies.

All Districts

Members of the City Council, Representative Chris Canales, (915) 212-0008

37. Discussion and action that the City Council declares that the expenditure of District 6 discretionary funds in the amount of \$5,000.00 to fund Representative Fierro's attendance at the National Association of Latino Elected and Appointed Officials (NALEO) Training serves a municipal purpose of setting the standard for sound governance and fiscal management as well as for a safe and secure city. [25-1136](#)

District 6

Members of the City Council, Representative Art Fierro, (915) 212-0006

38. Discussion and action to direct the City Manager to have staff work in coordination with the El Paso Short-Term Rental Alliance and return to City Council within 60 days with a written report outlining: [25-1140](#)

Identified safety issues and concerns related to short-term rentals in the City of El Paso, and

An update on the current state of short-term rentals within the city.

All Districts

Members of the City Council, Representative Deanna Maldonado-Rocha, (915) 212-0003

39. Discussion and action to direct the City Manager to organize and host an open meeting within 60 days with local contractors to receive feedback regarding the City of El Paso's current contracting and procurement processes. The purpose of the meeting is to: [25-1141](#)

Solicit input on how to improve contract language and bid documents,

Understand factors that influence contractors' decisions to submit or not submit bids for City projects,

Increase competition and participation in future City solicitations.

The meeting will serve as a forum for open dialogue between City staff and the contracting community to identify opportunities for improvement and enhance transparency, efficiency, and accessibility in the City's procurement practices.

All Districts

Members of the City Council, Representative Deanna Maldonado-Rocha, (915) 212-0003

Members of the City Council, Representative Alejandra Chávez, (915) 212-0001

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

[25-1087](#)

40. Discussion and action on the request that the Director of Purchasing & Strategic Sourcing be authorized to issue Purchase Order(s) for solicitation 2025-0363 Flight View and Flight Status Software and Maintenance to OAG Aviation Worldwide, LLC the sole and authorized distributor of FlightView Web Components and FlightView XML Flight Status Data for a term of three (3) years for an estimated amount of \$145,646.62. Supplier will be required to provide an updated sole source letter and affidavit each year. This contract will allow the continuation of services are for arrival and departure schedules and other flight information to be displayed in the terminal and on the airport's website, as well as a flight tracker map.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$7,884.45 for the initial term, which represents a 5.72% increase due to a price increase for software and maintenance.

Department:	Aviation
Award to:	OAG Aviation Worldwide LLC
City & State:	Chicago, IL
Item(s):	All
Initial Term:	3 Years
Option Term:	N/A
Total Contract Time:	3 Years
Annual Estimated Award:	\$48,548.87
Term Estimated Award:	\$145,646.62
Option Term Estimated Award:	N/A
Total Estimated Award:	\$145,646.62
Account(s):	562-3000-62030-522150-P6203
Funding Source(s):	Airport Operations Fund
District(s):	All

Non-Competitive Procurement under Local Government General Exemption: Section 252.022 - (7) a procurement of items that are available from only one source - (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;

The Purchasing & Strategic Sourcing and El Paso International Airport Departments recommend award as indicated to OAG Aviation Worldwide LLC under the exemption listed above.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

All Districts

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-0043
Airport, Tony Nevarez, (915) 212-7301

REGULAR AGENDA - OTHER BUSINESS:

- 41.** Discussion and action on a Resolution authorizing the City Manager to sign a Chapter 380 Economic Development Program Agreement (“Agreement”) by and between the CITY OF EL PASO (“City”) and FERVERET, INC., (“Applicant”), to further the municipal purpose of promoting economic development in the City, in support of the business operations at the Innovation Factory located at 501 George Perry Suite F, El Paso, Texas 79925 and as more particularly described and depicted on *Exhibit A* of the Agreement. The business operations include the development of the Applicant’s immersion cooling solution technology, which aims to address the increasing demand for power-intensive microchips and reduce data center emissions. The Agreement requires the Applicant to create 30 full-time employees, or an equivalent number of hours at or above the median county wage for El Paso County, Texas within the first 3 years of the Agreement. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$875,634.84 in the form of Rental Assistance, Operating Expenses, Tenant Improvements, and Business Expense assistance. [25-1080](#)

District 3

Economic and International Development, Jessica Cordova, 915-212-0094
Economic and International Development, Karina Brasgalla, 915-212-0094

- 42.** Discussion and action on a Resolution authorizing the Mayor of El Paso to enter into a Memorandum of Understanding with the City of Sunland Park, New Mexico, in order to coordinate and share development information along the shared boundaries of the two jurisdictions. [25-1082](#)

Districts 1 and 8

Planning and Inspections, Philip Etiwe, (915) 212-1553
Planning and Inspections, Kevin Smith, (915) 212-1566

- 43.** Discussion and action on a Resolution authorizing budget transfers, as part of the fiscal year 2025 year-end closing process, in the estimated amount of \$15.4 million comprised from investment earnings, unspent bond proceeds and prior appropriations to be allocated to cover specified expenditures. [25-1093](#)

All Districts

City Manager’s Office, Robert Cortinas, (915) 212-1067

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
Section 551.089	DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED MEETING

ADJOURN

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for Regular City Council Meetings. If you need Spanish Interpretation Services, please email CityClerk@elpasotexas.gov by 12:00 p.m. on the Friday before the meeting.

Si usted necesita servicios de interpretación en español, favor de enviar un correo electrónico a CityClerk@elpasotexas.gov a mas tardar a las 12:00 p.m. del viernes previo a la fecha de la junta.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET ON WEDNESDAY PRIOR TO THE MEETING AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 25-1091, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

City Clerk's Office, Laura D. Prine, (915) 212-0049

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Approval of the Minutes of the Work Session of August 18, 2025, and the Special Meeting of August 18, 2025.

RENARD U. JOHNSON
MAYOR

DIONNE MACK
CITY MANAGER



CITY COUNCIL
ALEJANDRA CHÁVEZ, DISTRICT 1
JOSH ACEVEDO, DISTRICT 2
DEANNA MALDONADO-ROCHA, DISTRICT 3
CYNTHIA BOYAR TREJO, DISTRICT 4
IVAN NIÑO, DISTRICT 5
ART FIERRO, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CHRIS CANALES, DISTRICT 8

CITY COUNCIL WORK SESSION MINUTES
August 18, 2025
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 A.M.

.....
The City Council met at the above place and date. The meeting was called to order at 9:35 a.m. Mayor Renard Johnson was present and presiding. The following Council Members answered roll call: Josh Acevedo, Deanna Maldonado-Rocha, Cynthia Boyar Trejo, Ivan Niño, Art Fierro, Lily Limón, and Chris Canales. Late arrival: Alejandra Chávez at 9:40 a.m.

.....
AGENDA

-
1. Presentation and discussion on the Overview of the Procurement Sourcing Policy and Procurement Process. Session 3 - Contract Administration & Vendor Outreach.

The following City staff member presented a PowerPoint presentation (copy on file in the City Clerk's Office).

- Ms. Claudia Garcia, Purchasing and Strategic Sourcing Director
- Ms. Nicole Cote, Deputy City Manager

Mayor Johnson and Representatives Chávez, Acevedo, Maldonado-Rocha, Boyar Trejo and Niño commented.

The following City Staff members commented:

- Ms. Anthony Dekeyzer, Director of Mass Transit Sun Metro
- Ms. Yvette Hernandez, Deputy City Manager

NO ACTION was taken on this item.

.....
EXECUTIVE SESSION

Motion made by Alternate Mayor Pro Tempore Fierro seconded by Representative Limón, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION**, at 10:39 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.074 PERSONNEL MATTERS
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Motion made by Representative Maldonado-Rocha, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 3:41 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Chávez, Acevedo, Maldonado-Rocha, Boyar Trejo, Niño, Fierro, Limón, and Canales

NAYS: None

.....
EX1. Claim of Willie Jenkins-Claim 786 (551.071)

Motion made by Mayor Pro Tempore Chávez, seconded by Representative Limón, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be authorized to **DENY** the claim of Willie C. Jenkins, in HQ Matter Number CLAIM-786, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Chávez, Acevedo, Maldonado-Rocha, Niño, Fierro, Limón, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Boyar Trejo

.....
EX2. TJW Aviation, LLC and Far West Texas & Southern New Mexico Trauma Regional Advisory Council d/b/a BORDERRAC v. City of El Paso, Cause No. 2025DCV3589 (551.071)

NO ACTION was taken on this item.

.....
EX3. Application of El Paso Electric Company for Approval of an Amendment to its Generation Cost Recovery Rider to Include the Texas Solar One Generation Facility - PUC#57974; HQ#UTILITY-65 (551.071)

NO ACTION was taken on this item.

.....
EX4. Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity (CCN) for a 100 MW Solar and 100 MW Battery Storage Facility; PUC# 57501 - HQ#UTILITY-61 (551.071)

NO ACTION was taken on this item.

.....
EX5. Discussion on economic development opportunities in El Paso, Texas HQ#25-3471 (551.087)

NO ACTION was taken on this item.

.....
EX6. Discussion on economic development opportunities in Northeast El Paso, Texas HQ#25-5335 (551.087)

NO ACTION was taken on this item.

.....
EX7. Discussion on economic development opportunities in El Paso, Texas HQ#25-4367 (551.087)

NO ACTION was taken on this item.

.....
EX8. Discussion on the purchase, exchange, lease or value of real property located in Northeast El Paso, Texas HQ#24-2555 (551.072)

NO ACTION was taken on this item.

.....
EX9 City Manager evaluation and legal consultation regarding employment agreement, amendment to the employment agreement, evaluation process and duties of City Manager. (551.071) (551.074)

NO ACTION was taken on this item.

.....
EX10 Legal consultation regarding amendment to the City Attorney employment agreement and evaluation form. (551.071) (551.074)

NO ACTION was taken on this item.

.....
Motion made by Representative Limón, seconded by Representative Maldonado-Rocha, and unanimously carried to **ADJOURN** the meeting at 3:43 p.m.

AYES: Representatives Chávez, Acevedo, Maldonado-Rocha, Boyar Trejo, Niño, Fierro, Limón, and Canales

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

RENARD U. JOHNSON
MAYOR

DIONNE MACK
CITY MANAGER



CITY COUNCIL
ALEJANDRA CHÁVEZ, DISTRICT 1
JOSH ACEVEDO, DISTRICT 2
DEANNA MALDONADO-ROCHA, DISTRICT 3
CYNTHIA BOYAR TREJO, DISTRICT 4
IVAN NIÑO, DISTRICT 5
ART FIERRO, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CHRIS CANALES, DISTRICT 8

CITY COUNCIL SPECIAL MEETING MINUTES
August 18, 2025
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 A.M.

.....

The City Council met at the above place and date. The meeting was called to order at 9:02 a.m. Mayor Renard Johnson was present and presiding. The following Council Members answered roll call: Alejandra Chávez, Josh Acevedo, Deanna Maldonado-Rocha, Cynthia Boyar Trejo, Ivan Niño, Art Fierro, and Lily Limón. Late arrival: Chris Canales at 9:09 a.m.

.....

AGENDA

.....

1. Public Hearing and action on the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 18, 2025, which begins on September 1, 2025 and ends on August 31, 2026.

Mr. Robert Cortinas, Chief Financial Officer, introduced the item and responded to questions.

Mayor Johnson and Representatives Chávez, Acevedo, Niño, Fierro, Limón, and Canales commented.

Ms. Dionne Mack, City Manager, commented.

The public hearing was **OPENED** at 9:03 a.m.

Mr. Michael Clark, citizen, commented.

The public hearing was **CLOSED** at 9:30 a.m.

1ST MOTION

Motion made by Mayor Pro Tempore Chávez, seconded by Representative Boyar Trejo, and carried to **AMEND** the proposed budget to allocate from the City's already established General Fund \$6,000 for each district office. These funds are to be used exclusively for travel in our official capacity that supports the advancement of the City of El Paso's Strategic Plan. Any portion of these allocated funds not used by a Council Member shall revert to the General Fund Travel Budget at the end of the fiscal year. This policy aligns with all the City's Strategic Goals and, as outlined in the City Charter, the Mayor and Council may act to accomplish any lawful purpose for the "advancement of the interest, welfare, health, morals, comfort, safety, and convenience of its city and its inhabitants".

AYES: Representatives Chávez, Acevedo, Maldonado-Rocha, Boyar Trejo, Niño, and Fierro

NAYS: Representatives Limón and Canales

2ND AND FINAL MOTION

Motion made by Representative Maldonado-Rocha, seconded by Representative Niño, and unanimously carried to **POSTPONE** the vote on the proposed budget until August 19, 2025.

AYES: Representatives Chávez, Acevedo, Maldonado-Rocha, Boyar Trejo, Niño, Fierro, Limón, and Canales

NAYS: None

.....
Motion made by Representative Limón, seconded by Representative Fierro and unanimously carried to **ADJOURN** the meeting at 9:31 a.m.

AYES: Representatives Chávez, Acevedo, Maldonado-Rocha, Boyar Trejo, Niño, Fierro, Limón, and Canales

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 25-95, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS



Legislation Text

File #: 25-1026, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Airport, Tony Nevarez, (915) 212-7301

Airport, Debbie Olivas, (915) 212-7337

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution that the City Manager, or designee, is authorized to sign the First Amendment to the Air Cargo Center Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Landlord"), and Science Applications International Corporation, a Delaware Corporation authorized to do business in Texas, as ("Tenant"), at the Air Cargo Center located at 301 George Perry Blvd., Suite C & D, El Paso, Texas 79925, to extend the current option period until December 31, 2025, add an option to extend for five (5) years.

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



DEPARTMENT: Aviation

AGENDA DATE: 09/03/2025

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME: Tony Nevarez

PHONE NUMBER: 915 212-7301

2nd CONTACT PERSON NAME: Debbie Olivas

PHONE NUMBER: 915 212-7337

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL: Create an Environment Conducive to Strong, Sustainable Economic Development.

SUBGOAL: 1.4 Grow the core business of air transportation.

SUBJECT:

A Resolution that the City Manager, or designee, is authorized to sign the First Amendment to the Air Cargo Center Agreement by and between the the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Landlord"), and Science Applications International Corporation, a Delaware Corporation authorized to do business in Texas, as ("Tenant"), at the Air Cargo Center located at 301 George Perry Blvd., Suite C & D, El Paso, Texas 79925, to extend the current option period until December 31, 2025, add an option to extend for five (5) years.

BACKGROUND / DISCUSSION:

Science Applications International Corporation (SAIC) is a leading technology integrator supporting government operations worldwide. The Annual Rent is \$246,699.07, or \$20,558.26 monthly. If SAIC exercises the second option, the rent will be adjusted according to the increase in the Consumer Price Index, but by no more than 20% from the base year rate.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

06/20/2023

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue-generating item.

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)
N/A	

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

DEPARTMENT HEAD:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager, or designee, is authorized to sign the First Amendment to the Air Cargo Center Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "Landlord"), and Science Applications International Corporation, a Delaware Corporation authorized to do business in Texas, as ("Tenant"), at the Air Cargo Center located at 301 George Perry Blvd., Suite C & D, El Paso, Texas 79925, to extend the current option period until December 31, 2025, add an option to extend for five (5) years.

APPROVED this _____ day of _____ 2025.

CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

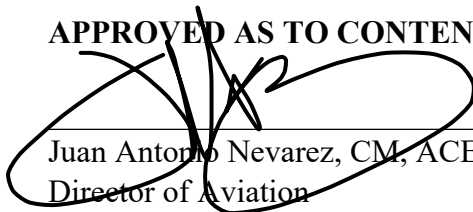
Laura D. Prine, City Clerk

APPROVED AS TO FORM



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Juan Antonio Nevarez, CM, ACE, IACE
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO) First Amendment to Air Cargo Center Agreement

This First Amendment to the Air Cargo Center Agreement (“**First Amendment**”) is entered on _____, 2025 (“**Effective Date**”) between the City of El Paso (“**Landlord**”), a home-rule municipality existing under the laws of the State of Texas, and Science Applications International Corporation, a Delaware Corporation authorized to do business in Texas, as (“**Tenant**”), and collectively referred to as the (“**Parties**”).

WHEREAS, on June 20, 2023, the Parties entered into an Air Cargo Center Agreement (“**Lease**”), to lease space at the Air Cargo Center located at 301 George Perry Blvd., Suite C & D, El Paso, Texas 79925; and

WHEREAS, the Parties wish to amend the Lease to extend the current option period until December 31, 2025, add an option to extend for five (5) years, and to amend the Notice of Termination section.

NOW, THEREFORE, the Parties agree as follows:

1. That **Section 4.02 Option to Extend** is hereby amended to read as follows:

Section 4.02 Option to Extend

In the event that Tenant is not in default of any terms of this Lease beyond any applicable notice and cure period, Tenant shall have the option to extend this Lease for one (1) additional term of one (1) year. Tenant may exercise the option (“**Option Period**”) by notifying Landlord in writing in not more than one hundred twenty (120) days and not less than ninety (90) days prior to the expiration of the Initial Term. In the event Tenant exercises its option, the Lease shall be extended for one (1) year on the same terms and conditions, except that Rental for this Option Period shall be readjusted as noted below.

- A. The Parties hereby agree and acknowledge that, so long as the Lessee is not in default of any terms of this Lease beyond any applicable notice and cure period, the current Option Period will extend from June 20, 2025 until December 31, 2025, on the same terms and conditions.
- B. The parties hereby agree and acknowledge that, so long as the Lessee is not in default of any terms of this Agreement beyond any applicable notice and cure period, the Lessee shall have the option to extend this Lease for a second Option Period of five (5) years. Lessee may exercise the second Option Period by notifying the Lessor in writing not more than 45 days before the expiration of the first Option Period.

In the event that Tenant exercises any of the options to extend the Lease, the rentals shall be adjusted as set forth in Section 5.04 below, but in no event shall rentals be reduced, and in no event shall rentals be increased more than 20%; all as provided more particularly in Article V Rentals.

TENANT:

By: Michael L. Brendes
Printed Name: Michael L. Brendes
Title: V.P. Corporate Real Estate Facilities

ACKNOWLEDGMENT

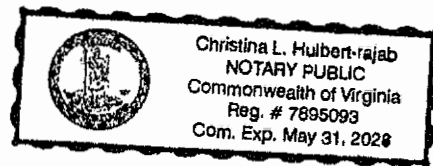
THE STATE OF VIRGINIA
COUNTY OF FAIRFAX

This instrument was acknowledged before me on this 9TH day of JULY 2025, by
MICHAEL BRENDAS VP of SAIC, (Tenant) on behalf of said
company.

My Commission Expires:

MAY 31, 2028

Christina L. Hulbert-Rajab
Notary Public, State of VIRGINIA
CHRISTINA L. HULBERT-RAJAB



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name	Michael L. Brendes, VP Corporate Real Estate and Facilities
Business Name	Science Applications International Corporation
Agenda Item Type	Air Cargo Center Lease
Relevant Department	

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒

I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: **Michael L. Brendes**
Digitally signed by Michael L. Brendes
DN: cn=Michael L. Brendes, o=Vice President Corporate
Real Estate & Facilities, ou=SAIC,
email=michael.l.brendes@saic.com
Date: 2025.07.20 19:58:19 -04'00' Date: _____



Legislation Text

File #: 25-1037, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Airport, Tony Nevarez, (915) 212-7301

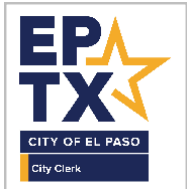
Airport, Debbie Olivas, (915) 212-7337

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution that the City Manager, or designee, is authorized to sign a First Amendment to the Concession and License Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "City"), and SWYFT, Inc. ("Concessionaire"), located at 6701 Convair Road, El Paso, Texas, 79925, to increase the number of Automated Retail Machines, increase the square footage of the Concession site, adjust the rate per square foot, and change the annual rate.

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



DEPARTMENT: Aviation

AGENDA DATE: 09/03/2025

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME: Tony Nevarez

PHONE NUMBER: (915) 212-7301

2nd CONTACT PERSON NAME: Debbie Olivas

PHONE NUMBER: (915) 212-7337

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL: Create an Environment Conducive to Strong, Sustainable Economic Development.

SUBGOAL: 1.4 Grow the core business of air transportation.

SUBJECT:

A Resolution that the City Manager, or designee, is authorized to sign a First Amendment to the Concession and License Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the "City"), and SWYFT, Inc. ("Concessionaire"), located at 6701 Convair Road, El Paso, Texas, 79925, to increase the number of Automated Retail Machines, increase the square footage of the Concession site, adjust the rate per square feet, and change the annual rate.

BACKGROUND / DISCUSSION:

SWYFT, Inc. is a technology company specializing in automated retail solutions. At the El Paso International Airport, SWYFT operates Automated Retail Machines (ARMs) that offer travel-friendly items such as electronics and cosmetics. These machines enhance the passenger experience by providing convenient, 24/7 retail access in the secure concourse areas.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

04/23/2028 - Concession License Agreement

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue-generating item.

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)
N/A	

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

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager, or designee, is authorized to sign a First Amendment to the Concession and License Agreement by and between the City of El Paso, Texas, a municipal corporation existing under the laws of the State of Texas (the “City”), and SWYFT, Inc. (“Concessionaire”), located at 6701 Convair Road, El Paso, Texas, 79925, to increase the number of Automated Retail Machines, increase the square footage of the Concession site, adjust the rate per square feet, and change the annual rate.

APPROVED this _____ day of _____ 2025.


CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:


Laura D. Prine, City Clerk

APPROVED AS TO FORM



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Juan Antonio Nevarez, CM, ACE, IACE
Director of Aviation

STATE OF TEXAS)
)
)
COUNTY OF EL PASO)
**FIRST AMENDMENT TO
CONCESSION LICENSE AGREEMENT**

This First Amendment to the Concession License Agreement (“**First Amendment**”) is entered on _____, 2025 (“**Effective Date**”), by and between the City of El Paso (“**City**”), and SWYFT, Inc., (“**Concessionaire**”), and collectively referred to as the (“**Parties**”).

WHEREAS, on April 23, 2024, the Parties entered into a Concession License Agreement (Automated Retail) (“**Agreement**”), to provide automated retail services through placement of Concessionaire’s Automated Retail Machines (“**ARMs**”), located at the El Paso International Airport; and

WHEREAS, the Parties wish to amend the Agreement to increase the number of **ARMs**, increase the square footage of the Concession Site, adjust the rate per square feet, and change the annual rate.

NOW, THEREFORE, the Parties agree as follows:

1. That **ARTICLE II-DESCRIPTION OF AR MACHINE AND LOCATION, Section 2.02 LOCATION AND SIZE OF CONCESSION SITE** is hereby amended in entirety to read as follows:

A. ARM shall be located in the following area of the Airport (“**Concession Site**”), which shall be of the following size:

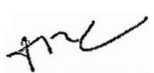
- 1) Concession Site 1: I-Store is located in Concourse B at Gate B1 consisting of 40 square feet.
- 2) Concession Site 2: Anastasia Cosmetics, located in Concourse B at Gate B2- consisting of 40 square feet.

B. The location(s) of the Concession Site is shown on the Airport terminal map, attached hereto as Exhibit “B-1” (“**Concession Site(s)**”).

C. The total square footage of all Concession Sites is 80 square feet.

2. That **ARTICLE VIII- CONCESSION FEE, MINIMUM ANNUAL GUARANTEE AND PERCENTAGE FEES Section 8.01 CONCESSION FEE** is hereby amended to reflect the non-signatory rate approved by City Council on September 1, 2024 as follows:

Concessionaire agrees to pay either \$80.16 per square foot for the Concession Site per annum (the “**Minimum Annual Guarantee**” or “**MAG**”) or pay the Gross Revenues Percentage (“**Percentage Rent**”), whichever is greater. The amount that Concessionaire is required to pay, is the “**Concession Fee**”).



3. That **ARTICLE VIII- CONCESSION FEE, MINIMUM ANNUAL GUARANTEE AND PERCENTAGE FEES, Section 8.02 MINIMUM ANNUAL GUARANTEE** is hereby amended to read as follows:

8.02 MINIMUM ANNUAL GUARANTEE

- A. The parties agree that the Concession Site contains 80 square feet of space. Therefore, the MAG is \$6,412.80 per year (\$80.16 per sq. ft. x 80 sq. ft.).
- B. The MAG shall be paid in equal monthly installments of \$534.00.
- C. Concessionaire shall pay the MAG monthly installment amount of \$534.00 on or before the 1st day of each month, in advance, without invoice. Any portion of a month of operation will be pro-rated.
- D. The balance of the Concession Fee, if any, will be due along with the report for the immediately preceding month on the 20th day of each month. Whether there is a balance due, is dependent on the calculation of Percentage Rent for the month.
4. Except as amended in this First Amendment, the Lease remains in full force and effect.

(Signatures on the following page)

TENANT:

By: J. Rick Cusick
Printed Name: J. RICK CUSICK
Title: CHIEF REVENUE OFFICER

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF ~~EL PASO~~) ^{L.L.} Travis

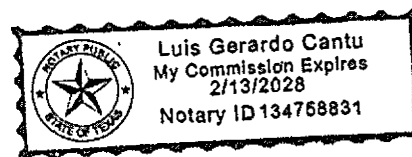
This instrument was acknowledged before me on this 23rd day of July 2025, by Luis G. Cantu, The Ups store of Austin Texas, (Tenant) on behalf of said company.

Luis G. Cantu

Notary Public, State of Texas

My Commission Expires:

2/13/2028



(Exhibit on the following page)

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day
of _____ 2025.

LANDLORD: CITY OF EL PASO:

Dionne L. Mack
City Manager

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Juan Antonio Nevarez, CM, ACE, IACE
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____ 2025, by
Dionne L. Mack, as City Manager for the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Rick Cusick

Business Name Swyft, Inc.

Agenda Item Type Amendment

Relevant Department Department of Aviation

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature:  Date: 7/29/2025



Legislation Text

File #: 25-1089, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Airport, Tony Nevarez, (915) 212-7301

Airport, Debbie Olivas, (915) 212-7337

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution that the City Manager, or designee, be authorized to sign an Eighth Amendment to Lease Agreement by and between the City of El Paso ("Lessor") and Azar - Coleman Properties, ("Lessee") to the Lease Agreement dated June 8, 1982, as amended, for the purposes of removing the property upon which the Cattle Baron Restaurant is located, the remaining Leasehold interest is described as:

Portion of Lot 1, Block 19, El Paso International Airport Tract, Unit 10, City of El Paso, El Paso County, Texas. Such leased premises are sometimes referred to as Parcel 1, Tract C (41,152.06 SF), Tract D (39,844.00 SF); and

A Portion of Lot 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas. Such Leased premises are sometimes referred to as Parcel 3, Tract A (288,727.35 SF), Tract B (54,958.78SF).

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



DEPARTMENT: Aviation

AGENDA DATE: 9/3/25

PUBLIC HEARING DATE:

CONTACT PERSON NAME: Tony Nevarez

PHONE NUMBER: 915-212-7301

2nd CONTACT PERSON NAME: Debbie Olivas

PHONE NUMBER: 915-212-7337

DISTRICT(S) AFFECTED: District 3

STRATEGIC GOAL:

1: Create an Environment Conducive to Strong, Sustainable Economic Development

SUBGOAL:

1.4: Grow the core business of air transportation

SUBJECT:

A Resolution that the City Manager, or designee, be authorized to sign an Eighth Amendment to Lease Agreement by and between the City of El Paso ("Lessor") and Azar - Coleman Properties, ("Lessee") to the Lease Agreement dated June 8, 1982, as amended, for the purposes of removing the property upon which the Cattle Baron Restaurant is located, the remaining Leasehold interest is described as:

Portion of Lot 1, Block 19, El Paso International Airport Tract, Unit 10, City of El Paso, El Paso County, Texas. Such leased premises are sometimes referred to as Parcel 1, Tract C (41,152.06 SF), Tract D (39,844.00 SF); and

A Portion of Lot 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas. Such Leased premises are sometimes referred to as Parcel 3, Tract A (288,727.35 SF), Tract B (54,958.78SF).

BACKGROUND / DISCUSSION:

The Department of Aviation requests the approval for an eighth (8th) Amendment to a Lease Agreement with Azar - Coleman Properties to delete 57,979.39 square feet of land that was included in a new Ground Lease to Cattle Baron Restaurant, Inc. located at 1700 Airway Blvd., El Paso, Texas.

Rental Fee: \$119,109.17 annual rent for a minimum of \$2,382,183.40 for the remainder of Option terms.

Term: Initial term of forty (40) years effective on May 1, 1982 plus two (2) Option periods of ten (10) years each for a termination date of April 30, 2042. An additional three (3) years was added to the lease as part of the Fourth Amendment extending the termination date to April 30, 2045.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

- May 1, 1982 - Ground Lease
- July 13, 1982 - Real Estate Commission Agreement
- October 19, 1982 - Amendment to Real Estate Commission Agreement
- November 23, 1982 - First Amendment to the Lease
- August 16, 1983 Motion to Deny Hotel Site
- May 8, 1984 - Second Amendment to the Lease
- November 20, 1984 - Underground Electrical Easement
- May 21, 1985 - Real Estate Commission Agreement
- April 22, 1986 - Partial Assignment of Leasehold Interest
- December 16, 1986 - Third Amendment to the Lease
- June 30, 1987 - Fourth Amendment to the Lease



AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue generating item.

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

None

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD:

Juan Antonio Nevarez Digitally signed by Juan Antonio Nevarez
Date: 2025.08.19 08:12:43 -06'00'

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager, or designee, be authorized to sign an Eighth Amendment to Lease Agreement by and between the City of El Paso ("Lessor") and Azar - Coleman Properties, ("Lessee") to the Lease Agreement dated June 8, 1982, as amended, for the purpose of removing the property upon which the Cattle Baron Restaurant is located, the remaining Leasehold interest is described as:

Portion of Lot 1, Block 19, El Paso International Airport Tracts Unit 10, City of El Paso, El Paso County, Texas. Such leased premises are sometimes referred to as Parcel 1, Tract C (41,152.06 SF), Tract D (39,844.00 SF); and

A portion of Lot 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County Texas. Such Leased premises are sometimes referred to as Parcel 3, Tract A (288,727.35 SF), Tract B (54,958.78 SF).

ADOPTED THIS _____ DAY OF _____, 2025.

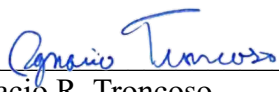
THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

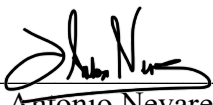
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Ignacio R. Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Juan Antonio Nevarez, CM, ACE, IACE
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**EIGHTH AMENDMENT TO
LEASE AGREEMENT**

THIS EIGHTH AMENDMENT TO LEASE AGREEMENT (this "**Amendment**") is made and entered into as of the _____ day of _____, 2025 ("**Effective Date**"), by and between THE CITY OF EL PASO ("**Lessor**") and Azar-Coleman Properties, a Texas General Partnership (collectively, the "**Lessee**").

WHEREAS, Lessor and Lessee are parties to a Lease Agreement dated June 8, 1982, as amended by those certain seven amendments (collectively, the "**Existing Lease**") covering two tracts of land (the "**Ground Leased Property**"): one containing 8.272 acres and noted as **Parcel No. 1** on Exhibit A to the Existing Lease, and the other containing 10.782 acres and noted as Parcel No. 3 on Exhibit A to the Existing Lease. Said amendments are described as follows: (i) First Amendment to Lease Agreement dated November 23, 1982, (ii) Second Amendment to Lease Agreement dated May 8, 1984, (iii) Third Amendment to Lease Agreement dated December 16, 1986, (iv) Fourth Amendment to Lease Agreement dated June 30, 1987, (v) Fifth Amendment to Lease Agreement dated May 17, 1994, (vi) Sixth Amendment to Lease Agreement dated February 3, 2004, and (vii) Seventh Amendment to Lease Agreement Dated October 15, 2019. The Existing Lease is evidenced of record by a Memorandum of Lease filed in Book 1378, Page 786 of the Real Property Records of El Paso County, Texas (the "**Real Property Records**"), re-recorded in Book 1380, Page 1482 of the Real Property Records;

WHEREAS, Lessee subleased to Cattle Baron Restaurant, Inc., a New Mexico corporation, 1.331 acres (the "**Initial Subleased Tract**") out of **Parcel No. 1** of the Ground Leased Property, pursuant to the terms of a Sublease Agreement dated December 8, 1992, as amended June 15, 2000 (collectively the "**Sublease**"). The property description for this parcel is attached as **Exhibit A**.

WHEREAS, Lessor and Sublessee are, simultaneously herewith, entering into a Lease Agreement for the Cattle Baron Restaurant Site (the "**New Lease**") as of the Effective Date hereof. Effective as of the Effective Date hereof, (i) the Existing Lease is hereby amended pursuant to this Amendment to no longer include the Cattle Baron Restaurant Site described in Exhibit A as part of the Ground Lease Property, and (ii) the Sublease will be terminated by the parties thereto.

AGREEMENT:

NOW, THEREFORE, for and in consideration of the matters set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. As of the Effective Date hereof, Article I, Paragraph A. of the Existing Lease is amended to no longer include the **Cattle Baron Restaurant Site** described in **Exhibit A** and is amended to state:

The remaining leasehold is a Portion of Lot 1, Block 19, El Paso International Airport Tracts Unit 10, City of El Paso, El Paso County, Texas. Such leased premises are sometimes referred

to as Parcel 1, Tract C (41,152.06 SF), Tract D (39,844.00 SF); and

A portion of Lot 4A25, Block 2, Ascarate Grant, City of El Paso, El Paso County Texas. Such Leased premises are sometimes referred to as Parcel 3, Tract A (288,727.35 SF), Tract B (54,958.78 SF).

2. For purposes hereof, the term "**Effective Date**" as used herein means the same date that the New Lease between the City of El Paso as Lessor therein and Cattle Baron Restaurant, Inc., as Lessee therein becomes effective and binding and enforceable by the parties thereto under the terms thereof. Exhibit "A" of the Existing Lease that refers to Parcel No. 1 is hereby amended by deleting the **Cattle Baron Restaurant Site** therefrom.

3. The Lessor and Lessee confirm that the total number of square feet of the Ground Leased Property under Article V, Paragraph A of the Existing Lease for purposes of calculating rent is 424,689.7 Square Feet as of the Effective Date.

4. Except as amended by this Agreement, the terms and provisions of the Existing Lease shall remain unchanged and shall remain in full force and effect.

5. This Agreement may be executed by the parties hereto in separate counterparts, and each counterpart, when so executed and delivered, shall constitute an original agreement, and all such separate counterparts shall constitute but one and the same agreement.

6. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. This Agreement embodies the entire agreement and understanding between the parties with respect to the matters specifically covered by this Amendment, and supersedes all prior agreements, consents and understandings with respect to such subject matter.

(Signatures begin on the following page)

Executed the _____ day of _____ 2025.


LESSOR: CITY OF EL PASO

Dionne Mack
City Manager


ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Ignacio R. Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:


 Juan Antonio Nevarez, CM, ACE, IACE
 Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of ____, 2025, by Dionne Mack as City Manager of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

(Signatures Continue on the following page)

LESSEE:

**AZAR-COLEMAN PROPERTIES, a Texas
General Partnership**

for By: *[Signature]*
Jerry M. Coleman, Partner

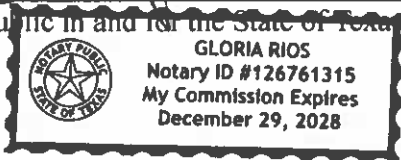
By: **Richard N. Azar Testamentary Trust, a partner
of Azar-Coleman Properties**

[Signature]
Suzanne S. Azar, Executrix

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on July 12, 2025, by Jerry M. Coleman, Partner of AZAR-COLEMAN PROPERTIES, a Texas general partnership, on behalf of said general partnership. *Minden Dickson, AR*

[Signature]
Notary Public in and for the State of Texas


STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on July 12, 2025, by Suzanne S. Azar, Executrix of RICHARD N. AZAR TESTAMENTARY TRUST, Partner of AZAR-COLEMAN PROPERTIES, a Texas general partnership, on behalf of said general partnership.

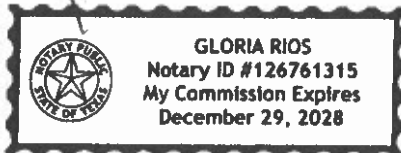
[Signature]
Notary Public in and for the State of Texas


Exhibit A

PROPERTY DESCRIPTION (PROPOSED RESTAURANT SITE)

Description of 1.3310 acres parcel of land being a portion of Lot 1, Block 19, El Paso International Airport Tracts, Unit 10, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit:

Starting at an existing city monument located at centerline intersection of American Drive and Piper Court, thence South 88°58'07" West along the centerline of Piper Court a distance of 525.00 feet to a point, thence South 01°01'53" East to a point along Airway Boulevard a distance of 202.86 feet to a point, thence North 88°58'07" East a distance of 10.00 feet to a point, thence South 01°01'53" East along said easterly right-of-way line of Airway Boulevard a distance of 446.64 feet to a point, said point being the " TRUE POINT OF BEGINNING "

Thence North 88°58'07" East a distance of 20.00 feet to a point;

Thence North 01°01'53" West a distance of 16.00 feet to a point;

Thence North 88°58'07" East a distance of 144.00 feet to a point;

Thence South 01°01'53" East a distance of 20.00 feet to a point;

Thence North 88°58'07" East a distance of 62.22 feet to a point;

Thence North 72°28'07" East a distance of 14.00 feet to a point;

Thence South 01°01'53" East a distance of 238.13 feet to a point, along the northerly right-of-way of Boeing Drive;

Thence along the arc of a curve to the left , a distance of 148.22 feet, said curve having a central angle of 04°33'41", a radius of 1861.86 feet, and a chord bearing that bears North 88°45'03" West, a distance of 148.18 feet to a point along said northerly right-of-way line of Boeing Drive;

Thence South 88°58'07" West along said northerly right-of-way line of Boeing Drive a distance of 91.58 feet to a point;

Thence North 01°01'53" West along said easterly right-of-way line of Airway Boulevard a distance of 232.26 feet back to the "TRUE POINT OF BEGINNING" and said parcel containing in all 57,979.30 square feet or 1.3310 acres of land more or less.

NOTE: LOT 4 GROUND SURVEY



Legislation Text

File #: 25-1088, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Police, Executive Assistant Chief Zina Silva, (915) 212-4306

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution authorizing the City Manager or designee to ratify the outstanding invoices owed to LexisNexis Coplogic Solutions totaling \$67,500.00 relating to the annual maintenance for the El Paso Police Department's online reporting program and to sign any related paperwork to pay the outstanding invoices and authorize any budget transfers necessary to effectuate the payment of the outstanding invoices.

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

DEPARTMENT: El Paso Police Department

AGENDA DATE: 9/3/25

PUBLIC HEARING DATE: 9/3/25

CONTACT PERSON NAME: Executive Assistant Chief Zina Silva

PHONE NUMBER: 915 212-4306

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL:

Goal 2 Set the Standard for a Safe and Secure City

SUBGOAL:

2.3 Increase public safety operational efficiency

SUBJECT:

The El Paso Police Department has outstanding invoices owed to LexisNexis Coplogic Solutions Inc in the monthly amount of \$5,625.00 for 12 months totaling \$67,50.00 and the past due amounts need to be addressed prior to the new contract being awarded in December 2025. The resolution is for the City Manager or designee to be authorized to sign any related paperwork to pay the outstanding invoices and authorize any budget transfers necessary to effectuate the payment of the outstanding invoices.

BACKGROUND / DISCUSSION:

The El Paso Police Department has maintained a contract with LexisNexis Coplogic Solutions Inc. since 11/4/2022 for its online reporting program for the telephone reporting unit.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

11/4/2022

AMOUNT AND SOURCE OF FUNDING:

This item will be funded by Police Funds then moved to Schedule E

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, on November 4, 2022, the City of El Paso, El Paso Police Department and LexisNexis Coplogic Solutions Inc. entered into Order No. 1, relating to the annual maintenance for the El Paso Police Department's online reporting program; and

WHEREAS, Order No. 1 lapsed on May 9, 2024; and

WHEREAS, there are outstanding invoices that are owed to LexisNexis Coplogic Solutions Inc. in the monthly amount of \$5,625.00 for 12 months, totaling \$67,500.00; and

WHEREAS, the past due amounts and any payments that come due before the renewal will need to be addressed prior to the new contract being awarded, tentatively scheduled for December 2025.

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

1. **THAT** the City Council ratify the outstanding amount of \$67,500.00 associated with the costs relating to the annual maintenance for the El Paso Police Department's online reporting program.
2. **THAT** the City Manager or designee be authorized to sign any related paperwork to pay the outstanding invoices and authorize budget transfers necessary to effectuate the payment of the outstanding invoices.

APPROVED this _____ day of September, 2025.

(Signatures continue on following page)

THE CITY OF EL PASO:

Renard U. Johnson, Mayor**ATTEST:**

Laura D. Prine
City Clerk**APPROVED AS TO FORM:**

Eric Gutierrez
Senior Assistant City Attorney**APPROVED AS TO CONTENT:**

Peter Pacillas, Chief
El Paso Police Department



Legislation Text

File #: 25-1061, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Information Technology, Carolyn Patrick, (915) 212-1408

Police, Chief Peter Pacillas, (915) 212-4305

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution authorizing the Mayor to sign the Interlocal agreement between the 911 District, City of El Paso, and the County of El Paso for Law Enforcement Information Sharing for the On-Call Records Management System. The City will fund the On-Call Records Management System (RMS) at 50% and the County of El Paso will fund in the amount of 50%. The 911 District will serve as the provider of the infrastructure, software application, and technical support for the RMS.

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

REVISED

11:10 am, Aug 27, 2025

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, the Interlocal Cooperation Act, Sec 791.001, et seq., Texas Government Code authorizes local governments to contract with one another to carry out their governmental functions; and

WHEREAS, the City and County of El Paso, Texas agree that providing information sharing and services on a regional basis will provide more efficient, effective, and less costly services for both the City and the County, thereby saving the public costs and serves a governmental purpose; and

WHEREAS, public safety in the region is significantly enhanced with the continued operation of OnCall RMS through improved communication and data availability for participating agencies; and

WHEREAS, the El Paso County 911 District is a participating agency in acquiring OnCall RMS and sharing law enforcement information with other agencies; and

WHEREAS, the El Paso County Sheriff's Office is a participating agency in acquiring OnCall RMS and sharing law enforcement information with other agencies; and

WHEREAS, the El Paso City Police Department is a participating agency in acquiring OnCall RMS and sharing law enforcement information with other agencies; and

NOW, THEREFORE, BE IT RESOLVED:

That, the El Paso City Council authorize the Mayor of the City of El Paso to enter into an Interlocal Agreement with the County of El Paso Texas and the El Paso County 911 District to facilitate the shared administration, management, and use of the OnCall Records Management System for law enforcement agencies

ADOPTED this _____ day of _____, 2025.

CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Robert Aguinaga Jr

Roberto Aguinaga
Assistant City Attorney

APPROVED AS TO CONTENT:

Carolyn Patrick

Carolyn Patrick
Director of Information Technology

LAW ENFORCEMENT INFORMATION SHARING

MUTUAL SUPPORT SERVICES

Interlocal Agreement

BETWEEN

El Paso County, The City of El Paso, and El Paso County 911 District

FOR

LAW ENFORCEMENT INFORMATION SHARING

For The

OnCall Records Management System

This agreement supersedes the Interlocal Agreement between El Paso County and the City of El Paso for Law Enforcement Sharing Mutual Support Services for the OnCall Records Management system entered December 20, 2021. This agreement entered into by and between El Paso County, a political subdivision of the State of Texas, hereinafter referred to as "the County", the City of El Paso, a home rule municipal corporation situated in El Paso County, Texas, hereinafter referred to as "the City", and the El Paso County 911 District, an Emergency Communications District situated in El Paso County, Texas, hereinafter referred to as "the 911 District", pursuant to the Interlocal Cooperation Act, Sec. 791.001, et seq., Texas Government Code, for the continued mutual support services of a regional law enforcement information system that provides the means for participating agencies to share law enforcement information. This information sharing is possible through a common system known as the On-Call Records Management System. All parties shall be participating agencies. This agreement includes all items necessary to define the terms and arrangements between the parties.

RECITALS

WHEREAS, the Interlocal Cooperation Act, Sec 791.001, et seq., Texas Government Code authorizes local governments to contract with one another to carry out their governmental functions; and

WHEREAS, the County and the City agree that providing information sharing and services on a regional basis will provide more efficient, effective, and less costly services for both the City and the County, thereby saving the public; and

WHEREAS, public safety in the region is significantly enhanced with the continued operation of OnCall RMS through improved communication and data availability for participating agencies; and

WHEREAS, the El Paso County 911 District is a participating agency in acquiring OnCall RMS and sharing law enforcement information with other agencies; and

WHEREAS, the El Paso County Sheriff's Office is a participating agency in acquiring OnCall RMS and sharing law enforcement information with other agencies; and

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WHEREAS, the El Paso City Police Department is a participating agency in acquiring OnCall RMS and sharing law enforcement information with other agencies; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, and of other good and valuable consideration, and intending to be bound hereby, the County, the City, and the 911 District agree as follows:

1. Purpose

This Interlocal Agreement (hereinafter referred to as "Agreement") is entered into by and between the County, the City, and the 911 District to facilitate the shared administration, management, and use of the OnCall Records Management System for law enforcement agencies, (hereinafter referred to as "the Software").

2. Scope of Agreement

The County, the City, and the 911 District agree to collaborate on the Software to ensure its effective management, ongoing maintenance, and optimization for enhanced operational efficiency and improved data-sharing capabilities for all participating agencies.

3. Responsibilities

3.1 Software Access

The County and the City shall continue to have access to the Software as participating agencies under the governance of the 911 District. As part of the transition of license ownership and administration, the 911 District will assume responsibility for the Master Services Agreement (MSA) governing the Software. Access for the County and the City will be maintained in accordance with the terms and conditions established by the MSA, ensuring uninterrupted operational use.

The City of El Paso Police Department will assign two (2) EPPD personnel with a primary function of EPPD Tier 1 support. The positions will be co-located with the dedicated 911 District support employees. The two EPPD positions will be fully funded by EPPD.

3.2 Data Sharing

The County, the City, and the 911 District agree to share operational data as necessary for the effective operation of the Software. Data-sharing protocols must adhere to applicable privacy laws and regulations.

3.3 Support Roles and Maintenance

The City and the County are responsible for providing Tier 1 Support, which includes first-line user assistance for their respective agencies as outlined below.

The 911 District will function as Tier 1 Support for all other participating agencies, serving as the primary point of contact for basic troubleshooting and issue resolution. Additionally, the 911 District will act as

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Tier 2 Support, serving as the RMS System and Application Administrators. This includes addressing escalated issues requiring advanced troubleshooting, managing system configurations, coordinating with the software vendor, supporting external agencies, overseeing system integrations, and ensuring overall system performance and reliability as outlined below.

Tier 1 Support

1. Basic Troubleshooting

- Guiding users through basic application functions (e.g., navigating menus, running basic reports, resetting views).
- Identifying and addressing connectivity issues (e.g., verifying internet connections or local workstation problems).
- Recommending best practices for common user errors (e.g., incorrect data entry workflows).

2. Expanded User Management and Account Creation

- **User Account Maintenance:**
 - Updating user profiles with agency-specific details (e.g., rank, role, permissions).
 - Disabling accounts for inactive users or upon employee separation.
 - Periodic reviews of user accounts to ensure alignment with industry's best practices and CJIS requirements.
- **Role-Based Access Assignments:**
 - Assigning roles based on user responsibilities and permissions approved by agency staff and upon submittal of appropriate forms and documentation.
 - Verifying and applying role-specific restrictions to prevent unauthorized access.
- **Account Audits:**
 - Conducting basic account usage checks to identify and flag inactive or non-compliant accounts.
 - Reporting anomalies (e.g., multiple failed login attempts, suspicious activity) to Tier 2.
- **Agency-Specific Workflows:**
 - Configuring users according to agency-specific workflows, such as enabling modules or features based on operational needs.

3. Knowledge Base and Self-Help Resources

- Providing users with access to FAQs, tutorials, and step-by-step guides.
- Delivering instructions for minor tasks like updating profile settings or system preferences.

4. Incident Logging and Categorization

- Logging incident details, including screenshots, error messages, or timestamps, into a ticketing system.
- Assigning priorities and categories to tickets to facilitate escalation to Tier 2.

5. System and Network Connectivity Awareness

- Checking user-specific access issues (e.g., incorrect credentials or inactive accounts).
- Identifying localized outages or connectivity problems (e.g., agency-specific network problems).

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- Escalating only when an issue is determined to be beyond local control.
- 6. **Basic System Maintenance Tasks**
 - **Workstation Requirements Check**
 - Verifying user workstations meet basic system requirements, including sufficient processing power and memory (e.g., CPU, RAM).
 - Properly configured, supported and updated browsers (e.g., ensuring compatibility with the system).
 - Installed and updated operating system and necessary drivers.
 - Network connectivity and speed are sufficient for system use.
 - **Session and Cache Management:** Helping users clear caches, refresh sessions, or restart services as needed to address minor glitches.
- 7. **Communication and Education**
 - Providing initial guidance for new features or updates.
 - Setting expectations for system limitations and timelines for resolutions.
- 8. **Monitoring and Pattern Recognition**
 - Noting patterns in user complaints and identifying trends (e.g., multiple users reporting the same error).
 - Escalating grouped incidents to Tier 2 with a consolidated description of the issue.

Tier 2 Support:

1. **24/7 Technical Support and Troubleshooting:**
 - Addressing escalated issues that require advanced problem-solving and technical expertise.
2. **Regular Software Updates and Maintenance:**
 - Applying small changes or fixes to the software, typically addressing bug fixes and security patches.
3. **Regular Software Upgrades and Maintenance:**
 - Managing upgrades to newer software versions with enhanced features and performance improvements.
4. **Issue Escalation and Vendor Coordination:**
 - Escalating unresolved issues to the software vendor via the support portal, providing the respective case number, and communicating progress and resolution details to County and City staff.
5. **Application Configurations:**
 - Managing and maintaining system configurations to ensure the software aligns with agency-specific workflows and operational needs.
6. **Advanced User Support and Troubleshooting:**
 - Resolving technical issues escalated by Tier 1, such as system errors, software malfunctions, and complex configuration problems.
 - Investigating and documenting root causes of recurring issues.
7. **System Configuration and Maintenance:**
 - Maintaining software configurations to align with operational needs and security requirements.
 - Managing database integrity tasks, including data cleanup and validation efforts.
8. **Training and Documentation:**

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- Developing and delivering documented training for Tier 1 support staff, and train-the-trainers; other identified and agreed upon users as needed.
- Maintaining a centralized knowledge base or support documentation repository to ensure consistency and self-service for common issues.
- 9. **System Monitoring and Reporting:**
 - Monitoring system performance and generating reports on usage, incident resolution, and recurring issues.
 - Providing statistical insights to identify trends and recommend proactive solutions.
- 10. **System Integration Support:**
 - Assisting with the implementation and maintenance of integrations with other systems, such as CAD, integrations, or other public safety applications.
 - Addressing issues related to data exchange or integration workflows.
- 11. **Security and Compliance:**
 - Ensuring the system adheres to security policies, including CJIS compliance.
 - Addressing any data access or breach concerns raised during operations.
 - Collaborating with agencies to review and update access controls as organizational needs evolve.

3.4 Integrations

The County and the City shall be granted the appropriate access to view and evaluate necessary resources, such as data, and database access to support their operational needs. This level of access will enable the evaluation of potential changes, additions, and deletions to integrations with other applications. The 911 District, serving as the overarching system administrator, shall collaborate with the County and the City to ensure the integration infrastructure is properly configured, maintained, and verified for functionality. This includes ensuring that integration endpoints are available and operational to support approved changes and initiatives while safeguarding system integrity and compliance. Additionally, the County and City shall have appropriate access to the database for data extracts and custom reports.

3.5 Configurations

To ensure the performance, integrity, and continuity of the system across all users, any proposed configuration changes must be submitted through the change management process. This process requires appropriate notification and consensus approvals from all relevant stakeholders, including the 911 District, to verify that changes do not inadvertently impact other agencies or the overall functionality of the system. As the overarching system administrator, the 911 District will oversee and coordinate these changes to maintain system stability, ensure alignment with established operational standards, and support the shared objectives of all participating agencies.

3.6 Change Management

The County, City, and 911 District recognize the importance of a coordinated change management process to maintain the integrity, reliability, and security of the shared environment. Given the differences in processes and priorities across the three organizations, a standardized and collaborative

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approach is essential for evaluating, agreeing upon, and implementing changes. This ensures that all stakeholders are informed, and potential impacts are minimized.

3.6.1 Change Management Board

A Change Management Board (CMB) shall be established to oversee and approve change requests. The board will be comprised of the following representatives:

- One (1) El Paso Police Department (EPPD) representative
- One (1) El Paso County Sheriff's Office (EPCSO) representative
- One (1) City of El Paso IT representative
- One (1) County IT representative
- One (1) 911 District representative

For a change to be reviewed, at least 50% of the board members must be present. A Change Request must receive majority approval from the members in attendance before proceeding to implementation.

3.6.2 Change Request Submission

Any organization (County, City, or 911 District) may submit a change request. Requests must include:

- A clear description of the proposed change
- Justification for the change, including anticipated benefits
- A preliminary assessment of potential impacts on the shared environment

3.6.3 Evaluation

A joint change management team, with representatives from each organization, shall evaluate the request. The evaluation will consider:

- Technical feasibility
- Operational and security impacts
- Alignment with organizational goals
- Resource requirements

3.6.4 Agreement

Changes shall require documented approval from designated representatives of the County, City, and 911 District, in accordance with section 3.6.1 above. The approval process will involve:

- Finalizing the scope and details of the change
- Setting a timeline for implementation
- Ensuring all resources understand their roles and responsibilities

3.6.5 Implementation

Approved changes shall be implemented according to the agreed-upon plan. Implementation will include:

- Advance notice, where possible, to affected stakeholders
- Coordination with relevant teams to minimize disruptions
- Documentation of the process for future reference and system configuration upkeep with the vendor

3.6.6 Post-Implementation Review

Following implementation, the joint team shall review the change to:

- Verify that it meets the intended objectives
- Identify and address any unforeseen issues
- Update documentation

3.7 Maintenance Notifications

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The 911 District shall make every effort to notify the County and the City of scheduled maintenance at least two (2) weeks in advance. The Software maintenance plan, at a minimum, will include the following:

- **Resources:** Identification of personnel, equipment, and other resources required for successful execution of maintenance activities.
- **Maintenance Schedule:** Maintenance will be scheduled on mutually agreed dates and times, with agreed-upon hours for the maintenance timeframe. Emergency maintenance will be coordinated with the County, City, and 911 District to minimize operational impact.
- **Risk Management:** A detailed assessment to identify potential risks associated with the maintenance activity and strategies to mitigate them.
- **Contingency Plan:** A rollback or recovery process to ensure system stability and continuity in case maintenance activities result in unforeseen issues.
- **Communication and Documentation:** Maintenance activities will be documented and communicated regarding any Software changes.
- **Approval:** Maintenance plans must receive prior approval from designated County, City, and 911 District staff to ensure alignment with operational requirements.

4. Infrastructure Systems

4.1 Responsibilities

The 911 District shall serve as the primary infrastructure provider for the Software, ensuring system performance, security, and scalability. This responsibility shall be made in accordance with the Master Terms and Conditions of the vendor, vendor-provided supported environments and relevant infrastructure compatibility matrixes and includes:

- **Hardware Specifications:** Defining and maintaining minimum hardware requirements to support reliable operation and scalability of the Software
- **Network Connectivity:** Ensuring robust, secure, and redundant network connections to support system accessibility for all participating agencies.
- **Server Infrastructure:** Provisioning and maintaining server environments, including virtual or cloud-based solutions, to host the Software and associated applications.
- **System Security:** Implementing and maintaining comprehensive security protocols, including firewalls, encryption, access control, and regular vulnerability assessments, in compliance with federal, state, and local regulations.
- **Infrastructure environment:** Ensuring a stable and resilient infrastructure environment to meet operational demands and support high availability.
- **Operating System Maintenance:** Maintaining operating systems at supported and secure versions and adhering to version limitations to ensure compatibility and vendor support.
- **Application Access:** Provide secure application access for external agencies including configuration and management of access credentials and role-based permissions

5. Database Management & Support

5.1 Data Ownership

The County, the City, and all participating agencies shall retain ownership of their respective data within

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the Software. This ownership includes control over how the data is used, accessed, and shared, in compliance with applicable laws and policies.

5.2 Database Management

The 911 District shall serve as the central repository and be responsible for the overall management and maintenance of the database to ensure system reliability and security, including:

- **Data Backups:** Regularly scheduled backups to ensure data can be restored in case of an issue.
- **Data Integrity checks:** Periodic verification and validation of data to ensure accuracy and consistency.
- **Database Updates and Maintenance:** Ensuring the database remains on supported and secure versions and applying updates to address bugs and vulnerabilities.
- **Performance Monitoring and Tuning:** Monitoring database and application performance, and optimizing system performance as needed
- **Capacity Planning:** Anticipating and planning for future storage and capacity requirements
- **Database Audits and Improvements:** Performing regular audits to identify areas for improvement, optimize processes, and ensure compliance with operational standards

5.3 Database Support

As the steward of the Software, the 911 District shall oversee all database support issues, acting as the central point of contact for database-related concerns. The 911 District shall

- Ensure timely communication with the County and the City regarding database issues or updates
- Resolve database problems promptly and minimize system downtime
- Coordinate with third-party vendors for advanced support when required

5.4 Repository Responsibilities

As the repository, the 911 District shall:

- Maintain secure, centralized storage of the database and associated backups.
- Provide controlled access to authorized stakeholders for data extracts and reporting needs, in alignment with data ownership rights.
- Ensure compliance with applicable data governance, security, and retention policies.

5.5 Access Control

The 911 District shall implement and maintain robust access control measures to ensure the security and integrity of the database. These measures include:

- Granting access based on roles and responsibilities, in alignment with operational needs and security protocols.
- Establishing a request process for data extracts, reporting needs, or additional database access, requiring approval by the appropriate stakeholders.
- Periodically reviewing and auditing database access permissions to ensure compliance with data governance policies and to prevent unauthorized access.

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5.6 Data Retention Policy

The 911 District shall adhere to a defined retention policy for database backups and historical data, ensuring compliance with legal, regulatory, and operational requirements. This includes:

- Maintaining routine backups for a specified retention period (e.g., daily, weekly, or monthly, depending on operational needs).
- Retaining historical data required for auditing, reporting, or compliance purposes for the agreed-upon duration.
- Implementing secure deletion processes for purging expired backups or data that is no longer needed, ensuring it is permanently and irretrievably removed.

5.7 Disaster Recovery

The 911 District shall develop and maintain a disaster recovery plan to ensure database availability and business continuity in the event of a system failure or disaster. This includes:

- Regularly testing backup restoration processes to confirm data can be recovered successfully.
- Establishing procedures for failover and recovery to minimize system downtime during emergencies.
- Documenting and communicating the disaster recovery plan to stakeholders, including the County and City, to ensure alignment and readiness.

6. Cybersecurity Requirements

6.1 Compliance

The 911 District shall comply with all applicable federal, state, and local cybersecurity laws, regulations, and standards with particular emphasis on adhering to the current version of the CJIS Security Policy to protect the integrity, confidentiality, and availability of system data. Each participating agency agrees to:

- Develop, implement, and maintain policies, procedures, and training to their personnel regarding the proper use of shared information, including shared tables or any data specifically set up in the system for collaborative use.
- Utilize security devices, technologies, and procedures to prevent unauthorized access to the system and its information.
- Prohibit its employees from attempting to circumvent security controls, devices, or procedures.
- Limit access to security-related system information to personnel with the need-to-know for the performance of their duties under this agreement.
- Make written policies governing employee cybersecurity responsibilities available for review by other participating agencies.

The parties further agree to comply with applicable local, state, and federal laws, rules, and regulations relating to data privacy or confidentiality for the Software. Nothing in this agreement shall restrict or impact the ability of any party to conduct appropriate criminal investigations into misuse of the system or the information contained in the system.

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6.2 Security Protocols

The 911 District shall implement and maintain security measures that meet applicable compliance requirements, ensuring the integrity, confidentiality, and availability of the system and its data. Security measures include but are not limited to:

- **Firewalls:** robust firewalls to protect the system against unauthorized access and external threats.
- **Encryption of data:** ensuring all data, both at rest and in transit, is encrypted using industry-standard protocols (e.g., AES-256, TLS).
- **Regular security audits:** conducting periodic internal and external security audits to identify vulnerabilities and ensure compliance with relevant standards.
- **Access Control and Authentication:** verifying CJIS training, the existence of multi-factor authentication for all user access points; establishing role-based access to ensure users have access only to the data and functions necessary for their role
- **Patch Management:** Ensuring timely application of updates and security patches to address vulnerabilities in software, operating systems, and hardware.
- **Intrusion Detection and Prevention Systems (IDS/IPS):** Monitoring for and responding to unauthorized access attempts or network anomalies in real-time.
- **Security Monitoring:** Continuous monitoring of system logs, user activities, and network traffic to detect and mitigate potential threats.
- **Incident Response Plan:** Establishing and maintaining a documented incident response plan, including procedures for identifying, reporting, and mitigating security incidents.
- **Backup and Disaster Recovery:** Ensuring secure, regular backups of critical data, to include VMs, and maintaining a disaster recovery plan to ensure continuity of operations in the event of a breach or failure.
- **Vendor and Third-Party Security Compliance:** Requiring third-party vendors and partners to adhere to strict cybersecurity standards and conducting regular compliance reviews.

6.3 Incident Response

In the event of a cybersecurity incident, the 911 District shall:

1. Initial Notification:

- Notify the County and the City within four (4) hours of discovering the incident
- Prioritize required notifications to appropriate federal, state, and local entities including the FBI, DPS, CISA, and applicable insuring entities, as dictated by the nature and scope of the incident

2. Incident Response Activation: Immediately activate its incident response plan, which will outline clear roles, responsibilities, and actions for addressing the incident

3. Policies and Procedures: Maintain up-to-date policies and procedures for the effective management of cybersecurity incidents

4. Communication and Updates: Provide timely updates to the County and City as the investigation progresses, including details on containment efforts, potential impacts, and estimated resolution timelines.

5. Collaboration: Cooperate fully with law enforcement, regulatory agencies, and other stakeholders as required, providing necessary data and access to facilitate investigations.

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6.4 Security Breach Notification

In the event the 911 District becomes aware of any act, error or omission, negligence, misconduct, or security incident including unsecure or improper data disposal, theft, loss, unauthorized use and disclosure or access that compromises or is suspected to compromise the security, availability, confidentiality, or integrity of County and City data or related safeguards required under this agreement, the 911 District shall:

- 1. Immediate Notification:** Notify the County's and City's Chief Information Security Officer and/or designated security communication channel within 24 hours of discovering the potential or actual breach
- 2. Root Cause Analysis:** Conduct a root cause analysis to identify the actual, potential, or suspected source and nature of the breach
- 3. Remediation Plan:** Develop and submit a remediation plan that is acceptable to the County and City within 30 days of verified breach. The plan will address the breach, its impact, and measures to prevent any future occurrences

7. Disaster Recovery Requirements

7.1 Recovery Plan

The 911 District shall develop, implement, and maintain a disaster recovery plan and business continuity plan that integrates the RMS system alongside other critical infrastructure. These plans will ensure the rapid recovery and continuity of operations in the event of a disaster or significant disruption. Key elements include:

1. Data recovery processes

- Documented procedures for restoring data to ensure the integrity, availability, and confidentiality of information following an incident.
- Verification of data recovery through periodic testing of backup restorations.

2. Backup schedules

- Regularly scheduled backups, including full, incremental, and differential backups, as appropriate for the system's needs.
- Ensure the secure storage of backups in geographically dispersed locations, adhering to the 'Rule of Three'—maintaining at least three copies of data across two different storage media, with one copy kept off-site—to prevent single points of failure.

3. Responsibilities for the County and the City:

- Clearly defined roles and responsibilities for County and City personnel in supporting disaster recovery and business continuity efforts.
- Collaborative procedures for ensuring agency-specific needs are addressed during recovery operations.

4. Communication Protocols:

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- Establishing communication channels and notification procedures for all stakeholders, including the County, City, and relevant external entities.
- Ensuring timely updates throughout the recovery process to maintain transparency and coordination.

5. Testing and Validation:

- Regular testing and updating of the DRP and BCP to validate effectiveness and alignment with operational requirements.
- Incorporating lessons learned from drills, exercises, or actual incidents to enhance recovery capabilities.

6. Compliance and Documentation:

- Adherence to applicable local, state, and federal regulations governing disaster recovery and continuity planning.
- Maintenance of comprehensive documentation for all recovery processes, schedules, and roles to facilitate audits and reviews.

8. Testing

Disaster recovery procedures will be exercised regularly to ensure effectiveness and familiarity among the County, the City, and the 911 District.

9. Migration and Costs

9.1 Migration Responsibilities

The County and the City agree to cooperate in the data migration process to the 911 District site, ensuring minimal disruption to services. The 911 District will be responsible for installing the latest Software, (i.e., upgrade, patch, release). The 911 District shall provide a cutover plan to encompass the following: getting full backup of production database from the County; installing full backup of production database; notifications to City, County, and external agencies; downtime expected; data verification from City, County and external agencies; interface testing; Software cutover to 911 District. End-users will connect to the Software through existing City, County, & 911 District networks and provide a unified remote platform for external agencies

The 911 District shall ensure that all agencies will maintain their current access to the Software. The 911 District shall develop policies and procedures, subject to the approval of the County and the City, for agencies operating within the jurisdictional limits of El Paso County to gain access to the Software, modify their access to the Software, or have their access to the Software removed.

9.2 System Cost Sharing

The 911 District shall assume all the costs associated with the hosting of the Software. The costs associated with the Software maintenance and support billed annually by Hexagon and dictated by the executed contract with the vendor will be assumed by the 911 District. The 911 District will bill the County and the City annually, who shall reimburse the 911 District at the following percentages.

- The County: 50%
- The City: 50%

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9.3 Hexagon RMS Software Maintenance & Support Changes

The 911 District shall not execute or amend the contract with the software vendor unless agreed upon in writing by the County and the City. Both the County and City must be included in any negotiation impacting service to the Software or changes in cost.

9.4 Resource Reimbursement

The 911 District shall employ two (2) full-time employees dedicated to the management of the system. The costs associated with these two employees will be assumed by the 911 District; however, the 911 District will bill the County and the City annually, who shall reimburse the 911 District at the following percentages.

- The County: 50%
- The City: 50%

The costs of the two (2) full-time employees reimbursed by the County and the City shall not exceed a total cost of \$220,000.00. However, to ensure the continued ability to attract and retain qualified personnel, salaries may require adjustments in response to future market conditions. Any proposed salary modifications will be jointly evaluated, and agreed to in writing, with a minimum of 6 months' notice from the end of the current fiscal year of the County & City to allow for proper inclusion in the respective fiscal budgets.

10. Payment Terms

The 911 District shall bill the County and the City annually for their respective share of utilization costs outlined in sections 9.2, 9.3 & 9.4.

11. Termination

11.1 Termination Rights

This agreement commences upon approval by the governing bodies of the parties and shall continue until terminated by any party under the provisions of this agreement or until the parties mutually agree to terminate this agreement for the reason that the Software will be replaced with new technology. A party may terminate this agreement for convenience by giving the other parties twelve months (12) months written notice under the terms outlined in paragraph 11.2 or 11.3 below. Any notices required to be sent to a party of the agreement shall be deemed received five (5) days after deposit in the United States Mail, or on the date of hand delivery, to the following addresses:

CITY: City of El Paso
Office of the Mayor
300 N. Campbell
El Paso Texas 79901-1402

With a copy to: El Paso Police Dept.
Office of the Chief of Police
911 N. Raynor
El Paso, Texas 79903

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COUNTY: County of El Paso
Office of the County Judge
Room 301, County Courthouse
500 E. San Antonio
El Paso, Texas 79901

With a copy to: El Paso County Sheriff's Office
Office of the Sheriff
3850 Justice Drive
El Paso, Texas 79938

911 District: El Paso County 911 District
6055 Threadgill Ave.
El Paso, Texas 79924

11.2 If on or after the date that the system is fully operational, any of the parties to this agreement shall fail to fulfill its obligations under this agreement properly and timely, or if any of the parties violate any of the covenants, agreements, or stipulations of this agreement, thereupon any non-breaching party shall have the right to terminate this agreement if the breaching party has not cured the default within 90 days after receiving written notice. The parties' failure to insist upon strict performance of any covenant, agreement, or stipulation of the agreement or to exercise any right herein contained shall not be a waiver or relinquishment of such covenant, agreement, stipulation, or right, unless the parties consent thereto in writing. Any such written consent shall not constitute a waiver or relinquishment in the future of such covenant, agreement, stipulation or right.

11.3 In the event of widespread or consistent pattern of violation in the manner in which the system is used, including the abuse or disregard of operational policies, after the date the system becomes fully operational, by any participating agency that results in the improper release or use of the data of a party, or which impedes the effective use of the Software, the affected party may send notice to the other party of the alleged violation and request that the violation be cured in 30 days. Such written notice shall contain specific information of the alleged violation and a detailed explanation of the detrimental effect of such violation. In the event that the other party fails to cure the violation to the detriment of the affected party or take steps to prevent future improper release or use of the data of the affected party, the affected party may terminate this agreement upon giving 120 days written notice to the other parties.

11.4 In the event of termination of this Agreement, the 911 District shall provide reasonable assistance to ensure a smooth transition of all services, data, and systems back to the County/City or its designated representative. The 911 District agrees to extend the transition period beyond the 120-day period outlined in this Agreement, if necessary, to facilitate the successful migration of all relevant materials, services, and information. The duration of this extended transition period shall be mutually agreed upon by the parties in writing, taking into consideration the complexity and scope of the services being transitioned.

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12. Incident Reporting

- Any incidents, other than those governed by sections 6.3 and 6.4, affecting the Software or its functionality must be reported to the County and the City within one (1) day of occurrence.
- Reports should include details such as the nature of the incident, affected users, and any error messages received.

13. Data Backup Frequency

Implementing a robust data backup strategy is crucial for maintaining the integrity and availability of systems. To enhance our current practices, the 911 District will adhere to the following protocol and incorporate vendor-specific recommendations and best practices to ensure optimal performance:

- Full data backups: shall occur every twenty-four (24) hours to ensure data integrity and availability.
- Data backups retention will be as follows:
 - Daily backups: retained for one week
 - Weekly backups: retained for eight weeks
 - Monthly backups: retained for three months
- Data backups will be tested regularly to ensure functionality and reliability

14. Monitoring and Reporting

14.1 Monitoring

The Software shall be monitored using advanced tools to track uptime, response times, and overall system performance. The 911 District shall ensure proactive performance management to maintain optimal functionality and reliability of the system.

14.2 Performance Reporting

The 911 District is committed to transparency and collaboration with the County and the City. Upon request, the District shall provide performance reports summarizing relevant metrics, including uptime statistics, response times for support requests, resolved issues, and any incidents or outages with actions taken. This approach ensures that the County and the City have access to necessary information without duplicating efforts or creating unnecessary administrative burdens.

15. Escalation Procedures

15.1 Escalation Levels

To ensure timely resolution of issues, escalation procedures shall apply equally to the County, City, and the 911 District. These procedures define a structured approach to addressing unresolved issues within the designated response times.

LAW ENFORCEMENT INFORMATION SHARING

MUTUAL SUPPORT SERVICES

- Level 1: Support staff within the primary support teams of the 911 District, County, or City depending on where the issue originates
- Level 2: Heads of Information Technology Department or equivalent for the 911 District, the County, and the City, ensuring collaborative engagement across stakeholders
- Level 3: Designated Executive Liaisons from the 911 District, County, and City providing oversight and decision-making at the leadership level

16. Service Level Agreement (SLA) Measures

The 911 District is committed to delivering reliable, high-quality service and continuously striving for excellence in system performance, availability, and support. The following SLA measures outline our approach to ensuring the continued success of the Software and its users.

16.1. Performance Metrics

16.1.1 Uptime and Availability

Target Uptime: The 911 District aims to maintain 99.9% availability for the Software, excluding scheduled maintenance, to ensure uninterrupted access for all participating agencies.

16.1.2 Response Time for Support Requests

To uphold operational efficiency and proactive issue resolution, the 911 District strives to meet the following response times for Tier 2 Support, which handles escalated technical issues, system configurations, and vendor coordination:

- **Critical Issues:** Response within one (1) hour – Issues that prevent Software use entirely, such as system crashes or data loss.
- **High Priority Issues:** Response within four (4) hours – Significant disruptions affecting key functionalities or workflows.
- **Medium Priority Issues:** Response within one (1) business day – Non-critical issues that impact specific features but allow continued operation.
- **Low Priority Issues:** Response within three (3) business days – Minor errors with minimal operational impact that can be addressed in routine updates.

17. Commitment to Service Excellence

The 911 District remains dedicated to continuous improvement and responsiveness in its operations. In partnership with the governing Board of Managers, which includes representatives from the City and County, we ensure transparency, collaboration, and shared accountability in upholding system performance **17.1 Service Disruption Notifications**

In the event of an unexpected service disruption, the 911 District shall:

- Provide a detailed report outlining the issue, resolution steps, and any preventive measures taken.

LAW ENFORCEMENT INFORMATION SHARING

MUTUAL SUPPORT SERVICES

- Engage with County and City stakeholders within two business days to discuss the incident, gather feedback, and reinforce strategies for continued service reliability.

17.2 Continuous Improvement Plan

If performance metrics indicate opportunities for enhancement, the 911 District shall proactively implement a structured improvement plan, which may include:

- Ongoing training for support staff to enhance troubleshooting and response efficiency.
- Strategic infrastructure upgrades to strengthen system resilience and performance.
- Collaboration with the Board of Managers to align on priorities, address concerns, and leverage resources for sustained service excellence.

The 911 District values its role as a trusted technology partner and remains dedicated to delivering a secure, efficient, and high-performing system for all agencies it serves.

18. Review and Revision

18.1 SLA Review

The SLA measures may be reviewed upon request by the County, City, and 911 District.

18.2 Adjustments

The County, City, and 911 District will document and mutually agree upon any necessary adjustments to the SLA measures.

**LAW ENFORCEMENT INFORMATION SHARING
MUTUAL SUPPORT SERVICES**

Dated this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Robert Aquinaga Jr

City Attorney's Office

APPROVED AS TO CONTENT:



Chief of Police
El Paso Police Department

**LAW ENFORCEMENT INFORMATION SHARING
MUTUAL SUPPORT SERVICES**

Dated this _____ day of _____, 2025,

COUNTY OF EL PASO

County Judge

ATTEST:

County Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

County Attorney's Office

Sheriff
El Paso County Sheriff's Office

LAW ENFORCEMENT INFORMATION SHARING

MUTUAL SUPPORT SERVICES

Dated this 30th day of July, 2025.

El Paso 911 District



Scott Calderwood
Executive Director, El Paso 911 District



Kristian Menendez
Board Chair



Legislation Text

File #: 25-1070, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Community and Human Development, Nickole H. Rodriguez, (915) 212-1673

City Attorney's Office, Sarah L. Hartnett, (915) 212-1141

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution re-establishing the AmeriCorps Seniors Advisory Council for the purpose of advising the City of El Paso on matters regarding the Retired and Senior Volunteer Program (RSVP), and the Foster Grandparents Program (FGP) also known as Senior Corps.

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



DEPARTMENT: Community and Human Development

AGENDA DATE: 9/3/25

PUBLIC HEARING DATE:

CONTACT PERSON NAME: Nickole H. Rodriguez

PHONE NUMBER: 915-212-1673

2nd CONTACT PERSON NAME: Sarah L. Harnett

PHONE NUMBER: 915-212-1141

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 5- Promote Transparent & Consistent Communication Amongst all Members of the Community

SUBGOAL:

5.1 Set a climate of respect, collaboration and team spirit among Council, city staff and the community

SUBJECT:

A RESOLUTION RE-ESTABLISHING THE AMERICORPS SENIORS ADVISORY COUNCIL FOR THE PURPOSE OF ADVISING THE CITY OF EL PASO ON MATTERS REGARDING RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP), FOSTER GRANDPARENTS PROGRAM (FGP) ALSO KNOWN AS SENIOR CORPS.

BACKGROUND / DISCUSSION:

On May 12, 2025- Motion made by Representative Canales, seconded by Representative Limón, and unanimously to ACCEPT Staff's recommendations AS REVISED to:

....

Develop and adopt a uniform Ordinance to standardize boards and commissions by addressing

- Membership requirements and composition
- Board terms
- Responsibilities of board members to include a Code of Conduct agreement, handbook
- Clarification of operational and advisory roles
- Standardize boards to be enacted by Resolution instead of Ordinance
- Closed session guidelines
- Mandatory annual training for all board liaisons and relevant City staff

COMMUNITY AND STAKEHOLDER OUTREACH:

None

PRIOR COUNCIL ACTION:

Motion made by Representative Canales, seconded by Representative Limón, and unanimously to ACCEPT Staff's recommendations AS REVISED to:

- Develop and adopt a uniform Ordinance to standardize boards and commissions by addressing

- Membership requirements and composition
- Board terms
- Responsibilities of board members to include a Code of Conduct agreement, handbook
- Clarification of operational and advisory roles
- Standardize boards to be enacted by Resolution instead of Ordinance
- Closed session guidelines
- Mandatory annual training for all board liaisons and relevant City staff
- Streamline directives, reports and communications from boards/commissions via City Manager's Office

AMOUNT AND SOURCE OF FUNDING:

None

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

None

NAME	AMOUNT (\$)
N/A	\$ 0.00

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

DEPARTMENT HEAD:

Nickole Rodriguez Digitally signed by Nickole Rodriguez
Date: 2025.08.18 14:31:27 -06'00'

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

A RESOLUTION RE-ESTABLISHING THE AMERICORPS SENIORS ADVISORY COUNCIL FOR THE PURPOSE OF ADVISING THE CITY OF EL PASO ON MATTERS REGARDING RETIRED AND SENIOR VOLUNTEER PROGRAM (RSVP), FOSTER GRANDPARENTS PROGRAM (FGP) ALSO KNOWN AS SENIOR CORPS.

WHEREAS, on July 20, 1993, the El Paso City Council (“City Council”) enacted Ordinance No. 011469 establishing membership to the Foster Grandparents Program Advisory Council and the Retired and Senior Volunteer Program Advisory Council to advise City Council as project sponsor and Senior Corps staff concerns related to Senior Volunteers Programs and Foster Grandparents Programs.

WHEREAS, on July 20, 1993, City Council enacted Ordinance 011469 amending various ordinances establishing the number of members of boards, commissions and committees, and establishing procedures for the appointment of new members to those boards, commissions and committees, which applied to the AmeriCorps Seniors Advisory Council; and

WHEREAS, on April 26, 2022, City Council enacted Ordinance 019329 amending Ordinance 008961 and 011469, which amended the AmeriCorps Seniors Advisory Council in matters of quorum, and the appointment process for the Committee; and

WHEREAS, on May 12, 2025 City Council directed boards and commissions be standardized to be enacted by resolution instead of ordinance; and

WHEREAS, the Ordinance No. 011469 and 019329 will be repealed and this Resolution will be adopted in its place.

WHEREAS, on May 12, 2025 City Council directed boards and commissions be standardized to be enacted by resolution instead of ordinance; and

WHEREAS, on August 5, 2025 City Council enacted Ordinance 019766 under statutory authorization in matters of quorum, and the appointment process for the Committee;

WHEREAS, the City of El Paso would continue to benefit from the establishment of AmeriCorps Seniors Advisory Council in order to assist the City of El Paso as project sponsor and Senior Corps staff concerns related to Senior Volunteers Programs and Foster Grandparents Programs.

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

That the AmeriCorps Seniors Advisory Council is hereby re-established with the following duties as described in Exhibit “A”

That this resolution will take effect once Ordinance 019766 and the Uniform Bylaws take effect.

That the operation of the AmeriCorps Seniors Advisory Council be dictated by the City Code and the Uniform Bylaws and guidelines adopted by the City Council of the City of El Paso.

PASSED AND APPROVED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Nickole H. Rodriguez

Nickole H. Rodriguez, Director
Community and Human Development

Exhibit “A”

Senior Corps Advisory Council Duties

Article I - Authority

The Advisory Council of the Retired and Senior Volunteer Program (RSVP) is authorized by the City of El Paso and CFR 2553.24.

Article II – Purpose

The purpose of the Advisory Council shall be to advise and assist the City of El Paso (“Sponsor”) and Senior Corps staff.

Article III – Role and Function

The Advisory Council is tasked with the following:

- a. Provides advice and support to the project supervisor in the formulation of local policy, planning and the development of operational procedures and practice, consistent with program policies;
- b. Assists the sponsor by promoting community support for the project; advises on actions affecting volunteers; and assists in developing local financial and in-kind resources;
- c. Assist in engaging seniors about human and social needs of the community; and knowledge of, the range of abilities of older adults and of a diverse composition that reflect the El Paso service area; Assists in additional programming to provide feedback to the City of El Paso when necessary;
- d. Conducts an annual appraisal of project operation and submits a report to the sponsor, which shall be attached to the continuation grant application; The appraisal should be completed so that results of the appraisal may be utilized in preparing the continuation grant application. Advisory Council will include project goals and objectives being met on schedule;
- e. Provides information and advice to Sponsor and project staff on strategies to utilize Senior Corps volunteers most effectively;
- f. Furnishes advice and support on coordination with volunteer stations;
- g. Promotes constructive relationships with key individuals and agencies in the community;
- h. Helps plan, implement, and participate in Senior Corps recognition events;
- i. Assists in the final review of continuation grant applications and assists in the development of the section relating to Advisory Council’s goals;
- j. Provides ideas or contacts for development of volunteer stations;
- k. Assist in engaging seniors and knowledgeable about human and social needs of the community: and knowledge of, the range of abilities of older adults and of a diverse composition that reflect the El Paso service area. Assists in additional programming to provide feedback to the City of El Paso when necessary;
- a. Advises on recruitment of hard-to-reach prospective volunteers;

- b. Assist with fund raising efforts to assist the program to continue recognition events;

Article IV – Membership

Section 1 – Number and Qualifications:

The Advisory Council shall consist of nineteen (19) members. Composition of the membership shall be as follows:

The Mayor shall appoint a member to the Advisory Council. (1)

Each City Representative shall appoint a member to the Advisory Council (8)

Ten members shall be selected by the Advisory Council as at large members. (10)

Total: (19)

At least five of the members shall be persons aged 55 or over. Members should be representative of a cross-section of the community, such as: Community and business leaders, Representatives of non-profit corporations and public agencies. Project staff shall not be members or officers of the Advisory Council.

Section 2 – Tenure

Each appointed member shall serve for a term of two years. No member shall serve more than two consecutive full terms. Within those categories represented in the Advisory Council, every effort shall be made to have eight of the members have terms which expire each year. Should any member be unable to complete his term of office, an appointment shall be made according to the same process by which the member was appointed to fill out the un-expired term.



Legislation Text

File #: 25-1084, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Destination El Paso, Ben Fyffe, (915) 212-1766

City Attorney's Office, Ignacio Troncoso, (915) 212-1046

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution establishing the Greater El Paso, Civic, Convention and Tourism Advisory Board for the purpose of advising the City of El Paso on Matters related to Promotion of Tourism and Convention Activity in the City.

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:


PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: 

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

A RESOLUTION RE-ESTABLISHING GREATER EL PASO CIVIC, CONVENTION AND TOURISM ADVISORY BOARD FOR THE PURPOSE OF ADVISING THE CITY OF EL PASO ON MATTERS RELATED TO PROMOTION OF TOURISM AND CONVENTION ACTIVITIES IN THE CITY

WHEREAS, on November 6, 1983, the El Paso City Council (“City Council”) enacted Ordinance No. 07914 establishing the Greater El Paso Civic, Convention and Tourist Center Board to advise City Council on matters related to promotion of tourism and convention activities in the City; and

WHEREAS, on May 12, 2025 City Council directed boards and commissions be standardized to be enacted by resolution instead of ordinance; and

WHEREAS, Ordinance No. 07914 was amended by Ordinances No. 011469, No. 011517, No. 012174, No. 015108 and No. 017990; and

WHEREAS, Ordinances No. 07914, No. 011469, No. 011517, No. 012174, No. 015108 and No. 017990 were repealed and this Resolution will be adopted in its place.

WHEREAS, the City of El Paso would continue to benefit from the establishment of an advisory board in order to identify and coordinate the needs of the City for the promotion of tourism and convention activities.

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

That the Greater El Paso Civic, Convention and Tourism Advisory Board is hereby established to serve as an advisory board to the City Council concerning the utilization of the El Paso Convention and Performing Arts Center (“CPAC”), advertising for the general promotion of the City, and the operation of the Convention and Visitors Bureau (“CVB”) to attract conventions and visitors to the City of El Paso.

That the membership, duties, composition and operation of the Greater El Paso Civic, Convention and Tourism Advisory Board be dictated by the City Code and the Uniform Bylaws and guidelines adopted by the City Council of the City of El Paso.

That the terms of this resolution be effective immediately after the repeal of Ordinances No. 07914, No. 011469, No. 011517, No. 012174, No. 015108 and No. 017990.

(Signatures begin on the following page)

PASSED AND APPROVED this _____ day of _____, 2025.

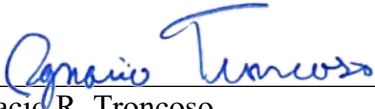
THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Ignacio R. Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Ben Fyffe
Managing Director Quality of Life



Legislation Text

File #: 25-1085, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Capital Improvement Department, Yvette Hernandez, (915) 212-0065

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution amending the enabling resolution of the Bond Overview Advisory Committee (BOAC) in accordance with the direction provided by the El Paso City Council on May 12, 2025 to standardize the Boards and Commissions of the City of El Paso.

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



DEPARTMENT: Capital Improvements

AGENDA DATE: 9/3/25

PUBLIC HEARING DATE:

CONTACT PERSON NAME: Yvette Hernandez, City Engineer

PHONE NUMBER: 915-212-0065

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 6: Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.8 Support Transparent and Inclusive Government

SUBJECT:

A resolution amending the enabling resolution of the Bond Overview Advisory Committee (BOAC) in accordance with the direction provided by the El Paso City Council on May 12, 2025 to standardize the Boards and Commissions of the City of El Paso.

BACKGROUND / DISCUSSION:

August 14, 2012 - City council enacted a resolution establishing the Bond Overview Advisory Board
December 18, 2012 - City council amended the resolution to delete a prohibition against BOAC members holding other public offices
May 12, 2025 - City council directed that bonds and commissions are standardized

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

August 5, 2025 - City council adopted Ordinance No 019766 establishing uniform bylaws to be adopted and followed by all city boards

AMOUNT AND SOURCE OF FUNDING:

N/A

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)
N/A	

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

DEPARTMENT HEAD:

Yvette Hernandez Digitally signed by Yvette Hernandez
Date: 2025.08.13 15:05:26 -06'00'

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, on August 14, 2012, the El Paso City Council (“City Council”) enacted a Resolution establishing a Bond Overview Advisory Committee (“BOAC”) to review the progress of the 2012 Bond Issue Projects and to provide oversight and feedback to City staff with regard to project expenditures and implementation (“Resolution of August 14, 2012”); and

WHEREAS, on December 18, 2012, City Council amended the Resolution of August 14, 2012 to delete a prohibition against BOAC members holding other public offices of honor, trust, or profit (“Resolution of December 18, 2012”); and

WHEREAS, since its enactment, the Resolution of December 18, 2012 has served as the BOAC effective enabling resolution; and

WHEREAS, on May 12, 2025 City Council directed that boards and commissions be standardized; and

WHEREAS, on August 5, 2025, City Council adopted Ordinance No. 019766, thereby establishing uniform bylaws to be adopted and followed by all city boards; and

WHEREAS, City Council finds the Resolution of December 18, 2012 should be amended to adopt the City’s uniform bylaws in compliance with Ordinance No. 019766.

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

1. That the following paragraphs of the Resolution of December 18, 2012 are hereby deleted in their entirety:

Paragraph “1” (Committee Established – Membership);
Paragraph “2” (Terms);
Paragraph “3” (Duties);
Paragraph “4” (Holding Office);
Paragraph “5” (Quorum – Final Action);
Paragraph “6” (Meeting Rules and Procedures Generally)

2. That a new Paragraph “1” is added to read as follows:

1. BOAC Subject to City Uniform Bylaws.
BOAC shall be subject to the City’s Uniform Bylaws that have been established by the El Paso City Council. The

City's Uniform Bylaws shall be effective immediately, except that all current BOAC members will serve out their existing terms. New appointments, however, will be subject to the terms provided in the City's Uniform Bylaws, which may result in terms shorter than two years until a full transition to the term provisions of the City's Uniform Bylaws has occurred.

3. That a new Paragraph "2" is added to read as follows:

2. Duties.

BOAC shall meet twice each year to review information from applicable City Departments regarding voter approved 2012 Bond Issue Projects; 2019 Bond Issue Projects; 2022 Bond Issue Projects; and any future bond projects.

4. That the former Paragraph "7" shall become Paragraph "3".

5. Except as amended herein, the Enabling Resolution remains in full force and effect.

6. The terms of this Resolution become effective when the requirements of Ordinance No. 019766 take effect.

APPROVED this _____ day of _____, 2025.

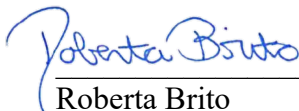
THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine
City Clerk

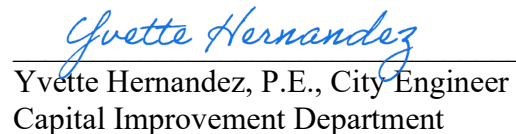
APPROVED AS TO FORM:



Roberta Brito

Senior Assistant City Attorney

APPROVED AS TO CONTENT:



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



Legislation Text

File #: 25-1063, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 1

Tax Office, Maria O. Pasillas, (915) 212-0106

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

A Resolution that the Taxpayer, DOUGLAS M. & SILVIA A WATTS, have met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2024 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$2,761.91, for the property with the following legal description:
2 STONEHEDGE ESTATES LOT 11.

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



DEPARTMENT: Tax Office

AGENDA DATE: 9/3/25

PUBLIC HEARING DATE:

CONTACT PERSON NAME: Maria O. Pasillas

PHONE NUMBER: 915-212-0106

DISTRICT(S) AFFECTED: 1

STRATEGIC GOAL:

Goal 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL:

6.11 Provide efficient and effective services to taxpayers

SUBJECT:

A Resolution that the Taxpayer, DOUGLAS M. & SILVIA A WATTS, have met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2024 delinquent taxes pursuant to Section 33.011(a)(1) of the Tax Code in the amount of \$2,761.91, for the property with the following legal description:
2 STONEHEDGE ESTATES LOT 11.

BACKGROUND / DISCUSSION:

Pursuant to Section 33.011(a)(1) of the Texas Tax Code ("Tax Code"), the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district caused or resulted in the taxpayer's failure to pay the before delinquency date and if the tax is paid not later than the 21st day after the taxpayer knows or should know of the delinquency.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

Council has considered this previously on a periodic basis.

AMOUNT AND SOURCE OF FUNDING:

N/A

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD:

Maria O. Pasillas

Maria O. Pasillas
2025.08.15 15:40:33 -06'00'

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

WHEREAS, pursuant to Section 33.011(a)(1) of the Texas Tax Code (“Tax Code”), the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district caused or resulted in the taxpayer’s failure to pay the tax before delinquency date and if the tax is paid not later than the 21st day after the taxpayer knows or should know of the delinquency; and

WHEREAS, pursuant to Section 33.011(d) a request for waiver of penalties and interest pursuant to Section 33.011(a)(1) of the Tax Code must be made before the 181st day after the delinquency date; and

WHEREAS, pursuant to Section 33.011(d) of the Tax Code, taxpayer, DOUGLAS M. & SILVIA A WATTS (“Taxpayer”) requested a waiver of penalties and interest on July 30, 2025, before the 181st day after the delinquency date, in the amount of \$2,761.91 for the 2024 delinquent taxes for the property with the following legal description:

2 STONEHEDGE ESTATES LOT 11

WHEREAS, the Taxpayer submits evidence sufficient to show that an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district caused or resulted in the taxpayer’s failure to pay the before delinquency date and if the tax is paid not later than the 21st day after the taxpayer knows or should know of the delinquency.

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

THAT the Taxpayer, DOUGLAS M & SILVIA A WATTS, has met the requirements of Section 33.011 of the Tax Code for the request of waiver of penalties and interest, and the City waives the penalty and interest amount on the 2024 delinquent taxes, pursuant to Section 33.011(a)(1) of the Tax Code, in the amount of \$2,761.91 for the property with the following legal description:

2 STONEHEDGE ESTATES LOT 11

(Signatures Begin on Following Page)

APPROVED this ____ day of _____, 20__.

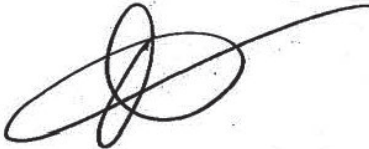
CITY OF EL PASO:

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
City Tax Assessor/Collector



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 25-1090, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

City Manager's Office, City Manager Dionne Mack, (915) 212-0023

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Ratify the reappointment of Gary M. Borsch to the Fire and Police Pension Fund Board of Trustees by City Manager Dionne Mack.



Board Appointment Form

City Clerk's Office

Appointing Office	Alejandra Chávez, District 1
Agenda Placement	Consent
Date of Council Meeting	09/03/25
Name of Board	Fire and Police Pension Fund Board of Trustees
Agenda Posting Language	
Ratify the re-appointment of Gary M. Borsch to the Fire and Police Pension Fund Board of Trustees by City Manager Dionne Mack.	
Appointment Type	Regular
Member Qualifications	
Mr. Borsch is qualified in institutional portfolio transaction management, business development, portfolio management, and marketing.	
Nominee Name	Gary M. Borsch
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Residing District	District 1
City Employed Relatives	N/A
Board Membership	
N/A	
Real estate owned in El Paso County	
N/A	
Previous Appointee	Gary M. Borsch
Reason for Vacancy	Term Expired
Date of Appointment	09/03/25
Term Begins On	09/01/25
Term Expires On	08/31/29
Term	Second Term

Gary M. Borsch

CEO and Director of Trading & Marketing

- Responsibilities:** Mr. Borsch is responsible for institutional portfolio transaction management, business development, portfolio management and marketing.
- Education:** BA- English and History, Monmouth College 1968
- Experience:**
- | | |
|--------------|---------------------------------------------------------------------------------------|
| 2009-Present | Professional Investment Counsel, Inc.
CEO and Principal Owner |
| 2005-2009 | Professional Investment Counsel, Inc.
President/CEO |
| 1991-2005 | Professional Investment Counsel, Inc.
Principal Owner and Executive Vice President |
| 1988-1991 | Eppler, Guerin and Turner- El Paso
Vice-President-Investments |
| 1982-1988 | Rotan Mosle, Inc.- El Paso
Vice-President |
| 1976-1982 | Dean Witter Reynolds- El Paso/Tucson
Registered Representative & Producing Broker |
| 1974-1976 | Lawyers Title of Arizona- Tucson
Branch Manager |
| 1971-1973 | Procter & Gamble
Field Advertising Representative |
| 1968-1971 | United States Army |
- Civic Activities:**
- 2017-Chairman Greater El Paso Chamber of Commerce Foundation
 - 2016-TEDxElPaso-Steering Committee/ Organizer
 - 2016-Chair-Elect-Greater El Paso Chamber of Commerce Foundation
 - 2015-Chairman-Greater El Paso Chamber of Commerce
 - 2014-Chair Elect Greater El Paso Chamber of Commerce
 - 2014-Present-Member EPISD Advisory Board
 - 2013-Chairman's Outstanding Volunteer Award at Great El Paso Chamber of Commerce
 - 2012-2013-Member EPISD Community Advisory Committee for selection of new EPISD Superintendent
 - 2012-Member EPISD Governance Advisory Committee
 - 2012-Present Executive Board- Greater El Paso Chamber of Commerce
 - 2012-2013 Chairman- Greater El Paso Chamber of Commerce- Education Division
 - 2007-Present Advisory Board Member, El Paso Museum of Art Foundation

2006-Present Board Member- Greater El Paso Chamber of Commerce
Foundation
2006-2007 Chairman Greater El Paso Chamber of Commerce Foundation
2005-Present Regional Member of the Paso Del Norte Group
2001-2003 Chairman Upper Rio Grande Workforce Development Board
2001-2003 Texas Leadership Council of Texas Workforce Commission
1999-2003 Board Member, Upper Rio Grande Workforce Development
Board
2001-2002 Chairman, National Center of Education and the Economy
Project (El Paso, Washington D.C.)
2000 Chairman, Executive Committee Greater El Paso Chamber of
Commerce Education Workforce Division
Board Member- Greater El Paso Chamber of Commerce
Foundation Executive Board Member- Greater El Paso Chamber of
Commerce



City Manager's Office

MAYOR

Renard U. Johnson

August 19, 2025

CITY COUNCIL

District 1

Alejandra Chávez

District 2

Dr. Josh Acevedo

District 3

Deanna M. Rocha

District 4

Cynthia Boyar Trejo

District 5

Ivan Niño

District 6

Art Fierro

District 7

Lily Limón

District 8

Chris Canales

CITY MANAGER

Dionne Mack

Mr. Tyler Grossman

Executive Director

El Paso Fire and Police Pension Fund Board of Trustees

909 East San Antonio

El Paso, TX 79901

Dear Mr. Grossman,

This is to advise you that I am re-appointing Mr. Gary Borsch as my citizen appointee to the El Paso Fire and Police Pension Fund Board of Trustees as per the statute which delegates this appointment to the City Manager subject to City Council approval. His appointment will expire on August 31, 2029. Moving forward, City Manager appointments will be limited to two terms.

If there are any questions concerning this matter, please feel free to contact my office.

Sincerely,

Dionne Mack

City Manager



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 25-1138, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

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Members of the City Council, Mayor Renard U. Johnson, (915) 212-0023

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Elizabeth Thurmond-Bengtson to the Zoning Board of Adjustment by Mayor Renard U. Johnson.



Board Appointment Form

City Clerk's Office

Appointing Office	Mayor Renard U. Johnson
Agenda Placement	Consent
Date of Council Meeting	09/03/25
Name of Board	Zoning Board of Adjustment
Agenda Posting Language	
Re-appointment of Elizabeth Thurmond-Bengston to the Zoning Board of Adjustment by Mayor Renard U. Johnson.	
Appointment Type	Regular
Member Qualifications	
A person whose duties include daily operations of Zoning Board of Adjustment.	
Nominee Name	Elizabeth Thurmond-Bengtson
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Residing District	District 1
City Employed Relatives	N/A
Board Membership	
Zoning Board of Adjustment	
Real estate owned in El Paso County	
Previous Appointee	Elizabeth Thurmond-Bengston
Reason for Vacancy	Term Expired
Date of Appointment	09/03/25
Term Begins On	10/01/25
Term Expires On	09/30/27
Term	Second Term

ELIZABETH THURMOND-BENGTSON



PROFESSIONAL SUMMARY

Organized and dependable candidate successful at managing multiple priorities with a positive attitude. Willingness to take on added responsibilities to meet team goals.

SKILLS

- Project Management • Creativity and Adaptability Workflow Management

WORK HISTORY

6/23 to Present Consultant

- Consulting with Planning and Construction at The University of El Paso on building design and furnishings.

7/98 to 1/22 Director of University Events and Planning and Construction

The University of Texas At El Paso

- Research assigned events and event concepts.
- Organized brainstorming sessions between cross-functional teams to develop strategy and creative ideas for future events.
- Developed creative themes for events and created related activities to engage attendees.
- Oversaw event registration process by collecting and tracking attendee information
- Managed administrative logistics of events planning, event booking: and event promotions
- Trained and supervised event staff to complete tasks on time. utilized Design Elements to push building projects and spaces. Implemented color strategies for building uniqueness
- Selected finishes and furnishings
- Oversaw selection of public art for installation within spaces both public and private

07/95 to 07/98

Visual Arts Teacher

El Paso Independent School System — El Paso: TX

- Created engaging lesson plans: fostered culture of discovery and provided well organized classroom structure to help students succeed in program.
- Researched best practices for arts integration and visual arts trends and applied new technique: to lesson plan material.
- Instructed students on visual arts techniques and assigned related art projects for students in the 4th and 5th grade level_
- Worked with struggling students to offer additional help with classroom and hands-on learning.

2/95 to 7/95

Visual Arts Teacher

Ysleta Independent School District —El Paso: TX

- Created engaging lesson plans, fostered culture of discovery and provided well organized classroom structure to help students succeed in program.
- Researched best practices for arts integration and visual arts trends and applied new techniques to lesson plan material.
- Instructed students on visual arts techniques and assigned related art projects for students in 6th, 7th and 8th grade levels
- Worked with struggling students to offer additional help with classroom and hands-on learning

EDUCATION

1998

Bachelor of Arts: Visual Art, Arts Education

The University of Texas At El Paso - El Paso, TX



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 25-1142, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

Members of the City Council, Representative Alejandra Chávez, (915) 212-0001

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Gabriel Gonzalez to the Capital Improvements Advisory Committee by Representative Alejandra Chávez, District 1.



Board Appointment Form

City Clerk's Office

Appointing Office	Alejandra Chávez, District 1
Agenda Placement	Consent
Date of Council Meeting	09/03/25
Name of Board	Capital Improvements Advisory Committee
Agenda Posting Language	
Appointment of Gabriel Gonzalez to the Capital Improvement Advisory Committee by Representative Alejandra Chávez, District 1.	
Appointment Type	Regular
Member Qualifications	
I am interested in serving on the City of El Paso Capital Improvements Advisory Committee as my extensive background in construction management qualifies me to assess the implementation of impact fees for developments within the City of El Paso. I bring practical expertise in budgeting, cost analysis, and stakeholder coordination, enabling me to ensure that impact fees are applied effectively, responsibly, and in alignment with the community's long-term infrastructure needs.	
Nominee Name	Gabriel Gonzalez
Nominee Email Address	
Nominee Residential Address	
Nominee Primary Phone Number	
Residing District	District 1
City Employed Relatives	N/A
Board Membership	
Yes, serving 1st term on the Regional Renewable Energy Advisory Committee. Term expires March 2027. This board is set to sunset.	
Real estate owned in El Paso County	
Previous Appointee	Shane Mercer
Reason for Vacancy	Term Expired
Date of Appointment	09/03/25
Term Begins On	10/29/23
Term Expires On	10/28/26
Term	Unexpired Term

Mr. Gabriel Gonzalez is a senior program management professional with an 11+ year project portfolio of more than \$1.5 billion in total budgets consisting of architectural and engineering design services, construction management, specialty consultants, FF&E procurement, and real estate acquisition for a variety of public institutions and private sector clients. His management portfolio includes project sectors of healthcare, municipal, county, state, and federal governments, higher education, K-12, aviation, multi-family, and utility infrastructure. Bundled with extensive leadership traits and strong communication, Mr. Gonzalez thrives in managing complex assignments from planning and design through project closeout.

GABRIEL GONZALEZ

Years of Experience

11

Turner & Townsend Heery – El Paso, Texas

Senior Consultant, September 2024 – Current

- Serves as Senior Project Manager in a construction management advisory role to the US General Services Administration of a \$550 M land port of entry modernization project along the US/Mexico border
- Lead government agency coordination, management, and project deliverables
- Support public stakeholder engagement workshops and communication
- Lead project planning coordination, site engineering studies, and RFQ/RFP solicitation development
- Manage the development of multiple independent government cost estimates accounting for public policy changes and current market conditions
- Provide oversight of cross-functional real estate teams to support project site expansion plans including acquisition of public property
- Manage internal staff members in support of daily operations ensuring efficiency, compliance with standard operating procedures, and service deliverables
- Lead the regional business development strategy for the firm consisting of solicitation analysis, partnering strategies, proposal fee development, staffing, and project management plan development
- Lead strategies for growing and expanding a construction management firm's market presence and client base

Education

B.S., Construction
Engineering
Minor, Mathematics
Texas Tech University

Certifications/Organizations

Certified Construction
Manager (CCM)
Certified Healthcare
Constructor (CHC)
OSHA – 30 Hour
Certification
CMAA – CM Practitioner
Member
ASHE – Associate Member
TAHFM – Associate Member

Broaddus & Associates – El Paso, Texas

Project Manager, April 2019 – September 2024

- Provided program/project and construction management services of varying project scopes and budgets ranging from less than \$1 M to greater than \$850 M
- Led project delivery teams including architects, engineers, contractors, and consultants through complete project lifecycles including planning and design, construction, total building commissioning, operational activation and project closeout
- Prepared and managed RFQ and RFP solicitations in compliance with governing procurement policies
- Managed contract negotiations including professional services, construction agreements, and product purchases
- Developed and managed total project budgets including construction, FF&E, and design costs
- Reviewed and processed contractor change proposals, pay applications, and change orders
- Outlined and implemented QA procedures to ensure field QC requirements are being adhered to
- Developed, coordinate and execute post-construction activation schedules
- Presented monthly program presentations to the Owner's Governance Boards and sub-committees
- Provided project status updates to the Owner's Administration representative through reporting and meetings

Petra – Lubbock, Texas

Construction Project Manager, August 2017 – April 2019

Assistant Project Manager, August 2015 – August 2017

- Define and develop project scope through coordination with project stakeholders
- Direct SD and DD meetings with design team, including major equipment vendors
- Develop and maintain documentation relative to outstanding issues, submittals, and RFI's
- Coordinate design implementation and installation activities with medical equipment vendors
- Review and execute contractor proposals, pay applications, and change orders
- Perform QA reviews of construction progress and provide direction for proper remediation
- Direct facility master planning including evaluation of existing facilities and MEP systems

ADAMS Management Services Corporation – Lubbock, Texas

Associate Project Manager, November 2014 – July 2015

- Review contractor construction plans including constructability issues and trade contractor coordination
- Perform QA reviews and safety monitoring at job sites in coordination with the GC
- Coordinate delivery and installation of furniture and healthcare equipment items
- Review and execute contractor pay application and change orders
- Develop and execute occupant transition schedules per Owner's needs

Texas Department of Transportation - El Paso, Texas

Engineering Technician I, June 2014 – August 2014

- Inspection of construction methods and workmanship via State of Texas quality control program
- Process construction-related documents and maintain project records
- Obtain material samples for analysis and perform lab testing

Relevant Program and Project Experience

GSA Bridge of the Americas Land Port of Entry (2024 - Current)

El Paso, Texas

Multi-level Modernization Project (250k SF, 27 acres) | Ground Up | \$550 M

El Paso International Airport (2023 - 2024)

El Paso, Texas

Ceiling & Lighting Replacement (243k SF) | Renovation | \$15.0 M

Hangar Renovation (15k SF) | Renovation | \$2.5 M

City of El Paso Eastside Regional Command Center (2023 - 2024)

El Paso, Texas

El Paso Police Command Center (41k SF, 8 acres) | Ground Up | \$34.3 M

University of Texas - El Paso (2022 - 2024)

El Paso, Texas

ARPA 6 – Infrastructure Upgrades | Upgrades | \$1.9 M

University of New Mexico Hospital Program (2021 – 2024)

Albuquerque, New Mexico

Critical Care Patient Tower (685k SF) | Ground Up | \$631.5 M

Central Utility Plan & Parking Garage (558k SF) | Ground Up | \$120.6 M

La Nube Children's Museum (2020 to 2024)

El Paso, Texas

Children's Museum (77k SF) | Ground Up | \$70.2 M

El Paso Leadership Academy (2020 to 2021)

El Paso, Texas

6-12 Charter School Campus (71k SF) | Planning & Design | \$14.5 M

University Medical Center of El Paso 2013 Bond Program (2019 – 2020)

El Paso, Texas

Pharmacy Upgrades (1.7k SF) | Renovation | \$1.0 M

Cath Labs 1 & 2 (2k SF) | Renovation | \$3.3 M

East Emergency Department (11.5k SF) | Expansion | \$7.3 M

Northeast Emergency Department (10.8k SF) | Ground Up | \$8.0 M

Interventional/EP Lab (2.6k SF) | Renovation | \$5.3 M

Covenant Children's Hospital Master Planning & Renovations (2018 to 2019)

Lubbock, Texas

5th Floor | Renovation | \$4.4 M

Master Plan | Planning & Design | \$60 M

Covenant Health Capital Plan Projects (2014 – 2019)

Lubbock, Texas

Lifestyle Centre | Renovation & Addition | \$8.1 M

Joe Arrington Cancer Center | Renovation & Addition | \$31.2 M

Medical Center East 6 – CICU | Renovation | \$5.2 M

Medical Center East 7 – Oncology | Renovation | \$5.5 M

Data Center | Finish-Out | \$964 K

Medical Center OR & Cath Labs MEP Upgrades | Planning & Design | \$4.5 M



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 25-1109, **Version:** 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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Members of the City Council, Representative Alejandra Chávez, (915) 212-0001

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contributions by Representative Alejandra Chávez in the amount of \$1,500 from Donald & Adair Margo, \$1,500 from Ryan & Meghan McCrory and \$1,000 from Steve Ortega.



Legislation Text

File #: 25-1067, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Blanca Perez, (915) 212-1561

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance granting Special Permit No. PZST24-00018, to allow for infill development with reduction to rear and side street setbacks on the property described as Lots 28, 29, 30, and 31, Block 23, Second Revised Map of Sunset Heights, 506 Randolph Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 506 Randolph Drive

Applicant: Hugo Castillo, PZST24-00018

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiive

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST24-00018, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCTION TO REAR AND SIDE STREET SETBACKS ON THE PROPERTY DESCRIBED AS LOTS 28, 29, 30 AND 31, BLOCK 23, SECOND REVISED MAP OF SUNSET HEIGHTS, 506 RANDOLPH DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Highland Development and Construction Group, LLC, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a reduction to rear and side street setbacks; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

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

1. That the property described as follows is in a A-4/sc/h (Apartment/special contract/historic) Zone District:

Lots 28, 29, 30, and 31, Block 23, Second Revised Map of Sunset Heights, 506 Randolph Drive, *City of El Paso, El Paso County, Texas ; and,*

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a reduction to rear and side street setbacks; and,
3. That this Special Permit is issued subject to the development standards in the A - 4/sc/h (Apartment/special contract/historic) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this

plan is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes; and,

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST24-00018 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russel T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning and Inspections Department

AGREEMENT

Highland Development and Construction Group, LLC, referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the A-4/sc/h (Apartment/special contract/historic) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 21st day of July, 2025.

Highland Development and Construction Group, LLC:

By: Hugo Abraham Castillo, Member
(name/title)

[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 21 day of July, 2025, by Hugo Abraham Castillo, for Highland Development and Construction Group, LLC, as Owner.

My Commission Expires: 06/06/2026

[Signature]
Notary Public, State of Texas

Notary's Printed or Typed Name:

Jessica Galvan

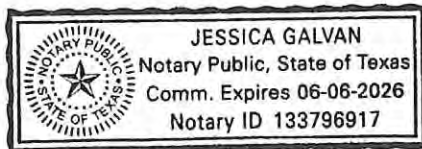
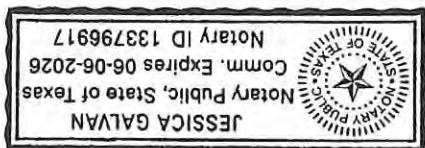
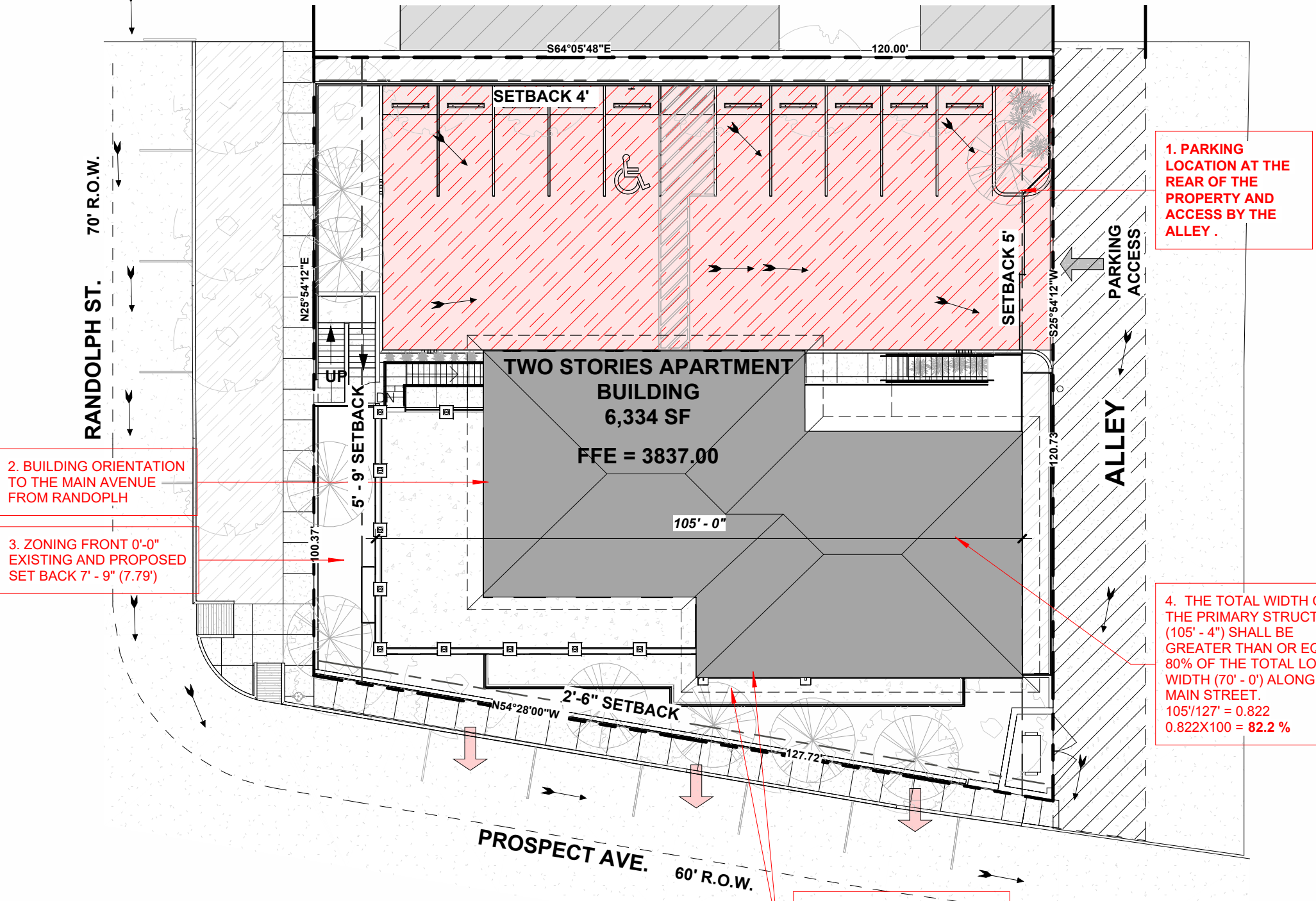


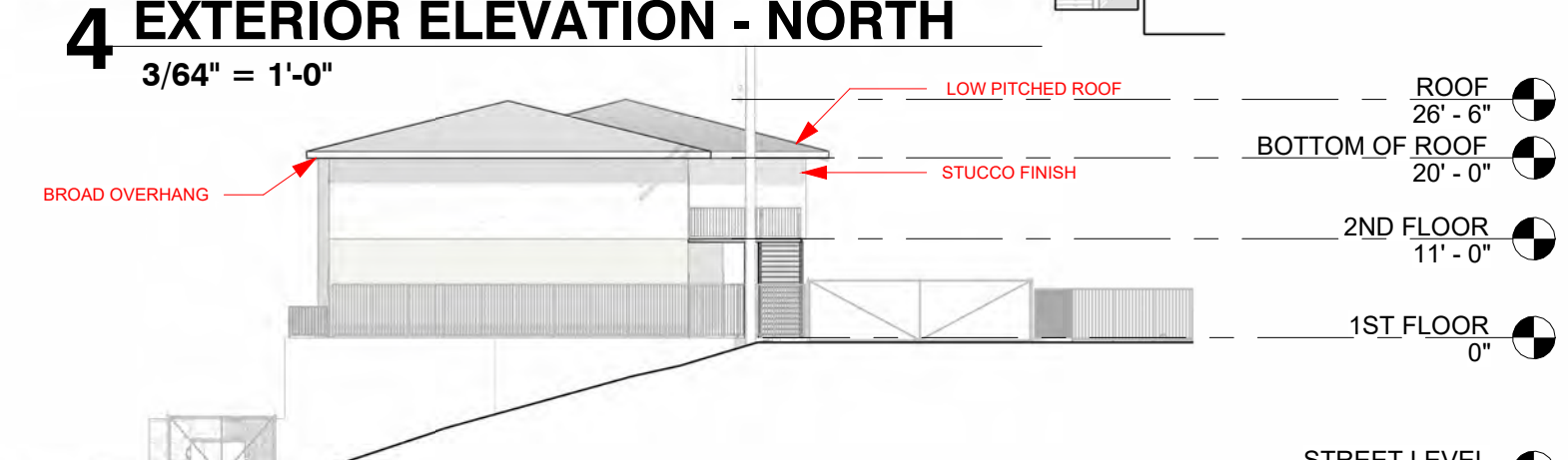
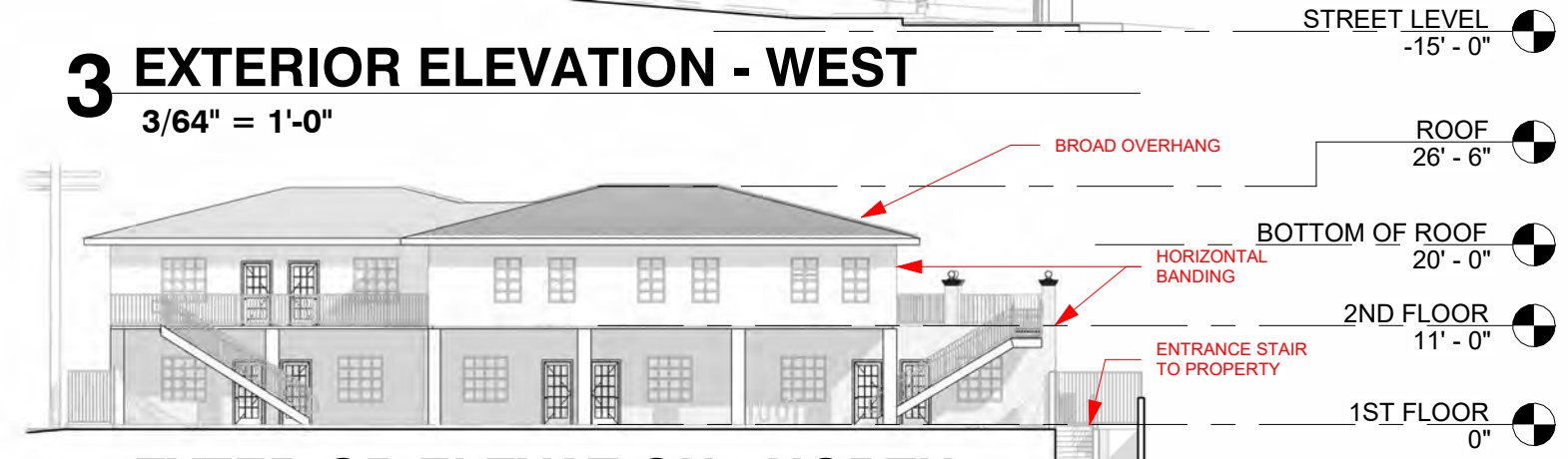
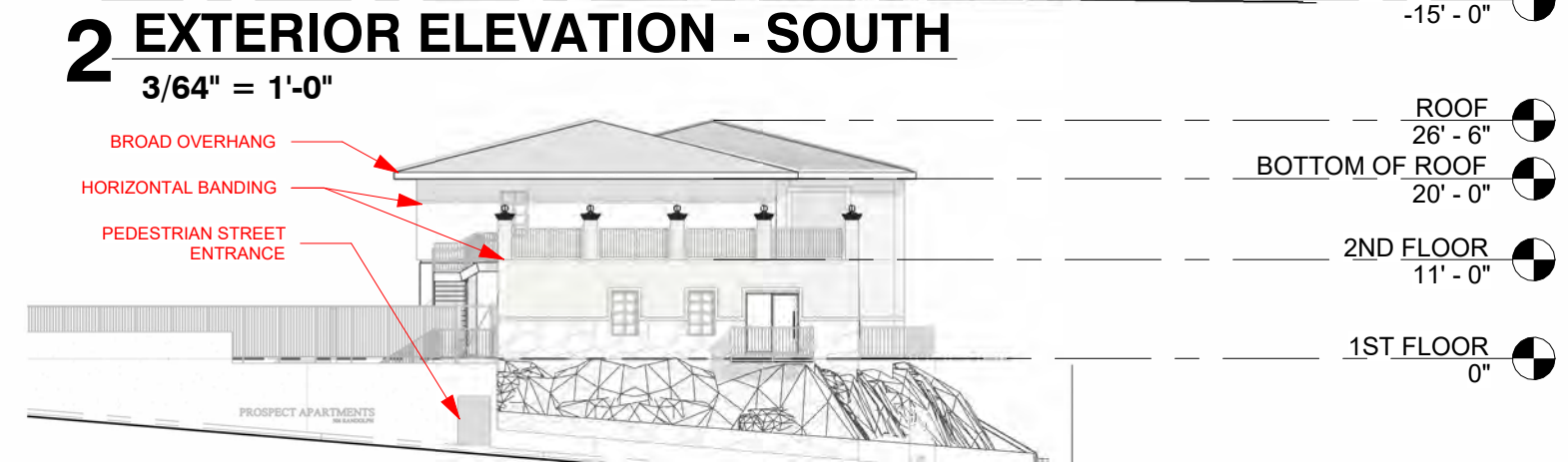
Exhibit "A" MANDATORY DESIGN REQUIREMENTS

1. PARKING LOCATION AT THE REAR OF THE PROPERTY AND ACCESS BY THE ALLEY .
2. BUILDING ORIENTATED TO THE MAIN STREET OR AVENUE.



6 PROPOSED SITE PLAN
1" = 20'-0"

3. FOR RESIDENTIAL DEVELOPMENT, THE FRONT BUILDING SETBACK SHALL NOT DEVIATE FROM THE AVERAGE FRONT SETBACK OF LOTS WITHIN THE SAME BLOCK AS THE PROPOSED DEVELOPMENT BY MORE THAN 15%. THE PROPERTY HAS 0'-0" FOR FRONT SET BACK. ALL SETBACKS ON THIS BLOCK HAVE A FRONT SETCK VARY OF 0'-0" TO 6'-0". THE PROPERTY HAS AN EXISTING SET BACK FRONT SET BACK OF 0'-0" AND WE ARE PROPOSED 7'-9" (7.79').



5 EXTERIOR ELEVATION - EAST
3/64" = 1'-0"

SELECTIVE DESIGN GUIDELINES

4. THE TOTAL WIDTH OF THE PRIMARY STRUCTURE SHALL BE GREATER THAN OR EQUAL 80% OF THE TOTAL LOT WIDTH ALONG THE MAIN STREET. FOR THE PURPOSE OF THIS CALCULATION, ANY NECESSARY VEHICULAR ACCESS DRIVEWAY SHALL BE SUBTRACTED FROM THE TOTAL LOT WIDTH.

5. THE PROJECT SHALL DEMONSTRATE COMPLIANCE WITH ONE OF THE ARCHITECTURAL STYLES DEFINED IN THE COMMUNITY DESIGN MANUAL OF PLAN EL PASO (SEE APPENDIX A OF THE INFILL POLICY GUIDE), THE PROJECT COMPLIANCE WITH CRAFTSMAN & PRAIRIE STYLES ONE OF THE ARCHITECTURAL STYLES DEFINED IN THE COMMUNITY DESIGN MANUAL OF PLAN EL PASO.

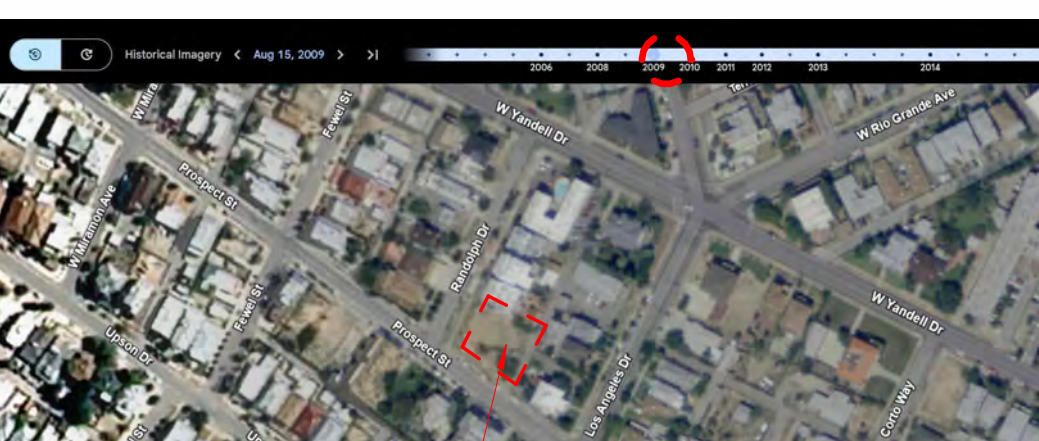
6. PROJECTS IN RESIDENTIAL DISTRICTS THE APPLICANT SHALL DEMONSTRATE THAT THE PARCEL HAS BEEN VACANT OR UNDERDEVELOPED FOR NO LESS THAN 15 YEARS. FOR PURPOSES OF THIS GUIDELINE ONLY, UNDERDEVELOPED SHALL BE DEFINED AS PARCELS WHICH DO NOT MEET THE MAXIMUM DENSITY PERMITTED IN THE BASE ZONING DISTRICT.



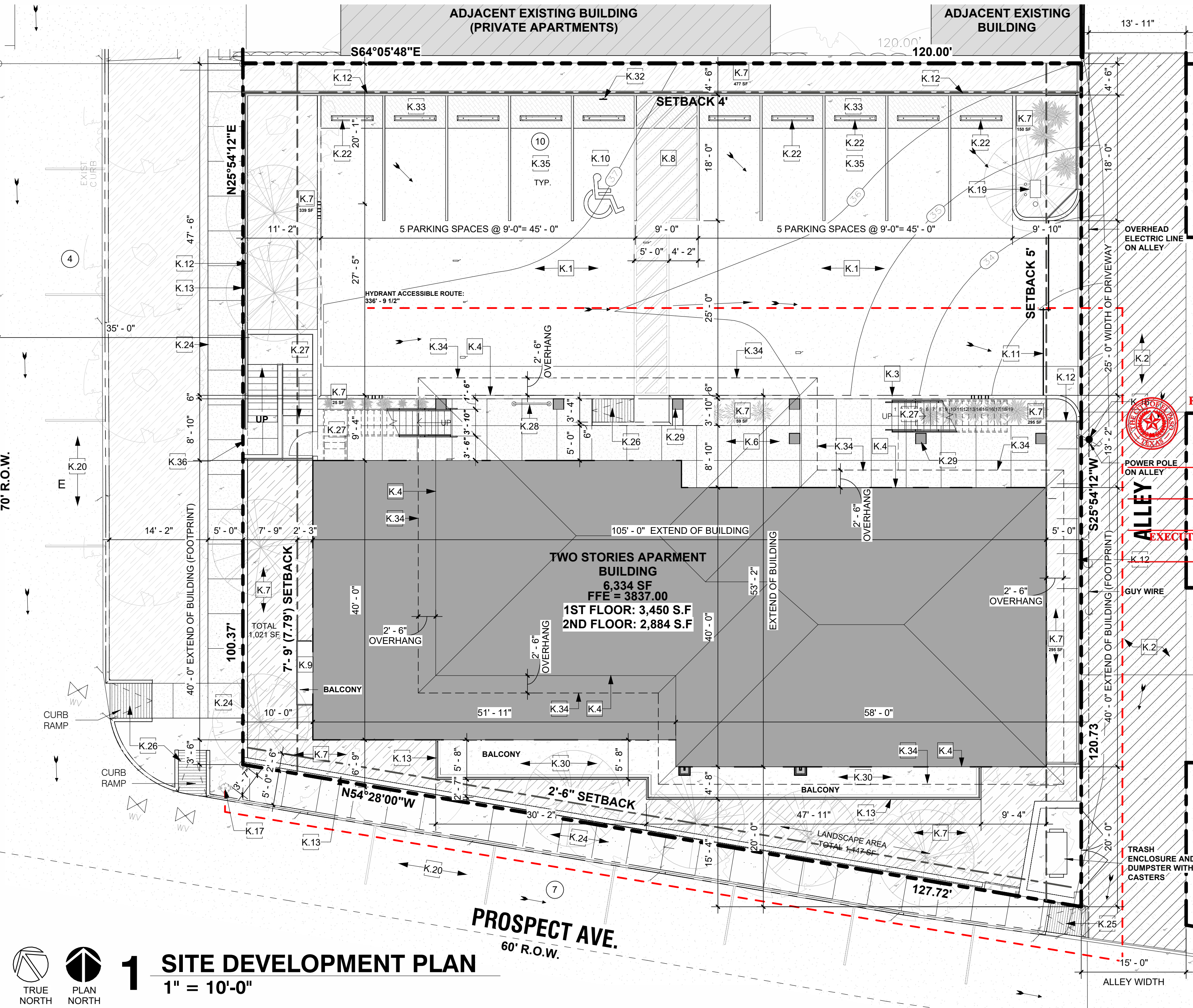
5. CRAFTSMAN & PRAIRIE STYLE

- LOW PITCHED ROOF
- STUCCO WALL FINISHED
- BROAD OVERHANG
- HORIZONTAL BANDING DETAIL

6. VACANT FOR MORE THAN 15 YEARS

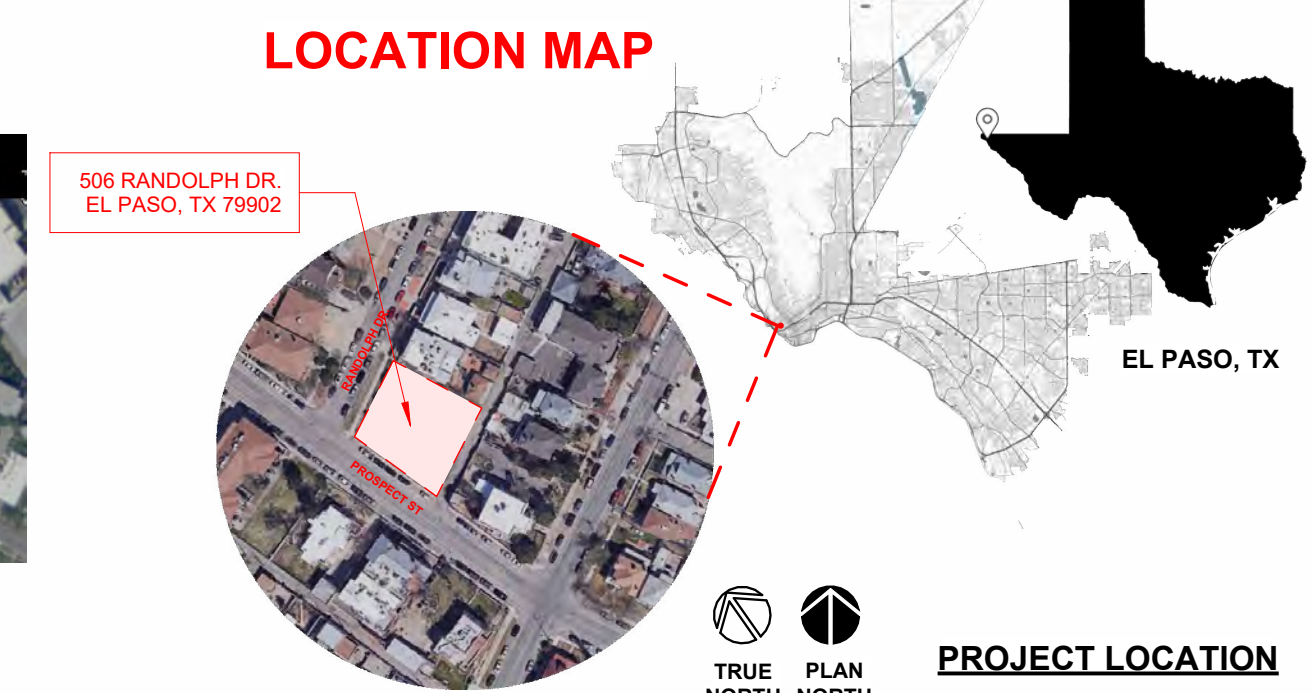
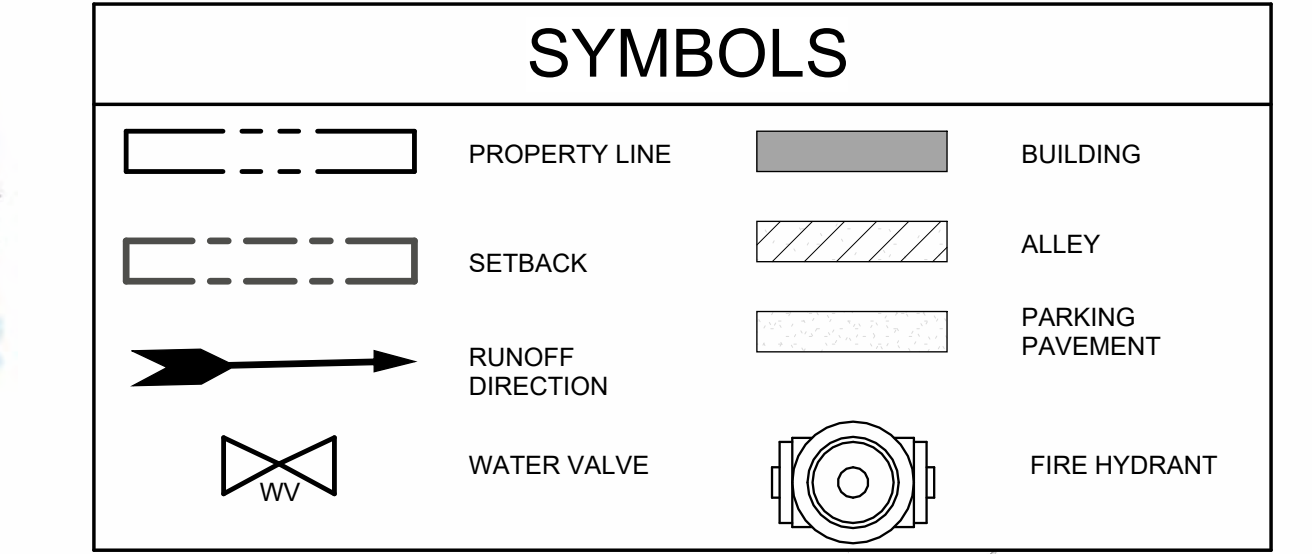


AERIAL VIEW PROVIDED BY GOOGLE EARTH



1 SITE DEVELOPMENT PLAN
1" = 10'-0"

SETBACKS					
	FRONT	REAR	CUMULATIVE (FRONT/REAR)	SIDE	HEIGHT
REQUIRED	0'-0"	20'	N/A	4'	5'
PROPOSED	7'-9" (7.79)	5'	N/A	4'	2'-6"



LANDSCAPE CALCULATIONS	
NEW BUILDING SITE	13,265 - 5,007 @15%=1,239 SQ. FT 30% REDUCTION FOR INFILL SITE = 372
TOTAL REQUIRED = 1,461 SQ. FT.	QTY. OF CANOPY TREES: 1
TOTAL NEW PROVIDED = 1,872.	QTY. OF STREET TREES: 8
SLOPE	QTY. OF BUFFER TREES: 8
TOTAL FRONTAGE = 222 LN. FT.	QTY. OF PROJECT TREES: 15
USABLE FRONTAGE = 100 LN. FT.	QTY. OF 5 GAL. SHRUBS: 45
PLANT QUANTITIES	

- SITE PLAN KEYED NOTES
- K.1 NEW ASPHALT PAVEMENT, REF. TO CIVIL DRAWINGS
K.2 EXISTING 15' ALLEY WITH ASPHALT PAVEMENT, ANY REPAIRS TO BE DONE AS PER CITY STANDARDS. COORDINATE WITH COELP
K.3 CONCRETE CURB, REF. CIVIL DRAWINGS
K.4 LINE OF 2ND. FLOOR BUILDING ABOVE
K.5 DOWNSPOUT, REF. ROOF PLAN
K.6 CONCRETE SIDEWALK, REF. CIVIL DRAWINGS
K.7 LANDSCAPE AREA, REF. LANDSCAPE DRAWINGS
K.8 PARKING STRIPPING
K.9 BALCONY
K.10 ADA INTERNATIONAL SYMBOL
K.11 WROUGHT IRON SLIDING GATE, 6" HEIGHT, PROVIDE KNOX BOX FOR FIRE DEPARTMENT ACCESS
K.12 WROUGHT IRON FENCE, 6" HEIGHT
K.13 CONCRETE RETAINING WALL TO BE DESIGNED BY CIVIL ENGINEER.
K.14 CONCRETE STEPS
K.15 PROPOSED LOCATION OF NEW ELECTRIC METER
K.16 POWER POLE ON ALLEY W/ TRANSFORMER
K.17 EXISTING FIRE HYDRANT
K.18 WATER METER
K.19 BACK FLOW PREVENTER W/ ENCLOSURE
K.20 EXISTING STREET PARKING
K.21 SERVICE LADDER
K.22 CONCRETE WHEELSTOP
K.27 STAIRS AND HANDRAILING, REF.
K.28 BIKE RACK
K.29 COLUMN
K.30 OUTDOOR TERRACE 1ST FLOOR
K.31 OUTDOOR TERRACE 2ND FLOOR
K.32 ADA PARKING SIGN
K.33 PAVERS PAVEMENT
K.34 ROOF OVERHANG ABOVE
K.35 PARKING SPACE
K.36 PEDESTRIAN STREET ENTRANCE

PROJECT DATA		2021 IBC - IRC
1. GEOGRAPHIC IDENTIFICATION NUMBER:	S97999901000900	
2. ADDRESS:	506 RANDOLPH ST. EL PASO, TX, 79902	
3. LEGAL DESCRIPTION:	LOTS 28, 29, 30 AND 31, BLOCK 23 SECOND REVISED MAP OF SUNSET HEIGHTS.	
4. ZONE:	A-4 SC H	
5. OWNER:	HIGHLAND DEVELOPMENT AND CONSTRUCTION GROUP, LLC	
6. ARCHITECT:	ENRIQUE ESCOBEDO, AIA 915-503-8428 eesc@live.com	
7. SCOPE OF WORK:	NEW RESIDENTIAL / APARTMENTS BUILDING 11 ONE BEDROOM UNITS	
8. OCCUPANCY/USE:	A - 4 ZONE (APARTMENTS)	
9. TOTAL # OF STRUCTURE PROPOSED:	1	
10. PROJECT SQ. FOOTAGE:	6,334 SF	
11. BUILDING HEIGHT:	28'-0"	
12. TOTAL NUMBER OF STORIES IN STRUCTURE:	2	
13. CONSTRUCTION TYPE:	V-B	
14. UNITS AREA - INFORMATION:	11 ONE-BEDROOM UNITS - 5.75 SF S.F. 1ST FLOOR - 6 UNITS (575 SF EA) 3,450 SF 2ND FLOOR - 5 UNITS (575 SF EA) 2,884 SF TOTAL: 6,334 SF	
15. PARKING REQUIRED:	REQUIRED: 1.5 PER ONE BED REQUIRED: 16.5 - 17 PARKING SPACES PROVIDED: 10 PARKING SPACES	NOTE: LOT REDUCTION AREA IS REQUESTED THROUGH THIS APPLICATION, AS THE MINIMUM REQUIREMENT IS 20,000 SQUARE FEET
16. BIKE REQUIREMENT:	REQUIRED: 3 PARKING SPACES PROVIDED: 3 PARKING SPACES	NOTE: 50 % PARKING REDUCTION TO BE REQUESTED DURING INFILL DEVELOPMENT APPLICATION. NOTE: REQUIRED ACCESS WIDTH FOR FIRE DEPT. IS 20' AN AERIAL ACCESS TO BE PROVIDED FROM PROSPECT AND RANDOLPH

ES 2dio
architecture
Enrique Escobedo, AIA
Ph: 915.503-8428
E-mail: eesc@live.com

LUMINA
DESIGN STUDIO
E-mail: luminadesignstudio1@gmail.com

PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
07/21/2025
DATE
APPLICANT
Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER

PROSPECT APARTMENTS
for:

Architect Seal:
06/18/2025
Date:
06/18/2025
Revised:
Project No.
02
Drawn By:
Author
Checked By:
Checker
File Name:
Sheet Title:
INFILL DETAILED SITE DEVELOPMENT
Sheet No.

506 Randolph

City Plan Commission — July 3, 2025



CASE NUMBER: PZST24-00018
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Highland Development and Construction Group, LLC
REPRESENTATIVE: Enrique Escobedo, AIA
LOCATION: 506 Randolph Drive (District 8)
PROPERTY AREA: 0.30 acres
EXISTING ZONING: A-4/sc/H (Apartment/special contract/Historic)
REQUEST: Special Permit and Detailed Site Development Plan approval to allow for an Infill Development with reductions to rear and side street setbacks.
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of June 26, 2025.

SUMMARY OF REQUEST: The applicant is requesting a Special Permit and Detailed Site Development Plan approval for an Infill Development with reductions to rear and side street setbacks for a proposed use of apartment (five or more units) in an A-4/sc/H (Apartment/special contract/Historic) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the Special Permit for Infill Development, including reductions to lot size, rear and side street setbacks, and parking requirements within the A-4/sc/H (Apartment/special contract/Historic) zoning district. The proposal meets all the requirements of El Paso City Code Sections 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.280 – Infill Development. Additionally, the proposed development is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan.

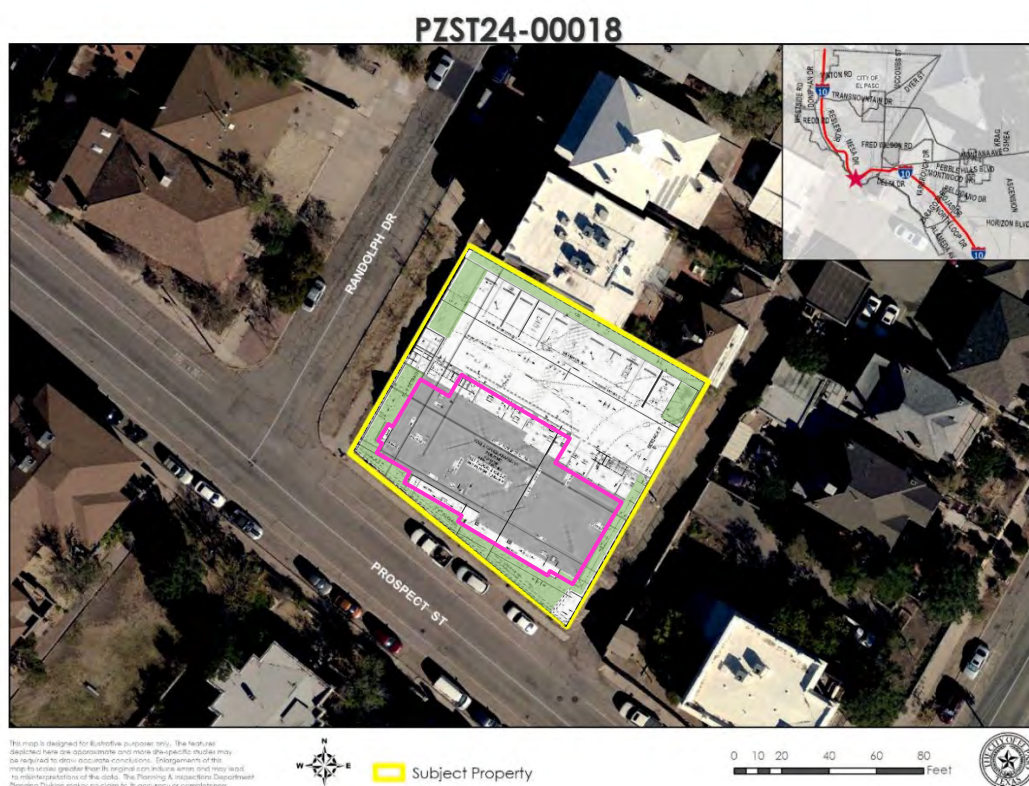


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting review and approval of a Special Permit and Detailed Site Development Plan for Infill Development within the A-4/sc/H (Apartment/special contract/Historic) zone district. The request includes reductions to the required lot area, rear yard and side street yard setbacks, and parking requirements for a proposed apartment development. The subject property is currently vacant. The Detailed Site Development Plan illustrates a proposed two-story building with a maximum height of twenty-six feet six inches (26'-6"), containing eleven (11) one-bedroom units totaling 6,334 square feet of gross floor area. The applicant seeks approval of the following reductions:

A-4 (Apartment) Zone District – Apartments		
Density/Dimensional Standard	Required	Proposed
Lot Area (min.)	20,000 *	13,265
Lot Width (average min.)	100	No change
Lot Depth (min.)	100	No change
Front Yard Setback (min.)	9 ft 2 in **	7 ft 9 in
Rear Yard Setback (min.)	20 ft	5 ft
Side Yard Setback (min.)	4 ft	No change
Side Street Yard Setback (min.)	10 ft	2 ft 6 in

*There shall be no minimum area requirement per Infill Development guidelines.

**Average required per Infill Development guidelines (±15% deviation).

Note: bold indicates requested reductions.

In addition to the request above, the applicant qualifies for a parking reduction under the Infill Development provisions, which allow for an automatic 50% reduction in the minimum required parking. A total of seventeen (17) parking spaces are required, and the applicant is proposing to provide ten (10) parking spaces, along with three (3) bicycle parking spaces. Pedestrian access to the property will be from Randolph Drive, with vehicular access provided through an alleyway connecting Prospect Avenue and Yandell Drive.

PREVIOUS CASE HISTORY: Ordinance No. 97930 (Attachment 5), dated June 1, 1972, released the conditions imposed by Ordinance No. 3574 (Attachment 5), dated July 21, 1966, in paragraphs 1, 3, and 4. The only condition that remains in effect is paragraph 2, which states:

2. The alley abutting this property shall be paved before construction starts.

Note: Condition is satisfied.

COMPLIANCE WITH SPECIAL PERMIT FOR INFILL DEVELOPMENT STANDARDS (EL PASO CITY CODE SECTION 20.10.280)	
Criteria	Does the Request Comply?
Location Criteria: An infill development may be located on any parcel of land which meets at least one of the location criteria.	Yes. The subject property is a vacant lot part of the Sunset Heights Historic District, which was annexed prior to 1955. This satisfied Mandatory Requirement 20.10.280.B.3 of El Paso City Code.
Mandatory Design Requirement 1.1: Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with Section 21.50.070.F5.	Yes. The subject property provides access through an alleyway, and parking is located along the side of the property. The parking area will be screened with landscaping along Randolph Drive to ensure compliance with this requirement.
Mandatory Design Requirement 1.2: Buildings shall be placed on the parcels such that the principal orientation is toward the main street and the principal entrance is from the sidewalk.	Yes. The proposed development will be oriented toward Randolph Drive, with pedestrian access provided along that street. The main entrance to the building will be directly accessible from the adjacent sidewalk.
Mandatory Design Requirement 1.3: For proposals abutting existing residential development the front	Yes. The properties along this block have an average front setback of nine feet, two inches (9'-2"). The

setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than 15%.	proposed front setback of seven feet, nine inches (7'-9") falls within the allowable 15% deviation from this average.
Selective Design Requirement 2.5: The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width.	Yes. The proposed development's total width of the primary structure is greater to 80% of the total lot width along the main street subtracting the vehicular access driveway from the total lot width.
Selective Design Requirement 2.6: The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of Plan El Paso.	Yes. The proposed development complies with the architectural component requirement as defined in the Community Design Manual of <i>Plan El Paso</i> . The two-story structure will be constructed in a Craftsman and Prairie Style, feature.
Selective Design Requirement 2.10: For projects in residential districts, the applicant shall demonstrate that the parcel has been vacant or underdeveloped for no less than 15 years. For purposes of this guideline only, underdeveloped shall be defined as parcels which do not meet the maximum density permitted in the base zoning district.	Yes. The subject property has remained vacant and underdeveloped for over 15 years, not reaching the maximum allowable density for its zoning district.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (El Paso City Code 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. Aside from the reductions requested, the detailed site development plan demonstrates compliance with all applicable standards per the El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with recommendations of <i>Plan El Paso</i> and the G-2, Traditional Neighborhood (Walkable) Future Land Use designation. The proposed development will integrate with existing buildings and uses, while permitting access through the front and rear.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property fronts Randolph Drive, a local street, as classified on the City of El Paso's Major Thoroughfare Plan (MTP). No reviewing departments had adverse comments, and the existing infrastructure is deemed appropriate to support the proposed use.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. No impact is anticipated from the approval of the proposed special permit and detailed site development plan. Per the City Departments' review comments, the proposed development will not impose a risk to neighboring properties.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The proposed development will be complying with landscaping standards and it will screen the parking area from the street and neighboring properties.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The proposed use and building design are compatible with the surrounding properties and its uses. The structure's scale, architectural style, and placement complement the character of the adjacent

	historic residential buildings, maintaining neighborhood consistency.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed development is similar in intensity and scale to surrounding development and is not socioeconomically or physically detrimental to neighboring properties.

COMPLIANCE WITH *PLAN EL PASO* GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with *Plan El Paso*, consider the following factors:

Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood: This sector includes the remainder of Central El Paso as it existing through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the Smart Code as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in the Comprehensive Plan.</p>	<p>Yes. The proposed development meets the intent of the G-2, Traditional Neighborhood (Walkable) Future Land Use designation. The proposed development will integrate with nearby single-family and multifamily dwellings, and it will incorporate pedestrian access through Randolph Drive and proposed vehicular access through the alleyway.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-4 (Apartment) District: The purpose of these districts is to promote and preserve a diversity of residential dwelling types at the highest densities within the city and to provide for the integration of compatible business and professional office uses to complement the areas. It is intended that the district regulations allow for concentrations of population through the use of multi-story facilities. The regulations of the districts will permit site diversification for high-density residential development in which adequate public facilities are available for present and future needs.</p>	<p>Yes. The subject property is zoned A-4/sc/h (Apartment/special contract/historic) and is located in an area with a mix of housing types, including single-family and multifamily dwellings within the A-2/h (Apartment/historic) district. The proposed apartment development will complement existing residential uses and contribute to the area's residential density.</p>
THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>The proposed development is located within the Sunset Heights Historic District and has received approval from the Historic Landmark Commission.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the request.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable, with no recent rezoning in the area within the last 10 years.</p>

Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The existing lot dimensions and parking do not fully meet A-4 (Apartment) zoning requirements, necessitating the requested reductions.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property fronts Randolph Drive, which is classified as a local street in the City of El Paso’s Major Thoroughfare Plan (MTP) and is suitable for the proposed development. Pedestrian access is available via an existing five-foot (5’) sidewalk along Randolph Drive, while vehicular access will be provided through a rear alley connecting Prospect Avenue and Yandell Drive. The applicant will be responsible for any necessary alleyway improvements to support parking and site access. Public transit is readily accessible, with eight (8) bus stops within a five-minute walking distance (0.25 mile), the nearest being approximately 0.08 miles away at the northwest corner of Prospect Avenue and Los Angeles Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments.

PUBLIC COMMENT: The subject property lies within El Paso Central Business Association, Sunset Heights Neighborhood Improvement Association, and Sunrise Civic Group all of which were notified of the special permit application by the applicant. Notices were sent to property owners within 300 feet of the subject property on June 20, 2025. As of June 26, 2025, the Planning Division has not received any communication in support or opposition of the special permit request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

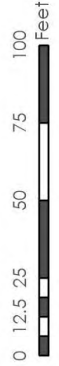
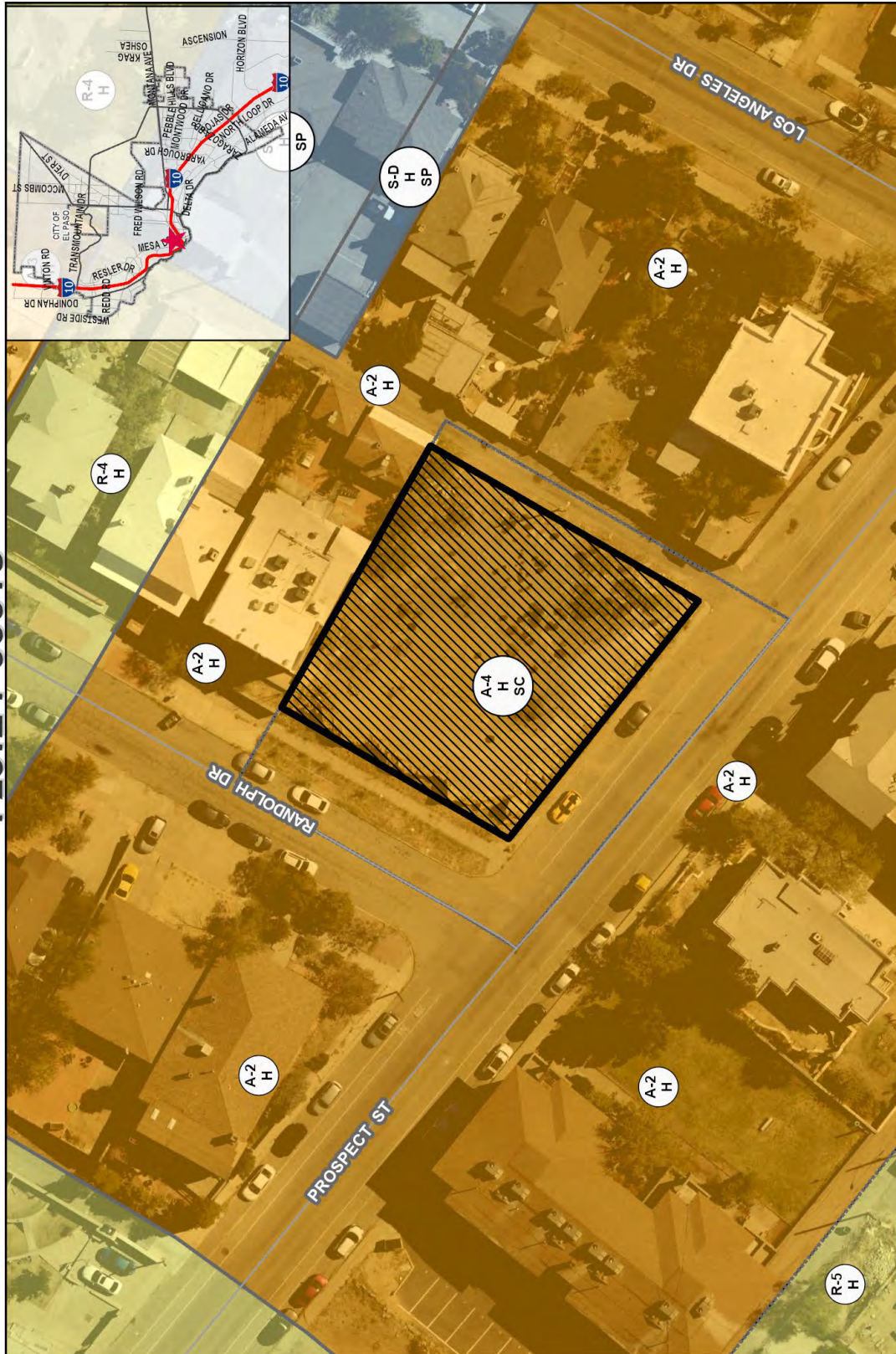
1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Zoning Map
2. Detailed Site Development Plan
3. Detailed Site Development Plan (Enlarged)
4. Elevations
5. Ordinance No. 97930 and 3574
6. Department Comments
7. Neighborhood Notification Boundary Map

ATTACHMENT 1

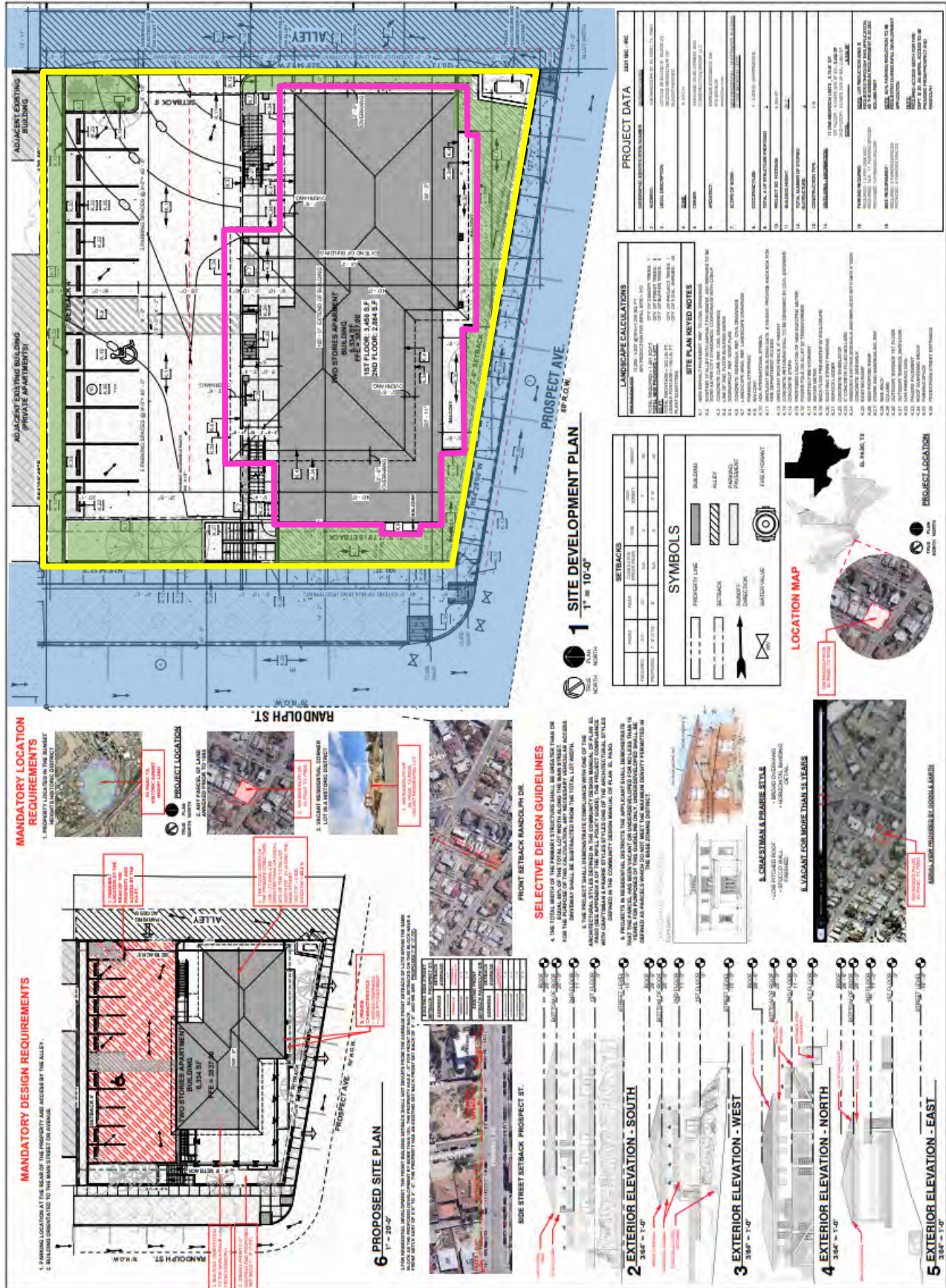
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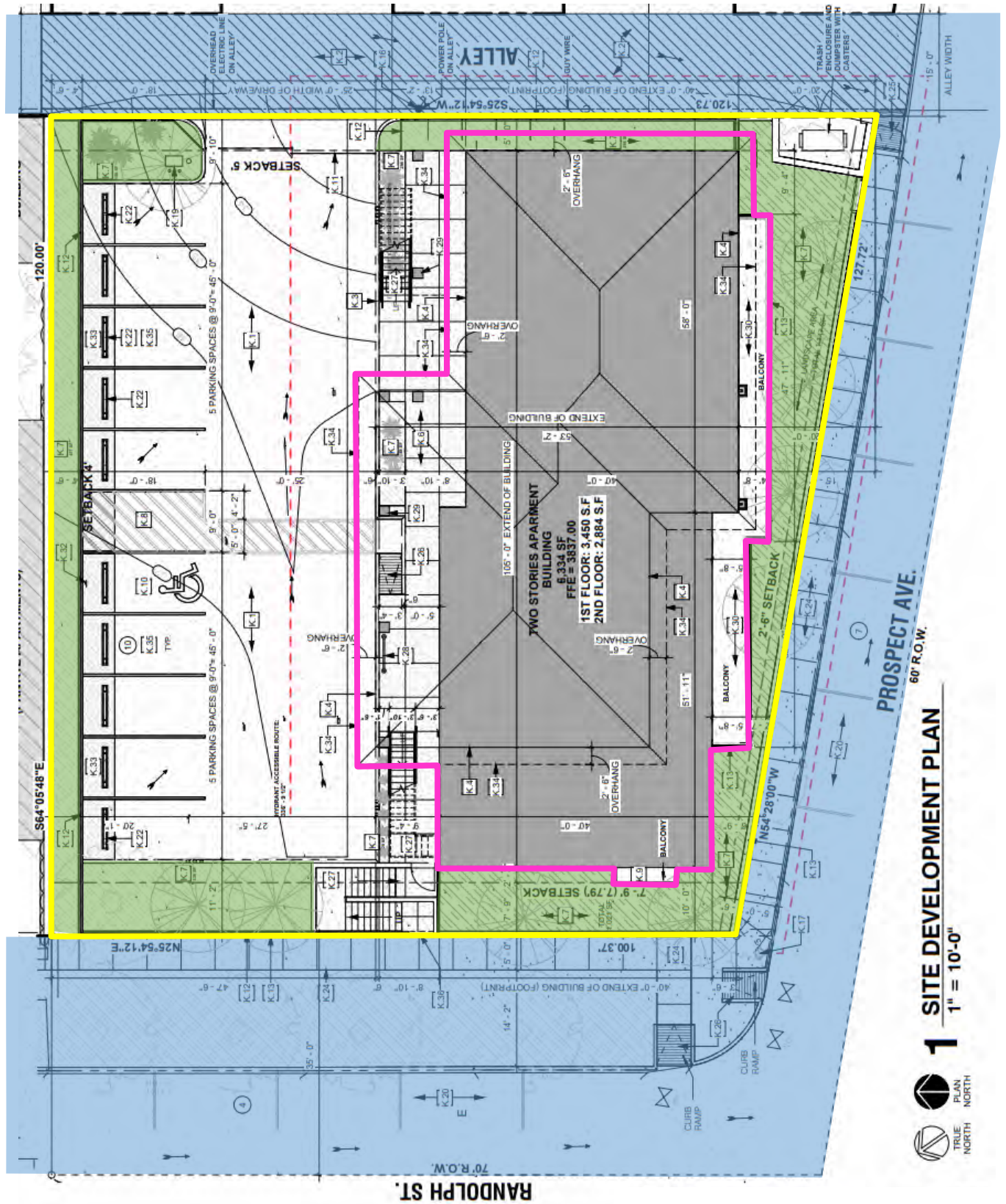
Subject Property

This map is designed for illustrative purposes only. The features depicted here are approximate and more specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

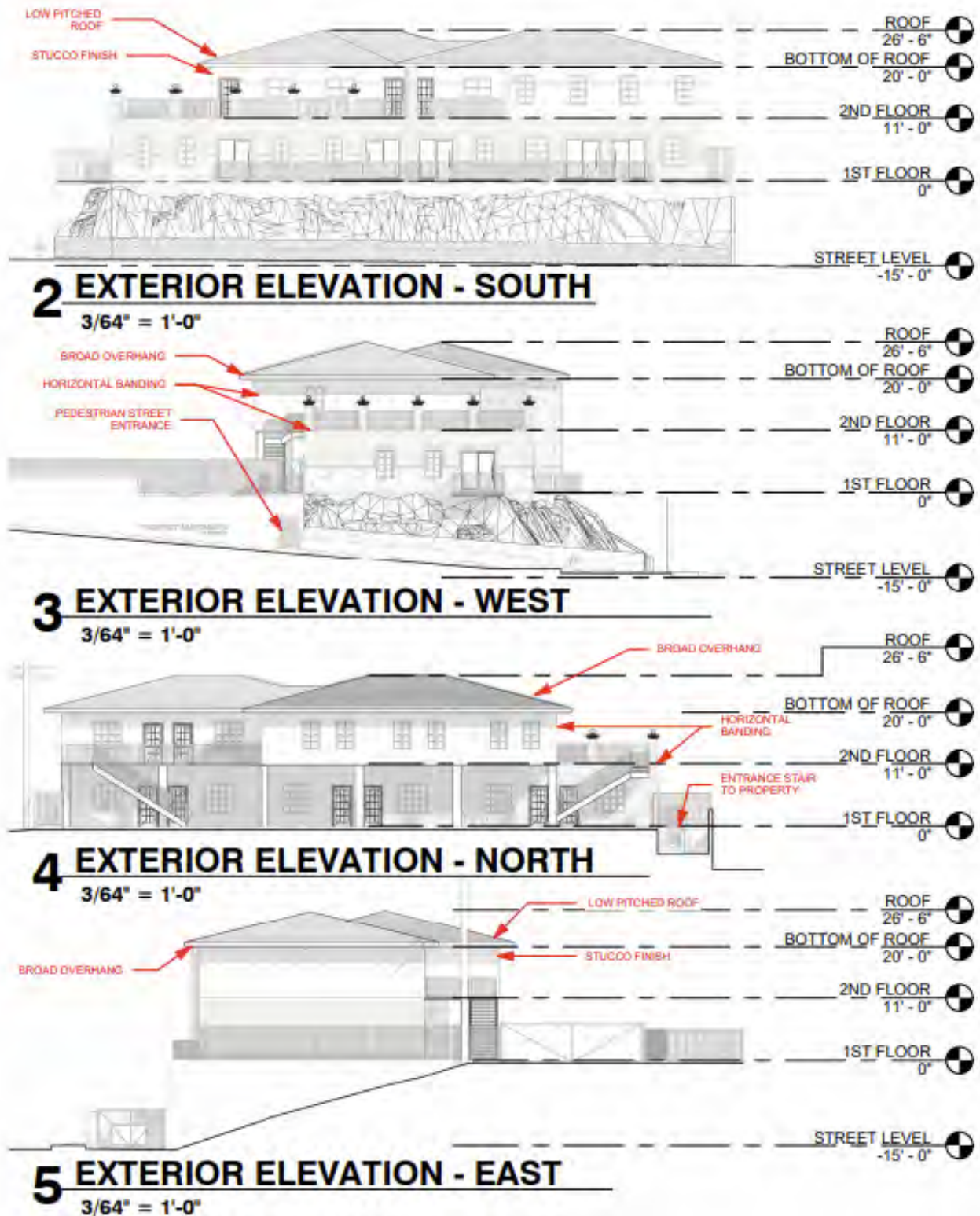
ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5

97930

PARTIAL RELEASE

THE STATE OF TEXAS)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

Whereas, by contract dated July 21, 1966 between the City of El Paso, Felipe Hernandez and Gaspar Cordero, recorded in Book 131, Page 614 of the Deed Records of El Paso County, Texas, certain restrictions, conditions and covenants were placed on Lots 28 through 31, Block 23 of the Sunset Heights Addition in the City of El Paso, El Paso County, Texas, to which contract reference is hereby made for the terms and conditions thereof; and

Whereas, the City of El Paso has determined that certain provisions in the contract are no longer necessary and should be released;

NOW THEREFORE, the City of El Paso has released and by these presents hereby releases the restrictions, conditions and covenants contained in paragraphs numbered (1), (3) and (4) of the above contract. This is, however, a partial release only and the restriction, condition and covenant contained in paragraph (2) of said contract which reads as follows:

" (2) The alley abutting this property shall be paved before
construction starts "

shall remain in full force and effect.

Witness the following signature and seal, this 1st day of June

1972:

THE CITY OF EL PASO

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

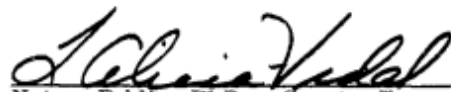
394 0141

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally
appeared BERT WILLIAMS, Mayor of the City of El Paso, known to me to
be the person and officer whose name is subscribed to the foregoing instrument,
and acknowledged before me in my county aforesaid that he had executed the
same for the purposes and consideration and in the capacity therein expressed,
and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 1st day
of June, 1972.




Notary Public, El Paso County, Texas
L. ALICIA VIDAL, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1973

904 0149

151-250

97930

FILED FOR RECORD
IN MY OFFICE

Par Rel

1972 JUN 2 AM 10 19

COUNTY CLERK
EL PASO COUNTY, TEXAS

Sunset Heights

Lilla E. Howell

Sub 28 - 31 BR 23

STATE OF TEXAS

COUNTY OF EL PASO

I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly re-
corded in the volume and page of the named records
of El Paso County, Texas, as stamped hereon by me.

JUN 2 1972



J. W. Fields

COUNTY CLERK, El Paso County, Texas

394 0143

3574

AN ORDINANCE CHANGING THE
ZONING OF LOTS 28 THROUGH
31, BLOCK 23, SUNSET HEIGHTS,
THE PENALTY BEING AS PRO-
VIDED IN SECTION 25-10 OF THE
EL PASO CITY CODE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 28 through 31, Block 23, Sunset Heights,
be changed to A-4 within the meaning of the Zoning Ordinance, and the
zoning map of the City be revised accordingly.

PASSED AND APPROVED this 21st day of July,
1966.

J. Williams
Mayor

ATTEST:

R. H. Gabel
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED:

7-26-66 COUNTER
7-26-66 ORIGINAL
7-26-66 WORKING
7-26-66 CONTROL

Freddy Lang

I certify that the zoning map has been revised to
reflect the amendment of ordinance 3574
By *David Davis* Date 7-26-66

Sheet 6
WASA-2

3574

AN ORDINANCE CHANGING THE
ZONING OF LOTS 28 THROUGH
31, BLOCK 23, SUNSET HEIGHTS,
THE PENALTY BEING AS PRO-
VIDED IN SECTION 25-10 OF THE
EL PASO CITY CODE.

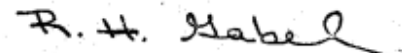
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 28 through 31, Block 23, Sunset Heights,
be changed to A-4 within the meaning of the Zoning Ordinance, and the
zoning map of the City be revised accordingly.

PASSED AND APPROVED this 21st day of July,
1966.


Mayer

ATTEST:


City Clerk

122-3757

Ordinance 3574
7-21-66

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Felipe Hernandez and Gaspar Cordero placing certain restrictions on land removed by Ordinance No. 3574.

ADOPTED this 21st day of July, 1966.

John Williams
Mayor

ATTEST:

R. H. Habel
City Clerk

By Resolution dated 6-1-72
Paragraphs 1, 3 + 4 released.
Release filed in Resolution file.
H. W. M.

CONTRACT

This contract, made this 21 day of July, 1966,
by and between Felipe Hernandez and Gaspar Cordero, First Parties, and
the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of
the following described property:

Lots 28 through 31 in Block 23 of the
Sunset Heights Addition to the City of
El Paso, Texas.



In order to remove certain objections to such rezoning, First Parties covenant that if said property is rezoned to A-4, the property will be subject to the following restrictions:

1. 2. 3. 4. (1) The number of units to be built on this property shall be limited to twelve.
- (2) The alley abutting this property shall be paved before construction starts.
- (3) The height of any building on this property shall be limited to two stories.
- (4) Twelve parking spaces for use of the occupants of the property will be provided, wholly on the property itself and along Prospect Avenue at street level; and in addition thereto six parking spaces for use of occupants of the property will be provided, wholly on the property itself, in the rear of the building and accessible from the alley.

This contract constitutes restrictions, conditions and covenants running with the land, and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any further conveyance of the land shall embody this contract by express reference.

The City may enforce this contract by injunction or any other legal or equitable remedy. The City Council of said City may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

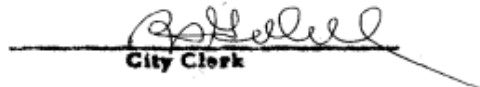
Witness the following signatures and seal:


Felipe Hernandez

Casper Cordero

THE CITY OF EL PASO

by 
Mayor

ATTEST:


City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared FELIPE HERNANDEZ, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 19th day of July, 1966.

Ruth Duckwall
Notary Public in and for El Paso County,
Texas.

In and for the County of El Paso, Texas
My Commission Expires June 1, 1967.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared GASPAR CORDERO, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 19th day of July, 1966.

Ruth Duckwall
Notary Public in and for El Paso County,
Texas.

RUTH DUCKWALL, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1967

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JUDSON F. WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 21st day of July, 1966.

William L. Rieger, Jr.
Notary Public in and for El Paso County,
Texas.

WILLIAM L. RIEGER, JR., NOTARY PUBLIC
in and for the County of El Paso, Texas
My Commission Expires June 1, 1967

ATTACHMENT 6

Planning and Inspections Department - Planning Division

Staff recommends approval of the special permit for infill development, including reductions to lot size, rear and side street setbacks, and parking requirements within the A-4/sc/H (Apartment/special contract/Historic) zoning district. The proposal meets all the requirements of El Paso City Code Sections 20.04.320 – Special Permit, 20.04.150 – Detailed Site Development Plan, and 20.10.280 – Infill Development. Additionally, the proposed development is consistent with Plan El Paso, the City's adopted Comprehensive Plan.

Planning and Inspections Department – Plan Review & Landscaping Division

Due to the topographical conditions of the property, access to the building can remain as is. But, the stairs from the sidewalk on Randolph Ave. must be removed. They have the option of providing a letter from a Registered Accessibility Specialist justifying their proposed design.

Note: The applicant has provided a RAS letter supporting the proposed design. According to Texas Accessibility Standards (TAS) Section 206.2.1 (Exceptions), an accessible route is not required between site arrival points and the building entrance if the only means of access is a vehicular route without pedestrian access. Letter to be provided at permitting stage.

Planning and Inspections Department – Land Development

No objections to the proposed detailed site plan.

Fire Department

No adverse comments. However, designer to check with Fire Marshal's office for aerial access requirements/recommendations.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

Parking study is needed as parking requirements are not met.

Note: Per Infill Development, the minimum parking requirements shall be automatically reduced by fifty percent for any use.

Sun Metro

No comments provided.

El Paso Water

Does not object to this request.

EPWU-PSB Comments

There is an existing 6-inch diameter water main extending along Randolph Drive, located approximately 14-feet north of the property. This main is available for service.

There is an existing 6-inch diameter water main extending along Prospect Street, located approximately 9-feet west of the property. This main is available for service.

Previous water pressure from fire hydrant #1998, located at the northeast corner of Prospect Street and Randolph Drive, has yielded a static pressure of 50 psi, a residual pressure of 36 psi, and a discharge of 1,277 gallons per minute.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main extending along the alley south of the property, located between Los Angeles Drive and Randolph Drive. This main is available for service.

General

EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

No comments provided.

El Paso County Water Improvement District #1

No comments provided.

Texas Gas Service

Does not have any comments.

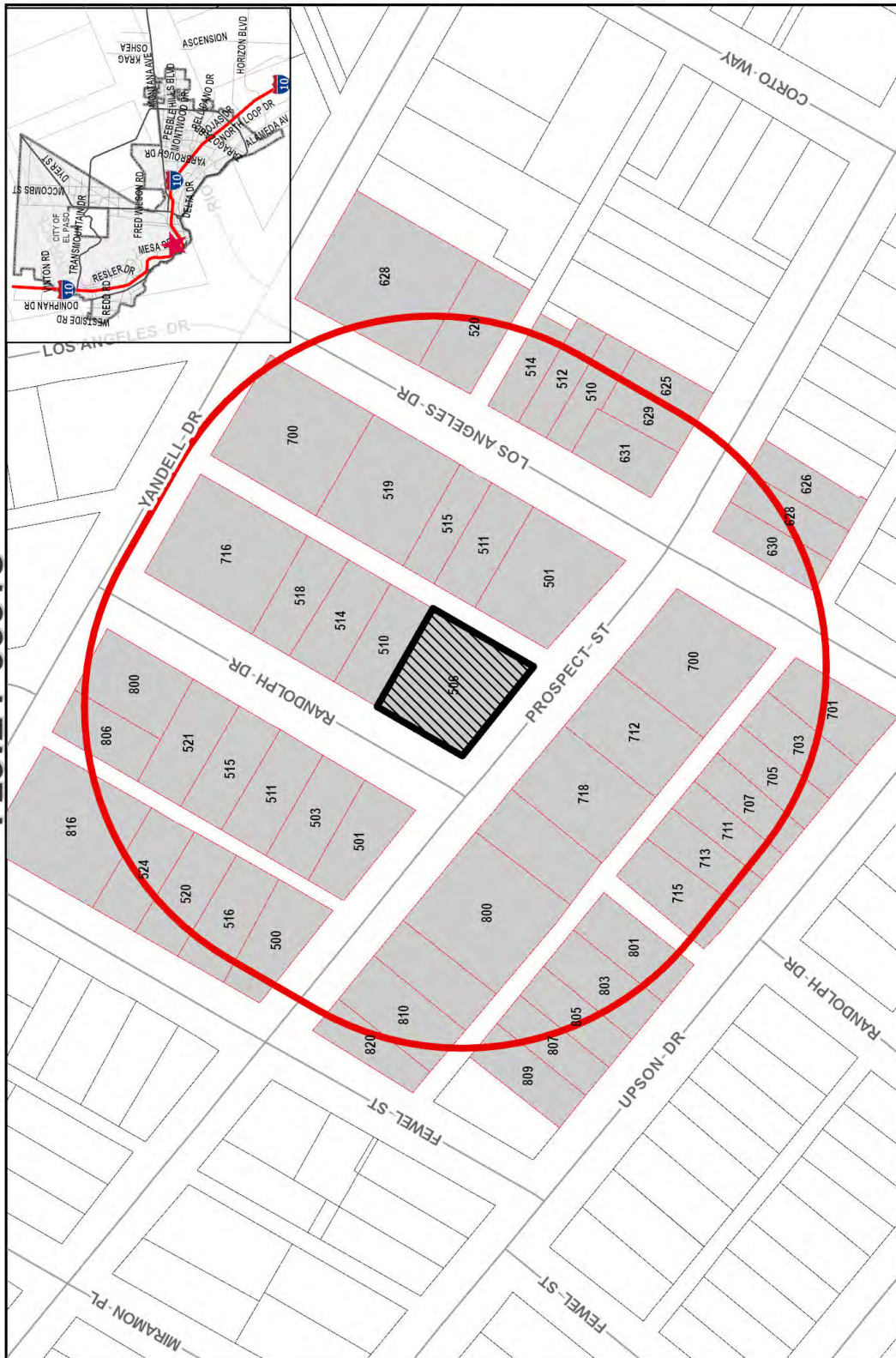
El Paso Electric

Please note the existing electrical lines along the property. The building plans will need to be outside of our existing electrical easement. We have attached a copy of our ROW Guidelines for the customer's review. For line relocation or questions, please contact our Engineering department (915) 351-4224.

Note: Proposed development will not be encroaching on any easements.

ATTACHMENT 7

PZST24-00018



-  Subject Property
-  300 Feet Notice Area
-  Notified Properties



This map is designed for illustrative purposes only. The features depicted here are approximate and more specific studies may reveal additional information. The Planning & Inspection Department makes no claim to its accuracy or completeness.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

Business Name

Agenda Item Type

Relevant Department

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____

Hugo A. Castillo

Date: _____

11-18-2024



Legislation Text

File #: 25-1068, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Andrew Salloum, (915) 212-1603

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of a portion of Tract 9, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: South of Artcraft Rd. and West of Westside Dr.

Applicant: Artwest Ventures LLC PZRZ24-00005

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiwa

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 9, BLOCK 9, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *a portion of Tract 9, Block 9, Upper Valley Surveys, located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit “A”, incorporated by reference, , be changed from **R-F (Ranch and Farm)** to **C-1 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *That a detailed site development plan be reviewed and approved per City Code prior to the issuance of certificates of occupancy or certificates of completion.*
2. *That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:*
 - a. *Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and*
 - b. *Providing outdoor amplified sound.*
3. *That no office warehouse uses shall be permitted.*
4. *That a five-foot (5') sidewalk along Westside Drive shall be constructed prior to certificates of occupancy or completion.*
5. *No egress for semi-trucks shall be permitted onto Westside Drive on a southbound direction.*

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

(signatures following page)

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

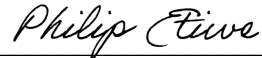
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

EXHIBIT "A"

METES AND BOUNDS

PROPERTY DESCRIPTION: The parcel of land herein being described is a portion of Tract 9, Block 9, UPPER VALLEY SURVEYS, an addition to the City of El Paso, El Paso County, Texas and is being more specifically described by metes and bounds as follows:

Commencing at a found TXDOT BRASS CAP lying on the westerly Right-Of-Way line of Westside Drive (50.00 feet Public Right-Of-Way); Thence, South 00°08'00" West, along said Right-Of-Way line, a distance of 24.83 feet to a point being the "TRUE POINT OF BEGINNING" of this metes and bounds description.

THENCE, South 00°08'00" West, along said Right-Of-Way line, a distance of 565.54 feet to a point for a boundary corner;

THENCE, North 89°57'00" West, leaving said Right-Of-Way line, a distance of 394.30 feet to a point for a boundary corner;

THENCE, North 00°08'00" East, a distance of 561.02 feet to a point for a boundary corner lying on the southerly Right-Of-Way line of El Paso Electric Parcel, Deed recorded under Clerk's File No. 20130007798, Real Property Records of El Paso County, Texas;

THENCE, North 89°23'38" East, along said Right-Of-Way line, a distance of 394.33 feet back to the "TRUE POINT OF BEGINNING" of this description.

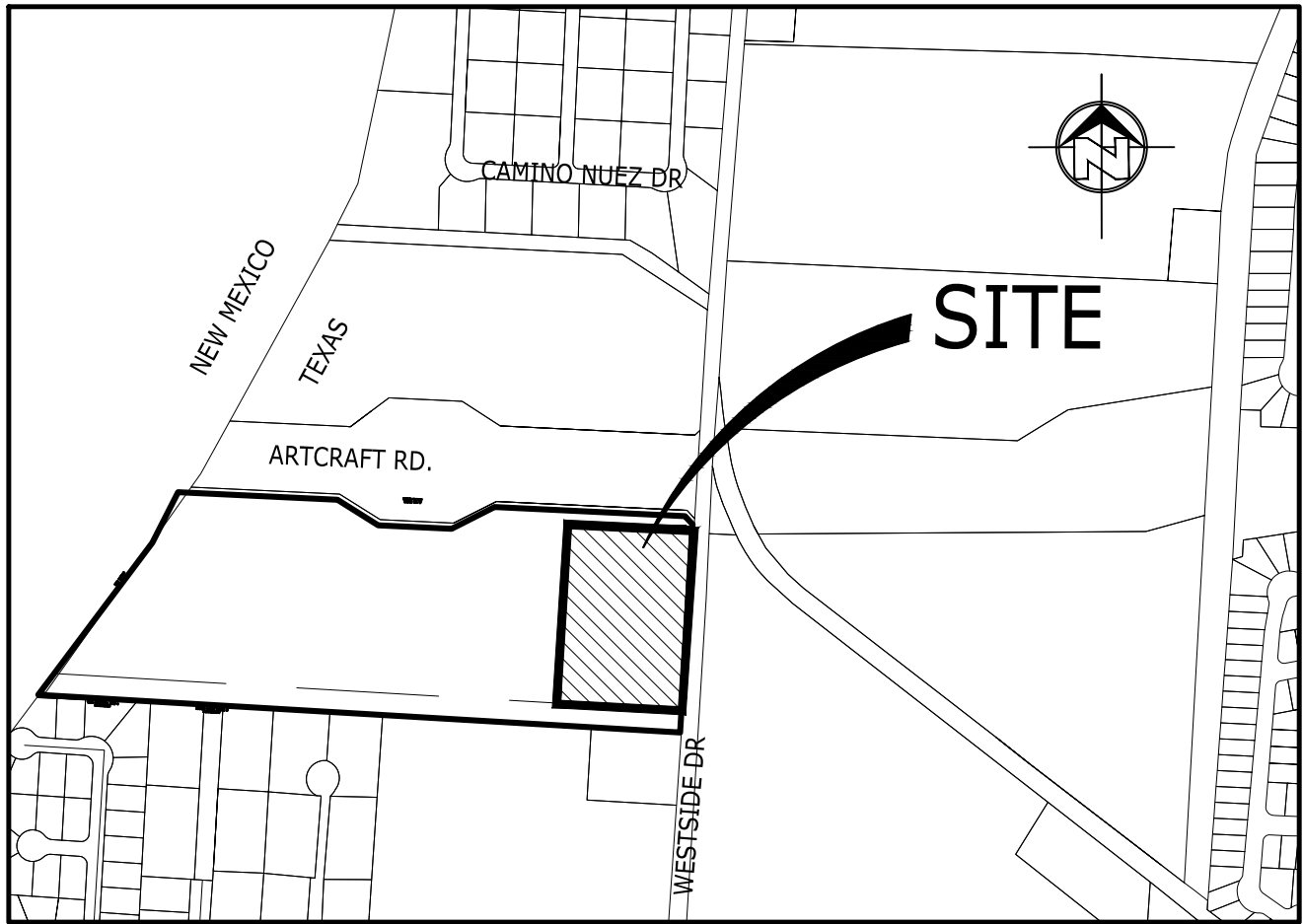
Said parcel of land containing 222,102.16 Sq. Ft. (5.1000 Acres) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.


SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors
Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



02/ 03/ 2024



VICINITY MAP
SCALE: 1"=600'

NOTES FROM SCHEDULE "B"
TITLE COMMITMENT PROVIDED BY STEWART TITLE GUARANTY COMPANY
GF No.22400754 EFFECTIVE DATE: JANUARY 20, 2023.

- The following restrictive covenants of record itemized below:
Item 1, Schedule B is hereby deleted.
- The following matters and all terms of the documents creating or offering evidence of the matters:
 - Intentionally Deleted.
 - Any and all unrecorded agreements, contracts, and leases, and rights of parties therein. Not a survey item.
 - Mineral reservations and/or mineral interests as set out in Volume 404, Page 137, Real Property Records, El Paso County, Texas. Blanket in nature and applies.
 - Subject to all matters, contracts, taxes, construction charges, and rights-of-way for irrigation and drainage ditches applicable to property in the El Paso County Water Improvement District No. 1, as described in Letter dated July 23, 1991. Blanket in nature and applies.
 - Intentionally Deleted.
 - Intentionally Deleted.
 - Intentionally Deleted.
 - All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed. Blanket in nature and applies.
 - Subject to any additional tax or taxes imposed, or which may be imposed, or the roll back of any taxes by any taxing authority due to the sale or change of use of the above described property pursuant to the Revised Civil Statutes of Texas 1925, as amended and the Constitution of the State of Texas, as amended. Blanket in nature and applies.
 - A fifty (50) foot setback line along the east and west property lines as shown on Survey dated _____ by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.
 - A twenty-five (25) foot setback line along the north property line as shown on Survey dated _____ by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.
 - A twenty (20) foot setback line along the south property line shown on Survey dated _____ by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.
 - A twenty-five (25) foot additional right of way to be dedicated in the future along the east property line as shown on Survey dated _____ by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.

NOTES:

- SET 1/2" IRON WITH SLI CAP STAMPED TX2998 ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
- BASIS OF BEARING: UPPER VALLEY SURVEYS.
- TITLE COMMITMENT PROVIDED BY STEWART TITLE GUARANTY COMPANY, GF No. 22400754 AND EFFECTIVE DATE OF JANUARY 20, 2023.
- THERE WERE NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THE CITY WILL REQUIRE AN ADDITIONAL 25 FEET ALONG EASTERLY PROPERTY LINE TO BE DEDICATED, BY A SUBDIVISION APPLICATION, AS ADDITIONAL RIGHT-OF-WAY TO WESTSIDE DRIVE.
- THERE WERE NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, SANITARY LANDFILL OR CEMETERY.

USEFUL NUMBERS

TXDOT: 915-790-4200
STORM WATER UTILITIES: 915-594-5687
SEWER SERVICE: 915-594-5330
WATER SERVICE: 915-594-5330
CITY OF EL PASO: 300 N. CAMPBELL, 79901
915-212-0000
E.P.E. COMPANY 915-543-5711

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This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and / or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon JANUARY 15, 2023.

NOTES CORRESPONDING
TO ZONING

CLASSIFICATION:
* PROPERTY IS CURRENTLY ZONED R-F
MINIMUM SET BACKS REQUIRED

-FRONT YARD..... 50'
-REAR YARD..... 50'
-CUMULATIVE FRONT & REAR YARD..... N/A
-SIDE YARD..... 20'
-SIDE STREET..... 25'
-MAXIMUM HEIGHT..... 35'

NOTE:

ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

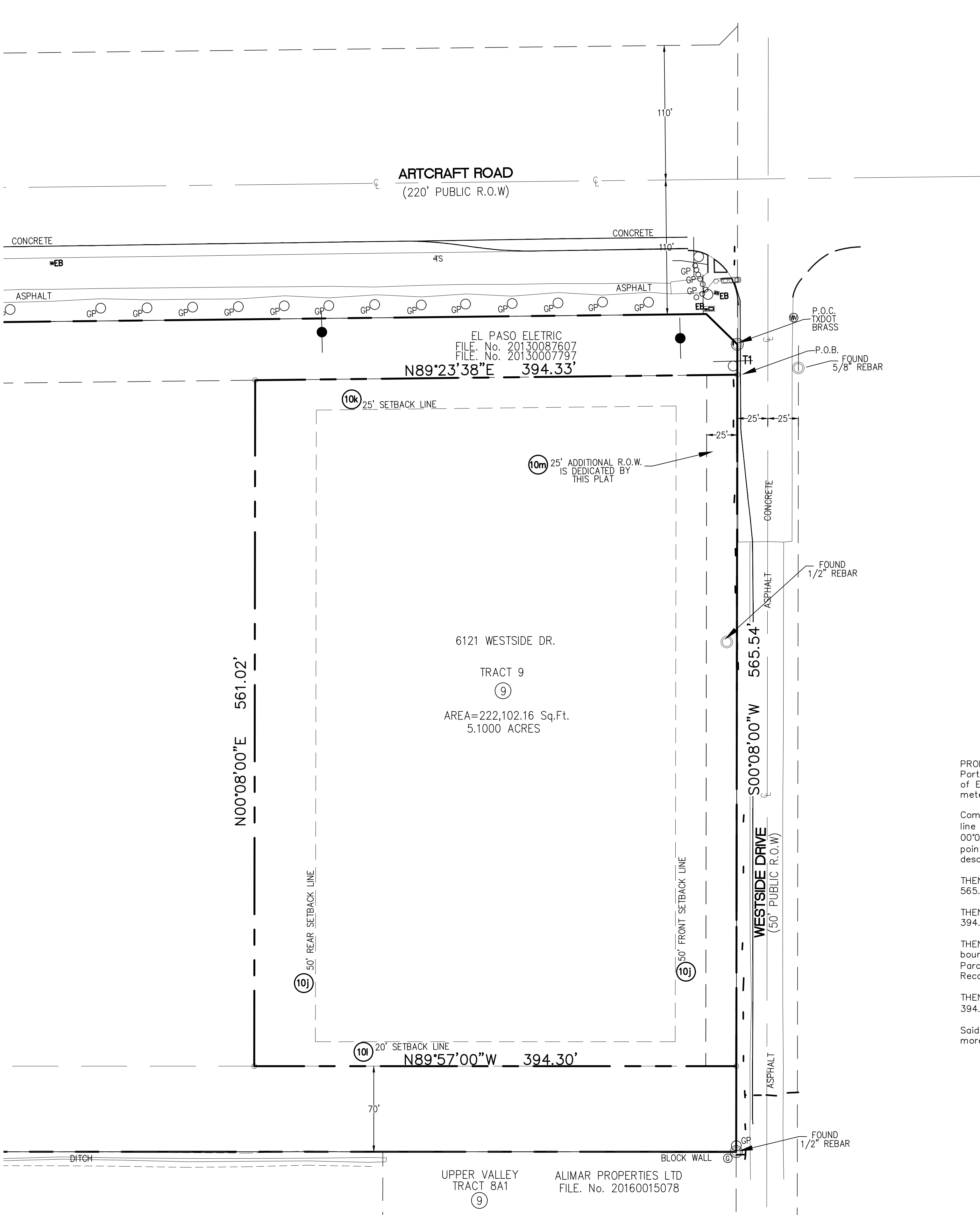
UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.

FLOOD INSURANCE INFORMATION

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480212 0125 B, DATED SEPTEMBER 04, 1991 THIS PROPERTY LIES IN FLOOD ZONE "X".

ZONE "X", ARE AREAS OF MINIMAL FLOOD HAZARD.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.



LINE TABLE

LINE	DIRECTION	DISTANCE
T1	S00°08'00"W	24.83'

LEGEND

SIGN	○
BOUNDARY LINE	—
GUARD POST	GP ○
PROPERTY CORNER	○
CITY MONUMENT	⊙
ELECTRIC BOX	EB
TRAFFIC LIGHT BOX	TS
GAS METER	G
TRAFFIC LIGHT	○-CROSS
POWER POLE	●

METES AND BOUNDS

PROPERTY DESCRIPTION: The parcel of land herein being described is a Portion of Tract 9, Block 9, UPPER VALLEY SURVEYS, an addition to the City of El Paso, El Paso County, Texas and is being more specifically described by metes and bounds as follows:

Commencing at a found TXDOT BRASS CAP lying on the westerly Right-Of-Way line of Westside Drive (50.00 feet Public Right-Of-Way); Thence, South 00°08'00" West, along said Right-Of-Way line, a distance of 24.83 feet to a point being the "TRUE POINT OF BEGINNING" of this metes and bounds description.

THENCE, South 00°08'00" West, along said Right-Of-Way line, a distance of 565.54 feet to a point for a boundary corner;

THENCE, North 89°57'00" West, leaving said Right-Of-Way line, a distance of 394.30 feet to a point for a boundary corner;

THENCE, North 00°08'00" East, a distance of 561.02 feet to a point for a boundary corner lying on the southerly Right-Of-Way line of El Paso Electric Parcel, Deed recorded under Clerk's File No. 20130007798, Real Property Records of El Paso County, Texas;

THENCE, North 89°23'38" East, along said Right-Of-Way line, a distance of 394.30 feet back to the "TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 222,102.16 Sq. Ft. (5.1000 Acres) of land, more or less.

SURVEYOR'S CERTIFICATION

To: Artwest Ventures, LLC and Lone Star Title Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", established in 2021, and includes items 1, 2, 3, 4, 6, 7a, 7b1, 7b2, 7c, 8, 9, 10, 11b, 16, 17, 18 and 20 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA/NSPS and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/NSPS Land Title Surveys".

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

DATE: _____

BY	
REVISIONS	
DATE	
FILE	
SCALE: AS INDICATED	
JOB NO: 09-22-4841	
FIELD BY: **/**/22	
FIELD BOOK: GPS	
DRAWN BY: CV	
CHECKED BY: GH/FE	
DATE: 07/15/2023	
6121 WESTSIDE DR.	
N.W. ARTCRAFT AND WESTSIDE	
PROPERTY DESCRIPTION	
A PORTION OF TRACT 9, BLOCK 9, UPPER VALLEY SURVEYS	
EL PASO, EL PASO COUNTY, TEXAS.	
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS REGISTERED EL PASO, TEXAS (915) 584-4457	
SLI ENGINEERING, INC.	
SLI ENGINEERING, INC. Reg. No. F-1902 SURVEYING Reg. No. 100120-00	
SHEET TITLE	
ALTA / NSPS LAND TITLE SURVEY	
1 OF 1	

Artcraft and Westside

City Plan Commission — June 18, 2025



CASE NUMBER: PZRZ24-00005
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: Artwest Ventures LLC
REPRESENTATIVE: SLI Engineering Inc. c/o Georges Halloul
LOCATION: South of Artcraft Rd. and West of Westside Dr. (District 1)
PROPERTY AREA: 5.10 acres
REQUEST: Rezone from R-F (Ranch and Farm) to C-1 (Commercial)
RELATED APPLICATIONS: PLCP24-00003, Future Land Use Map Amendment
PUBLIC INPUT: Received two (2) phone calls and one (1) email in opposition and a petition with twenty-five (25) signatures in support as of June 12, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone from R-F (Ranch and Farm) to C-1 (Commercial) to allow for a neighborhood commercial, with a convenience store with gas pumps and shopping center.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The proposed zoning district is compatible with surrounding area and consistent with the adopted Northwest Upper Valley Plan. Furthermore, the proposed rezoning is in character with the proposed amendment to the Future Land Use Map (FLUM) designation of G-4, Suburban as per *Plan El Paso*, the City's Comprehensive Plan. The recommended conditions are the following:

1. That a detailed site development plan be reviewed and approved per City Code prior to the issuance of certificates of occupancy or certificates of completion.
2. That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:
 - a. Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and
 - b. Providing outdoor amplified sound.
3. That no office warehouse uses shall be permitted.
4. That a five-foot (5') sidewalk along Westside Drive shall be constructed prior to certificates of occupancy or completion.
5. No egress for semi-trucks shall be permitted onto Westside Drive on a southbound direction.



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-1 (Commercial) to allow for a proposed neighborhood commercial development. The size of the property is 5.10 acres and is currently vacant. The conceptual site plan shows the proposed layout of a convenience store with gas pumps and a shopping center. Access to the subject property will be from Westside Drive. Vehicular access from Artcraft Road to the development will require approval from the Texas Department of Transportation (TxDOT).

PREVIOUS CASE HISTORY: The Northwest Upper Valley Plan was adopted by City Council on January 13, 2004, and amended on July 25, 2017. This plan regulates development and furthers the goals and policies of *Plan El Paso*. The property lies within the Artcraft Road Corridor of the Northwest Upper Valley Plan. New commercial development is encouraged to be restricted to neighborhood compatible uses.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning of the subject property is consistent with the adopted policies of the Northwest Upper Valley Plan and aligned with the Artcraft Corridor vision. Additionally, the proposed C-1 is appropriate for the subject property and is compatible with low intensity uses in the area, the Northwest Upper Valley Plan, and the TxDOT expansion of Artcraft Road. To the north, the subject property is bounded by the existing Artcraft Road (SH-178) and across Artcraft Road there is a vacant lot zoned R-F (Ranch and Farm); to the south and west are vacant lots zoned R-F (Ranch and Farm); and to the east is a vacant lot zoned G-MU (General Mixed Use). The closest school is Gonzalo & Sofia Garcia Elementary School located 1 mile away and the closest park is Willow River Park located 0.20 miles away.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property and the proposed development meet the intent of the proposed G-4, Suburban (Walkable) - Future Land Use designation of <i>Plan El Paso</i>. The proposed development is adjacent to R-F (Ranch and Farm) and G-MU (General Mixed Use) zoning districts, as well as with R-2 (Residential) and P-R 1 (Planned Residential I) zoning districts.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The proposed C-1 (Commercial) zoning district would allow the integration of neighborhood commercial uses that are compatible with adjacent R-F (Ranch and Farm) and G-MU (General Mixed Use) zoning districts, as well as with R-2 (Residential), and P-R 1 (Planned Residential I) zoning districts. This proposed zoning district is compatible with the policies of the Northwest Upper Valley Plan.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to Westside Drive, which is designated as a major arterial in the City's Major Thoroughfare Plan (MTP) and connects to Artcraft Road, classified as major arterial per the City of El Paso's MTP. However, vehicular access from Artcraft Road to the development area will require approval from the Texas Department of Transportation (TXDOT).</p>

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plan, including land-use maps in those plans.	The proposed development lies within the Artcraft corridor identified in the Northwest Upper Valley Plan, and is not an Historic District. The plan calls for neighborhood commercial uses to serve the neighborhood.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area has been in transition from agricultural uses within the last 10 years. The property located across Westside Drive to the east was rezoned from R-F (Ranch and Farm) to G-MU (General Mixed Use) in 2021. Additionally, the property located at Westside Drive to the southeast was rezoned from R-F (Ranch and Farm) to P-R 1 (Planned Residential I) in 2007.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The area has steadily been in transition from farmland to commercial and residential development. The proposed development will be in accordance with the Northwest Upper Valley Plan. The current TxDOT construction of Artcraft expansion which will transition the roadway.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The proposed development will have access to Westside Drive, which is designated as a major arterial in the City's MTP. All appropriate infrastructure shall be installed at the time of development, which may include sidewalks, water and sewer extensions, stormwater drainage, and roadway improvements. There are no bus stops within a walkable distance (0.25 mile) of the subject property, and the closest bus stop is 0.51 miles away on Westside Drive and Borderland Road.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Per TxDOT, the Artcraft Road main lanes have a current access denial line in place which currently prevents TxDOT from granting any access at this location. Staff recommends development conditions to ensure compatibility with the existing surrounding developments.

PUBLIC COMMENT: The subject property is located within the boundaries of Upper Valley Neighborhood Association, which was notified of the rezoning request by the applicant. As required, public notices were mailed to property owners within 300 feet on June 5, 2025. As of June 12, 2025, the Planning Division has received two (2) phone calls and an email in opposition to the request. Calls in opposition cited reasons of increased traffic and insufficient infrastructure in the area and road conditions being extremely poor, as well as preferring use of the land to develop other uses than convenience stores with gas pumps. Additionally, the Planning Division has received a petition with twenty-five (25) signatures in support of the rezoning request (see Attachment no. 7).

RELATED APPLICATIONS: There is a Future Land Use Map Amendment application (PLCP24-00003) concurrent with the rezoning application to request an amendment to *Plan El Paso*, the City's comprehensive plan, to adjust the Future Land Use designation for one property, from O-3, Agriculture to G-4, Suburban (Walkable).

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

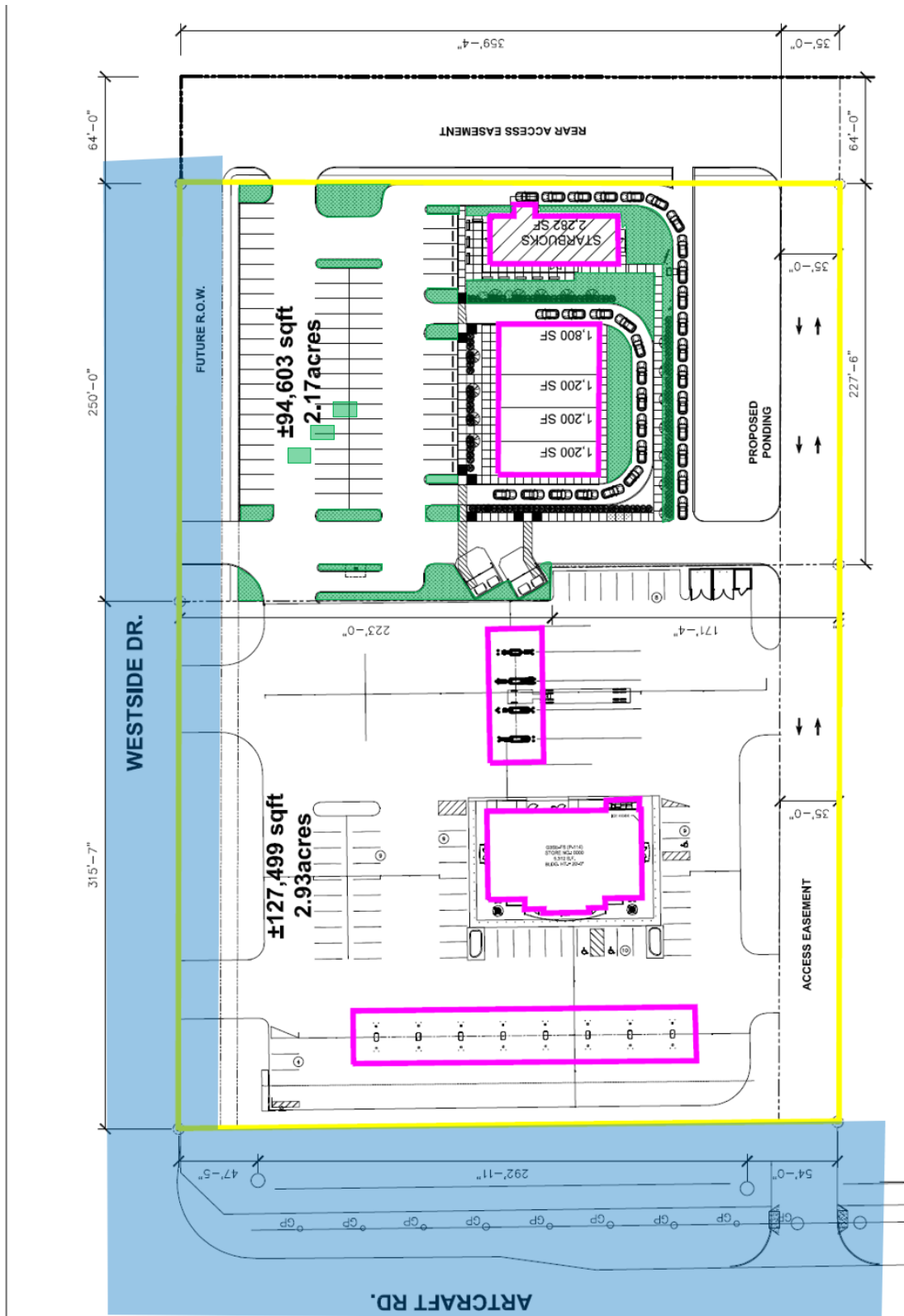
ATTACHMENTS:

1. Future Land Use Map
2. Conceptual Site Plan
3. Upper Valley Plan
4. Department Comments
5. Neighborhood Notification Boundary Map
6. Email in Opposition
7. Petition in Support

PZRZ24-00005



ATTACHMENT 2



ATTACHMENT 3

22.1 CITY CLERK DEPT.
2017 JUN -6 AM 11:44

ORDINANCE NO. 018709

AN ORDINANCE AMENDING A PORTION OF THE NORTHWEST UPPER VALLEY PLAN, A STUDY AREA PLAN INCORPORATED WITHIN "PLAN EL PASO," TO CALIBRATE POLICY RECOMMENDATIONS TO MEET THE GOALS AND POLICIES OF "PLAN EL PASO."

WHEREAS, *Plan El Paso*, as subsequently amended, was initially adopted by the El Paso City Council on March 6, 2012 pursuant to provisions of the Texas Local Government Code as the Comprehensive Plan for the City; and

WHEREAS, the Comprehensive Plan provides a basis for the City's regulations and policies that directs its physical and economic development; and

WHEREAS, *Plan El Paso*, upon adoption, incorporated all existing study area plans into the Comprehensive Plan; and

WHEREAS, the *Northwest Upper Valley Plan* is one of the aforementioned study area plans; and

WHEREAS, Policy 1.3.3 of *Plan El Paso* states that study area plans will remain in effect, except for any provisions that may conflict with the Comprehensive Plan, until such time as any of these study area plans are amended or repealed by the City Council; and

WHEREAS, the *Northwest Upper Valley Plan* makes policy recommendations that are in conflict with the Comprehensive Plan; and

WHEREAS, the proposed amendment to the *Northwest Upper Valley Plan* will address these conflicts and directly address goals and policies stated in *Plan El Paso*; and

WHEREAS, after conducting a public hearing, the proposed amendment to the *Northwest Upper Valley Plan* will have no negative impact upon the public health, safety, morals, and general welfare of the City, and will carry out the purpose and spirit of the policies expressed in *Plan El Paso*,

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

ORDINANCE NO. 018709
Doc#643371_2
Matter#17-1007-1902

PLCP16-00003

1. That portions of the *Northwest Upper Valley Plan* are amended, as further detailed in Exhibit "A" attached herein.
2. Except as otherwise amended herein, the *Northwest Upper Valley Plan* will remain in full force and effect.

ADOPTED this 25th day of July, 2017.



ATTEST:

Laura D. Prine
for Richarda Duffy Momsen
City Clerk

THE CITY OF EL PASO

Dee Margo
Dee Margo
Mayor

APPROVED AS TO FORM:

Omar A. De La Rosa
Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols
Larry F. Nichols, Director
Planning & Inspections Department

CITY CLERK DEPT.
2017 JUL -5 AM 8:37

ORDINANCE NO. 018709
17-1007-1902|686934
Northwest Upper Valley Plan Amendment
OAR

PLCP16-00003

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EXHIBIT "A"

Northwest Upper Valley Plan June 2017 Amendment

Northwest Planning Area

The recommendations of Plan El Paso, adopted on March 6, 2012, provide goals and policies for the development and redevelopment of the City of El Paso and its extra-territorial jurisdictions. The Northwest Upper Valley Plan, first adopted January 13, 2004, was incorporated into Plan El Paso upon that document's adoption. Plan El Paso indicated that special study area plans remain in effect after their incorporation into the comprehensive plan, except for any provisions that may conflict with the plan, until such time as any study area plan is amended or repealed by City Council.

Plan El Paso provides multiple recommendations for the direction of development in the Upper Valley. An emphasis of these recommendations is the implementation of cluster development principles as a more effective means of fulfilling the intent of the Northwest Upper Valley Plan:

"If housing is not allowed to cluster, and large lot zoning (such as 2.5 units per acres) is permitted, this will likely result in the subdivision of entire sites into private individual lots, leaving no meaningful open space or landscape being preserved. The unfortunate result would be the creation of suburban subdivisions similar to those constructed in recent decades through El Paso, and a loss of the farmland and open space that give the valley its unique character. (Plan El Paso, p.2-40)"

This amendment imposes restrictions on the Northwest Upper Valley Plan area that will result in development that better fulfills the intent of the plan, and furthers the goals and policies of Plan El Paso.

Artercraft Road Corridor

- The Artercraft Road Corridor shall be defined as the area extending 700 feet on either side of the Artercraft Road right-of-way from Doniphan Drive to the New Mexico state line.
- Recognizing that there will be increased interstate heavy traffic on Artercraft Road, new development along the Artercraft Corridor should be planned in such a way as to promote the welfare, beauty and comfort of the area along the Artercraft Corridor and in the remainder of the Northwest Upper Valley Study Area.

Residential Development

- New development should be encouraged to provide and make provisions to maintain a thirty five foot (35') landscaped strip of property along Artercraft Road, Westside Drive, Gomez Road, Upper Valley Road, Borderland Road, and Strahan Road, and along any irrigation canals, spurs and drains, measured from the edge of the right-of-way, to include native plants and trees.

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Northwest Upper Valley Plan Amendment
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Commercial Development

- New commercial development should be encouraged to provide and make provision to maintain a landscaped buffer along any property line that abuts residential uses.
- Commercial development should be restricted to neighborhood-compatible uses.
- A detailed site development plan should be encouraged for all commercial zoning requests.

Remainder of Northwest Upper Valley Study Area

This area – between the Rio Grande and the New Mexico state line and between Country Club Road and Borderland Road, but excluding the Arcraft Road Corridor – is characterized by the following:

- The area is a mix of agricultural uses and medium-density single-family residential neighborhoods with a suburban character. There is limited open space that is publicly owned and maintained or otherwise accessible to the public.
- Only a few collector roads serve the area and traffic circulation is hampered by the need to cross the Rio Grande on bridges at Country Club, Arcraft Road, and Borderland Road. Growth to the west in New Mexico and to the north in El Paso County will continue to funnel more people onto the routes for these bridges.
- Because of continuing agricultural use, the area is criss-crossed by irrigation canals and drains and their access roads that fall under the jurisdiction of El Paso County Irrigation District #1.
- Most existing residential developments front onto the few collector roads and back onto irrigation ditches, leaving interior tracts of land that are accessible only by ditch-bank roads or by long or irregular routes to the collector roads.
- The area has unique features that attract many people to use the area for recreational activities such as bird watching, cycling, and horseback riding.
- The area lies in the Rio Grande flood plain, providing the potential for flooding, and there is not an up to date comprehensive drainage study or flood plan for this area.

As a result:

- New residential development should be limited to the gross density permitted in the underlying zoning district.
- New development should provide and make provision to maintain at least 30% of the net developable area of the development as open space, inclusive of any parkland dedication requirement.
- “Net Developable Area” means the total platted area of a subdivision excluding rights-of-way and areas required for stormwater retention and conveyance.
- Provided open space should serve a clear function, such as preservation of natural landscape, vegetation or unique features, agricultural production, or functional recreational spaces. Open spaces should be preserved via deed restriction or public dedication, and maintained in perpetuity by a homeowners association, land trust or other non-profit organization, or the municipality.
- In new residential developments, open space should be distributed in a manner that provides scenic, agricultural, or recreational value to residents, when possible.

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Northwest Upper Valley Plan Amendment
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PLCP16-00003

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- Within residential developments, developers should be discouraged from providing Park Dedication Fees in lieu of land for parks.
- The City, the El Paso County Water Improvement District No. 1, and developers should work together to plan for the safe passage of horses, cyclists and pedestrians along all arterials, collectors and sub-collectors and keep the area and the Rio Grande River Park accessible and compatible for these uses through the use of multi-use trails and ditch-banks.

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Northwest Upper Valley Plan Amendment
OAR

PLCP16-00003

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Northwest Upper Valley Plan



**Approved by the City Council:
January 13, 2004**



Published by authority of the Mayor and City Council

Approved by the City Council: January 13, 2004

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Northwest Upper Valley Plan

Concept Analysis Purpose

The purpose of this report is to provide alternative policies and guidelines for development, examine proposed development impacts, and review existing zoning regulations applicable to the study area in order to make recommendations to amend the City's comprehensive plan, *The Plan for El Paso*. The report reviews the land development trends in the area and proposes three alternative growth patterns that could occur depending on the actions taken by the City. The alternatives and their consequences are described in detail so that the public and City Council will be able to make an informed decision to amend *The Plan for El Paso*.

The Mayor and City Council voted on September 16, 2003 to direct the Planning, Research and Development Department to examine a portion of the Upper Valley at the northwesterly edge of the city limits and analyze the effect of a Comprehensive Plan amendment. The area has been predominantly low-density residential and agricultural use. Since the year 2000, however, several large parcels of land were rezoned and subdivided to allow higher density residential development, leading to concern by the established residents that the rural ambiance is deteriorating.

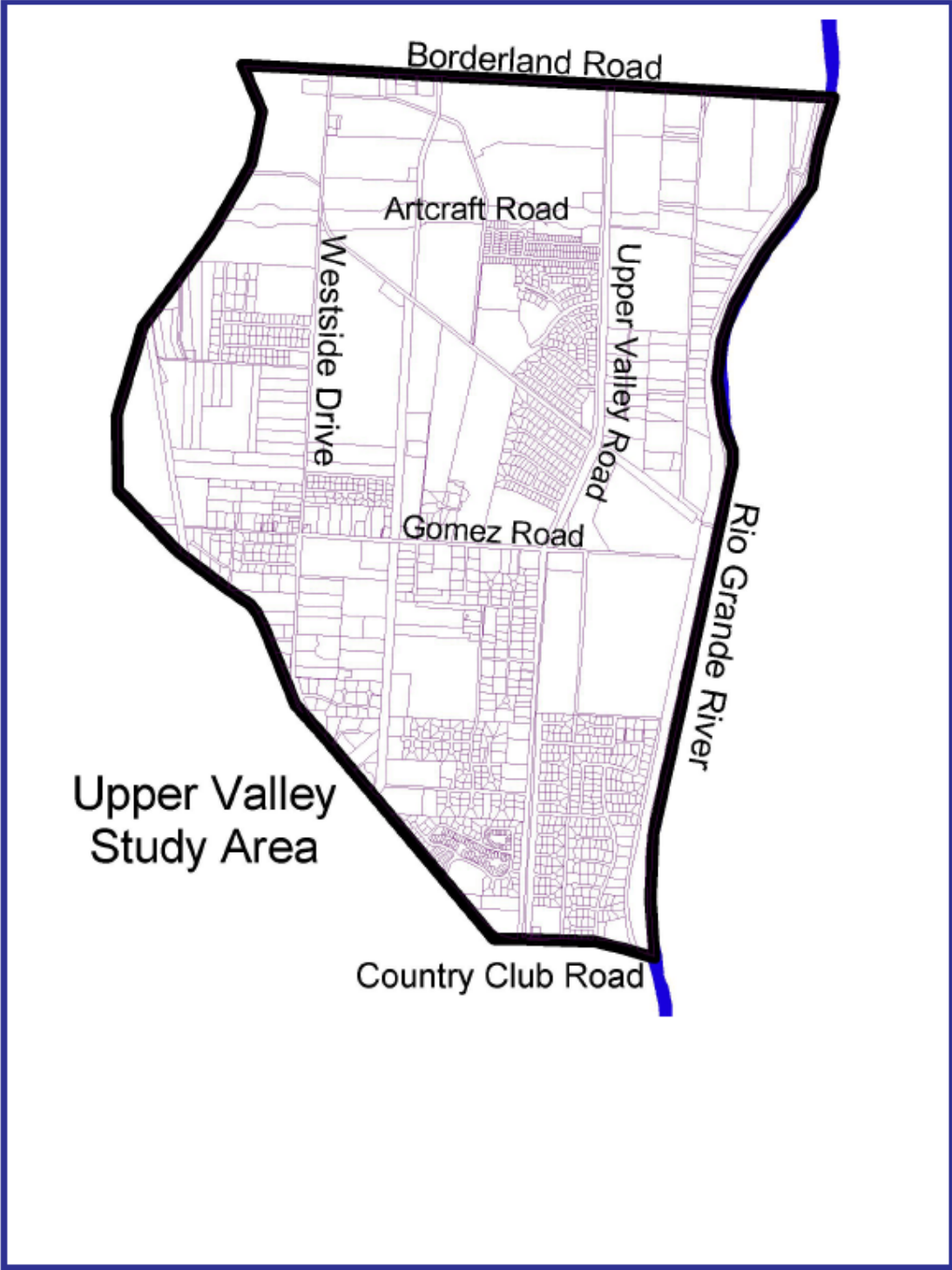
After meeting with groups of residents, the City Council directed the Department to "prepare an amendment with public input, as provided for in *The Plan for El Paso*, of the City's comprehensive plan, to modify the goals, policies and land use recommendations for a portion of the Upper Valley Study Area within the Northwest Planning Area referred to as Policy Area #5A...." The Council then included a general list of policies that the proposed amendment should incorporate. A second motion directed staff to review the Major Thoroughfare Plan status of Gomez Road (Redd Road extension), one of several thoroughfares passing through the study area that are planned for widening and includes an extension connection across the Rio Grande to Redd Road.

Description of area

The subject area of the Upper Valley consists of approximately 2,500 acres, or about 3.9 square miles. It is bounded on the North by Borderland Road, on the East by the Rio Grande, on the South by Country Club Road and on the West by the Texas/New Mexico state line as noted in Map 1. From North to South the area is about 2 ¾ miles in length and it is about 1.9 miles at its widest point from the river to the New Mexico Border. Geographically it is a flat river flood plain containing rich soil for agriculture. A network of irrigation canals and drains criss-crosses the area.

The existing land use is primarily low density residential. Some large agricultural tracts exist as well, mostly north of Gomez Road. There is one elementary school, in the Canutillo School District, and no police or fire stations within the study area. There are no completed parks, but one park is currently under construction and the Rio Grande Trail System River Park along the river is under development. Except for a small store at Gomez Road and Westside Drive, commercial uses exist only on Country Club Road within the area.

Map 1. Study Area - Northwest Upper Valley



The super arterial Arcraft Road goes east-west across the top quarter of the area providing access to Interstate Highway 10 and New Mexico. All other roads are two lanes at this time. Country Club Road provides IH-10 access; Borderland Road crosses the river but does not reach the freeway. The only way traffic in the study area can reach these east-west arterials is on two north-south roads, Westside Drive and Upper Valley Road. All other roads provide strictly internal circulation to the area.

History

1950-1980

Prior to 1954 the study area was under El Paso County jurisdiction. It was mostly farmland with scattered houses serving the agricultural residents. Small portions were annexed into the City of El Paso on three occasions: The City annexation of 1954 included 52 acres north of Country Club Road within the current study area. More importantly, this annexation brought the whole of the study area into the extraterritorial jurisdiction of the City. The annexation of 1968 specifically added a small 6-acre area adjacent to the previously annexed area. Another annexation in 1978 was mainly east of the river, but it included about 13 acres of the current study area.

Subdivision records indicate 246 acres were subdivided from 1970 to 1980. A total of 452 lots were created by the new subdivisions. The gross density is calculated to be 1.8 lots/acre. No zoning information is available since the vast majority of the area was under the County, which has no zoning authority.

1980-1990

A major annexation in 1987 of over 2,400 acres brought the entire study area into the City and established the current boundaries. During the 1980's a total of 89 acres was subdivided. The total number of lots in those subdivisions was 118 lots for an average gross density of 1.3 lots per acre.

By the year 1990 the total population was 1,982 living in 578 dwelling units according to the U.S. Census Bureau, 1990 Census.

In 1987 all Upper Valley annexed land was initially zoned R-3 (Residential) as required by ordinance. However, soon thereafter the City prepared a zoning plan, as also required by ordinance, in order to determine and apply the most appropriate zoning. The vast majority of land was rezoned from the R-3 designation to lower intensity uses during this period. The only cases of up zoning were the Tennis West Planned Residential project, which required PR-1 zoning and a small subdivision that went from R-F back up to R2A -sp.

1980-1990 Re-Zoning Cases

<u>New</u>	<u>Old</u>	<u>Total Acres</u>	<u>Total Parcels</u>
C-1	R-3	5.17	1
PR-1	R-3	47.94	165
R-1	R-3	294.62	179
R-2	R-3	256.33	501
R-3	R-F	2.30	1
R-F	R-3	1,239	372
S-D	R-3	4.30	2
		1,849.66	1,221

1990-2000

The Upper Valley Plan was approved in 1996 and is still referenced in the 1999 Plan for El Paso. The Upper Valley Plan divided the Upper Valley into several policy areas and each had specific policy recommendations. The study area between Borderland Road and Country Club, bounded by the Rio Grande and the City limits was designated Area 5A.

The 1996 Upper Valley Plan recommended that Area 5A remain “low density residential” with “medium density residential and neighborhood commercial” to be allowed as nodes at four major intersections. The proposed nodes were to be at the intersections Westside Drive makes with Artcraft and with Gomez as well as at the intersections Upper Valley Road makes with Artcraft and Country Club.

The policy recommendations of the Upper Valley Plan were made in qualitative terms; no numerical densities or zoning categories were recommended. However, a section titled “Justification” stated that large lot single family residences (R-1, R2 and R2-A) represent the dominant land use in this area ... and are expected to remain in the future.” The intent of the plan was to restrict rezonings to R2-A or less except at the proposed nodes.

The 1996 Upper Valley Plan envisioned several future roadway expansions, which were also reflected in the Major Thoroughfare Plan. Artcraft was shown as a super arterial between New Mexico and IH-10. The plan also included the connection of Gomez Road to Redd Road via a new bridge across the River. Gomez and Westside Roads were planned as major arterials and Upper Valley Road planned as a minor arterial. A network of hike and bike trails is proposed to take advantage of the canal network.

1990-2000 Re-Zoning Cases

<u>New</u>	<u>Old</u>	<u>TotalAcres</u>	<u>TotalParcels</u>
C-1	R-3	12.8	4
R-1	R-F	10.4	14
R-2	R-F	107.79	7
R-2	R-1	152.2	285
R-2 c	R-2	96.7	1
R-2	R-3	93.9	247
R3	R-F	60.17	4
S-D	R-3	4.3	2
		538.26	564

During the 1990's 169 acres of land were subdivided. The total number of lots was 237 with an average density of 1.4 lots per acre. Some R-1 subdivisions and a private park in another subdivision cause this low average; most of the new developments had a somewhat higher density.

The 2000 U.S. Census counted a population of 2,184, a 10% increase from 1990. Dwelling units were counted to be 698, an increase of 20%, which shows a reduced number of persons per household in the area. Family income went up by 75% during the same time. The 1990 median family income was \$50,557 and the 2000 median family income was \$88,553. In conjunction with population increases the Damian Elementary School opened in 1992 at the extreme northern end of the study area.

The zoning change requests recorded during this decade contrast with the previous decade in that most were for up zoning to more intensive use. The first R3-A request was approved during this time.

2000-present

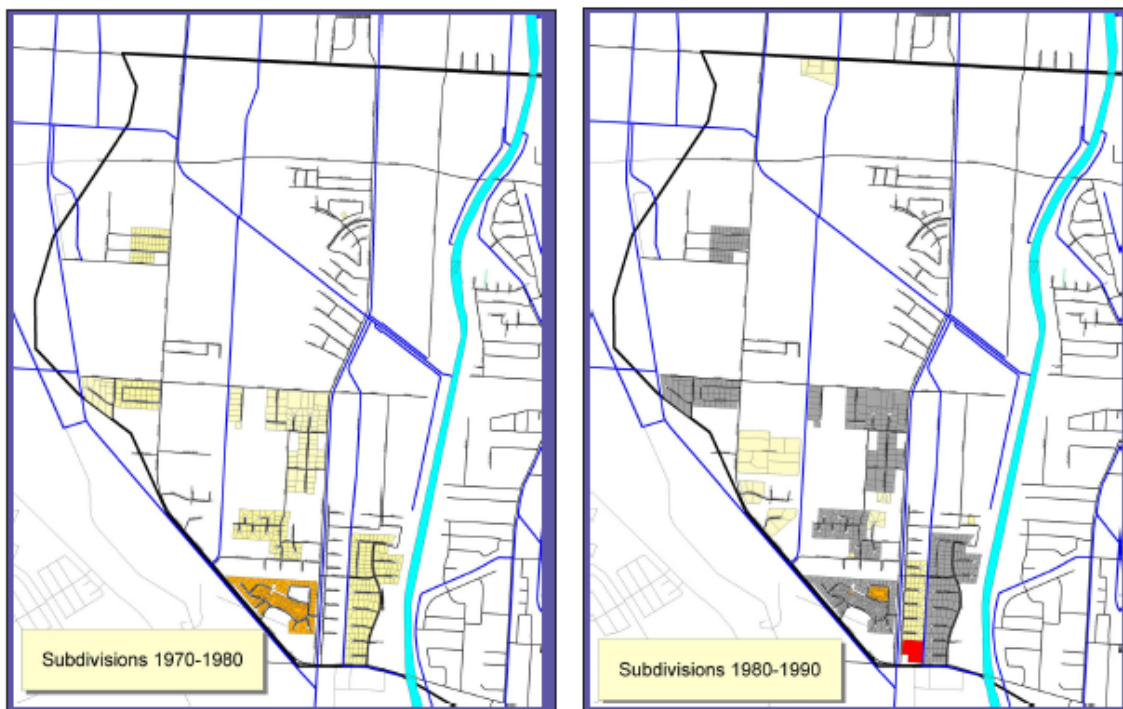
The construction of Artcraft Road was completed in 2000. Previously, residents had to use congested Country Club Road to get to other parts of El Paso. Artcraft Road is a super arterial that provides a direct link from the study area to IH-10. The 1999 update of the Plan for El Paso recognized that this improved access would stimulate growth. The Plan, approved by City Council, included specific policies for the Artcraft Corridor in the Upper Valley. These policies designated the entire corridor for “mixed use”, including office parks and apartment complexes. The accompanying maps showed medium density residential and mixed use in the corridor.

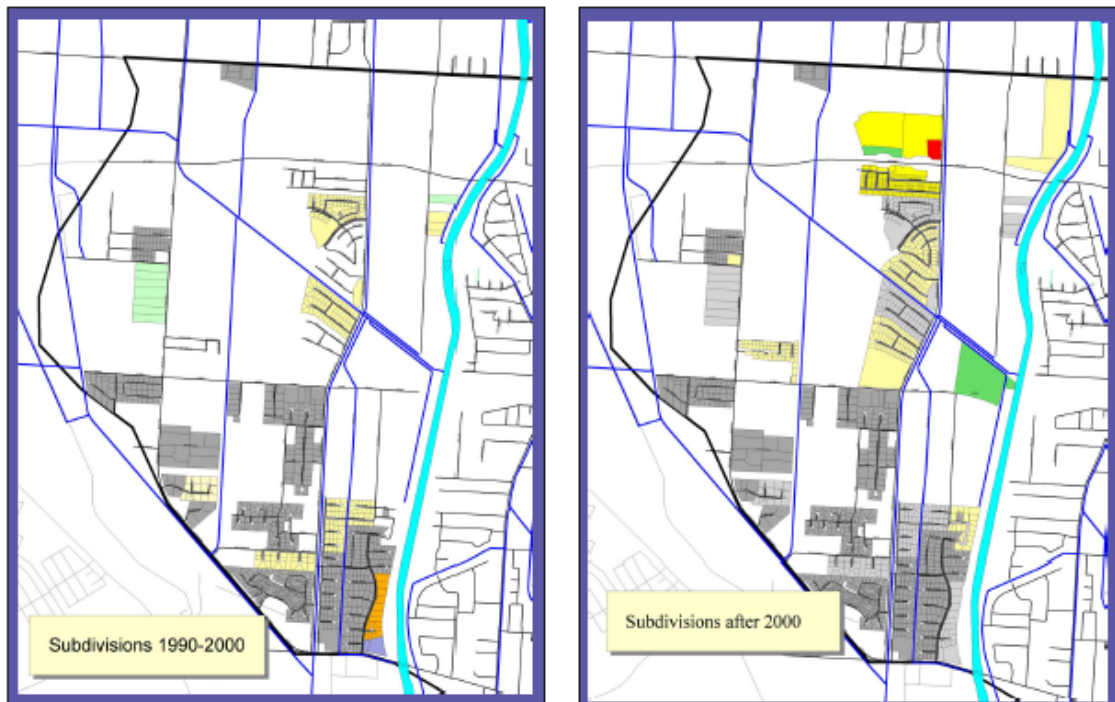
2000-Nov. 2003 Re-Zoning Cases

<u>New</u>	<u>Old</u>	<u>TotalAcres</u>	<u>TotalParcels</u>
C-2	R-F	1.95	1
R-2	R-F	79.86	55
R-2	R-3	35.1	3
R-3A	R-F	105.94	141
		220.9	199

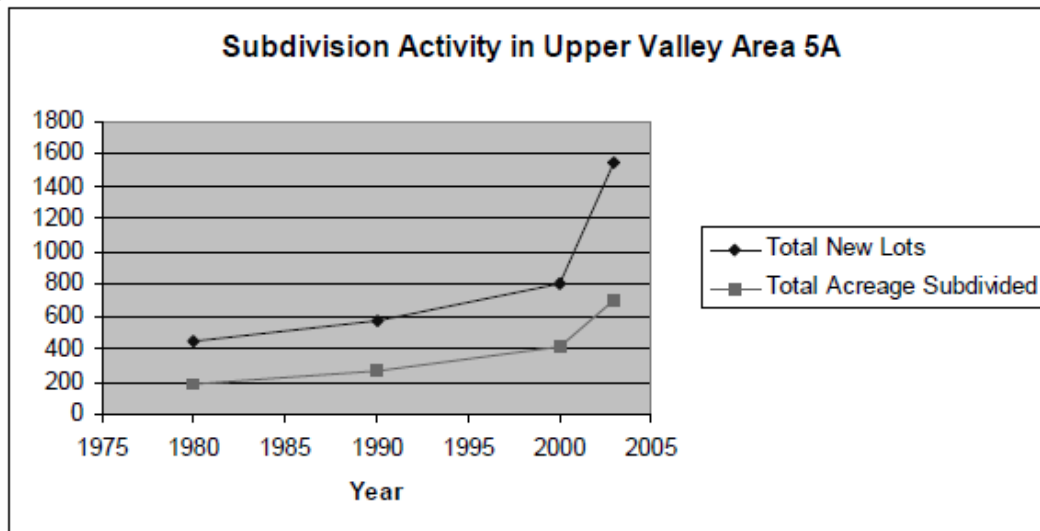
In the three years between the opening of Artcraft Road and this report, the Planning department has received subdivision applications covering 220 acres. At the latest count, the number of lots in these requests total 713 for a calculated net density of 3.4 per acre. Among these subdivisions were the first R3-A projects within the study area. Building all 713 new home sites would more than double the number of dwelling units in the study area since the 2000 census, which counted 698.

Maps 2 to 5. Subdivision Growth - Time Series Analysis, 1980, 1990, 2000, 2003





Graph 1. Subdivision Growth Over Time



All but one zoning change since 2000 has been to up zone R-F (Ranch Farm) to more intensive residential or commercial uses, including over 100 acres for R3-A. The areas rezoned to R3-A are all part of subdivisions abutting the Artcraft corridor.

<u>Use</u>	<u>Number of Parcels</u>
Single Family	800
Ranch/Farm	153
Vacant	368
Commercial	10
Other	19

Two new parks have been dedicated for a total acreage of 40 acres. This equals 1.6% of the total study area. No new schools, police stations or fire facilities have been added although new facilities have been built outside of the area that provide additional service. According to EPISD criteria, an elementary school should be constructed when 600 students are available, with the corresponding number rising to 1000 for a middle school and 2000 for a high school. The current student population is accommodated within existing schools at this time.

Current Conditions

Existing land uses

The Planning Department field checked the existing land use of all parcels during the year 2002. At that time the most common land use in the study area was single family residential. Eight hundred parcels had single-family homes on them and an additional 153 parcels were identified as having Ranch-Farm uses. Vacant parcels totaled 368 and 10 had commercial uses. The remaining 19 parcels had other uses including 2 churches and 2 industrial uses.

<u>Current Zoning</u>	<u>Total Acres</u>	<u>Total Parcels</u>
C-1	12.75	4
C-2	1.95	1
PR-1	47.94	165
R-1	303.01	198
R-2	435.68	845
R-2A	119.05	6
R-3A	244.15	146
R/F	958.37	145
S-D	4.3	2
Totals	2,127.20	1,512

Existing Zoning

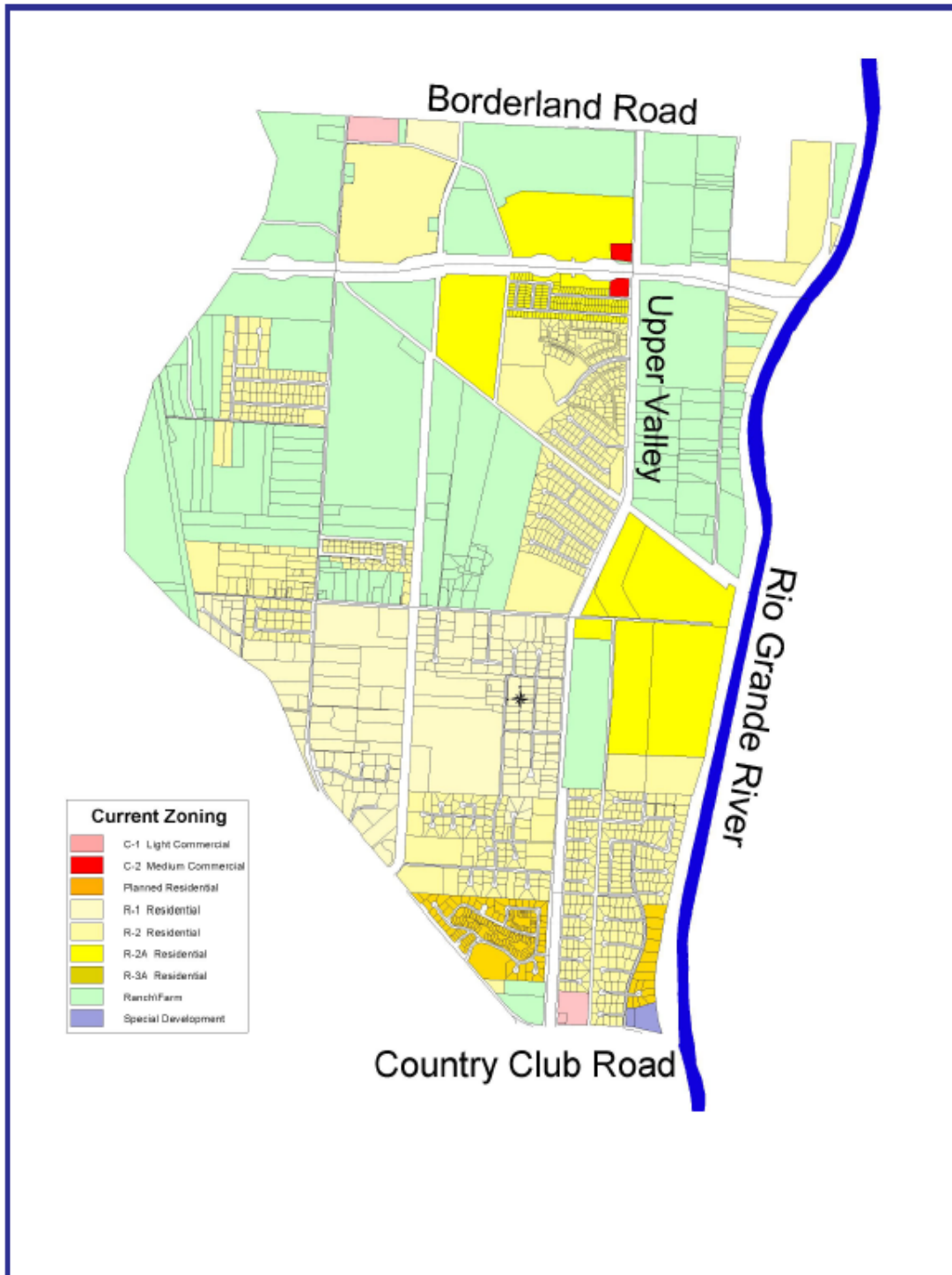
The predominant zoning designation in the study area at the time of this study, November 2003, is R-F (ranch farm), with nearly 40% of land zoned as such. R-1 makes up another 12% so the existing zoning is over 50% very low density residential. R-2 and R-2A are now over 20%. With the exception of 60 acres rezoned in 1996, most of the R-3A rezoning has occurred in the past three years to now constitute nearly 10% of the study area. The table below does include the area of the streets and the canals that occur within districts.

Short Range Planned Projects

Some new public services are planned in the short-term for the area. Two new parks have been dedicated, the 36 acre Valley Creek park next to the river at the extension of Gomez Road and a 3.4 acre unnamed park just north of Artcraft Road. The Rio Grande Trail System is under construction within the levee banks of the river. It consists of a hike and bike trail within the flood plain of the river.

Gomez Road will be extended, as a two-lane road, to provide access to Valley Creek Park. Right of way is also being acquired to accommodate four lanes on Upper Valley Road sometime in the future. The future connection of Gomez Road to Redd Road across the river is not planned until sometime between 2015 and 2025.

Map 6. Current Zoning - November, 2003



No new schools are known to be planned at this time within the study area. The area north of Gomez Road is in the Canutillo school district and the area south of Gomez Road is in the El Paso school district. Typical school district policies state that an elementary school should house 600-850 students, a middle school 1,000 – 1,200 students and a high school 2,000 – 2,300 students. A school district uses a “student per population” index to estimate the future need for new schools. Each dwelling unit is assumed to produce 0.2384 elementary aged children, 0.0993 middle school pupils and 0.1369 high school students.

The Fire department bases the need for new stations first on the distance from existing stations and second on the number of calls they receive per day. The study area is served by two fire stations outside the area but within the maximum distance requirement. Since the call rate at the two stations in the upper valley is still very low, no new stations are being planned at this time.

Alternative futures

Two questions need to be considered when charting the future of an area: “How many people should live there and how should they be accommodated?” These are policy questions to be decided by the City Council. Depending upon the policy choice, planning controls can be implemented to attempt to direct growth toward or away from the area. A certain amount of growth is inevitable in the study area as the regional population pressure grows, but the density and impact on city services can be guided by policy.

The City’s existing answer to the first question has been made in the form of a growth projection. A projection is an educated guess based on certain assumptions such as density of development and attractiveness of an area. By incorporating a given growth projection into the City Plan the policy decision has been made implicitly that the projected amount of growth will be acceptable.

How many people: MPO Projections

The El Paso MPO and the Planning, Research and Development Department work together to develop projections of population growth for over 660 separate zones in the region. These projections are based on regional control figures, which estimate the total growth in the region. The total new growth is then distributed to the zones deemed most likely to experience growth. Zones with low densities close to existing development are assumed to be prime candidates for growth. The final built-out density is assumed to match the average of recent, nearby growth.

According to this methodology, growth in the study area is projected to climb dramatically after the year 2000. The growth between 1990 and 2000, according to the census, was only 10% but the projected growth between 2005 and 2015 is estimated by the MPO to be 81%. The bottom line is that the over 2200 new dwelling units are expected to be constructed in this area between the year 2000 and the year 2025. In fact, 713 new lots have already been created in proposed new subdivisions since that time, so actual growth may exceed projections if the current trend is continued.

Another way of looking at how much growth an area should accommodate is by examining the portion of the whole region that the area holds. The percentage of the county’s population in the study area in 1990 was 0.33 %. According to the 2000 census that percentage had dropped slightly to 0.32% of the County. The growth projections suggest that in 2005 that number will increase to 0.5 percent and by 2025 the study area’s share will be 0.8 percent.

Such increases in population in an area must result in increased average housing densities. In 1990 there was one dwelling unit on the average for every four acres. In 2000 there was one household for every 3.5 acres. If the projections are correct, in 2025 there will be a household on every .8 acres on the average.

The MPO also projects employment growth. They project a total of 1091 employees will find jobs within the study area by the year 2030. Of course, these estimates are based on regional totals and may or may not actually occur.

<i>New dwelling units needed to meet growth projection</i>	<i>Year</i>			
	<i>2005</i>	<i>2015</i>	<i>2025</i>	<i>2030</i>
	<i>none</i>	<i>995 du</i>	<i>1542 du</i>	<i>2526 du</i>
<i>Gross density</i>	<i>Total Acres Needed for Housing</i>			
<i>1.5 du/acre</i>	<i>none</i>	<i>663 ac</i>	<i>1028 ac</i>	<i>1684 ac</i>
<i>2.5 du/acre</i>	<i>none</i>	<i>398 ac</i>	<i>617 ac</i>	<i>1010 ac</i>
<i>3.5 du/acre</i>	<i>none</i>	<i>284 ac</i>	<i>441 ac</i>	<i>722 ac</i>

How should new growth be accommodated: Alternative Urban Forms

The second question that needs to be answered is what the urban form should be to accommodate the future population in the study area. If the projected numbers of new dwelling units are accepted as the appropriate share that study area should hold, it means that 1515 new du's will need to be accommodated by 2025, in addition to the 713 already on the way.

One dimension of urban form is the gross density, how many houses per acre of land. Gross density means the overall average number of houses per every acre, including acreage set aside for parks, roads (often 30%) and all other uses. Net density counts only the actual lots that the houses sit on. The total acreage required to accommodate the projected growth at different gross densities is shown below. As can be seen in the table, the 713 lots in the new and proposed subdivisions surpass the projected need for 2005.

Land zoned R-F or R-1 is most likely to be subdivided to accommodate growth in the future. Currently there remain 958 acres zoned R-F (ranch farm) and 303 acres zoned R-1 (residential), so any average density in the above table requiring more than 958 acres would require rezoning existing R-1 as well as all the R-F. Rezoning additional acreage for commercial uses would also be required to accommodate development.

<i>Gross Densities of Typical Existing Subdivisions</i>					
<i>Name</i>	<i>Actual Zoning</i>	<i>Size in Acres</i>	<i>Number of Sites</i>	<i>Gross Density</i>	<i>Comments</i>
<i>River Park West</i>	<i>R-3A</i>	<i>31.2</i>	<i>137</i>	<i>4.4</i>	<i>Includes a park, pond and commel</i>
<i>Los Nogales</i>	<i>R-2A</i>	<i>15.4</i>	<i>57</i>	<i>3.7</i>	<i>East of river (outside area)</i>
<i>Laguna Meadows</i>	<i>R-2</i>	<i>64</i>	<i>156</i>	<i>2.4</i>	<i>Includes a park and pond</i>
<i>Rancho Sereno</i>	<i>R-1</i>	<i>11.47</i>	<i>14</i>	<i>1.2</i>	
<i>Tennis West</i>	<i>PR-1</i>	<i>45.9</i>	<i>130</i>	<i>2.8</i>	<i>Incl tennis courts and ponds</i>

It is unrealistic to assume a uniform density over all the new growth as the table does above. The gross density of a typical subdivision depends on the zoning, which determines the size of the residential homesites, and on the amount of land devoted to non-residential uses. Non-residential uses include roads, which all subdivisions have, parks, schools, drainage structures and possibly even commercial parcels. Subdivisions can vary in their gross density even within the same zoning district. Nevertheless, the table below shows a typical gross density for zoning districts, in dwelling units per acre. These were obtained from subdivisions already built within or nearby to the study area.

Since zoning ultimately creates urban form, various combinations of zoning districts and their typical densities were combined in different ways to develop the three alternative concepts discussed next.



R-1 sp 1.2 units per acre



R-3A 4.4 units per acre incl. park and ponding area



R-2 sp 2.4 units per acre including ponding area



R-F .14 units per acre



PR-1 2.8 units per acre including parks and ponds

Alternative Plan Analysis

Alternative A Analysis

The first alternative was created to represent a continuation of current trends. It assumes all R-F land will eventually be rezoned to R-3A or R-2A. Most R-1 land is assumed to be rezoned to R-2A or R-2. The locations of the imagined future land uses are suggested in the concept map labeled "Alternative A."

Land Required for housing

Using the sample densities as a guide, this scenario would be able to accommodate nearly 4000 new dwelling units in addition to those subdivided at the time of this writing.

Schools, Parks

The number of new dwelling units allowed would generate an estimated 939 elementary, 391 middle and 539 high school students. This is enough students to fill more than one new elementary school, depending on the age of the students. At the mandated ratio of one acre of park per 200 dwelling units this plan should provide 20 new acres of parkland.

Pros and Cons of Alternative A

Pros

- Requires no change in plan or policy
- Understood by development community
- Increases tax base
- Higher densities require less land per DU

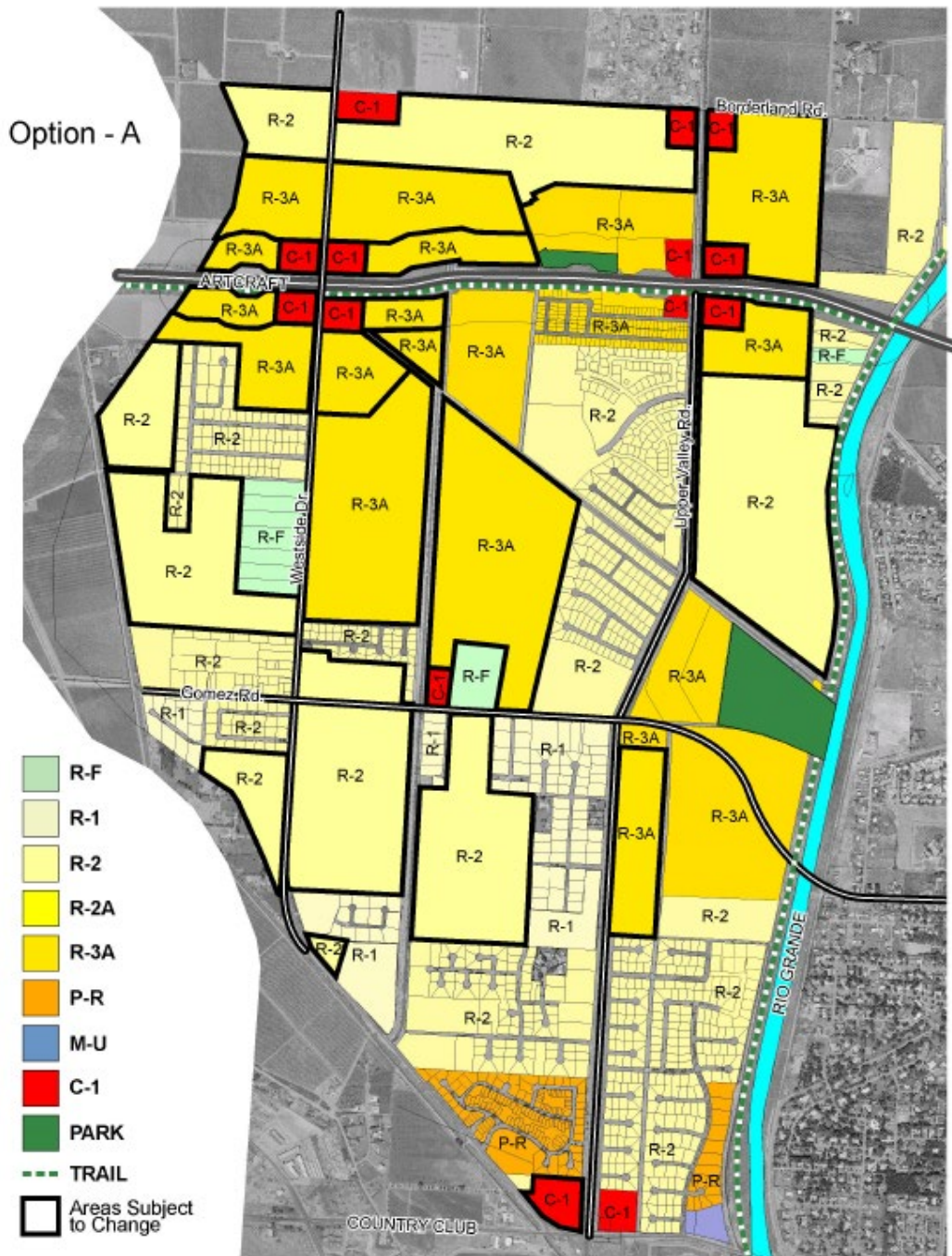
Cons

- Allows growth far exceeding projected numbers
- Changes rural ambience
- Diminishes agricultural land reserve
- Requires extensive public services

<i>Zoning</i>	<i>Available Land (Acres)</i>	<i>Density</i>	<i>Possible New DU's</i>
<i>C-1</i>	<i>34.5</i>		
<i>R-2</i>	<i>851</i>	<i>2.3</i>	<i>1957</i>
<i>R2-A, R-3</i>	<i>426</i>	<i>3.8</i>	<i>1618</i>
<i>R-3A</i>	<i>79</i>	<i>4.3</i>	<i>339</i>
<i>Total</i>			<i>3914</i>

Possible Future under Alternative A

Map 7. Alternative A Scenario - Conceptual Future Growth



Alternative B

This concept is illustrated in the map “Alternative B.” The Council motion of September 16, 2003 listed the following as directions as to how the Plan should be amended:

1. Along the Artcraft Road corridor:

- Define the “Artcraft Road Corridor” as the area extending 400 feet on either side of the Artcraft right-of-way lines;
- Restrict the density for any new residential development along the Artcraft Road Corridor to no more than five (5) dwelling units to the gross acre;
- Require that developers provide and maintain a landscaped strip of property along Artcraft Road acceptable to the City and TxDOT;
- Restrict commercial and mixed-use development to the “nodes” of the following intersections (with the “nodes” defined as the area extending 300 feet each way from the rights-of-way making the following intersection) as follows:
 - Artcraft Road at Upper Valley Road for commercial
 - Artcraft Road at Westside Drive for mixed-use
- Restrict such commercial development to neighborhood-compatible uses with ample parking provided on-site;
- Require a detailed site development plan for any commercial zoning requests;
- Restrict commercial signage to neighborhood scale as allowable under law;
- Prohibit on-street parking on any street crossing Artcraft Road;
- Strictly enforce litter ordinances from any authorized commercial development.

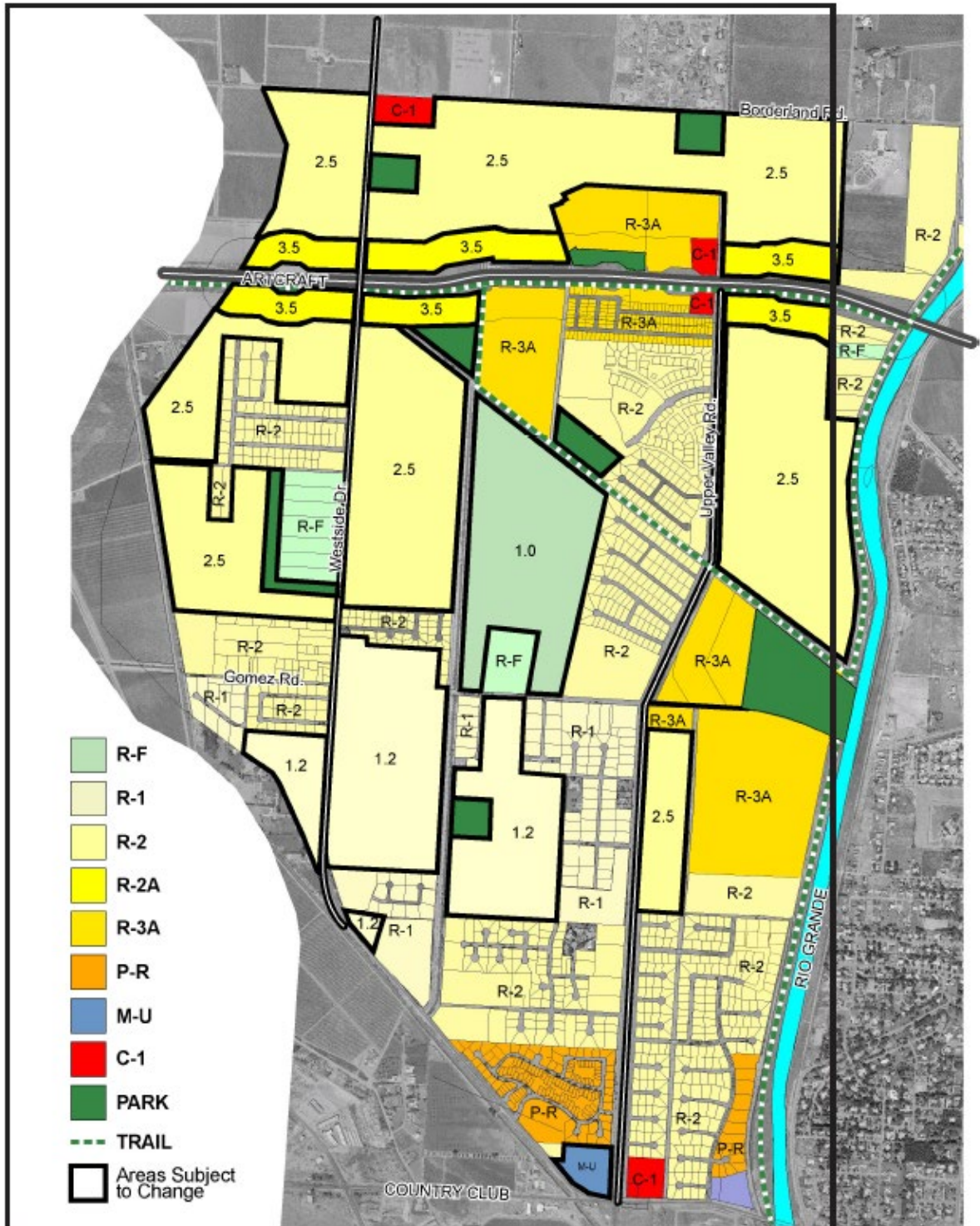
2. For areas outside of the Artcraft Road corridor:

- Large lot single-family residences should continue to be the dominant use in this area, consisting of a mix of R-2 and R-1.
- Until such time as a comprehensive drainage study and flood plan for this area has been performed by the City, the Federal Emergency Management Agency, or a similar agency, the density for any new residential development to no more than four (4) dwelling units to the gross acre;
- Discourage the use of Park Fees and require open and green space areas be planned and implemented wherever possible within a development;
- For large tract developments (40 acres or more) of this region, encourage a layered approach to zoning and development, with buffers insulating less intensely developed properties from higher developed parcels, unless not possible by reason of acreage configuration or other reasons.
- Encourage uses that accommodate the keeping of horses and plan for safe passage of horses and bikers along all arterials, collectors and sub-collectors through the use of horse trails, bike trails and/or ditch banks as well as access to the river park.

<i>Zoning</i>	<i>Available Land (Acres)</i>	<i>Density</i>	<i>Possible New DU's</i>
<i>Commercial</i>	<i>29</i>		
<i>R-1</i>	<i>210</i>	<i>1.2</i>	<i>258</i>
<i>R-2</i>	<i>849</i>	<i>2.3</i>	<i>1952</i>
<i>R2-A, R-3</i>	<i>219</i>	<i>3.8</i>	<i>835</i>
<i>Total New</i>			<i>3045</i>

Possible Future under alternative B

Map 8. Alternative B Scenario - Conceptual Future Growth



Alternative B Analysis

Alternative B attempts to imagine how amending the comprehensive plan in this way would control growth. No rezonings that conflict with the plan are contemplated, only rezonings from landowners taking full advantage of the maximum allowed by the wording are projected.

Land Required for Housing

Using the densities typical for the zoning which is likely to result based on this plan could allow up to 3045 new dwelling units in addition to those already subdivided at the time of this writing. This plan could accommodate the MPO projections through the year 2030.

Schools, Parks

The number of new dwelling units allowed would generate an estimated 725 elementary, 302 middle and 416 high school students.

At the mandated ratio of one acre of park per 200 dwelling units this plan should provide a minimum of 15 new acres of parkland.

Pros and Cons of Alternative B

Pros

- Understandable by development community
- Allow economic return to landowners
- Maintains lower densities
- Mandates horse trails

Cons

- Requires more land per DU
- Changes rural ambience
- Does not preserve substantial amount of open space

Alternative C Analysis

This alternative plan was designed as a way to preserve more open space by taking advantage of the Planned Residential zoning category. Under such a zone, development is clustered around areas of open space and built at densities that are not permitted under regular residential zoning. Properly designed planned developments could accommodate the same number of dwelling units as conventional subdivisions while clustering the acreage that would otherwise be used as larger side and backyards into open space.

The concept map labeled "Alternative C" illustrates a possible way that new housing development could be planned to allow landowners to a similar return on their properties and still preserve open space for recreational or specialized farm uses.

Land Requirements

This scenario could also accommodate the 2025 growth projections but not the 2030 projections.

Schools, Parks

The number of new dwelling units allowed would generate an estimated 533 elementary, 222 middle and 306 high school students.

Substantial amounts of open space would be retained under this plan. If the City purchased the land outright it would then be city parkland. This option is prohibitively expensive. Another option would be for developers to donate the land to a land trust, which could then transfer it to the City. If the developer retained ownership of the open space the cost of creating recreational opportunities would be the responsibility of the developer. However the City could assist in improving the open land to minimum standards for certain types of recreation such as biking, hiking or wildlife preserves if they were available to the public.

Studies have shown that cost of conserving open space can be offset by the benefits of not having to provide public services to the area.

Pros and Cons of Alternative C

Pros

- Requires less land per DU
- Allow sufficient economic return to landowners
- Maintains rural ambience
- Could preserve some farmland
- Less expensive to provide services

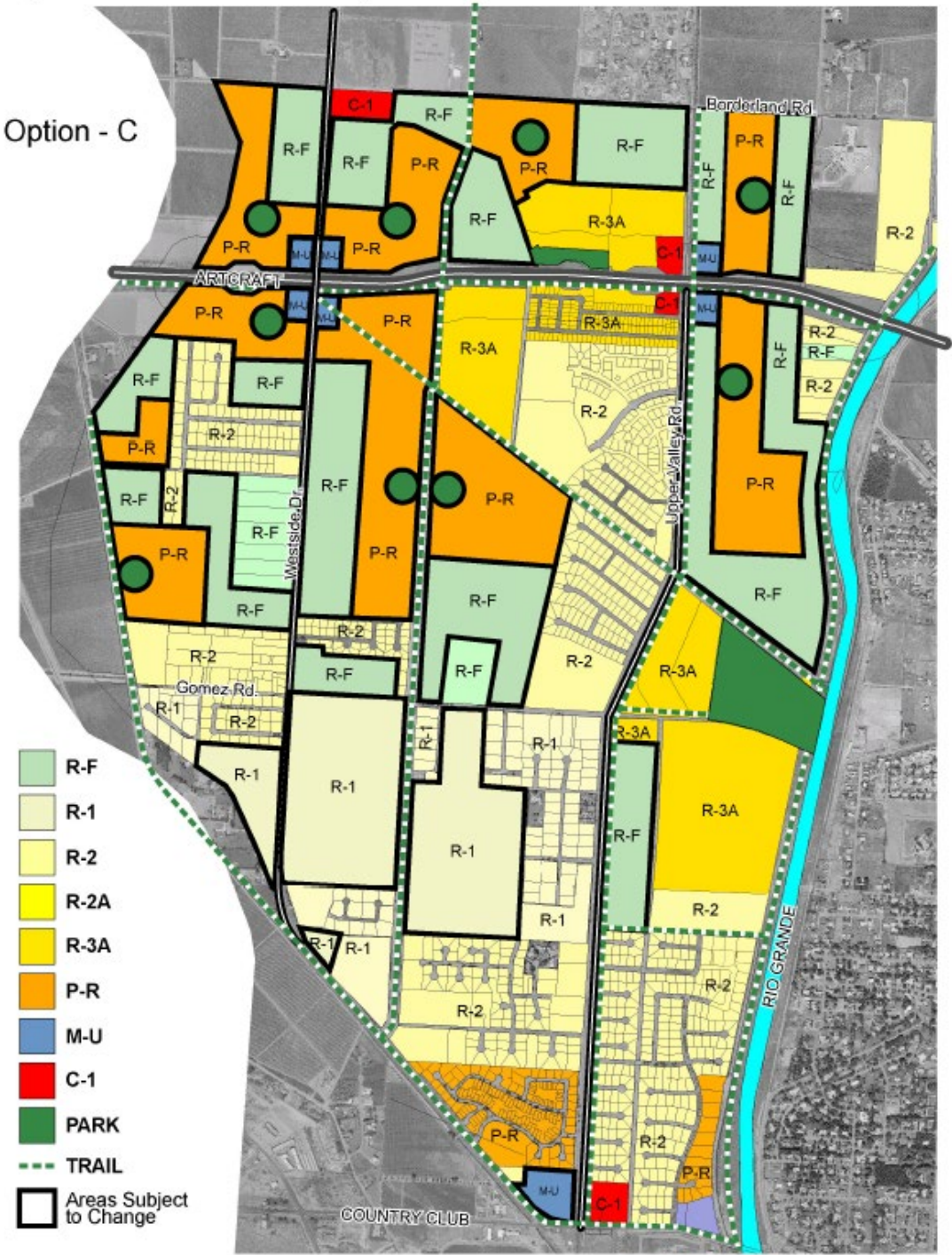
Cons

- May require changes in ordinances
- Marketability not proven in El Paso
- Requires consolidation of properties

<i>Zoning</i>	<i>Available Acres</i>	<i>Density</i>	<i>Dwelling units</i>
<i>Commercial</i>	29		0
<i>PR-1</i>	445	2.8	1248
<i>R-3A</i>	79	4.3	340
<i>R-2A</i>	85	3.7	315
<i>R-2</i>	42	2.3	99
<i>R-1</i>	174	1.22	213
<i>Open or R-F</i>	452		0
<i>Total</i>			2215

Possible Future under Alternative C

Map 9. Alternative C Scenario - Conceptual Future Growth



Transportation infrastructure Analysis

Alternative A:

Since this concept is essentially the one analyzed by the MPO their recommendations can be examined first. Virtually all new capacity would be in the form of roadway widening.

- Artcraft – super arterial
- Westside Dr. – Major arterial-with-bike-lane cross section 120'
- Gomez Rd. – Major arterial-no-bike-lane cross section 110' connecting to a bridge across the Rio Grande and thence to Redd Road.
- Upper Valley Rd. minor arterial-no-bike-lane cross section 110'

Alternative modes

A bike path is shown in the Plan for El Paso on Westside Drive. Artcraft Road already has a bicycle path. Transit service will be in the area but at long headways.

Gomez/Redd connection

If the planned connection to Redd Road via a new river crossing is not built the level of congestion and delay drivers experience on other roads would increase. The road that would be impacted most would be Upper Valley Road, which would approach its maximum capacity if Gomez was not connected but would be well under capacity if Gomez were connected.

Some other roads would show increases in traffic, but traffic on Borderland and Westside roads could actually decrease. The increases on Artcraft would be easily accommodated by that super-arterial. Country Club Road, however, is projected to be well over capacity irregardless of the Gomez connection construction.

The table below shows the expected traffic on roads in the area for the year 2025. It also shows the volume to capacity ratio, which is simply how much of the roads comfortable capacity will be used up. Numbers less than one (1.00) show that the road could handle the expected traffic. Numbers close to or exceeding one (1.00) show that the traffic would be too much for the road in question.

Predicted Daily Traffic and V/C ratio

	<i>Network with Gomez Road</i>		<i>Network without Gomez Road</i>	
<i>Artcraft</i>	<i>33,582</i>	<i>0.55</i>	<i>43,696</i>	<i>0.71</i>
<i>Westside</i>	<i>5,579</i>	<i>0.8</i>	<i>6,535</i>	<i>0.51</i>
<i>Upper Valley</i>	<i>9,985</i>	<i>0.69</i>	<i>13,996</i>	<i>0.94</i>
<i>Borderland</i>	<i>5,065</i>	<i>0.93</i>	<i>5,622</i>	<i>0.8</i>
<i>Country Club</i>	<i>20,582</i>	<i>1.62</i>	<i>19,731</i>	<i>1.76</i>
<i>Gomez</i>	<i>12,977</i>	<i>0.83</i>	<i>2,991</i>	<i>0.50</i>

Comparison of Traffic with and without Gomez/Redd Road Connection

Alternative B:

Analysis will be done when land uses are solidified.

Alternative modes

This concept calls for horse trails to be maintained “wherever possible”. The bike paths of the Plan for El Paso would continue to be part of the plan.

Alternative C: Clustered Plan

Analysis will be done when land uses are solidified.

Alternative modes

This alternative shows a more comprehensive network of walking, bicycle and equestrian trails along the canals and drains. Studies from other cities suggest this may reduce the number of short trips to the commercial uses that are made by automobile.

Implementation Strategies

Alternative A:

This concept will be implemented if no changes are made to the Plan for El Paso land use and thoroughfare sections. Zoning change requests to R-3A, R3 or R-2A would also be approved on a case-by-case basis. The planned widening and new construction of the thoroughfares shown on the Major Thoroughfare Plan will also need to take place.

Alternative B:

This plan would require amendment of the Plan for El Paso by adding a sub area plan that explicitly incorporates gross density limits, requirement for site plans, landscape buffers, and parking and signage restrictions. These requirements could then be added to any zoning change requests, perhaps as special contract conditions.

Park and/or thoroughfare plans would need to be amended to encourage open space and equestrian trails.

Alternative C:

This concept could be implemented in differing ways but each would require several actions to occur. Any Planned Residential projects following this plan would need to be fairly large and thus cover property that is currently under different owners. In order to ensure equitable treatment of property owners and avoid potential takings, a mechanism would need to be set up to prevent takings claims by landowners whose property remains open space.

One way of implementing this concept would be to allow transfer of development rights between property owners. This would permit low intensity uses to continue while allowing economic gain to the landowners. The State of Texas has not passed legislation enabling transfer of development rights so a City ordinance would be required. Purchase of development rights is another concept that could be investigated.

A third option would be creating a mandatory open space zoning district. Open space zoning, or cluster zoning, allows the same number of units as is permitted under the regular zoning. The units are clustered and about half of the site is consolidated into a large open space. There is a precedent for this concept in the Planned Mountain Development district.

Existing Planned Residential zoning requires that all land be under "unified control" so properties would need to be consolidated prior to applying for review of development plans. Current Planned Residential zoning rules state that the minimum size for a PR project is three acres, but in the Upper Valley that minimum may need to be raised.

The standards for design review would need to be defined in the sub-area plan so that Planned Residential projects would adhere to the goals of providing open space and rural ambience. Park plans and thoroughfare plans would need to be amended to reflect the goal of the sub area plan.

Zoning changes for increased density would need to be recommended against if they did not incorporate Planned Residential projects that met the standards of the plan.

Recommendation: Amendment to *The Plan for El Paso*

In formulating the recommendations given in this section the Planning , Research and Development Department attempted to balance three major goals:

1. The need for land to accommodate future population growth in the El Paso region, including a range of income levels.
2. The desires of existing residents to preserve the quality of life in the study area.
3. The rights of landowners to achieve reasonable economic return on their property.

Fiscal goals were not included. Such analysis could not be performed within the short time frame of the study. It was assumed that the tax revenue would balance the cost of servicing new growth.

Goal 1:

According to MPO projections, if the study area is to accommodate its fair proportion of regional growth, the total number of housing units in the study area in the year 2030 should be 3,939. The census found 698 housing units in the year 2000. Subdivision records indicate that since that time approximately 700 new home sites have entered the subdivision process. Therefore any plan should permit at least 2,541 new homes to be built. Moreover, the range of lot sizes and prices should reasonably accommodate many income levels.

Under the recommendations, over 3,000 additional new homes would be possible. Although the amendment would discourage any new R3A zoning, an overall total of approximately 950 housing units could result within areas already zoned R3A. About 300 new units would also be possible in areas already zoned R2A.

Goal 2:

The Planning, Research and Development Department and the City Council held well-attended public hearings before drafting these recommendations. Sixty-five surveys were returned after a meeting held within the study area. The vast majority of comments received stated that low density, large lot housing was preferred if new development were to occur at all. A vociferous segment of the public was strongly biased against the most recent R-2A rezoning case.

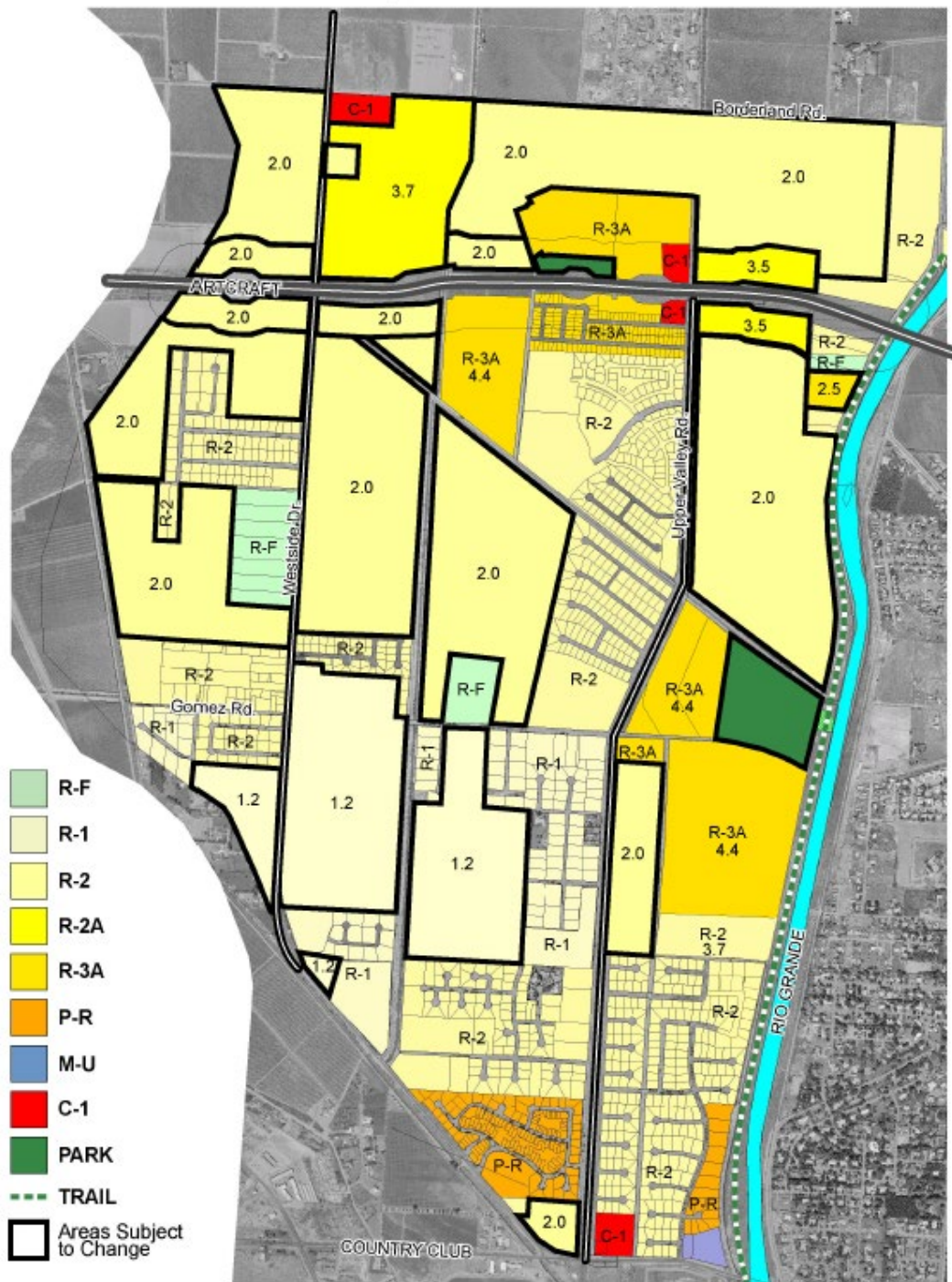
In the early meetings the Department put forward a concept for clustered development to preserve larger contiguous areas of open space. This concept was given due consideration by the participating public but was ultimately rejected in favor of large lot development. Reasons given included the lack of institutional structure to manage the open space and distrust that the open space would actually be preserved from future development.

The representatives of the resident group with which the Department had contact support the recommendations.

Goal 3:

Forty one percent of the land in the study area is already zoned such that higher densities than 2 units/acre are grandfathered in. Another 14% is zoned R-1 and is already developed at densities of less than 2 units/acre.

Map 10: One possible result of the proposed amendments
3144 new dwelling units



Approximately 900+ acres land in the study area (45%) remain zoned R-F (ranch farm). This is the land for which reasonable economic expectations most need to be met. Some of this land has been purchased by land developers, while most remains in agricultural use. Drought conditions have affected the profitability of farming in recent years so sale or development can be an attractive option. During the nineteen nineties, before the opening of Artcraft Road/Gary Ord Highway, the average density of farmland conversion development was about 2 units per acre.

Gated, large lot subdivisions have found a market on Westside mountain areas. Properly designed projects in the study area would have a reasonable expectation of selling as well.

Text of Amendment: **(Approved by City Council January 13th, 2004)**

Northwest Planning Area

The recommendations of The Plan for El Paso adopted in 1999 serve as guidelines for development and redevelopment for the City of El Paso and its extra territorial jurisdictions. Within the Northwest planning area, the recommendations of the Northwest Upper Valley Plan adopted in 2004 will serve as guidelines for development and redevelopment of the area bounded by the Rio Grande, Country Club Road, the Texas/New Mexico State line and Borderland Road. *Land included within a valid land study and subdivision or zoning applications on file as of January 12, 2004 are specifically exempted from the provisions of this Plan Amendment for so long as the project that necessitated such application is continued.*

Artcraft Road Corridor

- The Artcraft Road Corridor shall be defined as the area extending 400 feet on either side of the Artcraft Road right-of-way from Doniphan Drive to the New Mexico State line.

Recognizing that there will be increased interstate heavy traffic on Artcraft Road, new development along the Artcraft Corridor should be planned in such a way as to promote the welfare, beauty and comfort of the area along the Artcraft Corridor and in the remainder of the Northwest Upper Valley Study Area.

Residential development:

- Any new residential development within the Artcraft Road Corridor should be low density no more than five (5) dwelling units per gross acre.
- New development should be encouraged to provide and make provisions to maintain a thirty-five foot (35') landscaped strip of property along Artcraft Road measured from the edge of TxDOT right of way to include native plants and trees.

Commercial development:

- New commercial development should be restricted to the western side of the intersection of Artcraft Road at Upper Valley Road in an area extending 300 feet from the rights-of-way making the intersection.

- Commercial development should be restricted to neighborhood-compatible uses.

- A detailed site development plan should be encouraged for all commercial zoning requests.

Remainder of Northwest Upper Valley Study Area

This area--between the Rio Grande and the New Mexico State Line and between Country Club Road and Borderland Road, but excluding the Artcraft Road Corridor-- is characterized by the following:

- The area is a mix of agricultural use and very low-density large-lot single-family residences (a mix of R-1 and R-2), providing substantial open space and greenery. Residents have consistently expressed an interest in promoting the continuation of only agricultural and very low-density single family uses.

- Only a few collector roads serve the area and traffic circulation is hampered by the need to cross the Rio Grande on bridges at Country Club, Artcraft Road, and Borderland Road. Growth to the west in New Mexico and to the north in El Paso County will continue to funnel more people onto the routes for these bridges.

- Because of continuing agricultural use, the area is criss-crossed by irrigation canals and drains and their access roads that fall under the jurisdiction of the El Paso County Irrigation District #1.

- Most existing residential developments front onto the few collector roads and back onto irrigation ditches, leaving interior tracts of land that are accessible only by ditch-bank roads or by long or irregular routes to the collector roads.

- The area has unique features that attract many people to use the area for recreational activities such as bird watching, cycling, and horseback riding.

- The area lies in the Rio Grande flood plain, providing the potential for flooding, and there is not an up to date comprehensive drainage study or flood plan for this area.

As a result,

- New residential development should be very low density (a maximum of two and one half (2.5) dwelling units per gross acre) and on large lots.
- Buffering uses should be encouraged between areas of less-compatible uses.
- New street lighting should be encouraged to conform with recognized dark sky standards in order to preserve rural ambience. If dark sky standards are adopted by the City of El Paso they will take precedence.
- Within residential developments, open areas and green space areas should be planned and implemented wherever possible and developers should be discouraged from providing Park Dedication Fees in lieu of land for parks.
- The City, the El Paso County Water Improvement District No. 1, and developers should work together to plan for the safe passage of horses and cyclists along all arterials, collectors and sub-collectors and keep the area and the Rio Grande River Park accessible and compatible for these uses through the use of horse trails, bike trails and ditch banks.

The 2025 Projected General Land Use Map for the area is amended as shown on Map 11.

Map 11. Plan Amendment Recommendation- Year 2025 Projected General Land Use

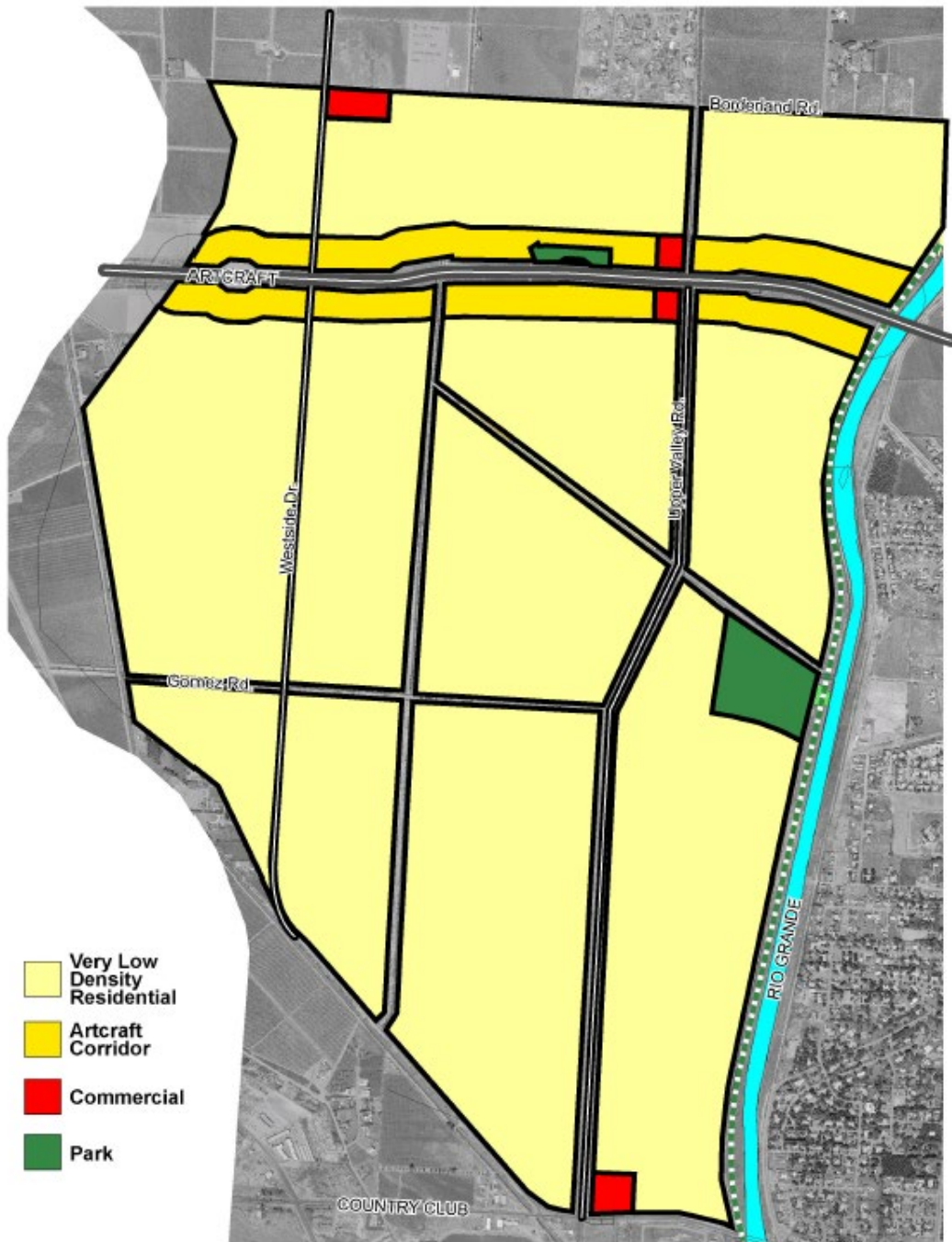


Exhibit 1

Results of Survey Given at Public Meeting on Upper Valley Plan

Survey from Meeting on Upper Valley Study – November 13, 2003

The most important factors to me for “quality of life” in the Upper Valley: RANK (1= most important)

- 1.9 points Keeping the density of housing low
- 2.1 points Keeping the size of the lots large
- 2.9 points Keeping the value of the homes high
- 3.3 points Preserving public open space, parks, and trails
- 3.6 points Maintaining rural uses such as for horses and farms
- 4.0 points Avoiding traffic and roadway problems
- 4.4 points Avoiding overcrowded schools

From this meeting, I believe:

	<u>Agree</u>	<u>Disagree</u>	<u>Uncer-</u>
<u>tain</u>			
A revision of the Plan for the			
Upper Valley is needed	59	2	2
The Council Revision will generally accommodate demand thru 2025	10	21	20
Most of the growth will be north of Gomez, in Canutillo ISD	12	10	13
Canutillo ISD will need to build 1 or more schools in the area	49	4	6
Valley Creek Park (37 acs) will be heavily used by Upper Valley residents	31	10	14
River Park trail will be heavily used by Upper Valley residents	31	8	15
Several smaller parks are also needed	27	18	9
Hike, bike, and horse trails should be included, with access to canal roads	51	5	1
I'd prefer a network of connecting trails rather than small parks in subdivisions	34	12	8
I'd accept tracts with smaller lots in exchange for more public open space	6	45	4
The Council Revision is fair toward landowners and developers.	7	34	13
The Revision to the Plan adequately describes the land use guidelines by referring to limits of 5 units per acre (Artcraft) and 4 units per acre	10	20	18
Away from Artcraft, the overall area should include a mix of R-1 and R-2, rather than each rezoned tract including both R-1 and R-2.	17	13	6
Currently, R-1 comprises 26% of all non-RF acreage; I want this % maintained in future.	38	12	4
R-1 zoning on existing tracts should be maintained; RF tracts should be rezoned R-1 or R-2 depending on surroundings.	38	15	1
R-1 should be mandated on tracts with certain characteristics; other tracts could be zoned R-1 or R-2, at landowner's option.		30	14
6			
City should seek legal way to require that each RF tract rezoned include both R-1 and R-2.	40	11	3
Gomez Road should not cross the Rio Grande before year 2015		54	7
2			
Gomez Road running West from Upper Valley Road should stay 2 lanes		51	5
5			
Gomez Road running East from Upper Valley Road can be 4 lanes	10	42	7

City of El Paso Planning, Research & Development Department

31

Survey Concerns

1. No R3A. (3)
2. Need for emergency assistance, fire & police substations. (4)
3. Why does City Council ignore CPC recommendations?
4. Repair the northern portion of Upper Valley Road starting on Gomez Road. (2)
5. Need to widen Country Club Road and install streetlights. (2)
6. Need streetlights on Upper Valley Road and Westside Drive. (2)
7. Make sure park fees are used for parks.
8. Why was Gomez Road paved if there is no money?
9. Water concerns. (7)
10. Do not need rezoning. (2)
11. Heavy construction trucks are tearing up the roads and are only being patched up instead of putting a base under the asphalt, which in turn would be able to handle heavy trucks.
12. Concerns about increased density, lack of infrastructure, drainage, and infringement on irrigation rights. (8)
13. Survey could be clearer, and questions are confusing. (3)
14. Gomez Road should not cross the River.
15. Primary zoning should be RF & R1 with irrigation. (12)
16. RF could be zoned for 3-acre Ranchettes.
17. Current Master Plan already references maintaining rural quality of life in the Upper Valley. How will a new plan be enforced any differently in the face of pressure from developers?
18. Development must stop until roads are repaired.
19. The City is only interested in developers. (2)
20. Concerned about traffic flow to Damian Elementary School and new High School at Transmountain & I-10. Borderland Road cannot handle traffic now.
21. Taxes being raised.
22. Over population. (4)
23. New Schools needed. (5)
24. The Valley is unique, desert is not. Schwartz can build in the east, north, etc. (3)
25. Heavy traffic. (5)
26. We must do all we can to enhance and preserve the natural greenery and beauty of the Valley. (7)
27. Afraid of losing home to Gomez Road expansion.
28. Need a Drainage Study.
29. Do the right thing. (2)
30. Will irrigation ditches be maintained so that water allotment from the Rio Grande River will continue?
31. Land has better uses than houses.
32. What is being done to preserve the animals; skunks, raccoons, owls, herons, etc. (4)
33. If Gomez Road is expanded, it will need constant repair due to the high water table.
34. Representative Austin said the Community wanted streetlights, but it does not want them.
35. Ensure mix of R1 & R2 outside of corridor, and ensure compliance with plan. (4)
36. Concerned that roadways have adequate passage for safe crossing of pedestrians and horses.
37. A traffic light at Upper Valley Road will make it very difficult to get out of Country Place Estates.
38. Would like a public horse arena.
39. Horses are not compatible with bike trails.
40. Willing to help work on plan. (2)

** Number after comment is the number of times it was commented. If there is no number, comment was only made once.

Exhibit 2

Ordinance Amending the Comprehensive Plan

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE NORTHWEST UPPER VALLEY PLAN AS A SPECIFIC STUDY AREA PLAN TO BE INCORPORATED INTO THE CITY'S COMPREHENSIVE PLAN, THE PLAN FOR EL PASO, AND WHICH PLAN SHALL AMEND THE PLAN FOR EL PASO AND THE YEAR 2025 GENERAL LAND USE MAP INCORPORATED THEREIN.

WHEREAS, *The Plan for El Paso* was adopted by the El Paso City Council on April 27, 1999, and further ratified on February 18, 2003, pursuant to the provisions of Section 219.002 of the Texas Local Government Code as the comprehensive plan for the City; and

WHEREAS, the comprehensive plan serves as a general guide for the future growth and development of the City to promote public health, safety and welfare; and

WHEREAS, a specific recommendation of *The Plan for El Paso* is the creation of specific study area plans that will serve as a separate policy documents that give general support to the objectives of the City's comprehensive plan; and

WHEREAS, the El Paso City Council on September 16, 2003 directed the Planning, Research and Development Department to prepare amendments to the *The Plan of El Paso* to modify the goals, policies and land use recommendation for a portion of the Upper Valley with public input and to present these amendments to City Council within ninety (90) days; and

WHEREAS, the City Planning, Research and Development Department has developed a study area plan for the Northwest Upper Valley which identifies the impacts of growth and new development and proposes guidelines aimed at protecting the existing characteristics of the Northwest Upper Valley; and

WHEREAS, the El Paso City Council finds that the adoption of the Northwest Upper Valley Plan as herein enumerated will have no negative impact upon the public health, safety, morals and

general welfare of the City, and that the study area plan will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*.

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

1. THAT, the El Paso City Council hereby adopts the Northwest Upper Valley Plan as a specific study area plan, and that same shall be incorporated into *The Plan for El Paso* for all purposes, including amending the Year 2025 Projected General Land Use Map for the long-range development of the Northwest Upper Valley

2. Except as herein modified, *The Plan for El Paso* and its related documents shall remain in full force and effect as to the long-range general policies for guiding growth and development in the City.

PASSED AND APPROVED this _____ day of _____, 2004.

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Matt Watson
Assistant City Attorney

Patricia D. Adaauto
Deputy Chief Administrative Officer
Building & Planning Services

ORDINANCE NO. _____

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The proposed zoning district is compatible with the low intensity zoning district and consistent with the adopted policies per the Northwest Upper Valley Plan. It is compatible with the low intensity mix of uses permitted in the surrounding area. Furthermore, staff recommends the Future Land Use Map (FLUM) designation be amended to G-4, Suburban as per *Plan El Paso*, the City's Comprehensive Plan. The recommended conditions are the following:

1. *That a detailed site development plan be reviewed and approved per City Code prior to the issuance of certificates of occupancy or certificates of completion.*
2. *That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:*
 - a. *Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and*
 - b. *Providing outdoor amplified sound.*
3. *That no office warehouse uses shall be permitted.*
4. *That a five-foot (5') sidewalk along Westside Drive shall be constructed prior to certificates of occupancy or completion.*
5. *No egress for semi-trucks shall be permitted onto Westside Drive on a southbound direction.*

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning.

At the time of submittal for building permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

Planning and Inspections Department – Land Development

1. Add a general note at the time of preliminary and final plat sheets: "The retention of all storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1)."
2. The proposed ponding area for subdivision shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.
3. TXDOT review and approval are required of the proposed area for drainage and access requirements (Driveways, acceleration, and deceleration lane). No storm-water is allowed into TXDOT R.O.W.
4. A portion of the property area will be in the Flood zone according to the preliminary future FEMA maps. Meaning; that according to current maps from FEMA, the property is not in the flood zone area, but the property will be in the flood zone area in the future when new maps become effective. It is recommended to build 1 foot above the preliminary BFE for the affected lots.

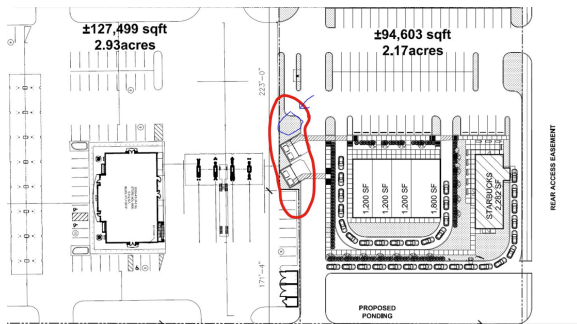
Note: Comments will be addressed at the permitting stage.

Fire Department

No adverse comments.

Environment Services

I understand this is a request for rezoning, however, I did notice the dumpster locations for the Starbucks side are a bit tight for a standard refuse truck to effectively and safely enter and reverse out of. My suggestion is to move the dumpster pads and angle them so that the refuse trucks can enter and reverse clear of causing damage and add safety to the reversing as seen on the attached JPG.



Note: Comments will be addressed at the permitting stage.

Streets and Maintenance Department

TIA was recommended for approval through the subdivision platting stage. However, improvements must be implemented as per TIA recommendations, to include: the implementation of a left turn lane, deceleration lane for driveways 1 & 2. Including transition to a 2-lane road plus signage and stripping. Scheduled scope meeting is required to discuss parameters.

Note: Comments will be addressed at the permitting stage.

Texas Department of Transportation (TXDOT)

The Artcraft Road shown on the layout is a proposed road that has not been built and the request would need to be made once proposed roadway conditions are built. The Artcraft main lanes have a current access denial line in place which prevents TXDOT from granting any access at this location.

1. Remove proposed driveway on Artcraft. SH 178. SH 178 is a controlled access roadway and access must only be thru Westside Dr.
2. Submit grading and drainage plans to TXDOT for review and approval.

Note: Plan is conceptual. Comments will be addressed at the permitting stage.

Sun Metro

No comments received.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 12-inch diameter water main that extends along Westside Drive located approximately 7-feet west of the eastern right-of-way line. This main increases to a 16-inch diameter water main approximately 570-feet north of Miss Bev Avenue and continues north to Artcraft Road. No direct service connections are allowed to the 16-inch diameter water main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. The 16-inch and 12-inch water mains are available for main extensions.

There are no water mains along Artcraft Road.

Water mains required to serve the project need to be extended by creating a looped system. Owner/Developer is responsible for all extension costs.

Previous water pressure from fire hydrant #6301 located at Westside Drive, 1800-feet north of Gomez Road, has yielded a static pressure of 72 psi, a residual pressure of 40 psi, and a discharge of 1,186 gallons per minute.

Sanitary Sewer:

There is an existing 15-inch diameter sanitary sewer main along Westside Drive. This sewer main dead ends approximately 400-feet North of Miss Bev Avenue. This main is available for service and main extensions.

General:

Sanitary sewer main improvements may be required downstream, depending on the anticipated land use and density of the proposed development.

EPWater-PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

No comments received.

El Paso County 911 District

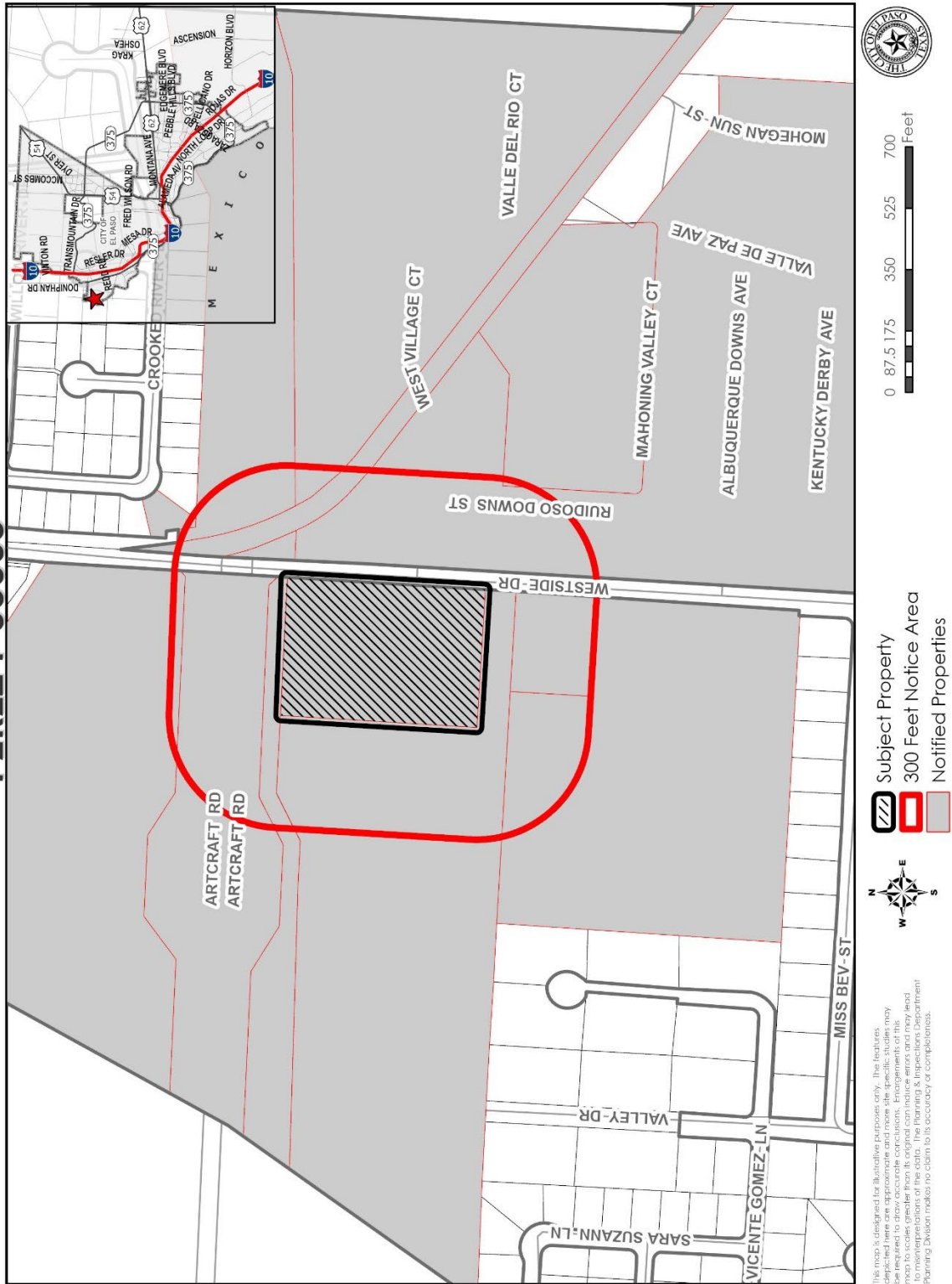
The 911 District has no comments/concerns regarding this zoning.

El Paso County Water Improvement District #1

The item is not within the boundaries of EPCWID1.

ATTACHMENT 5

PZRZ24-00005



ATTACHMENT 6

Salloum, Andrew M.

From: Daniel Salazar <dasalazar040@gmail.com>
Sent: Thursday, June 6, 2024 3:38 PM
To: Salloum, Andrew M.
Subject: Rezoning Westside and Artcraft PZRZ24-00005

[You don't often get email from dasalazar040@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

Good Afternoon Andrew,

Thank you for calling me back yesterday. I apologize for the phone issues, I lost signal. Per our conversation I am concerned about the proposed rezoning on Westside and Artcraft PZRZ24-00005. As a resident in the area, I have major concerns regarding the proposal to rezone the land to build a strip mall and gas station for the following reasons.

- Traffic. Has the city conducted a traffic study on Westside Dr. lately? If the city has, does it account for the dramatic increase in traffic once all the new houses recently built on on the new subdivision off of Westside are occupied? Westside Dr. is already a traffic nightmare during peak hours because there is no right turn lane from Westside Dr. to Artcraft towards I-10. A gas station and strip mall would only make current traffic problem a lot worse since there is currently no middle/turning lane for vehicles to exit the gas station to get back on Artcraft.
- Road conditions are extremely poor. There are several large potholes on Westside Dr. that have been filled (poorly btw) and are already getting bad again. New traffic from the gas station and residents in the new subdivision will only make road conditions worse.
- Pedestrian and bike access. Are there plans to build a sidewalk or bike path on Westside Dr. to allow residents to safely walk to the proposed rezoned area? Several of my neighbors, (myself included) would love to have a bike path/sidewalk on westside drive that connects to the bike path on Artcraft. It would give us easier access because right now it is impossible for a person to walk or ride their bike from the neighborhood to the corner of Artcraft and Westside Dr. because there is no sidewalk or bike path to use. Bikers have to dangerously navigate Westside Dr. where vehicles are constantly speeding. Any proposed rezoning should include adding a bike/pedestrian walkway.
- Is another strip mall/gas station combo really necessary? Wouldn't it be better to use the land to develop something else? Like a community garden, dog park, or rec center? The closest rec center is the Don Haskins Rec Center/Dog park off of Resler...on the other side of the freeway! Ask any current resident in the area and I think many would prefer to have this over another gas station. The land you are proposing to rezone for the strip mall/gas station used to be farmland. Once farmland is gone, you can't get it back. I think the city would better serve its residents to rezone it for something else. I'm not sure I will win this battle but I'd appreciate some consideration into the idea.

Bottom line: Before any rezoning the city should hold a public hearing for residents to provide input. And the city needs to build/fix the infrastructure first before giving the go ahead for any future development.

Thanks again for reaching out to me to hear my concerns and please keep me and my fellow residents in the area informed of any public hearings.

Daniel Salazar

ATTACHMENT 7

MAURINE Cox [Name]
716 DOVER CT [Address]
EL PASO, TX 79922 [City, State, ZIP]
SHANNY 96 @ aol.com [Email]
915-929-3747 [Phone]
10-8-2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Arcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

I believe that this proposed development will bring significant benefits, including:

1. Enhanced Convenience: A commercial development encompassing uses such as a proposed convenience store with gas and diesel pumps, coffee house, shopping center, and other commercial businesses will offer residents easy access to essential goods and services, reducing the need for lengthy trips to other areas.
2. Economic Development: The new proposed commercial businesses will generate job opportunities and stimulate local economic growth.
3. Increased Property Values: The proposed development is expected to increase property values in the surrounding area and on this vacant lot to the highest and best use of this land.
4. Community Gathering Space: The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

MAURINE Cox

MAURINE Cox [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arctcraft Road)

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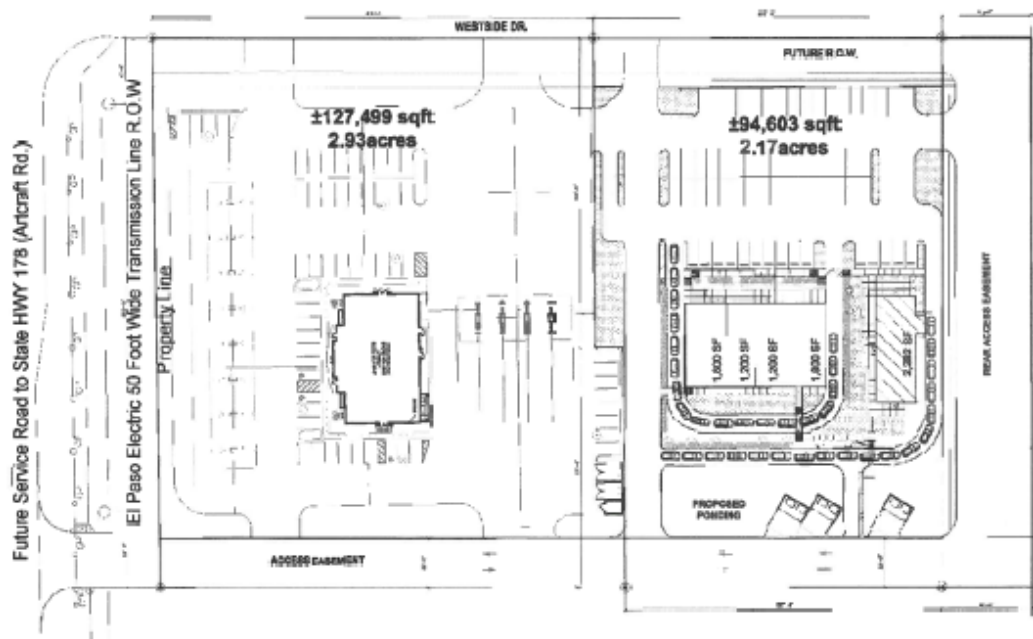
Name: MAURINE COX

Address: 716 DEVEL CT - EL PASO TX 79922

Signature: MAURINE COX

Date: 10-08-2024

Arctcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



1. Proposed Building 1
 - a. National convenience store operator with gas pumps in front and diesel pumps in the rear.
2. Proposed Building 2
 - a. Multitenant shopping center with varying space sizes.
3. Proposed Building 3
 - a. Freestanding single tenant drive thru building.

Curtis R Sellers [Name]
9020 Artcraft Rd [Address]
El Paso, TX 79932 [City, State, ZIP]
Pete@RWS-ASSOC.COM [Optional Email]
[Optional Phone]
10-9-24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

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Sincerely,



Curtis R Sellers [Print Name]

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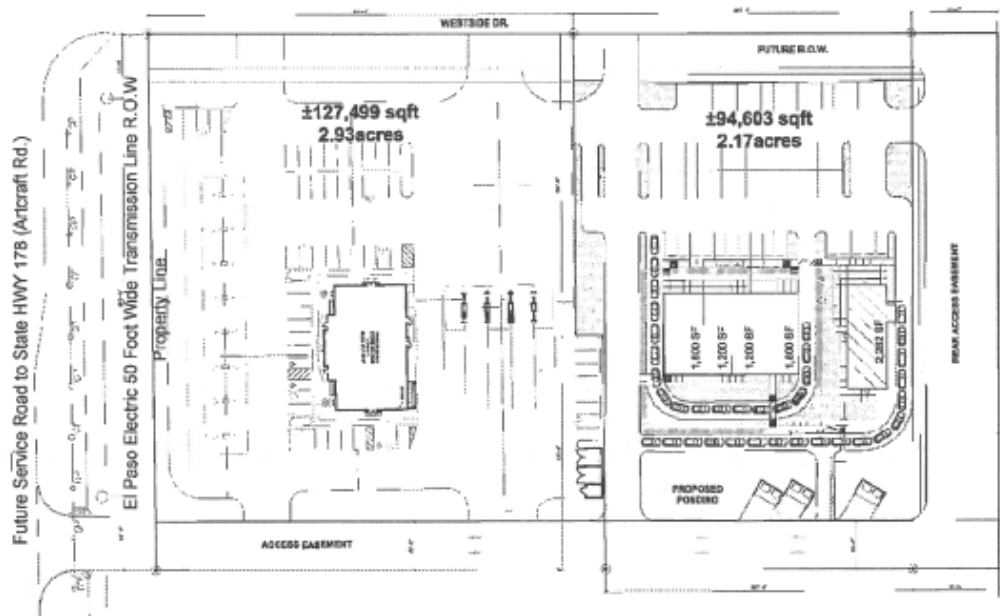
Name: Curtis R Sellers

Address: 8020 Arctcraft

Signature: Curtis R Sellers

Date: 10-9-24

Arctcraft Business Park Proposed Site Plan
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ALEX LOPEZ [Name]
509 Crossbend Ct. [Address]
EL PASO, TX 79932 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10-9-2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
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Sincerely,



ALEX LOPEZ [Print Name]

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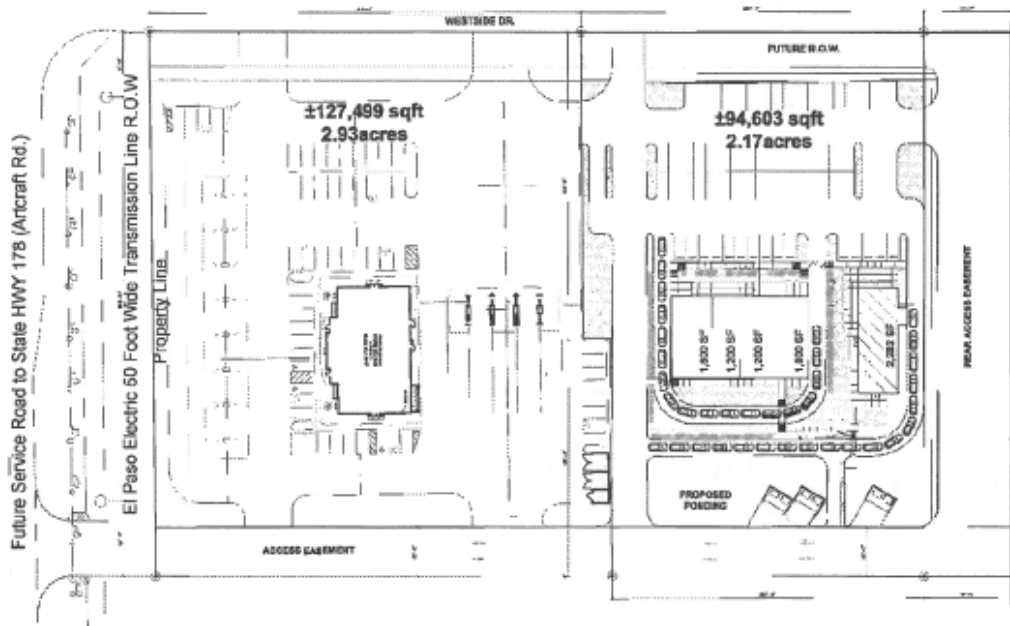
Name: ALEX LOPEZ

Address: 509 Crossbend Ct.

Signature: *A.L.*

Date: 10-9-2024

Arctcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



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Beverly Sellers [Name]
700 Rossinante [Address]
El Paso, TX 79922 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10-9-24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

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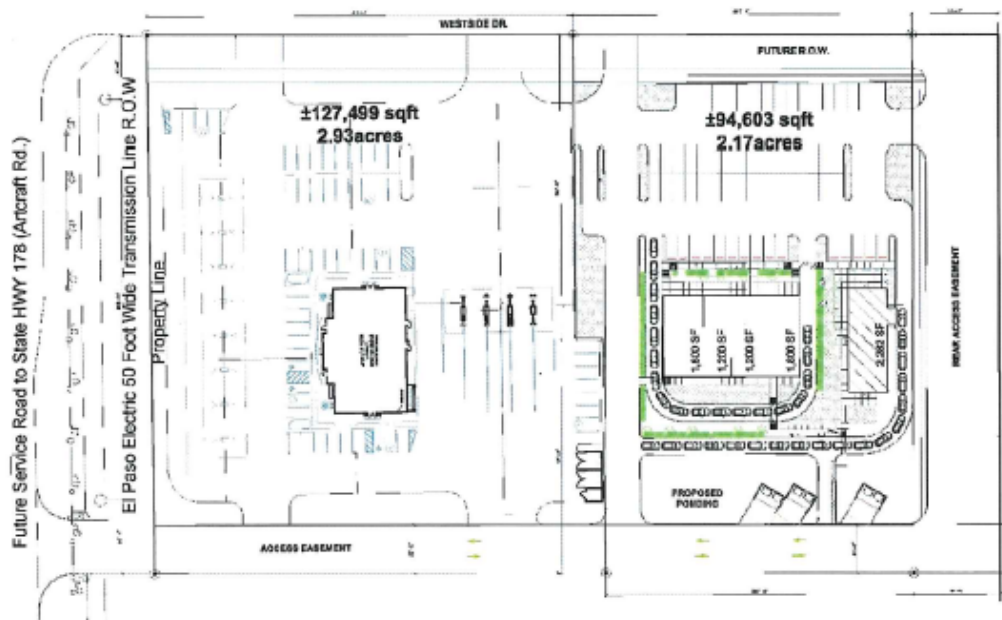
Beverly Sellers [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arctcraft Road)

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Name: Beverly Sulters
Address: 700 Rosinarte
Signature: [Signature]
Date: 10-9-24

Arctcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



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Candace Wolf [Name]
210 Rosemont Dr [Address]
EL PASO TX 79922 [City, State, ZIP]
[Optional Email]
[Optional Phone]
14 Oct 24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

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Thank you for your consideration.

Sincerely,

Candace E Wolf
Candace E Wolf [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arcraft Road)

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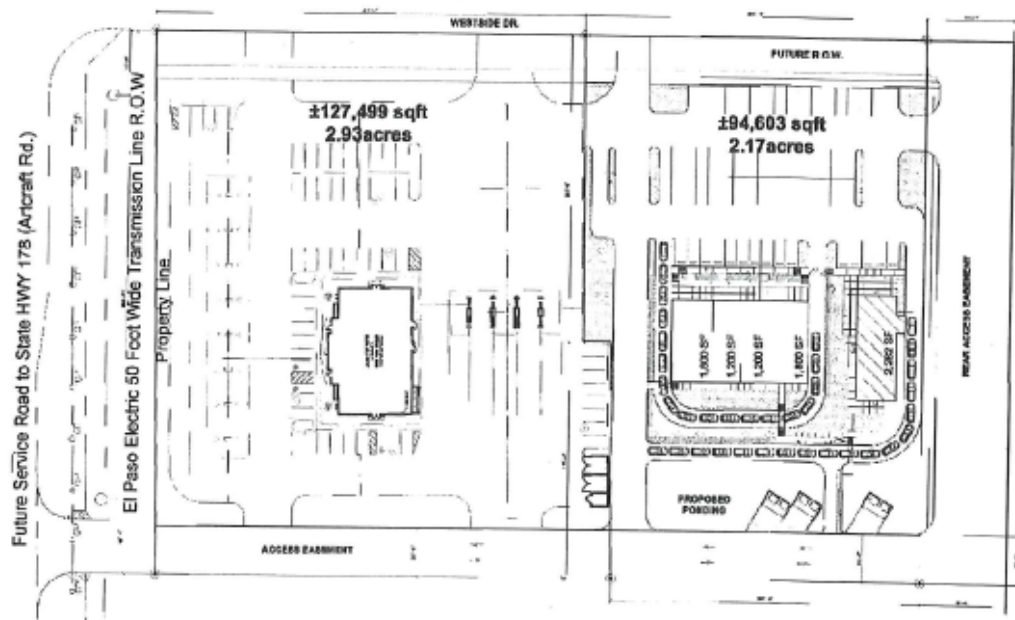
Name: Cardace Wolf

Address: 210 Rosemont El Paso, TX

Signature: Cardace Wolf

Date: 14 Oct 24

Arcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



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 - a. National convenience store operator with gas pumps in front and diesel pumps in the rear.
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Lourdes Martin [Name]
Lot 3 Sorrento [Address]
El Paso TX 79924 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10-10-24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

I believe that this proposed development will bring significant benefits, including:

1. **Enhanced Convenience:** A commercial development encompassing uses such as a proposed convenience store with gas and diesel pumps, coffee house, shopping center, and other commercial businesses will offer residents easy access to essential goods and services, reducing the need for lengthy trips to other areas.
2. **Economic Development:** The new proposed commercial businesses will generate job opportunities and stimulate local economic growth.
3. **Increased Property Values:** The proposed development is expected to increase property values in the surrounding area and on this vacant lot to the highest and best use of this land.
4. **Community Gathering Space:** The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,



Lourdes Martin [Print Name]

Linda Smith [Name]
4812 Ballerina [Address]
El Paso, TX 79922 [City, State, ZIP]
Linda.5621@aol.com [Optional Email]
[Optional Phone]
10-10-24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Arctcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

I believe that this proposed development will bring significant benefits, including:

1. Enhanced Convenience: A commercial development encompassing uses such as a proposed convenience store with gas and diesel pumps, coffee house, shopping center, and other commercial businesses will offer residents easy access to essential goods and services, reducing the need for lengthy trips to other areas.
2. Economic Development: The new proposed commercial businesses will generate job opportunities and stimulate local economic growth.
3. Increased Property Values: The proposed development is expected to increase property values in the surrounding area and on this vacant lot to the highest and best use of this land.
4. Community Gathering Space: The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

Linda Smith
Linda Smith [Print Name]

- **JOSE GOMEZ** [Name]
 - **1776 Cimarron SQ Apt 93** [Address]
 - **EL PASO TX 79911** [City, State, ZIP]
 - 915-877-2637 [Optional Email]
 - 10-9-2024 [Optional Phone]
 [Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artercraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

I believe that this proposed development will bring significant benefits, including:

1. **Enhanced Convenience:** A commercial development encompassing uses such as a proposed convenience store with gas and diesel pumps, coffee house, shopping center, and other commercial businesses will offer residents easy access to essential goods and services, reducing the need for lengthy trips to other areas.
2. **Economic Development:** The new proposed commercial businesses will generate job opportunities and stimulate local economic growth.
3. **Increased Property Values:** The proposed development is expected to increase property values in the surrounding area and on this vacant lot to the highest and best use of this land.
4. **Community Gathering Space:** The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,


Jose Gomez [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arcraft Road)

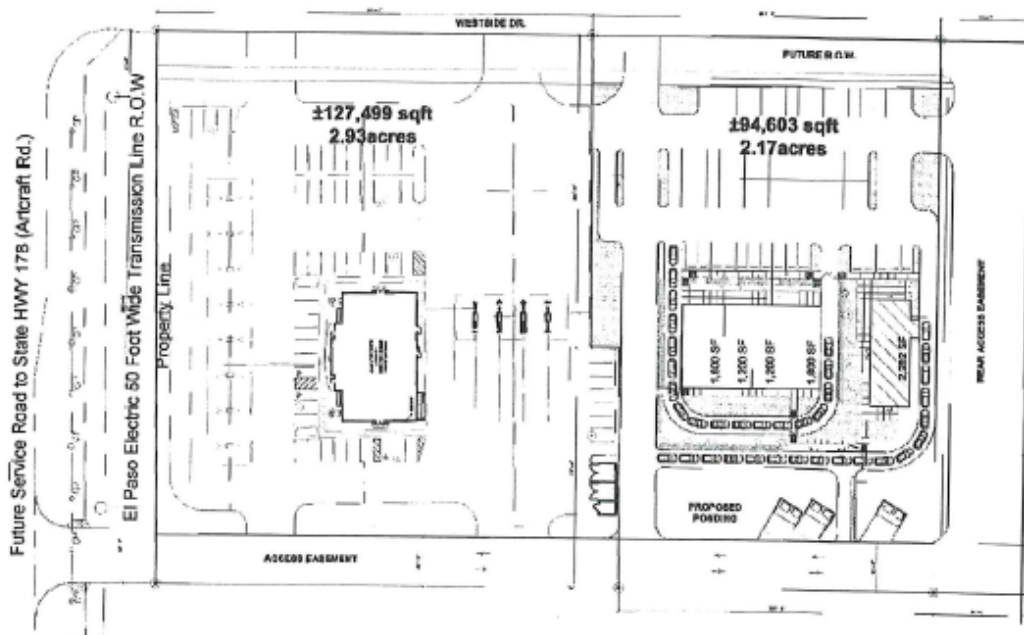
I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Arcraft Road) and Westside Drive from agricultural zoning to commercial zoning, including but not limited to, uses such as the proposed development of a convenience store with gas and diesel pumps, a coffee house, a shopping center, or other commercial uses similar to the uses reflected in the conceptual layout shown on the proposed site plan below.

Name: **JOSE GOMEZ**
1776 Cimarron SQ Apt 93
Address: **EL PASO TX 79911**

Signature: *Jose Gomez*

Date: 10-9-2024

Arcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



1. Proposed Building 1
 - a. National convenience store operator with gas pumps in front and diesel pumps in the rear.
2. Proposed Building 2
 - a. Multitenant shopping center with varying space sizes.
3. Proposed Building 3
 - a. Freestanding single tenant drive thru building.

Stacey Watkins [Name]
5425 Rockwood [Address]
El Paso, TX 79932 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10-9-24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

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4. **Community Gathering Space:** The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

Stacey Watkins
Stacey Watkins [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arctcraft Road)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Arctcraft Road) and Westside Drive from agricultural zoning to commercial zoning, including but not limited to, uses such as the proposed development of a convenience store with gas and diesel pumps, a coffee house, a shopping center, or other commercial uses similar to the uses reflected in the conceptual layout shown on the proposed site plan below.

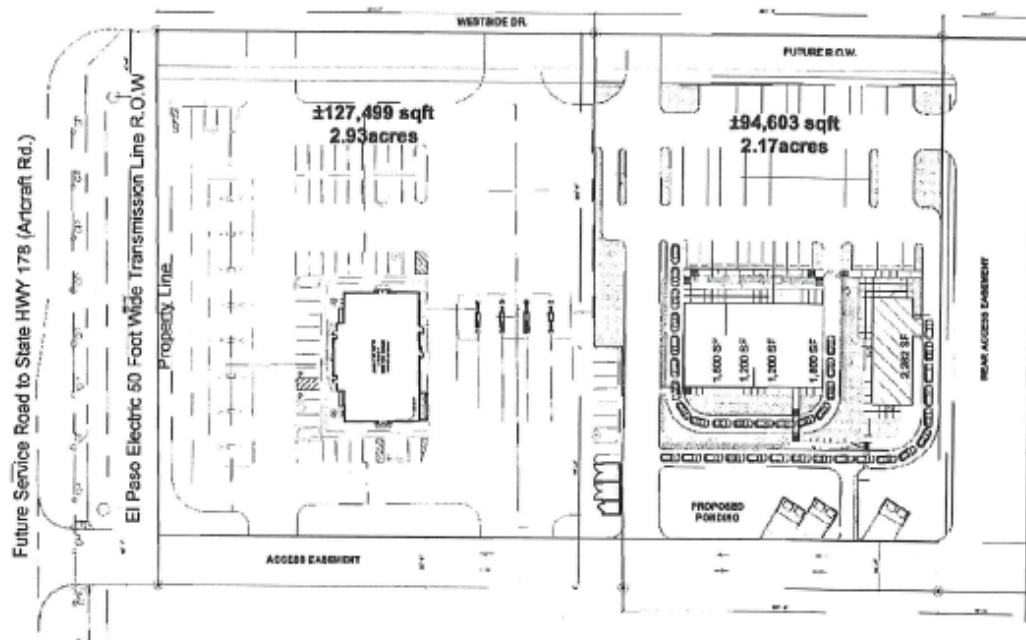
Name: Louderos Martin

Address: 1043 Sorrento

Signature: [Signature]

Date: 10-10-24

Arctcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



1. Proposed Building 1
 - a. National convenience store operator with gas pumps in front and diesel pumps in the rear.
2. Proposed Building 2
 - a. Multitenant shopping center with varying space sizes.
3. Proposed Building 3
 - a. Freestanding single tenant drive thru building.

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arctcraft Road)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Arctcraft Road) and Westside Drive from agricultural zoning to commercial zoning, including but not limited to, uses such as the proposed development of a convenience store with gas and diesel pumps, a coffee house, a shopping center, or other commercial uses similar to the uses reflected in the conceptual layout shown on the proposed site plan below.

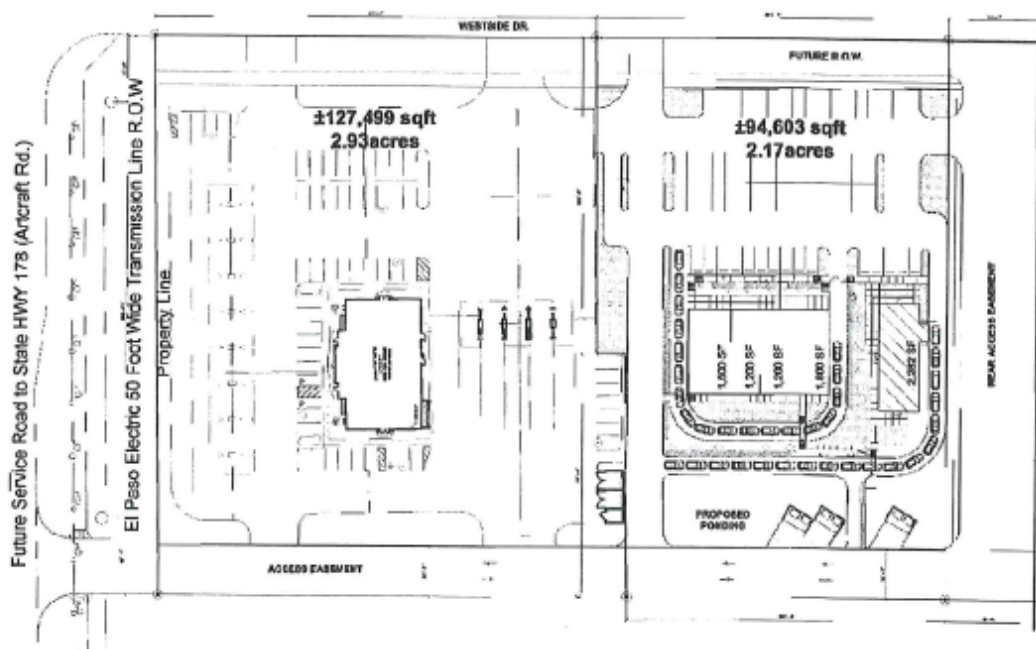
Name: Linda Smith

Address: 4812 Ballerina

Signature: Linda Smith

Date: 10-10-24

Arctcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



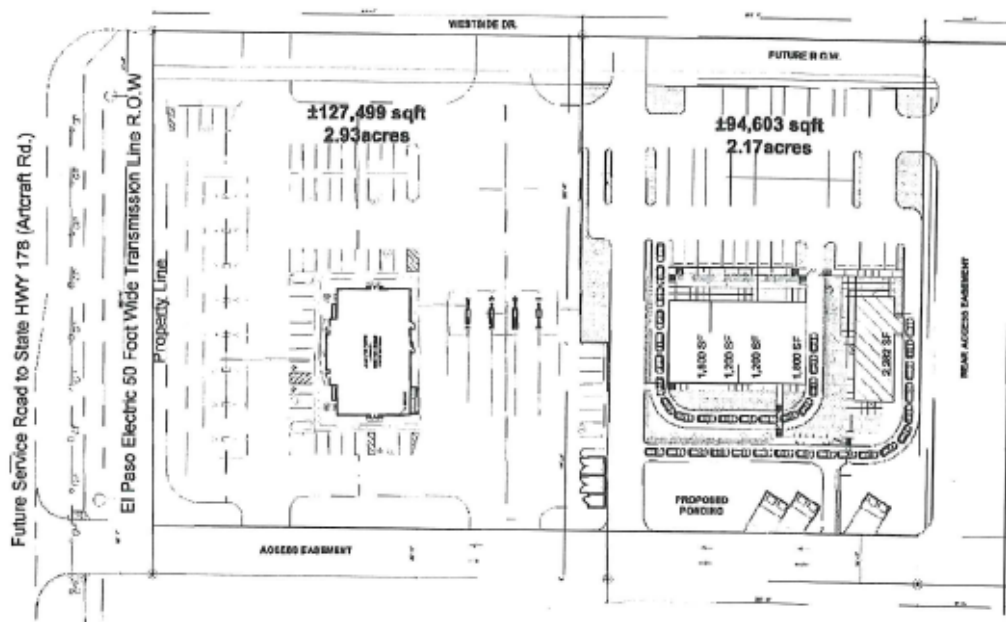
1. Proposed Building 1
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2. Proposed Building 2
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3. Proposed Building 3
 - a. Freestanding single tenant drive thru building.

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Arctcraft Road)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Arctcraft Road) and Westside Drive from agricultural zoning to commercial zoning, including but not limited to, uses such as the proposed development of a convenience store with gas and diesel pumps, a coffee house, a shopping center, or other commercial uses similar to the uses reflected in the conceptual layout shown on the proposed site plan below.

Name: Stacey Watkins
Address: 5425 Rockwood Rd
Signature: Stacey Watkins
Date: 10-9-24

Arctcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



1. Proposed Building 1
 - a. National convenience store operator with gas pumps in front and diesel pumps in the rear.
2. Proposed Building 2
 - a. Multitenant shopping center with varying space sizes.
3. Proposed Building 3
 - a. Freestanding single tenant drive thru building.

Margaret Chavez [Name]
901 N. Mesa St [Address]
El Paso TX 79932 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10-10-24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Arctcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

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4. **Community Gathering Space:** The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

Margaret Chavez
Margaret Chavez [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft Road)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural zoning to commercial zoning, including but not limited to, uses such as the proposed development of a convenience store with gas and diesel pumps, a coffee house, a shopping center, or other commercial uses similar to the uses reflected in the conceptual layout shown on the proposed site plan below.

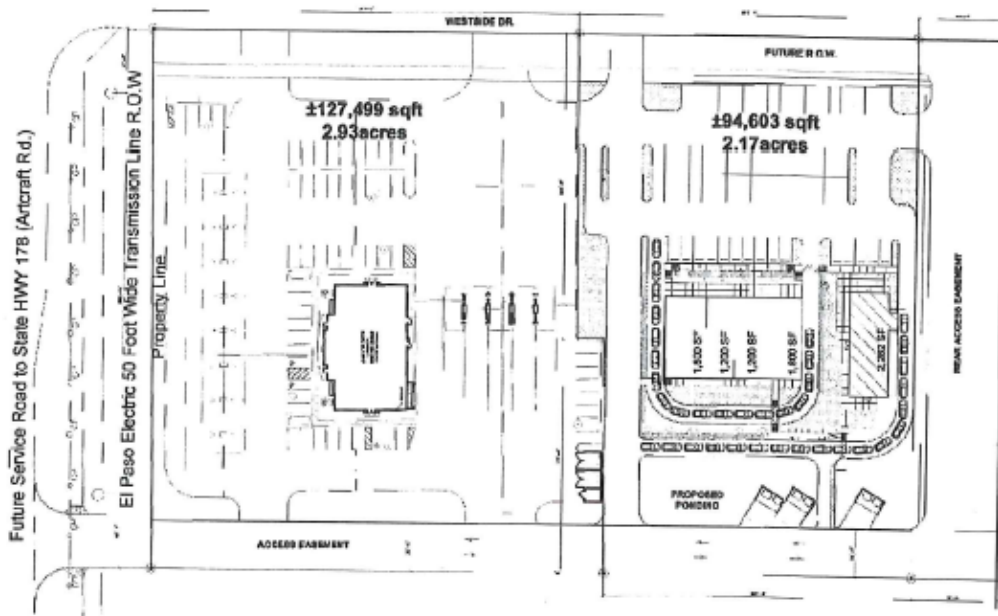
Name: Margaret Davary

Address: 8001 W. Major Street D

Signature: Margaret Davary

Date: 10-10-26

Artcraft Business Park Proposed Site Plan
(subject to changes and/or revisions)



1. Proposed Building 1
 - a. National convenience store operator with gas pumps in front and diesel pumps in the rear.
2. Proposed Building 2
 - a. Multitenant shopping center with varying space sizes.
3. Proposed Building 3
 - a. Freestanding single tenant drive thru building.

Patrick Rome [Name]
4231 Emory Rd [Address]
El Paso TX 79922 [City, State, ZIP]
Patrick.rome@aplepx.com [Email]
915-727-4089 [Phone]
10/7/2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use. I support the proposed development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

As a resident of this community, I believe that this development will bring significant benefits, including:

1. Enhanced Convenience: The convenience store, coffee house, and shopping center will provide easy access to essential goods and services, reducing the need for long trips to other areas.
2. Economic Growth: The new businesses will create job opportunities and stimulate local economic growth.
3. Increased Property Values: The development is expected to increase property values in the surrounding area.
4. Community Gathering Space: The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,


Patrick Rome [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use, including the development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

Name: Patrick Rome

Address: 4231 Emory Rd

Signature: [Signature]

Date: 10/7/2024

CHRISTOPHER HOLDERMANN [Name]
613 LAKEWAY DR [Address]
EL PASO, TX 79932 [City, State, ZIP]
CHOLDERMANN@INFINITESOLUTIONS.COM [Email]
915.207.6790 [Phone]
10/07/2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use. I support the proposed development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

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3. Increased Property Values: The development is expected to increase property values in the surrounding area.
4. Community Gathering Space: The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,



CHRISTOPHER HOLDERMANN [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use, including the development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

Name: CHRISTOPHER HOLDENMAN

Address: 613 LAKEWAY DR

Signature: 

Date: 10/07/2024

Christiana [Name]
208 E Cixby [Address]
EL PASO TX 79962 [City, State, ZIP]
Christiana@aol.com [Email]
915 525 5866 [Phone]
10/7/24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,


I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use. I support the proposed development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

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4. Community Gathering Space: The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

Christiana [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use, including the development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

Name: Chris Lane

Address: 208 Grosby

Signature: Chris Lane

Date: 10/7/24

Frank Lopez [Name]
1108 Canyon Dr [Address]
El Paso TX 79912 [City, State, ZIP]
flavahbodyshop@yahoo.com [Email]
915-727-5616 [Phone]
[Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use. I support the proposed development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.


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I strongly support this rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,


Frank Lopez [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use, including the development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

Name: Frank Lopez

Address: 1108 Canyon Run Dr

Signature: 

Date: 10-7-24

Pete Carrasco [Name]
8415 GOMEZ [Address]
EL PASO TX 79932 [City, State, ZIP]
POSTAL Annex [Email]
915 538 8663 [Phone]
OCT 3 2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use. I support the proposed development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

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4. Community Gathering Space: The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

Pete Carrasco
Pete Carrasco [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use, including the development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

Name: Pete Carrasco
Address: 845 Gomez El Paso TX 79432
Signature: Pete Carrasco
Date: OCT 7 2024

Marshall Martin [Name]
476 San Blas Dr [Address]
El Paso, TX 79912 [City, State, ZIP]
mmartin@lonestartitle.com [Email]
915-276-4275 [Phone]
10/07/2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
SalloumAM@elpasotexas.gov
GarciaR1@elpasotexas.gov

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I strongly support this rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,


Marshall Martin [Print Name]

Support for Commercial Rezoning Proposal
Southwest Corner of Westside Drive and State Highway 178 (Artcraft)

I, the undersigned, support the rezoning of the property located at the southwest corner of State Highway 178 (Artcraft Road) and Westside Drive from agricultural use to commercial use, including the development of a convenience store with gas and diesel pumps, a national coffee house, and a shopping center.

Name: Marshall Martin
Address: 476 Sp. Blush, El Paso TX 79912
Signature: [Signature]
Date: 10/07/2024

Arshad Kaleem [Name]
7352 Cimarron gap Dr [Address]
El Paso, TX 79911 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10/16/2024 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
Salloum.AM@elpasotexas.gov
Garcia.RJ@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Arcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

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I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,



Arshad Kaleem [Print Name]

MARIEL FLORES [Name]
1421 SIDERWINDER BEND DR. [Address]
EL PASO, TX 79911 [City, State, ZIP]
mariael@hdsfs.com [Optional Email]
(915) 691-1508 [Optional Phone]
10/16/2024 [Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumA@elpasotexas.gov
GarciaR@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

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I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,


MARIA FLORES [Print Name]

Kevin Jane [Name]
 240 DEVEN Cn [Address]
 El Paso, Tx 79912 [City, State, ZIP]
 [Optional Email]
 [Optional Phone]
 10/10/24 [Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumA@elpasotexas.gov
GarciaR@elpasotexas.gov

Dear Members of the Planning and Inspections Department,


I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Artercraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

I believe that this proposed development will bring significant benefits, including:

1. **Enhanced Convenience:** A commercial development encompassing uses such as a proposed convenience store with gas and diesel pumps, coffee house, shopping center, and other commercial businesses will offer residents easy access to essential goods and services, reducing the need for lengthy trips to other areas.
2. **Economic Development:** The new proposed commercial businesses will generate job opportunities and stimulate local economic growth.
3. **Increased Property Values:** The proposed development is expected to increase property values in the surrounding area and on this vacant lot to the highest and best use of this land.
4. **Community Gathering Space:** The shopping center and coffee house will serve as hubs for residents, fostering a sense of community.

I strongly support this commercial rezoning proposal and believe it will greatly enhance our neighborhood. I urge the City of El Paso to approve this commercial rezoning request.

Thank you for your consideration.

Sincerely,

 Kevin Jane [Print Name]

Crystal Soliz [Name]
 6192 River Park Pl. [Address]
 El Paso, TX 79932 [City, State, ZIP]
 0mf5rdg1724@gmail.com [Optional Email]
 (915) 319-0134 [Optional Phone]
 10-14-2024 [Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumA@elpaso-texas.gov
GarciaR@elpaso-texas.gov

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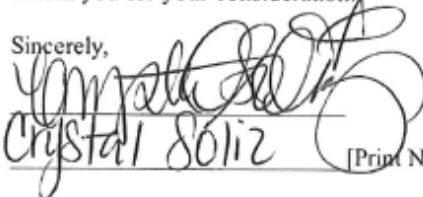
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Thank you for your consideration.

Sincerely,


 Crystal Soliz [Print Name]

Steven Daws [Name]
4425 Wyoming Ave. Unit B [Address]
El Paso, TX 79903 [City, State, ZIP]
- [Optional Email]
- [Optional Phone]
10/14/24 [Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumA@elpasotexas.gov
GarciaR@elpasotexas.gov

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Thank you for your consideration.

Sincerely,



Steven Daws [Print Name]

Nguyen Lam [Name]
7275 High Plains Dr [Address]
El Paso, Texas 79911 [City, State, ZIP]
lam@hdoft.com [Optional Email]
832660 9035 [Optional Phone]
10/14/2024 [Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumA@el.pasotexas.gov
GarciaR@el.pasotexas.gov

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Thank you for your consideration.

Sincerely,



Nguyen Lam [Print Name]

Vernon P. Burke MD, PhD [Name]
5525 Westside Dr [Address]
EL PASO, TX 79932 [City, State, ZIP]
[Optional Email]
[Optional Phone]
10/14/24 [Date]

Andrew Salloum
Raul Garcia
City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901
Salloum.A@elpasotexas.gov
Garcia.R@elpasotexas.gov

Dear Members of the Planning and Inspections Department,

I am writing to express my support for the proposed rezoning of the property located at the southwest corner of State Highway 178 (Arctcraft Road) and Westside Drive from agricultural zoning to commercial zoning. I support the proposed commercial development of this property for commercial uses such as a convenience store with gas and diesel pumps, a coffee house, restaurants, a shopping center, and other commercial uses.

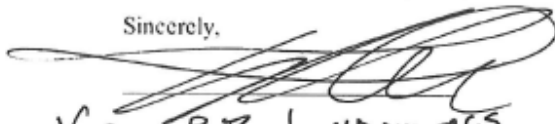
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Thank you for your consideration.

Sincerely,


Vernon P. Burke MD, PhD, AFS [Print Name]

Natasha Furchtgott	[Name]
5131 Camino De La Vista Dr	[Address]
El Paso TX 79932	[City, State, ZIP]
furchtgott@hdofs.com	[Optional Email]
614-440-9980	[Optional Phone]
10/14/2024	[Date]

Andrew Salloum
 Raul Garcia
 City of El Paso
 Planning and Inspections Department
 811 Texas Avenue
 El Paso, TX 79901
SalloumAM@el PasoTX.gov
GarciaR@el PasoTX.gov

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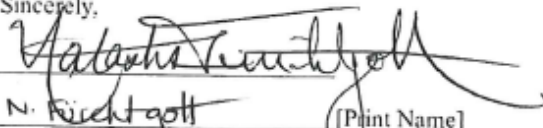
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Thank you for your consideration.

Sincerely,


 N. Furchtgott [Print Name]

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Patrick Gordon

Business Name _____

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☐ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☒ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1	Alejandra Chavez	\$1,000.00
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Pit Gutierrez Date: 8/12/25



Legislation Text

File #: 25-1071, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Andrew Salloum, (915) 212-1603

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as a portion of Tract 9, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-4, Suburban (Walkable).

Subject Property: South of Artcraft Rd. and West of Westside Dr.

Applicant: Artwest Ventures LLC PLCP24-00003

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN “PLAN EL PASO” FOR THE PROPERTIES LEGALLY DESCRIBED AS A PORTION OF TRACT 9, BLOCK 9, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O-3, AGRICULTURE TO G-4, SUBURBAN (WALKABLE).

WHEREAS, *Plan El Paso*, as subsequently amended, was initially adopted by the El Paso City Council on March 6, 2012 pursuant to provisions of the Texas Local Government Code as the Comprehensive Plan for the City; and

WHEREAS, the Comprehensive Plan provides a basis for the City’s regulations and policies that directs its physical and economic development; and

WHEREAS, the Future Land Use Map (FLUM) is one of the policies adopted by the El Paso City Council contained within the Comprehensive Plan which identifies desired land use patterns; and

WHEREAS, the City’s Future Land Use Map serves as a guide to the type and manner of future development for the City of El Paso; and

WHEREAS, when changes and amendments to the zoning map are requested, the reviewing City departments and the City Plan Commission must make recommendations regarding the conformity of the proposed change to the City’s Comprehensive Plan; and

WHEREAS, in some instances when a request to amend the zoning map does not conform to the Future Land Use Map, an amendment to that map may be required; and

WHEREAS, the City Plan Commission, after conducting a public hearing, recommended the proposed amendment to the Future Land Use Map; and

WHEREAS, after conducting a public hearing, the proposed amendment to the Future Land Use Map of *Plan El Paso* will have no negative impact upon the public health, safety, morals, and general welfare of the City, and will carry out the purpose and spirit of the policies expressed in *Plan El Paso*.

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

ORDINANCE NO. _____

HQ25-5338/Trans#615042/P&I/RTA
Artcraft and Westside FLUM Amendment

PLCP24-00003

1. That the areas identified in “Exhibit A” and legally described a portion of Tract 9, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas, City of El Paso, El Paso County, Texas, be incorporated into the City’s Comprehensive Plan, *Plan El Paso*, for all the purposes, including amending the Future Land Use Map from O-3, Agriculture to G-4, Suburban (Walkable).
2. That *Plan El Paso* and its related documents, as herein modified, shall remain in full force and effect as to the long-range general policies for guiding growth and development in the City.

ADOPTED this ____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine,
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



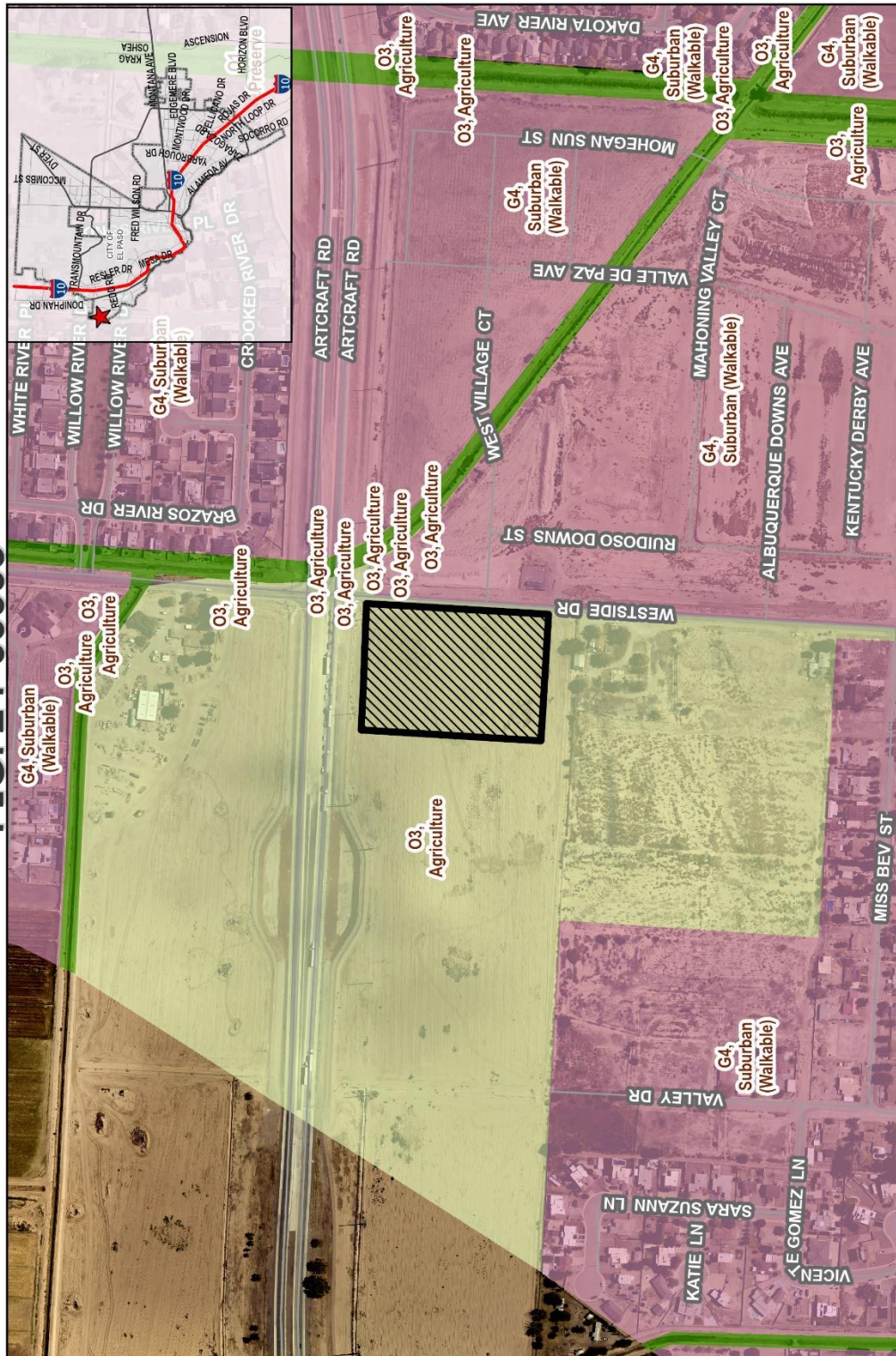
Philip Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
HQ25-5338|Trans#615042|P&I|RTA
Artcraft and Westside FLUM Amendment

PLCP24-00003

Exhibit A: Future Land Use Map

PLCP24-00003



Subject Property

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map for purposes of this map may be made without the consent of the Planning Division. The Planning Division makes no claim to its accuracy or completeness.

ORDINANCE NO. _____
 HQ25-5338/Trans#615042/P&I/RTA
 Artcraft and Westside FLUM Amendment

PLCP24-00003

EXHIBIT "A"

METES AND BOUNDS

PROPERTY DESCRIPTION: The parcel of land herein being described is a portion of Tract 9, Block 9, UPPER VALLEY SURVEYS, an addition to the City of El Paso, El Paso County, Texas and is being more specifically described by metes and bounds as follows:

Commencing at a found TXDOT BRASS CAP lying on the westerly Right-Of-Way line of Westside Drive (50.00 feet Public Right-Of-Way); Thence, South 00°08'00" West, along said Right-Of-Way line, a distance of 24.83 feet to a point being the "TRUE POINT OF BEGINNING" of this metes and bounds description.

THENCE, South 00°08'00" West, along said Right-Of-Way line, a distance of 565.54 feet to a point for a boundary corner;

THENCE, North 89°57'00" West, leaving said Right-Of-Way line, a distance of 394.30 feet to a point for a boundary corner;

THENCE, North 00°08'00" East, a distance of 561.02 feet to a point for a boundary corner lying on the southerly Right-Of-Way line of El Paso Electric Parcel, Deed recorded under Clerk's File No. 20130007798, Real Property Records of El Paso County, Texas;

THENCE, North 89°23'38" East, along said Right-Of-Way line, a distance of 394.33 feet back to the "TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 222,102.16 Sq. Ft. (5.1000 Acres) of land, more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers—Land Surveyors

Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



02/ 03/ 2024



The following restrictive covenants of record itemized below:

Item 1, Schedule B is hereby deleted.

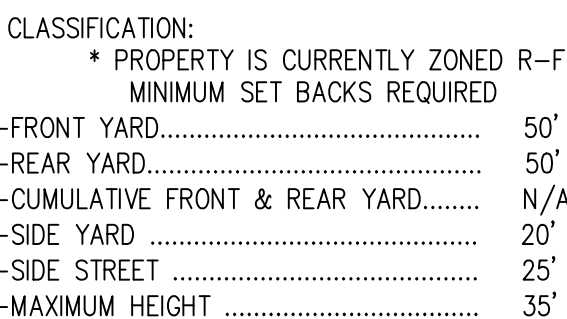
10. The following matters and all terms of the documents creating or offering evidence of the matters:

- a. Intentionally Deleted.
- b. Any and all unrecorded agreements, contracts, and leases, and rights of parties therein. Not a survey item.
- c. Mineral reservations and/or mineral interests as set out in Volume 404, Page 137, Real Property Records, El Paso County, Texas. Blanket in nature and applies.
- d. Subject to all matters, contracts, taxes, construction charges, and right-of-way for irrigation and drainage ditches applicable to property in the El Paso County Water Improvement District No. 1, as described in Letter dated July 23, 1991. Blanket in nature and applies.
- e. Intentionally Deleted.
- f. Intentionally Deleted.
- g. Intentionally Deleted.
- h. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed. Blanket in nature and applies.
- i. Subject to any additional tax or taxes imposed, or which may be imposed, or the roll back of any taxes by any taxing authority due to the sale or change of use of the above described property pursuant to the Revised Civil Statutes of Texas 1925, as amended and the Constitution of the State of Texas, as amended. Blanket in nature and applies.
- j. A fifty (50) foot setback line along the east and west property lines as shown on Survey dated _____ by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.
- k. A twenty-five (25) foot setback line along the north property line as shown on Survey dated _____, by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.
- l. A twenty (20) foot setback line along the south property line shown on Survey dated _____, by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.
- m. A twenty-five (25) foot additional right of way to be dedicated in the future along the east property line as shown on Survey dated _____, by Guillermo Licon, Texas Registered Professional Land Surveyor No. 2998. Applies and plotted hereon.

1. SET 1/2" IRON WITH SLL CAP STAMPED TX2998 ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.
2. BASIS OF BEARING: UPPER VALLEY SURVEYS.
3. TITLE COMMITMENT PROVIDED BY STEWART TITLE GUARANTY COMPANY, OF No. 22400754 AND EFFECTIVE DATE OF JANUARY 20, 2023.
4. THERE WERE NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
5. THE CITY WILL REQUIRE AN ADDITIONAL 25 FEET ALONG EASTSIDE PROPERTY LINE TO BE DEDICATED TO SUBDIVISION APPLICATION, AS ADDITIONAL RIGHT-OF-WAY TO WESTSIDE DRIVE.
6. THERE WERE NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
7. THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP, SANITARY LANDFILL OR CEMETERY.

TXDOT:	915-790-4200
STORM WATER UTILITIES:	915-594-5687
EL PASO WATER UTILITIES:	1154 HAWKINS, 79961-0511
SEWER SERVICE:	915-594-5330
WATER SERVICE:	915-594-5330
CITY OF EL PASO:	300 N. CAMPBELL, 79901
	915-212-0000
E.P.E. COMPANY	915-543-5711

Copyright © 2023 by SLI Engineering, Inc. All rights reserved.
This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the surveys and / or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon JANUARY 15, 2023.



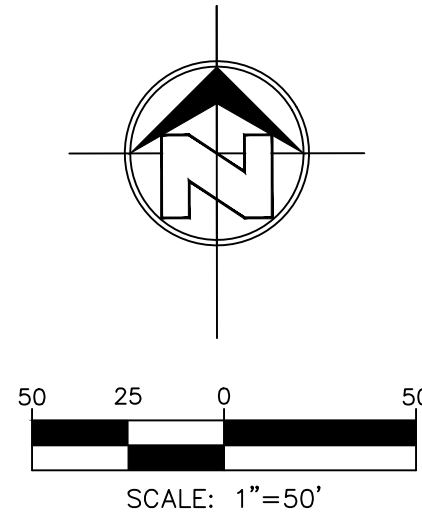
ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC.
IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM,
EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE
CONDITIONS.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480212 0125 B, DATED SEPTEMBER 04, 1991 THIS PROPERTY LIES IN FLOOD ZONE "X".

ZONE "X", ARE AREAS OF MINIMAL FLOOD HAZARD.

DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.



LEGEND	
SIGN	
BOUNDARY LINE	
GUARD POST	GP
PROPERTY CORNER	
CITY MONUMENT	
ELECTRIC BOX	
TRAFFIC LIGHT BOX	
GAS METER	
TRAFFIC LIGHT	
POWER POLE	

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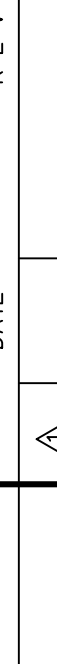
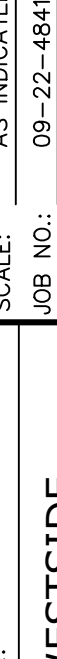
Said parcel of land containing 222,102.16 Sq. Ft. (5.1000 Acres) of land more or less.

To: Artwest Ventures, LLC and Lone Star Title Company.

This is to certify that this map or plot and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", established in 2020, and includes items 1, 2, 3, 4, 6, 7a, 7b1, 7b2, 7c, 8, 9, 10, 11b, 16, 17, 18 and 20 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA/NSPS and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/NSPS Land Title Surveys".

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

DATE: _____

 <p>SLI ENGINEERING, INC. Reg. No. F-1902 SURVEYING Reg. No. 100120-00</p>	 <p>STATE OF TEXAS REGISTERED GUILLERMO LICON PROFESSIONAL LAND SURVEYOR</p>	<p>CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 6606 W. LOOP WEST, SUITE 200 DALLAS, TEXAS 75240 (919) 584-4457</p>	<p>6121 WESTSIDE DR. N.W. ARTCRAFT AND WESTSIDE PROPERTY DESCRIPTION A PORTION OF TRACT 9, BLOCK 9, UPPER VALLEY SURVEYS EL PASO, EL PASO COUNTY, TEXAS.</p>	SCALE: AS INDICATED	FILE	DATE	BY
				<p>JOB NO.: 09-22-4841 FIELD BY: ** / ** / ** FIELD BOOK: GPS DRAWN BY: CV CHECKED BY: GH/EE DATE: 01/15/2023</p>			
SHEET TITLE			<p>ALTA / NSPS LAND TITLE SURVEY</p>				
1 OF 1							

Artcraft and Westside

City Plan Commission — June 18, 2025



CASE NUMBER:	PLCP24-00003
CASE MANAGER:	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER:	Artwest Ventures LLC
REPRESENTATIVE:	SLI Engineering Inc. c/o Georges Halloul
LOCATION:	South of Artcraft Rd. and West of Westside Dr. (District 1)
PROPERTY AREA:	5.10 acres
REQUEST:	Adjust the Future Land Use designation from O-3, Agriculture to G-4, Suburban (Walkable)
RELATED APPLICATIONS:	PZR24-00005, Rezoning
PUBLIC INPUT:	N/A

SUMMARY OF REQUEST: The applicant is requesting an amendment to *Plan El Paso*, the City's comprehensive plan, to adjust the Future Land Use designation for one property, from O-3, Agriculture to G-4, Suburban (Walkable), to allow a proposed neighborhood commercial development.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request. The proposed development is in keeping with the character of the adjacent residential development and the policies of *Plan El Paso* for the G-4 Suburban Future Land Use designation.

PLCP24-00003

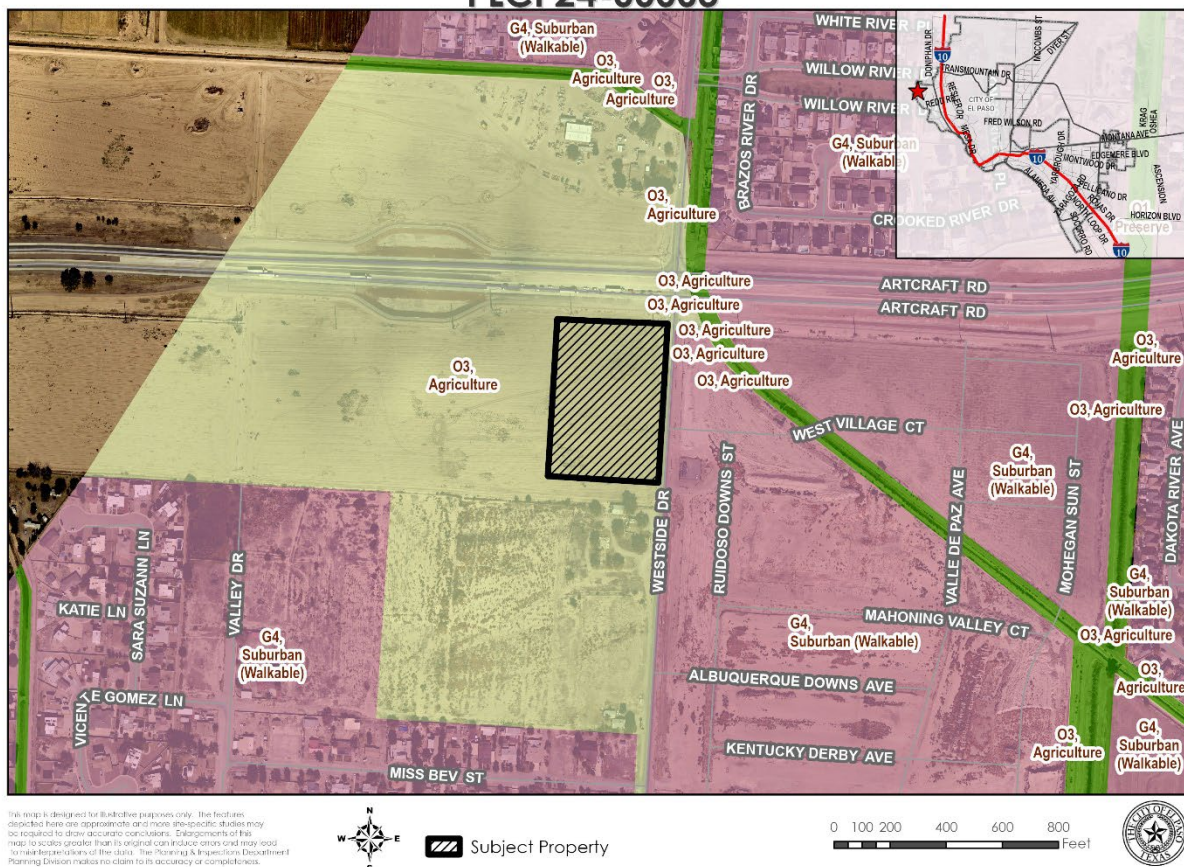


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to amend the Future Land Use designation for a 5.10-acre property from O-3, Agriculture to G-4, Suburban (Walkable), in order to allow for a neighborhood commercial development. This proposed use aligns with the existing Northwest Upper Valley Plan.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The O-3, Agriculture is obsolete due to the state highway and nearby development. The G-4 designation is most in character with the proposed development for the property, which is similar in scale and character to nearby residential and general mixed-use zoned properties and uses. The request is aligned with the Artcraft Corridor vision in the Upper Valley Plan. The nearby properties with similar zoning and uses are also designated G-4. The vacant lots located to the north, south, and west are designated O-3, Agriculture. The vacant lot located to the east is designated G-4, Suburban and is zoned G-MU (General Mixed Use). The residential lots located further northwest, south, and southwest are designated G-4, Suburban and are zoned R-2 (Residential) and P-R 1 (Planned Residential Development). Any proposed development is encouraged to be sensitive and mitigate impacts of the uses to the maximum extent possible.

COMPLIANCE WITH <i>PLAN EL PASO</i> – When evaluating whether a proposed adjustment is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p><i>Plan El Paso</i> identifies the G-4 designation is appropriate for neighborhood commercial uses. The associated rezoning to C-1 will ensure that any future proposed uses will remain compatible with the G-4 designation.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed amendment is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p><i>Plan El Paso</i> calls out the G-4 designation as appropriate for neighborhood commercial uses and residential uses, which is in keeping with the proposed uses.</p>

THE PROPOSED DESIGNATION'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.</p>	<p>The subject property lies within the Artcraft corridor identified in the Northwest Upper Valley Plan and is compatible with the policies identified in the plan. The plan calls for neighborhood commercial uses to serve the neighborhood.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested change.</p>	<p>The proposed development of the subject property will not have adverse effect on the existing residential, commercial, and agricultural uses.</p>

Natural Environment: Anticipated effects on the natural environment.	The subject property is currently inactive farmland and vacant. The existing irrigation canals and drainage laterals are not adjacent to the development.
Stability: Whether the area is stable or in transition.	The surrounding land use has steadily been transitioning from farmland to residential, mixed residential, and neighborhood commercial uses.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing designation no longer suitable for the property.	Agricultural uses have ceased on the subject property and there is increased development in the area. The area is in transition and therefore the 'Agriculture' designation is no longer appropriate. The current TxDOT construction of Artcraft which will transition the roadway.

RELATED APPLICATIONS: This case is related to application number PZRZ24-00005, which requests to rezone the subject area from R-F (Ranch-Farm) to C-1 (Commercial), which is compatible with the low intensity mix of uses permitted in the surrounding area and in the Northwest Upper Valley Plan.

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) has the authority to advise City Council on changes to the Comprehensive Plan. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Patrick Gordon

Business Name _____

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☐ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☒ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1	Alejandra Chavez	\$1,000.00
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Pit Gutierrez Date: 8/12/25



Legislation Text

File #: 25-1072, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Andrew Salloum, (915) 212-1603

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance granting Special Permit No. PZST24-00007, to allow for a governmental use, building on the property described as Tract 1B, A.F. Miller Survey 214, 6500 N. Mesa Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 6500 N. Mesa Street

Applicant: City of El Paso, PZST24-00007

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

Philip Fiore

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST24-00007, TO ALLOW FOR A GOVERNMENTAL USE, BUILDING ON THE PROPERTY DESCRIBED AS TRACT 1B, A.F. MILLER SURVEY 214, 6500 N. MESA STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the **City of El Paso** has applied for a Special Permit under Section 20.04.260 of the El Paso City Code to allow for Governmental use, building; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a District: *Tract 1B, A.F. Miller Survey 214, 6500 N. Mesa Street, City of El Paso, El Paso County, Texas* and as more particularly described by metes and bounds on the attached **Exhibit "A"**; and,
2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for Governmental use, building on the property described in Paragraph 1 of this Ordinance; and,
3. That this Special Permit is issued subject to the development standards in the C-1 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "B "** and is incorporated herein by reference for all purposes; and,
4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST24-00007, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

ORDINANCE NO. _____
HQ25-5182|Tran#613268|P&I|RTA
Ordinance 6500 Mesa

PZST24-00007

Page 1 of 3

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

EXHIBIT "A"

METES AND BOUNDS

PROPERTY DESCRIPTION:

Tract 1B, A. F. MILLER SURVEY No. 214, City of El Paso, El Paso County, Texas and is being more particularly described by metes and bounds as follows:

Commencing at a found City Monument lying on the centerline of a turning-heel of Hidden Crest Creek; Thence, South 33°57'10" East, a distance of 574.80 feet to point for a boundary corner lying on the westerly right-of-way line of Fountain Road (60.00 feet Public right-of-way) being the "TRUE POINT OF BEGINNING" of this property description;

THENCE, South 77°19'00" East, a distance of 150.00 feet to a point for a boundary corner;

THENCE, South 12°42'00" West, a distance of 197.27 feet to point for a boundary corner lying on the northerly right-of-way line of North Mesa Street;

THENCE, North 73°44'34" West, along said right-of-way line, a distance of 116.58 feet to a point for a boundary corner;

THENCE, North 77°19'00" West, a distance of 33.59 feet to a point for a boundary corner lying on the westerly right-of-way line of Fountain Road (60.00 feet Public Right-Of-Way);

THENCE, North 12°41'00" East, along said right-of-way line, a distance of 190.00 feet back to the "TRUE POINT OF BEGINNING" of this description.

Said parcel of land containing 28,917.53 Square Feet (0.6639 Acres) of land, more or less.

SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00



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This map and survey are being provided solely for the use of all parties listed in the certification and their assigns and no license has been created, expressed or implied, to copy the survey and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon JULY 25, 2024.

PLAT OF SURVEY



JOB #: 06-23-5008
DRAWN BY: CV CK BY: GH/ET
DATE: 07/25/2024 SCALE: 1"=30'

FIRE STATION No. 22
6500 N MESA ST.

PROPERTY DESCRIPTION

TRACT 1B, A. F. MILLER SURVEY No. 214

EL PASO, EL PASO COUNTY, TEXAS.

PLAT REFERENCE

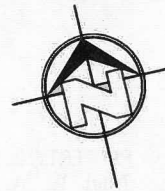
VOLUME PAGE

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

DATE: 7-25-2024

HIDDEN CREST CREEK
P.O.C.
EXISTING
CITY MONUMENT



FOUNTAIN RD.
60' PUBLIC R.O.W.

TRACT 15C
44 FOUNTAIN RD. LLC.

LINE TABLE		
LINE	DIRECTION	DISTANCE
T1	S33°57'10"E	574.80'
L1	N77°19'00"W	33.59'

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This map and survey are being provided solely for the use of all parties listed in the certification and their assigns, and no license has been created, expressed or implied, to copy the survey and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon JULY 25, 2024.

SLI ENGINEERING, INC.
Reg. No. F-1902
SURVEYING
Reg. No. 100120-00



PLAT OF SURVEY



JOB #: 06-23-5008
DRAWN BY: CV CK BY: GL/ET
DATE: 07/25/2024 SCALE: 1"=30'

FIRE STATION No.22
6500 N MESA ST.

PROPERTY DESCRIPTION

TRACT 1B, A. F. MILLER SURVEY No. 214

EL PASO, EL PASO COUNTY, TEXAS.

PLAT REFERENCE

VOLUME PAGE

CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 2998

DATE: 7-25-2024

Fire Station No. 22		
LEGAL DESCRIPTION	PARKING REQUIREMENTS	ZONING TABLE
A F MILLER SURV 214 ABST 3598 TR 1-B (0.664 AC)	TOTAL- OCCUPANTS 37	ZONING CODE - C-1
GEOGRAPHIC IDENTIFICATION NUMBER:	CALCS. BY SHIFT = 3 SHIFTS TOTAL	ZONING DISTRICT - 8
X21499900A0300	12 OCCUPANTS PER SHIFT = 12 PARKING SPACES REQUIRED	EXISTING LAND USE- GOVERNMENTAL FACILITY
BUILDING HEIGHT: (TABLE 504.3 IBC2021)	PROVIDED = 12 PRIVATE PARKING SPACES	PROPOSED USE- GOVERNMENTAL FACILITY
MAX ALLOWED B.S: 35'-0"	4 PUBLIC PARKING SPACES	MINIMUM SETBACKS REQUIRED:
ACTUAL 18'-4" (TOP OF ROOF RIDGE)	1 ADA PARKING SPACE	FRONT YARD - 0'-0"
ALLOWABLE AREA: (TABLE 506 IBC2021)	(1) BIKE RACK 3 SPACES	REAR YARD -10'-0"
STORAGE S-2: 26,000 SF	TOTAL = 17 PARKING SPACES	CUMULATIVE FRONT & REARYARD - N/A
BUSSINES B: 23,000 SF		SIDE YARD 10'-0" WHEN ABUTTIN A RESIDENTIAL OR APARTMENT DISTRICT
		SIDE STREET - 10'-0"
		MAXIMUM HEIGHT 35' - 0"
		MAY EXCEED 60' WHEN AN ADDITIONAL SETBACK OF ONE FOOT IS PROVIDED FROM ALL ADJACENT YARDLINES FOR EACH FOOT OF HEIGHT IN EXCESS OF 60'
		AS PER C1 ZONING APPENDIX B
		TABLE OF DENSITY AND DIMENSIONAL STANDARDS

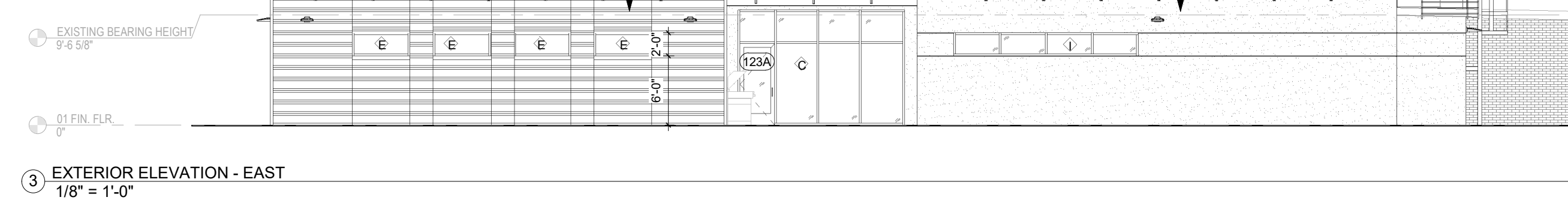
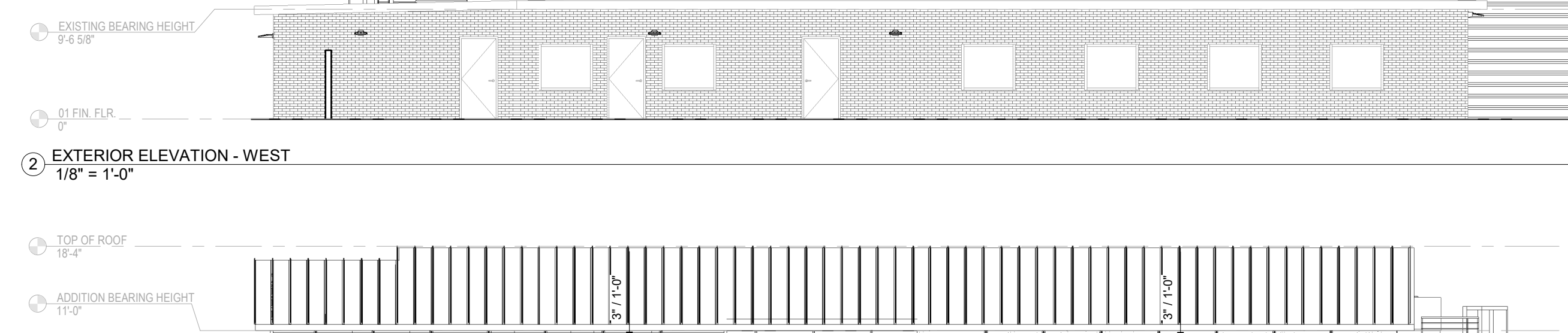
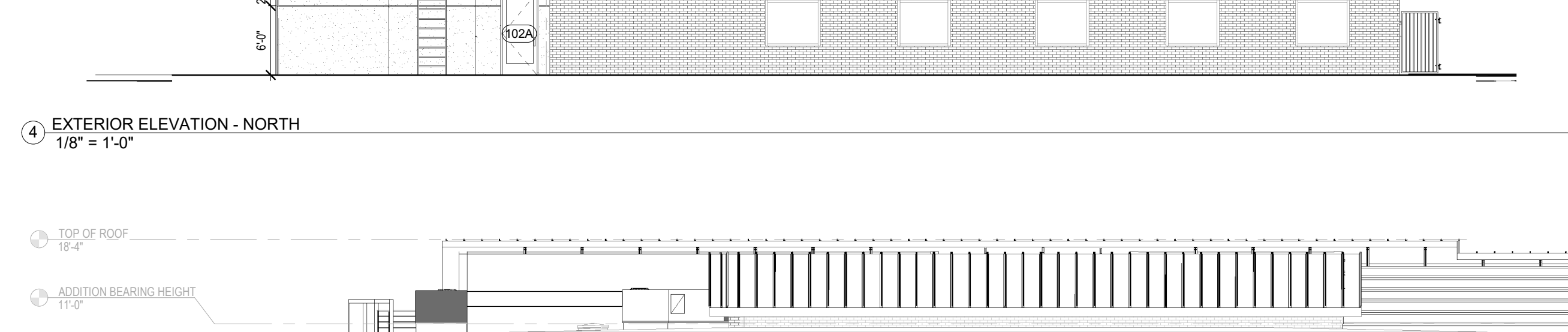
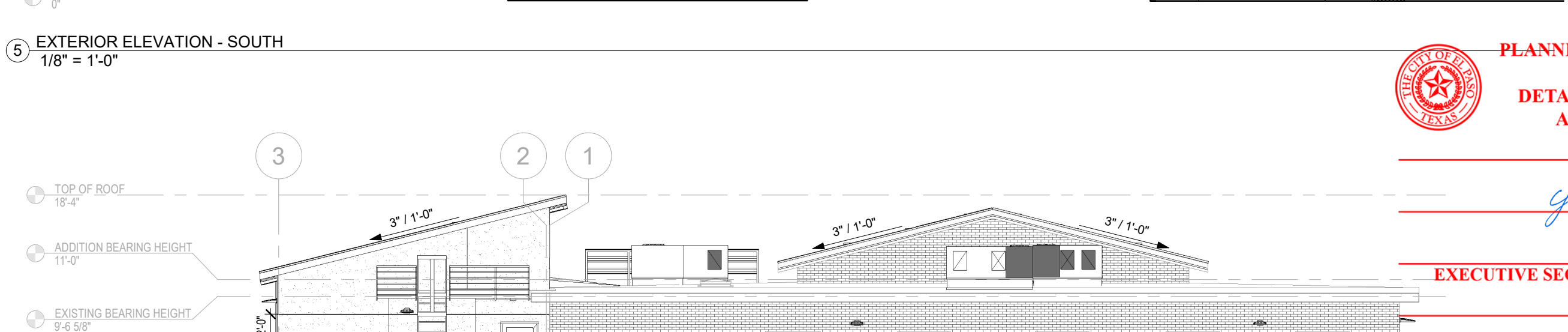
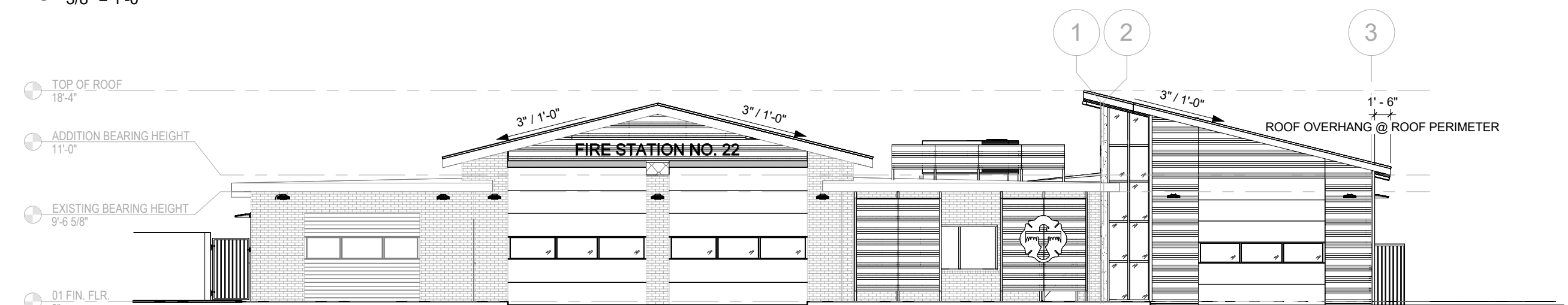
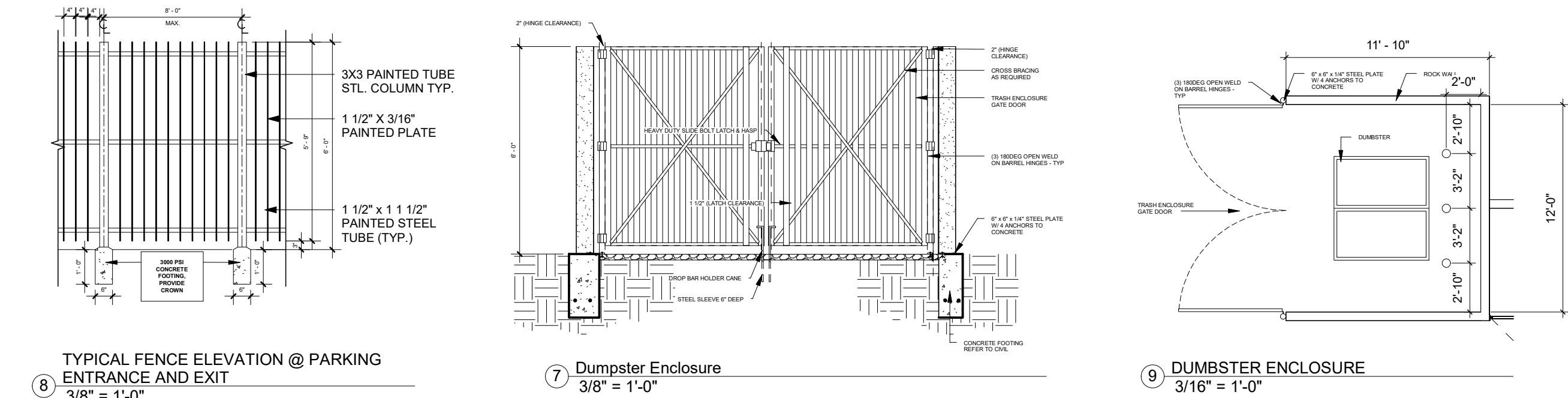


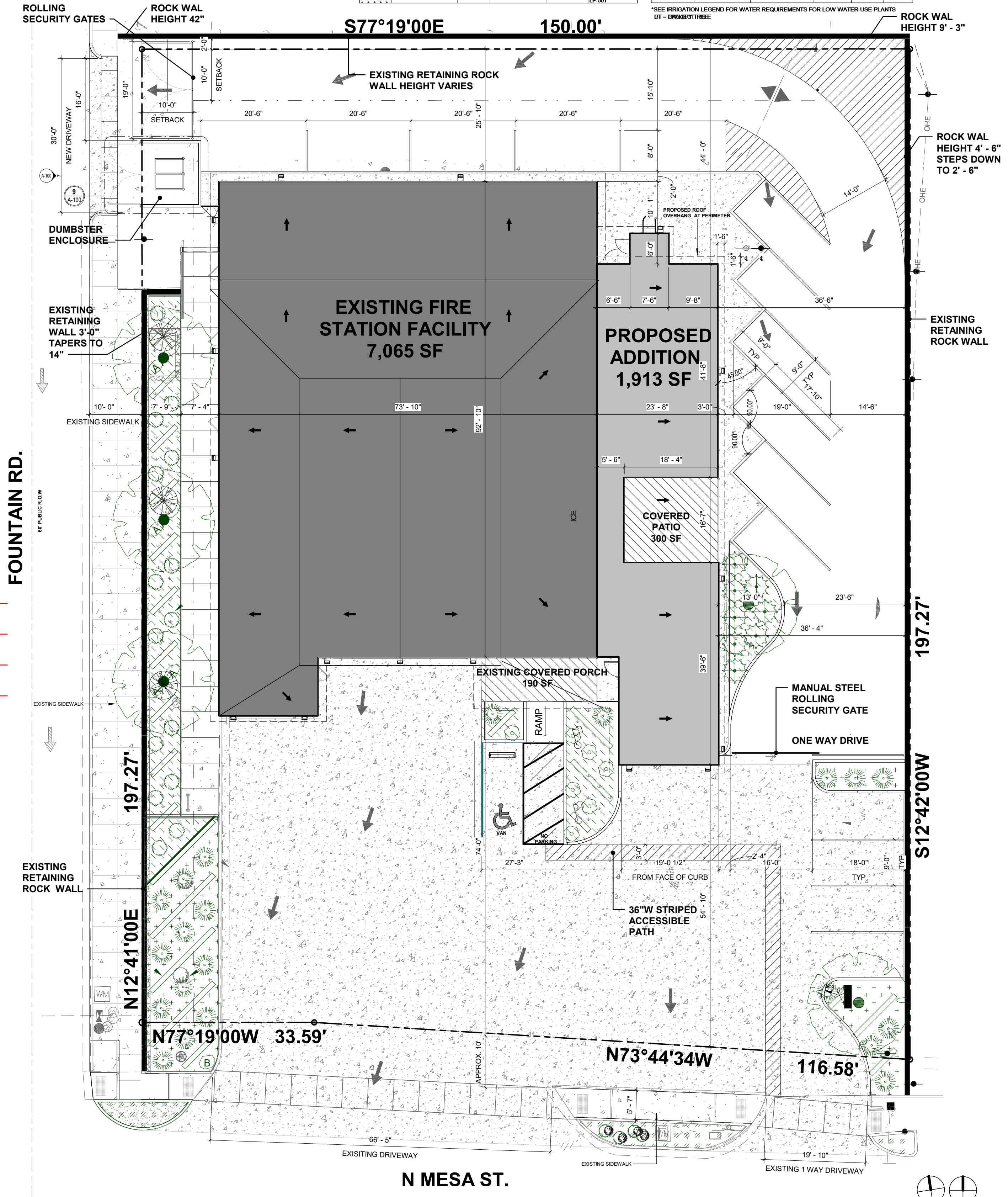
EXHIBIT "B"

LANDSCAPE ORDINANCE CALCULATIONS

REQUIRED	PROVIDED	NOTES
STREET TREES	0	0
BUFFER TREES	0	0
CANOPY TREES	2	2
PROJECT TREES	1	3
TOTAL TREES	3	5
PROJECT SHRUBS	45	51

SYMBOL DESCRIPTION	QTY	MODEL	COLOR	DETAIL
SEATING BOULDER	8	3 MIN.	DESERT TAN	SEE DETAIL 4, SHEET LP-501
BOULDER B	1	EQUAL MIX OF 1' & 2'	DESERT TAN	SEE DETAIL 5, SHEET LP-501
SYMBOL DESCRIPTION	QTY	COLOR	DEPTH	NOTES
EXISTING LANDSCAPE ROCK TO REMAIN				TOP DRESS AS NEEDED TO 3" DEPTH. REMOVE ANY DEBRIS FROM THIS AREA AND REMOVE ANY WEEDS ENCOUNTERED
30" ROCK	1,333 SF	GOLDEN BROWN	3"	WITH WELD BARRIER FABRIC. SEE DETAIL 3, SHEET LP-501
ROCK MIX 70% 2" - 4" 30% 3/4" - 2"	562 SF	TRAIL MIX	4"	WITH WELD BARRIER FABRIC. SEE DETAIL 3, SHEET LP-501

TREES	COMMON NAME	BOTANICAL NAME	MIN. SIZE	MIN. HEIGHT	QTY
○	SWEET ACACIA SINGLE-TRUNK	ACACIA FARNESIANA	2" GAL / 24" BOX	10'	5
○	EXISTING SHRUB TO REMAIN				4
○	REGAL MIST	MADEMBERGIA CAPILLARIS	5 GALLON	18"	9
○	FLAME ACANTHUS	ANISACANTHUS QUADRIFIDUS	5 GALLON	18"	15
○	SOTOL*	DASYLIRION WHEELERII	5 GALLON LOW WATER	18"	21
○	GIANT HESPERALOE	HESPERALOE FUNIFERA	5 GALLON	18"	8



DETAILED SITE PLAN

A-100

COEP_FIRE STATION NO.22 ADDITION & RENOVATION

6500 N. MESA ST
El Paso, TX. 79912

CITY OF EL PASO



in*situ
ARCHITECTURE

112 Texas Avenue | El Paso, TX 79901
p 915.533.7488
www.insituarc.com

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6500 N. Mesa

City Plan Commission — July 3, 2025



CASE NUMBER: PZST24-00007
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: City of El Paso
REPRESENTATIVE: In*Situ Architecture
LOCATION: 6500 N. Mesa St. (District 8)
PROPERTY AREA: 0.66 acres
REQUEST: Special Permit and Detailed Site Development Plan approval for governmental use, building in the C-1 (Commercial) zone district
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of June 26, 2025

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for an existing governmental use, building (fire station) in the C-1 (Commercial) zone district in accordance with the El Paso City Code Section 20.04.320 - Special Permit.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit and detailed site development plan requests for the use of a governmental use, building in C-1 (Commercial) zone district. The proposed development meets all the requirements of El Paso City Code Section 20.04.320 – Special Permit and Section 20.04.150 – Detailed Site Development Plan. Furthermore, the proposed development is in accordance with both the G-4 Suburban (Walkable) Future Land Use Designation and *Plan El Paso*, the City's adopted Comprehensive Plan.

PZST24-00007

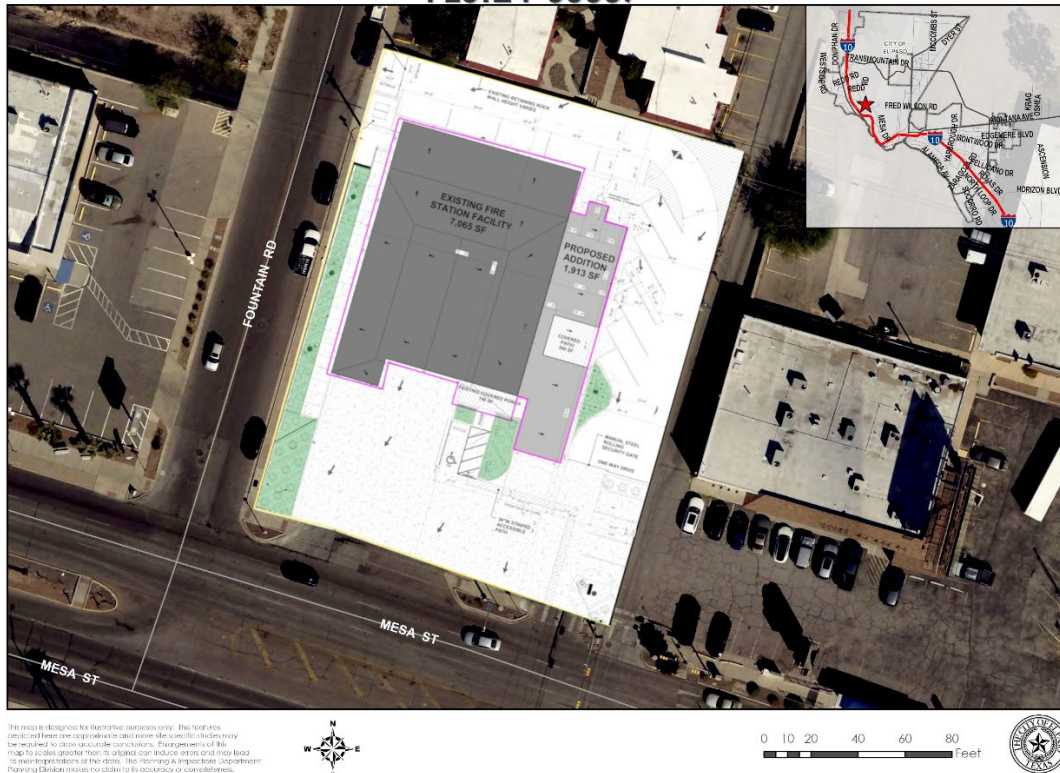


Figure A. Detailed Site Development Plan Superimposed on Aerial Imagery.

DESCRIPTION OF REQUEST: The applicant is requesting a special permit to allow for an existing governmental use, building (fire station) in the C-1 (Commercial) zone district. The detailed site development plan shows a new 2,213 square-foot addition to the existing 7,065 square-foot fire station. The proposed development complies with all density and dimensional standards, including vehicular and bicycle spaces. Access to the subject property is provided from N. Mesa Street and Fountain Road.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (El Paso City Code 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The detailed site development plan demonstrates compliance with all other applicable standards per the El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-4, Suburban (Walkable) Land Use designation. The proposed development will integrate with the surrounding development.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property fronts Mesa Street, a major arterial, as classified on the City of El Paso's Major Thoroughfare Plan (MTP), and is appropriate for commercial business and traffic.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. No impact is anticipated from the approval of the proposed special permit and detailed site development plan. The proposed development will adhere to zoning requirements and will not impose a risk to neighboring properties.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The proposed redevelopment complies with required landscaping areas.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The proposed redevelopment is compatible with less intensive non-residential uses and structures. The existing uses and building configurations are similar to other properties in the immediate area.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed redevelopment is similar in intensity and scale to surrounding development.

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes, the proposed redevelopment is consistent with the Future Land Use designation and is compatible with surrounding development.</p>
<p>Compatibility with Surroundings: The proposed use is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The fire station is permitted under governmental use, building via approval of a Special Permit and the use is consistent with nearby C-1 (Commercial) and C-3 (Commercial) zoning districts and uses in the neighborhood. The surrounding uses vary from apartment, other retail establishment, beauty salon, restaurant, and financial institution, and pawn shop.</p>
THE PROPOSED PROJECT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.</p>	<p>The proposed development is not within any historic districts or study area plan boundaries.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed facility is not anticipated to pose any adverse effects on the community.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable, with no rezonings in the area within the last 10 years.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>Existing zoning will not be changed. Due to the location of the proposed redevelopment and the use of governmental use, building, a special permit is required per city code.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property N. Mesa Street and Fountain Road, a street designated as a major arterial and local street, respectively, under the City of El Paso’s Major Thoroughfare Plan (MTP). Access is proposed from N. Mesa Street and Fountain Road. The classification of this road is appropriate for the proposed redevelopment. Existing infrastructure and services are adequate to serve the proposed redevelopment. There are at least ten (10) bus stops within walkable distance (0.25 mile) of the subject property. The closest bus stop is 0.01 miles away along N. Mesa Street.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Notices were sent to property owners within 300 feet of the subject property on June 19, 2025. As of June 26, 2025, the Planning Division has not received any communication in support or opposition to the special permit and detailed site development plan request.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

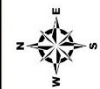
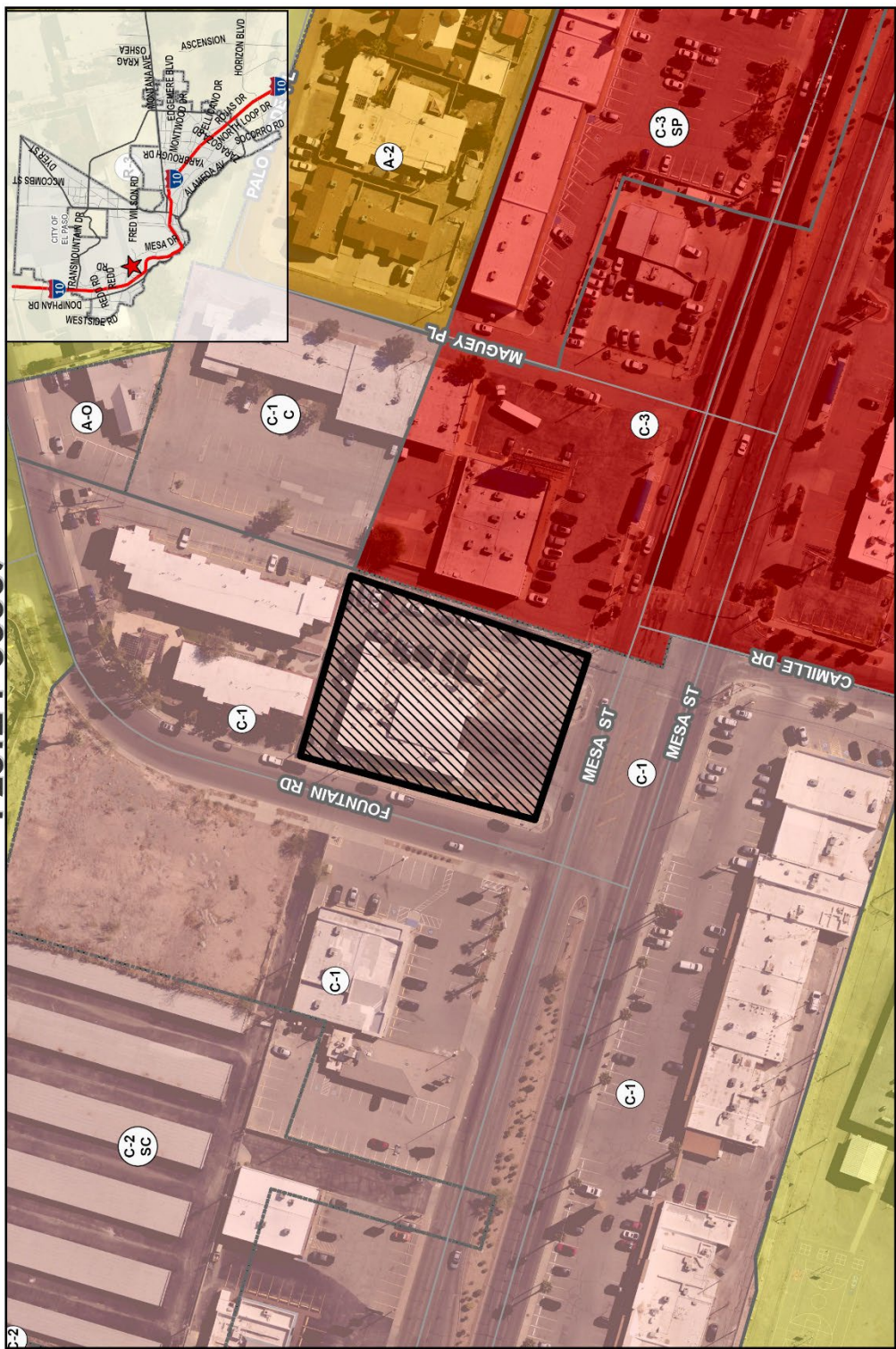
1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Zoning Map
2. Detailed Site Plan
3. Elevations
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZST24-00007

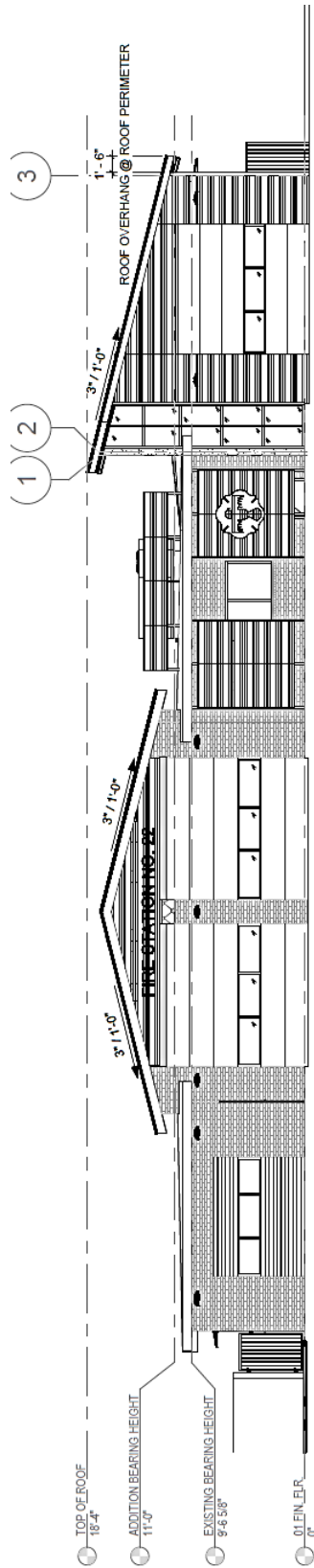


 Subject Property

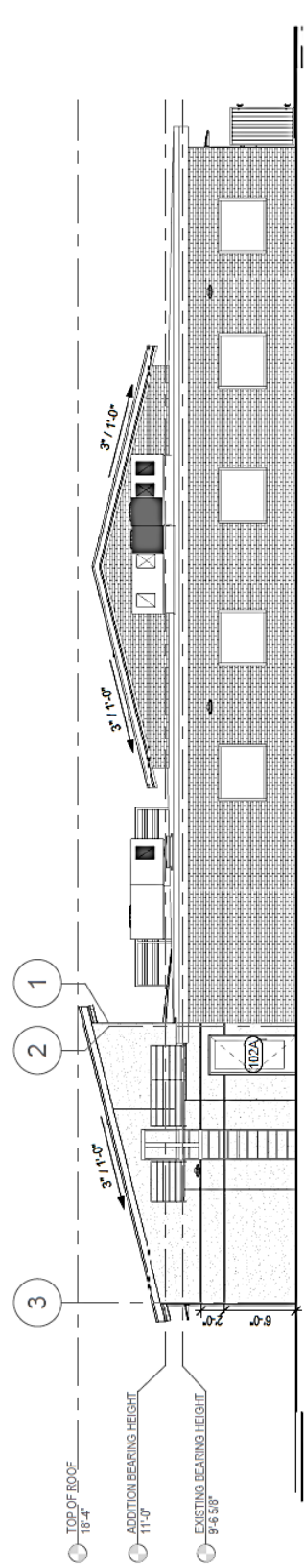
This map is designed for illustrative purposes only. The features depicted here are approximate and more specific information may be obtained by referring to the official zoning map. This map is not to be used for legal purposes and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

[illegible]

ATTACHMENT 3



5 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"



4 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"

ATTACHMENT 4

Planning and Inspections Department – Planning Division

Staff recommends approval of the special permit and detailed site development plan per Section 20.04.320 – Special Permit, and Section 20.04.150 – Detailed Site Development Plan.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to the proposed special permit. At the time of submittal for building permits, the project will need to comply with all applicable municipal and building code requirements.

Planning and Inspections Department – Land Development

No objections to special permit.

Fire Department

No adverse comments.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to application.

Street Lights Department

Do not object to this request.

Street Lights Department requires that all projects that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department. The applicant is responsible for any relocations or adjustments of a street light.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Sun Metro

Recommend Approval.

If any and all construction require a Traffic Control Permit, please provide copy in order to prevent any disruption of Sun Metro transit services.

El Paso Water

Do not object to this request.

Water:

There is an existing 12-inch diameter water main that extends along Fountain Dr., located approximately 15-feet west of the east right-of-way line. This main is available for service.

There is an existing 24-inch water transmission main that extends along Mesa St. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 24-inch water transmission main that extends along Fountain Dr., located approximately 25-feet west of the east right-of-way line. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure reading from fire hydrant #2678, located on the southwest corner of Mesa St. and Camille Dr., has yielded a static pressure of 86 (psi), a residual pressure of 70 (psi), and a discharge of 992 (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Fountain Dr., located approximately 25-feet east of the west right-of-way line. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main that extends along the alley east of the property, located approximately 14-feet east of the property. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Mesa St., located approximately 5-feet north of the right-of-way centerline. This main is available for service.

General:

Mesa St. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Mesa St. right-of-way requires written permission from TxDOT.

EPWater-PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

No objections to this proposal.

Recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

Texas Department of Transportation

Submit landscaping, grading, drainage, and traffic control plans to TXDOT for review and approval.

Note: the comments will be addressed at the permitting stage.

El Paso County Water Improvement District #1

No comments received.

El Paso Electric Company

We have no comments for 6500 N. Mesa Street.

Texas Gas Service

Texas Gas Service has an existing service line that will be in conflict with building addition.

Please coordinate with TGS for relocation of the service before building.

Note: the comments will be addressed at the permitting stage.

911 District

The 911 District has no comments/concerns regarding this request.



Legislation Text

File #: 25-1074, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Jose Beltran, (915) 212-1607

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of a portion of Tract 1B (n/k/a Tract 1B1), Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas from R-3A (Residential) to P-R II (Planned Residential II). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: Dewberry Dr. (North of Woodrow Bean Transmountain Dr. and East of Resler Dr.)

Applicant: DVEP Land LLC, PZRZ25-00010

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiive

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1B (N/K/A TRACT 1B1), NELLIE D. MUNDY SURVEY NO. 243, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A (RESIDENTIAL) TO P-R II (PLANNED RESIDENTIAL II). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a portion of Tract 1B (n/k/a Tract 1B1), Nellie D. Mundy Survey No. 243, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-3A (Residential) to P-R II (Planned Residential II), as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

HQ25-5160|Tran#614058|P&I
Dewberry Ordinance
JAQ

PZRZ25-00010

Barragan & Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

Description of a portion of Tract 1B (N/K/A Tract 1B1), Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, being a portion of the parcel described in Instrument No. 20100003036, Real Property Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a found 2-inch pipe with El Paso Natural Gas Co. brass cap monument and rock mortar on the southerly line of Section 10, Block 82, Township 1, Texas and Pacific Railroad Surveys, marking the common northerly corner of Nellie D. Mundy Survey No. 243 and 246, El Paso County, Texas; **THENCE**, N 86° 47' 25" W (N 89° 56' 00" W – Record), along the common line of said Section 10, Block 82, Township 1, Texas and Pacific Railroad Surveys and Nellie D. Mundy Survey No. 243, a distance of 1695.09 feet to a set 1/2" rebar with yellow cap stamped "B&A Inc" on the northeasterly corner of parcel described in Instrument No. 20100003036, being the **POINT OF BEGINNING** of this description;

THENCE, along the said parcel described in Instrument No. 20100003036, the following two (2) calls:

S 03° 12' 35" W (South – Record), along the common line of Tract 1B and 1B1, a distance of 274.77 feet to a set 1/2" rebar with yellow cap stamped "B&A Inc";

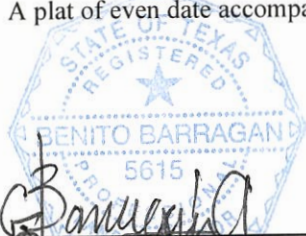
N 84° 06' 42" W (S 87° 19' 16" E – Record) (S 87° 22' 53" E – Record) (S 87° 17' 03" E – Record), along the common line of Tract 1A, 1A1, and 1B1, a distance of 1211.56 feet to a found 1/2" rebar with yellow cap stamped "B&A Inc" on the southeasterly corner of Desert Springs Unit Two, filed for record in Instrument No. 20130014908, Plat Records of El Paso County, Texas;

THENCE, N 03° 12' 34" E (North – Record), along the easterly line of said Desert Springs Unit Two, a distance of 218.14 feet to a found 1/2" rebar with yellow cap stamped "B&A Inc" on the common corner of Section 10, Block 82, Township 1, Texas and Pacific Railroad Surveys, Desert Springs Unit Two, and Desert Springs Unit One, filed for record in Instrument No. 20130014896, Plat Records of El Paso County, Texas;

THENCE, S 86° 47' 25" E (S 89° 56' 00" E – Record) (East – Record), along the common line of said Section 10, Block 82, Township 1, Texas and Pacific Railroad Surveys and Nellie D. Mundy Survey No. 243, a distance of 1210.24 feet to the **POINT OF BEGINNING** of this description and containing in all 6.85 acres more or less.

NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown are grid bearings derived from RTK Observations to the Texas CO-OP Network. Referred to the Texas Coordinate System (NAD 83) Central Zone. Distances are ground and may be converted to grid dividing by 1.00017751.
3. This description is not intended to be a subdivision process which may be required by the local or state code, and it is the client's/owner's responsibility to comply with this code if required.
4. A plat of even date accompanies this description.

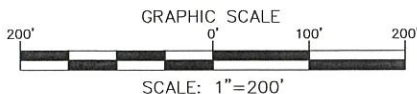


Benito Barragan TX R.P.L.S 5615,
Barragan and Associates Inc.
Texas Surveying Firm # 10151200
November 27, 2024
Job No. 241122-02

*R.P.R.E.P.C. = REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS

NOTES:

1. ACCORDING TO THE FLOOD INSURANCE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY AND BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY APPEARS TO BE LOCATED IN ZONE "A2" AND "B", AS SHOWN ON L.O.M.R. NO. 16-06-3207P-480214; MAP REVISED 10/15/2018, FOR EL PASO COUNTY AND INCORPORATED AREAS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
2. BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE 4203, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. DISTANCES ARE GROUND AND MAY BE CONVERTED TO GRID DIVIDING BY 1.00017751
3. NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATION, BUILDING AND UTILITY LINES, AND/OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
4. PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS, TERMS, CONDITIONS, COVENANTS, AND CONFIRMING THE SIZE AND USE OF ALL RECORDED TERMS, RESTRICTION CONDITIONS AND EASEMENTS PERTAINING TO THIS PROPERTY, IN SPIKE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
7. A WRITTEN DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
8. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATED AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE EVIDENCE LOCATED AT THE TIME OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED; AND IS ADDRESSED EXCLUSIVELY TO THE PARTIES NAMED HEREON.



LEGEND

- — FOUND MONUMENT
- — SET 1/2" REBAR W/CAP "B&A INC"
- — GAS SIGN
- — GAS LINE

LINE TABLE		
LINE	BEARING	LENGTH
L1	S03°12'35"W	274.77'
L2	N03°12'34"E	218.14'
(RECORD)		
L1	SOUTH	-
L2	NORTH	-

SECTION 10, BLOCK 82, TOWNSHIP 1,
TEXAS AND PACIFIC RAILROAD SURVEYS,
EL PASO COUNTY, TEXAS

VOL: 1272 PG: 332
*R.P.R.E.P.C.

SECTION 10, BLOCK 82, TOWNSHIP 1,
TEXAS AND PACIFIC RAILROAD SURVEYS
NELLIE D. MUNDY SURVEY NO. 243

S86°47'25"E 1210.24'

(EAST - RECORD)
(S89°56'00"E - RECORD)

FOUND 1/2" REBAR
W/CAP "B&A INC"

PONDING AREA LOT 1

DESERT SPRINGS UNIT TWO
INST. NO. 20130014908
*R.P.R.E.P.C.

13

DEWBERRY DRIVE

14

30' GAS EASEMENT AND R.O.W.
VOL: 1297 PG: 3
*R.P.R.E.P.C.

FOUND 1/2" REBAR
W/CAP "B&A INC"

N84°06'42"W 1211.56'

(S87°19'16"E - RECORD)
(S87°22'53"E - RECORD)
(S87°17'03"E - RECORD)

TRACT 1A
INST. NO. 20110007326
VOL: 4751 PG: 1763
*R.P.R.E.P.C.

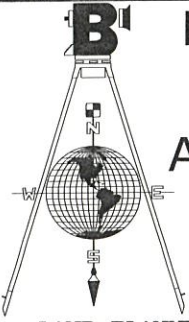
NELLIE D. MUNDY SURVEY NO. 243,
EL PASO COUNTY, TEXAS

(N89°56'53"W - RECORD)
(N89°56'34"W - RECORD)
(N86°46'02"W 1522.68')

TRACT 1A1
INST. NO. 20020035613
*R.P.R.E.P.C.

FOUND 5/8" REBAR
W/CAP "TX 4178"

PREVIOUSLY
FOUND 5/8" REBAR
W/CAP "TX 4178"



Barragan
&
Associates
Inc.

LAND PLANNING & SURVEYING
TEXAS SURVEYING FIRM# 10151200
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

A PORTION OF TRACT 1B
(N/K/A TRACT 1B1),
NELLIE D. MUNDY SURVEY NO. 243,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 6.85 ACRES ±

Plat Reference Vol/Bk N/A Pages N/A

Scale: 1"=200' Date: 11/27/2024 Drawn By: B.T.

Prepared by and under my supervision.



Benito Barragan TX, R.P.L.S. No. 5615
Job No. 244122-02 Copy Rights ©

Field: XX Book: N/A Page: 2 of 2

Dewberry Drive

City Plan Commission — July 3, 2025

REZONING



CASE NUMBER: PZRZ25-00010
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: DVEP Land LLC
REPRESENTATIVE: Del Rio Engineering
LOCATION: Generally North of Woodrow Bean Transmountain Dr. and East of Resler Dr. (District 1)
PROPERTY AREA: 6.85 acres
REQUEST: Rezone from R-3A (Residential) to P-R II (Planned Residential II)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) phone call of inquiry, three (3) phone calls in opposition and one (1) phone call in support received as of June 26, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3A (Residential) to P-R II (Planned Residential II) to allow townhomes.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the proposed rezoning is in keeping with the policies of the G-4, Suburban (Walkable) Land Use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

PZRZ25-00010

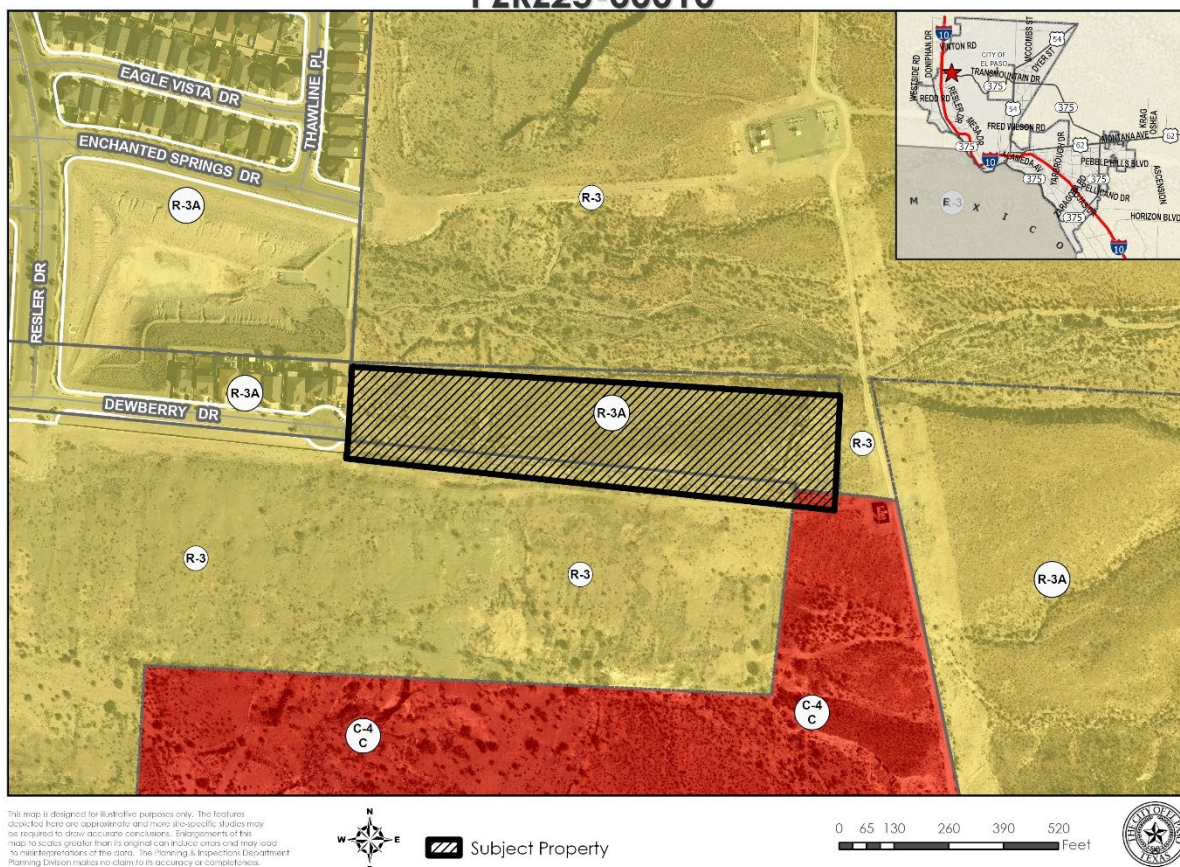


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-3A (Residential) to P-R II (Planned Residential II) to allow townhomes. The property is approximately 6.85 acres in size. The conceptual site plan shows forty-four (44) individual lots for the proposed use of townhomes. Main access to the property is proposed from Dewberry Drive.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with the existing surrounding zoning districts. Properties to the north and east are zoned R-3 (Residential) and R-3A (Residential) and consist of vacant lots. Properties to the south are zoned R-3 (Residential) and C-4/c (Commercial/conditions) and consist of vacant lots. Properties to the west are zoned R-3A (Residential) and consist of detached single-family homes, and a ponding site. The nearest school is Jose J. Alderete Middle School located 2.29 miles away and the nearest park is Desert Springs #2 located 0.16 miles away.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development meets the intent of the G-4, Suburban (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed rezoning is compatible with the Future Land Use designation. The proposed development will add additional housing to the area to supplement the limited housing stock.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>P-R II (Planned Residential II) District: The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.</p>	<p>Yes. The proposed P-R II (Planned Residential II) zoning district will complement existing R-3 (Residential), R-3A (Residential) and C-4/c (Commercial/conditions) zoning districts in the immediate area. The proposed townhomes will provide a variety of housing types to the majority single-family residential area.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The proposed P-R II (Planned Residential II) zoning district will have access from Dewberry Drive which is classified as a local street in the City's Major Thoroughfare Plan (MTP). The classification of this road is appropriate for the proposed residential development.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations</p>	<p>The property lies within the Hillside Development Area. Consequently, this is scheduled to be heard by the Open Space Advisory Board.</p>

that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the rezoning of the subject property. There is an existing arroyo abutting the subject property.
Natural Environment: Anticipated effects on the natural environment.	The subject property lies within the Hillside Development Area. There are no anticipated effects on the natural environment. Furthermore, the proposed rezoning is scheduled to be presented to the Open Space Advisory Board (OSAB) on July 2, 2025.
Stability: Whether the area is stable or in transition.	The surrounding area is generally stable with one rezoning within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Dewberry Drive via Bluff Creek Street which are classified as local streets in the City's Major Thoroughfare Plan (MTP). The classification of these roads is suitable for the proposed residential development. Sidewalks are currently present on the northern portion of Dewberry Drive. There are currently no bus stops located within walking distance of the subject property. Resler Drive, which is a proposed extension under the Major Thoroughfare Plan (MTP) to Transmountain, will provide future connectivity for the proposed development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments received from the reviewing departments.

PUBLIC COMMENT: The property lies within the Enchanted Hills Neighborhood Association, which was notified of the rezoning request by the applicant. The applicant conducted a meeting with the presidents of the Northwest, Montoya and Enchanted Hills Neighborhood associations on March 26, 2025. Public notices were sent to property owners within 300 feet on June 4, 2025. As of June 26, 2025, the Planning Division has received one (1) phone call of inquiry, one (1) phone call in support and three (3) phone calls in opposition. The opposition consisted of concerns for decreased property values and increased traffic.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

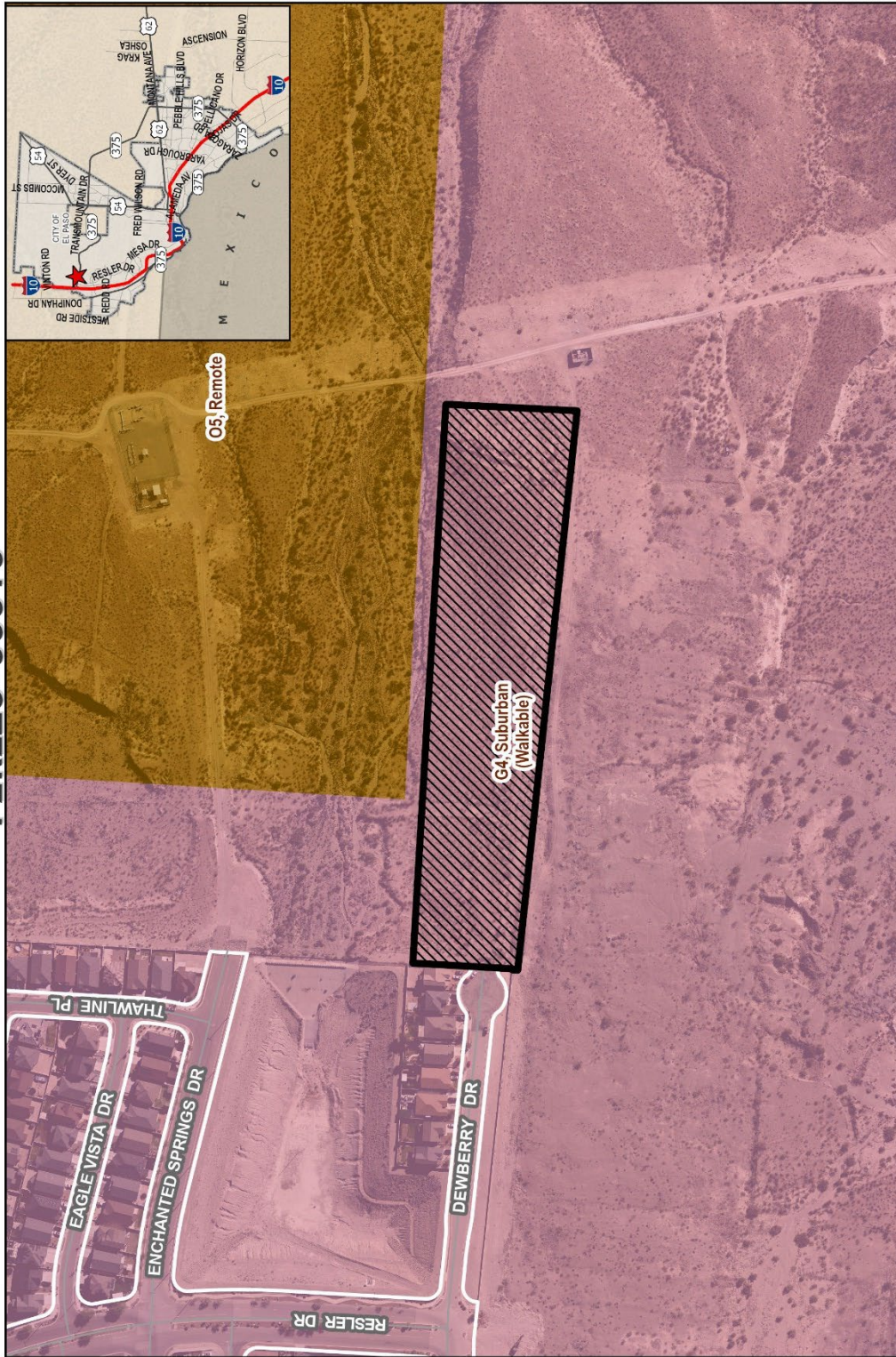
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZRZ25-00010



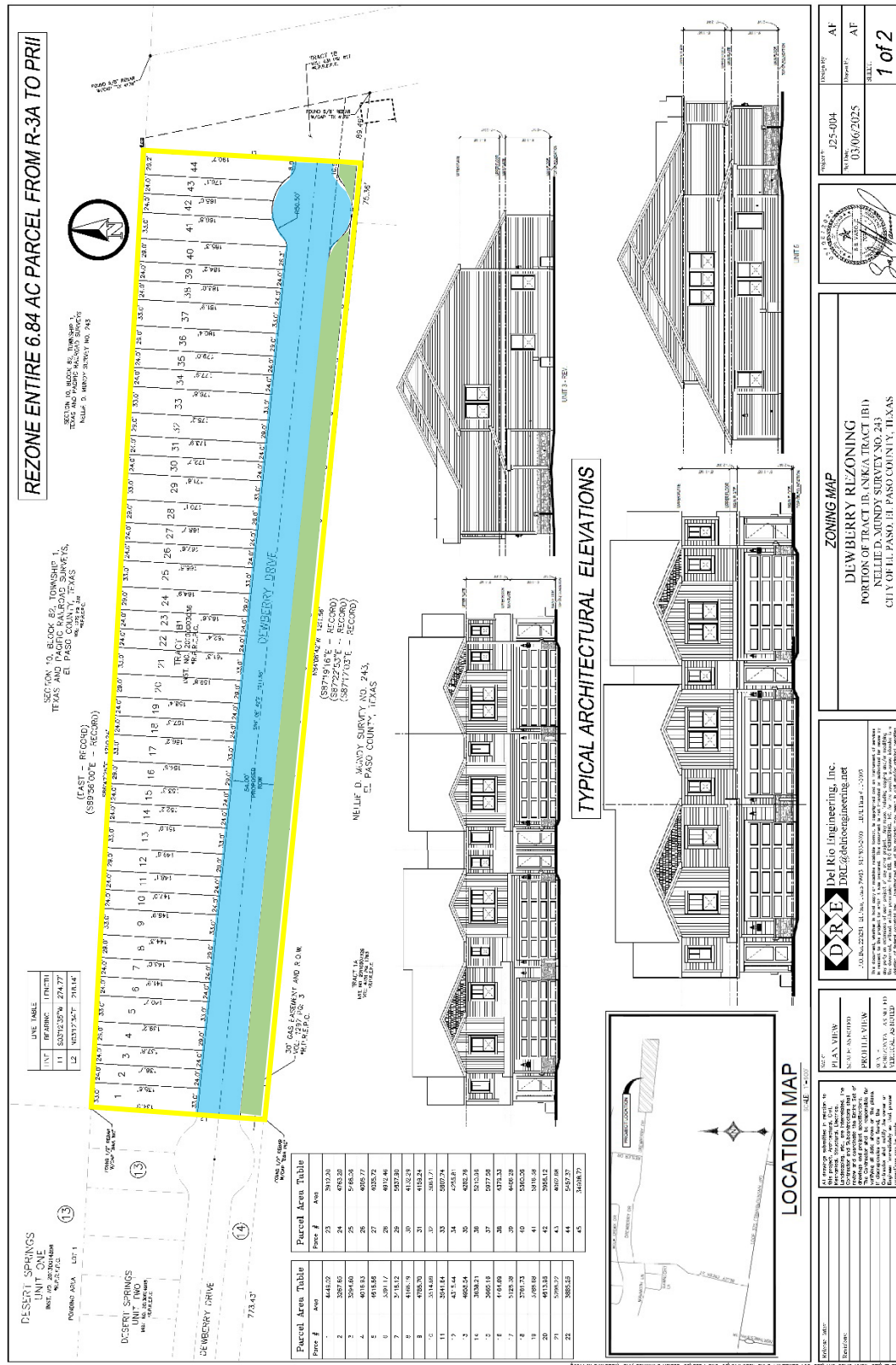
This map is designed for illustrative purposes only. The features depicted here are approximate and more site specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than 1:10,000 can induce errors and may lead to misinterpretation of the data. The City of El Paso Planning Division makes no claim to its accuracy or completeness.



Subject Property



290



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the request as the proposed rezoning is in keeping with the policies of the G-4, Suburban (Walkable) Land Use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning.

At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

Show proposed drainage flow patterns on site plan and identify the onsite pond discharge location(s) for all storm-water runoff within the subdivision.

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and the Preservation of Natural Arroyos, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Fire Department

No adverse comments.

Police Department

The 911 District has no comments or concerns regarding this rezoning.

Environment Services

No comments received.

Sun Metro

No comments received.

Streets and Maintenance Department

No objections to the rezoning.

Traffic & Transportation Engineering

No TIA is required.

Streets Lighting:

Street Lights Department does not object to this request.

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval

Contract Management:

Indicate that when placing Sidewalks, the municipal Code Chapter 19.21 and Chapter 13.04.020 – Sidewalk Specifications of Sidewalks shall be followed.

Indicate that for driveways the municipal code chapter 13.12 shall be followed

Indicate that new asphalt or any new concrete structures must be compliant before acceptance and any type of damages must be restored before doing the final walkthrough.

Indicate that any damaged structure must be restored to same or better condition. This goes for asphalt, concrete, manholes, or water valves.

Indicate that any manhole, service line or monument must have a concrete apron as per DSC.

El Paso Water

EPWater-PSB does not object to this request.

The subject property is located within the City of El Paso Westside Impact Fee Service Area. Impact fees will be assessed at the time of plat and collected after the El Paso Water receives an application for water and/or sanitary sewer services.

Water

There is an existing 8-inch diameter water main along Dewberry Drive located approximately 15-feet south of the northern right-of-way line. This main can be extended to provide service.

Previous water pressure reading from fire hydrant #11136 fronting 7377 Dewberry Drive, has yielded a static pressure of 80 psi, a residual pressure 75 psi and a discharge of 1,113 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along Resler Drive located approximately 18-feet north of the southern right-of-way line. This main can be extended to provide service.

General

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction work. New service applications are available at 1154 Hawkins, 3rd floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per the Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of green space, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

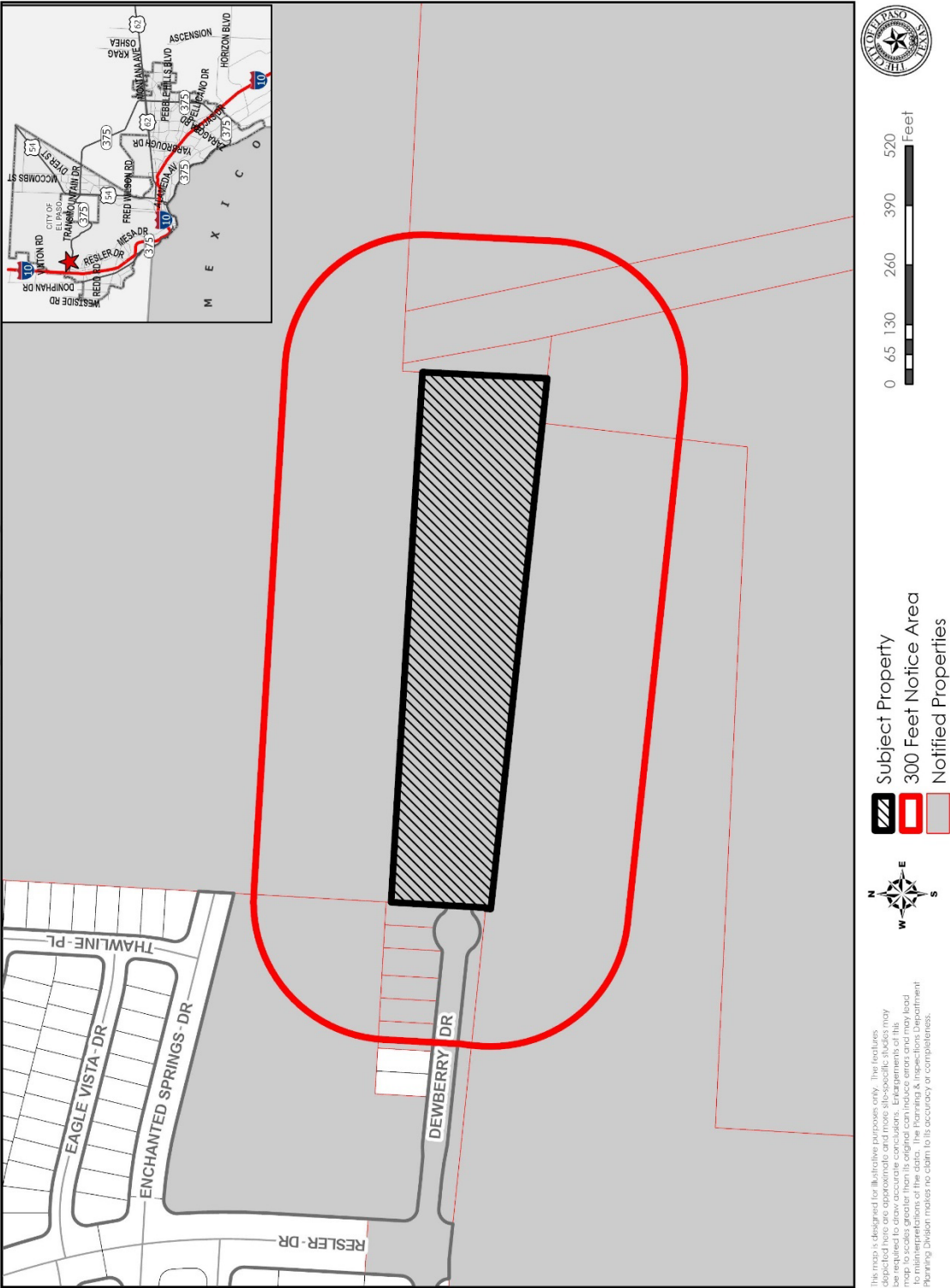
No comments received.

El Paso Electric

We have no comments.

ATTACHMENT 4

PZR725-00010



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name	Alexander Emerson
Business Name	DVEP Land, LLC.
Agenda Item Type	Rezoning Application
Relevant Department	Planning Division

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: [Signature] Date: 8-12-25



Legislation Text

File #: 25-1075, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Blanca Perez, (915) 212-1561

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance granting Special Permit No. PZST25-00003, to allow for a professional office, front, rear and side setback reduction, and 70% parking reduction on the property described as Lots 7, 8, and 9, Block 60, Franklin Heights Addition, 1514 Montana Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 1514 Montana Avenue

Applicant: John Falvey, PZST25-00003

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiive

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST25-00003, TO ALLOW FOR A PROFESSIONAL OFFICE, FRONT, REAR AND SIDE SETBACK REDUCTION, AND 70% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 7, 8 AND 9, BLOCK 60, FRANKLIN HEIGHTS ADDITION, 1514 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the 1514 Montana LLC, has applied for a Special Permit under Section 20.04.260 of the El Paso City Code to allow for a professional office, front, rear and side setback reduction, and 70% parking reduction; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in an A-2 (Apartment) District:
Lots 7, 8 and 9, Block 60, Franklin Heights Addition, 1514 Montana Avenue, City of El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a professional office, front, rear and side setback reduction, and 70% parking reduction on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the A-2 (Apartment) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "A"** and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST25-00003, shall be subject to termination; construction

ORDINANCE NO. _____

HQ25-5362|Tran#____|P&I|JAQ
Ord. Special Permit-1514 Montana

PZST25-00003

Page 1 of 3

or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
HQ25-5362|Tran#____|P&I|JAQ
Ord. Special Permit-1514 Montana

PZST25-00003

Page 2 of 3

AGREEMENT

1514 Montana LLC, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the A-2 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 24 day of JULY, 2025.

1514 Montana LLC

(Signature)

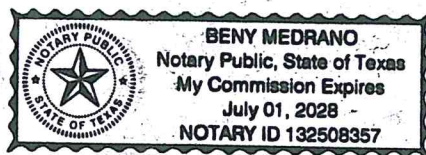
JOHN FALVEY JOHN FALVEY
(Name/Title) partner
PARTNER partner

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 24 day of July, 2025, by John R Falvey and Naomi Falvey for 1514 Montana LLC as Applicant.

(Seal)



Beny Medrano
Notary Public, State of Texas
Signature

Beny Medrano
Printed or Typed Name

My Commission Expires:

07/01/2028

ORDINANCE NO. _____
HQ25-5362|Tran# _____|P&I|JAQ
Ord. Special Permit-1514 Montana

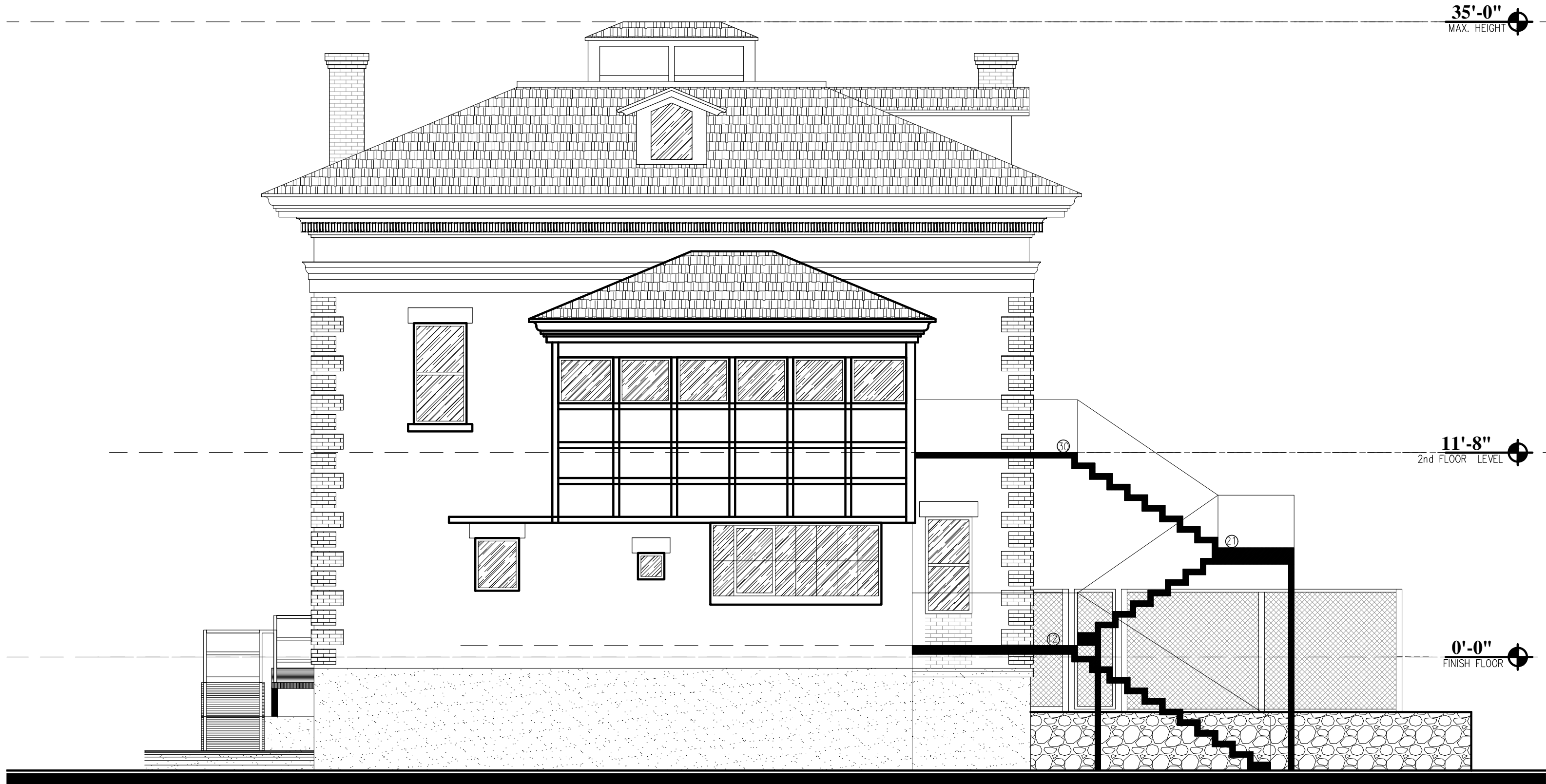
PZST25-00003

Page 3 of 3



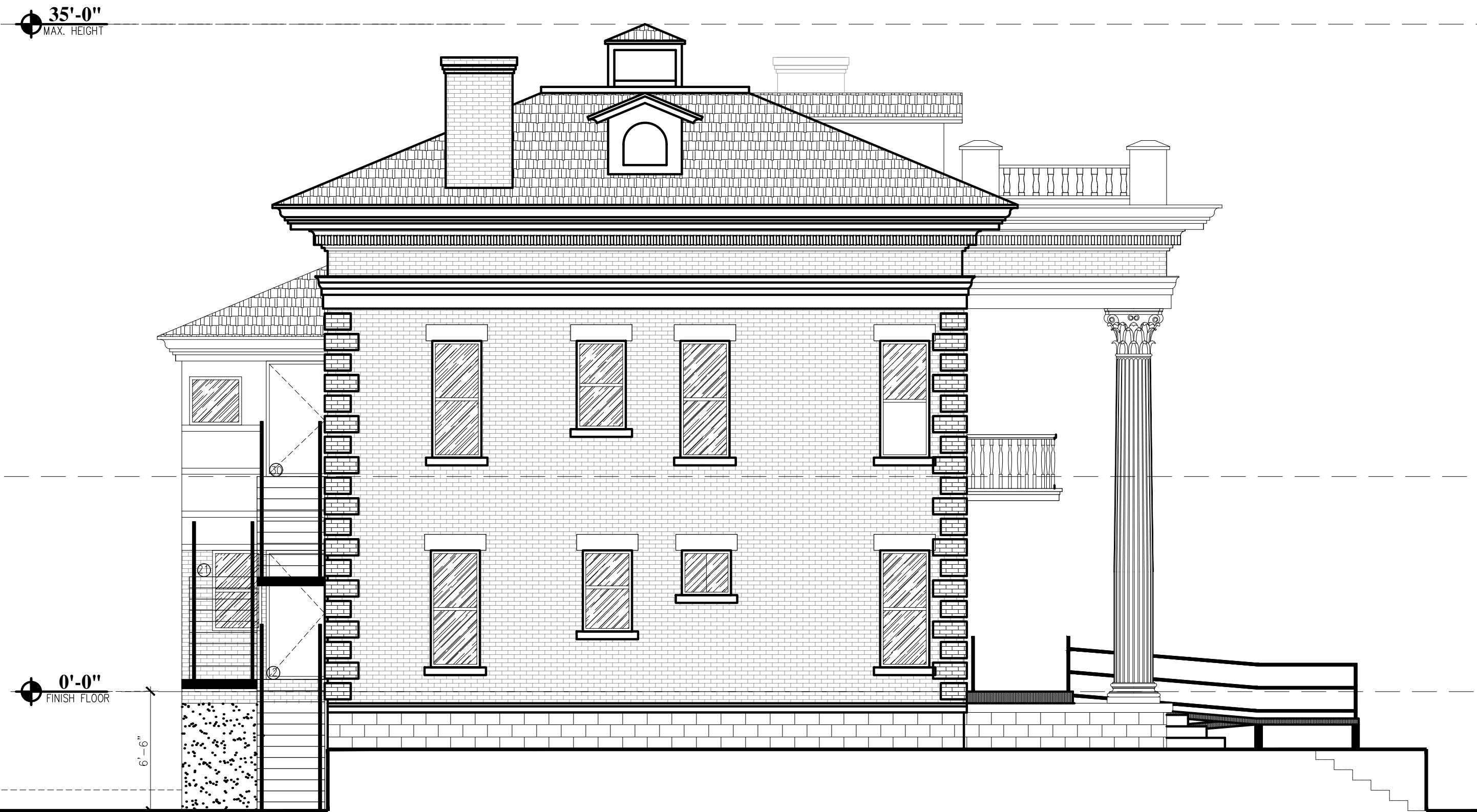
2 FRONT ELEVATION

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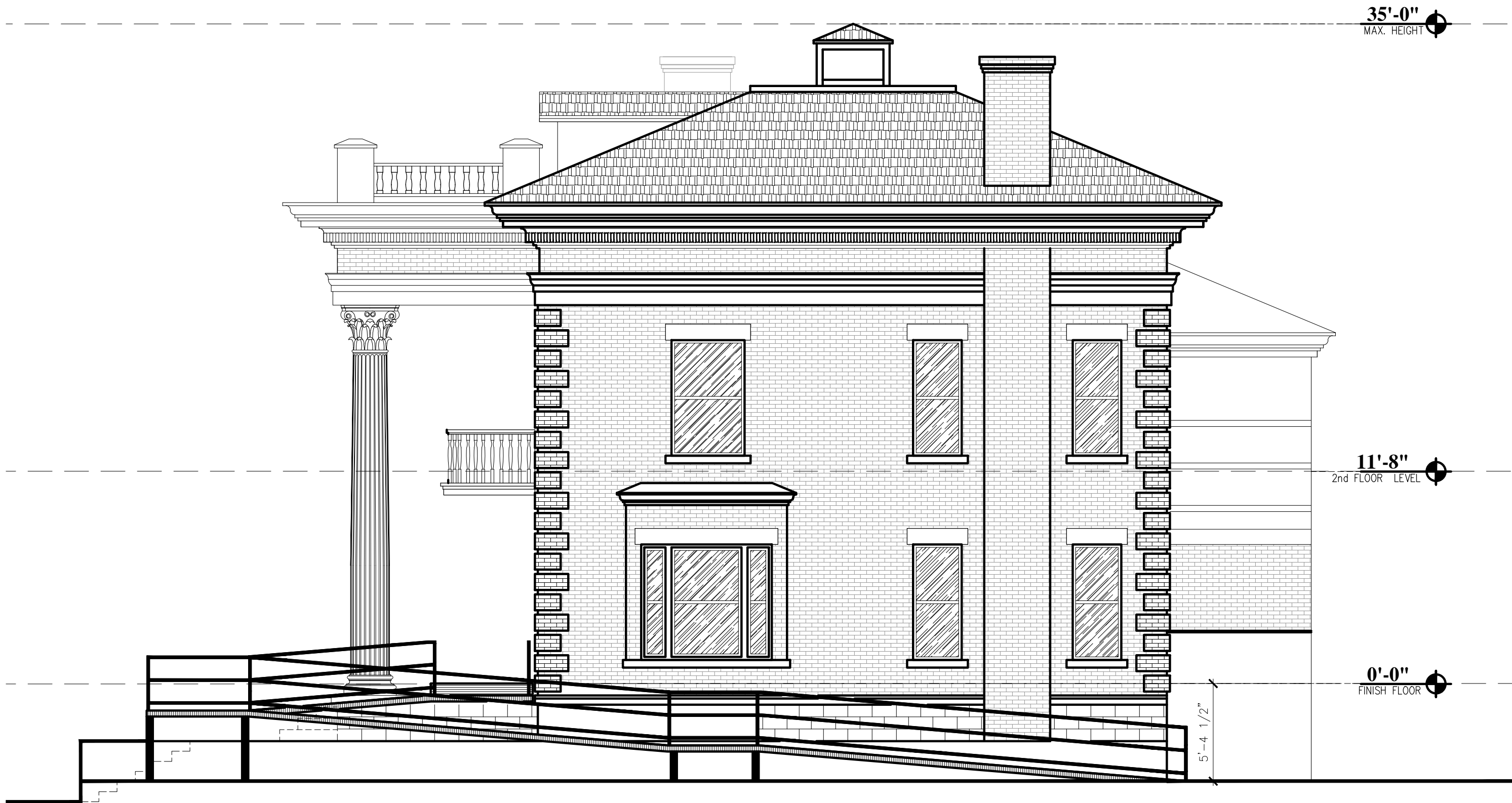
3 REAR ELEVATION

Scale: 3/16" = 1'-0"



4 LEFT SIDE ELEVATION

Scale: 3/16" = 1'-0"

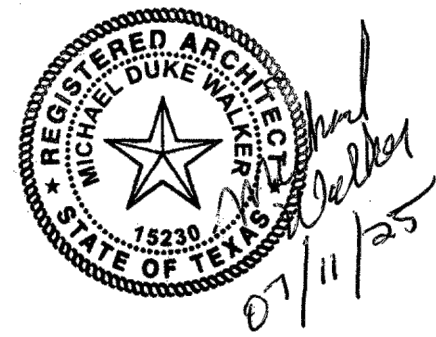


5 RIGHT SIDE ELEVATION

Scale: 3/16" = 1'-0"



COMPLETE
DESIGN & DRAFTING
Inc.
810 TEXAS AVENUE
EL PASO, TEXAS
79901
PH. 915-777-3056
PH. 915 701-7643
carlos.cdd@yahoo.com
www.designanddrafting.com



DETAILED SITE DEVELOPMENT PLAN FOR
SPECIAL PERMIT FOR:

1514 MONTANA LLC

ADDRESS : 1514 MONTANA AVE.,
EL PASO , TEXAS 79902

PROJECT

1514 MONTANA AVE.,
EL PASO , TEXAS 79902

PROJECT NUMBER DATE

JULY 2025

REVISIONS

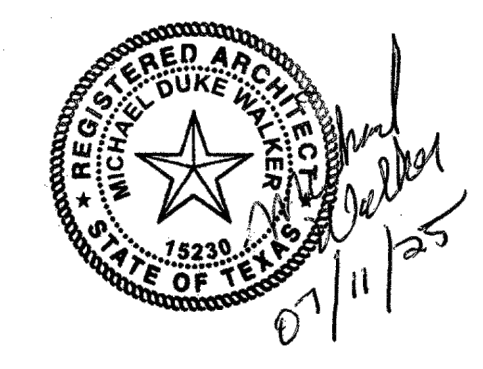
SHEET TITLE

OFFICE - ELEVATIONS

SHEET NUMBER

A2.0

2 OF 3

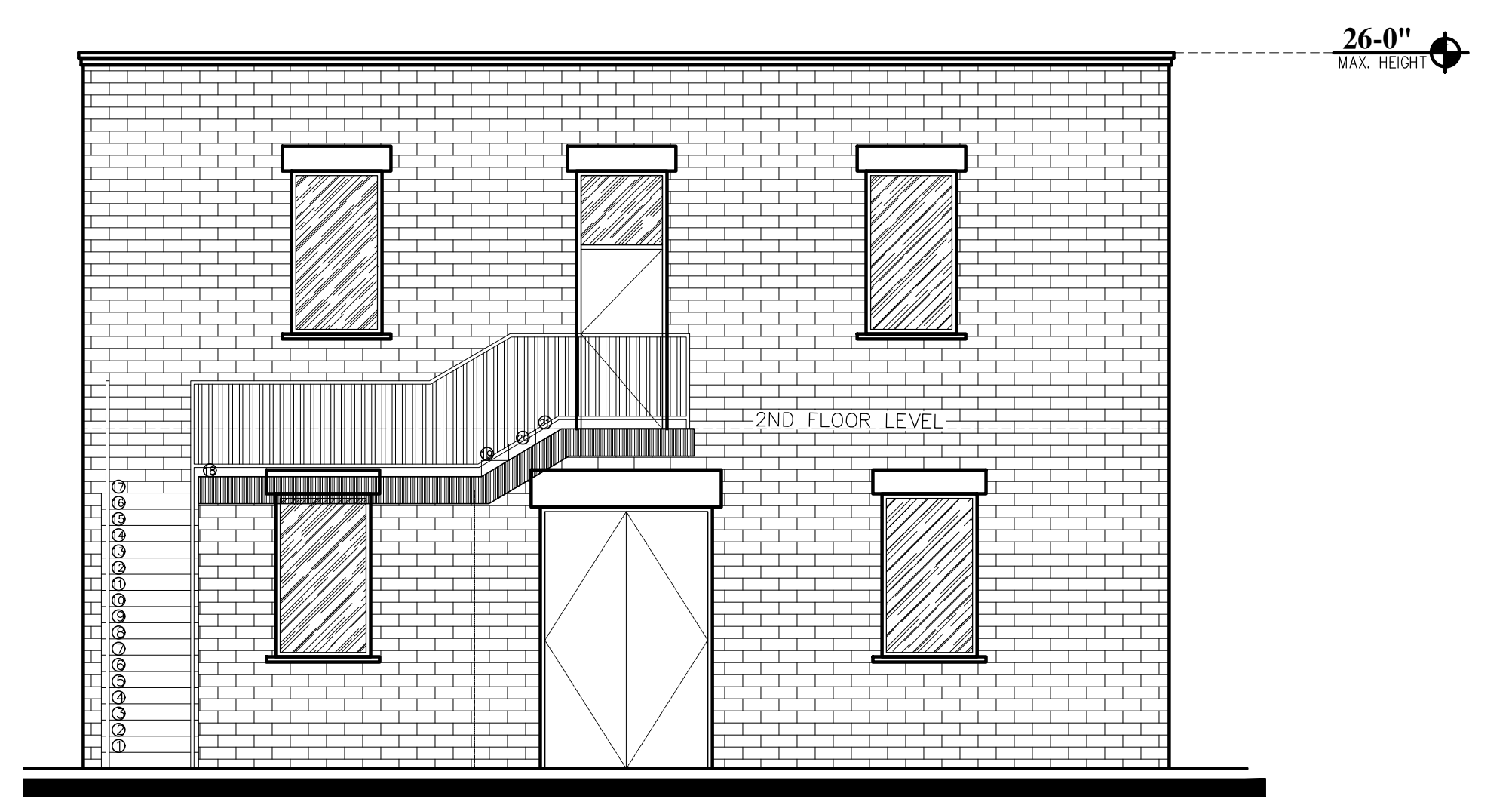


DETAILED SITE DEVELOPMENT PLAN FOR
SPECIAL PERMIT FOR:

1514 MONTANA LLC

ADDRESS : 1514 MONTANA AVE.,
EL PASO , TEXAS 79902

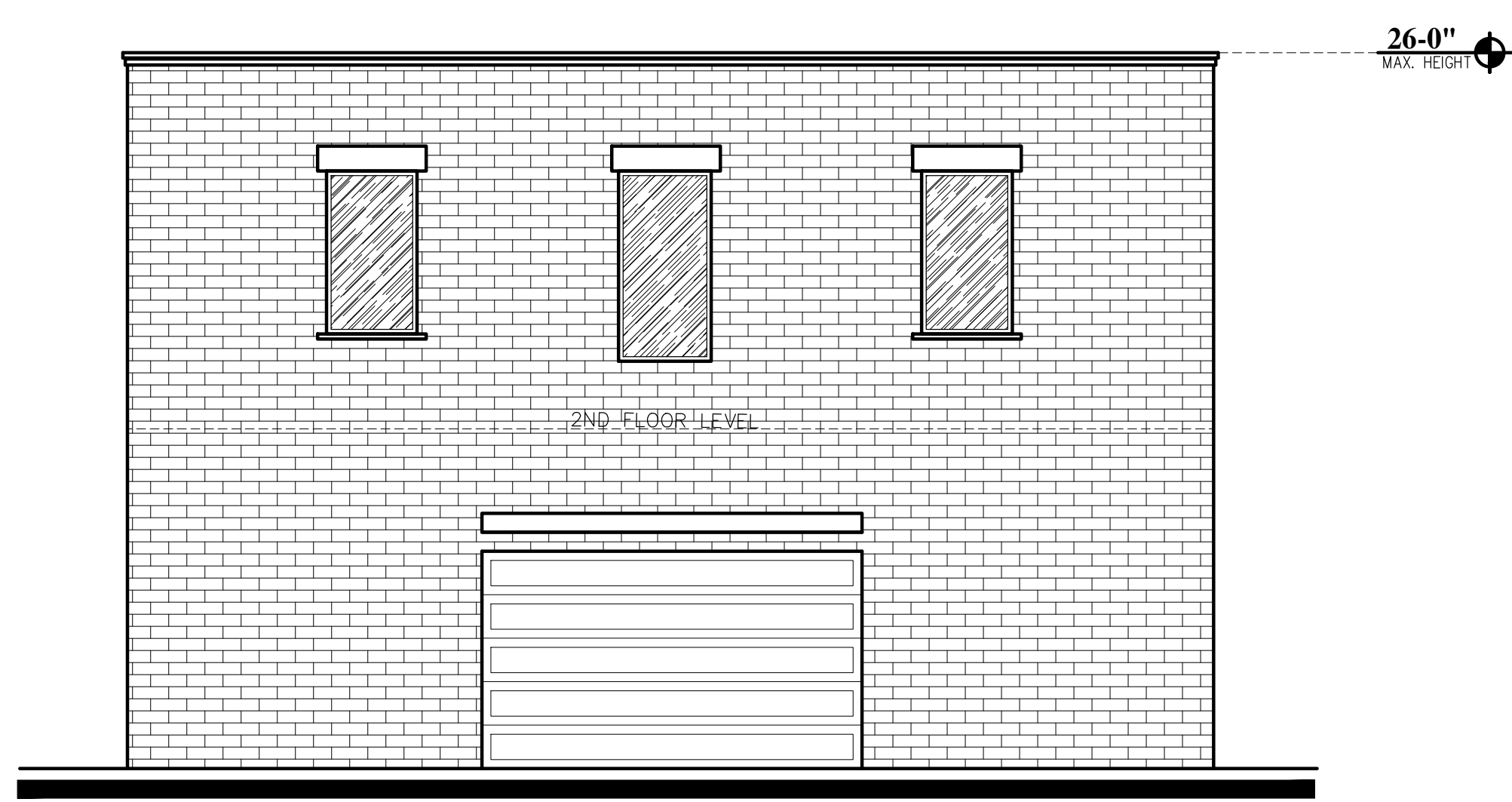
PROJECT	
1514. MONTANA AVE., EL PASO , TEXAS 79902	
PROJECT NUMBER	DATE
	JULY 2025
REVISIONS	
SHEET TITLE	
ADU ELEVATIONS	
SHEET NUMBER	
A3.0	
3 OF 3	



7

APARTMENT FRONT ELEVATION

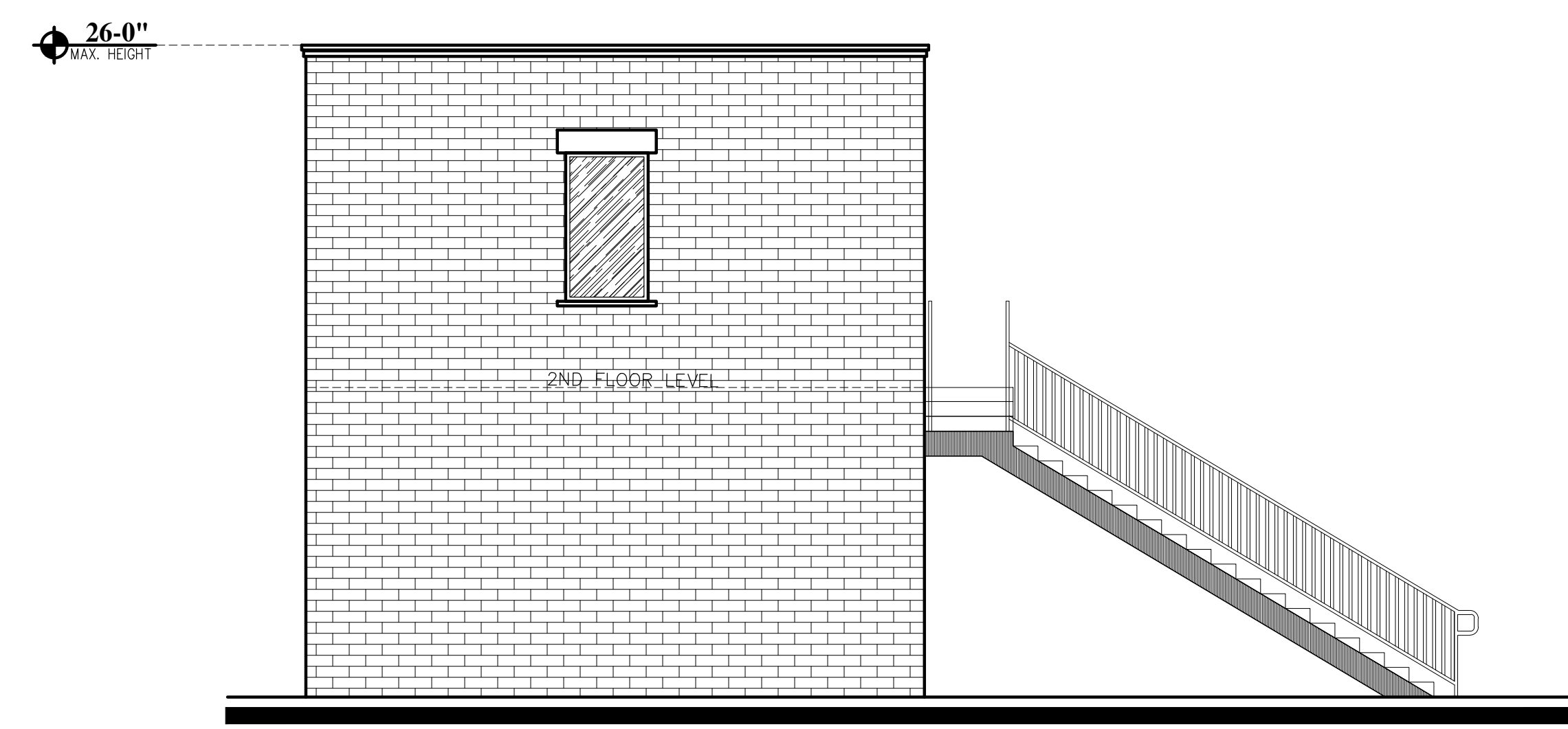
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8

APARTMENT REAR ELEVATION

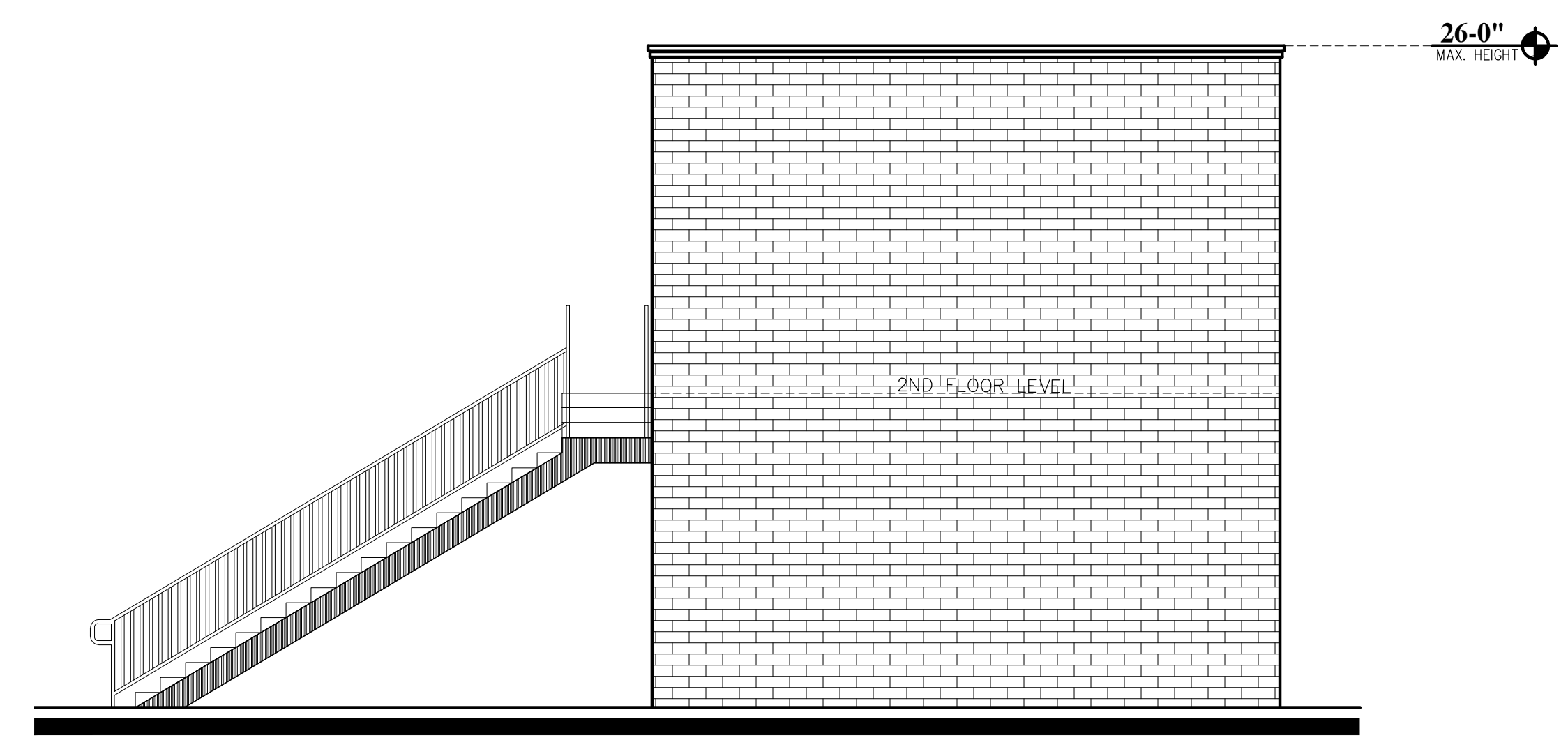
Scale: 3/16" = 1'-0"



10

APARTMENT LEFT SIDE ELEVATION

Scale: 3/16" = 1'-0"



9

APARTMENT RIGHT SIDE ELEVATION

Scale: 3/16" = 1'-0"

1514 Montana

City Plan Commission — July 31, 2025

SPECIAL PERMIT



CASE NUMBER:	PZST25-00003
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	1514 Montana LLC
REPRESENTATIVE:	Vanessa Duran
LOCATION:	1514 Montana Avenue (District 8)
PROPERTY AREA:	0.206 acres
EXISTING ZONING:	A-2 (Apartment)
REQUEST:	Special Permit for use of professional office, reduction to front, rear and side setbacks, 70% parking reduction and Detailed Site Development Plan approval in A-2 (Apartment) zone district.
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of July 24, 2025.

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow a professional office use within the A-2 (Apartment) zone district, along with reductions to the required front, rear, and side setbacks, and a 70% reduction in parking requirements.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit and detailed site development plan requests for the use of a professional office in an A-2 (Apartment) zone district, setback reductions and parking reduction. The proposed development meets all the requirements of El Paso City Code Section 20.04.320 – Special permit and Section 20.04.150 – Detailed Site Development Plan. Furthermore, the proposed development is in accordance with both the G-2 Traditional Neighborhood (Walkable) Future land use Designation and *Plan El Paso*, the City's adopted Comprehensive Plan.

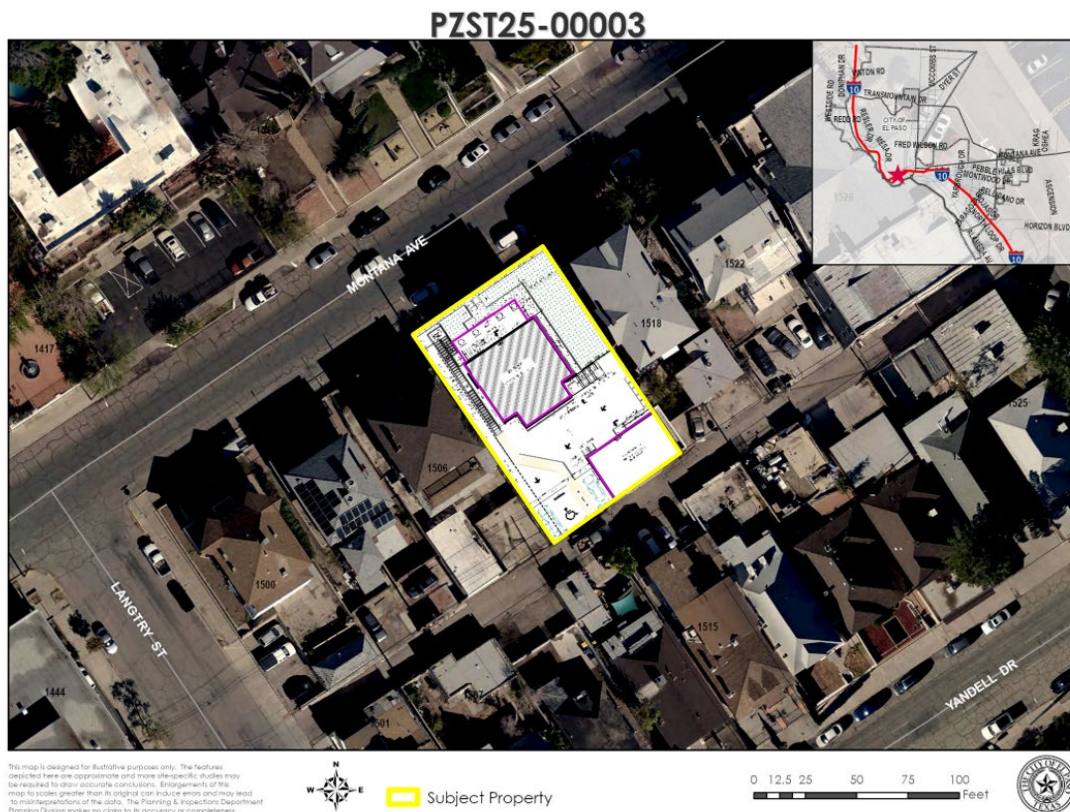


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special permit for the use of a professional office within the A-2 (Apartment) zone district, along with reductions to front, rear and side setbacks. The detailed site development plan shows an existing single-family residence of approximately 1,626 square feet and an accessory structure of 1,000 square feet. The main structure is proposed to be converted into a professional office with a basement dwelling unit, while the accessory structure will be converted into an additional dwelling unit, resulting in a mixed-use development consisting of a professional office and a duplex. The applicant seeks approval of the following reductions:

	A-2 (Apartment) Zone District		
Density/Dimensional Standard	Required (Office)	Required (Duplex)	Proposed
Front Yard Setback (min.)	20 ft	20 ft	14 ft 4 in
Rear Yard Setback (min.)	15 ft	25 ft	0 ft
Side Yard Setback (East) (min.)	5 ft	5 ft	0 ft
Side Yard Setback (West) (min.)	5 ft	5 ft	No Change

The development requires a minimum of ten (10) vehicular parking spaces and three (3) bicycle spaces. While the required bicycle spaces are provided, the applicant is also requesting a 70% parking reduction, equivalent to seven (7) parking spaces. A parking study was submitted in support of the request (see Attachment 4), identifying 115 on-street parking spaces within 300 feet of the subject property, with an average availability of 72 spaces. Pedestrian access to the property is provided from Montana Avenue, while vehicular access will be from an alley connecting Lee Street and Langtry Street. The nearest bus stop is located approximately 0.03 miles from the subject property along Montana Avenue.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The detailed site development plan complies with all applicable standards of the El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request is consistent with the recommendations of <i>Plan El Paso</i> and the G-2 Traditional Neighborhood (Walkable) future land use designation. The proposed development is compatible with the surrounding residential, apartment, and office uses.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property fronts Montana Avenue, which is classified as a major arterial in the City of El Paso's Major Thoroughfare Plan (MTP) and is suitable for a professional office and duplex use. The proposed development is not expected to impose an undue burden on existing public improvements.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	No adverse impacts are anticipated from the approval of the proposed special permit and detailed site development plan. The development will comply with zoning requirements and is not expected to negatively affect neighboring properties.
5. The design of the proposed development mitigates substantial environmental problems.	The subject property does not involve greenfield development, environmentally sensitive land, or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The proposed development does not require landscaping per Section 18.46 of the El Paso City Code due to the existing structure being built.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
7. The proposed development is compatible with adjacent structures and uses.	Yes. The proposed development is compatible with surrounding residential uses and structures. The principal building will retain its existing façade and will be converted for use as a professional office and a duplex.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes, the proposed redevelopment is consistent in intensity and scale with the surrounding development.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.14.070.A) – EXISTING DEVELOPMENT: Up to 100% parking reduction for a use involving an existing structure located within an older neighborhood of the City that is proposed through the rehabilitation, alteration or expansion of the existing structure(s). The applicant shall satisfactorily demonstrate compliance with all of the following conditions:	
Criteria	Does the Request Comply?
1. That the structure(s) is located in an older neighborhood of the City that has been legally subdivided and developed for at least thirty years.	Yes. The subject property is located within the Franklin Heights Addition, which was platted in 1901.
2. That the structure(s) does not extend into an area within the property which was previously used to accommodate off-street parking.	Yes. The building has maintained its current footprint on the property since 1908.
3. That the off-street parking required for the proposed use of the structure(s) cannot be reasonably accommodated on the property due to the building coverage, whether due to the existing structure or due to a proposed expansion of the existing structure.	Yes. Due to the building's layout, the subject property can accommodate only three parking spaces at the rear.
4. That no vacant areas exist within three hundred feet of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.	Yes. The property owner does not own any parcels within 300 feet that can accommodate the necessary off-street parking.

COMPLIANCE WITH <i>PLAN EL PASO</i> GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood (Walkable): This sector includes the remainder of Central El Paso as it existing through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in the Comprehensive Plan.</p>	Yes. The proposed redevelopment aligns with the future land use designation and is compatible with the surrounding development.

<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-2 (Apartment): The purpose of these districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low-density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes. The proposed professional office and duplex uses are compatible with the surrounding single-family, multi-family, and office uses in the neighborhood. A duplex is permitted by right, while a professional office use is allowed in the A-2 (Apartment) zone district through the approval of a special permit.</p>
<p>THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</p>	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>The subject property is located within the Montana Avenue National Historic District; however, it is not locally designated and is not subject to local historic review.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed facility is not anticipated to pose any adverse effects on the community.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve greenfield or environmentally sensitive arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable, with no rezoning in the area within the last 10 years.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>Existing zoning will not be changed. Due to the location and the proposed use, a special permit is required per City Code.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property has access from Montana Avenue, which is designated as a major arterial in the City of El Paso's Major Thoroughfare Plan (MTP), making it suitable for the proposed redevelopment. Existing infrastructure and public services are adequate to support the project. Additionally, there are at least eight (8) bus stops within a 0.25-mile walking distance of the property, with the nearest located approximately 0.03 miles away along Montana Avenue.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments.

PUBLIC COMMENT: The subject property is located within the boundaries of the Sunrise Civic Group, El Paso Central Business Association, and Central El Paso Community Organization, all of which were notified of the special permit application. Public notices were sent to property owners within 300 feet of the subject property on July 18, 2025. As of July 24, 2025, the Planning Division has not received any communication in support of or opposition to the special permit and detailed site development plan request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**

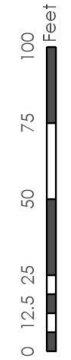
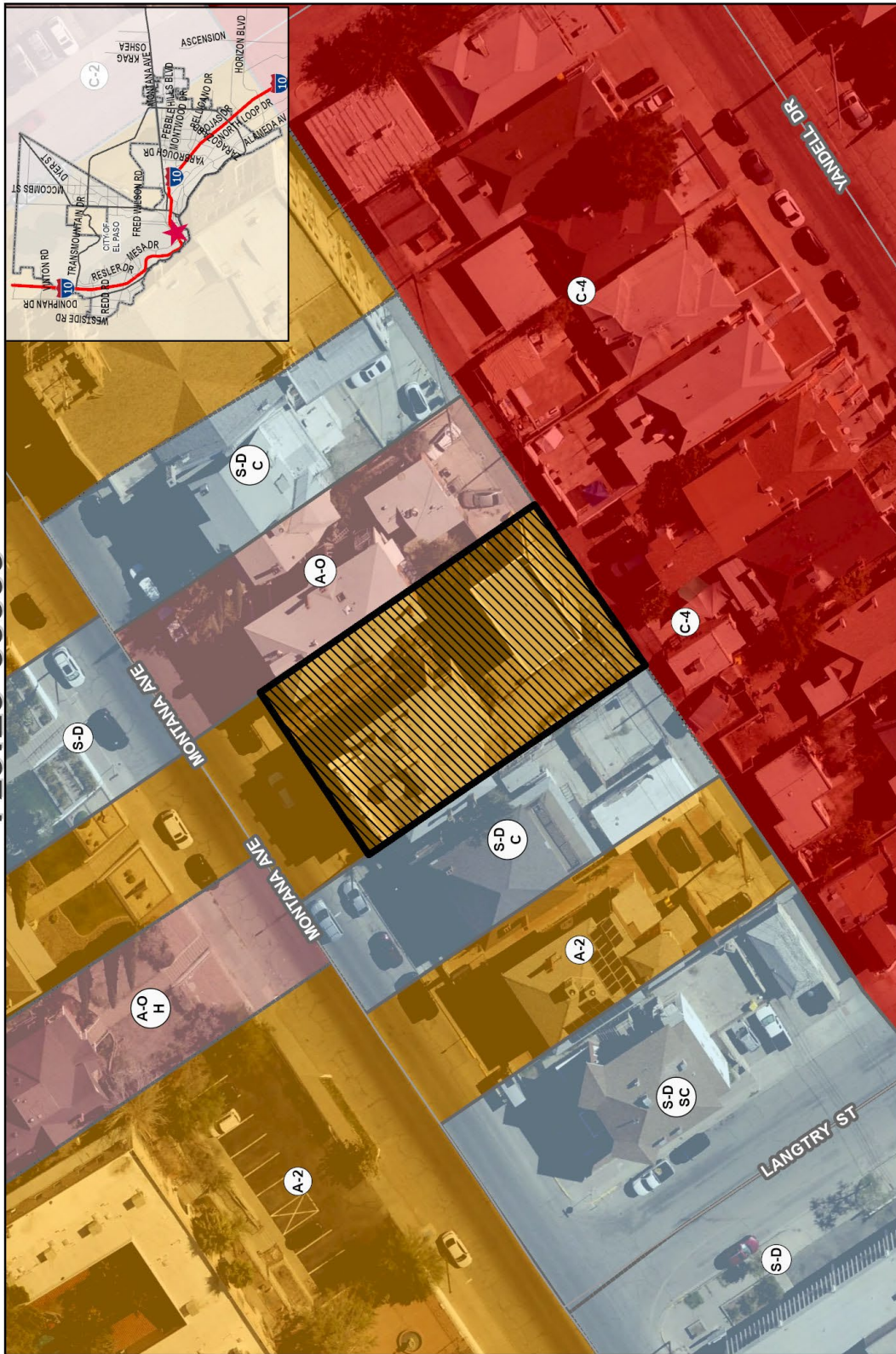
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Zoning Map
2. Detailed Site Development Plan
3. Elevations
4. Parking Study
5. Department Comments
6. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZST25-00003

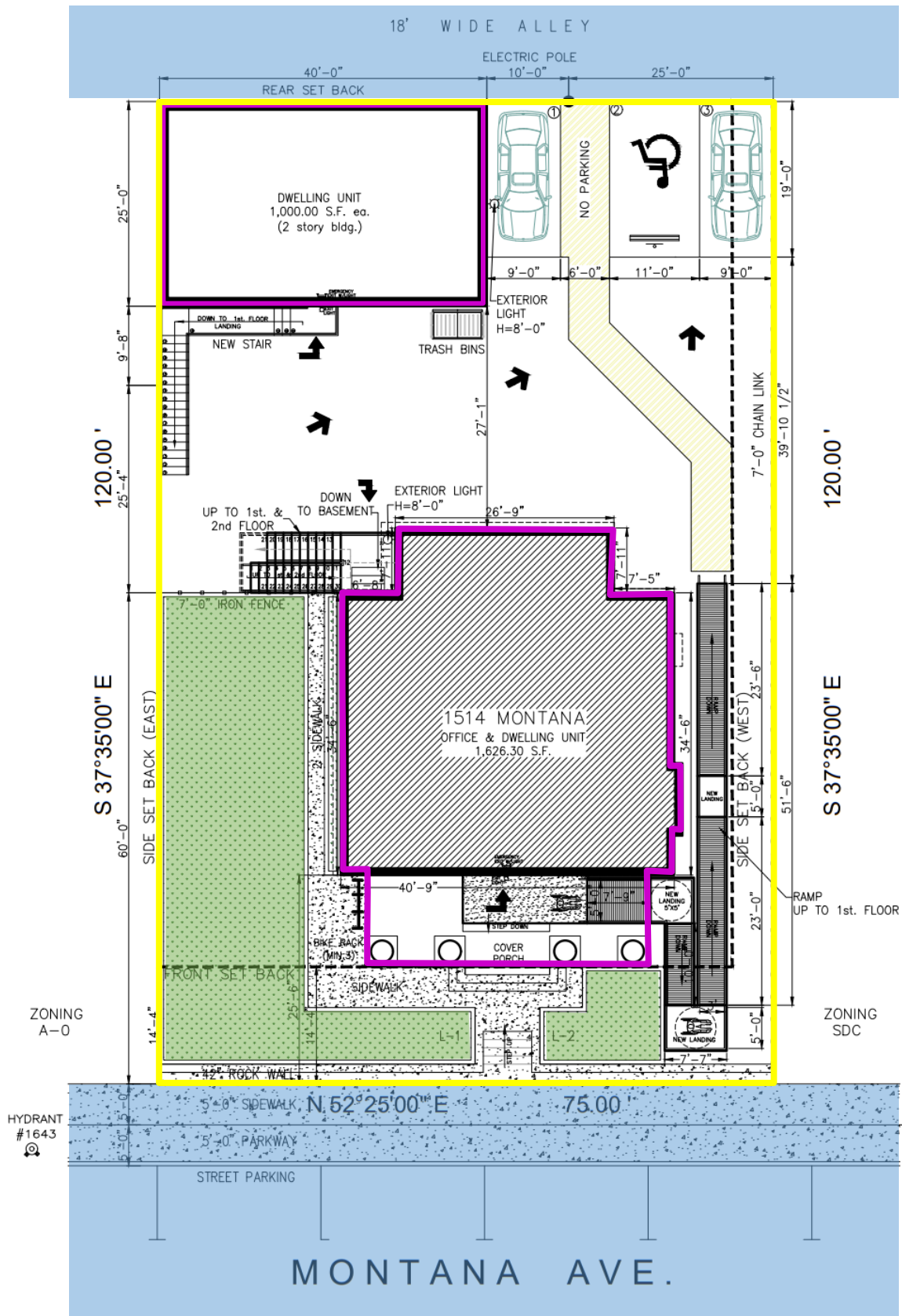


Subject Property

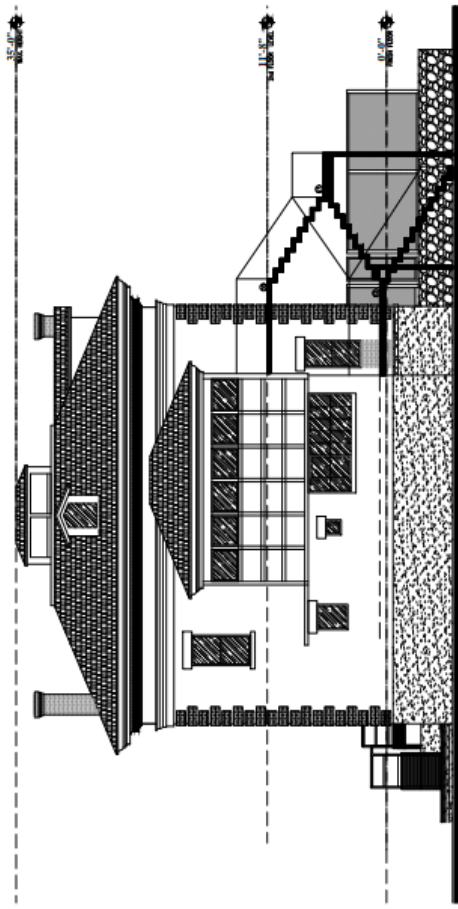


This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to determine the exact location and boundaries of the subject property. The Planning & Inspection Department makes no claim to its accuracy or completeness.

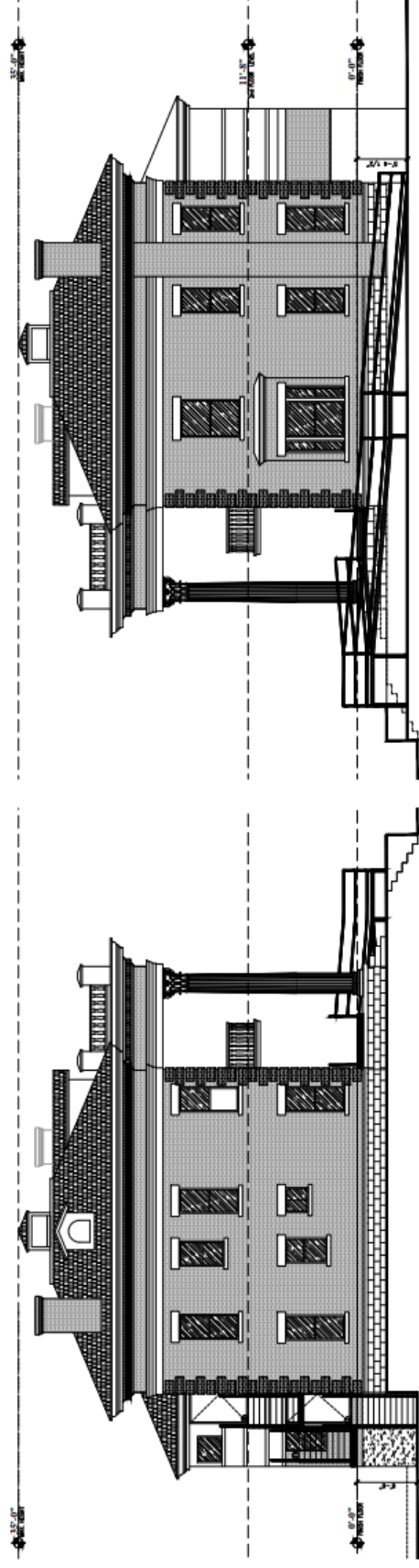
ATTACHMENT 2



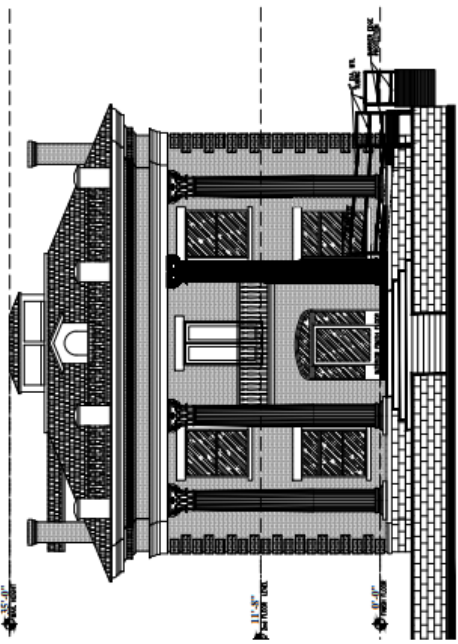
ATTACHMENT 3



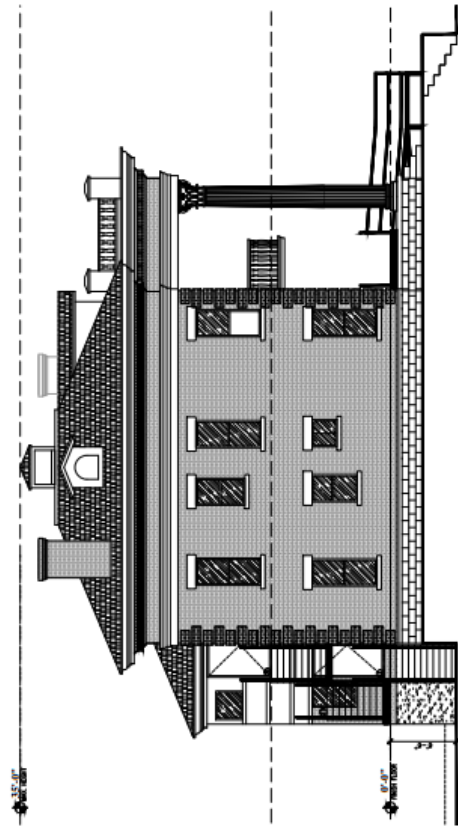
2 FRONT ELEVATION
Scale: 3/16" = 1'-0"



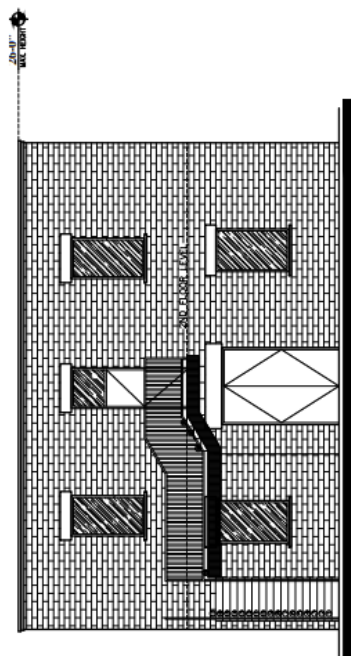
3 REAR ELEVATION
Scale: 3/16" = 1'-0"



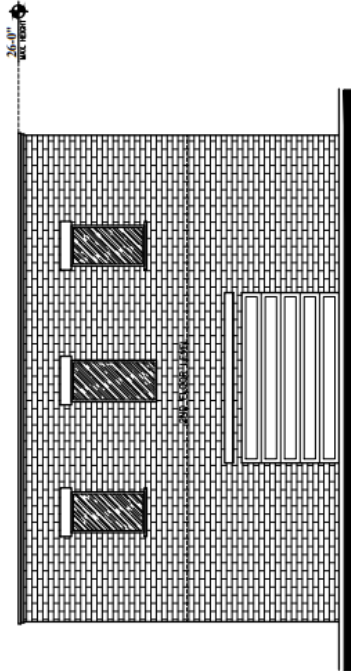
4 LEFT SIDE ELEVATION
Scale: 3/16" = 1'-0"



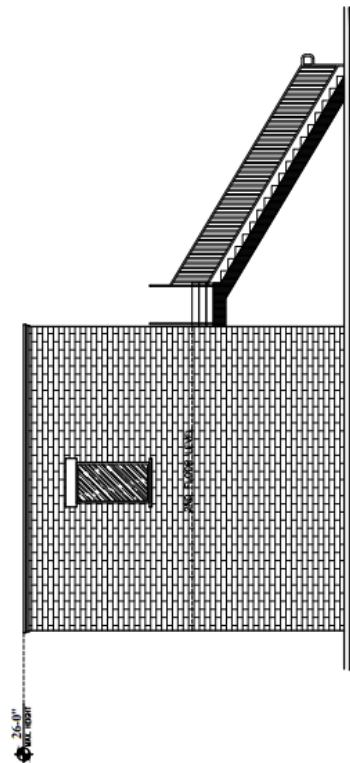
5 RIGHT SIDE ELEVATION
Scale: 3/16" = 1'-0"



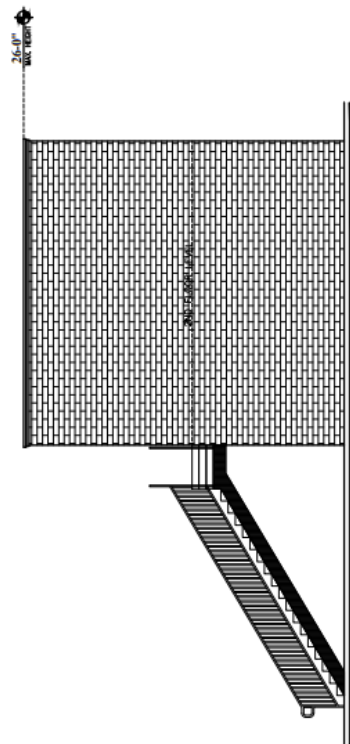
7 DWELLING UNIT - FRONT ELEVATION
Scale: 3/16" = 1'-0"



8 DWELLING UNIT - REAR ELEVATION
Scale: 3/16" = 1'-0"



10 DWELLING UNIT - LEFT SIDE ELEVATION
Scale: 3/16" = 1'-0"



9 DWELLING UNIT - RIGHT SIDE ELEVATION
Scale: 3/16" = 1'-0"

ATTACHMENT 4

MAP PARKING AND OTHER FACILITIES W/300' RADIUS OF 1514 MONTANA AVE.



SPECIAL PERMIT PARKING SURVEY

115 TOTAL PARKING SPACES								
DATE	MONTANA AVE.		LANGTRY ST.		YANDELL DR.		LEE ST.	
04/30/25	37 SPACES		17 SPACES		29 SPACES		32 SPACES	
TIME	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED	AVAILABLE	OCCUPIED
7:00 AM	37	0	16	1	19	10	32	0
8:00 AM	34	3	16	1	16	13	30	2
9:00 AM	27	10	14	3	15	14	26	6
10:00 AM	19	18	11	6	17	12	27	5
11:00 AM	18	19	9	8	17	12	27	5
12:00 AM	12	25	7	10	13	16	13	19
1:00 PM	17	20	6	11	12	17	17	15
2:00 PM	15	22	6	11	12	17	16	16
3:00 PM	19	18	7	10	12	17	16	16
4:00 PM	21	16	8	9	12	17	18	14
5:00 PM	25	12	9	8	9	20	19	13
6:00 PM	37	0	17	0	17	12	25	7
7:00 PM	37	0	16	1	13	16	32	0



1.1

PROJECT LOCATION

Scale: N/A

ON STREET PARKING FACILITIES WITHIN 300 FEET RADIUS FROM 903 PARK ST.
24-DIAGONAL PARKING SPACES ON LEE ST.

91-PARALLEL PARKING SPACES.

3 SUN METRO BUS STOP WITHIN 300' RADIUS.

WITH ACCESSIBLE ROUTE SIDEWALKS, THERE ARE ADA CURB RAMPS AT ALL INTERSECTIONS.



2 FIRE HYDRANTS WITHIN 300' RADIUS.



PARKING SPACES WITHIN 300' RADIUS.

ATTACHMENT 5

Planning and Inspections Department - Planning Division

Staff recommends approval of the special permit and detailed site development plan requests for the use of a professional office in an A-2 (Apartment) zone district, setback reductions and parking reduction. The proposed development meets all the requirements of El Paso City Code Section 20.04.320 – Special permit and Section 20.04.150 – Detailed Site Development Plan. Furthermore, the proposed development is in accordance with both the G-2 Traditional Neighborhood (Walkable) Future land use Designation and *Plan El Paso*, the City's adopted Comprehensive Plan.

Planning and Inspections Department – Plan Review & Landscaping Division

No comments or objections to the proposed special permit.

Planning and Inspections Department – Land Development

Provide and label note “All existing and proposed sidewalks, barrier free ramps, handicap parking, driveway crosswalks, driveways and accessible routes shall comply with A.D.A./T.A.S. and city of El Paso requirements. Existing infrastructure not complying shall be removed and replaced to meet standards”.

Note: Comment has been addressed.

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Streets and Maintenance Department

Traffic and Transportation Engineering:

- Grant parking reduction as per City Ordinance 20.14.070 Parking reductions
- No objections to application

Street Lights Department:

For the development of a subdivision a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

Street Lights Department requires that a project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Sun Metro

No comments provided.

El Paso Water

No objections to request.

EPWU-PSB Comments

There is an existing 6-inch diameter water main that extends along the alleyway between Montana Ave. and Yandell Dr., located approximately 5-feet south of the northern right of way line. This main is available to provide service.

There is an existing 16-inch diameter water main that extends along Montana Ave., located approximately 21-feet south of the northern right of way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure reading from fire hydrant #01643, located at the southwest corner of the intersection of Montana Ave. and Lee St. has yielded a static pressure of 86 (psi), a residual pressure of 84 (psi), and a discharge of 1,061 (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

EPWater records indicate an existing 1 1/2-inch water meter serving the subject property with service address of 1514 Montana Ave.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along the alleyway between Montana Ave. and Yandell Dr. This main is available to provide service.

There is an existing 8-inch diameter sanitary sewer main that extends along Montana Ave. located on the southern portion of the street. This main dead-ends approximately 187-feet east of Langtry St. This main is available to provide service.

There is an existing 18-inch diameter sanitary sewer main that extends along Montana Ave. located 5-feet south of the northern right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

General

EPWater-PSB requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

El Paso County 911 District

No comments or concerns regarding this zoning.

Texas Department of Transportation

No comments provided.

El Paso County Water Improvement District #1

No comments provided.

El Paso Electric

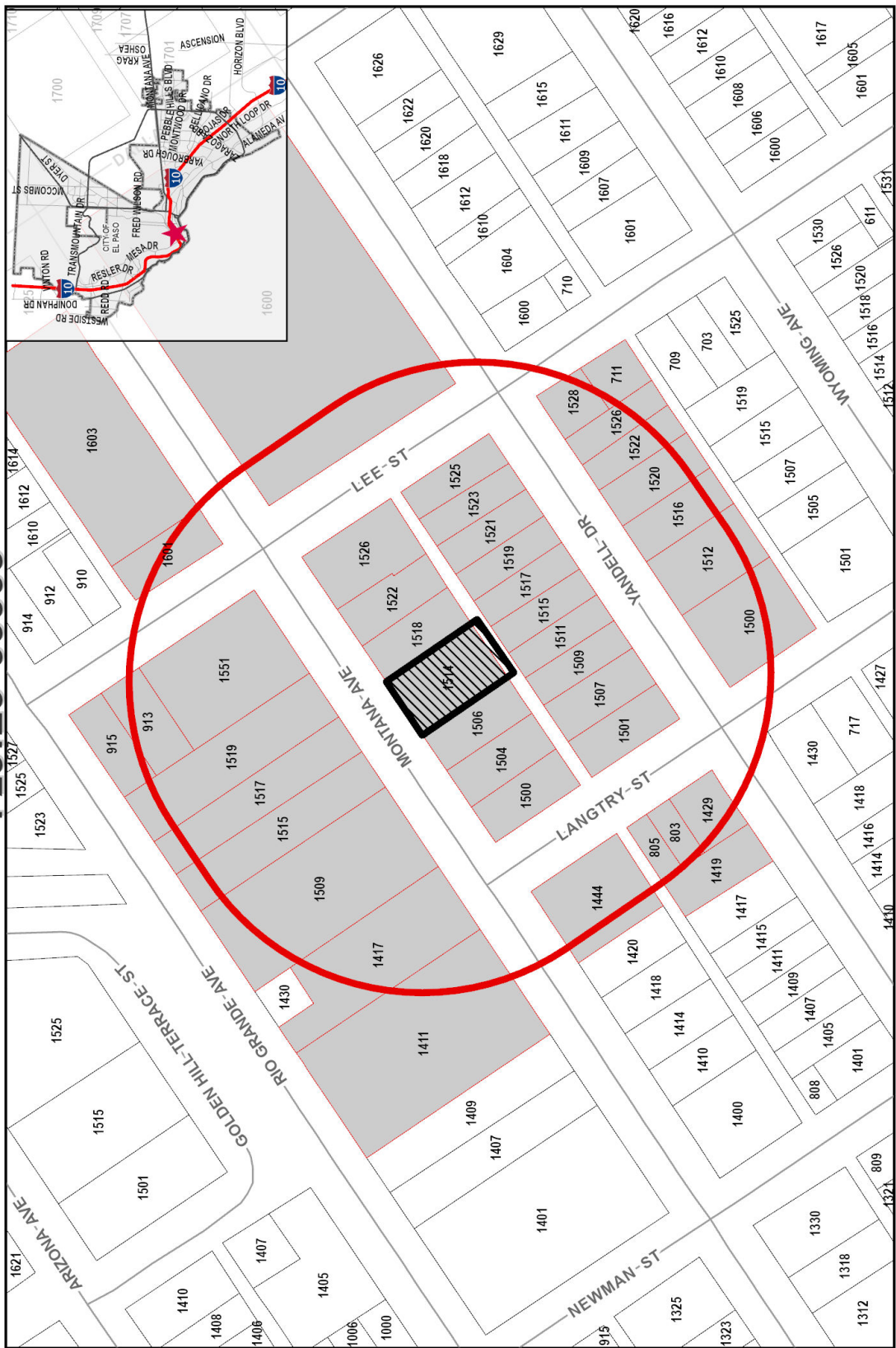
No comments for 1514 Montana Ave.

Texas Gas Service

Texas Gas Service has a service line at 1514 Montana Ave.

ATTACHMENT 6

PZST25-00003





0 37.5 75 150 225 300 Feet



 Subject Property
 300 Feet Notice Area
 Notified Properties

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Engagements of this type are not intended to be used for legal or regulatory purposes. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name JONAS SALVA

Business Name 1514 MONTANA 22C

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____

[Handwritten Signature]

Date: _____

3/6/25



Legislation Text

File #: 25-1076, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Blanca Perez, (915) 212-1561

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of the property described as the West 10 feet of Lot 22, all of Lot 23, and the East 5 feet of Lot 24, Block 17, Cotton Addition, 2320 Montana Avenue, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development), pursuant to Section 20.04.360, and approving a Detailed Site Development Plan pursuant to Section 20.04.150 and 20.10.360 of the El Paso City Code to allow for a boutique as permitted in the S-D (Special Development) zone district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 2320 Montana Avenue

Applicant: Ana Lujan, PZRZ25-00002

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiive

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY DESCRIBED AS THE WEST 10 FEET OF LOT 22, ALL OF LOT 23, AND THE EAST 5 FEET OF LOT 24, BLOCK 17, COTTON ADDITION, 2320 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT), PURSUANT TO SECTION 20.04.360, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR A BOUTIQUE AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Ana M. Lujan, (Owner) has applied for a rezoning of property from **A-2 (Apartment)** to **S-D (Special Development)** per Section 20.04.360 of the El Paso City Code; and,

WHEREAS, Owner has also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for a boutique use with reductions to the district area and side yard setback, which requires approval from both City Plan Commission and City Council; and,

WHEREAS, a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission meeting; and,

WHEREAS, City Plan Commission has recommended approval of the subject rezoning and detailed site development plan; and,

WHEREAS, the rezoning and detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of the El Paso City Code.

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

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *the west 10 feet of Lot 22, all of Lot 23 and the east 5 feet of Lot 24, Block 17, Cotton Addition, 2320 Montana Avenue, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A"*, be changed from **A-2 (Apartment)** to **S-D (Special Development)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.
2. That the property described above be subject to the following condition which is necessitated by and attributable to the increased density generated by the change of zoning in order to protect the health, safety, and welfare of the adjacent property owners and the residents of this City:

No conditions.

ORDINANCE NO. _____

HQ25-5388|Tran#615771|P&I|RTA
2320 Montana Drive Ordinance Rezoning

Zoning Case No: PZRZ25-00002

3. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site development plan submitted by the Owner, to allow a boutique, district area reduction and side setback reduction as permitted under the **S-D (Special Development)** district regulations of 20.04.150 and 20.10.360.

4. A copy of the approved detailed site development plan, signed by the Owner, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference for all purposes.

5. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **S-D (Special Development)** District regulations.

6. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **S-D (Special Development)** district. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

7. The approval of this detailed site development plan shall automatically be void if construction on the property is not started in accordance with the attached plan Exhibit "B" within four (4) years from the date hereof.

8. The penalties for violating the standards imposed through this ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
HQ25-5388|Tran#615771|P&I|RTA
2320 Montana Drive Ordinance Rezoning

Zoning Case No: PZRZ25-00002

AGREEMENT

By execution hereof, Ana M. Lujan ("Owner"), referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **S-D (Special Development)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6 day of August, 2025.

OWNER: Ana M. Lujan

By: ANA M. LUJAN
OWNER
(Print name & Title)

ACKNOWLEDGEMENT

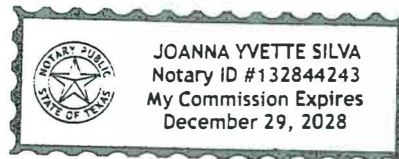
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 6 day of August, 2025, by Ana M Lujan, in his legal capacity on behalf of Ana M. Lujan.

My Commission Expires:

12/29/2028

Joanna Silva
Notary Public, State of Texas



ORDINANCE NO. _____
HQ25-5388|Trans#6|577|P&I
2320 Montana Ordinance|RTA

Zoning Case No: PZRZ25-00002

Barragan & Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

Description of a portion of land being the West 10 Feet of Lot 22, all of Lot 23, and the East 5 feet of Lot 24, Block 17, Cotton Addition, an addition to the City of El Paso, El Paso County, Texas, being the same property described in Instrument No. 20240086880, Real Property Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING, at a found Original City Monument on the monument line of Montana Avenue and Palm Street at a 10-foot offset northeast, **WHENCE**, a found Original City Monument on monument line of Montana Avenue and Poplar Street at a 10-foot offset northeast, bears N 56° 10' 58" E, along said monument line of Montana Avenue, a distance of 470.00 feet; **THENCE**, N 56° 10' 58" E, along said monument line of Montana Avenue, a distance of 245.00 feet to a point; **THENCE**, S 33° 49' 02" E, leaving said monument line of Montana Avenue, a distance of 46.00 feet to a point on the southerly right-of-way line of Montana Avenue and on northerly common corner of parcels described in Instrument No. 20240086880 and Instrument No. 20090036611, Real Property Records of El Paso County, Texas, said point being the **POINT OF BEGINNING** of this description;

THENCE, N 56° 10' 58" E, along said southerly right-of-way line of Montana Avenue, a distance of 40.00 feet to a point on the northerly common corner of parcels described in Instrument No. 20240086880 and Instrument No. 20240017432, Real Property Records of El Paso County, Texas;

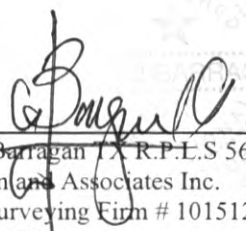
THENCE, S 33° 49' 02" E, leaving said southerly right-of-way line of Montana Avenue along the common line of said parcels described in Instrument No. 20240086880 and Instrument No. 20240017432, a distance of 120.00 feet to a point on the southerly common corner of said parcels described in Instrument No. 20240086880, and Instrument No. 20240017432, and on the northerly right-of-way line of an 18-foot alley;

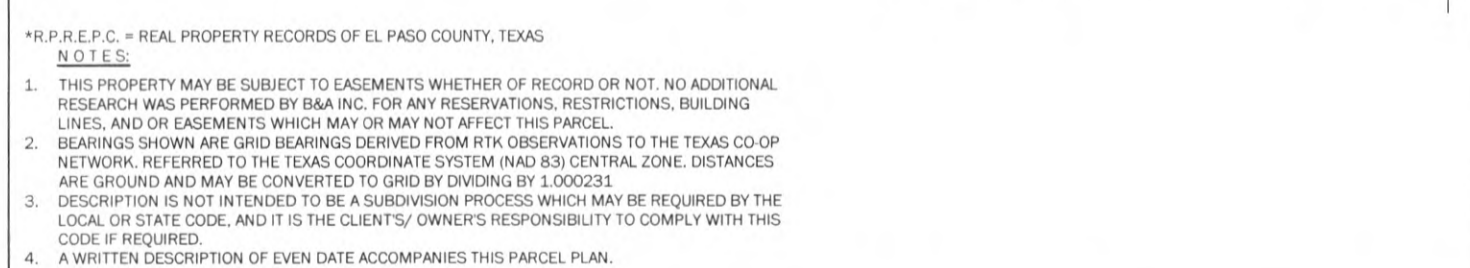
THENCE, S 56° 10' 58" W, along said northerly right-of-way line of an 18-foot alley, a distance of 40.00 feet to a point on the southerly common corner of parcels described in Instrument No. 20240086880 and Instrument No. 20090036611;

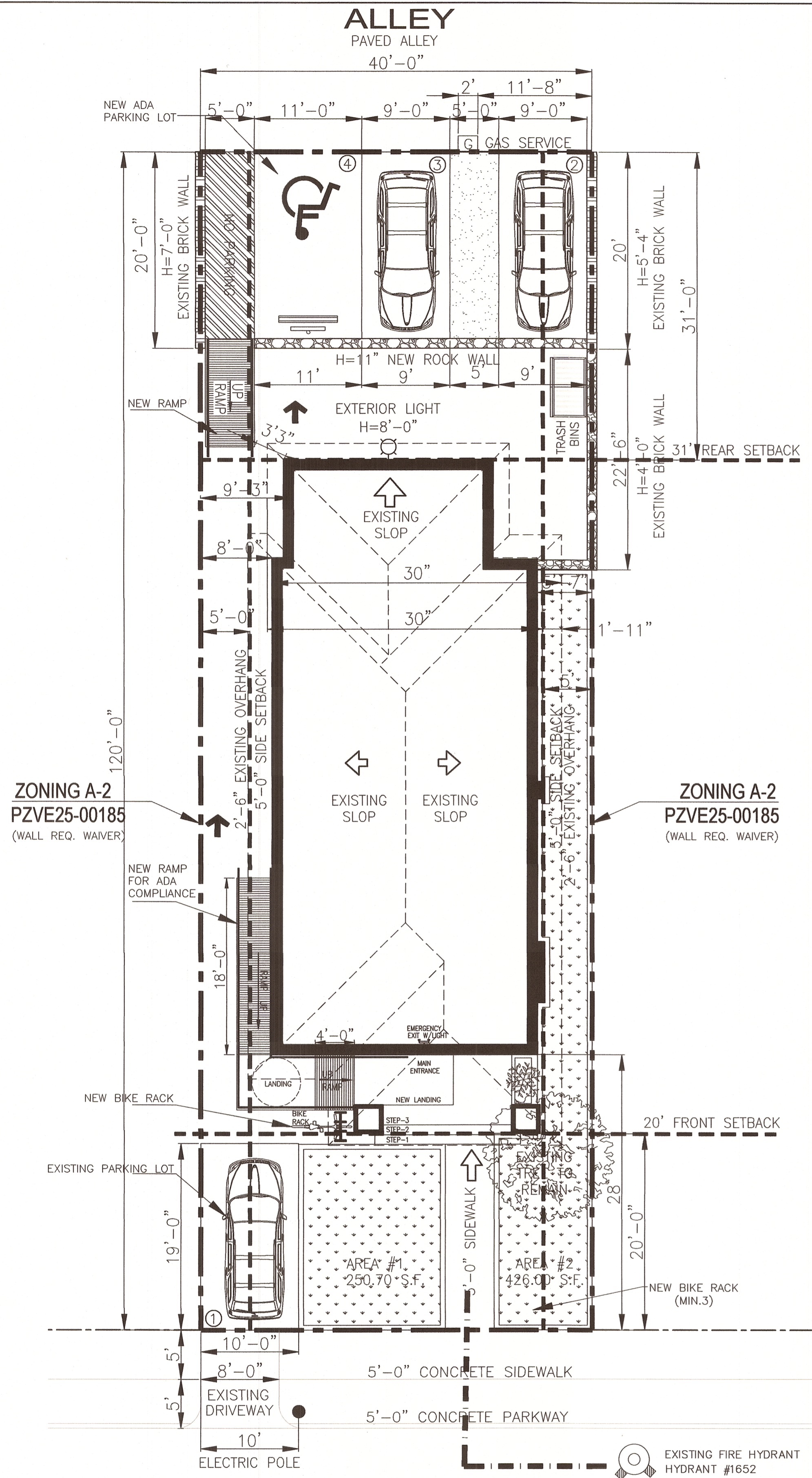
THENCE, N 33° 49' 02" W, leaving said northerly right-of-way line of an 18-foot alley along the common line of said parcels described in Instrument No. 20240086880 and Instrument No. 20090036611, a distance of 120.00 feet to the **POINT OF BEGINNING** of this description and containing in all 0.11 acres more or less.

NOTES:

1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
2. Bearings shown are grid bearings derived from RTK Observations to the Texas CO-OP Network. Referred to the Texas Coordinate System (NAD 83) Central Zone. Distances are ground.
3. This description is not intended to be a subdivision process which may be required by the local or state code, and it is the client's/owner's responsibility to comply with this code if required.
4. A Parcel Plan of even date accompanies this Parcel.


 Benito Barragan T.S.P.S 5615,
 Barragan and Associates Inc.
 Texas Surveying Firm # 10151200
 July 22, 2025
 Job No. 250716-10





1 DETAILED SITE PLAN
Scale: 1/8" = 1'-0"

PROJECT DATA

APPLICABLE CODES
INTERNATIONAL BUILDING CODE 2021
FIRE BUILDING CODE 2021

SCOPE OF WORK

NEW BOUTIQUE

LEGAL ADDRESS

2320 MONTANA AVE.,
EL PASO, TEXAS 79903

LEGAL DESCRIPTION

17 COTTON 23 & W 10 FT OF 22
& E 5 FT OF 24 (4,800.00 SQ FT)

LAND AREA

TOTAL AREA = 4,800.00 S.F.
ACRES AREA = 0.11

SCOPE OF WORK

NEW LAND DEVELOPMENT

ZONING

BUSINESS OFFICE
CLASSIFICATION:
PROPERTY'S CURRENT ZONING: A-2
PROPERTY'S PROPOSED ZONING: SD

OCCUPANCY

NEW BOUTIQUE
AREAS 150 GROSS
 $1,458.00 \text{ S.F.} / 150 = 9.72 \approx 10$
TOTAL = 10

BUILDING AREA: TOTAL = 1,458.00 S.F.

SPACE	AREA S.F.
BOUTIQUE	1,458.00 S.F.
COVER PORCH	208.00 S.F.

ZONING

SET BACKS	PROVIDED A-2	PROPOSED S-D
FRONT YARD	10'-0"	20'-0"
REAR YARD	15'-0"	31'-0"
CUM. FRONT & REAR YARD	45'-0"	N/A
SIDE YARD	5'-0"	5'-0"
SIDE STREET	10'-0"	N/A
MAXIMUM HEIGHT	35'-0"	15'-0"

LEGEND

	ARROWS INDICATE BLDG. ENTRANCE
	ARROWS INDICATE STORM WATER DRAINAGE FLOW
	CONCRETE SLAB (SIDEWALK)
	LANDSCAPING
	ACCESSIBLE ROUTE
	EXISTING PRIVATE FIRE HYDRANT
	PRIVATE FIRE HYDRANT
	ARROWS INDICATE MAIN ENTRANCE

LANDSCAPING CALCULATION

LOT AREA = 4,800.00 S.F.
BUILDING AREA = 1,458.00 S.F.
 $4,800.00 - 1,458.00 = 3,342.00 \text{ S.F.}$
 $3,342.00 \times 15\% = 501.30 \text{ S.F.}$

REQUIRED = 503.10 Sq.Ft.
PROVIDED = 676.70 Sq.Ft.

AREA #1 250.70 S.F.
AREA #2 426.00 S.F.

PARKING CALCULATION

MIN.=1/360 SF GFA BOUTIQUE
MAX.=1/250 SF GFA BOUTIQUE

MIN.=100 (1,458.00)
MIN.= 4.05 = 4 MIN. PARKING SPACES

4 MIN. PARKING SPACES

MAX.=250 (1,458.00)
MAX.= 5.83 = 6 MAX. PARKING SPACES

6 MAX. PARKING SPACES

PROVIDED = 3 PARKING SPACES
1 H.C. PARKING SPACE

TOTAL PROVIDED = 4 PARKING SPACES

PARKING TREES REQUIRED

4-4=ZERO

1 PARKING TREES

BICYCLE PARKING

3 MIN. SPACES REQUIRED

PARKING NOTE:

Chapter 13.12 - DRIVEWAYS

13.12.210 - Variances.

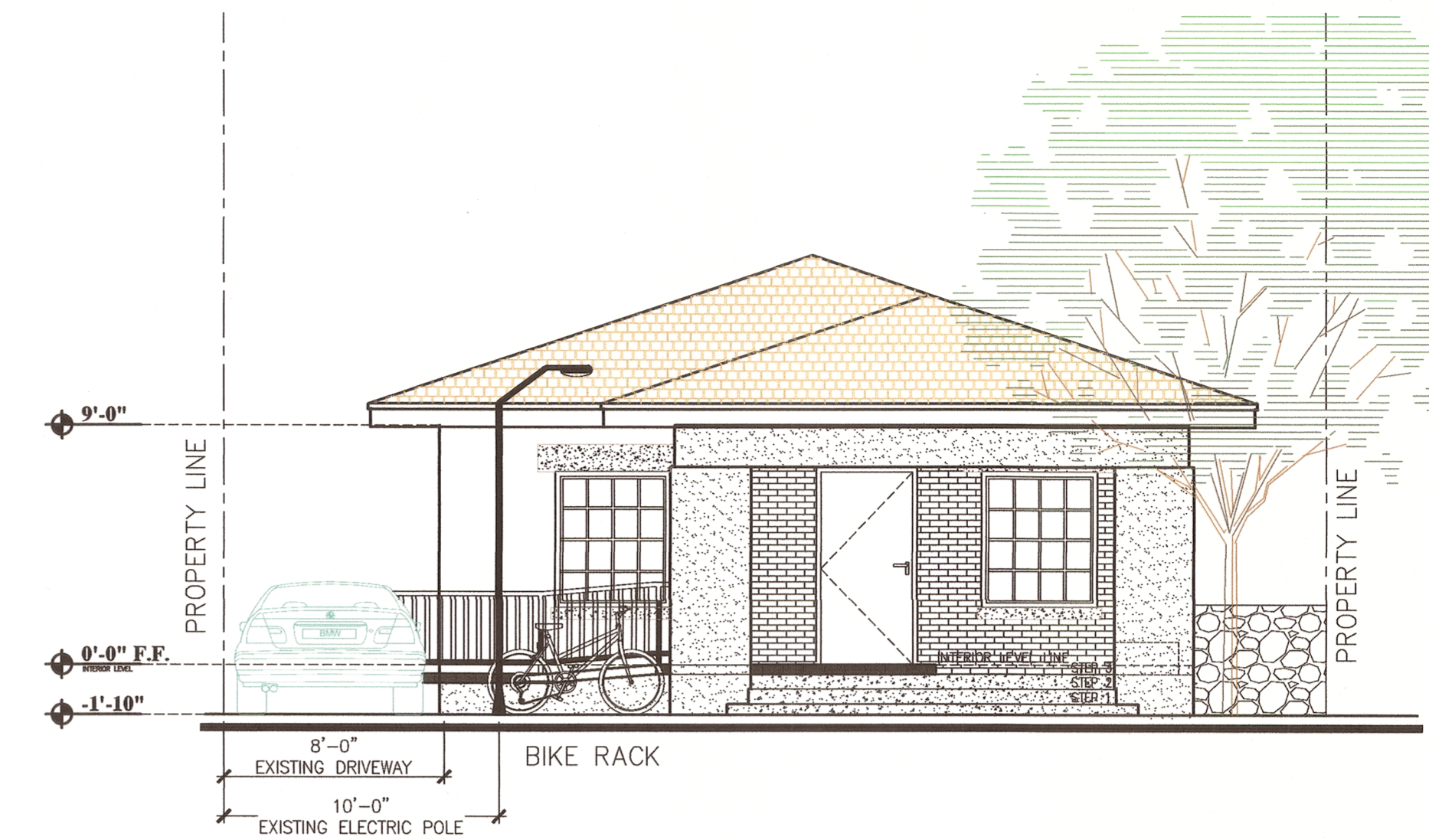
Where special conditions exist, or where practical difficulties in the development and adequate use of land would result from the literal enforcement of the terms of this chapter, the traffic engineer is hereby authorized to vary the requirements herein set forth, provided that any such variances granted shall be in harmony with the general intent of this chapter, and consistent with the public interest, safety and general welfare. Any substantial variances shall be in writing and shall be specifically set forth in the permit issued.

FIRE PROTECTION

NO PROTECTION WITH SPRINKLER
NOT REQUIRED AUTOMATIC
SPRINKLER SYSTEM

FIRE HYDRANT / ACCESSIBLE ROUTE PLAN

EXISTING FIRE HYDRANT
LOCATED AT INTERSECTION OF MONTANA AVE. AND
PALM ST.
HYDRANT #1652

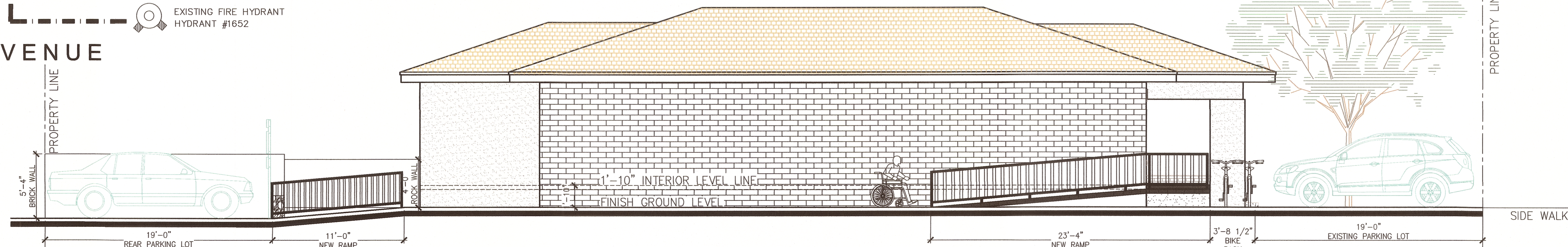


2 FRONT ELEVATION
Scale: 3/16" = 1'-0"



PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
08-05-2025

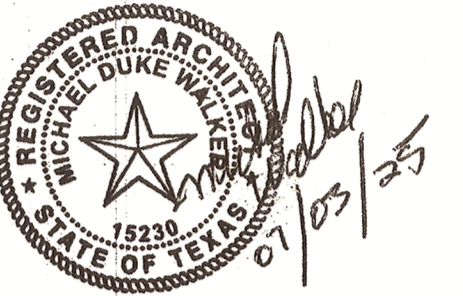
DATE
APPLICANT
Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER



3 LEFT SIDE ELEVATION
Scale: 3/16" = 1'-0"



COMPLETE
DESIGN & DRAFTING
Inc.
810 TEXAS AVENUE
EL PASO, TEXAS
79901
PH. 915-777-3056
PH. 915 701-7643
carlos.cdd@yahoo.com
www.designanddrafting.com



DETAILED SITE DEVELOPMENT PLAN FOR
RE-ZONING FOR:

ANA M. LUJAN

ADDRESS : 2320 MONTANA AVE.,
EL PASO , TEXAS 79903

PROJECT

2320 MONTANA AVE.,
EL PASO , TEXAS 79903

PROJECT NUMBER DATE
JULY 2025

REVISIONS

SHEET TITLE

DETAIL SITE DEVELOPMENT PLAN

SHEET NUMBER

A1.0
1 OF 1

2320 Montana

City Plan Commission — July 17, 2025

REZONING



CASE NUMBER: PZRZ25-00002 (REVISED)
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Ana M. Lujan
REPRESENTATIVE: Vanessa Duran
LOCATION: 2320 Montana Ave. (District 8)
PROPERTY AREA: 0.11 acres
REQUEST: Rezone from A-2 (Apartment) to S-D (Special Development) and Approval of Detailed Site Development Plan with reduction to minimum district area and side yard setback
RELATED APPLICATIONS: None
PUBLIC INPUT: Received two (2) calls of inquiry and one (1) call in support as of July 10, 2025.

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from A-2 (Apartment) to S-D (Special Development) with reduction to minimum district area and side setback to allow for the proposed use of a boutique.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-2, Traditional Neighborhood future land use designation.

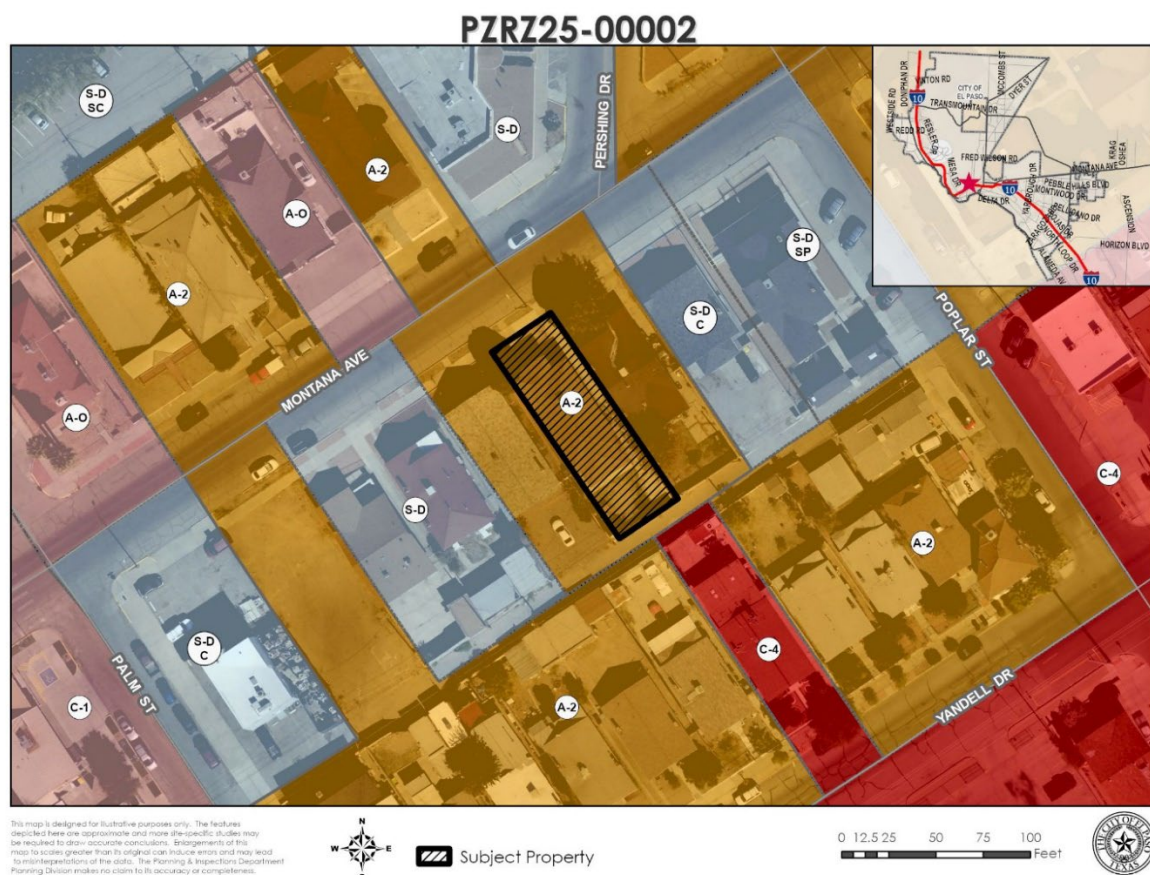


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from A-2 (Apartment) to S-D (Special Development) and approval of a Detailed Site Development Plan with reduction to minimum district area and reduction to side yard setback to allow for the proposed use of a boutique. The subject property is approximately 0.11 acres in size. The Detailed Site Development Plan shows an existing 1,458 square-foot single-family dwelling to be repurposed as a boutique. The site plan is compliant with the minimum required vehicular and bicycle parking spaces, providing four (4) vehicle spaces and three (3) bicycle spaces. Vehicular access to the subject property is proposed from Palm Street and Popular Street via the rear alley while providing pedestrian access from the public sidewalk along Montana Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is compatible with surrounding commercial and residential uses and zoning districts. Properties to the south and east are zoned A-2 (Apartment) and C-4 (Commercial) and are developed with single-family residences. The properties to the north are zoned A-2 (Apartment) and S-D (Special Development) and are developed with multi-family dwellings and an office use, respectively, while the property to the west also contains an office and is zoned A-2 (Apartment). The nearest school, Young Women's Academy, is located approximately 0.7 miles from the subject property, and the closest park, Roger Brown Park, is approximately 0.5 miles away.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is wellsuited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The subject property and proposed development align with the intent of the G-2, Traditional Neighborhood Future Land Use designation as outlined in <i>Plan El Paso</i>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>S-D (Special Development) District: The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p>Yes. The proposed S-D (Special Development) zoning district is compatible with the surrounding S-D (Special Development), A-2 (Apartment), and C-4 (Commercial) zoning districts and supports the integration of small-scale commercial uses within an established residential context. Rezoning the subject property to S-D (Special Development) contributes to the existing mix of uses in the area while preserving the neighborhood's character.</p>

Preferred Development Locations: Is the property in a preferred development location identified in Plan El Paso?	Yes. The subject property is designated G-2, Traditional Neighborhood per <i>Plan El Paso</i> , which supports a mix of residential and small-scale commercial uses.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	None. The proposed development is not within any historic district or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable with no rezoning in the past 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None. The proposed development is located within a stable, established area of the city characterized by a mix of professional offices, business uses, and both single-family and multi-family dwellings. The development is compatible with the existing land use pattern and is not anticipated to negatively impact the surrounding neighborhood.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property fronts Montana Avenue, a major arterial as classified in the City's Major Thoroughfare Plan (MTP). Vehicular access is proposed from a rear alley connecting Palm Street and Popular Street, with pedestrian access from the existing public sidewalk along Montana Avenue. Five (5) bus stops are located within a 5-minute walking distance (0.25 miles), the closest being approximately 0.05 miles away at Montana Avenue and Poplar Street. The roadway's existing infrastructure supports walkability and is suitable for the proposed development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The subject property is located within the boundaries of the Sunrise Civic Group, El Paso Central Business Association, and Five Points Development Association. The applicant notified these organizations of the proposed rezoning. Public notices were mailed to property owners within 300 feet of the subject property on July 3, 2025. As of July 10, 2025, the Planning Division has received two (2) calls of inquiry and one (1) call in support of the rezoning request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Detailed Site Development Plan
3. Elevations
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZRZ25-00002



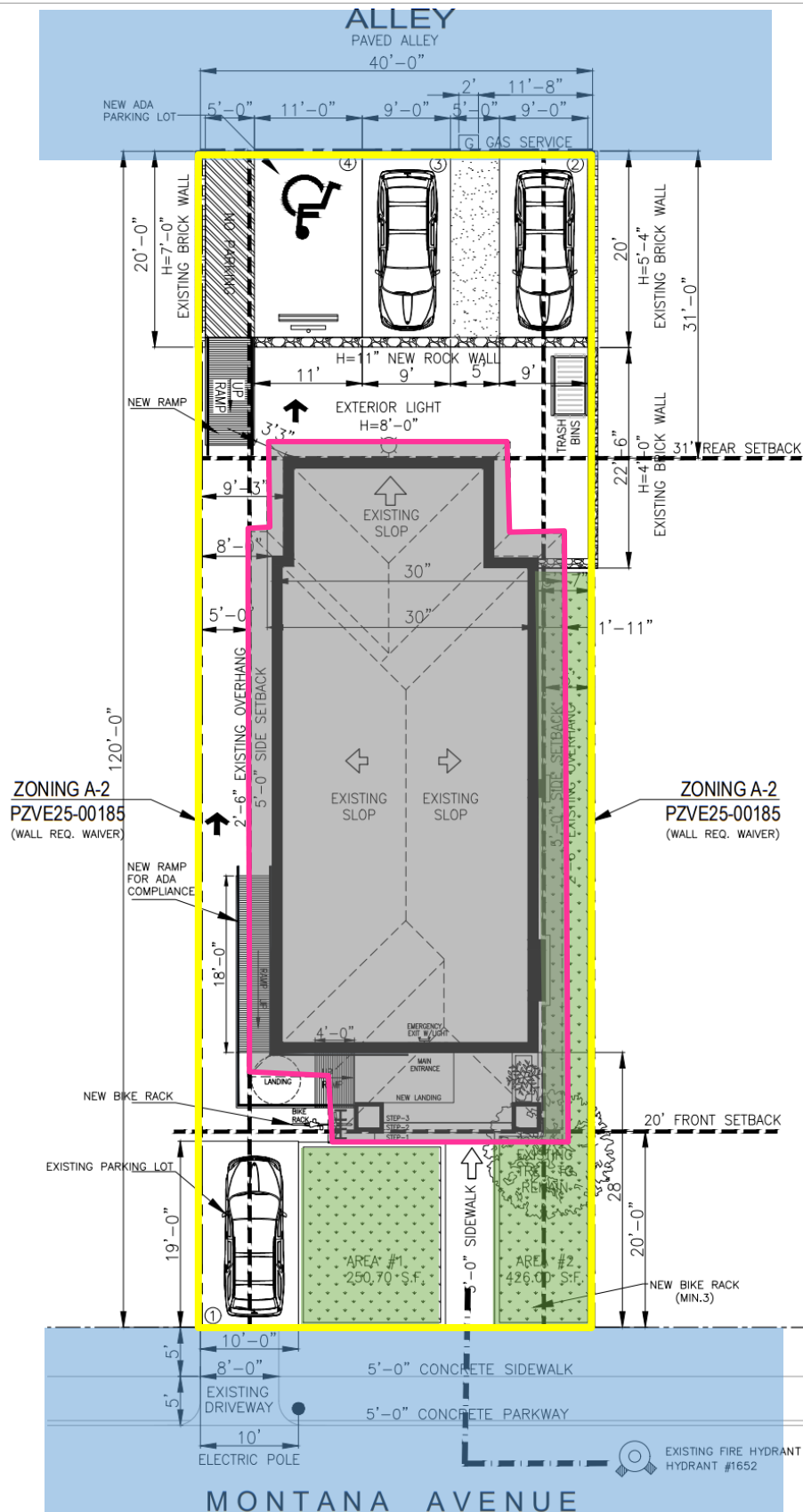
0 12.5 25 50 75 100 Feet

Subject Property

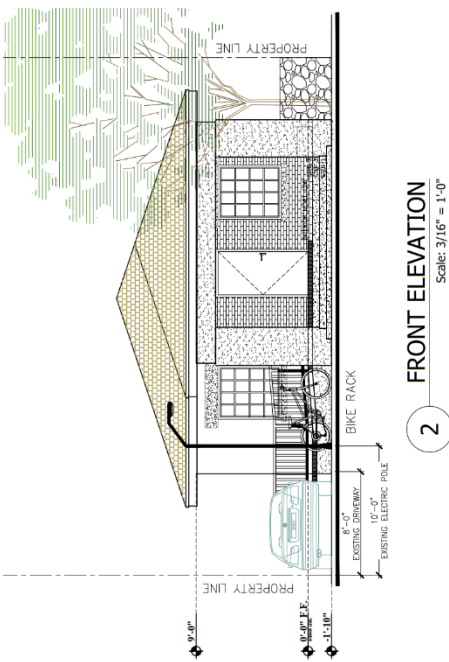
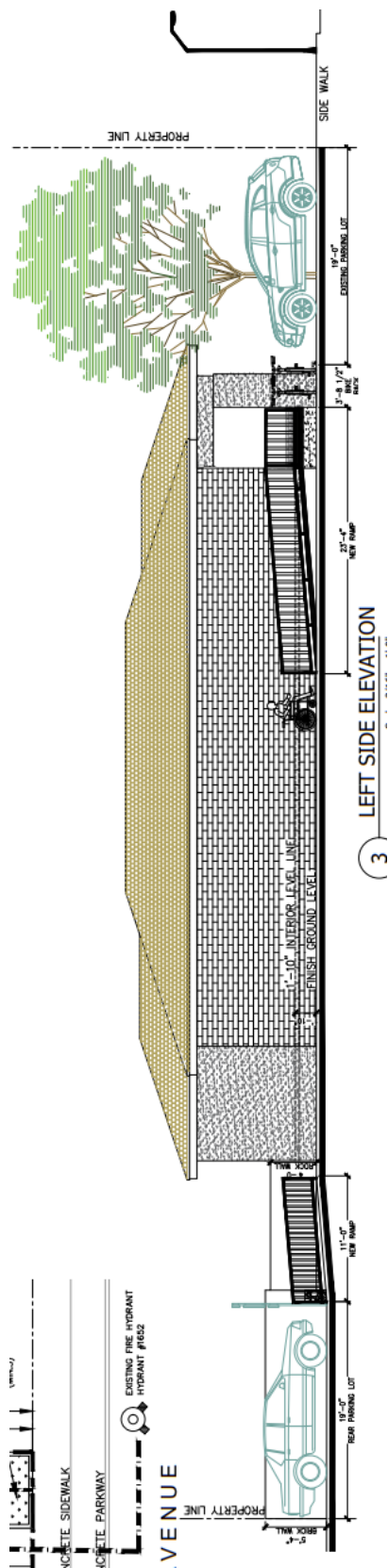


This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request. This recommendation is based on the consistency of the request with Plan El Paso, the City's adopted Comprehensive Plan, for the G-2, Traditional Neighborhood future land use designation.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to requested rezoning.

Planning and Inspections Department – Land Development

Comments at the time of Grading Permit: Provide and label note "All existing and proposed sidewalks, barrier free ramps, handicap parking, driveway crosswalks, driveways and accessible routes shall comply with A.D.A./T.A.S. and city of El Paso requirements. Existing infrastructure not complying shall be removed and replaced to meet standards".

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Sun Metro

Does not affect Sun Metro transit services and operations.

Streets and Maintenance Department

Traffic & Transportation Engineering:

No TIA is required. No objections to application.

Streets Lighting:

No objections to request.

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management:

No comments provided.

El Paso Water

EPWater-PSB does not object to this request.

EPWU-PSB Comments

There is an existing 6-inch diameter water main that extends along the alley between Montana Avenue and Yandell Street. It is approximately 3 feet south of the property. This water main is available to provide service.

Previous water pressure from fire hydrant #01652, located at the northwest corner of Montana Avenue and Palm Street, has yielded a static pressure of 108 psi, a residual pressure of 100 psi and a discharge of 1,138 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

EPWater records indicate an active 3/4-inch meter serving the subject property. The service address for this meter is 2320 Montana Avenue.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along the alley between Montana Avenue and Yandell Street. It is located approximately 6 feet south of the property. This sanitary sewer main is available to provide service.

General

EPWater requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

El Paso County 911 District

No comments or concerns regarding this zoning.

Texas Department of Transportation

No comments provided.

El Paso County Water Improvement District #1

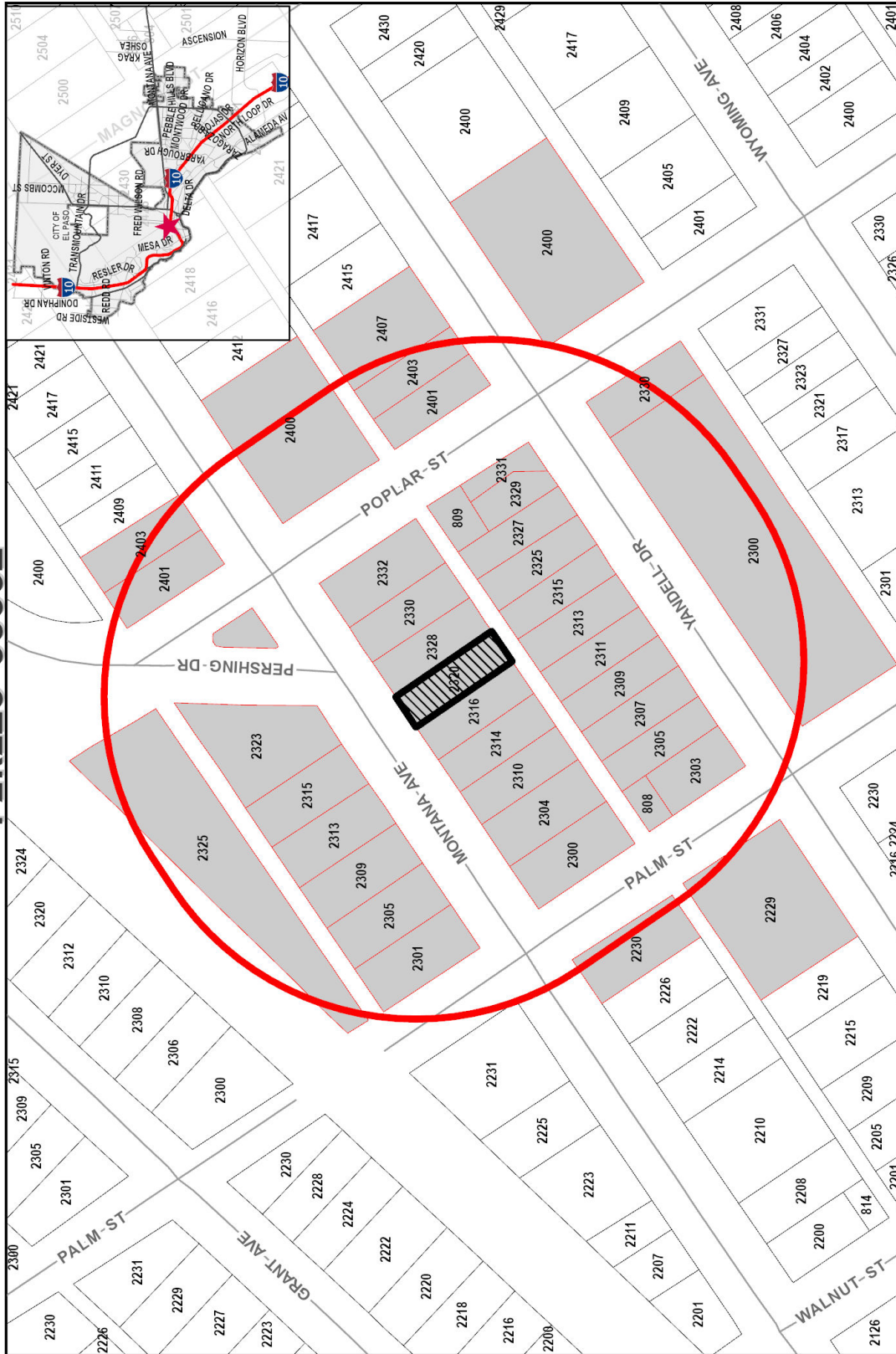
No comments provided.

Texas Gas Service

Texas Gas Service has an active service line in the back, tie into the main located in the alley.

ATTACHMENT 5

PZRZ25-00002



Subject Property

 300 Feet Notice Area

 Notified Properties



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name _____

Business Name _____

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____ Date: _____



Legislation Text

File #: 25-1077, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Jose Beltran, (915) 212-1607

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance granting Special Permit No. PZST25-00002, to allow for a 100% parking reduction and a rear setback reduction on the property described as the northerly 58.90 feet of Lot 16 and the northerly 58.90 feet of the easterly-half of Lot 15, Block 13, Cotton Addition, 809 N. Eucalyptus Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed Special Permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 809 N. Eucalyptus Street

Applicant: John M. Holland LLC, PZST25-00002

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiwa

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST25-00002, TO ALLOW FOR A 100% PARKING REDUCTION AND A REAR SETBACK REDUCTION ON THE PROPERTY DESCRIBED AS THE NORTHERLY 58.90 FEET OF LOT 16 AND THE NORTHERLY 58.90 FEET OF THE EASTERLY HALF OF LOT 15, BLOCK 13, COTTON ADDITION, 809 N. EUCALYPTUS STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, John M. Holland, LLC has applied for a Special Permit under Section 20.14.070 of the El Paso City Code to allow for a 100% parking reduction and rear setback reduction; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a C-4 (Commercial) District:
The northerly 58.9 feet of Lot 16 and the northerly 58.90 feet of the easterly half of Lot 15, Block 13, Cotton Addition, 809 N. Eucalyptus Street, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached **Exhibit "A"**; and,

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a professional office with a 100% parking reduction and rear setback reduction on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "B "** and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST25-00002, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

AGREEMENT

John M. Holland, LLC, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the C-4 (Commercial) **District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6th day of August, 2025.

John M. Holland, LLC

John M. Holland
(Signature)

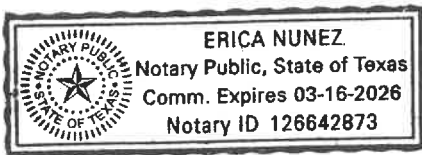
C.E.O
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 6th day of August, 2025, by Erica Nunez for John M. Holland, LLC as Applicant.

(Seal)



[Signature]
Notary Public, State of Texas
Signature

Erica Nunez
Printed or Typed Name

My Commission Expires:

03/16/2026



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

809 Eucalyptus Street
Being a parcel of land being the
Northerly 58.90 feet portion of Lot 16, and
the Northerly 58.90 feet of the Easterly Half of Lot 15,
Block 13, Cotton Addition,
City of El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being the Northerly 58.90 feet portion of Lot 16, and the Northerly 58.90 feet of the Easterly Half of Lot 15, Block 13, Cotton Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

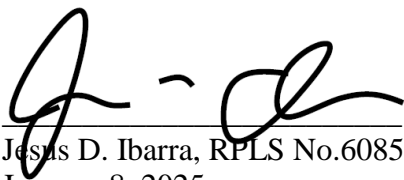
Commencing for reference at a found city monument disk at the monument line intersection being 10 foot northwest from the centerline of Montana Avenue and 10 foot northeast from the centerline of Eucalyptus Street, thence along said monument line, South $36^{\circ}59'28''$ East a distance of 242.90 feet to a calculated point, thence leaving said monument line, South $53^{\circ}00'32''$ West a distance of 45.00 feet to a found chiseled "x" at the westerly right of way line of Eucalyptus Street (70 foot right of way), and the **"TRUE POINT OF BEGINNING"**.

Thence leaving said westerly right of way line, **South $53^{\circ}00'32''$ West** a distance of **37.50 feet** to a calculated point at the westerly line of the easterly half of Lot 15;

Thence along said westerly line, **North $36^{\circ}59'28''$ West** a distance of **58.90 feet** to a set chiseled "v" at the southerly right of way line of an 18 foot Alley;

Thence along the said southerly right of way line, **North $53^{\circ}00'32''$ East** a distance of **37.50 feet** to a found chiseled "x" at the westerly right of way line of Eucalyptus Street;

Thence along said westerly right of way line of Eucalyptus Street, **South $36^{\circ}59'28''$ East** a distance of **58.90 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **2,209 square feet** or **0.0507 acres** of land more or less.

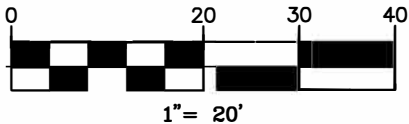
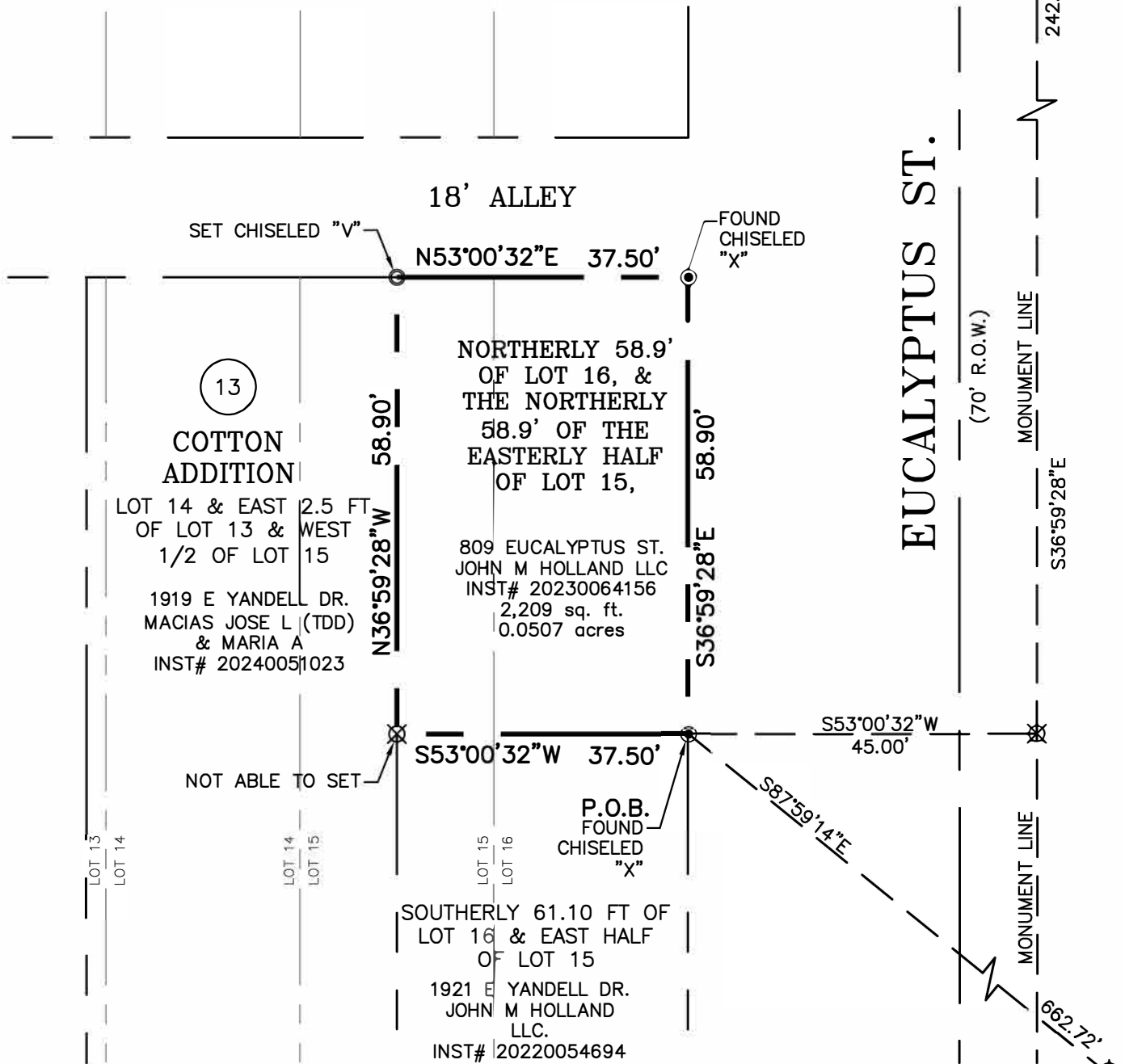


Jesus D. Ibarra, RPLS No.6085
January 8, 2025



EXHIBIT "A"

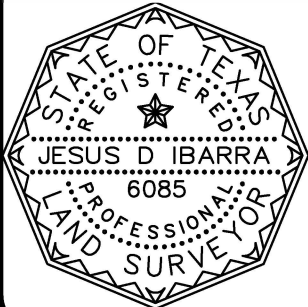
P.O.C.
FOUND CITY MONUMENT DISK AT THE
MONUMENT LINE INTERSECTION, BEING 10'
NORTH FROM THE CENTERLINE OF
MONTANA AVENUE AND 10' EAST FROM
CENTERLINE OF EUCALYPTUS STREET



NOTES:

1. BEARING BASIS IS TRUE NORTH FOR A TRANSVERSE MERCATOR SURFACE PROJECTION AS DETERMINED BY GPS METHODS BASED AT A FOUND CITY MONUMENT WITH COORDINATES:
LATITUDE: 31°46'31.48857"N
LONGITUDE: 106°28'12.99519"W
HEIGHT: 3625.679sft
2. THIS PROPERTY MAY BE SUBJECT TO EASEMENT WHETHER OF RECORD NOT. (NOT SHOWN).
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

FOUND CITY MONUMENT DISK
AT THE MONUMENT LINE
INTERSECTION, BEING 10' NORTH
FROM THE CENTERLINE OF
WYOMING AVENUE AND 10' EAST
FROM THE CENTERLINE OF
WILLOW STREET



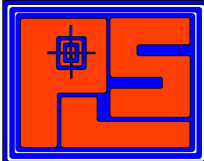
CERTIFICATION

I HEREBY CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY AND THAT THE MONUMENTATION SHOWN HEREON WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION. I ALSO CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

[Signature]

DATE: 1/8/2025

JESUS D. IBARRA RPLS#6085, FIRM#10194184



PRECISION LAND SURVEYORS
10441 VALLE DE ORO DR.
EL PASO, TEXAS 79927
(915) 222-5227

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Exhibit "B"

ZONING TABLE — 809 N EUCALYPTUS ST — ZONING C-4														
SUBPART A		SUBPART B LOT & DWELLING SIZE					SUBPART C BUILDING SETBACKS (FT)							SUBPART D
ZONING DISTRICT	MINIMUM DISTRICT AREA	PERMITTED USE	MIN LOT AREA (SQ FT)	MIN AVG LOT WIDTH (FT)	MIN LOT DEPTH (FT)	OTHER STANDARDS	MINIMUM FRONT YARD (FT)	MINIMUM REAR YARD (FT)	PROPOSED REAR YARD (FT)	MIN CUMULATIVE FRONT & REAR YARD TOTAL	MINIMUM SIDE YARD (FT)	MIN SIDE STREET YARD (F)	MIN CUMULATIVE SIDE & SIDE STREET YARD TOTAL	OTHER STANDARDS
C-4	NO MINIMUM	OFFICE BUSINESS	N/A	N/A	N/A	20.10	0	10	6.77	N/A	10 WHEN ABUTTING A RESIDENTIAL OR APARTMENT DISTRICT	10	N/A	20.10 FLOOR AREA RATIO OF 1.5

LANDSCAPE REQUIREMENTS

LANDSCAPEABLE AREA REQUIRED: 2,208.75 ~ 1205.00= 1,003.75 x 0.15= 150.56 SF
TOTAL LANDSCAPE AREA PROPOSED IN LANDSCAPEABLE AREA: 161 SF
LANDSCAPE UNITS REQUIRED: 180.75 SF/ 1000= 0.180 ~ 1 UNITS
PARKING CANOPY TREES: 0 SPACES/ 5= 0 ~ 0 UNITS
FRONTAGE TREES: N/A
STREET TREES: N/A

	REQUIRED	PROPOSED
PROJECT TREES	1	1
FRONTAGE TREES	N/A	0
PARKING CANOPY TREES	N/A	0
STREET TREES	N/A	0
5 GALLON PLANTS	45	45



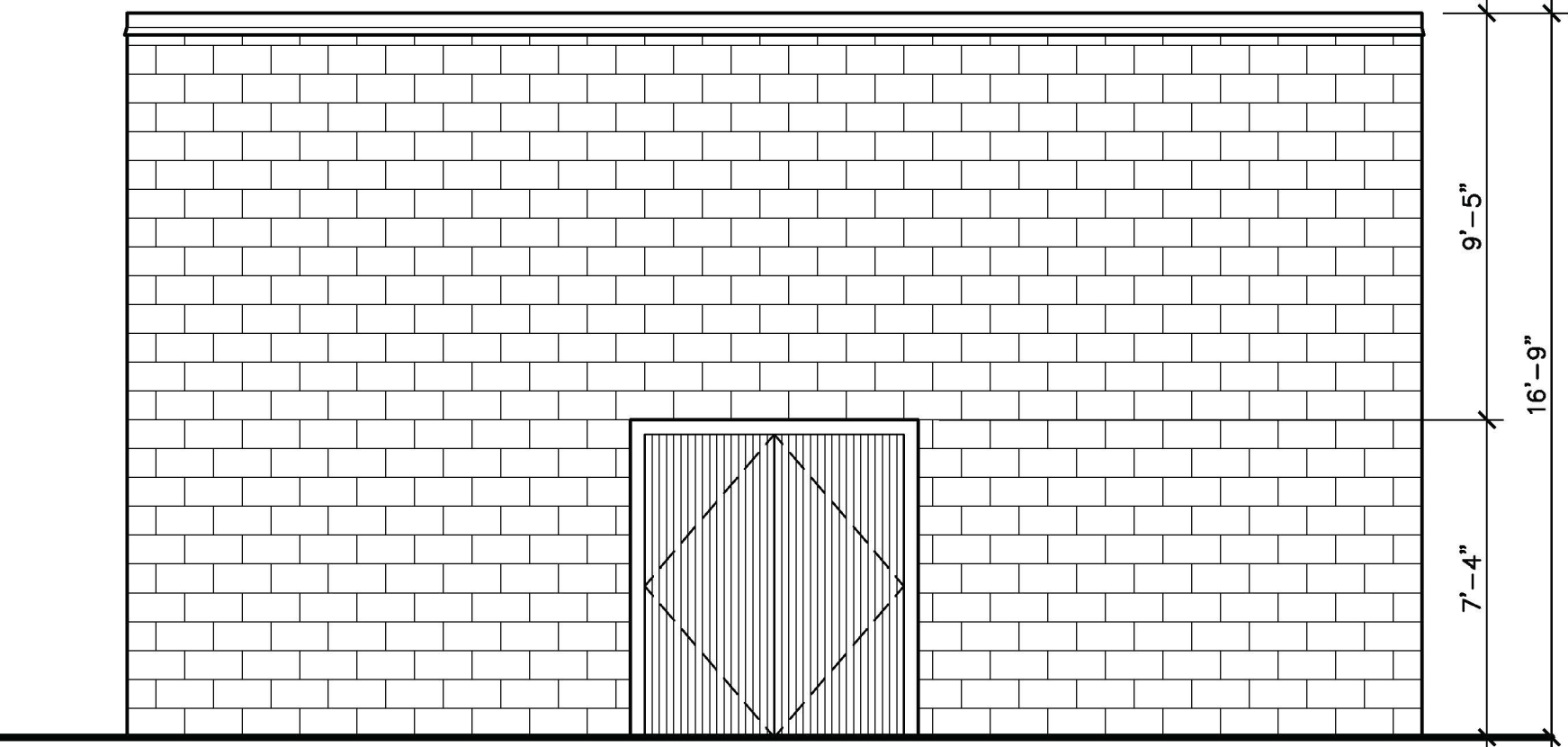
PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
August 6th, 2025

DATE
John Holland
Digitally signed by John Holland
Date: 2025.08.09 10:48:23 -0500

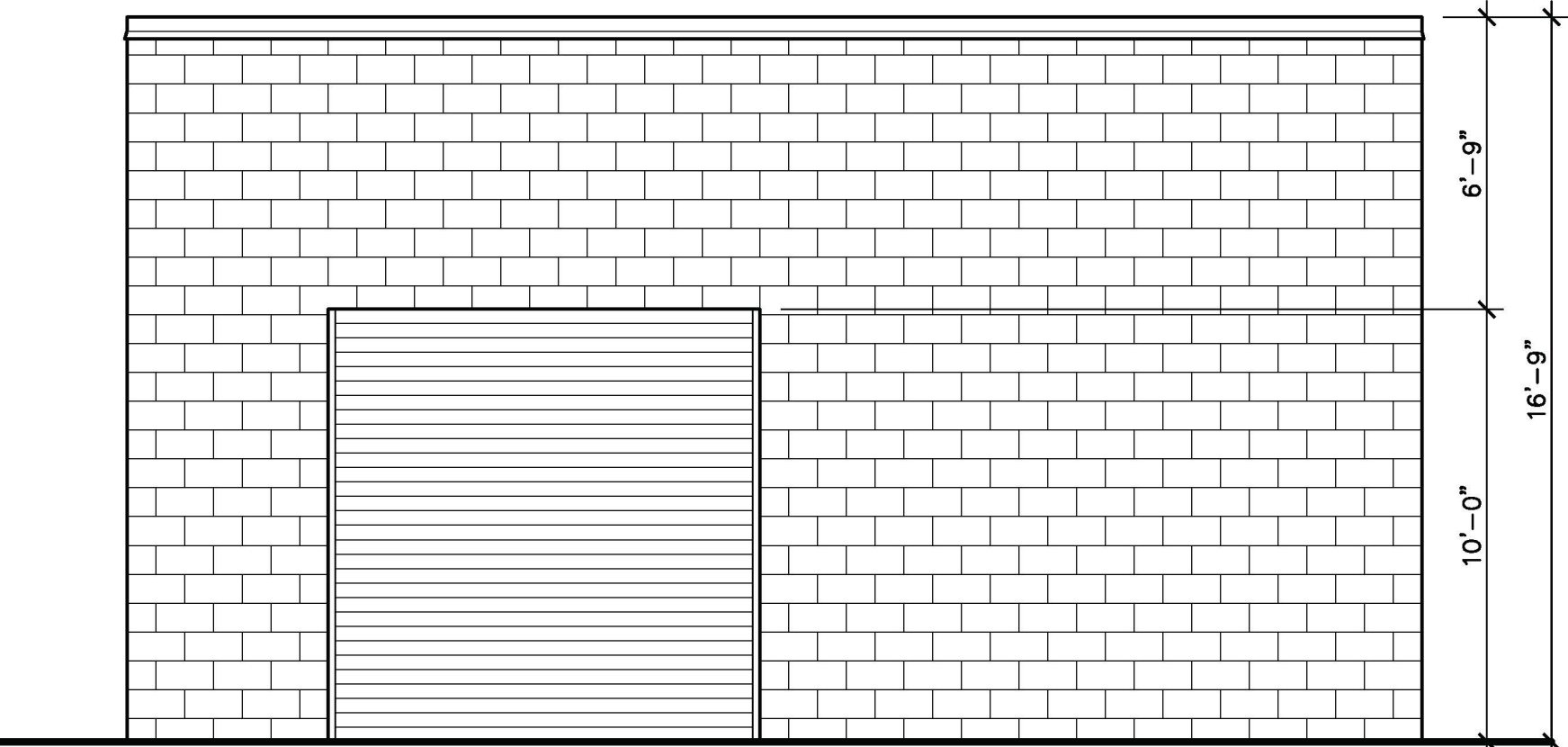
APPLICANT
Kevin Smith

EXECUTIVE SECRETARY, CITY PLAN COMMISSION

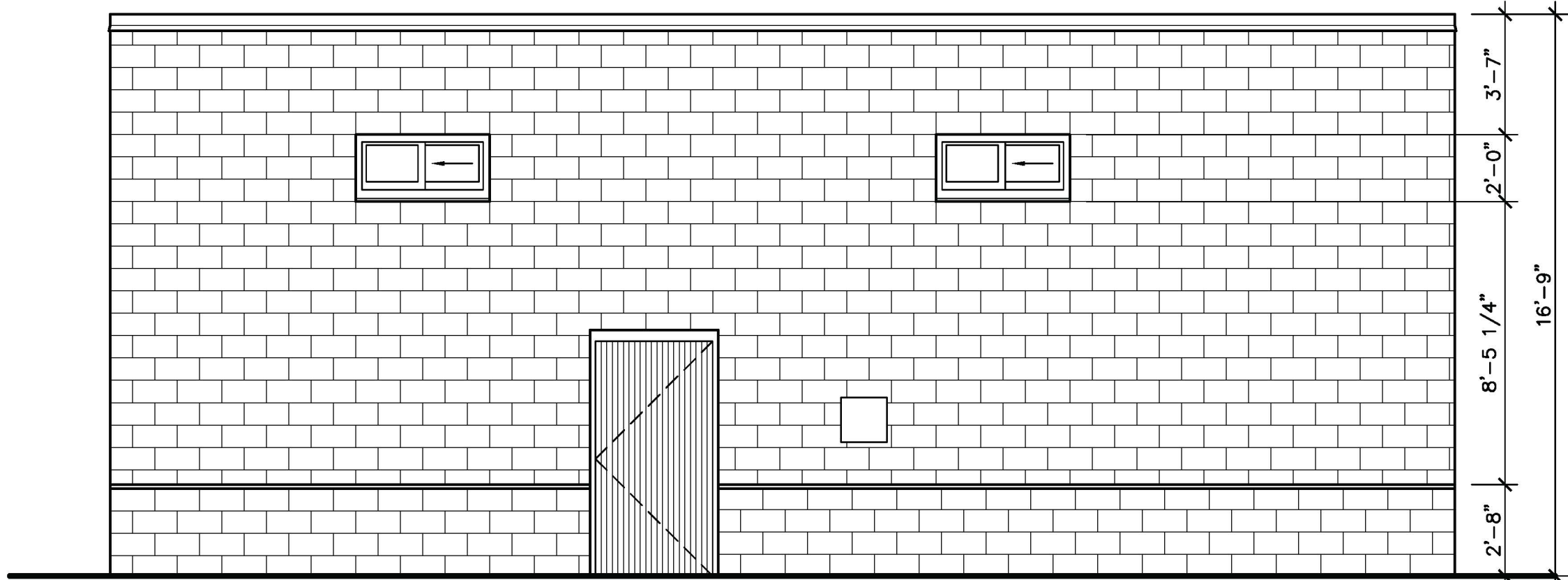
CITY MANAGER



SIDE ELEVATION 4
SCALE: 1/4"= 1'-0"



SIDE ELEVATION (FACING ALLEY) 3
SCALE: 1/4"= 1'-0"

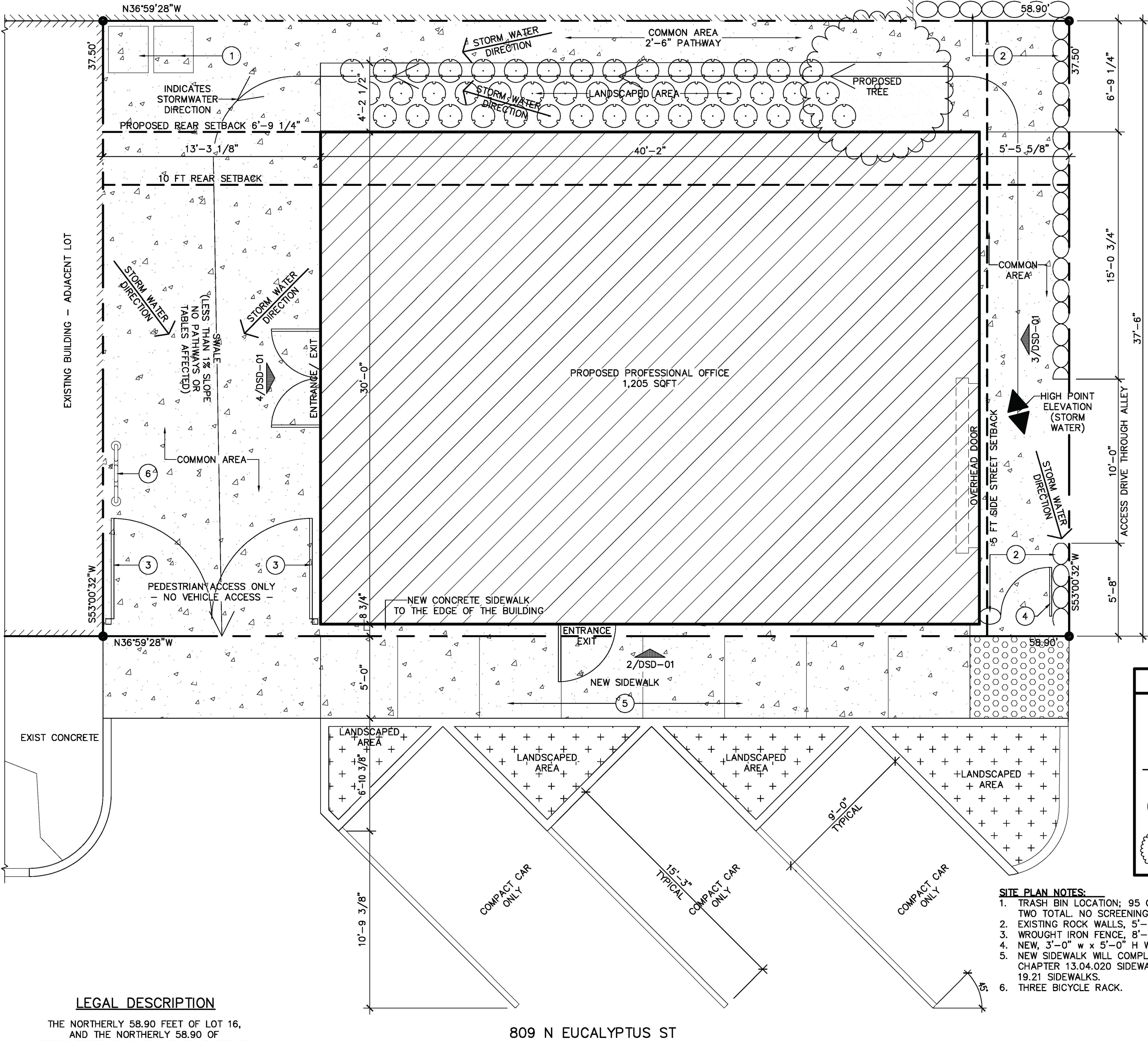


MAIN ELEVATION 2
SCALE: 1/4"= 1'-0"

PARKING TABLE — 809 N EUCALYPTUS ST					
AUTOMOBILE & LIGHT TRUCK		BICYCLE	HEAVY TRUCK TRAILER	GRAVEL SCREEN PARKING	
MINIMUM	MAXIMUM			REQUIRED	NOTES
1/576 SF GFA	1/400 SF GFA	NOTE 3	1/200,000 SF	ALLOWED	2A, B

PARKING CALCULATION					
100% PARKING REDUCTION REQUESTED					
USE DESCRIPTION	MIN	MAX	REQD	PROVIDED (ON SITE)	PROVIDED (DIAGONAL)
OFFICE	1 @ 576	1 @ 400	3	0	3
BICYCLE			3	3	0
HEAVY TRUCK TRAILER	1 @ 200,000		0	0	0

EXISTING BUILDING — ADJACENT LOT

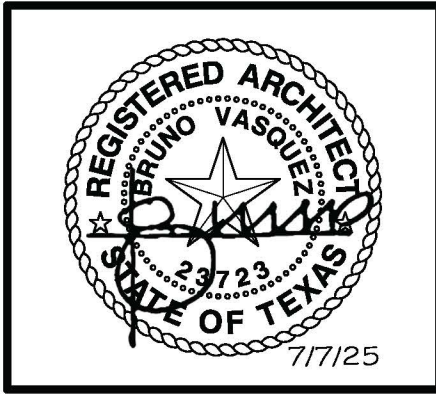


LEGAL DESCRIPTION

THE NORTHERLY 58.90 FEET OF LOT 16,
AND THE NORTHERLY 58.90 OF
THE EASTERLY HALF OF LOT 15, BLOCK 13,
COTTON ADDITION, AN ADDITION TO THE CITY OF EL PASO
EL PASO COUNTY, TEXAS

DETAILED SITE DEVELOPMENT PLAN 1
SCALE: 1/4"= 1'-0"
PLAN TRUE

NOTE 2: FOR SPECIFIC REQUIREMENTS BASED ON USE/ ZONE CRITERIA FOR SECTION 20.14.080:
A. Office, Educational or Institutional less than or equal to 5000 SF building:
Gravel/screenings surfaced parking areas may be incorporated for the required parking reserved for use by employees and staff of in-store retail or Professional offices and for required parking where on-site ponding (see Section 20.14.080.C.4) or permanent desilting basins are provided. In no case shall gravel/screening parking exceed 50% of the total required parking.
The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the city manager or designee, and signage shall be installed indicating "Parking For Employees, Staff, and/or Overflow Parking Only."
B. Commercial/Manufacturing/Warehousing/Storage/Construction Yards/and High Traffic Uses:
Gravel/screenings surfaces may be incorporated for employee parking, for the storage users of truck trailers, storage containers, equipment, supplies, materials, motor vehicles or recreational vehicles which are part of the business function of the facility or site, including transport drop-offs and stock-in-trade.
All road parking for visitors, customers, employees, or patrons shall be hard surfaced. The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the city manager or designee; and signage shall be installed indicating "Overflow Parking Only" or as appropriate.
All access drives to required parking shall be hard surfaced.
All Loading Docks and all other loading areas shall be hard surfaced.
NOTE 3: When the minimum required automobile parking exceeds 60 spaces, 5% of the number required over 60 shall be added as required bicycle parking. This calculation shall be rounded up to the next whole number. The minimum number of bicycle spaces required regardless of the calculation shall be 3 and the maximum number of bicycle spaces required regardless of the calculation shall be 40.



WAREHOUSE REMODELING
CONTROL & EQUIPMENT COMPANY
809 N EUCALYPTUS ST EL PASO, TX 79903

ISSUED FOR
SPECIAL PERMIT
APPLICATION; NOT
FOR CONSTRUCTION

NO.	REVISION

SHEET:
DSD-01
DETAILED SITE
DEVELOPMENT PLAN

809 Eucalyptus

City Plan Commission — July 17, 2025



CASE NUMBER:	PZST25-00002
CASE MANAGER:	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER:	John M. Holland, LLC
REPRESENTATIVE:	Bruno Vasquez
LOCATION:	809 N. Eucalyptus Street (District 8)
PROPERTY AREA:	0.05 acres
EXISTING ZONING:	C-4 (Commercial)
REQUEST:	Special Permit and Detailed Site Development Plan approval for an office warehouse with a 100% parking reduction and rear setback reduction in the C-4 (Commercial) zone district
RELATED APPLICATIONS:	None
PUBLIC INPUT:	Seventeen (17) letters in support received as of July 10, 2025

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for a 100% parking reduction and rear yard setback reduction for professional office use in a C-4 (Commercial) zone district.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit and detailed site development plan requests for parking reduction and rear yard setback reduction for the use of a professional office in a C-4 (Commercial) zone district. The proposed development meets all the requirements of El Paso City Code Section 20.04.320 – Special Permit and Section 20.14.150 – Detailed Site Development Plan. Furthermore, the proposed development is in accordance with both the G-2, Traditional Neighborhood (Walkable) Future Land Use Designation and *Plan El Paso*, the City's adopted Comprehensive Plan.

PZST25-00002



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting review and approval of a special permit and detailed site development plan for the proposed use of a professional office with a 100% parking reduction and reduced rear setback reduction in a C-4 (Commercial) zone district. The detailed site development plan shows an existing 1,200 square foot building that will remain with a maximum height of 16 feet 9 inches and a proposed rear yard setback of 6 feet 9-¼ inches. Access to the subject property is provided from Eucalyptus Avenue. The applicant is requesting the following:

Density/Dimensional Standard C-4 (Commercial) Zone District - Other Permitted Uses (Office, professional)	Required	Proposed
Lot area	No minimum required.	N/A
Lot width	No minimum required.	N/A
Lot depth	No minimum required.	N/A
Front yard setback	0 feet.	No Change
Rear yard setback	10 feet.	6 ft. 9 ¼ in.
Side yard setback	10 feet when abutting residential or apartment district	No change

Note: Bold indicates requested reduction.

The development requires a minimum of three (3) parking spaces and three (3) bicycle spaces, with the three (3) bicycle spaces provided. The applicant is requesting a 100% parking reduction of the three (3) vehicular spaces. A parking study was submitted as required (Attachment 4), which shows forty-four (44) on-street parking spaces within 300 feet of the subject property with an average of twenty-one (21) on-street parking spaces available per day. Aside from the reductions requested, the detailed site development plan demonstrates compliance with all applicable standards per the El Paso City Code. Pedestrian access will be from N. Eucalyptus Street.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The Detailed Site Development Plan demonstrates compliance with all applicable standards per the El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-2, Traditional Neighborhood (Walkable) Land Use designation. The proposed development will integrate with commercial uses along Eucalyptus Street and the surrounding development.
3. Adequately served by and will not impose an undue burden upon public improvements.	A TIA was not required for the proposed development. The applicant is coordinating installation of three (3) on-street parking spaces in the right-of-way abutting the subject property on North Eucalyptus Street. Additionally, the property has immediate access to Montana Avenue and Yandell Drive which are designated as a major and minor arterial, respectively, in the City's Major Thoroughfare Plan (MTP).
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	No impact is anticipated from the approval of the proposed special permit and detailed site development plan. The proposed development will adhere to zoning requirements and will not impose a risk to neighboring properties.
5. The design of the proposed development mitigates substantial environmental problems.	The subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.

6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The proposed development will provide adequate landscaping and/or screening where required.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The subject property is located adjacent to office and restaurant uses which consist of the same C-4 (Commercial) zoning district.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed development is similar in intensity and scale to the surrounding development. The surrounding development will not be impacted due to the commercial nature of the area.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.14.070.A) – EXISTING DEVELOPMENT: Up to 100% parking reduction for a use involving an existing structure located within an older neighborhood of the City that is proposed through the rehabilitation, alteration or expansion of the existing structure(s). The applicant shall satisfactorily demonstrate compliance with all of the following conditions:

Criteria	Does the Request Comply?
1. That the structure(s) is located in an older neighborhood of the City that has been legally subdivided and developed for at least thirty years.	Yes. The subject property lies within the Cotton Addition Subdivision, platted in 1907.
2. That the structure(s) does not extend into an area within the property which was previously used to accommodate off-street parking.	Yes. The proposed construction does not extend into an area previously used to accommodate off-street parking. The property has never had any off-street parking.
3. That the off-street parking required for the proposed use of the structure(s) cannot be reasonably accommodated on the property due to the building coverage, whether due to the existing structure or due to a proposed expansion of the existing structure.	Yes. The majority of the subject property is occupied by an existing structure. It is not feasible to accommodate the parking needed to serve the use on-site.
4. That no vacant areas exist within three hundred feet of the property where the proposed use is to be located that can be reasonably developed to accommodate the off-street parking requirements.	Yes. There are no vacant areas within 300 feet to accommodate the required parking off-site.

COMPLIANCE WITH *PLAN EL PASO* GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with *Plan El Paso*, consider the following factors:

Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-2, Traditional Neighborhood: This sector includes the remainder of Central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in the Comprehensive Plan.</p>	Yes. The proposed development is consistent with the Future Land Use designation and is compatible with the existing surrounding development that is comprised of commercial uses such as offices and restaurants.

<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The immediate and surrounding area consists of the same C-4 (Commercial) zoning district and the proposed use of a professional office is permitted by right.</p>
<p>THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</p>	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>The proposed development is not located within a historic district or special designation area.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is stable with no rezonings in the last 10 years.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The existing zoning will not be changed. Due to the current zoning issues constraining the property, a special permit will be required to reduce parking and the required rear yard setback.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property has direct access from N. Eucalyptus Street as well as access from Montana Avenue and Yandell Drive which are designated as a local, major and minor arterial, respectively, under the City of El Paso's Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed redevelopment. Existing infrastructure and services are adequate to serve the proposed redevelopment. There are at least seven (7) bus stops within walkable distance (0.25 mile) of the subject property. The closest bus stop is 0.08 miles away along Montana Avenue. The applicant has coordinated with the Streets and Maintenance Department and will be providing three (3) on-street parking spaces. Sidewalks are currently present along N. Eucalyptus Street and there will be no vehicular access to the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the bounds of three (3) recognized neighborhood associations including the Five Points Development Association, El Paso Central Business Association and the Sunrise Civic Group. As of July 10, 2025, the Planning Division has received seventeen (17) letters in support of the request.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

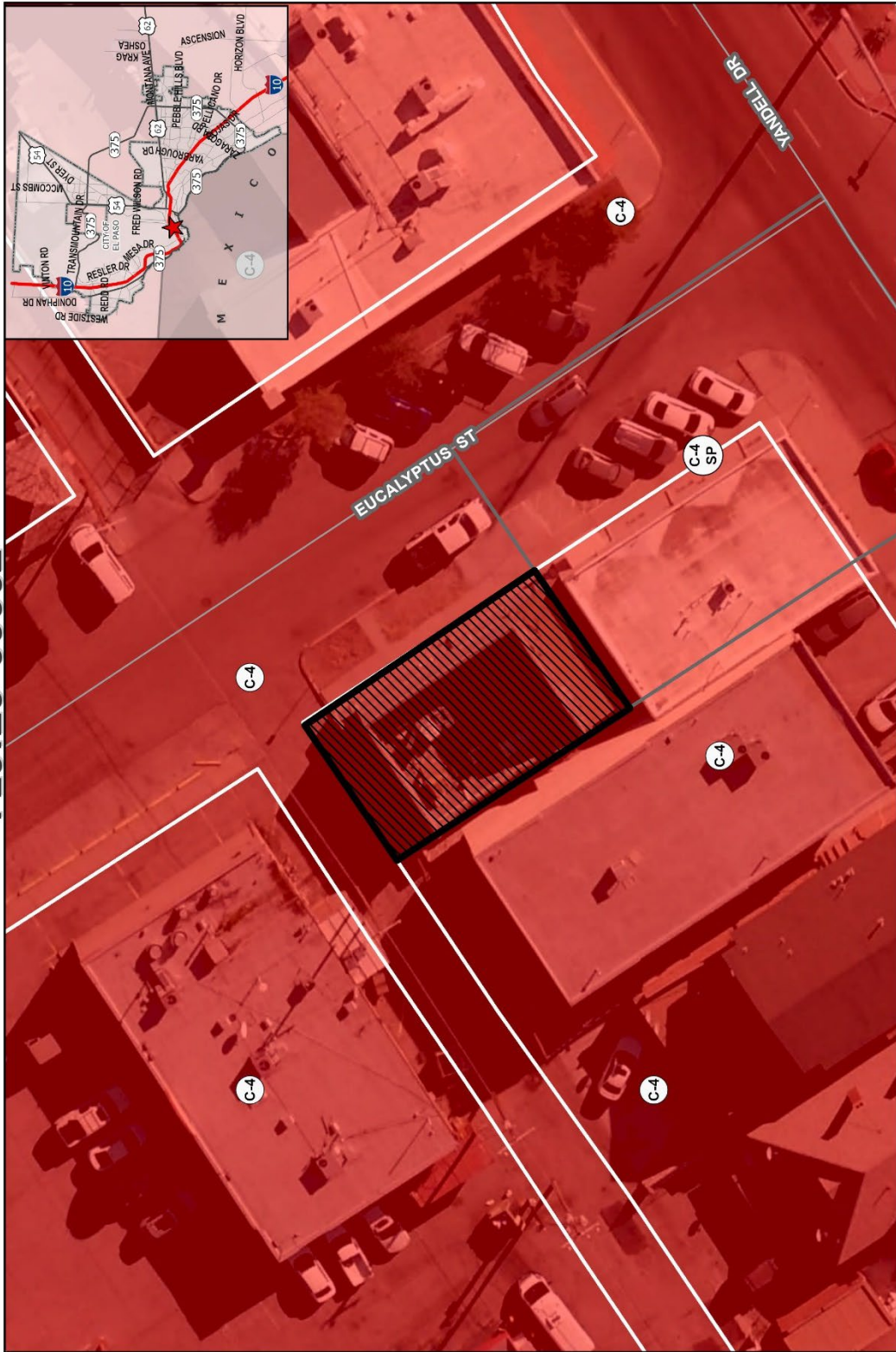
1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Zoning Map
2. Detailed Site Plan
3. Elevations
4. Parking study
5. Department Comments
6. Neighborhood Notification Boundary Map
7. Letters of Support

ATTACHMENT 1

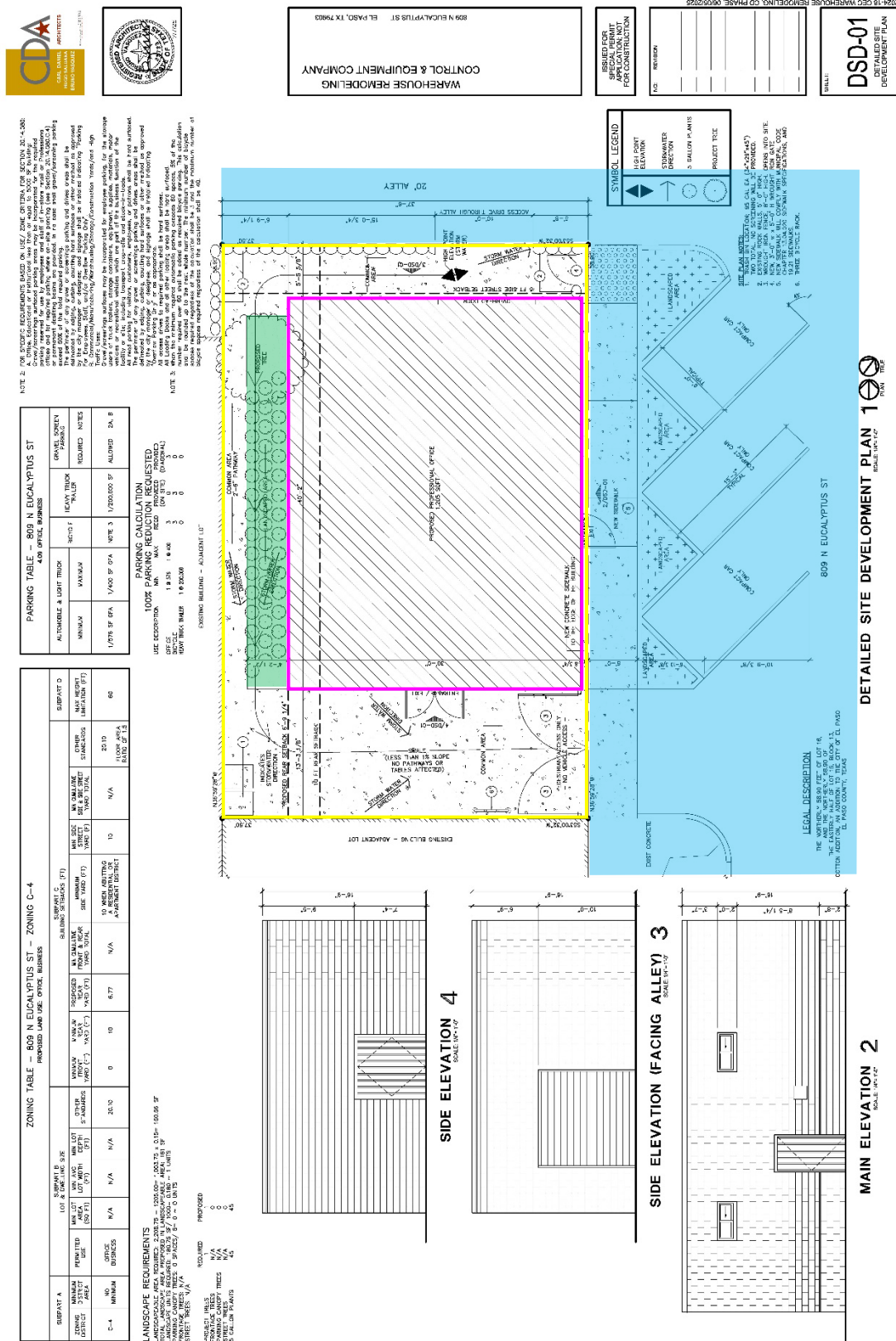
PZST25-00002



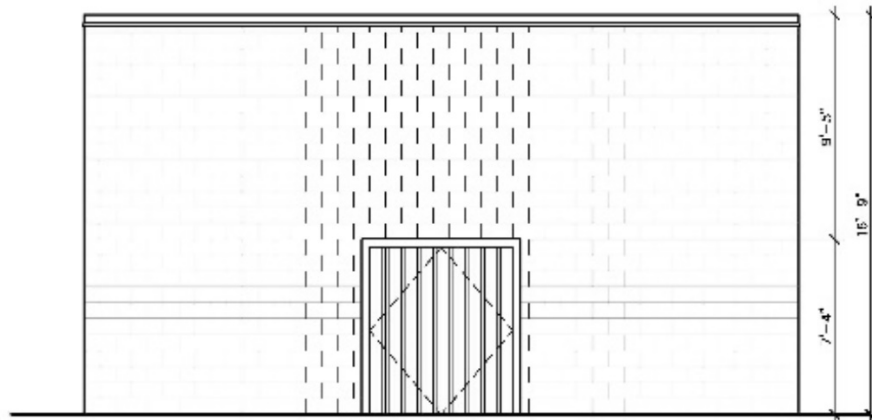
Subject Property



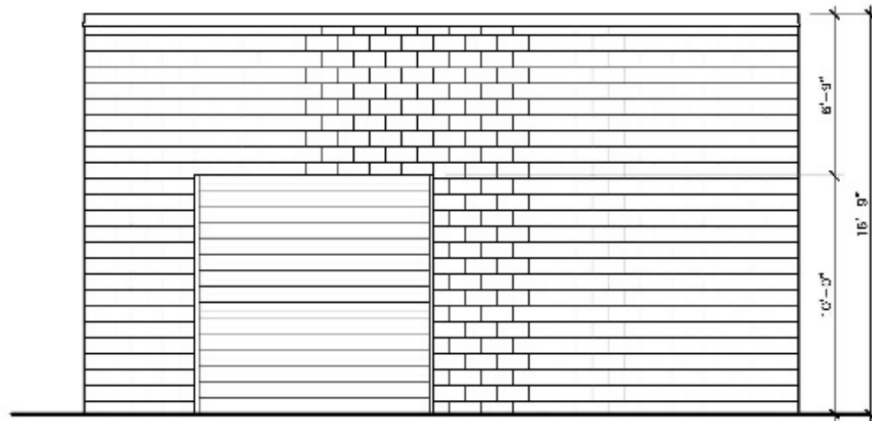
The map is designed for illustrative purposes only. The features depicted here are approximate and more detailed features may not be shown. The map is not a legal document and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



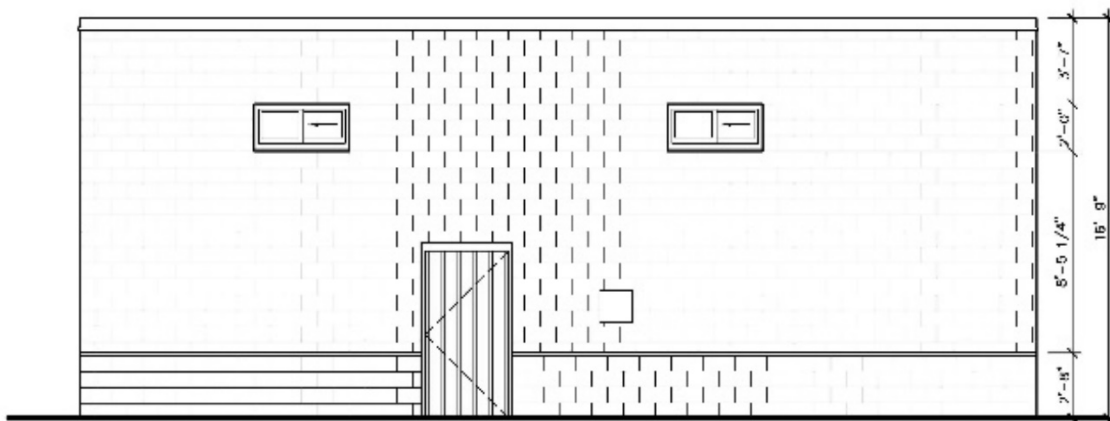
ATTACHMENT 3



SIDE ELEVATION 4
SCALE: 1/4" = 1'-0"



SIDE ELEVATION (FACING ALLEY) 3
SCALE: 1/4" = 1'-0"



MAIN ELEVATION 2
SCALE: 1/4" = 1'-0"

ATTACHMENT 4

809 EUCALYPTUS STUDY MAP (300' ON-STREET PARKING REDUCTION)



PARKING REDUCTION STUDY FOR 809 EUCALYPTUS														
DATE: 12-10-24														
STREET NAME: N-STREET														
PARKING														
1:00 PM														
TOTAL														
TOTAL														
AVAIL. NOT AVAIL.														
EUCALYPTUS:														
A. Eastern ROW:														
1													9	4
2													6	7
3													6	7
4													12	1
5													13	0
6													10	4
7													8	5
8													2	11
9													3	10
10													2	11
11													1	12
12													1	12
13													2	11
B. Western ROW:														
1													4	9
2													4	9
3													3	10
4													2	11
5													3	10
6													5	8
7													10	3
8													10	3
9													10	3
10													10	3
11													10	3
12													10	3
13													10	3
14													10	3
YANDELL:														
A. Northern ROW:														
1													4	9
2													2	11
3													11	2
4													11	2
5													8	5
6													8	5
7													3	10
8													3	10
9													3	10
10													3	10
11													3	10
12													3	10
13													3	10
14													3	10
B. Southern ROW:														
1													10	3
2													2	11
3													11	2
4													0	13
TOTAL NUMBER OF ON-STREET PARKING SPACES AVAILABLE/ NOT AVAILABLE IN A 12HR TIME														
TOTAL PERCENTAGE OF ON-STREET PARKING SPACES AVAILABLE/ NOT AVAILABLE IN A 12HR														
TOTAL AVERAGE NUMBER OF ON-STREET PARKING SPACES AVAILABLE/ NOT AVAILABLE PER														
Total number of														
268 331														
45% 55%														
21 29														

ATTACHMENT 5

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the special permit and detailed site development plan requests for parking reduction and rear yard setback reduction for the use of a professional office in a C-4 (Commercial) zone district. The proposed development meets all the requirements of El Paso City Code Section 20.04.320 – Special Permit and Section 20.14.150 – Detailed Site Development Plan. Furthermore, the proposed development is in accordance with both the G-2, Traditional Neighborhood (Walkable) Future Land Use Designation and *Plan El Paso*, the City’s adopted Comprehensive Plan.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to proposed setback and parking reduction.

Planning and Inspections Department – Land Development

Recommend approval.

Coordinate with City Of El Paso Street & Maintenance department for proposed angle parking in the R.O.W.

Provide and label note “All existing and proposed sidewalks, barrier free ramps, handicap parking, driveway crosswalks, driveways and accessible routes shall comply with A.D.A., T.A.S. and city of El Paso requirements. Existing infrastructure not complying shall be removed and replaced to meet standards” on the plan.

Be sure to focus on obtaining a gradual slope transition (8.3% max) between the concrete at Gate #3 and ADA sidewalk ramp in R.O.W.

Fire Department

No adverse comments.

Police Department

The 9-1-1 District has no comments or concerns regarding this special permit.

Environment Services

No comments received.

Streets and Maintenance Department

Traffic and Transportation

No objections to the application.

On one of the 3 parking spaces being provided (in front of the proposed building), shall be designated an ADA parking space as required.

Street Lights Department

Street Lights Department does not object to this request.

For the development of a subdivision a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The

submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

Street Lights Department requires that a project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Sun Metro

Special Permit does not affect Sun Metro transit services or operations.

El Paso Water

There is an existing 8-inch diameter water main that extends along the alley north of Yandell Dr. located approximately 12-feet north of the property. This main is available for service.

EPWater-PSB records indicate two active 3/4-inch domestic water meter serving the subject property. The service addresses for these meters are 809 Eucalyptus St. and 1921 Yandell Dr.

Previous water pressure reading from fire hydrant #1636, located at the intersection of Montana Ave. and Cotton St., has yielded a static pressure of 88 psi, a residual pressure of 86 psi, and a discharge of 949 gpm. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

EPWU-PSB Comments

EPWater-PSB does not object to this request.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along the alley north of Yandell Dr. located approximately 10-feet north of the property. This main is available for service.

General

EPWater-PSB requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

El Paso County 911 District

No comments received.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

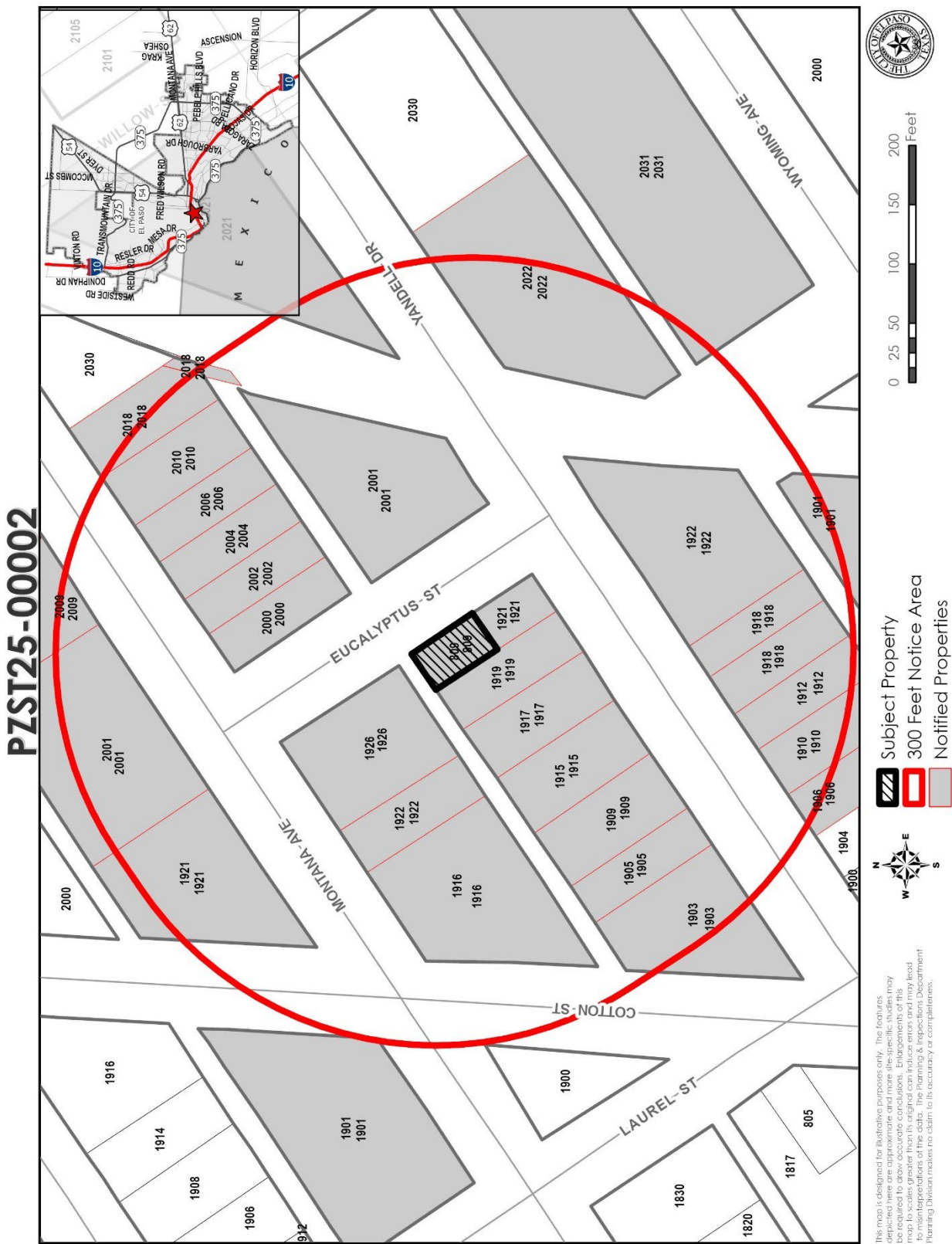
Texas Gas Service

Texas Gas Service has an active service line at 809 N. Eucalyptus St.

El Paso Electric

We have no comments for the 809 N. Eucalyptus rezoning request.

ATTACHMENT 6



ATTACHMENT 7



FIVE POINTS DEVELOPMENT ASSOCIATION, INC.
P.O. BOX 3612
EL PASO, TEXAS 79923-3612

January 16th, 2025

City of El Paso
Planning and Inspections Department
811 Texas Avenue
El Paso, TX 79901

Subject: 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old, dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Sincerely,

Fred Evans, President
Five Points Development Association

Tanny Berg
El Paso Central Business Association

January 10, 2025

Subject : 809 N. Eucalyptus Street improvement construction project special permit application

To whom it may concern,

I am not opposed to the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in the area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking just like the buildings have right next door. This is good because it would add a couple more public parking spaces.

Best Regards,

Tanny Berg
Founder
El Paso Central Business Association

Francis PROPERTIES

December 13, 2024

City of El Paso
Planning
300 N. Campbell
El Paso, Texas 79901

Re: 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

Please consider this letter in support of the City of El Paso granting a permit to Mr. John Holland for the improvements and construction at 809 N. Eucalyptus Street. Currently, the building is an eyesore and is in much needed repair. The reconstruction of the building will have a positive impact on the area.

Due to new setback rules from the original construction date 70 years ago, the much-needed repair to the current building requires a special permit. I am in favor of the City granting this permit allowing for the back wall to be 38 inches into the rear yard setback. In addition, the owner of the property is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. I am also supportive of this request as it will provide additional parking availability in the neighborhood.

Please let me know if you have any questions.

Best Regards,



L. Frederick Francis
Francis Properties

1701 E. Yandell • El Paso, TX 79902 • Mailing Address: P.O. Box 3739 • El Paso, TX 79923 3739
Phone: 915.351.8000 • francisproperties.com



January 8th, 2025

To whom it may concern,

Subject: 809 N. Eucalyptus St Construction Project Special Permit Application

This Letter is to inform you that I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Sincerely,

Ryan McNellis, President
Wing Daddy's Sauce House
2021 E Yandell
El Paso TX 79903



January 8th, 2025

To whom it may concern,

Subject: 809 N. Eucalyptus St Construction Project Special Permit Application

This Letter is to inform you that I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Sincerely,

Juan Barba, Manager

El Paso Saddlery

2025 E Yandell

El Paso TX 79903

2025 E. Yandell • El Paso, TX 79903 • Ph. (915) 544-2333 • Fax (915) 544-2535

Prime Capital MANAGEMENT

December 16, 2024

City of El Paso
Planning
300 N. Campbell
El Paso, Texas 79901

Re: 809 N. Eucalyptus Street - Construction project special permit application

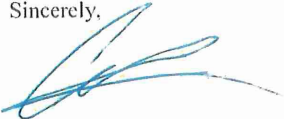
To whom it may concern,

I am writing this letter in support of Mr. John Holland obtaining a permit from the City of El Paso for improvements and construction at 809 N. Eucalyptus Street. This property is in dire need of repairs and the reconstruction of the building will have a positive impact on the neighborhood.

Because of the new setback rules from the original construction from 70 years ago, the much-needed repair to the current building requires a special permit. I am in favor of the City of El Paso granting this permit and allowing for the back wall to be 38 inches into the rear yard setback. In addition, the owner of the property is also proposing diagonal parking in front of the property instead of the current parallel parking, which I am also in support of this request as it will provide additional parking in the neighborhood.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Ceci Figueroa, President
Prime Capital Management, Inc.

1701 E. Yandell | El Paso, Texas 79902 | (915) 351-8000

January 8th, 2025

To whom it may concern,

Subject: 809 N. Eucalyptus St Construction Project Special Permit Application

This Letter is to inform you that I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Sincerely,



Mario Southern, President

Dry River Holdings

2022 E Yandell

El Paso TX 79903



Jay L. HARMAN FIRE EQUIPMENT COMPANY

Ross Logue
Jay L. Harman Fire Equipment Co.
1930 E Yandell Dr.
El Paso, Tx. 79903

12/17/24

Subject : 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Best Regards,

Ross Logue

Ph. (915) 533-7021 • Fax (915) 533-0079
1930 E. Yandell • El Paso, TX 79903 • www.jhfire.com • email: info@jhfire.com

JOSE YANAR
JAYCAL, INC.
1919 E. YANDELL DR.
EL PASO, TX. 79903
1/03/2025

Subject: 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear setback. Even though the rear wall will be rebuilt in the same footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Best Regards,



Jose Yanar



Control & Equipment Company

2001 E. Yandell • El Paso, Texas 79903 Phone (915) 545-2256 • Fax (915) 545-1354
www.controlandequipment.com

Jason Gill

President

Control & Equipment Company

2001 E. Yandell

El Paso, TX, 79903

January 16, 2025

Subject: 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Best Regards,

Jason Gill

BARNHART-TAYLOR, INC.

1602 E. YANDELL Dr.
EL PASO, TEXAS 79902

Ph. #915-533-1231

Fax #915-533-8942

E-mail Address: juanvillalobos@barnharttaylor.com

January 10, 2025

Subject: 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old, dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Improvements by the city in our area such as the street paving repairs on E. Yandell Dr. and new LED street lighting have helped the area quite a bit. Business owners that improve the visibility of their existing structures are also helping the area's image.

Regards,
Juan M. Villalobos, PE
Vice President

Barnhart-Taylor, Inc.
915-727-1951

Arturo Gonzalez
Su Casa Mexican Restaurant
2030 E Yandell Dr
El Paso, TX 79903
915-544-5136

January 6, 2025

Subject: 809 N Eucalyptus Street Construction Project Special Permit Application

To Whom It May Concern:

I am in favor of the improvement/ construction project at 809 N Eucalyptus street because it will look much better than the old dilapidated building. This will have a positive impact on our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N Eucalyptus street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Best regards,
Arturo Gonzalez



Jose Gomez
Timo's Restaurant
2000 Montana
January 8, 2025

Subject: 809 N. Eucalyptus Street construction project special permit application
To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old, dilapidated building. This will have a positive impact in our area.

I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location and footprint as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Best Regards,
Jose Gomez

Laura V. Gill

Control & Equipment Company

1921 E. Yandell Dr., El Paso, TX 79903

January 16, 2025

Subject: 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement/construction project at 809 N. Eucalyptus Street because it will provide a much better look than the current dilapidated building. The improved building will have such a positive impact in our community. It is exciting to see our community thrive with such improvements.

I am aware that the new owner of that building is applying for a special permit because the back wall would be 38 inches into the rear setback. Even though the rear wall will be rebuilt in the same footprint of the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is would be great because it would add a couple of more public parking spaces.

Best Regards,



Laura V. Gill

Operations Manager, Control & Equipment

JOLLIFFCO, L.L.C.

1922 E. Yandell Drive

El Paso, Texas 79903

Travis Jolliff
Jolliffco, L.L.C.
1922 E. Yandell Dr.
El Paso, Tx. 79903

12/18/24

Subject : 809 N. Eucalyptus Street construction project special permit application

To whom it may concern,

I am in favor of the improvement / construction project at 809 N. Eucalyptus Street because it will look much better than the old dilapidated building. This will have a positive impact in our area.

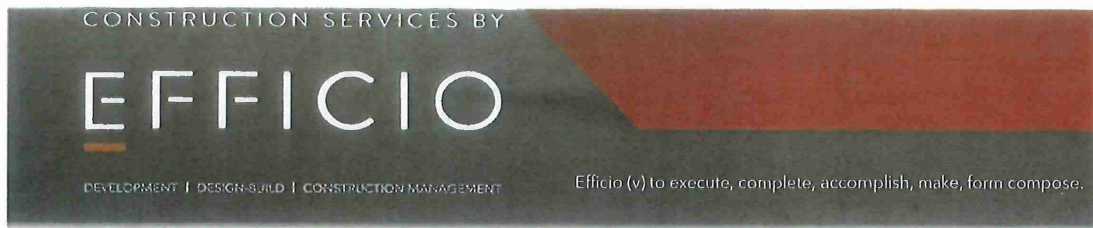
I am aware the new owner of that old building is applying for a special permit because the back wall would be 38 inches into the rear yard setback. Even though the new rear wall will be built in the same location as the original old building, the new setback rules have changed from 70 years ago.

I am also aware that the new owner is proposing diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking. This is good because it would add a couple more public parking spaces.

Best Regards,



Travis Jolliff



January 10, 2025

To: John Holland, CEO
Control & Equipment Company
2001 E. Yandell 79902
El Paso, TX.

RE: Subject: 809 N. Eucalyptus Street construction project special permit application

To Whom It May Concern,

Efficio encourages and supports any businesses willing to invest in the area. The proposed improvements for 809 N. Eucalyptus Street will enhance the area and more importantly bring job opportunities to the area. We understand that the proposed footprint of the building will encroach 38" into the rear yard setback, and a special permit will be required. We understand the challenges of building in the inner city and that it is reasonable that some variations will be necessary to make the design and intended use of the building work. We have no objections to such modifications.

The owner has proposed diagonal parking in front of 809 N. Eucalyptus Street instead of the current parallel parking space and it is necessary to accommodate parking spaces for occupants. The streets are wide and can accommodate the public parking spaces.

We hope that the city will work with Mr. Holland to revitalize his property and bring much needed Economic Development to the area. If you have any questions, please do not hesitate to contact me.

Sincerely,
Efficio Construction Services, LLC

Juan M. Villalobos Jr.
Sole Member
juanv@efficiollc.com
T. (915) 219-4347 ext. 4
M. (915) 373-0867

1600 E. Yandell Dr. | El Paso, Texas 79902 | O. 915.219.4347 | www.efficiollc.com

Carlos Aguirre
AyCaramba Restaurant!
1926 Montana
El Paso, Tx. 79903
1/6/2025

Subject: 809 Eucalyptus Street, Construction Project
Special Permit

To whom it may concern:

I am in favor of the improvement/construction project at
809

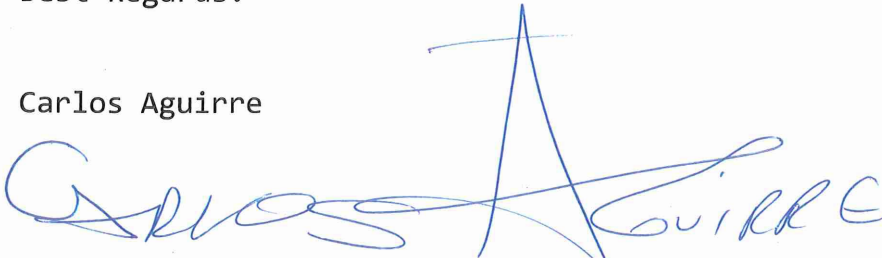
N. Eucalyptus Street, because, it will look much better
and will make a positive impact in our area.

I'm aware the new owner of the building is applying for a
special permit because the back wall will be 38 inches
into the rear setback, even though, the rear wall will be
rebuilt in the same footprint as the original old
building. The new setback rules have changed from 70 years
ago.

I'm also aware that the new owner is proposing diagonal
parking in front of 809 N. Eucalyptus Street, instead of
the current parallel parking.

Best Regards.

Carlos Aguirre

A handwritten signature in blue ink, appearing to read 'Carlos Aguirre', with a large, stylized 'A' in the center.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name _____

Business Name _____

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____

John Holland

Date: _____

01-10-2025



Legislation Text

File #: 25-1078, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 7

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Blanca Perez, (915) 212-1561

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of a portion of Lot 54, Cinecue Park Subdivision, 8172 Lowd Avenue, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 8172 Lowd Avenue

Applicant: Armando and Leticia Urenda, PZRZ25-00017

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 54, CINECUE PARK SUBDIVISION, 8172 LOWD AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a **portion of Lot 54, Cineque Park Subdivision, 8172 Lowd Avenue**, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **R-2 (Residential)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

EXHIBIT "A"

PROPERTY DESCRIPTION

8172 LOWD

Description of a parcel of land being a portion of Lot 54 (a/k/a/ Tract 54), Cineque Park Subdivision, City of El Paso, El Paso County, Texas, map of said recorded in book 7, page 21, Plat Records, El Paso County, Texas and also being that same parcel recorded in book 1745, page 333, and later in Clerk's File #20120026090, El Paso County Clerks Deed Records, and described as follows;

Commencing for reference at a city monument located at the centerline intersection of Lowd Avenue (30' wide) and Cineque Way (30' wide); said monument located North 19°00'00" East a distance of 235.10' from a 1/2" rebar found at the centerline intersection of said Lowd Avenue and Troy Avenue; Thence, with said centerline of Lowd Avenue, North 71°00'00" West a distance of 125.00' to a point; Thence, leaving said centerline, South 19°00'00" West a distance of 15.00' to a "V" chiseled on concrete set at the northwesterly corner of this parcel, said "V" also lying on the southerly ROW line of said Lowd Avenue, and being the "Point Of Beginning";

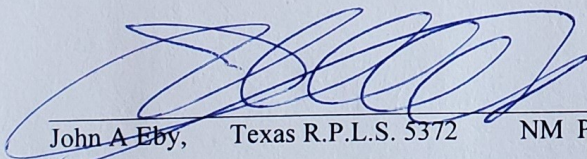
Thence, with said southerly ROW line, South 71°00'00" East a distance of 110.00' to a "V" chiseled on concrete set at the northeasterly corner of this parcel and being the intersection of said southerly ROW line of Lowd Avenue and the westerly ROW of said Cineque Way;

Thence, with said westerly ROW of said Cineque Way, South 19°00'00" West a distance of 150.10' to a bridge nail set at the southeasterly corner of this parcel;

Thence, with the southerly boundary line of this parcel, North 71°00'00" West a distance of 110.00' to the southwesterly corner of this parcel and lying on the easterly boundary line of that parcel described in book 1280, page 279;

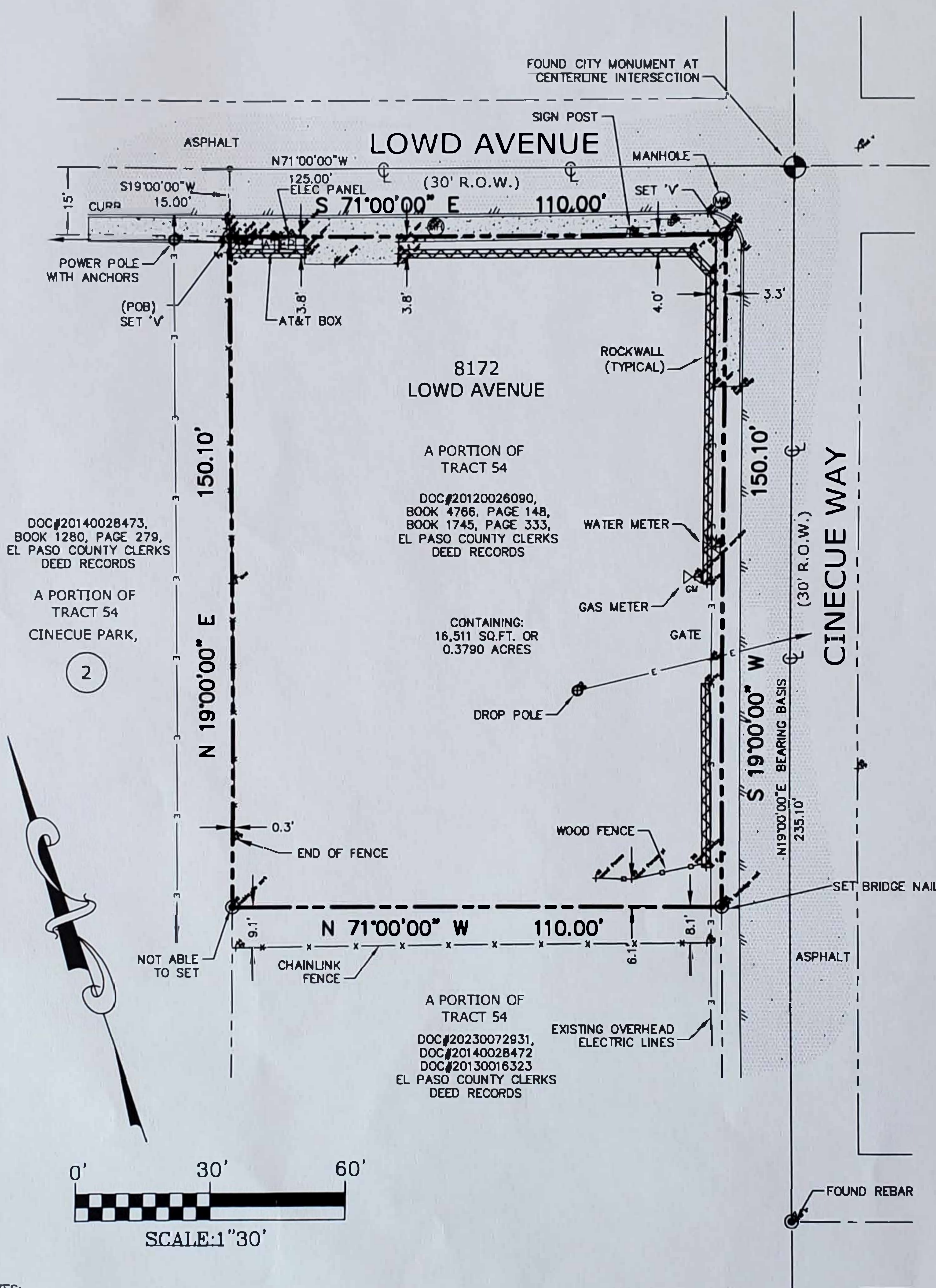
Thence, with the common boundary line of this parcel and said parcel described in book 1280, page 279, North 19°00'00" West a distance of 150.10' to the "Point Of Beginning" and containing 16,511 sq. ft. or 0.3790 acres.

Based on a field survey performed under my supervision and dated 7/18/2025


John A. Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841
TBPELS FIRM #10001200





NOTES:

1. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.

2. A NEW METES AND BOUNDS DESCRIPTION WAS CREATED FROM, AND ACCOMPANIES, THIS SURVEY.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT STANDARDS OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JOHN A EBY TX-5372 NM-17779



A PORTION OF LOT 54,
CINECUE PARK SUBDIVISION,
AS DESCRIBED BY METES AND BOUNDS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
VOLUME: 7
PAGE: 21

TITLE CO: NONE PROVIDED

FIRM ZONE: X PANEL#: 4802140044-C DATED: 2/16/2006

DATE OF SURVEY: 7/18/2025 OFFICE: EA FIELD: AG,HR

PASO DEL NORTE SURVEYING INC.

PH. 915-241-1841
FAX 915-855-6925
© COPYRIGHT

TBPELS FIRM #10001200

13998 BRADLEY ROAD, EL PASO, TEXAS 79938

8172 Lowd

City Plan Commission — July 3, 2025

REZONING



CASE NUMBER: PZRZ25-00017
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Armando and Leticia Urenda
REPRESENTATIVE: Luis Urenda
LOCATION: 8172 Lowd Ave. (District 7)
PROPERTY AREA: 0.38 acres
REQUEST: Rezone from R-F (Ranch and Farm) to R-2 (Residential)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of June 26, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property form R-F (Ranch and Farm) to R-2 (Residential) for the proposed use of a single-family dwelling.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with the current uses in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G-3 Post-War future land use designation.

PZRZ25-00017



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 15 30 60 90 120 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to R-2 (Residential) for the proposed use of a single-family dwelling. The 0.38-acre property is currently vacant. The conceptual site plan proposes a 3,680-square-foot single-family residence with access provided from Lowd Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed single-family dwelling and the requested R-2 (Residential) zoning are compatible with the existing character of the area. The surrounding properties include single-family dwellings zoned R-F (Ranch and Farm) to the north, west, and south, and single-family dwellings zoned R-4 (Residential) to the east. The nearest school, Thrive Academy Alternative School, is approximately 0.3 miles away, and the closest park, Shawver Park, is located about 1.0 mile from the subject property.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property and the proposed development meet the intent of the G-3, Post-War Future Land Use designation of <i>Plan El Paso</i>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>R-2 (Residential) District: The purpose of these districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The proposed R-2 (Residential) zoning is compatible with the surrounding R-F (Ranch and Farm), R-3, and R-4 (Residential) districts and uses, which are developed with single-family dwellings.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to Lowd Avenue, which is designated as a local street in the City's Major Thoroughfare Plan (MTP). It is also adjacent to Cinecue Way, another local street that connects to Yarbrough Drive, a major arterial. The classification of these roadways is appropriate to serve the proposed development.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may</p>	<p>The subject property is not located within historic districts nor any other special designation areas.</p>

be applicable. Any adopted small areas plans, including land-use maps in those plans.	
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The proposed rezoning does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area has been stable with no rezonings within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The subject property is currently vacant and undersized for the existing R-F (Ranch and Farm) zoning, which makes it unsuitable for development under its current designation. Rezoning to R-2 (Residential) will allow for appropriate development consistent with the surrounding single-family residential neighborhood.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The property is located at the intersection of Lowd Avenue and Cinecue Way. Access to the subject property will be provided from Lowd Avenue, which is designated as a local street in the City of El Paso's Major Thoroughfare Plan (MTP) and is suitable to serve the proposed development. Two bus stops are located within walking distance (0.25 mile) of the property, with the nearest bus stop approximately 0.12 miles away along Yarbrough Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The subject property is located within the boundaries of the Mission Valley Civic Association, Corridor 20 Civic Association, and Save the Valley 21, all of which were notified of the rezoning application by the applicant. Public notices were mailed to property owners within 300 feet of the subject property on June 20, 2025. As of June 26, 2025, the Planning Division has not received any communication in support or opposition to the request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

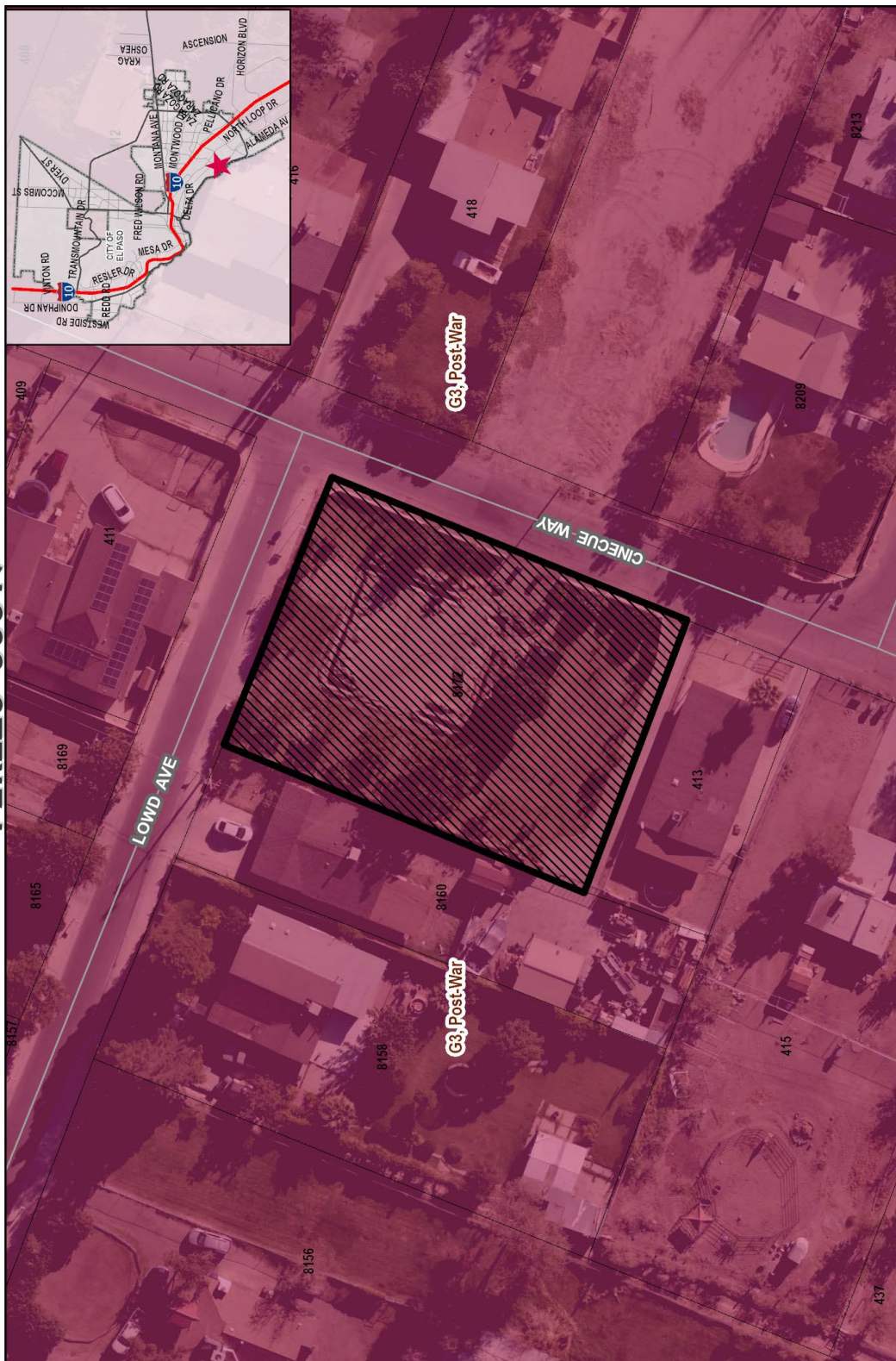
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

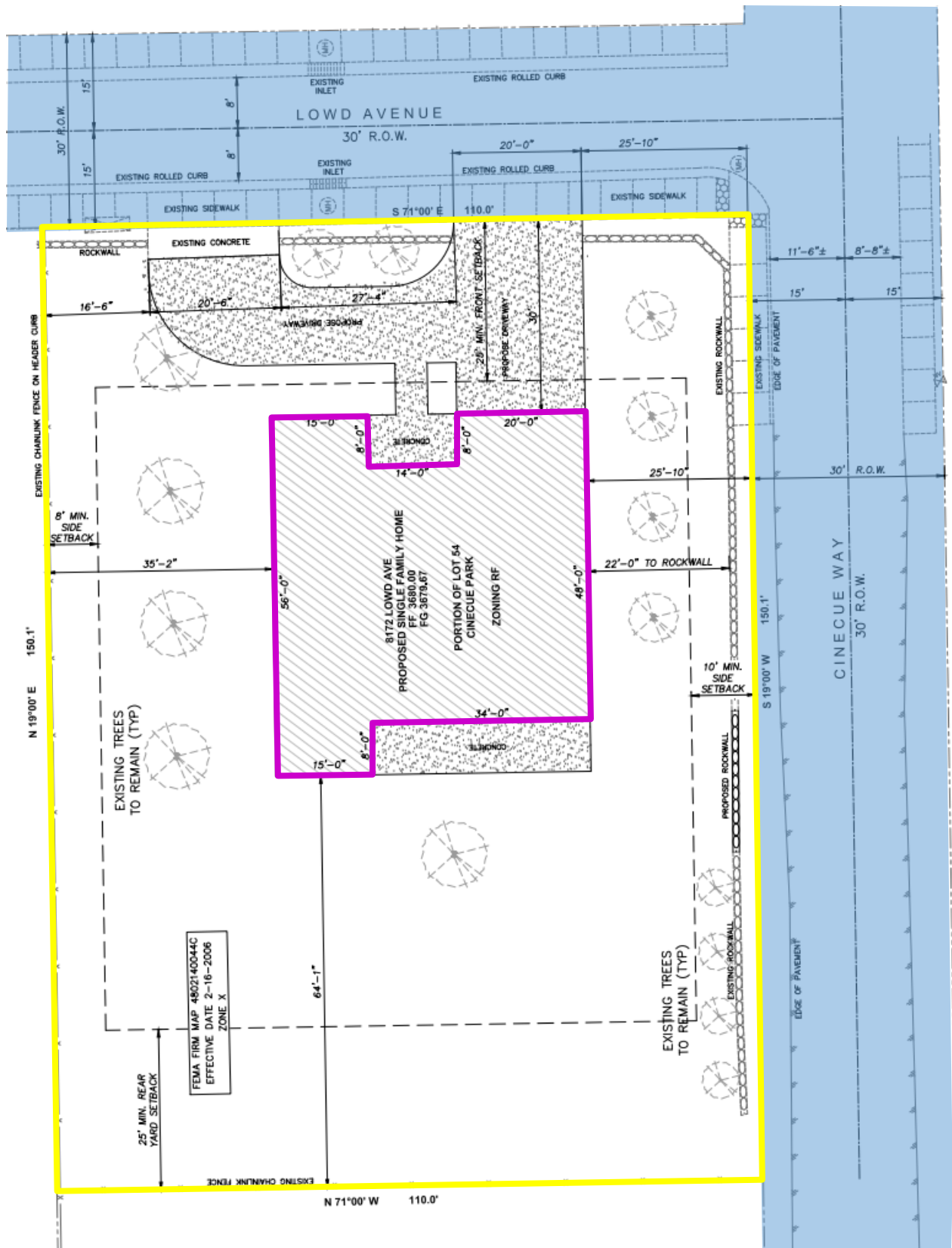
PZRZ25-00017



 Subject Property

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ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request. The proposed zoning district is compatible with the residential districts in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, and the G3 Post-War future land use designation.

Planning and Inspections Department – Plan Review & Landscaping Division

No comments provided.

Planning and Inspections Department – Land Development

On-site ponding of all storm-water runoff discharge volumes is required within this lot and shall comply with all provisions of Municipal-Code Section 19.19.010A, SDM panel 1-4C-J, and DDM section 11.1.

Note: Comments will be addressed at the permitting stage.

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Sun Metro

No comments provided.

Streets and Maintenance Department

Traffic & Transportation Engineering

No objection. Install 5-foot sidewalk up to property line on Cinecue Way. No TIA is required.

Streets Lighting:

Does not object to this request.

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management:

No comments provided.

El Paso Water

No comments provided.

Water

No comments provided.

Sanitary Sewer

No comments provided.

General

No comments provided.

Stormwater:

As per the Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of green space, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Cinecue Way was not designed to take in any runoff and Lowd Ave. may have been designed to retain only the street runoff; this property may need to retain its developed runoff on site.

El Paso County 911 District

No comments or concerns regarding this zoning.

Texas Department of Transportation

No comments provided.

El Paso County Water Improvement District #1

No comments provided.

Texas Gas Service

Texas Gas service has a service line at 8172 Lowd Ave.

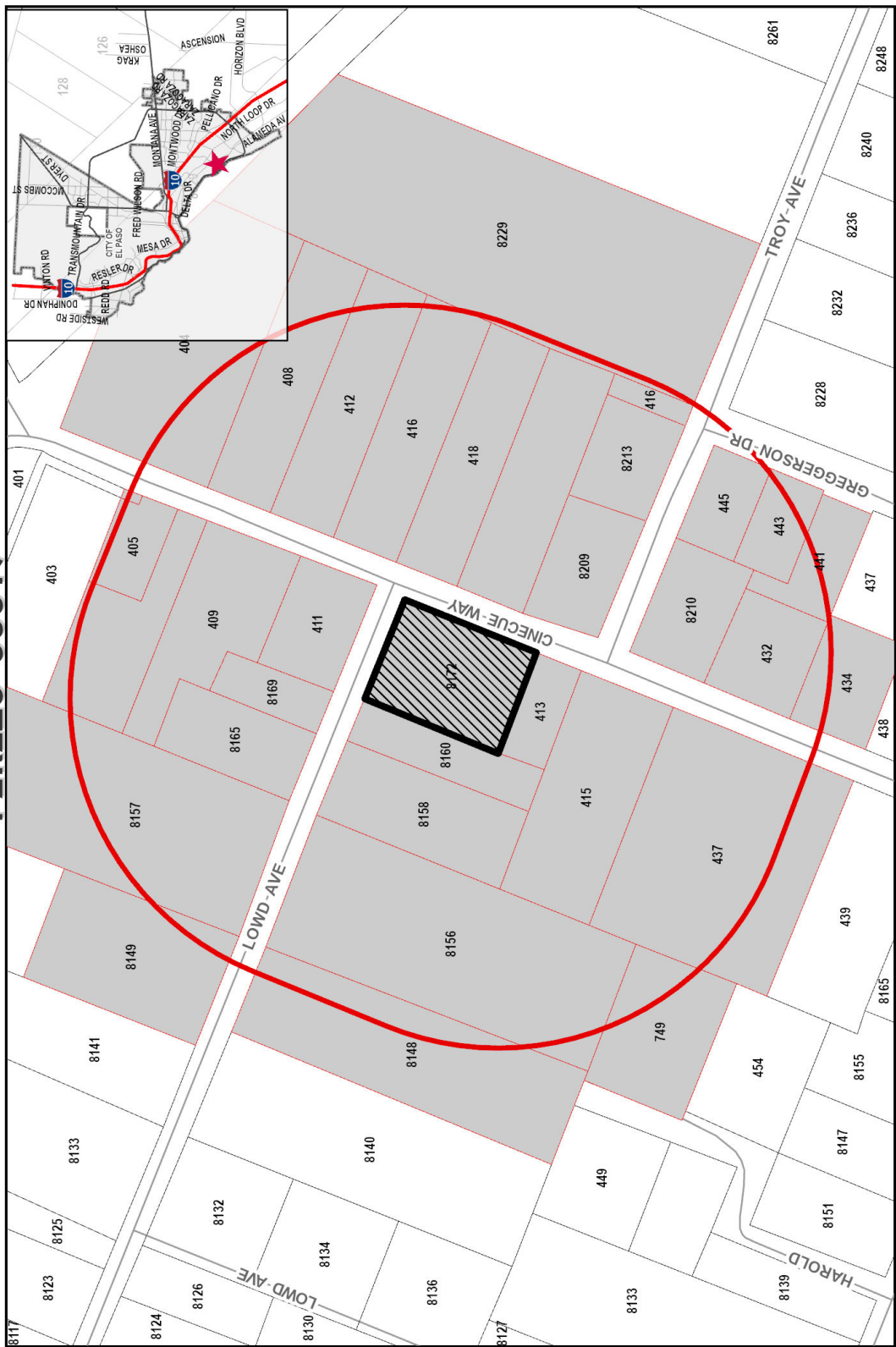
Disclaimer: Texas Gas Service does not allow permanent structures nor trees to be installed on top of TGS gas mains or service lines. If a conflict is anticipated, the developer, contractors or owner representative should contact TGS to relocate the gas main and/or service at the developer's expense.

El Paso Electric

No comments for 8172 Lowd Ave.

ATTACHMENT 4

PZRZ25-00017



Subject Property
300 Feet Notice Area
Notified Properties



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map are not permitted without the express written consent of the Planning Division. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name	<u>NA</u>
Business Name	<u>NA</u>
Agenda Item Type	<u>NA</u>
Relevant Department	<u>NA</u>

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

ARM 4NDG WRENDA
 Signature: Leticia Wren Date: 6-11-2025
 Leticia Wren Leticia Wren



Legislation Text

File #: 25-1079, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Blanca Perez, (915) 212-1561

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of Lot 1, Block 1, Shadow Mountain, 201 Shadow Mountain Drive, City of El Paso, El Paso County, Texas from G-MU/c (General Mixed Use/conditions) to C-1/c (Commercial/conditions) and Lot 1, Block 1, Shadow Mountain Unit Two, 135 Shadow Mountain Drive, City of El Paso, El Paso County, Texas from G-MU (General Mixed Use) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 201 and 135 Shadow Mountain Drive

Applicant: Saadatkah Abdolkarim, PZRZ25-00016

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 1, SHADOW MOUNTAIN, 201 SHADOW MOUNTAIN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM G-MU/C (GENERAL MIXED USE/CONDITIONS) TO C-1/C (COMMERCIAL/CONDITIONS) AND LOT 1, BLOCK 1, SHADOW MOUNTAIN UNIT TWO, 135 SHADOW MOUNTAIN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM G-MU (GENERAL MIXED USE) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of **Lot 1, Block 1, Shadow Mountain, 201 Shadow Mountain Drive**, located in the City of El Paso, El Paso County, Texas, be changed from **G-MU/c (General Mixed Use/Conditions)** to **C-1/c (Commercial/conditions)** and **Lot 1, Block 1, Shadow Mountain Unit Two, 135 Shadow Mountain Drive**, located in the City of El Paso, El Paso County, Texas, be changed from **G-MU (General Mixed Use)** to **C-1 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

201 and 135 Shadow Mountain

City Plan Commission — July 31, 2025

REZONING



CASE NUMBER:	PZRZ25-00016
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	Saadatkahh Abdolkarim
REPRESENTATIVE:	Conde, Inc.
LOCATION:	201 and 135 Shadow Mountain Dr. (District 8)
PROPERTY AREA:	4.59 acres
REQUEST:	Rezone from G-MU/c (General Mixed Use/conditions) to C-1/c (Commercial/conditions) and G-MU (General Mixed Use) to C-1 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	One (1) call of inquiry as of July 24, 2025.

SUMMARY OF REQUEST: The applicant is requesting to rezone the property from G-MU/c (General Mixed Use/conditions) to C-1/c (Commercial/conditions) and G-MU (General Mixed Use) to C-1 (Commercial) to allow for the use of a shopping center.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the proposed rezoning is in keeping with the policies of the G-4, Suburban (Walkable) Land Use designation of Plan El Paso, the City's adopted Comprehensive Plan.

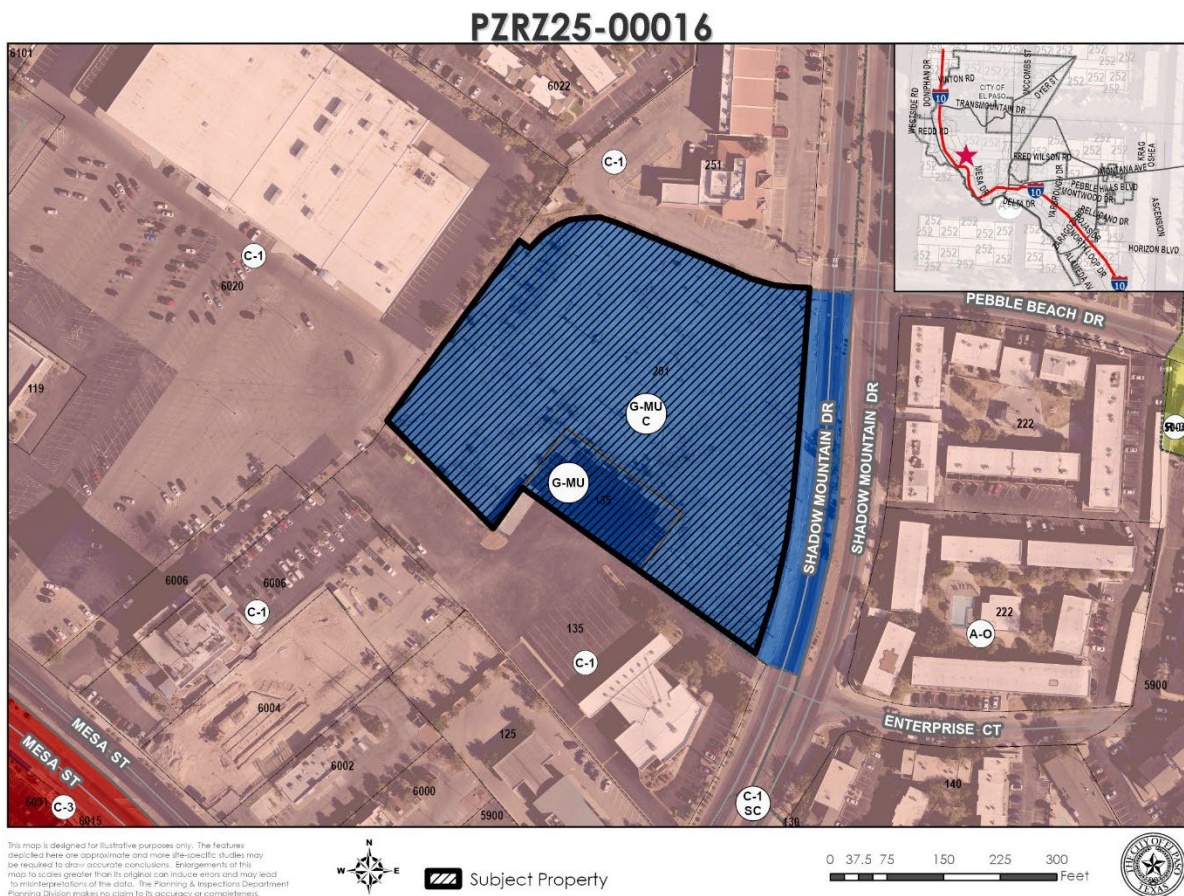


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from G-MU/c (General Mixed Use/conditions) to C-1/c (Commercial/conditions) and G-MU (General Mixed Use) to C-1 (Commercial) to allow for the development of a shopping center. The property is approximately 4.59 acres in size. The conceptual site plan proposes five (5) buildings, which include retail, restaurant, office, and self-storage uses. Primary access to the development is proposed from Shadow Mountain Drive. The conceptual site plan is not subject to zoning compliance review under Title 20 of the El Paso City Code and is non-binding.

PREVIOUS CASE HISTORY: On July 19, 2016, Ordinance No. 18541 was adopted, rezoning the property from C-1 (Commercial) to G-MU (General Mixed Use) with conditions. Subsequently, on September 13, 2022, Ordinance No. 19383 was adopted, rezoning an additional portion of the site from C-1 (Commercial) to G-MU (General Mixed Use) and amending the previously approved master zoning plan. The conditions imposed by Ordinance No. 18541 are as follows:

1. *Existing restrictive covenants and utility easement encroachments shall be addressed prior to the issuance of any building permits.*
2. *Traffic mitigation fees are to be paid prior to the issuance of any building permits.*

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is compatible with the surrounding commercial development. Properties to the north and west are zoned C-1 (Commercial) and are developed with a shopping center and retail establishments. The property to the south is also zoned C-1 (Commercial) and includes a bank. Properties to the east are zoned A-O (Apartment/Office) and are developed with apartment complexes. The nearest school, Putman Elementary, is located approximately 1 mile from the subject property, and the nearest park, James Schwitters Family Park, is located approximately 0.6 miles away.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4 Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed development is consistent with the future land use designation as it is located on a major arterial and will provide commercial uses.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The proposed C-1 (Commercial) zoning district is compatible with the surrounding C-1 (Commercial) zoned properties and existing commercial uses, as well as the adjacent A-O (Apartment/Office) zoning district, which is developed with multifamily residential. The proposed zoning aligns with the established land use pattern in the area.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property is located along Shadow Mountain Drive, which is designated as a major arterial in the City's Major Thoroughfare Plan (MTP). The classification of this road is adequate for the proposed development as it connects to other existing commercial uses.</p>

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies with the Hillside Development Area. Consequently, this will be heard by the Open Space Advisory Board.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The subject property lies within the Hillside Development Area. There are no anticipated affects on the natural environment. Furthermore, the proposed rezoning will be presented to the Open Space Advisory Board (OSAB) prior to City Council.
Stability: Whether the area is stable or in transition.	The surrounding area is generally stable with one rezoning within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is proposed from Shadow Mountain Drive, which is classified as a major arterial in the City's Major Thoroughfare Plan (MTP). This roadway classification is appropriate for the proposed commercial development. Sidewalks are present along Shadow Mountain Drive and within the existing surrounding development, supporting pedestrian connectivity. There are seven (7) bus stops located within a 0.25-mile (5-minute walking distance) from the subject property, with the nearest bus stop approximately 0.07 miles away.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comment received from the reviewing departments.

PUBLIC COMMENT: The applicant notified five (5) nearby neighborhood associations of the rezoning request, including Save the Valley, Upper Valley Improvement Neighborhood Association, Upper Mesa Hills Neighborhood Association, Mesa Hills Neighborhood Association, and Coronado Neighborhood Association. Public notices were mailed to property owners within 300 feet of the subject property on July 17, 2025. As of July 24, 2025, the Planning Division has received one (1) call of inquiry but has not received any communications in support or opposition to the request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

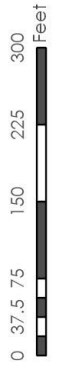
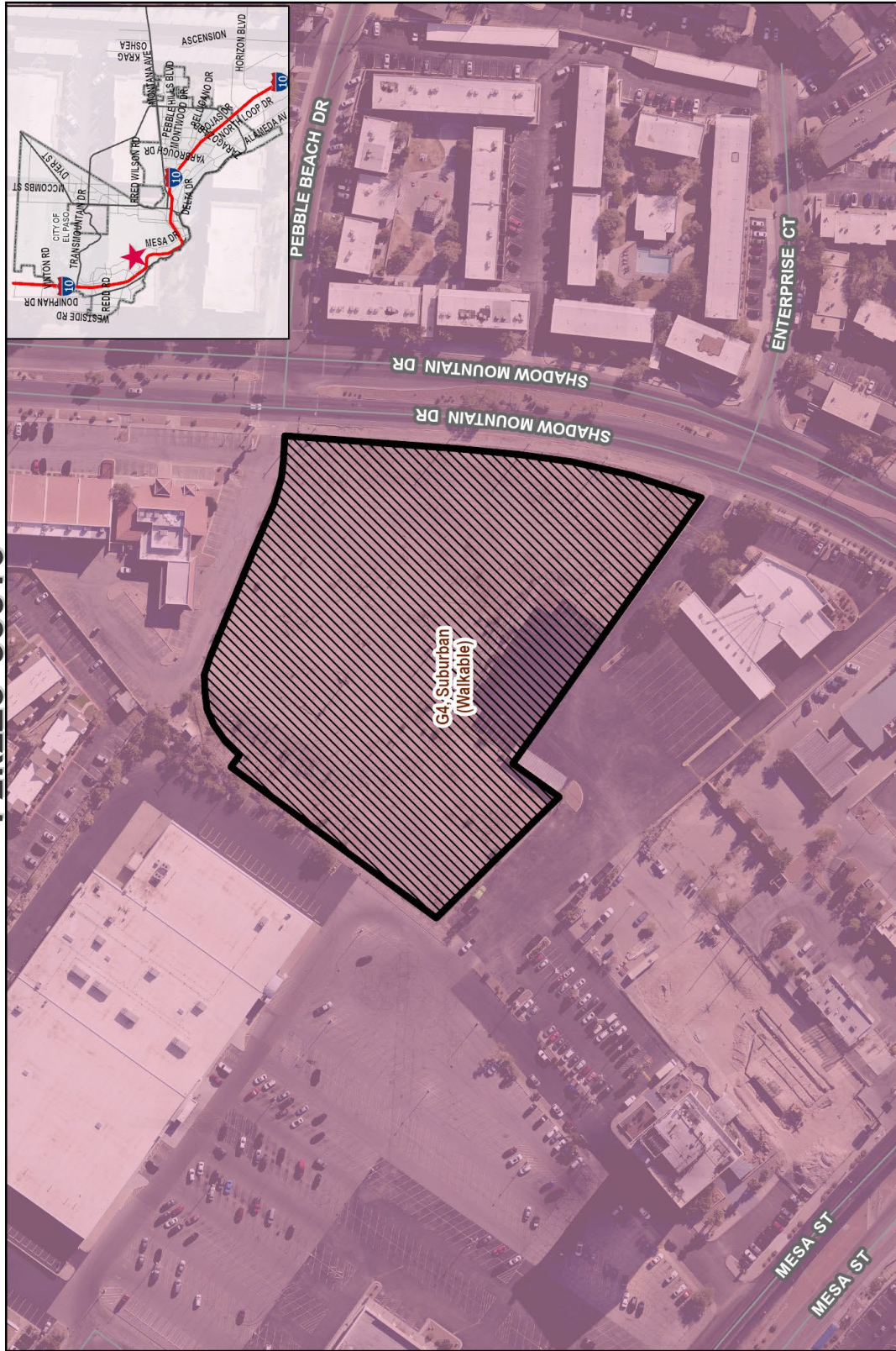
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Ordinance No. 18541
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZRZ25-00016

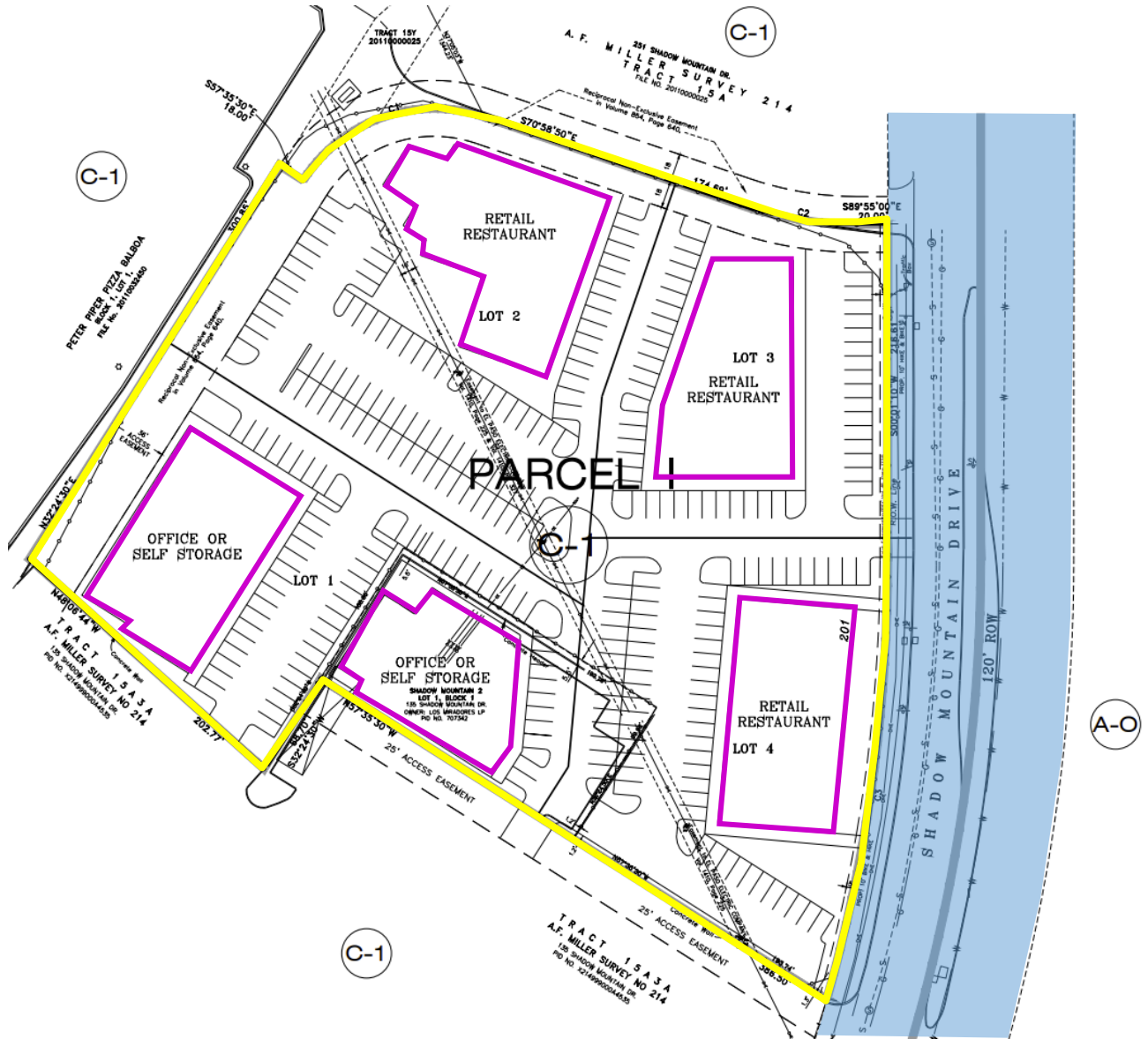


Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to determine the exact location and extent of the property. The Planning & Inspections Department makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

CITY CLERK DEPT.

2016 JUN -7 PM 1:17

Doc# 20160055386

ORDINANCE NO. 018541

AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 1, SHADOW MOUNTAIN, 201 SHADOW MOUNTAIN, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO G-MU (GENERAL MIXED USE); APPROVING A MASTER ZONING PLAN; AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Lot 1, Block 1, Shadow Mountain, 201 SHADOW MOUNTAIN, City of El Paso, El Paso County, Texas*, be changed from **C-1 (COMMERCIAL)** to **G-MU (GENERAL MIXED USE)**, as defined in Section 20.06.020, and that a **MASTER ZONING PLAN**, be approved as required by 20.04.200, to allow the land uses reflected in the Master Zoning Plan attached as Exhibit "A" and the Master Zoning Report attached as Exhibit "B" incorporated herein for all purposes, and that the zoning map of the City of El Paso be revised accordingly.

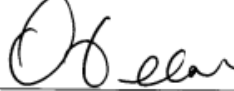
Further, that the property described above be subject to the following conditions which are necessitated in order to protect the health, safety and welfare of the residents of the City:

1. *Existing restrictive covenants and utility easement encroachments shall be addressed prior to the issuance of any building permits.*
2. *Traffic mitigation fees are to be paid prior to the issuance of any building permits.*

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

PASSED AND APPROVED this 19th day of July, 2016.

THE CITY OF EL PASO



Oscar Leeser
Mayor

ATTEST:

Ordinance No. 018541
16-1007-1684/533889
201 Shadow Mountain - Rezoning Ordinance
OAR

PZRZ15-00039



Richarda Duffy Moensen, City Clerk

APPROVED AS TO FORM:

Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning and Inspections Department

Ordinance No. **018541**
16-1007-1684/533889
201 Shadow Mountain – Rezoning Ordinance
OAR

PZRZ15-00039

[illegible]

Master Zoning Plan for a General Mixed-Use

Shadow Mountain

I. Purpose and Intent:

The purpose of this project and new Master Zoning Plan is to strengthen the existing neighboring community where there is an existing mixture of uses including offices, retail, apartments, single family attached units, walk ups, duplexes and row houses. Being located close to Sunland Park Mall, Coronado Shopping Center and the Mesa Street and Sunland Park corridor is a plus. This new district will enhance the neighborhood; promote walkable communities and the City of El Paso Comprehensive Plan and Smart Growth Objectives and initiatives throughout the city.

These Objectives will be followed with these outlines initiatives:

- Accommodate an innovative designed project that promotes multifamily houses and retail uses in West El Paso;
- Provide a center that promotes compatible uses, retail and multifamily housing, to have a relationship with the existing neighborhood promoting Public Transportation and pedestrian linkages with the rest of Downtown, the Medical Center, Mid-Town, Sunland Park and West side Walmart;
- Continue with the redevelopment patterns that the City of El Paso is promoting;
- Demonstrate that these trends are economically and socially feasible in West El Paso.

II. Objective:

This District will accommodate an innovative Multifamily Living with retail and interior open spaces, while providing individual structured parking.

III. Characteristics:

Description: The district will replace and empty land lot of 4.16 acres with a modern building that will house 42,000 square feet of retail space, over 100,000 Square feet of common open space, 219 hotel units and 228 apartment dwelling units.

The site is designed as an urban infill plan that allows the introduction of public pedestrian and vehicle or circulation from neighboring communities both commercial and residential through the site. The design of the site is promoting and accommodating and implementing both vehicular and pedestrian circulation connecting Mesa to Shadow Mountain via a connector aligned with Pebble Street.

The shaded and landscape pedestrian circulation is landscaped with Xeriscaping and shadow trees aligned within hard scape. The project allows for green pocket parks and outdoor public seating and congregating areas. There is a pocket park for the retail and another pocket park with public art for the entrance into the residential lobby on Shadow Mountain road.

The connector boulevard wrapping around the site for the vehicular, bicycle, and pedestrian is lined with landscaping and benches seating areas as well as vita exercise Anna Lee near park distribution with pedestrian sidewalk which continues around as it connects via pebble to Shadow Mountain and on to Mesa.

The purely pedestrian connection is done through a pedestrian promenade open to the sky that connects the residential lobby and commercial on Shadow Mountain and connects pedestrian movement to the hotel lobby and retail and spa. The entrance to the hotel and spa is aligned with a linear park and with a pocket park.

The building is designed to blend in with colors and hues and tones of the ridges and Shadow Mountain. The building has colors and tones of browns and bronze and ochre and red colors similar to the sunset of the El Paso over the Rio Grande River.

The concept is to design a building that is unique to El Paso.

The amenity xeriscaping landscaped terraces and pool deck promotes and allows for the open shaded and natural assembly for the hotel and the residential community congregation area which is open 360°.

The building floats 25 feet above on top of the community residential and hotel Terrace area that promotes and allows open views to Shadow Mountain as well as to the Rio Grande and to El Paso and Juarez in the background.

The project is designed as a LEED project. Orienting to the Sun to maximize the views of the Rio Grande and the mountain ridges while promoting the natural light around the site. The floating of the building allows for the natural cross ventilation and natural breezes to be promoted on the site.

The Building is oriented and is designed as well as providing shade and shadow onto the building with the large overhang shade balconies and terrace shadowboxes in order to mitigate the solar gain on the glass on the tower.

The landscape-xeriscaping at the ground level continues onto the amenity level and continues on the vertical screen walls of the garage allowing for the cars to be fully hidden from the public right away while the xeriscaping continues to go down from the planters of the amenity terraces above and up from the ground Landscape surrounding the building on all four sides. The building is designed to have 360°

accessibility and visibility. All the services and loading is done internally hidden away from sight of public right of ways.

Access: This neighborhood center will have retail access along Shadow Mountain Drive. Each individual unit will be located in the main tower and have its own parking in an attached parking garage. Access to the parking garage will be from Pebble Beach Drive where an entrance ramp to the 5 story parking garage will be located. Pedestrian access will be from a pedestrian bridge which connects the tower to the parking garage.

Setbacks:

- Principal Front (Shadow Mountain): 7'-5"
- Secondary Front (Pebble Beach DR): 20'-0"
- Side : 45'-0"
- Rear: 89'-6"

Density:

- 228 Residential Units
- 219 Hotel Units

Landscaping:

- 55,337 SF.

Parking:

- 715 parking spaces
- 291,545 SF.

Sub Districts: N/A

Phasing: One Phase

Floor Area Ratio:

- 4.30:1

Special Privilege: N/A

IV. Relationship with Plan for El Paso:

This district will enhance the neighborhood's economic and social vitality and will follow the overall City of El Paso's goals to revitalize the City and promote higher densities and mixed uses as per the Smart Growth initiatives.

The existing surroundings have a tight walkable community with schools, churches, and retail within walking distance. This district will strengthen it by providing a modern and additional retail, apartments and hotel that will enhance the neighborhood.

Shadow Mountain City Centre Mix Use Table							
		Set Backs				Ceiling Height	Maximum Building Height
Use	Min. Area SF.	Front	Back	N. Side	S.Side		
Commercial Uses						15'-0"	256'-0"
ART GALLERY	400	0	0	0	0	15'-0"	256'-0"
ATHLETIC FACILITY	400	0	0	0	0	15'-0"	256'-0"
AUTOMATED TELLER MACHINE ATM	400	0	0	0	0	15'-0"	256'-0"
BAKERY	400	0	0	0	0	15'-0"	256'-0"
BANK	400	0	0	0	0	15'-0"	256'-0"
BARBER SHOP	400	0	0	0	0	15'-0"	256'-0"
BEAUTY SALON	400	0	0	0	0	15'-0"	256'-0"
BILLIAR AND POOL HALL	400	0	0	0	0	15'-0"	256'-0"
BINGO HALL	400	0	0	0	0	15'-0"	256'-0"
BOOK STORE	400	0	0	0	0	15'-0"	256'-0"
BOUTIQUE	400	0	0	0	0	15'-0"	256'-0"
BOWLING ALLEY	400	0	0	0	0	15'-0"	256'-0"
BREAD AND BAKERY PRODUCT MAN.	400	0	0	0	0	15'-0"	256'-0"
BREWERY	400	0	0	0	0	15'-0"	256'-0"
CAFETERIA	400	0	0	0	0	15'-0"	256'-0"
CLINIC	400	0	0	0	0	15'-0"	256'-0"
COMMUNITY RECREATIONAL FACILITY	400	0	0	0	0	15'-0"	256'-0"
COMPUTER ELECTRONIC PRODUCT ASSE.	400	0	0	0	0	15'-0"	256'-0"
COURIER & MESSAGE SERVICE	400	0	0	0	0	15'-0"	256'-0"
CREDIT UNION	400	0	0	0	0	15'-0"	256'-0"
DELICATESSEN	400	0	0	0	0	15'-0"	256'-0"
ELECTRONIC EQUIPMENT REPAIR	400	0	0	0	0	15'-0"	256'-0"
EXERCISE FACILITY (INDOOR)	400	0	0	0	0	15'-0"	256'-0"
FINANTIAL INSTITUTION	400	0	0	0	0	15'-0"	256'-0"
FLOWER SHOP	400	0	0	0	0	15'-0"	256'-0"
GOVERNAMENTAL USE	400	0	0	0	0	15'-0"	256'-0"
HOBBY STORE	400	0	0	0	0	15'-0"	256'-0"
HOME IMPROVEMENT CENTER	400	0	0	0	0	15'-0"	256'-0"

ICE CREAM PARLOR	400	0	0	0	0	15'-0"	256'-0"
ICE SKATING FACILITY	400	0	0	0	0	15'-0"	256'-0"
LAUNDRY ROOM	400	0	0	0	0	15'-0"	256'-0"
LAUNDRY COMMERCIAL	400	0	0	0	0	15'-0"	256'-0"
MASSAGE PARLOR	400	0	0	0	0	15'-0"	256'-0"
MINIATURE GOLF COURSE	400	0	0	0	0	15'-0"	256'-0"
MOVIE THEATRE(INDOOR)	400	0	0	0	0	15'-0"	256'-0"
MUSIC STORE	400	0	0	0	0	15'-0"	256'-0"
NIGHTCLUB,BAR,COCKTAIL LOUNGE	400	0	0	0	0	15'-0"	256'-0"
OFFICE,PROFESIONAL	400	0	0	0	0	15'-0"	256'-0"
ON SITE PARKING	400	0	0	0	0	15'-0"	256'-0"
OPEN SPACE(COMMON,PUBLIC OR PRIV.)	400	0	0	0	0	15'-0"	256'-0"
OTHER RETAIL STABLISHMENT(HIGH VOLUME)	400	0	0	0	0	15'-0"	256'-0"
OTHER RETAIL STABLISHMENT(LOW VOLUME)	400	0	0	0	0	15'-0"	256'-0"
PARK , PLAYGROUND	400	0	0	0	0	15'-0"	256'-0"
RESTAURANT(DRIVE IN OR WALK IN)	400	0	0	0	0	15'-0"	256'-0"
RESTAURANT SIT DOWN	400	0	0	0	0	15'-0"	256'-0"
SHOE REPAIR SHOP	400	0	0	0	0	15'-0"	256'-0"
SPECIALTY SHOP	400	0	0	0	0	15'-0"	256'-0"
SPORTING GOODS STORE	400	0	0	0	0	15'-0"	256'-0"
STUDIO,DANCE	400	0	0	0	0	15'-0"	256'-0"
STUDIO,PHOTOGRAPHY	400	0	0	0	0	15'-0"	256'-0"
SUPERMARKET	400	0	0	0	0	15'-0"	256'-0"
SUPERSTORE	400	0	0	0	0	15'-0"	256'-0"

Parking							
GARAGE OR LOT PARKING (COMERCIAL)	50,000	0	0	0	0	7'-6"	75'-0"
GARAGE OR LOT PARKING (PRIVATE)	50,000	0	0	0	0	7'-6"	75'-0"

Residential Uses							
APARTMENT(5 OR MORE UNITS)	400	30'-0"	30'-0"	30'-0"	30'-0"	8'6"	256'-0"
HOTEL	200	30'-0"	30'-0"	30'-0"	30'-0"	8'6"	256'-0"

SCANNED

9

GF

Doc# 20160055396
#Pages 8 #FFPages 1
8/8/2016 11:07:59 AM
Filed & Recorded in
Official Records of
El Paso County
Dalia Briones
County Clerk
Fee \$54.00

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Dalia Briones

PLEASE RETURN TO DRAWER 151
City of El Paso
City Clerk's Office, 1st Floor
300 N. Campbell
El Paso, Texas 79901.

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval of the request as the proposed rezoning is in keeping with the policies of the G-4, Suburban (Walkable) Land Use designation of Plan El Paso, the City's adopted Comprehensive Plan.

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

The master zoning exhibit A shows there is a pond and the zoning plan shows a self-storage building in its' place. Define alternate stormwater method(s) of retaining developed stormwater (underground systems).

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Sun Metro

No comments provided.

Streets and Maintenance Department

Traffic & Transportation Engineering:

No TIA required.

Streets Lighting:

Does not object to this request.

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management:

No comments provided.

El Paso Water

No comments provided.

Stormwater:

As per the Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of green space, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

El Paso County 911 District

No comments or concerns regarding this zoning.

Texas Department of Transportation

No comments provided.

El Paso County Water Improvement District #1

No comments provided.

Texas Gas Service

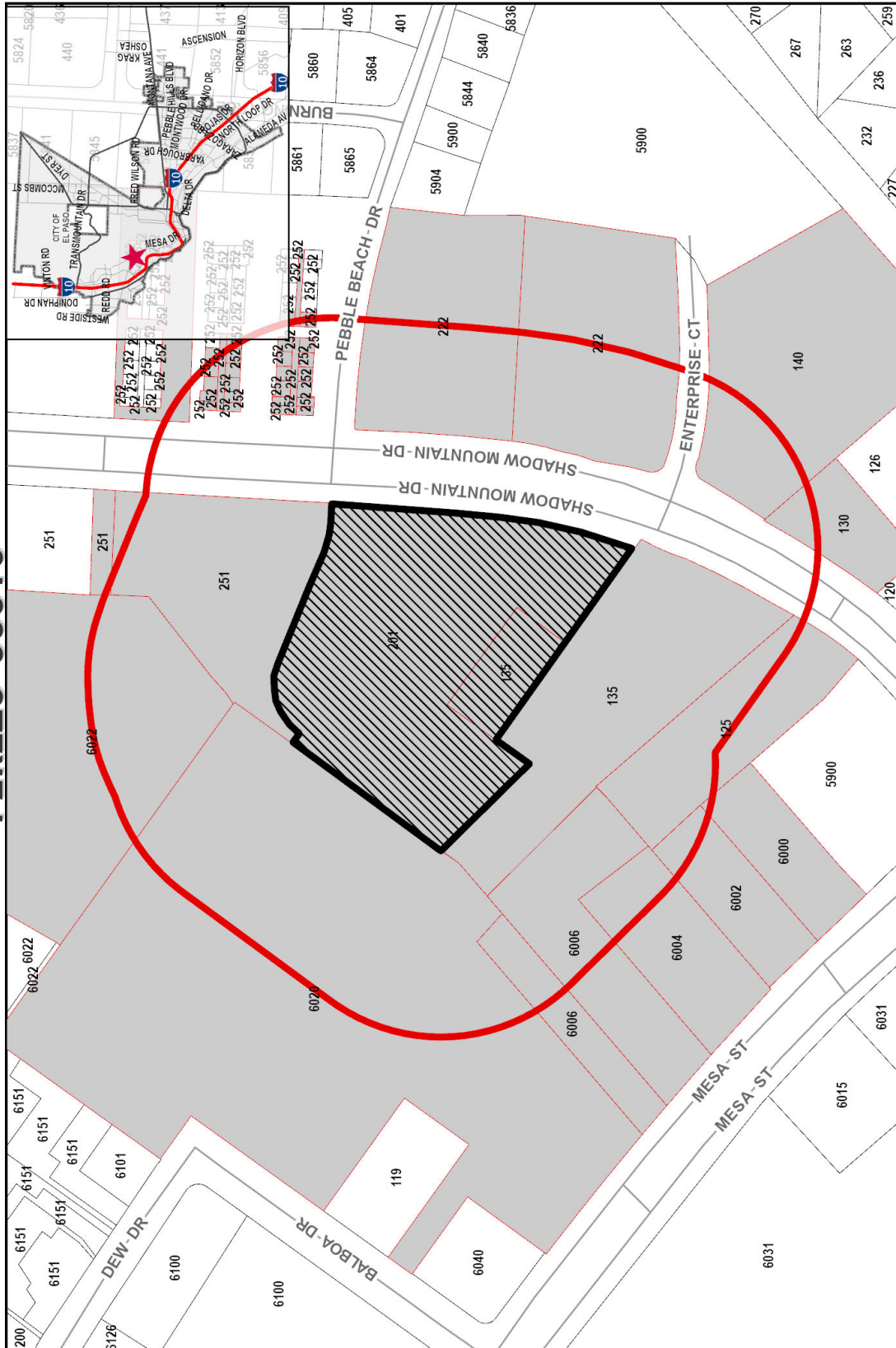
Texas Gas Service will need a 10' easement to provide gas service to these properties. Disclaimer: Texas Gas Service does not allow permanent structures nor trees to be installed on top of TGS gas mains or service lines. If a conflict is anticipated, the developer, contractors or owner representative should contact TGS to relocate the gas main and/or service at the developer's expense.

El Paso Electric

No comments for 201 Shadow Mountain Dr. Attached is a copy of our ROW Guidelines for the existing line within the parcel.

ATTACHMENT 5

PZRZ25-00016



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

 Subject Property
 300 Feet Notice Area
 Notified Properties

 0 50 100 200 300 400 Feet

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name	Saadatkham Abdolkarim
Business Name	individual- Saadatkham Adbolkarim
Agenda Item Type	Rezoning
Relevant Department	Planning and Inspections Department

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: Abdolkarim Saadatkhah dotloop verified
05/28/25 8:08 AM MDT
JLZM-OJLB-AFHC-DR4G Date: 05/28/2025



Legislation Text

File #: 25-1081, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 2

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Blanca Perez, (915) 212-1561

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of a portion of Lot 3, Block B, Arnold Foothills, 7750 Alabama Street, City of El Paso, El Paso County, Texas from C-1 (Commercial) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7750 Alabama Street

Applicant: Karam Development, PZRZ25-00014

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 3, BLOCK B, ARNOLD FOOTHILLS, 7750 ALABAMA STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of **a portion of Lot 3, Block B, Arnold Foothills, 7750 Alabama Street**, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **C-1 (Commercial)** to **A-O (Apartment/Office)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this ____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Exhibit "A"

A portion of Lot 3, Block B,
Arnold Foothills,
City of El Paso, El Paso County, Texas

July 2, 2025

METES AND BOUNDS DESCRIPTION

7750 Alabama Street

Exhibit "A"

FIELD NOTE DESCRIPTION of a portion of Lot 3, Block B, Arnold Foothills, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 5/8 inch rebar for corner at the common boundary corner of Lots 3 and 4, Block B, Arnold Foothills and the easterly right-of-way line of Alabama Street, same being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, continuing along said easterly right-of-way line of Alabama Street, 27.48 feet along the arc of a curve to the left whose radius is 1969.96 feet, whose interior angle is $0^{\circ}47'57''$, whose chord bears North $16^{\circ}17'02''$ West, a distance of 27.48 feet to a found 1/2 inch rebar for corner;

THENCE, continuing along said easterly right-of-way line, North $16^{\circ}41'00''$ West, a distance of 72.70 feet to a found "X" for corner along said right-of-way line;

THENCE, leaving said easterly right-of-way line, North $78^{\circ}08'34''$ East, a distance of 158.34 feet to a point for corner;

THENCE, North $80^{\circ}54'02''$ East, a distance of 93.12 feet to a found 1/2 inch rebar for corner along the westerly right-of-way line of a 20 foot alley;

THENCE, leaving along said westerly right-of-way line of a 20 foot alley, South $00^{\circ}52'48''$ East, a distance of 81.64 feet to a found 1/2 inch rebar for corner along the common boundary line of Lots 3 and 4;

THENCE, leaving along said common boundary line, South $74^{\circ}19'12''$ West, a distance of 228.08 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 21,876.01 square feet or 0.5022 acres of land more or less.

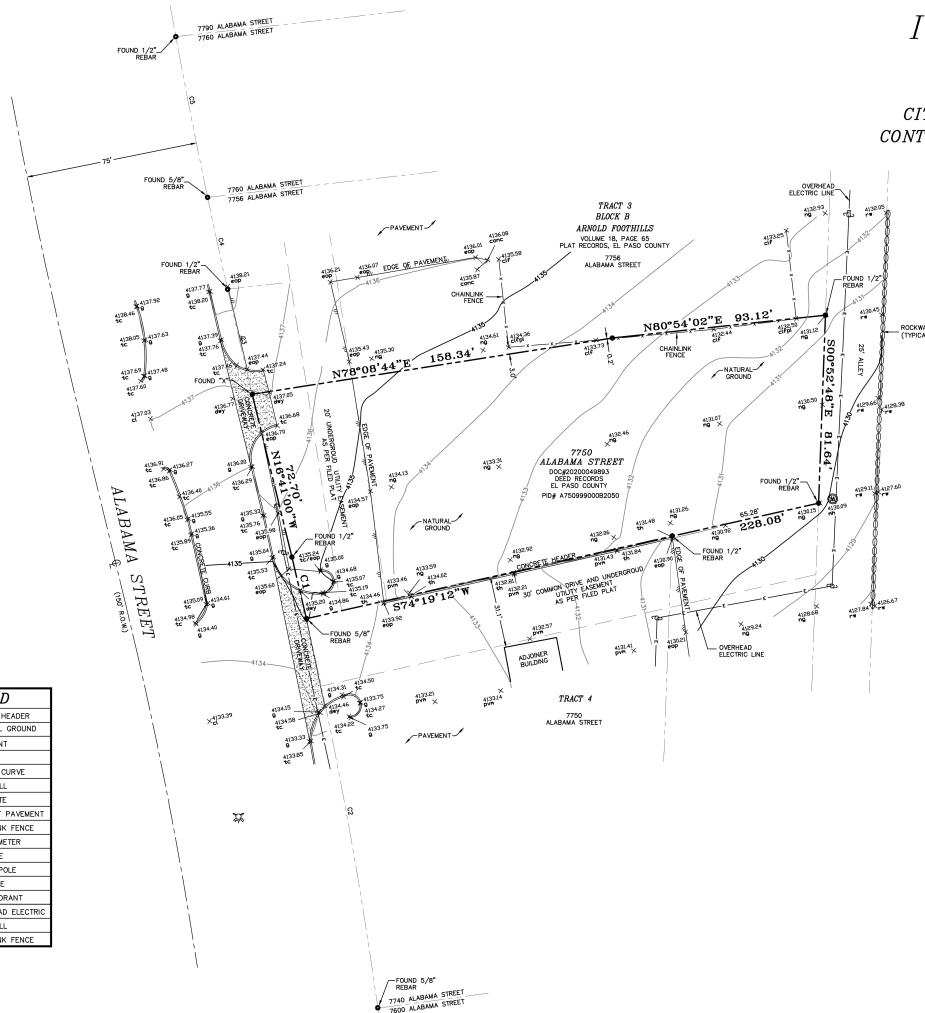
Carlos M. Jimenez
R.P.L.S.# 3950

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
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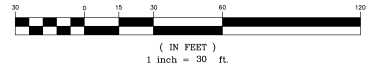


TOPOGRAPHIC AND IMPROVEMENT SURVEY

7750 ALABAMA STREET
A PORTION OF LOT 3, BLOCK B
ARNOLD FOOTHILLS
CITY OF EL PASO, EL PASO COUNTY, TEXAS.
CONTAINING: 21,876.01 SQ. FT. OR 0.5022 ACRES ±



GRAPHIC SCALE



LEGEND	
TH	= TOP OF HEADER
NG	= NATURAL GROUND
PVM	= PAVEMENT
G	= GUTTER
TC	= TOP OF CURVE
RW	= ROCKWALL
CONC	= CONCRETE
EDP	= EDGE OF PAVEMENT
CLF	= CHAINLINK FENCE
WM	= WATER METER
M	= MANHOLE
PP	= POWER POLE
GW	= GUY WIRE
HY	= FIRE HYDRANT
OE	= OVERHEAD ELECTRIC
RW	= ROCKWALL
CLF	= CHAINLINK FENCE

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	BEARING
C1	27.48	1969.96	0°47'57"	N16°17'02"W
C2	171.97	1969.96	5°00'06"	N13°23'00"W
C3	46.82	2805.00	0°57'23"	S16°12'18"E
C4	40.82	2805.00	0°50'02"	S15°18'36"E
C5	84.74	2805.00	1°43'51"	S14°01'40"E

BENCH MARK:
FOUND CITY MONUMENT AT CENTERLINE
INTERSECTION OF MOUNTAIN WALK & EVANS
BENCH MARK ELEV. = 4167.44' CITY DATUM
CONTOUR INTERVAL 1 FOOT
CONTOUR LABEL 5 FEET

NOTE(S):

1. ACCORDING TO THE FLOOD INSURANCE RATE MAP HEREON DESCRIBED TRACT LIES IN ZONE C; COMMUNITY PANEL NO. 48024-009-48, DATED 10/06/1982.
2. THE LOCATION OF EXISTING UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APURTANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH SURFACE GROUND MARKINGS, ELEVATIONS OR UTILITY COMPANY PLANS TO DETERMINE THE EXACT LOCATION OF ANY SUBGROUNDED UTILITIES.
3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

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CAD CONSULTING COMPANY
1790 N. LEE TREVINO DR. SUITE 309
EL PASO, TEXAS 79936
TEL (915) 633-6422



CERTIFICATION
I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
CARLOS M. JIMENEZ R.P.L.S. No. 3960
FPM 1009290

7750 Alabama

City Plan Commission — July 3, 2025

REZONING



CASE NUMBER:	PZRZ25-00014
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	Romity MF Ventures, LLC
REPRESENTATIVE:	TJ Karam
LOCATION:	7750 Alabama St. (District 2)
PROPERTY AREA:	0.502 acres
REQUEST:	Rezone from C-1 (Commercial) to A-O (Apartment/Office)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None received as of June 26, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property form C-1 (Commercial) to A-O (Apartment/Office) to allow for apartment (five or more units).

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning request. The proposed zoning district is compatible with light commercial and residential uses in the surrounding area. It is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan and aligns with G-3, Post-War for the future land use designation.

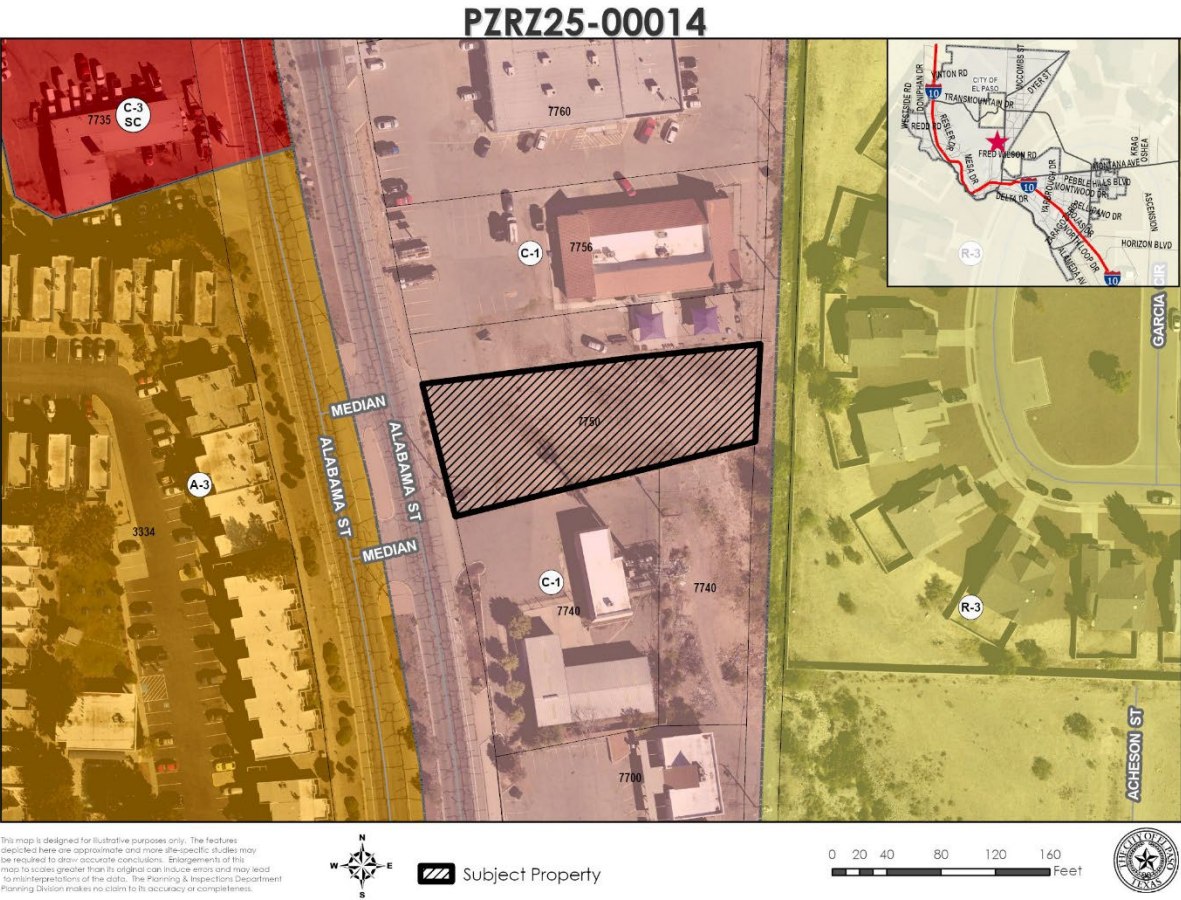


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from C-1 (Commercial) to A-O (Apartment/Office) to allow for the development of apartment (5 or more units). The 0.50-acre property is currently vacant. The conceptual site plan proposes a two-story building containing twenty (20) efficiency apartments and twenty (20) parking spaces. The proposed A-O (Apartment/Office) zoning district would allow a maximum density of up to 29 units. Vehicular and pedestrian access will be provided from Alabama Street.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed apartment use and the requested A-O (Apartment/Office) zoning are compatible with the established character of the surrounding area. Properties to the north are zoned C-1 (Commercial) and include a church and a child care facility, while to the south there is an office warehouse also zoned C-1 (Commercial). To the west are apartments zoned A-3 (Apartment), and to the east are single-family dwellings zoned R-3 (Residential). The nearest park, North Open Reserve, is approximately 0.14 miles away, and the closest school, Edgar Park Elementary, is about 0.8 miles from the subject property.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property and the proposed development align with the intent of the G-3, Post-War Future Land Use designation in <i>Plan El Paso</i>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-O (Apartment/Office) District: The purpose of these districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low-density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes. The proposed zoning district is compatible with the surrounding C-1 (Commercial), A-3 (Apartment) and R-3 (Residential) districts, which include light commercial uses and single and multifamily residential developments.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to Alabama Street, which is designated as a major arterial in the City's Major Thoroughfare Plan (MTP). This road classification is suitable to support the proposed development.</p>

THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The subject property is not located within historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable with no rezoning within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property will be from Alabama Street, which is designated as a major arterial in the City of El Paso's Major Thoroughfare Plan (MTP) and is appropriate to serve the proposed development. There are three bus stops within walking distance (0.25 mile) of the property, with the nearest bus stop located approximately 0.08 miles away at the southeast intersection of Zion Drive and Alabama Street.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The subject property is located within the boundaries of the Sunrise Civic Group and the El Paso Central Business Association, both of which were notified of the rezoning application by the applicant. Public notices were mailed to property owners within 300 feet of the subject property on June 20, 2025. As of June 26, 2025, the Planning Division has not received any responses in support or opposition to the rezoning request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

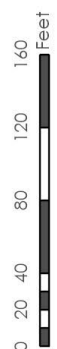
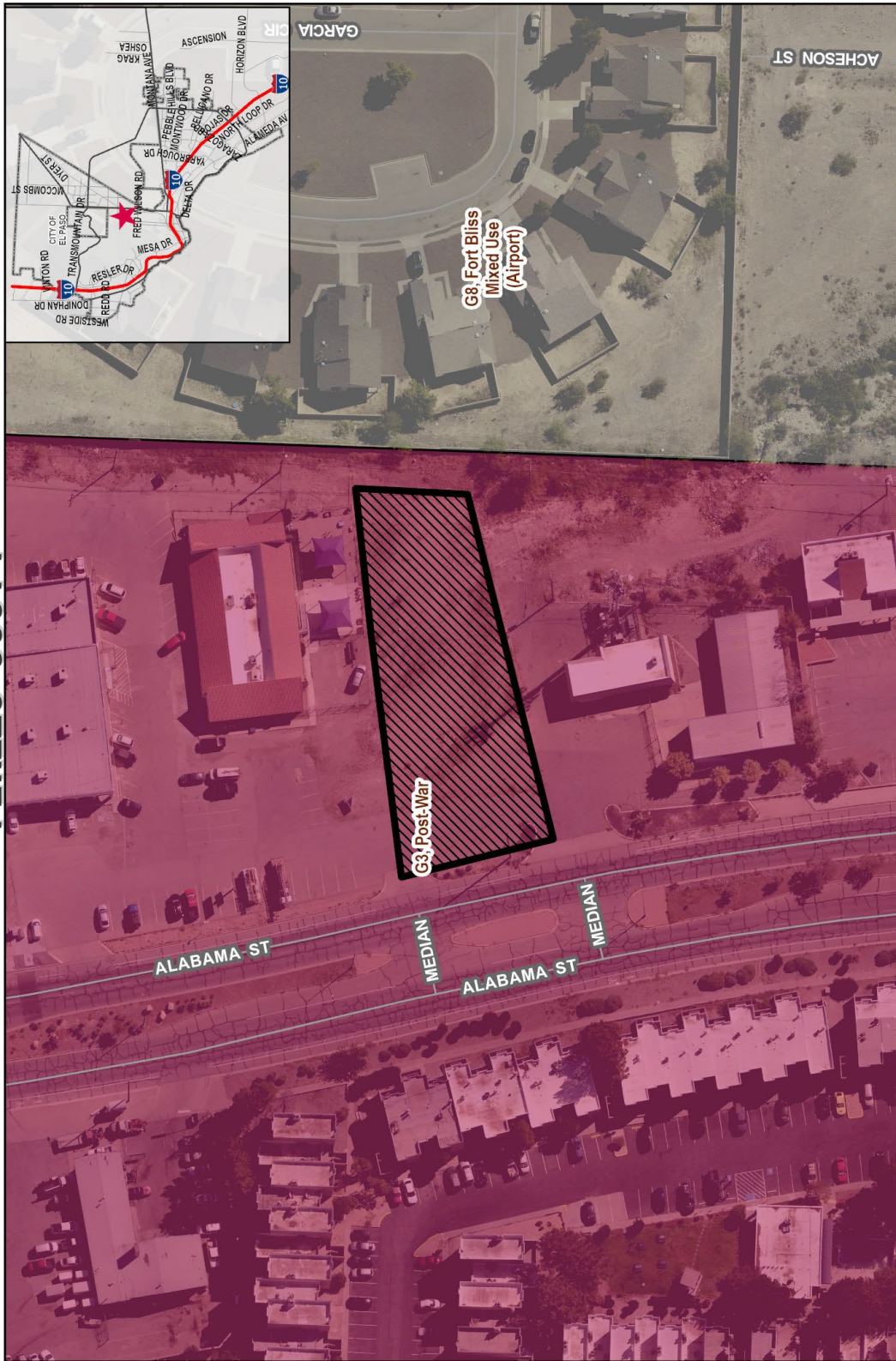
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

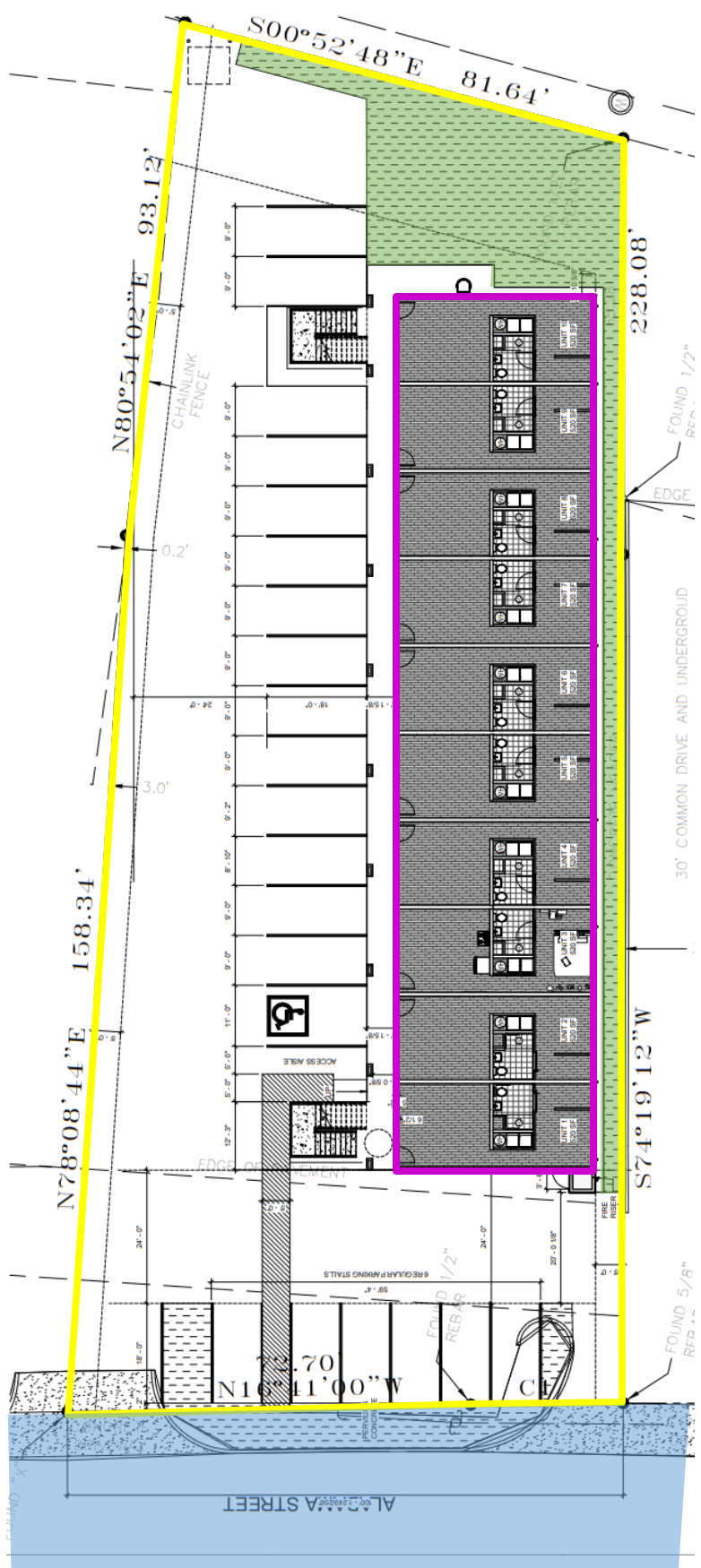
PZRZ25-00014



Subject Property

This map is designed for illustrative purposes only. The features shown are approximate and may not be exact. The map is not to be used for legal purposes. The Planning & Inspection Department makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request. The proposed zoning district is compatible with commercial and residential uses in the surrounding area. It is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan and aligns with G-3, Post-War for the future land use designation.

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and the Preservation of Natural Arroyos, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Note: Comments will be addressed at the permitting stage.

Fire Department

No adverse comments.

Police Department

No comments provided.

Environment Services

No comments provided.

Sun Metro

No comments provided.

Streets and Maintenance Department

Traffic & Transportation Engineering:

No objections. No TIA is required.

Streets Lighting:

Does not object to this request.

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management:

No comments provided.

El Paso Water

EPWater does not object to this request.

Water

There is an existing 12-inch diameter water main extending along Alabama Street approximately 72-feet west of the property. This main is available to provide service.

Previous water pressure reading from fire hydrant #3608, fronting at 7740 Alabama Street, has yielded a static pressure of 98 psi, a residual pressure of 90 psi, and a discharge flow of 1209 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main along Alabama Street located approximately 109-feet west of the property line. This main is available to provide service.

There is an existing 8-inch diameter sanitary sewer main in a 25-foot sewer easement located 5-feet east of the easement. This easement is located east of the property. This main is available to provide service.

There is an existing 10-inch force main east of the property. No direct service connections are allowed to the 16-inch diameter water main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

General

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

El Paso County 911 District

No comments or concerns regarding this zoning.

Texas Department of Transportation

No comments provided.

El Paso County Water Improvement District #1

No comments provided.

Texas Gas Service

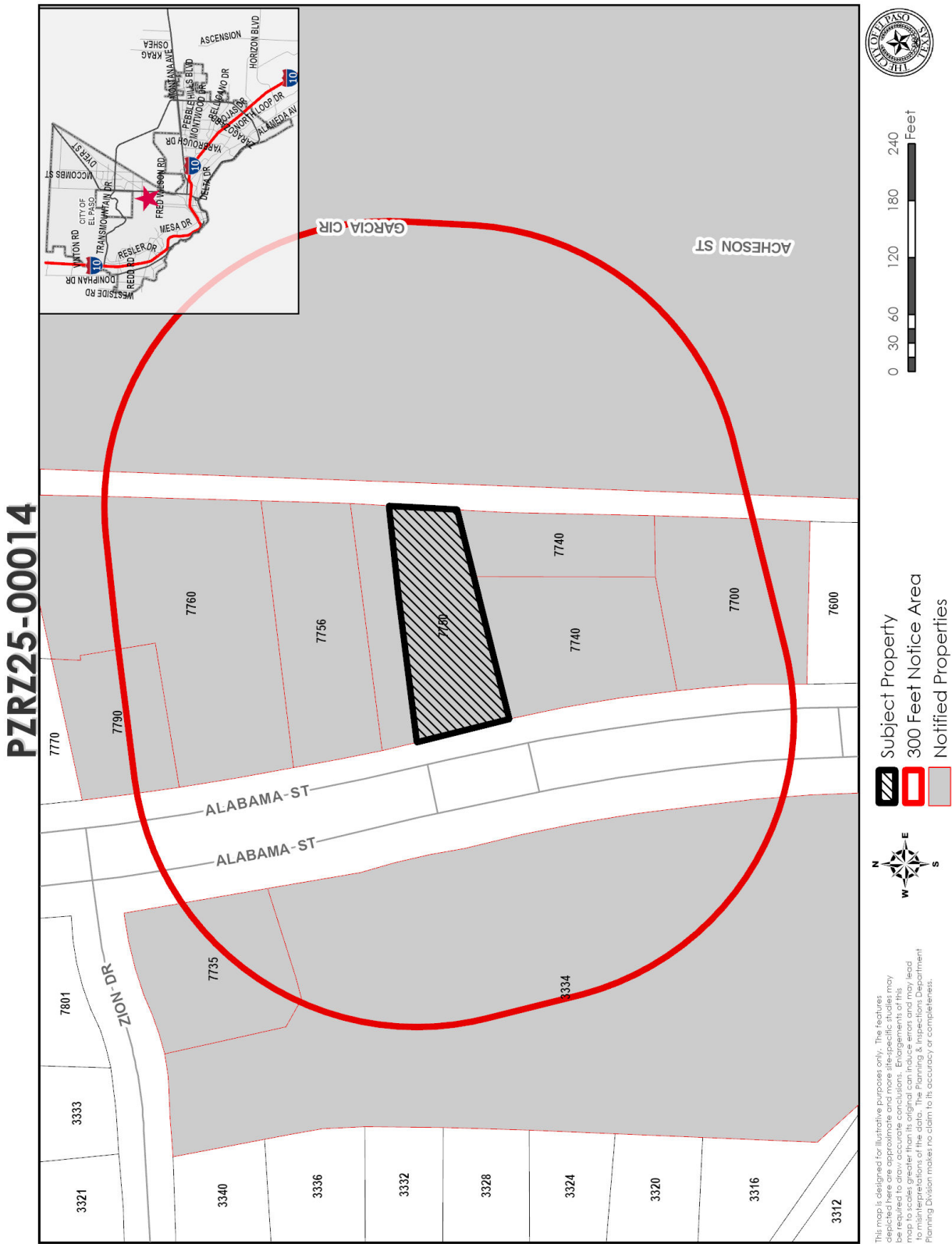
Texas Gas Service does not have any comments.

Disclaimer: Texas Gas Service does not allow permanent structures nor trees to be installed on top of TGS gas mains or service lines. If a conflict is anticipated, the developer, contractors or owner representative should contact TGS to relocate the gas main and/or service at the developer's expense.

El Paso Electric

No comments.

ATTACHMENT 4



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

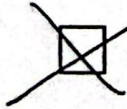
Full Name Mike Luciano

Business Name Romity MF Ventures LLC

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

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Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: _____ Date: 04/30/25

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- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

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Contributor / Donor Information:

Full Name Ronald Malooly

Business Name Romity MF Ventures LLC

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92 080 of the El Paso Municipal Code.



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OR



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District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: _____

Date: _____

[Handwritten Signature]

04/30/25

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

Tyler Lyon

Business Name

Romity MF Ventures LLC

Agenda Item Type

Relevant Department

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: [Signature] Date: 04/30/25



Legislation Text

File #: 25-1107, Version: 3

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 2

Parks and Recreation, Pablo Caballero, (915) 212-0092

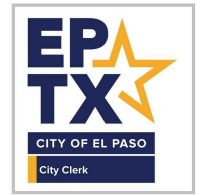
City Attorney's Office, Jesus Quintanilla, (915) 212-0033

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.090 (Motor Vehicles) and Section 13.24.010 (Creation and Purpose of Parks and Recreation Department; Definitions; and Sale of Goods and Services) to allow motor vehicles to drive and park at Lincoln Park for permitted Cultural Events with a penalty as provided by Section 13.24.220.

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



DEPARTMENT: Parks and Recreation Department

AGENDA DATE: 9/3/25

PUBLIC HEARING DATE: 9/16/25

CONTACT PERSON NAME: Pablo Caballero

PHONE NUMBER: 1-915-212-0092

2nd CONTACT PERSON NAME: Jesus Quintanilla

PHONE NUMBER: 1-915-212-0033

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

Goal 4

SUBGOAL:

SUBJECT:

Discussion and Action on an Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.090 (Motor Vehicles) and Section 13.24.010 (Creation and Purpose of Parks and Recreation Department; Definitions; and Sale of Goods and Services) to allow motor vehicles to drive and park at Lincoln Park for permitted Cultural Events.

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

8/12/25 Motion to Direct the City Manager and City Attorney to amend the Parks Ordinance to allow for parking at Lincoln Park during Cultrual Events

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.090 (MOTOR VEHICLES) AND SECTION 13.24.010 (CREATION AND PURPOSE OF PARKS AND RECREATION DEPARTMENT; DEFINITIONS; AND SALE OF GOODS AND SERVICES) TO ALLOW MOTOR VEHICLES TO DRIVE AND PARK AT LINCOLN PARK FOR PERMITTED CULTURAL EVENTS WITH A PENALTY AS PROVIDED BY SECTION 13.24.220.

WHEREAS, Lincoln Park, also known as “Chicano Park,” has a rich history of celebrating the Chicano culture in the City of El Paso; and

WHEREAS, on August 12, 2025, City Council directed the City Manager and City Attorney to amend the parks ordinance to allow for parking at Lincoln Park during cultural events and to include provisions that require event organizers to be financially responsible for any and all damage, repair, and necessary maintenance as a result of these events; and

WHEREAS, City Code Chapter 13.24 is the relevant Chapter of the Code that regulates use of motor vehicles on city parks and trails.

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

Section 1. That Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.090 (Motor Vehicles) is hereby amended to read as follows:

“A. No person shall drive, or ride in or on, any motor vehicle, four-wheeler, all-terrain vehicle, motorcycle, go cart, dirt bike, or any other similar motorized device except for a motorized wheelchair, in any city park or trail, except licensed vehicles may drive or travel on streets that are graded or surfaced for vehicular travel and of sufficient width for use by the vehicle. This section shall not apply to the following persons when engaged in the performance of their duties: peace officers, ambulance operators or attendants, physicians, employees of the city, employees of a public utility company, or persons under contract with the city performing construction, maintenance, or other necessary work in city park or a trail.

B. Subsection A restrictions do not apply to Cultural Events at Lincoln Park if an event organizer meets the following criteria:

1. Event organizer provides to the City Manager or designee a certificate of insurance for general liability coverage as approved by the City’s Risk Manager and a copy of the insurance policy which lists Lincoln Park as a covered location on the dates of the event and listing the City of El Paso as a certificate holder; and

2. Event organizer provides the City Manager or designee with a list of all participating vehicles that will be driven or parked on Lincoln Park and proof of automobile liability coverage for each vehicle. Alternatively, event organizer may provide proof of automobile liability insurance to the City on the same general liability certificate of insurance; and
3. Event organizer participates in a walkthrough of Lincoln Park with Parks and Recreation staff at least two weeks prior to Cultural Event to avoid areas of Lincoln Park that may be extra sensitive to parking or driving to include, but not be limited to, the irrigation system; and
4. Event organizer shall cooperate with Parks staff to appropriately drive and park at designated spaces on Lincoln Park on the dates of the Cultural Event.
5. Event organizer will provide material that will prevent oil leakage from causing environmental harm to Lincoln Park. Event organizer and Parks staff shall agree on acceptable means and material to prevent leakage of motor vehicle oil from causing environmental harm.

Section 2. That Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.010 (Creation and Purpose of Parks and Recreation Department; Definitions; and Sale of Goods and Services) Subsection B be amended to read as follows:

“B. Definitions. The following definitions apply to these terms as used in this chapter.

1. "Alcoholic beverage" means alcohol or any beverage containing alcohol that is capable of being used for beverage purposes, either alone or when diluted, including but not limited to beer, wine, distilled spirits and mixed beverages containing alcohol.
2. "Amusement device" means any item that is temporarily installed for the purpose of playing on, including but not limited to climbing walls, dunking booths or inflatable items such as jumping balloons, slides, castles and similar items and temporary playground equipment.
3. "Appeals official" means the city manager or a deputy city manager as designated by the city manager.
4. "City park" means any property in the city that is designated, set aside or operated by the city for public recreational purposes, whether dedicated or developed as a park or not, or that is located in any street right-of-way and is maintained as public open space, including all buildings, recreation facilities, playgrounds, parking lots, driveways, pathways, trails and other areas within a park, to include Scenic Drive. Designation of property as a city park pursuant to this subsection is solely for the purposes of identifying areas governed by this chapter and shall not be construed to be a dedication of any property as a park.

5. "Cultural Event" means an event that celebrates Cesar Chavez Day, Lincoln Park Day, Cinco De Mayo, 16th of September, Dia de Los Muertos, Dia de La Virgen de Guadalupe. A Cultural Event may take place on an extra day either immediately preceding or immediately succeeding one of the aforementioned days if planned on the weekend. A Cultural Event includes a lowrider event organized by a local organization. Council may, by resolution, approve another event as a Cultural Event.
6. "Department" means the parks and recreation department.
7. "Director" means the director of the parks and recreation department or a designee.
8. "Facility" shall have the meaning as defined in Section [13.24.200](#).
9. "Identifiable area" means a building, a shelter, a fenced athletic field, or other area subject to controlled ingress and egress as determined by the director.
10. "Roadway" means the portion of a street, alley or highway designed or ordinarily used for vehicular travel.
11. "Security guard or officer" means a uniformed private security guard who is duly licensed as provided in the Texas Occupations Code, or a uniformed peace officer.
12. "Sidewalk" means all portions of a street, alley or highway between the curblines, or the lateral lines of the roadway and the adjacent boundary lines, whether or not the same have been improved for pedestrian travel.
13. "Stand" means any structure, machine, box, table, container, vessel, vehicle, utility, post or pole, traffic control signs or signals, building or any other thing located, placed, stopped or allowed to remain upon, over or along any city park or street, sidewalk, alley, square, or public right of way abutting a city park or Scenic Drive.
14. "Street," "alley," or "highway" means the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel, to include but not be limited to the roadway and the sidewalk.

Section 3. Except as herein amended, Title 13 (Streets, Sidewalks, and Public Places) of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2025.

(Signatures on Following Page)

CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Pablo Caballero, Director
Parks and Recreation



Legislation Text

File #: 25-916, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Andrew Salloum, (915) 212-1603

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of being a portion of Tract 8, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to G-MU (General Mixed Use), approving a master zoning plan, and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: Generally North of Talbot Ave. and West of S. Desert Blvd.

Applicant: Sangiovese, LLC PZRZ24-00021

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF BEING A PORTION OF TRACT 8, NELLIE D. MUNDY SURVEY NO. 239, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO G-MU (GENERAL MIXED USE), APPROVING A MASTER ZONING PLAN, AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *being a portion of Tract 8, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit “A” be changed from **R-F (Ranch and Farm)** to **G-MU (General Mixed Use)** and approving a Master Zoning Plan, as defined in Section 20.06.020, such land uses allowed as being reflected in the Master Zoning Plan attached as Exhibit “B” and the Master Zoning Report attached as Exhibit “C” incorporated herein for all purposes, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property line abutting residential districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:*
 - a. *Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and*
 - b. *Providing outdoor amplified sound.*
3. *A six-foot (6') high masonry wall shall be erected along the residential uses to the west.*

The Penalties for violating the standards imposed through this rezoning ordinance are found in Chapter 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

EXHIBIT "A"

Prepared for: Jorge Sanchez
August 13, 2024

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 8, Nellie D. Mundy Survey No. 239, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found concrete nail in rock wall for the northwesterly corner of Lot 2, Block 1, Sun Valley Factory Shoppes as recorded in clerks File No. 20070115370, Real Property Records of El Paso County, Texas, from which a found ½" rebar for the northeasterly corner of said Lot 2, Block 1, Sun Valley Factory Shoppes bears North 89°58'00" East a distance of 1554.66 feet; Thence along the westerly line of Lot 2, Block 1, Sun Valley Factory Shoppes, South 00°00'45" West a distance of 180.00 feet to a set ½" rebar with cap marked TX 5152 for The "TRUE POINT OF BEGINNING"

Thence along said line, South 00°00'45" West a distance of 1457.60 feet to a found chiseled v on concrete gutter for a point of curve;

23.54 feet along the arc of a curve to the right which has a radius of 499.50 feet a central angle of 02°42'00" a chord which bears South 01°21'45" West a distance of 23.54 feet to a found chiseled v on concrete curb;

Thence leaving said line, South 89°58'00" West a distance of 423.42 feet to a found on the westerly line of Tract 8, Nellie D. Mundy Survey No. 239;

Thence along said line, North 00°02'00" West a distance of 296.66 feet to a found nail in rock wall;

Thence along said line, North 50°19'00" West a distance of 153.00 feet to a found ½" rebar with cap marked TX 5152;

Thence along said line, 1197.89 feet along the arc of a curve to the right which has a radius of 1332.70 feet a central angle of 51°30'00" a chord which bears North 24°34'00" West a distance of 1157.97 feet to a found ½" rebar;

Thence along said line, North 04°07'00" East a distance of 213.84 feet to a found ½" rebar with cap marked TX 5152 on the northerly line of Tract 8, Nellie D. Mundy Survey No. 239;

Thence along said line, North 89°58'00" East a distance of 71.43 feet to a set ½" rebar with cap marked TX 5152;

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

Thence leaving said line, South 00°02'00" East a distance of 180.00 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 89°58'00" East a distance of 936.76 feet to the "TRUE POINT OF BEGINNING" and containing 1,148,945 square feet or 26.38 acres of land more or less.

NOTES:

Bearings Based on the Plat of Sun Valley Factory Shoppes recorded in clerks file no. 20070115370, Real Property Records of El Paso County, Texas

A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

●	FOUND CONTROL POINT
⬢	FOUND SECTION CORNER
○	SET 1/2" REBAR W/CAP 5152
⊠	CALCULATED POINT (NOT SET)
⊕	SANITARY SEWER
⊕	WATER VALVE
⊕	STORM SEWER MANHOLE
⊕	ELECTRIC PULL BOX
⊕	ELECTRIC MANHOLE
☆	LIGHT POST
⊕	IRRIGATION CONTROL BOX
△	TRAFFIC SIGN
⊕	BREATHERT VENT PIPE
⊕	GAS METER
⊕	WATER METER
⊕	ELECTRIC METER
⊕	CLEANOUT
⊕	GUARD POST
⊕	FIRE HYDRANT

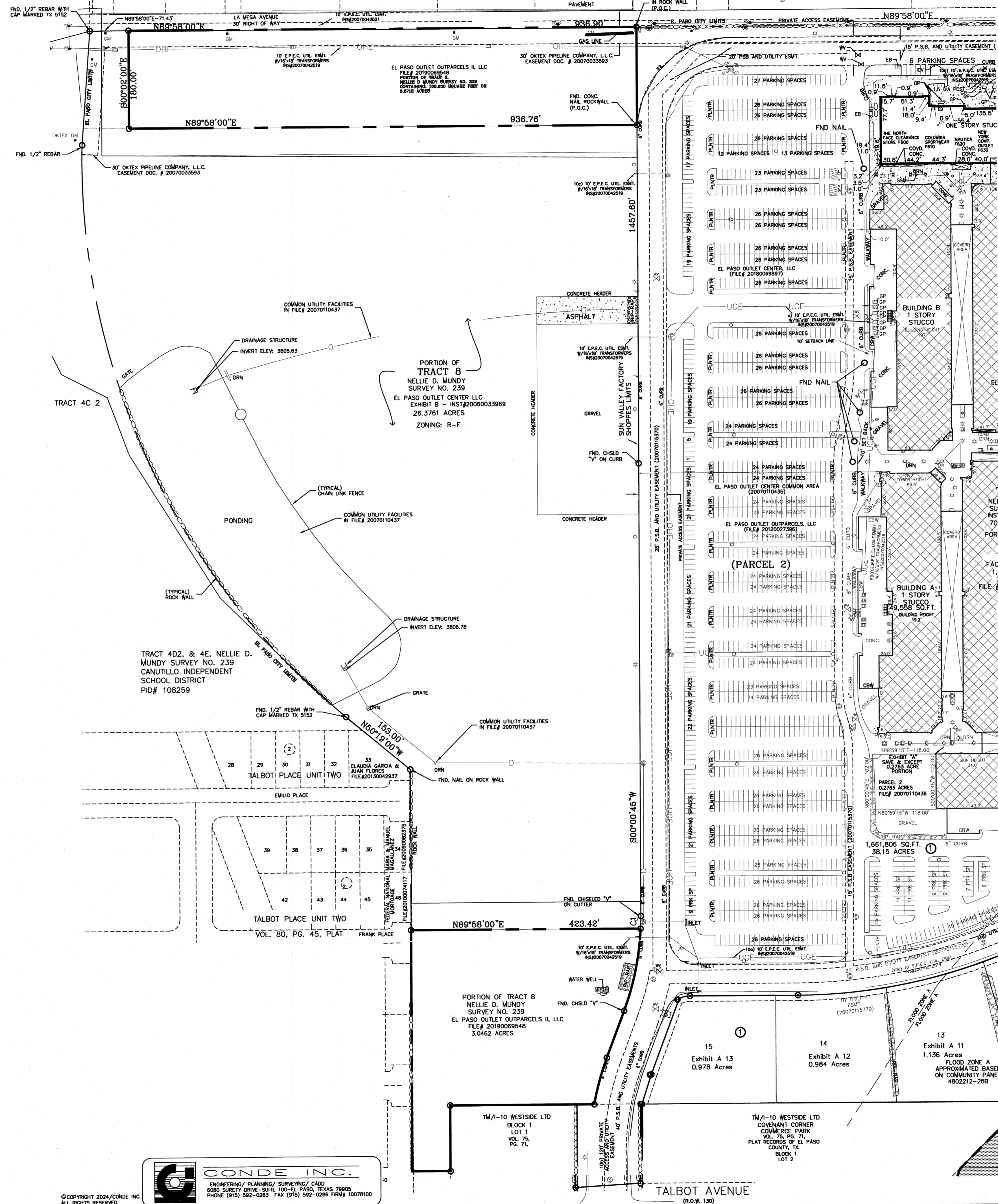
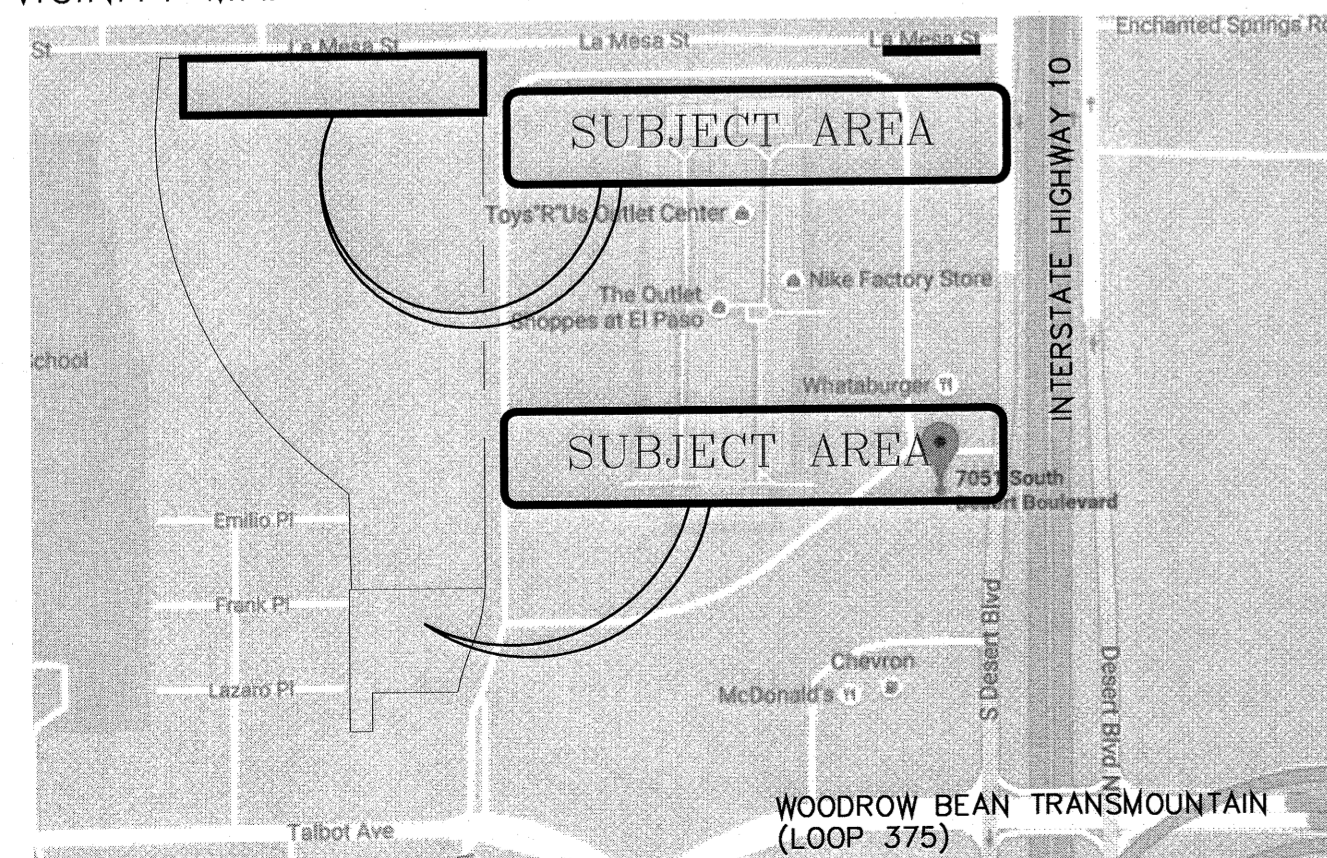
CBW = CINDER BLOCK WALL
DRN = DRAIN INLET
PLNTR = PLANTER
UGE — UGE — = UNDER GROUND ELECTRIC
D — D — = DRAINAGE

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	499.50	23.54	11.77	23.54	S01°21'45"W	02°42'00"

NOTES

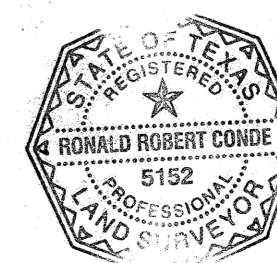
1. BEARING BASIS IS PER PLAT OF SUN VALLEY FACTORY SHOPPES RECORDED IN CLERKS FILE No. 20070115370, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS.
2. A METES AND BOUNDS DESCRIPTIONS OF EVEN DATE ACCOMPANIES THIS PLAT.
3. PROPERTY IS ZONED R-F.
4. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480212-25B, DATED SEPTEMBER 17, 2009, THIS PROPERTY IS IN FLOOD HAZARD ZONE X.
5. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.

VICINITY MAP SCALE 1"=600'




BEING A PORTION OF TRACT 8, NELLIE D MUNDY SURVEY NO. 239, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE RESURVEY MADE BY EL PASO COUNTY, TEXAS FOR TAX PURPOSES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS.
CONTAINING: 26.38 ACRES OF LAND MORE OR LESS.

EASEMENT RIGHTS CREATED IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT BETWEEN EL PASO
OUTLET CENTER, LLC AND TOSEP LAND COMPANY, LLC DATED 11/28/2007, RECORDED IN CLERKS FILE
No. 20070110437, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS,



CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.



RON R. CONDE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 5152

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	499.50'	23.54'	11.77'	23.54'	N1°21'45"E	2°42'00"
C2	1332.70'	1197.89'	642.82'	1157.97'	S24°34'00"E	51°30'00"
C3	1332.70'	34.38'	17.19'	34.38'	S44°34'39"E	1°28'42"
C4	1332.70'	772.13'	397.24'	761.37'	S32°14'27"E	33°11'43"
C5	1332.70'	92.63'	46.34'	92.62'	S13°39'06"E	3°58'57"
C6	1332.70'	298.75'	150.00'	298.12'	S5°14'19"E	12°50'38"
C7	20.00'	22.24'	12.43'	21.11'	N58°08'51"W	63°42'19"

LANDSCAPING TABLE

TOTAL PARCEL AREA: 1,148,938.56 S.F. OR 26.376 ACRES
 1,148,938.56 - 48,3444 (BUILDING S.F) = 665,494.56
 665,494.56 x 15% = 99,824.184 S.F. LANDSCAPING REQUIRED
 24,791 S.F. OPEN AREA

INDEX OF PROPOSED USES/PARKING TABULATION

- CONDOMINIUMS / FINANCIAL INSTITUTION - 395,982 S.F. LAND AREA
333,000 S.F. CONDOMINIUMS
252 TOTAL UNITS
72 - 1 BEDROOM UNITS x 1.5 = 108 PARKING SPACES REQ'D. & PROVIDED
180 - 2 BEDROOM UNITS x 2 = 360 PARKING SPACES REQ'D. & PROVIDED
24 BICYCLE SPACES REQ'D.
- 24,741 S.F. RETAIL (10,260 S.F. COMMON AREA)
14,481 / 360 = 40 PARKING SPACES (MIN.)
14,481 / 250 = 58 PARKING SPACES (MAX.)
PARKING SPACES PROVIDED = 61
3 BICYCLE SPACES REQ'D.
- 28,300 S.F. POOL
14,150 / 475 = 30 PARKING SPACES (MIN.)
14,150 / 300 = 47 PARKING SPACES (MAX.)
PARKING SPACES PROVIDED = 58
28,300 S.F. SPA / EXERCISE
28,300 / 0 = 0 REQ'D.
3 BICYCLE SPACES REQ'D.
- [A] 3,200 S.F. FINANCIAL INSTITUTION**
3,200 / 288 = 11 PARKING SPACES (MIN.)
3,200 / 200 = 16 PARKING SPACES (MAX.)
PARKING SPACES PROVIDED = 16
3 BICYCLE SPACES REQ'D.
- TOTAL SPACES PROVIDED = 603
- [2] TOWNHOMES - 134,335 S.F. LAND AREA**
46,500 S.F.
31 - 1,500 S.F. UNITS
2-3 BEDROOM UNITS x 2 = 62 PARKING SPACES REQ'D. & PROVIDED
- [3] POND - 135,292 S.F. LAND AREA**
- [4] LIVE/WORK - 226,571 S.F. LAND AREA**
15,120 S.F. APARTMENTS
8 - 2 BEDROOM APTS. = 16 PARKING SP. REQ'D. & PROVIDED
8 - 1 BEDROOM APTS. = 12 PARKING SP. REQ'D. & PROVIDED
14,400 S.F. RETAIL / 288 = 50 PARKING SPACES (MIN.)
14,400 S.F. RETAIL / 200 = 72 PARKING SPACES (MAX.)
PARKING SPACES PROVIDED = 50
3 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 106 PARKING SP.
- [5] LIVE/WORK**
15,120 S.F. APARTMENTS
8 - 2 BEDROOM APTS. = 16 PARKING SP. REQ'D. & PROVIDED
8 - 1 BEDROOM APTS. = 12 PARKING SP. REQ'D. & PROVIDED
14,400 S.F. RETAIL / 288 = 50 PARKING SPACES (MIN.)
14,400 S.F. RETAIL / 200 = 72 PARKING SPACES (MAX.)
PARKING SPACES PROVIDED = 50
3 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 76 PARKING SP.
- [6] LIVE/WORK**
15,120 S.F. APARTMENTS
8 - 2 BEDROOM APTS. = 16 PARKING SP. REQ'D. & PROVIDED
8 - 1 BEDROOM APTS. = 12 PARKING SP. REQ'D. & PROVIDED
14,400 S.F. RETAIL / 288 = 50 PARKING SPACES (MIN.)
14,400 S.F. RETAIL / 200 = 72 PARKING SPACES (MAX.)
PARKING SPACES PROVIDED = 50
3 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 91 PARKING SP.
- [7] RESTAURANT - 148,197 S.F. LAND AREA**
5,500 S.F. SIT DOWN RESTAURANT
5,500 S.F. / 144 = 38 PARKING SPACES (MIN.)
5,500 S.F. / 100 = 55 PARKING SPACES (MAX.)
3 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 75 PARKING SP.
- [8] RESTAURANT - 53,092 S.F. LAND AREA**
5,800 S.F. SIT DOWN RESTAURANT
5,800 S.F. / 144 = 40 PARKING SPACES (MIN.)
5,800 S.F. / 100 = 58 PARKING SPACES (MAX.)
3 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 81 PARKING SP.
- [9] RESTAURANT - 58,552 S.F. LAND AREA**
6,000 S.F. SIT DOWN RESTAURANT
6,000 S.F. / 144 = 42 PARKING SPACES (MIN.)
6,000 S.F. / 100 = 60 PARKING SPACES (MAX.)
3 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 87 PARKING SP.
- [10] MEDICAL / WELLNESS CENTER - 108,381 S.F. LAND AREA**
40,000 S.F. WELLNESS CENTER
40,000 S.F. / 288 = 139 PARKING SPACES (MIN.)
40,000 S.F. / 200 = 200 PARKING SPACES (MAX.)
7 BICYCLE SPACES REQ'D.
- TOTAL PARKING PROVIDED = 174 PARKING SP.

REVISIONS



2DCM design development construction management
Pablo Aguirre Jr. AAIA CNU-A
 (915) 920-5168
 pablo1@2dcm-ep.com

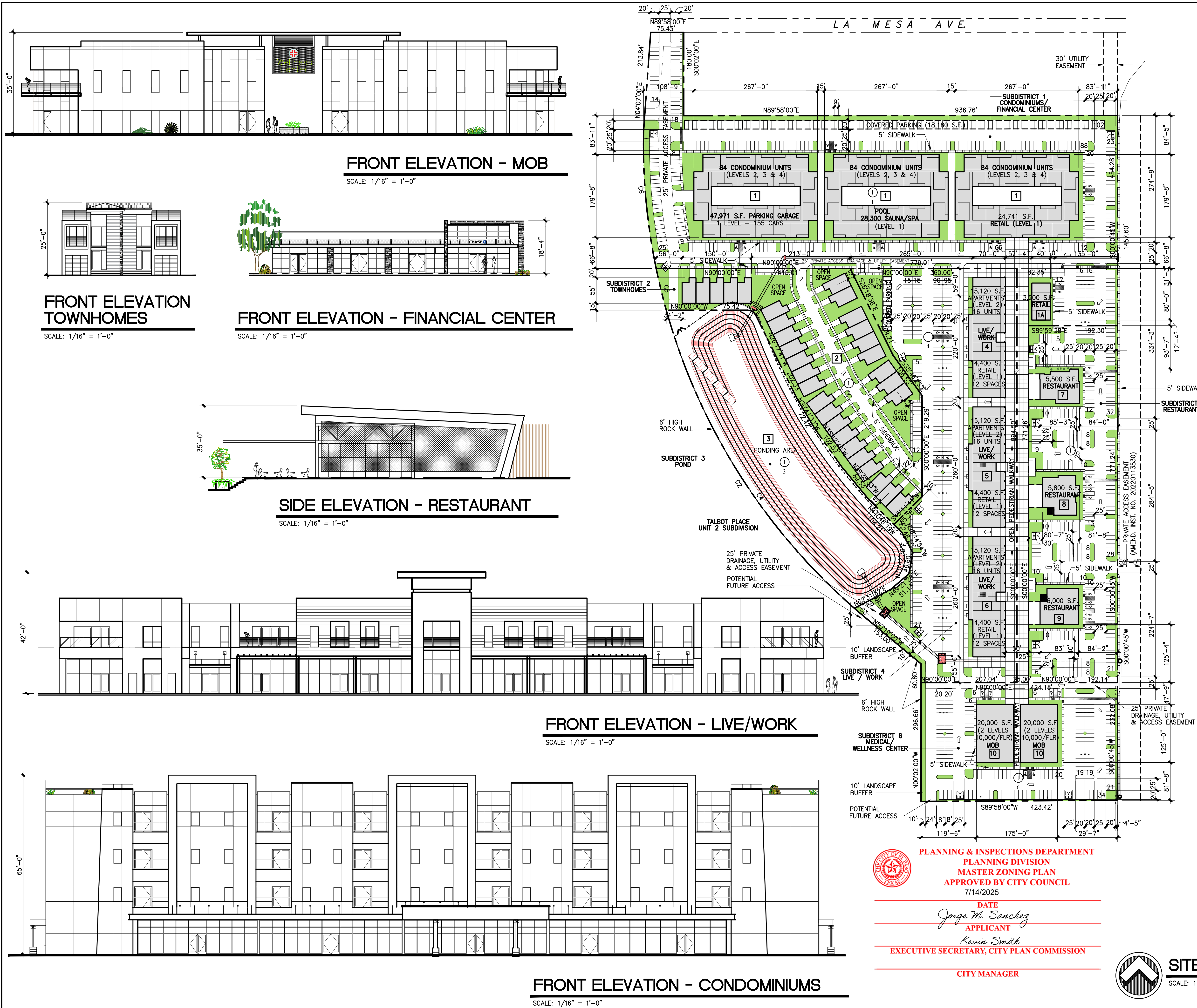


CT: A New Master Plan for:
Sangiovese LLC
7017, 7021, 7025, 7029, 7033 Desert South Blvd. El Paso

PROJECT:

DATE: 06-04-25
FILE NAME: Outlet Masterplan
SHEET NUMBER

A —



**PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
MASTER ZONING PLAN
APPROVED BY CITY COUNCIL
7/14/2025**

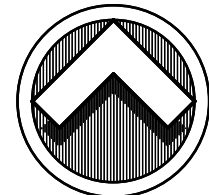
DATE _____

DATE
Jorge M. Sanchez
APPLICANT

Kevin Smith

EXECUTIVE SECRETARY, CITY PLAN COMMISSION

CITY MANAGER



SITE PLAN

SCALE: 1" = 100'-0"

MASTER ZONING PLAN FOR THE BOARDWALK AT THE OUTLET



PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
MASTER ZONING PLAN
APPROVED BY CITY COUNCIL
7/14/2025

DATE
Jorge M. Sanchez
APPLICANT

Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION

CITY MANAGER

MASTER ZONING PLAN

June 12, 2025

Boardwalk at the Outlet - Master Zoning Plan Report for a General Mixed-Use District

INTRODUCTION

This is a 26.38-acre total planned mixed use development project located within the Sun Valley Factory Shoppes Development and Annexation agreement area known as Phase II. This site abuts Single Family units to the North and West, and the Outlet Mall Phase I and Phase II commercial areas to the South and East.

The proposed development includes Other Retail Establishment, Offices, Condominiums, and Townhome Residential uses. The project is designed to create amenities within a walkable distance of the existing neighborhood Residential and Commercial uses.

PURPOSE

The purpose of the GMU district is to encourage and promote a mix of uses in a form attractive and harmonious to its surrounding communities.

This development meets the GMU purposes by providing mix of Other Retail Establishment, office, and residential uses that will be well designed while encouraging a walkable and sustainable development.

CHARACTERISTICS

This Rezoning Acreage: 26.38

Density-maximum Floor Area ratio (FAR) of less than 55% (634,752 usable building floor area/ 1,149,113 Gross Plot area)

Density – maximum for Residential:

- Condominiums – 252 units
- Townhomes – 31 units
- Apartments – 48 units

Total Number of Units - 331

Maximum proposed total Floor Area: 425,197 net rentable square feet, 472,441 gross square feet
Residential Lot dimension- minimum of 35 feet (width) by minimum of 90 feet (depth)

Commercial Max width of lot: 900 feet

Commercial Max depth of lot: 1,000 feet

All Building setbacks:

- Condominiums
 - Front – required 0' / provided 83'-11"
 - Rear – required 0' / provided 97'-11"
 - Side – required 0' / right side provided 84'-2" – left side provided 66'-8"
 - Side Street – required 0' / provided N/A

- Townhomes
 - Front – required 10' / provided 20'-0"
 - Rear – required 10' / provided 10'-0"
 - Side – required 0' / right side provided 15'-0" – left side provided 15'-0"
 - Side Street – required 0' / provided N/A
- Live / Work
 - Front – required 10' / provided 16'-0"
 - Rear – required 10' / provided 55'-6"
 - Side – required 0' / right side provided 25'-0" – left side provided 100'-0"
 - Side Street – required 10' / provided N/A
- Restaurants
 - Front – required 10' / provided 84'-8"
 - Rear – required 20' / provided 25'-0"
 - Side – required 10' / right side provided 93'-6" – left side provided 125'-3"
 - Side Street – required 10' / provided N/A
- Medical / Wellness Center
 - Front – required 0' / provided 129'-8"
 - Rear – required 0' / provided 119'-6"
 - Side – required 0' / right side provided 93'-6" – left side provided 82'-9"
 - Side Street – required 0' / provided N/A

Lot coverage -75% (please see Master Zoning Plan spreadsheet)

Maximum Building Height:

- Condominiums/Retail – 4 stories (62'-0" height)
- Live / Work – 2 stories (42'-0" height)
- Townhomes – 2 stories (25'-0")
- Medical Office – 2 Stories (35'-0" height)
- Restaurants – 2 stories (35'-0" height)

Buffers – opaque native landscaping

Parking- shared parking

- Subdistrict 1
 - Condominiums – 3 Buildings to include Retail / Office / Swimming Pool / Spa / Financial Center
 - Condominiums – 0.7/elderly apt; 1/efficiency apt; 1.5/one bedroom apt ; 2/two or more
 - 1 bedroom: 72 units - 108 parking spaces
 - 2 bedroom: 180 units – 360 parking spaces
 - 24 bicycles spaces req'd.
 - Retail /Office– 14,481 s.f. (1/360 GFA min. 1/250 GFA max.)
 - 40 min. spaces req'd.
 - 58 max. spaces req'd.
 - 3 bicycle spaces req'd.
 - Pool – 14,150 s.f. (1/475 GFA min. 1/300 GFA max.)
 - 30 min. spaces req'd.
 - 47 max. spaces req'd.
 - 3 bicycle spaces req'd.
 - Sauna / Exercise Room – 14,150 s.f. (None)

- 0 spaces req'd.
 - Financial Center - 3,200 s.f. (1/288 GFA min. 1/200 GFA max.)
 - 11 min. spaces req'd.
 - 16 max. spaces req'd.
 - 3 bicycle spaces req'd.
 - Total parking spaces provided = 603
 - Subdistrict 2
Townhomes - 31 Units (2/dwelling unit)
 - 62 spaces req'd. & provided
 - Subdistrict 3
Ponding Area
 - Subdistrict 4
Live / Work – 3 Buildings to include Apartments / Retail
 - Apartments - 0.7/elderly apt; 1/efficiency apt; 1.5/one bedroom apt ; 2/two or more
 - 1 bedroom: 20 units - 30 parking spaces req'd. & provided
 - 2 bedroom: 24 units – 48 parking spaces req'd. & provided
 - Retail – 40,800 s.f. (1/360 GFA min. 1/250 GFA max.)
 - 114 min. spaces req'd.
 - 164 max. spaces req'd.
 - 9 bicycles req'd.
 - Total parking spaces provided = 273
 - Subdistrict 5
Restaurants – 17,300 s.f. (1/144 GFA min. 1/100 GFA max.)
 - 120 min. spaces req'd.
 - 173 max. spaces req'd.
 - 9 bicycles req'd.
 - Total parking spaces provided = 243
 - Subdistrict 5
Medical Office – 40,000 s.f. (1/288 GFA min. 1/200 GFA max.)
 - 139 min. spaces req'd.
 - 200 max. spaces req'd.
 - 7 bicycles req'd.
 - Total parking spaces provided = 174
- Open spaces – 173,607 SF.: Green areas between structures.

Uses-

1.00-Agricultural & related operations

Veterinary treatment center (small animals but overnight boarding is not permitted)

4.00 Office

Bank/ATM/Credit Union/Financial Institution

Offices (Business, Medical, Professional)

Studio (Music/Photography/ Yoga/ Karate/ Jujitsu/ Dance, Ballet and other similar dance studios)

6.00 Medical

Outpatient Surgical Center

Imaging Center

Medical Office

Clinic

Drug Store/Pharmacy

Optical Dispensary

10.00 Personal Services

Barber Shop/ Hairdresser/ Nail Shop

Laundromat (as an accessory use within the residential uses)

Massage Parlor (as an accessory use to a Nail shop and the word “massage” or similar words are not used in the name of the business or advertised prominently)

Shoe Shop Repair

11.00 Recreational

Open Space

Amusement Game (as an accessory use consisting of arcade games in a sports bar as long as such games are not a primary source of their business and no tokens to play multiple games are sold or handed out)

Swimming Pool (as accessory private use within the residential uses)

12.00 Repair Services

Household Goods repair (but not including the sale of used goods)

Personal Goods repair (but not including the sale of used goods)

13.00 Residential (any and all residential uses must be at a “market rate” and no subsidized housing by any governmental authority or otherwise and no subsidized “work force” housing shall be permitted)

Condominiums (5 or more units)

Apartments (5 or more units)

Live Work Flex Unit
 Duplex
 Quadraplex
 Triplex
 Townhome
 Single-family dwelling

14.00 Sales

Bakery
 Book Store
 Boutique
 Delicatessen
 Flower Shop
 Grocery
 Hobby Store
 Ice Cream Parlor
 Music Store
 Nursery (Green House)
 Other Retail Establishment
 Pet Shop
 Print & Copy Shop
 Restaurant (Bar & Grill)
 Snow Cone Stand
 Specialty Shop
 Sporting Goods Store
 Package Liquor Store
 Shopping Center

19.00 Stormwater Retention Pond (public / private)

PHASING:

- First phase will entail development of Condominiums to begin third quarter of 2025.
- Second phase will entail the development of the Commercial Retail to begin first quarter 2026.
- Third phase will entail development of the Multi-Family dwellings to begin mid-to late 2026.
- Fourth phase will include the development of Townhomes to begin late 2026 – beginning of 2027.

To encourage the following: a Mixed Use Development that will contain residential, office and commercial retail uses. Provide multi-modal form of transportation (pedestrian friendly) and to provide form and continuity of building and street scapes.

Relationship to Comprehensive Plan: The 2025 El Paso Comprehensive Plan designates this area as G-4 Suburban.

[illegible]

* Refer to Master Zoning Plan restrictions and clarifications

Talbot and S. Desert

City Plan Commission — June 18, 2025

REZONING



CASE NUMBER:	PZRZ24-00021
CASE MANAGER:	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER:	Sangiovese, LLC
REPRESENTATIVE:	Conde, Inc.
LOCATION:	Generally North of Talbot Ave. and West of S. Desert Blvd. (District 1)
PROPERTY AREA:	29.42 Acres
REQUEST:	Rezone from R-F (Ranch and Farm) to G-MU (General Mixed Use)
RELATED APPLICATIONS:	SUSU25-00018 Boardwalk at the Outlet
PUBLIC INPUT:	None received as of June 12, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to G-MU (General Mixed Use) and approval of a Master Zoning Plan to allow for a residential and commercial mixed-use development.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request and master zoning plan. The proposed development is in character with other uses in its proximity and is in keeping with the policies of the G-4, Suburban (Walkable) Land Use Designation of *Plan El Paso*, and the City's adopted Comprehensive Plan. The recommended conditions are the following:

1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property line abutting residential districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
2. That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:
 - a. Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and
 - b. Providing outdoor amplified sound.
3. A six-foot (6') high masonry wall shall be erected along the western property line abutting Talbot Place Unit 2 Subdivision.



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the 26.38-acre subject property from R-F (Ranch and Farm) to G-MU (General Mixed Use) and approval of a Master Zoning Plan to allow for a mixed-use development. The development proposes twelve (12) commercial buildings and seven (7) attached townhouse buildings with height ranging from eighteen feet (18') to sixty-five (65'). Open space is distributed throughout the development. The development is providing adequate parking to meet the needs of this development. This development is compliant with required vehicular and bicycle parking and landscaping. Access is provided from La Mesa Street and Talbot Avenue via a private access easement in the development area.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed mixed-use development is in character with the surrounding neighborhood. Properties to the north are zoned R-F (Ranch and Farm) with property located within El Paso's 5-Mile Extraterritorial Jurisdiction (ETJ) consisting of vacant and single-family dwellings. To the east, the property is zoned C-4 (Commercial) consisting of a shopping mall. To the south is zoned R-F (Ranch and Farm) consisting of a vacant lot. The property to the west is within El Paso's 5-Mile ETJ consisting of single-family dwellings, elementary and middle schools. The closest school is Alderete Middle School within 0.34 miles and the closest park is Westside Sports Complex Park within 1.2 miles.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The G-MU (General Mixed Use) zone district is compatible with the future land use map designation and will allow the subject property to be developed to provide a mix of uses on the property.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>G-MU (General Mixed Use):</u> The purpose of this district is to accommodate, encourage and promote innovatively designed developments involving the combining and mixing of uses allowed in various zoning districts with appropriate regulations, which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for large-scale developments that are able to function as individual neighborhoods or an integrated collection (two or more) of individual neighborhoods supported by civic, commercial and recreational uses; as small-scale developments requiring flexibility because of unique design characteristics; or as transitional areas between dissimilar land uses. It is intended that the district regulations permit flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.</p>	<p>Yes. The proposed zoning district is compatible with the nearby C-4 (Commercial) zoning district and residential in the extraterritorial jurisdiction (ETJ), which consist of shopping mall and a mix of commercial and residential uses in the area.</p>

Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. The subject property is located along La Mesa Street classified as a proposed collector as per the City's Major Thoroughfare Plan (MTP). The property is adjacent to Talbot Avenue to the south which is designated as minor arterial.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The subject property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated.
Natural Environment: Anticipated effects on the natural environment.	There are no anticipated effects to the natural environment.
Stability: Whether the area is stable or in transition.	The area is stable with no rezonings in the proximity having happened within the last ten (10) years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is consistent with the current development in the area. The established neighborhood is comprised of a residential and commercial development. The R-F (Ranch and Farm) zoning designation is no longer suitable for the property.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The proposed development will have access to La Mesa Street which is designated as a proposed collector in the City's Major Thoroughfare Plan. In addition, it is close to Talbot Avenue to the south which is designated as minor arterial per the City's Master Thoroughfare Plan (MTP). Vehicular access to the subject property is also proposed from Talbot Avenue via the private access easement throughout the existing development area. While sidewalks are non-existent along La Mesa Street and connect to Talbot Avenue throughout the subject property, they will be required to be installed during the construction of the property. There are no bus stops within walkable distance (0.25 mile) of the subject property. The nearest bus stop is located 1.48 miles from the subject property on Northwestern Drive and Hoover Avenue.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: There are no adverse comments from reviewing departments.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Public notice was sent to all property owners within 300 feet of subject property on June 5, 2025. As of June 12, 2025, the Planning Division has not received any communication in support or opposition to the request.

RELATED APPLICATIONS: There is a Subdivision application (SUSU25-00018) under Major Final basis for Boardwalk at the Outlet which was conditionally approved by City Plan Commission on March 27, 2025, requiring the proposed rezoning to be approved prior to recording of the final plat.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

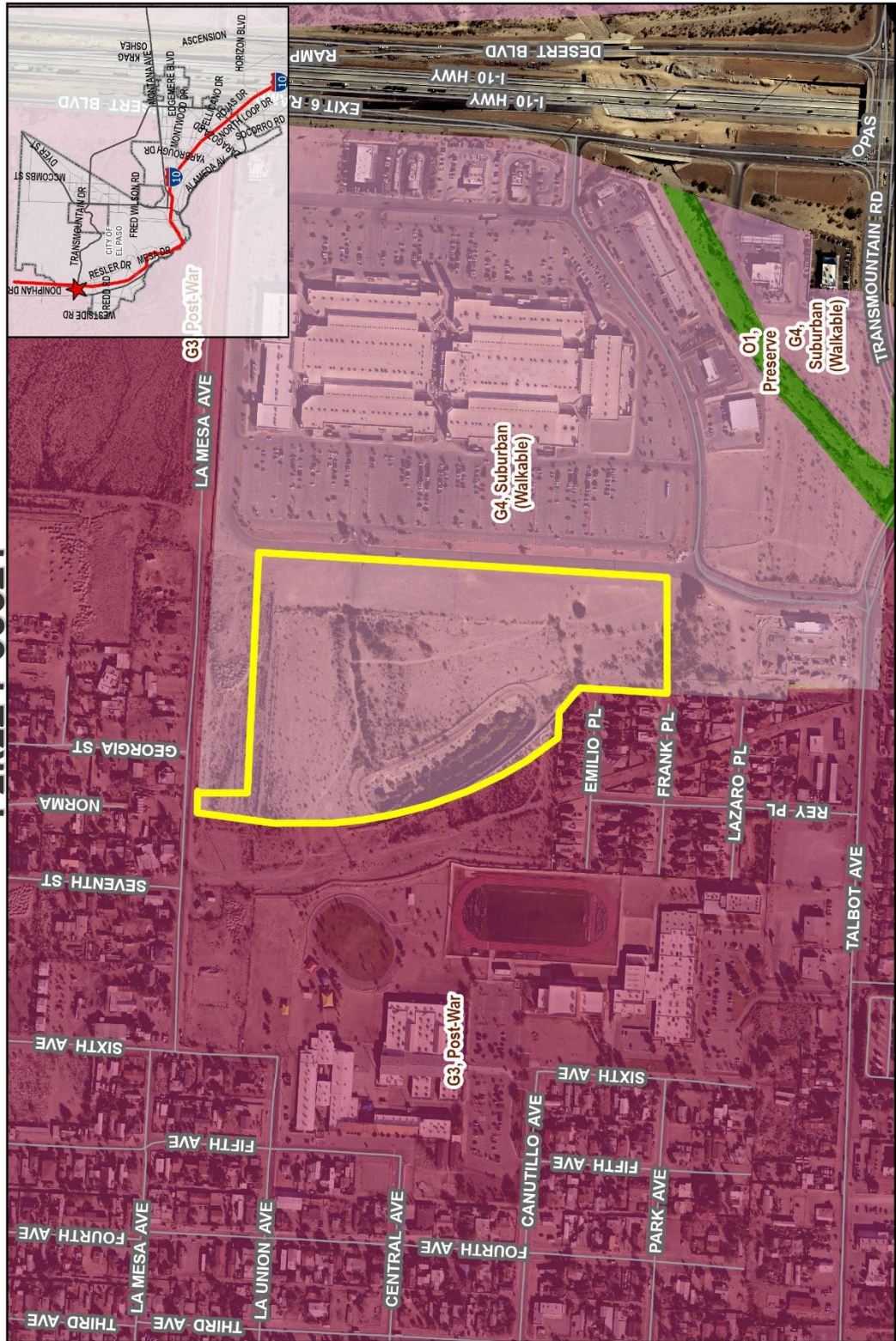
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Master Zoning Plan
3. Elevations
4. Master Zoning Plan Report
5. Department Comments
6. Neighborhood Notification Boundary Map

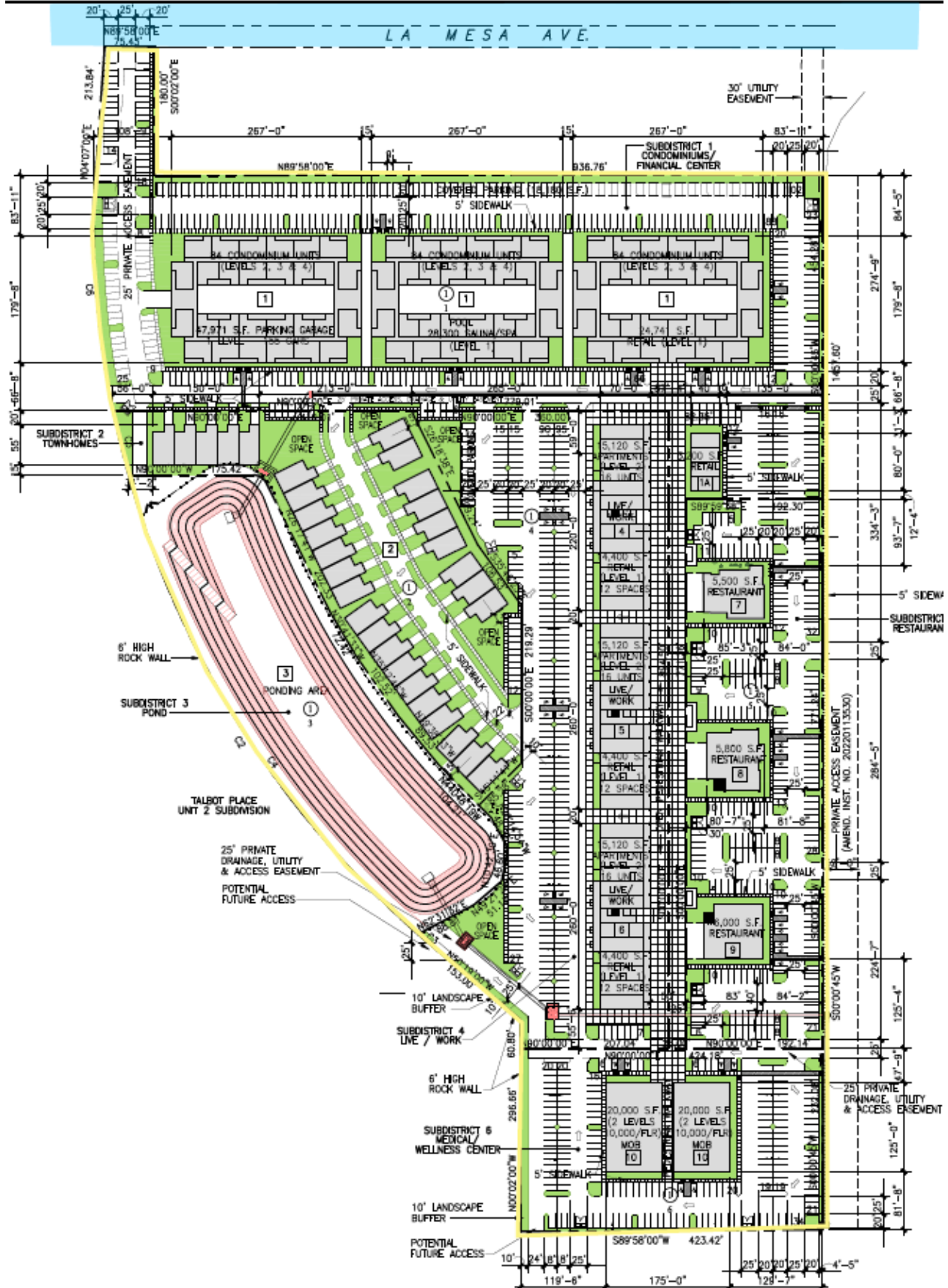
ATTACHMENT 1

PZR24-00021



This map is designed for illustrative purposes only. The features depicted are approximate and more detailed information may be required for final design. The Planning & Inspection Department makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3



FRONT ELEVATION - MOB

SCALE: 1/16" = 1'-0"



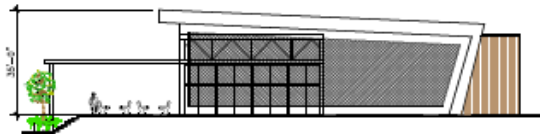
**FRONT ELEVATION
TOWNHOMES**

SCALE: 1/16" = 1'-0"



FRONT ELEVATION - FINANCIAL CENTER

SCALE: 1/16" = 1'-0"



SIDE ELEVATION - RESTAURANT

SCALE: 1/16" = 1'-0"



FRONT ELEVATION - LIVE/WORK

SCALE: 1/16" = 1'-0"



FRONT ELEVATION - CONDOMINIUMS

SCALE: 1/16" = 1'-0"

ATTACHMENT 4

MASTER ZONING PLAN FOR THE BOARDWALK AT THE OUTLET

MASTER ZONING PLAN

June 4, 2025

Boardwalk at the Outlet - Master Zoning Plan Report for a General Mixed-Use District

INTRODUCTION

This is a 26.38-acre total planned mixed use development project located within the Sun Valley Factory Shoppes Development and Annexation agreement area known as Phase II. This site abuts Single Family units to the North and West, and the Outlet Mall Phase I and Phase II commercial areas to the South and East.

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The purpose of the GMU district is to encourage and promote a mix of uses in a form attractive and harmonious to its surrounding communities.

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- Townhomes – 31 units
- Apartments – 48 units

Total Number of Units - 331

Maximum proposed total Floor Area: 425,197 net rentable square feet, 472,441 gross square feet

Residential Lot dimension- minimum of 35 feet (width) by minimum of 90 feet (depth)

Commercial Max width of lot: 900 feet

Commercial Max depth of lot: 1,000 feet

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 - Front – required 0' / provided 129'-8"
 - Rear – required 0' / provided 119'-6"
 - Side – required 0' / right side provided 93'-6" – left side provided 82'-9"
 - Side Street – required 0' / provided N/A

Lot coverage -75% (please see Master Zoning Plan spreadsheet)

Maximum Building Height:

- Condominiums/Retail – 4 stories (62'-0" height)
- Live / Work – 2 stories (42'-0" height)
- Townhomes – 2 stories (25'-0")
- Medical Office – 2 Stories (35'-0" height)
- Restaurants – 2 stories (35'-0" height)

Buffers – opaque native landscaping

Parking- shared parking

- Subdistrict 1
 - Condominiums – 3 Buildings to include Retail / Office / Swimming Pool / Spa / Financial Center
 - Condominiums – 0.7/elderly apt; 1/efficiency apt; 1.5/one bedroom apt ; 2/two or more
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 - 30 min. spaces req'd.
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- 0 spaces req'd.
 - Financial Center - 3,200 s.f. (1/288 GFA min. 1/200 GFA max.)
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 - 16 max. spaces req'd.
 - 3 bicycle spaces req'd.
 - Total parking spaces provided = 603
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 - Townhomes - 31 Units (2/dwelling unit)
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 - Subdistrict 3
 - Ponding Area
 - Subdistrict 4
 - Live / Work – 3 Buildings to include Apartments / Retail
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 - Retail – 40,800 s.f. (1/360 GFA min. 1/250 GFA max.)
 - 114 min. spaces req'd.
 - 164 max. spaces req'd.
 - 9 bicycles req'd.
 - Total parking spaces provided = 278
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 - 173 max. spaces req'd.
 - 9 bicycles req'd.
 - Total parking spaces provided = 243
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 - 139 min. spaces req'd.
 - 200 max. spaces req'd.
 - 7 bicycles req'd.
 - Total parking spaces provided = 174
- Open spaces – 173,607 SF.: Green areas between structures.

Uses-

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Bank/ATM/Credit Union/Financial Institution

Offices (Business, Medical, Professional)

Studio (Music/Photography/ Yoga/ Karate/ Jujitsu/ Dance, Ballet and other similar dance studios)

6.00 Medical

Outpatient Surgical Center

Imaging Center

Medical Office

Clinic

Drug Store/Pharmacy

Optical Dispensary

10.00 Personal Services

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Shoe Shop Repair

11.00 Recreational

Open Space

Amusement Game (as an accessory use consisting of arcade games in a sports bar as long as such games are not a primary source of their business and no tokens to play multiple games are sold or handed out)

Swimming Pool (as accessory private use within the residential uses)

12.00 Repair Services

Household Goods repair (but not including the sale of used goods)

Personal Goods repair (but not including the sale of used goods)

13.00 Residential (any and all residential uses must be at a "market rate" and no subsidized housing by any governmental authority or otherwise and no subsidized "work force" housing shall be permitted)

Condominiums (5 or more units)

Apartments (5 or more units)

Live Work Flex Unit
Duplex
Quadraplex
Triplex
Townhome
Single-family dwelling

14.00 Sales

Bakery
Book Store
Boutique
Delicatessen
Flower Shop
Grocery
Hobby Store
Ice Cream Parlor
Music Store
Nursery (Green House)
Other Retail Establishment
Pet Shop
Print & Copy Shop
Restaurant (Bar & Grill)
Snow Cone Stand
Specialty Shop
Sporting Goods Store
Package Liquor Store
Shopping Center

19.00 Stormwater Retention Pond (public / private)

PHASING:

- First phase will entail development of Condominiums to begin third quarter of 2025.
- Second phase will entail the development of the Commercial Retail to begin first quarter 2026.
- Third phase will entail development of the Multi-Family dwellings to begin mid-to late 2026.
- Fourth phase will include the development of Townhomes to begin late 2026 – beginning of 2027.

**BOARDWALK AT THE OUTLET
GMU MASTER ZONING PLAN**

Purpose:

To encourage the following: a Mixed Use Development that will contain residential, office and commercial retail uses. Provide multi-modal form of transportation (pedestrian friendly) and to provide form and continuity of building and street scapes.

Relationship to Comprehensive Plan: The 2025 El Paso Comprehensive Plan designates this area as G-4 Suburban.

Zoning Category	Proposed Land Use	% of Site	Density	Lot Sizes	Lot Coverage	Yard Setbacks	Building Height	Buffers
1.00/ 4.00/ 6.00/	Mix of Commercial/ Office and	100%						
10.00/ 11.00/ 12.00/	Residential							
13.00/ 14.00								
	Veterinary Treatment Center *		n/a	n/a	75%	20' Rear	25' Maximum	Landscape Only
	Bank / ATM/ Credit Union/		n/a	¼ Acre Minimum	75%	20' Rear	25' Maximum	Landscape Only
	Financial Institution		n/a	n/a	75%	n/a	45' Maximum	n/a
	Offices (Business, Medical, Professional)		n/a	n/a	75%	n/a	45' Maximum	n/a
	Studio (Dance/Music/Photography) *		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Clinic		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Drug Store/Pharmacy		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Optical Dispensary		n/a	1 Acre Minimum	50%	20' Front / 10'Side / 20'Rear	45' Maximum	Landscape Only
	Barber Shop/Hairdresser/ Nail Shop		n/a	n/a	75%	n/a	25' Maximum	n/a
	Laundromat *		n/a	n/a	75%	n/a	25' Maximum	n/a
	Massage Parlor *		n/a	n/a	75%	n/a	25' Maximum	n/a
	Shoe Shop Repair		n/a	n/a	75%	n/a	25' Maximum	n/a
	Open Space		n/a	n/a	50%	n/a	n/a	n/a
	Amusement Game *		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Proposed Land Use	% of Site	Density	Lot Sizes	Lot Coverage	Yard Setbacks	Building Height	Buffers
	Swimming Pool *		n/a	n/a	75%	n/a	45' Maximum	Landscape Only
	Household Goods repair *		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Personal Goods repair *		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Condominiums *	24/ Acre	n/a	n/a	75%	n/a	65' Maximum	n/a
	Live Work Flex Unit *	12/ Acre	n/a	n/a	75%	10' Front / 10' Rear	50' Maximum	n/a
	Duplex *	14/ Acre	n/a	n/a	75%	10' Front / 10' Rear	25' Maximum	n/a
	Quadraplex *	22/ Acre	n/a	n/a	75%	10' Front /10'Side/20'Rear	25' Maximum	Landscape Only
	Triplex *	18/ Acre	n/a	n/a	75%	n/a	25' Maximum	n/a
	Townhomes *	12/ Acre	n/a	n/a	75%	10' Front / 10' Rear	25' Maximum	n/a
	Bakery		n/a	n/a	75%	n/a	25' Maximum	n/a
	Book Store		n/a	n/a	75%	n/a	25' Maximum	n/a
	Boutique		n/a	n/a	75%	n/a	25' Maximum	n/a
	Delicatessen		n/a	n/a	75%	n/a	25' Maximum	n/a
	Hobby Store		n/a	n/a	75%	n/a	35' Maximum	n/a
	Flower Shop		n/a	n/a	75%	n/a	25' Maximum	n/a
	Grocery		n/a	n/a	75%	n/a	25' Maximum	n/a
	Ice Cream Parlor		n/a	n/a	75%	n/a	25' Maximum	n/a
	Music Store		n/a	n/a	75%	n/a	25' Maximum	n/a
	Nursery (Green House)		n/a	½ Acre Minimum	25%	10' Front /10'Side/20'Rear	25' Maximum	Landscape Only
	Other Retail (Low Volume)		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Pet Shop		n/a	n/a	75%	n/a	25' Maximum	Landscape Only
	Print & Copy Shop		n/a	n/a	75%	10' Front /10'Side/20'Rear	25' Maximum	Landscape Only
	Restaurant		n/a	n/a	75%	10' Front /10'Side/20'Rear	35' Maximum	Landscape Only
	Proposed Land Use	% of Site	Density	Lot Sizes	Lot Coverage	Yard Setbacks	Building Height	Buffers
	Snow Cone Stand		n/a	n/a	75%	n/a	25' Maximum	n/a
	Specialty Shop		n/a	n/a	75%	10' Front /10'Side/20'Rear	25' Maximum	Landscape Only
	Sporting Goods Store		n/a	n/a	75%	10' Front /10'Side/20'Rear	25' Maximum	Landscape Only

ATTACHMENT 5

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request and master zoning plan. The proposed development is in character with other uses in its proximity and is in keeping with the policies of the G-4, Suburban (Walkable) Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The recommended conditions are the following:

1. *That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property line abutting residential districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:*
 - a. *Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and*
 - b. *Providing outdoor amplified sound.*
3. *A six-foot (6') high masonry wall shall be erected along the western property line abutting Talbot Place Unit 2 Subdivision.*

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to the proposed rezoning.

At the time of submittal for building permits, the project will need to comply with all applicable provisions of the IBC, Municipal Code, and TAS.

Planning and Inspections Department – Land Development

Recommended approval.

Note: The proposed ponding area for subdivision shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event at the time of grading permit.

Fire Department

No adverse comments.

Streets and Maintenance Department

Traffic Engineering:

As far as master zoning plan attached, SAM Traffic Engineering has no objections

Street Light Department:

Street Lights Department does not object to this request.

Street Lights Department requires that all projects that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.
**18.18.190 – Submission contents.
*** 19.02.040 Criteria for approval.

US 54 is a Texas Department of Transportation (TXDOT) right of way (ROW).

Note: Comments will be addressed at the permitting stage.

Texas Department of Transportation (TxDOT)

No comments received.

Sun Metro

No comments received.

El Paso Water

El Paso Water-PSB (EPWater-Public Service Board) does not object to this request.

The subject property is located within the City of El Paso Westside Annexation Area. Annexation fees will be collected after the El Paso Water processes an application for water and/or sanitary sewer services.

The subject property is located within the Vinton intermediate pressure zone. Private water pressure regulating devices will be required at the discharge side of each water meter. The lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Water:

There is an existing 8-inch diameter water main within a 25-foot/ 40-foot easement east of the subject property. This main is available for service and main extension.

There is an existing 8-inch diameter water main that extends along La Mesa St. This main is available for service and main extension.

There is an existing 6-inch diameter water main that extends along Emilio Pl. This main is available for service and main extension.

Previous water pressure from fire hydrant #9877 located within the Retail Outlet Mall adjacent to the subject property, has yielded a static pressure of 82 psi, a residual pressure of 74 psi, and a discharge of 1,061 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Emilio Pl. This main is available for service and main extension.

There is an existing 12-inch diameter sanitary sewer main that extends along La Mesa St. This main is available for main extension.

General:

Water and sanitary sewer main extensions may be required to provide service. Easements may be required. Owner is responsible for main extension and easement acquisition costs. Water main extension shall be extended creating a looped system.

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

The engineer needs to identify the Water Sheds that are discharging into the existing pond, including the proposed development, and make sure that it has the capacity for the existing and future Water Sheds. The pond should have the capacity to hold the storm water runoff for a designed 100-yr. storm event.

Note: the comments will be addressed at the permitting stage.

El Paso County 911 District

No comments/concerns regarding this zoning.

El Paso County Water Improvement District #1

The item is not within the boundaries of EPCWID1.

El Paso Electric Company

We have no comments for the 7051 S. Desert rezoning request.

Texas Gas Service

No adverse comments.

ATTACHMENT 4



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

JOEL SANCHEZ

Business Name

SANGIOVESE LLC

Agenda Item Type

Relevant Department

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

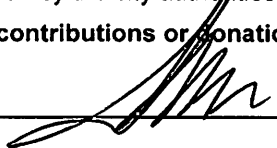
OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature:  Date: 8/2/24



Legislation Text

File #: 25-980, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Jose Beltran, (915) 212-1607

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of Lot 6 and a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3101 N. Lee Trevino Drive, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 3101 North Lee Trevino Drive

Applicant: Martha Summerford, PZRZ24-00033

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Elise

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 6 AND A PORTION OF LOT 5, BLOCK 48, PEBBLE HILLS UNIT 4 REPLAT A, 3101 N. LEE TREVINO DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of Lot 6 and a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3101 N. Lee Trevino Drive , *located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **C-1/sc (Commercial/special contract)** to **C-2/sc (Commercial/special contract)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2025.


THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

Exhibit "A"

All of Lot 6 and a Portion of Lot 5, Block 48,
Pebble Hills Subdivision Unit 4 Replat A,
City of El Paso, El Paso County, Texas

August 30, 2024

METES AND BOUNDS DESCRIPTION

3101 N. Lee Trevino Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of all of Lot 6 and a Portion of Lot 5, Block 48, Pebble Hills Subdivision Unit 4 Replat A, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the centerline intersection of Lee Trevino Drive (130' R.O.W.) and Pebble Hills Boulevard (120' R.O.W.); **THENCE**, leaving said centerline intersection and along the centerline of Pebble Hills Boulevard, North 89°57' 30" West, a distance of 227.37 feet to a point; **THENCE**, leaving said centerline of Pebble Hills Boulevard, North 00°02' 30" East, a distance of 60.00 feet to a set iron rod for corner at the common boundary corner of Lots 1 and 6, same being the northerly right-of-way line of Pebble Hills Boulevard and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said northerly right-of-way line of Pebble Hills Boulevard and along the common boundary line of Lots 1 and 6, North 00°02' 30" East, a distance of 192.36 feet to a set iron rod for corner;

THENCE, North 89°46' 46" East, a distance of 161.41 feet to a set chiseled "X" for corner at the westerly right-of-way line of Lee Trevino Drive;

THENCE, along the westerly right-of-way line of Lee Trevino Drive, South 00°13' 14" East, a distance of 173.01 feet to a set chiseled "X" for corner;

THENCE, leaving said westerly right-of-way line of Lee Trevino Drive, 31.51 feet along the arc of a curve to the right whose radius is 20.00 feet, whose interior angle is 90°15'44", whose chord bears South 44°54'38" West, a distance of 28.35 feet to a set chiseled "X" for corner at the northerly right-of-way line of Pebble Hills Boulevard;

THENCE, along the northerly right-of-way line of Pebble Hills Boulevard, North 89°57'30" West, a distance of 142.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 31,068.29 square feet or 0.7132 acres of land more or less.

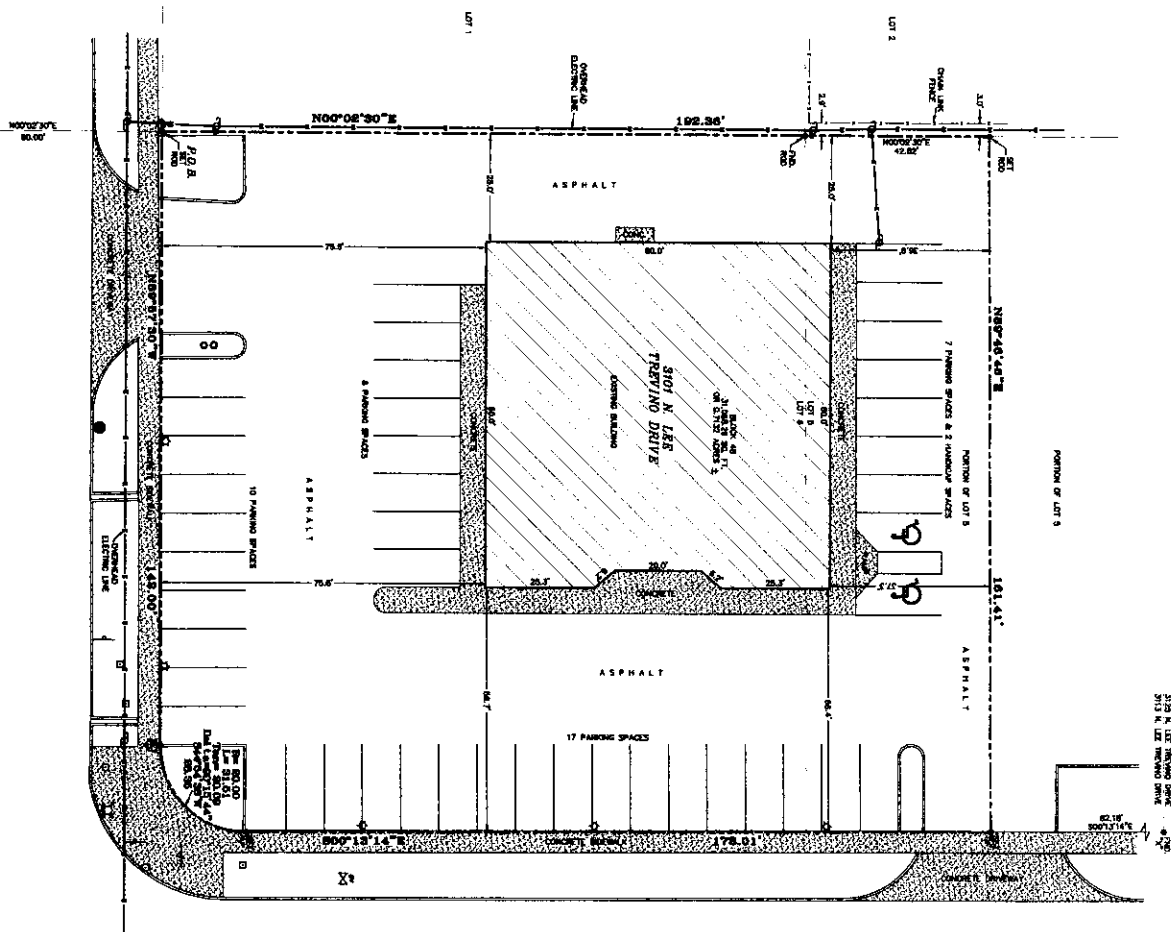
Carlos M. Jimenez
R.P.L.S. #3950

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2024\24-1971





GRAPHIC SCALE



ST-23 M. LIZ. THE VINO DRIVE
2713 M. LIZ. THE VINO DRIVE

IMPROVEMENT SURVEY

BEING ALL OF LOT 6 AND A PORTION OF LOT 5, BLOCK 48
PEBBLE HILLS SUBDIVISION UNIT 4 REPLAT A
CITY OF EL PASO, EL PASO COUNTY, TEXAS
31,068.29 SQ. FT. OR 0.7132 ACRES +
SEE EXHIBIT "A"

LEGEND	
☼	= LIGHT POLE
☼	= WATER METER
☼	= POWER POLE
☼	= MANHOLE
☼	= TELEPHONE REPAIR
☼	= ELECTRIC BOX
☼	= PEGS
☼	= FIRE HYDRANT
☼	= SIGN

LEE TREVINO - DRIVE
INSON

PEBBLE HILLS BOULEVARD
120' R.O.W.
NORTH 30°
207 ST

P.O.C.: _____

SC **CONSULTING COMPANY**
1790 N. LEE TREVINO DR. SUITE 309
EL PASO, TEXAS 79936
TEL (915) 633-6422

NOTES:
THE ABOVE IS A
REPRESENTATIVE
OF THE
FIRM ONLY.
FIRM CO-SIGNATURE.

COPYRIGHT © 2001, CUB CONSULTING CO. ALL RIGHTS RESERVED

NOTE: 1) ACCORDING TO THE FLOOD INSURANCE RATE MAP
RECORD DISCLOSED, THERE ARE NO ZONE 5
COMMUNITY PANEL NO. 46071-105-4, DATED 10-16-80
2) FORTALE TELLS SUBROGATION UNIT A RECALC A IS RECORDED
IN VOLUME 46, PAGE 34, REAL PROPERTY RECORDS
OF EL PASO, EL PASO COUNTY, TEXAS



1 HERETOBY CERTIFY THAT THE FOREGOING BOUNDARY AND
IMPROVEMENT SURVEY WAS MADE ON THE GROUNDS BY ME
OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF.

~~CHARLES B. JAMES~~
 CHAS. B. JAMES, SULLY, MO. 2000
 FIDELITY 10000000

3101 Lee Trevino

City Plan Commission — February 13, 2024

REZONING



CASE NUMBER: PZRZ24-00033
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: H.K. Summerford and Martha Summerford
REPRESENTATIVE: Joseph Moreno
LOCATION: 3101 N. Lee Trevino Dr. (District 3)
PROPERTY AREA: 0.56 acres
REQUEST: Rezone from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract)
RELATED APPLICATIONS: Special Permit Application PZST24-00015
PUBLIC INPUT: None received as of February 6, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) to allow for the proposed use of a ballroom through a special permit approval.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request. This recommendation is based on the proposed zoning district's compatibility with commercial uses in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan and the G-4, Suburban (Walkable) Future Land Use designation.

PZRZ24-00033 & PZST24-00015

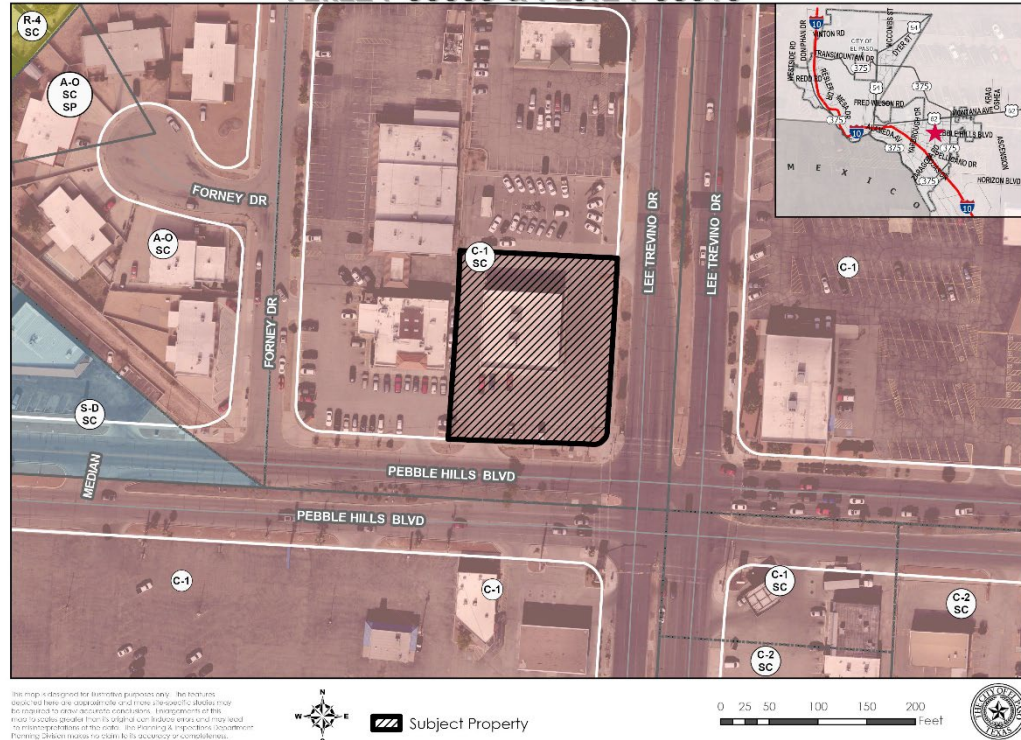


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) for the proposed use of a ballroom through a special permit approval. The subject property is approximately 0.56 acres in size. The Detailed Site Development Plan shows the existing 6,400 square-foot building to be used as a ballroom along with provided vehicle and bicycle parking as well as landscaping. Access to the subject property is proposed from Lee Trevino Drive and Pebble Hills Boulevard. This rezoning application is related to special permit application PZST24-00015. The special permit would allow for the use a ballroom in C-2 (Commercial) zone district.

PREVIOUS CASE HISTORY: On July 12, 1976, City Council passed Ordinance No. 5797, that amended Ordinance No. 5781 and placed conditions on the subject property. The conditions were as follows:

1. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, installed concrete sidewalks along the boundaries of the property adjacent to Ivanhoe Drive, Pebble Hills Drive and Lee Trevino Drive.*
2. *Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily completed before certificates of occupancy and compliance will be issued.*

Note: *The conditions are being satisfied.*

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent commercial uses and districts in the area. Properties to the north are zoned C-1/sc (Commercial/special contract) and include restaurants and a vacant lot. Properties to the south are zoned C-1 (Commercial) and include a shopping center and convenience store with gas pumps. Properties to the east are zoned C-1 (Commercial) and include medical offices and a shopping center. Properties to the west are zoned C-1/sc (Commercial/special contract) and include a restaurant, offices and a medical office. The nearest school is Hanks Middle School located 0.90 miles away and the closest park is Pebble Hills park located 0.47 miles away.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property and the proposed development meet the intent of the G-4, Suburban (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed zoning is compatible with the future land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-2 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The proposed C-2 (Commercial) zoning district will provide for the integration of commercial uses with adjacent C-2 (Commercial), C-1 (Commercial), A-O (Apartment/Office) and S-D (Special Development) zoning districts in the surrounding area.</p>

Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. The subject property is located along Lee Trevino Drive and Pebble Hills Boulevard, which are designated as major arterials in the City's Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	None. The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable with no rezoning in the past 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None. The proposed development is within a stable area of the city. The established neighborhood is comprised of shopping centers, restaurants, professional offices, single-family and multi-family dwellings.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access is proposed from Lee Trevino Drive and Pebble Hills Boulevard which are classified as major arterials on the City of El Paso's Major Thoroughfare Plan (MTP) and is appropriate for commercial development. Sidewalks are currently present along Lee Trevino Drive and Pebble Hills Boulevard. There are six (6) bus stops located within walkable distance (0.25 miles) of the subject property. The closest bus stop is located 0.07 miles away on Pebble Hills Boulevard.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The subject property does not lie within the boundaries of any recognized neighborhood associations. Public notices were mailed to property owners within 300 feet on January 31, 2025. As of February 6, 2025, the Planning Division has not received any communication in support or opposition to the requests.

RELATED APPLICATIONS: A Special Permit application (PZST24-00015) is running concurrently with this rezoning request to allow for the proposed use of a ballroom in the proposed C-2 (Commercial) zoning district.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**

3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Detailed Site Plan
3. Ordinance No. 5797
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

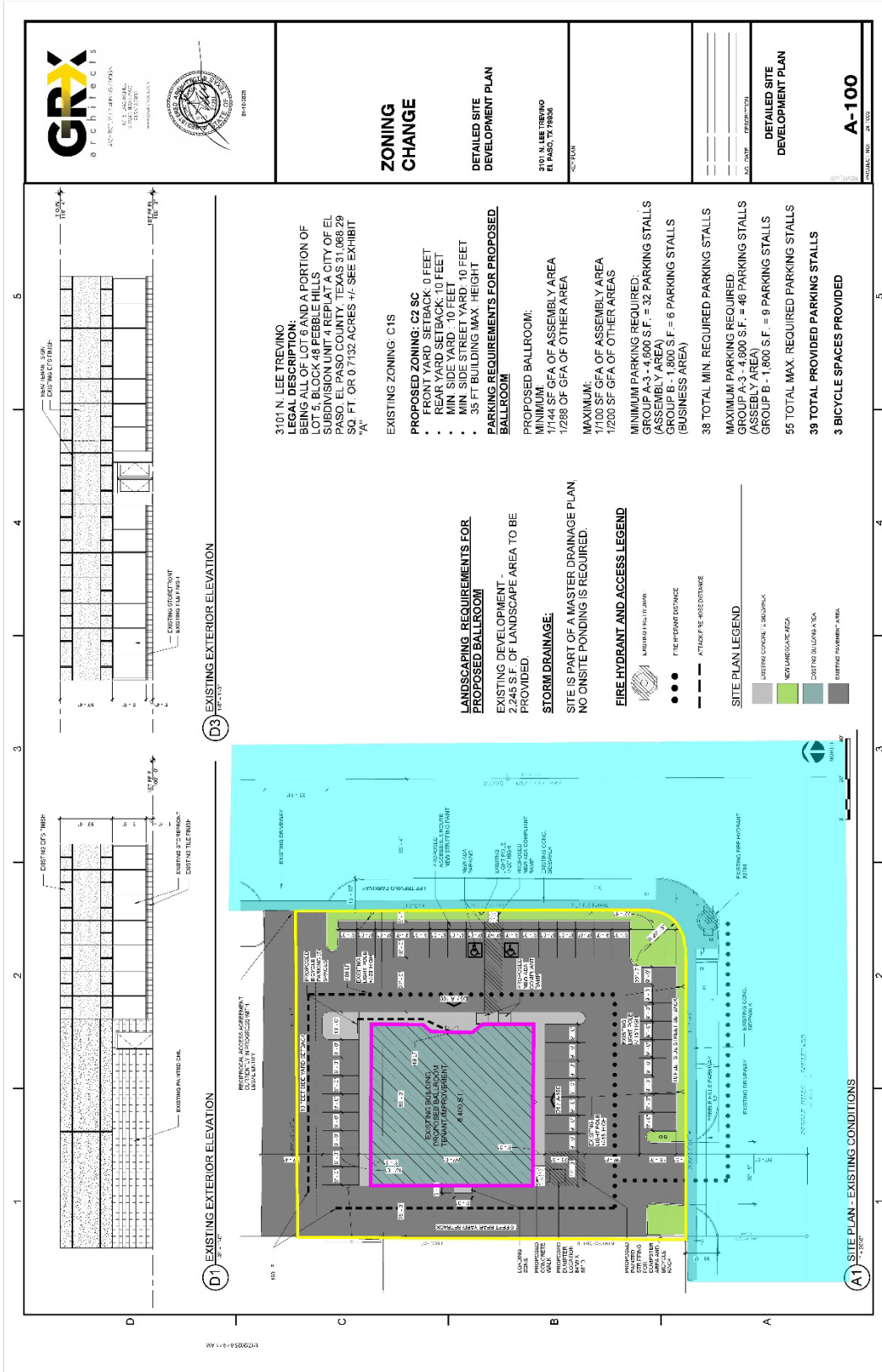
PZR24-00033 & PZST24-00015



Subject Property

This map is designed for illustrative purposes only. The features shown on this map are not intended to be used as a legal document. The Planning & Inspection Department may make corrections to this map at any time without notice. The Planning & Inspection Department may make corrections to this map at any time without notice. The Planning & Inspection Department may make corrections to this map at any time without notice.

ATTACHMENT 2



ATTACHMENT 3

AN ORDINANCE AMENDING ORDINANCE NO.
5781 WHICH REZONED LOTS 1, 2 AND 3,
BLOCK 46, PEBBLE HILLS UNIT FOUR,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

WHEREAS, Ordinance No. 5781, passed and approved on July 15, 1976,
omitted certain changes of zoning in the description of the property
rezoned, and it is necessary to correct and verify the zoning on this
property:

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

That Ordinance No. 5781 be and is hereby amended by changing the body
thereof to read as follows:

That the zoning of the following described Lots 1, 2 and 3, Block 46,
Pebble Hills Unit Four, be changed as follows within the meaning of the
Zoning Ordinance, and the zoning map of the City be revised accordingly:

PARCEL A to C-1 (Commercial)

Beginning at a point of intersection of the center line of Pebble Hills Boulevard
with the center line of Lee Trevino Drive, located North 89°-57'-30" West a
distance of 1247.63 feet from the southeast corner of Section 38, Block 80, Township 2,
Texas and Pacific Railroad Surveys in El Paso County, Texas:

Thence North 89°-57'-30" West along said center line of Pebble Hills
Boulevard a distance of 419.00 feet:

Thence North 0°-13'-14" West a distance of 488.08 feet to the P. C.
of a curve to the left:

Thence northerly along said curve to the left an arc distance of
50.22 feet; curve having a radius of 312.45 feet, a central angle
of 9°-12'-30" and a long chord bearing North 4°-49'-29" West a
distance of 50.16 feet:

Thence North 89°-46'-46" East a distance of 423.02 feet to a point on
said center line of Lee Trevino Drive:

Thence South 0°-13'-14" East along said center line a distance of
540.00 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent street in Pebble Hills
Subdivision, Unit 4, in said El Paso County, and contains 5.186 acres.

PARCEL B to A-0 (Apartment-Professional Office)

Beginning at a point on the center line of Pebble Hills Boulevard and located
North 89°-57'-30" West a distance of 1666.63 feet from the southeast corner of
Section 38, Block 80, Township 2, Texas and Pacific Railroad Surveys in El Paso
County, Texas:

Thence North 89°-57'-30" West along said center line a distance of 480.18 feet:

Thence North 0°-02'-30" East a distance of 144.84 feet:

Thence North 37°-55'-40" East a distance of 438.46 feet:

Thence North 42°-33'-35" East a distance of 112.29 feet:

Thence North 50°-24'-18" East a distance of 84.56 feet:

Thence North 60°-06'-16" East a distance of 30.00 feet:

Thence southerly along a curve to the right an arc distance of 161.83 feet; curve having a radius of 312.45 feet, a central angle of $29^{\circ}-40'-30''$, and a long chord bearing South $15^{\circ}-03'-29''$ East a distance of 160.02 feet:

Thence South $0^{\circ}-13'-14''$ East a distance of 488.08 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent street in Pebble Hills Subdivision, Unit 4, and in said El Paso County, and contains 4.748 acres.

PARCEL C to R-4 (Residential)

Beginning at a point on the center line of Pebble Hills Boulevard and located North $89^{\circ}-57'-30''$ West a distance of 2146.81 feet from the southeast corner of Section 38, Block 80, Township 2, Texas and Pacific Railroad Surveys, in El Paso County, Texas:

Thence North $89^{\circ}-57'-30''$ West along said center line of Pebble Hills Drive a distance of 160.87 feet to its intersection with the center line of Ivanhoe Drive:

Thence North $0^{\circ}-02'-30''$ East along said center line of Ivanhoe Drive a distance of 80.00 feet to the P. C. of a curve to the right:

Thence northeasterly along said curve to the right continuing along said right-of-way line an arc distance of 165.83 feet; curve having a radius of 250.78 feet, a central angle of $37^{\circ}-53'-10''$, and a long chord bearing North $18^{\circ}-59'-05''$ East a distance of 162.82 feet:

Thence North $37^{\circ}-55'-40''$ East a distance of 434.43 feet to the P. C. of a curve to the right and continuing along said center line:

Thence northeasterly along said curve to the right an arc distance of 273.31 feet, curve having a radius of 835.24 feet, a central angle of $18^{\circ}-44'-54''$ and a long chord bearing North $47^{\circ}-18'-07''$ East a distance of 272.09 feet:

Thence South $33^{\circ}-19'-26''$ East a distance of 123.38 feet to the P. C. of a curve to the right:

Thence southeasterly along said curve to the right an arc distance of 18.70 feet; curve having a radius of 312.45 feet, a central angle of $3^{\circ}-25'-42''$, and a long chord bearing South $31^{\circ}-36'-35''$ East a distance of 18.69 feet:

Thence South $60^{\circ}-06'-16''$ West a distance of 30.00 feet:

Thence South $50^{\circ}-24'-18''$ West a distance of 84.56 feet:

Thence South $42^{\circ}-33'-35''$ West a distance of 112.29 feet:

Thence South $37^{\circ}-55'-40''$ West a distance of 438.46 feet:

Thence South $0^{\circ}-02'-30''$ West a distance of 144.84 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent streets in Pebble Hills Subdivision, Unit 4, in El Paso County, Texas, and contains 2.908 acres.

PARCEL D to A-0 (Apartment-Professional Office)

Beginning at a point on the center line of Lee Trevino Drive and located North $89^{\circ}-57'-30''$ West a distance of 1247.63 feet, then North $0^{\circ}-13'-14''$ West a distance of 540.00 feet from the southeast corner of Section 38, Block 80, Township 2, Texas and Pacific Railroad Surveys in El Paso County, Texas:

Thence South $89^{\circ}-46'-46''$ West a distance of 423.02 feet:

Thence northwesterly along a curve to the left an arc distance of 130.31 feet; curve having a radius of 312.45 feet, a central angle of $23^{\circ}-53'-42''$, and a long chord bearing North $21^{\circ}-22'-35''$ West a distance of 129.36 feet:

Thence North $33^{\circ}-19'-26''$ West a distance of 123.38 feet to a point on the center line of Ivanhoe Drive:

Thence northeasterly along said center line of Ivanhoe Drive, being a curve to the right, an arc distance of 478.50 feet; curve having a radius of 835.24 feet, a central angle of $32^{\circ}-49'-26''$, and a long chord bearing North $73^{\circ}-05'-17''$ East

53.37
76-3985

-2-

a distance of 471.98 feet:

Thence North 89°-30' East a distance of 85.00 feet to a point on said center line of Lee Trevino Drive:

Thence South 0°-13'-14" East along said center line of Lee Trevino Drive a distance of 359.97 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent streets in Pebble Hills Subdivision, Unit 4, in said El Paso County, and contains 3.632 acres.

PASSED AND APPROVED this 5th day of August, 1976.

Don H. Lujan
Mayor

ATTEST:
U. Rieja
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: RE. P.A.O.
8-27-76 COUNTER
8-27-76 ORIGINAL
8-27-76 Blk Inspection
8-27-76 CONTROL R. Wright

~~certify that the zoning map has been revised to~~
~~reflect the amendment of ordinance # 5797~~
~~by R. Wright Date 9-24-76~~

8787

76-3985


-3-

AN ORDINANCE CHANGING THE ZONING
OF LOTS 1, 2 AND 3, BLOCK 46,
PEBBLE HILLS UNIT FOUR, THE PENALTY
BEING AS PROVIDED IN SECTION 25-10
OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 1, 2 and 3, Block 46, Pebble Hills
Unit Four be changed to C-1 (commercial) within the meaning of
the Zoning Ordinance, and the zoning map of the City be revised
accordingly.

PASSED AND APPROVED this 15 day of July,
1976.


Mayor

ATTEST:


City Clerk

*Note - The legal description in
this Ord. is not correct. There
are no Lots 2 & 3 in Block 46.
The law to be amended...
The parcel within Lot 1 have to be
described by metes and bounds
legal descriptions 7-15-76
Lujan*

Note
(Amended by Ord. 5797-8/5/76)
76-3985

CONTRACT

This contract, made this 12th day of July, 1976,
by and between LEAVELL DEVELOPMENT COMPANY, a corporation, and
INDIVIDUAL HOMES, INC., a corporation, First Parties, and the CITY
OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning
of Lots 1, 2 and 3, Block 46, Pebble Hills Unit 4 in the City of
El Paso, El Paso County, Texas, such property being more particu-
larly described in Ordinance No. 5181, now pending before the
City Council of the City of El Paso, a copy of which is attached
hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning,
First Parties covenant that if the property is rezoned as indicated
in the attached ordinance, it shall be subject to the following re-
strictions, conditions and covenants:

1. No certificates of occupancy and compliance shall be
issued by the City for any buildings constructed on
the property until First Parties have, at no cost to
the City, installed concrete sidewalks along the
boundaries of the property adjacent to Ivanhoe Drive,
Pebble Hills Drive and Lee Trevino Drive.
2. Such sidewalks shall be installed in accordance with
specifications to be approved by the City Engineer of
the City of El Paso and the City Engineer must certify
that such sidewalks have been satisfactorily completed
before certificates of occupancy and compliance will
be issued.

This agreement is a restriction, condition and covenant running
with the land and a charge and servitude thereon, and shall bind
First Parties and their successors in title. Any future conveyance
of the land shall contain this restriction, condition and covenant
and shall embody this agreement by express reference.

The City of El Paso may enforce this agreement by injunction
or any other legal or equitable remedy. The City Council of the
City of El Paso may release the above restrictions, conditions and
covenants in its discretion without the consent of any third person
who may be benefited thereby.

WITNESS the following signatures and seals:

76-3985

-1-

*Note: The legal description in this contract
is incorrect. Ord. 5181 dated 8-3-76
amended Ord. 5181 and corrected the legal description.
Paragraph 2 amended by Resolution of 2/21/78
R. Gonzales*

LEAVELL DEVELOPMENT COMPANY

By 
Vice President

ATTEST:


Secretary

INDIVIDUAL HOMES, INC.

By 
Vice President


ATTEST:


Secretary

THE CITY OF EL PASO

By 
Mayor Pro-Tem

ATTEST:


City Clerk

76-3985

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared D.H. ELLIOTT, Vice President of LEAVELL DEVELOPMENT COMPANY, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 12th day of July, 1976.

DONNA G. REARDON, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

Donna G. Reardon
Notary Public, El Paso County,
Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared A.B. McKinney, ~~Vice~~ President of INDIVIDUAL HOMES, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 12th day of July, 1976.

Corine Minjarez
Notary Public, El Paso County,
Texas.

CORINE MINJAREZ, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared E. H. Baeza Mayor ~~of the City~~ of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 15 day of July, 1976.

Angela C. Guillen
Notary Public in and for El Paso
County, Texas.

ANGELA C. GUILLEN, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

76-3985

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:


That the Mayor be authorized to sign a contract with
LEAVELL DEVELOPMENT COMPANY and INDIVIDUAL HOMES, INC., placing
certain restrictions on property rezoned by Ordinance No.

5781.

ADOPTED this 15 day of July, 1976.



Mayor

ATTEST


City Clerk

City Clerk

JUL 16 1976

DEPT. OF
PLANNING

76-3985

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL** of the request. This recommendation is based on the proposed zoning district's compatibility with commercial uses in the surrounding area and is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan and the G-4, Suburban (Walkable) Future Land Use designation

Planning and Inspections Department – Plan Review & Landscaping Division

No comments received.

Planning and Inspections Department – Land Development

Recommend approval. Verify the capacity of the existing parking lot area at the time of building permit.

Fire Department

No adverse comments.

Police Department

No comments submitted.

El Paso 911 District

The 911 District has no comments or concerns regarding this re-zoning.

Environment Services

No comments submitted.

Streets and Maintenance Department

Traffic & Transportation Engineering:

No objections

Street Lights Department:

Does not object to this request.

1. For the development of this lot a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.
2. Street Lights Department requires that any project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department. The applicant is responsible for any relocations or adjustments of a street light.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Sun Metro

Proposed land use does not affect Sun Metro transit services at this time

El Paso Water

EPWater-PSB does not object to this request.

1. There is an existing 12-inch diameter water main that extends along Pebble Hills Blvd. This main is available for service.
2. There is an existing 20-inch diameter water transmission main that extends along Lee Trevino Dr. No direct service connections are allowed to this main as per EPWater-PSB Rules and Regulations.
3. Previous water pressure reading from fire hydrant #3784, located on the northwest corner of Lee Trevino Dr. and Pebble Hills Blvd., has yielded a static pressure of 61 (psi), a residual pressure of 58 (psi), and a discharge of 1,838 (gpm).

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along Pebble Hills Blvd. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main that extends along Lee Trevino Dr. This main is approximately 17-feet deep.

General

EPWater-PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

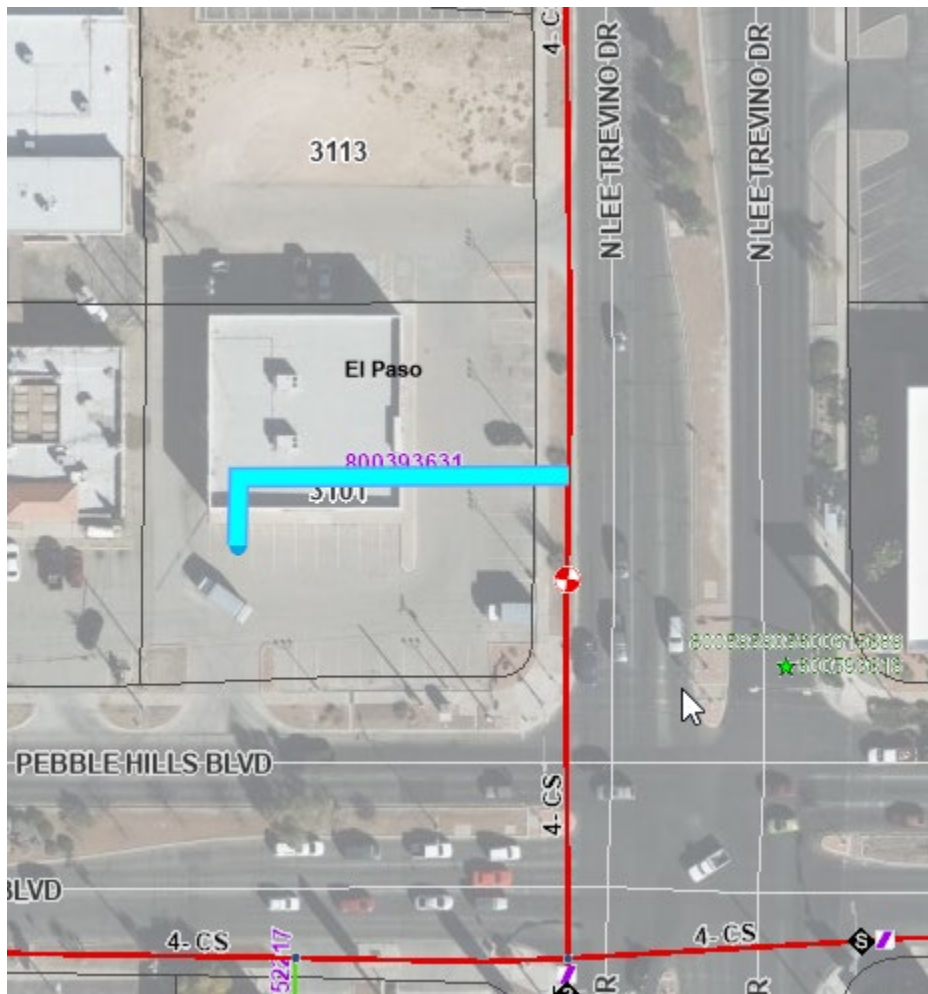
No comments submitted.

El Paso County Water Improvement District #1

No comments submitted.

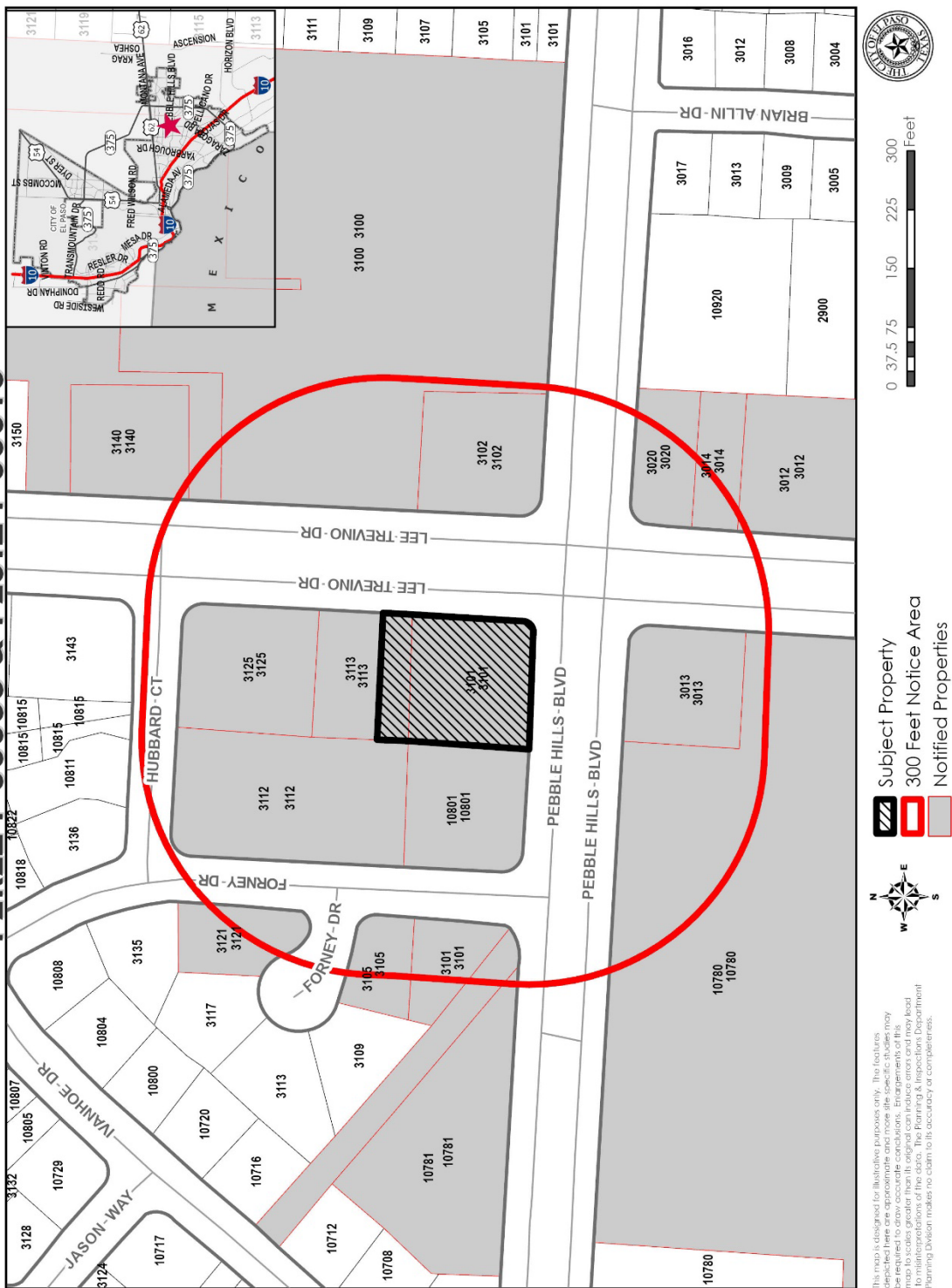
Texas Gas Service

In reference to the existing PZR224-00033 - 3101 Lee Trevino and PZST24-00015 - 3101 Lee Trevino, Texas Gas Service has an existing service line at 3101 Lee Trevino. (see the image below as reference):



ATTACHMENT 5

PZR24-00033 & PZST24-00015



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

Martha Summerford

Business Name

Agenda Item Type

Rezoning and Special permit

Relevant Department

Planning and Inspections

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒

I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature:

Martha Sumner

Date:

8/14/24



Legislation Text

File #: 25-981, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Jose Beltran, (915) 212-1607

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance granting Special Permit No. PZST24-00015, to allow for a ballroom on the property described as all of Lot 6 and a portion of Lot 5, Block 48, Pebble Hills Subdivision Unit 4 Replat A, 3101 N. Lee Trevino Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being a provided in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 3101 North Lee Trevino Drive

Applicant: Martha Summerford, PZST24-00015

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO.PZST24-00015, TO ALLOW FOR A BALLROOM ON THE PROPERTY DESCRIBED AS ALL OF LOT 6 AND A PORTION OF LOT 5, BLOCK 48, PEBBLE HILLS SUBDIVISION UNIT 4 REPLAT A, 3101 N. LEE TREVINO DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Martha Summerford, has applied for a Special Permit under Section 20.04.260 of the El Paso City Code to allow for a Ballroom; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a C-2/sc/c (Commercial/special contract/condition) District:

*Lot 6 and a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3101 N. Lee Trevino Drive, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached **Exhibit "A"**, incorporated by reference: and,*

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for Ballroom on the property described in Paragraph 1 of this Ordinance; subject to the following condition:

That a five foot (5') landscaped buffer shall be provided along Lee Trevino Drive and Pebble Hills Boulevard abutting the subject property.

3. That this Special Permit is issued subject to the development standards in the C-2/sc/c (Commercial/special contract/condition) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "B"** and is incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

HQ25-4524|Trans#605044|P&I
3101 Lee Trevino Special Permit
PZST24-00015

JAQ

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST24-00015, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

HQ25-4524|Trans#605044|P&I
3101 Lee Trevino Special Permit
PZST24-00015

JAQ

AGREEMENT

Martha Summerford, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the C-2/sc/c (Commercial/special contract/condition) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 18th day of July, 2025.

Martha Summerford

Martha Summerford
(Signature)

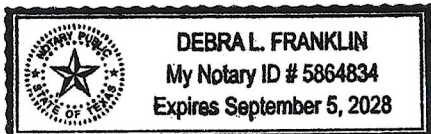
owner
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 18th day of July, 2025, by Martha Summerford for Martha Summerford as Applicant.

(Seal)



My Commission Expires:

Sept 5, 2028

Debra L Franklin
Notary Public, State of Texas
Signature

Debra L Franklin
Printed or Typed Name

ORDINANCE NO. _____

HQ25-4524|Trans#605044|P&I
3101 Lee Trevino Special Permit
PZST24-00015

JAQ

Exhibit "A"

All of Lot 6 and a Portion of Lot 5, Block 48,
Pebble Hills Subdivision Unit 4 Replat A,
City of El Paso, El Paso County, Texas

August 30, 2024

METES AND BOUNDS DESCRIPTION

3101 N. Lee Trevino Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of all of Lot 6 and a Portion of Lot 5, Block 48, Pebble Hills Subdivision Unit 4 Replat A, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the centerline intersection of Lee Trevino Drive (130' R.O.W.) and Pebble Hills Boulevard (120' R.O.W.); **THENCE**, leaving said centerline intersection and along the centerline of Pebble Hills Boulevard, North 89°57' 30" West, a distance of 227.37 feet to a point; **THENCE**, leaving said centerline of Pebble Hills Boulevard, North 00°02' 30" East, a distance of 60.00 feet to a set iron rod for corner at the common boundary corner of Lots 1 and 6, same being the northerly right-of-way line of Pebble Hills Boulevard and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said northerly right-of-way line of Pebble Hills Boulevard and along the common boundary line of Lots 1 and 6, North 00°02' 30" East, a distance of 192.36 feet to a set iron rod for corner;

THENCE, North 89°46' 46" East, a distance of 161.41 feet to a set chiseled "X" for corner at the westerly right-of-way line of Lee Trevino Drive;

THENCE, along the westerly right-of-way line of Lee Trevino Drive, South 00°13' 14" East, a distance of 173.01 feet to a set chiseled "X" for corner;

THENCE, leaving said westerly right-of-way line of Lee Trevino Drive, 31.51 feet along the arc of a curve to the right whose radius is 20.00 feet, whose interior angle is 90°15'44", whose chord bears South 44°54'38" West, a distance of 28.35 feet to a set chiseled "X" for corner at the northerly right-of-way line of Pebble Hills Boulevard;

THENCE, along the northerly right-of-way line of Pebble Hills Boulevard, North 89°57'30" West, a distance of 142.00 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 31,068.29 square feet or 0.7132 acres of land more or less.

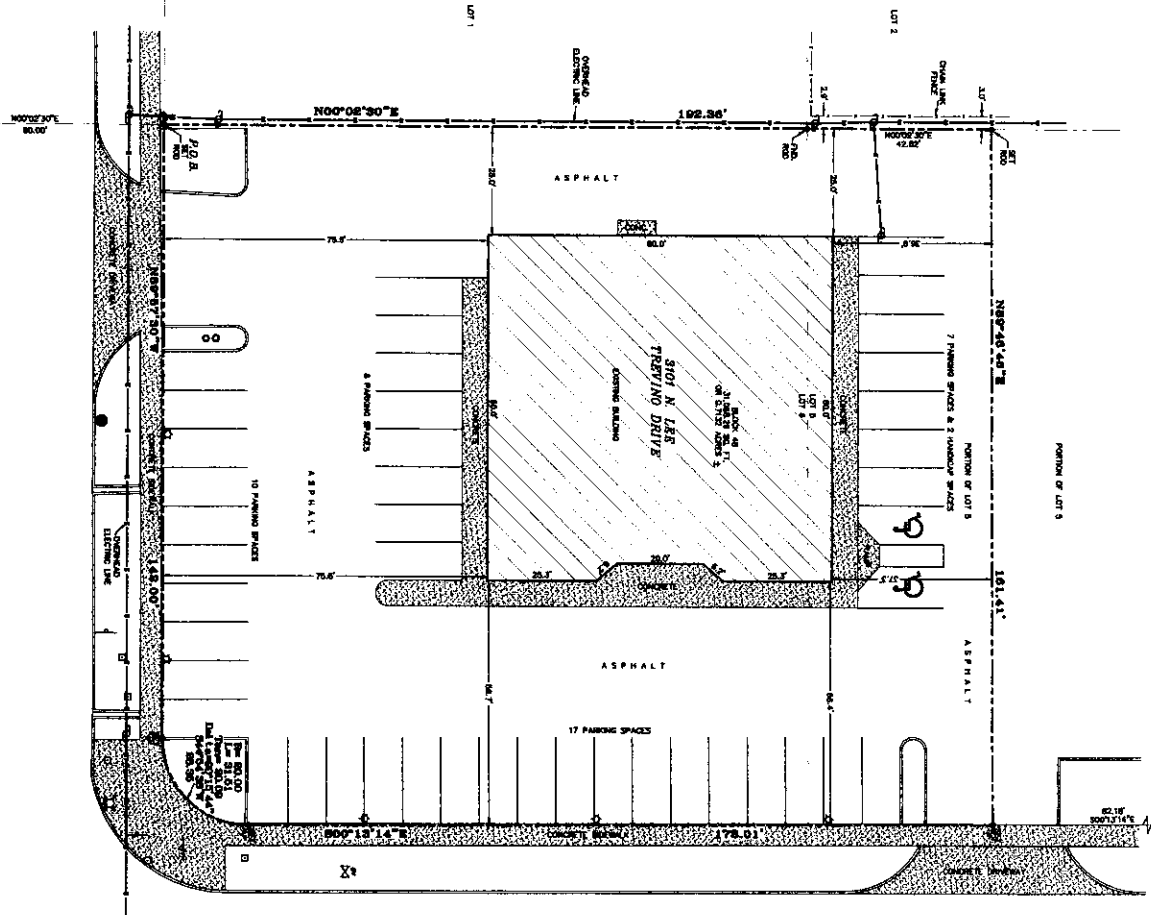
Carlos M. Jimenez
R.P.L.S. #3950

CAD Consulting Co.
1790 Lee Trevino Drive, Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2024\24-1971



IMPROVEMENT SURVEY

BEING ALL OF LOT 6 AND A PORTION OF LOT 5, BLOCK 48
 PEBBLE HILLS SUBDIVISION UNIT 4 REPLAT A
 CITY OF EL PASO, EL PASO COUNTY, TEXAS
 31,068.29 SQ. FT. OR 0.7132 ACRES +
 SEE EXHIBIT "A"



LEGEND	
○	LIGHT POLE
⊙	WATER METER
⊕	POWER POLE
⊗	MANHOLE
⊖	TELEPHONE RISER
⊘	ELECTRIC BOX
⊙	WELL
⊕	WELL HYDRAULIC
⊖	SEWER



PEBBLE HILLS BOULEVARD
 150' R.O.W.

LEE TREVINO DRIVE
 150' R.O.W.

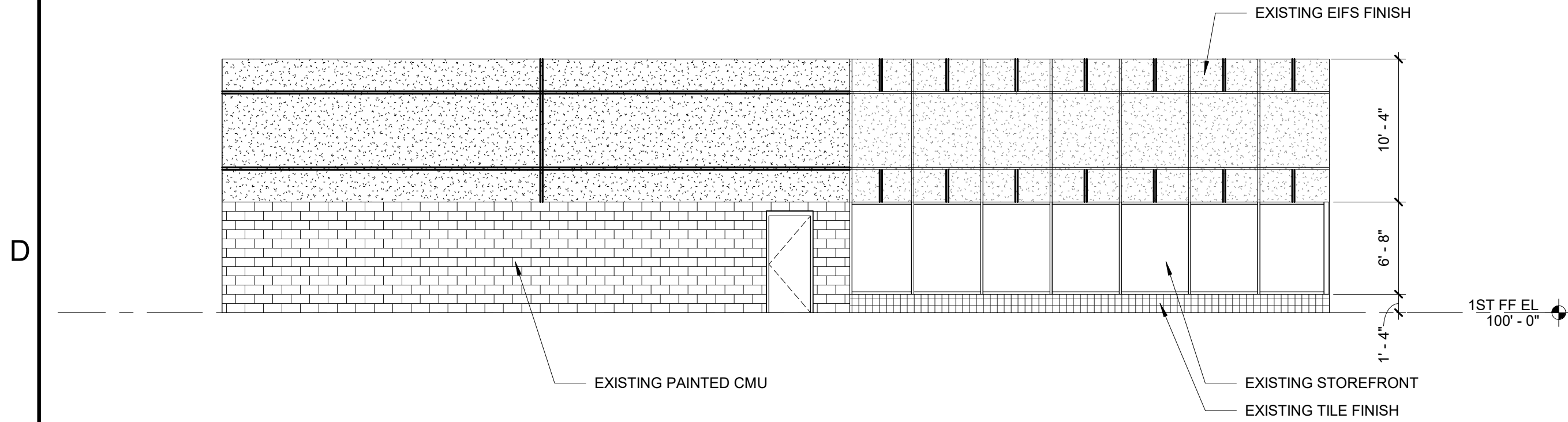
JOB # 24-1971 DATED 08-30-2024 EA

CONSULTING COMPANY
 1790 N. LEE TREVINO DR. SUITE 309
 EL PASO, TEXAS 79936
 TEL (915) 633-6422



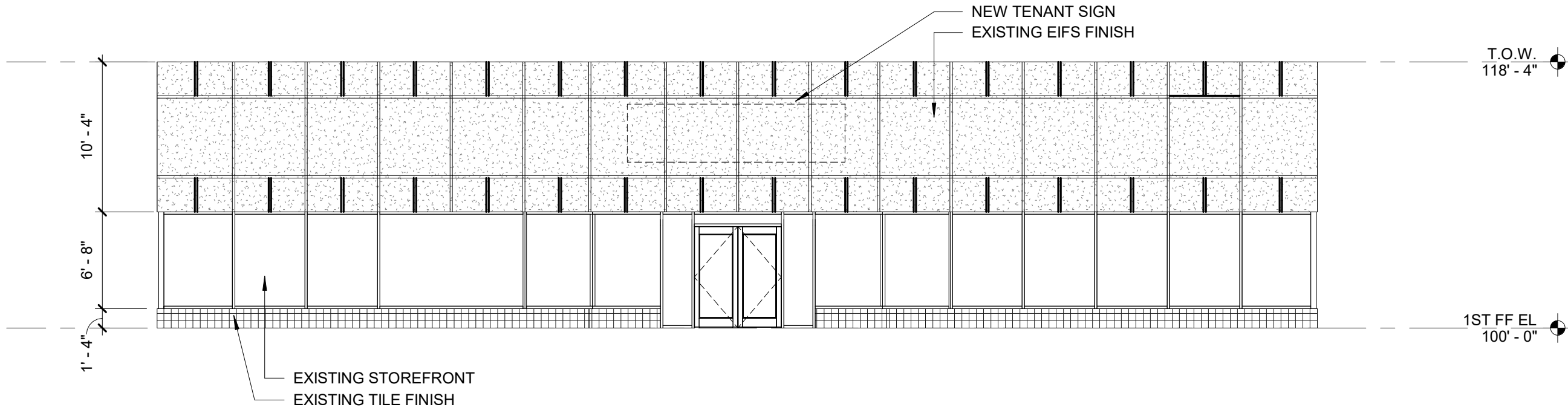
EXHIBIT "A" - IMPROVEMENT SURVEY AND
 TO THE CITY OF EL PASO, TEXAS, FOR THE
 CITY ENGINEER'S OFFICE AND RECORD
 TO THE CITY OF EL PASO, TEXAS, FOR THE
 CITY ENGINEER'S OFFICE AND RECORD

EXHIBIT "B"



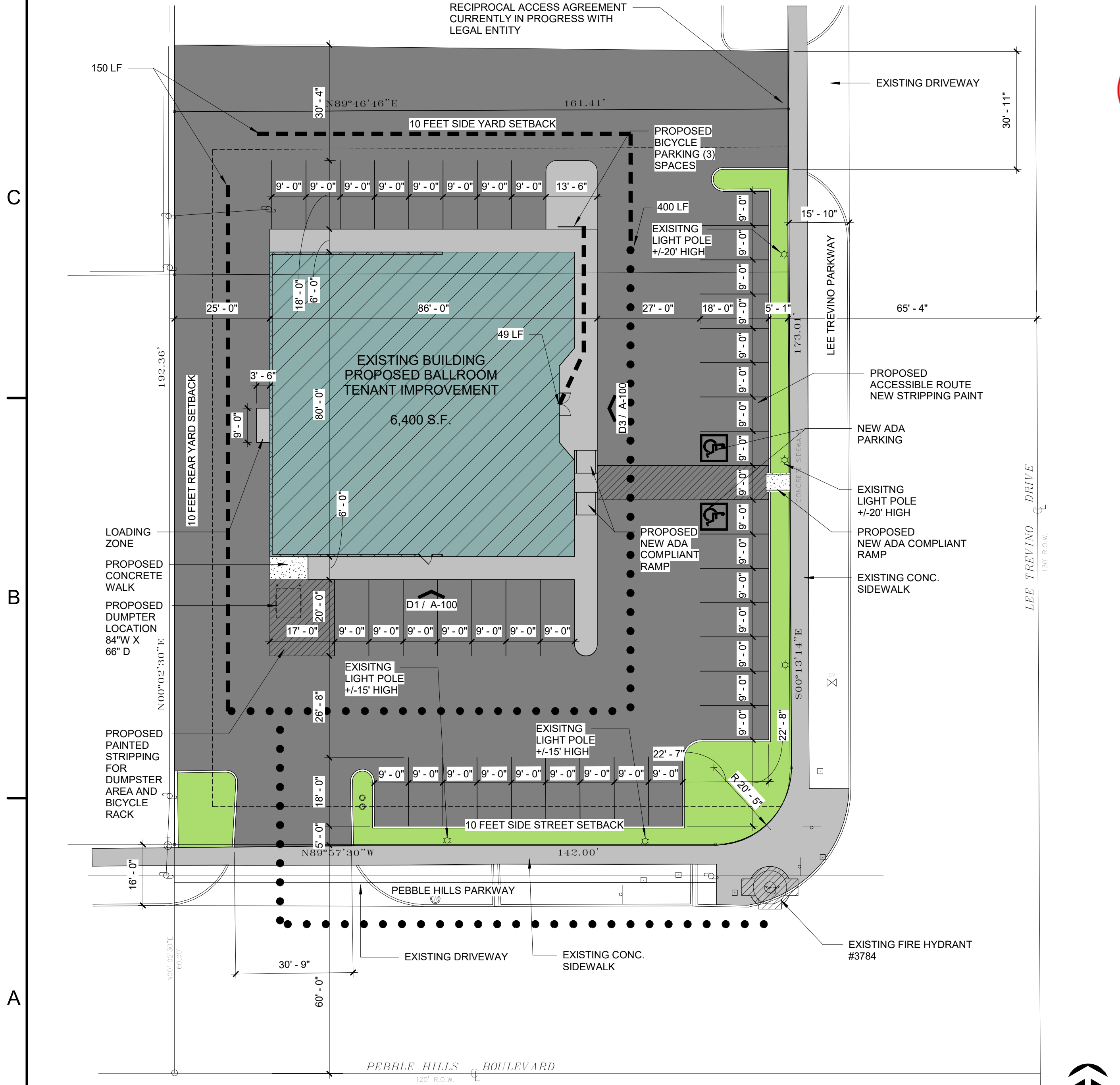
D1 EXISTING EXTERIOR ELEVATION

1/8" = 1'-0"



D3 EXISTING EXTERIOR ELEVATION

1/8" = 1'-0"



A1 SITE PLAN - EXISTING CONDITIONS

1" = 20'-0"

PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
07/18/2025
Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER

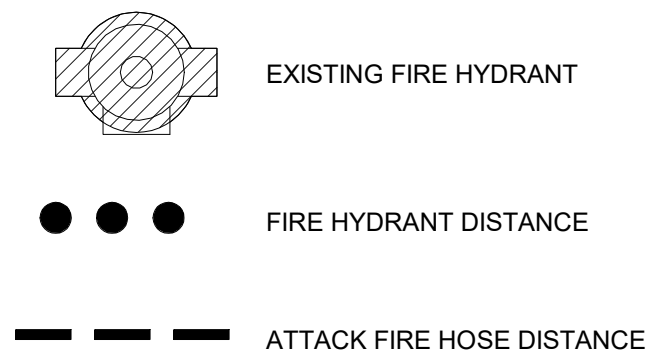
LANDSCAPING REQUIREMENTS FOR PROPOSED BALLROOM

EXISTING DEVELOPMENT - 2,245 S.F. OF LANDSCAPE AREA TO BE PROVIDED.

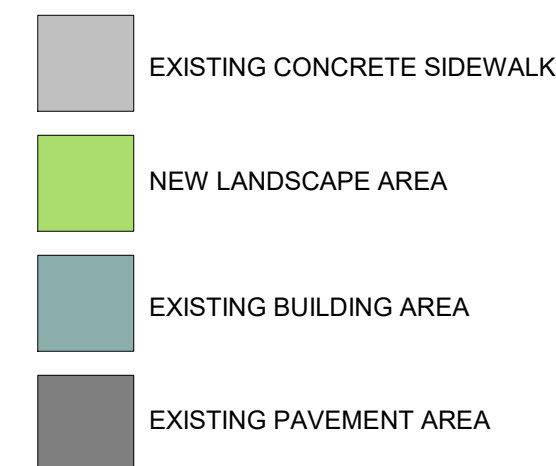
STORM DRAINAGE:

SITE IS PART OF A MASTER DRAINAGE PLAN, NO ONSITE PONDING IS REQUIRED.

FIRE HYDRANT AND ACCESS LEGEND



SITE PLAN LEGEND



3101 N. LEE TREVINO
LEGAL DESCRIPTION:
BEING ALL OF LOT 6 AND A PORTION OF LOT 5, BLOCK 48 PEBBLE HILLS SUBDIVISION UNIT 4 REPLAT A CITY OF EL PASO, EL PASO COUNTY, TEXAS 31,068.29 SQ. FT. OR 0.7132 ACRES +/- SEE EXHIBIT "A"

EXISTING ZONING: C1S

- PROPOSED ZONING: C2 SC**
- FRONT YARD SETBACK: 0 FEET
 - REAR YARD SETBACK: 10 FEET
 - MIN. SIDE YARD : 10 FEET
 - MIN. SIDE STREET YARD: 10 FEET
 - 35 FT BUILDING MAX. HEIGHT

PARKING REQUIREMENTS FOR PROPOSED BALLROOM

PROPOSED BALLROOM:
MINIMUM:
1/144 SF GFA OF ASSEMBLY AREA
1/288 OF GFA OF OTHER AREA

MAXIMUM:
1/100 SF GFA OF ASSEMBLY AREA
1/200 SF GFA OF OTHER AREAS

MINIMUM PARKING REQUIRED:
GROUP A-3 - 4,600 S.F. = 32 PARKING STALLS (ASSEMBLY AREA)
GROUP B - 1,800 S.F.= 6 PARKING STALLS (BUSINESS AREA)

38 TOTAL MIN. REQUIRED PARKING STALLS

MAXIMUM PARKING REQUIRED:
GROUP A-3 - 4,600 S.F. = 46 PARKING STALLS (ASSEMBLY AREA)
GROUP B - 1,800 S.F. = 9 PARKING STALLS

55 TOTAL MAX. REQUIRED PARKING STALLS

39 TOTAL PROVIDED PARKING STALLS

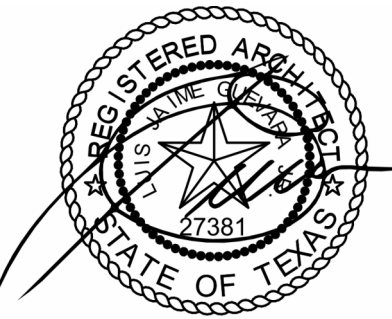
3 BICYCLE SPACES PROVIDED



ARCHITECTURE / PLANNING / DESIGN

101 S TEXAS AVENUE
EL PASO, TEXAS 79901
915.613.0900

www.grxarchitects.com



01/16/2025

ZONING CHANGE

DETAILED SITE DEVELOPMENT PLAN

3101 N. LEE TREVINO
EL PASO, TX 79936

KEY PLAN

DETAILED SITE DEVELOPMENT PLAN

A-100

PROJECT NO: 24-100S

1/17/2025 8:49:41 AM

3101 Lee Trevino

City Plan Commission — February 13, 2025



CASE NUMBER: PZST24-00015
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: H.K. Summerford and Martha Summerford
REPRESENTATIVE: Joseph Moreno
LOCATION: 3101 Lee Trevino Dr. (District 3)
PROPERTY AREA: 0.56 acres
REQUEST: Special Permit and Detailed Site Development Plan approval to allow for the use of a ballroom in the proposed C-2/sc/c (Commercial/special contract/condition) zone district
RELATED APPLICATIONS: Rezoning application PZRZ24-00033
PUBLIC INPUT: None received as of February 6, 2025

SUMMARY OF REQUEST: The applicant is requesting a special permit and detailed site development plan approval for a proposed use of a ballroom in the C-2/sc/c (Commercial/special contract/condition) zoning district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** of the request. The proposal meets all of the requirements of El Paso City Code Sections: 20.04.320 – Special Permit and 20.04.150 – Detailed Site Development Plan. The condition is as follows:

That a five-foot (5') landscaped buffer with a mixture of trees and shrubs be required no less than twenty feet (20') on center along Lee Trevino Drive and Pebble Hills Boulevard abutting the subject property, with the exception of driveways for ingress and egress to the property prior to certificates of occupancy or certificates of completion.

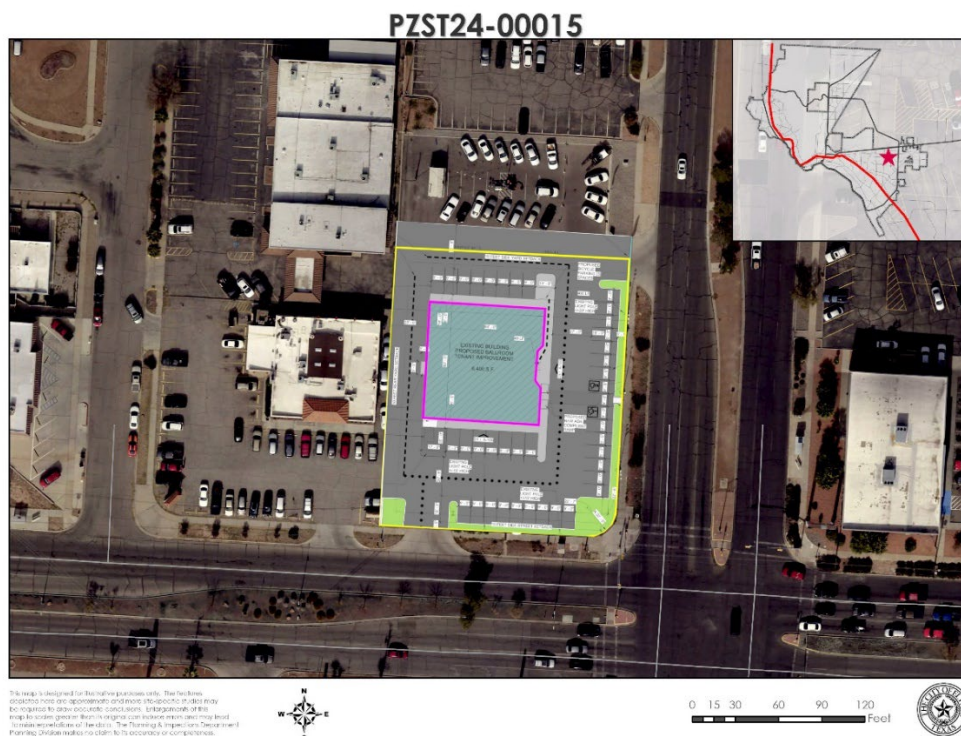


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting review and approval of a special permit and detailed site development plan for the proposed use of a ballroom in the C-2/sc/c (Commercial/special contract/condition) zone district. The subject property is approximately 0.56 acres in size. The Detailed Site Development Plan shows the existing 6,400 square feet building to be used as a ballroom. The development requires thirty-eight (38) parking spaces and three (3) bicycle spaces. The applicant is providing thirty-nine (39) parking spaces, including two (2) accessible spaces, as well as three (3) bicycle spaces. Access to the subject property is proposed from Lee Trevino Drive and Pebble Hills Boulevard. This special permit application is related to rezoning application PZR24-00033 to rezone the subject property from C-1/sc (Commercial/special contract) to C-2/sc/c (Commercial/special contract/condition) for the proposed use of a ballroom.

PREVIOUS CASE HISTORY: On July 12, 1976, City Council passed Ordinance No. 5797, that amended Ordinance No. 5781 and placed conditions on the subject property. The conditions were as follows:

1. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, installed concrete sidewalks along the boundaries of the property adjacent to Ivanhoe Drive, Pebble Hills Drive and Lee Trevino Drive.*
2. *Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily completed before certificates of occupancy and compliance will be issued.*

Note: The conditions are being satisfied.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The detailed site development plan demonstrates compliance with all other applicable standards per El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-4, Suburban (Walkable) Land Use designation. The proposed development will integrate with commercial development along Lee Trevino Drive and Pebble Hills Boulevard.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property fronts Lee Trevino Drive and Pebble Hills Boulevard which are classified as major arterials on the City of El Paso's Major Thoroughfare Plan (MTP) and is appropriate for commercial development.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. No impact is anticipated from the approval of the proposed special permit and detailed site development plan. The proposed development will adhere to zoning requirements and will not pose a risk to neighboring properties.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. The subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The subject property is providing adequate landscaping per Section 18.46 of the El Paso City Code.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The proposed development is compatible with other commercial uses. The existing building will be converted for the use of ballroom.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed development is similar in intensity and scale to the surrounding development.

COMPLIANCE WITH <i>PLAN EL PASO</i> GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property and the proposed development meet the intent of the G-4, Suburban (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed zoning is compatible with the future land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-2 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The proposed C-2 (Commercial) zoning district will provide for the integration of commercial uses with adjacent C-2 (Commercial), C-1 (Commercial), A-O (Apartment/Office) and S-D (Special Development) zoning districts in the surrounding area.</p>
THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>None. The proposed development is not within any historic districts or study area plan boundaries.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>None. The proposed development is within a stable area of the city. The established neighborhood is comprised of shopping centers, restaurants, professional offices, single-family and multi-family dwellings.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access is proposed from Lee Trevino Drive and Pebble Hills Boulevard which are classified as major arterials on the City of El Paso's Major Thoroughfare Plan (MTP) and is appropriate for commercial development. Sidewalks are currently present along Lee Trevino Drive and Pebble Hills Boulevard. There are six (6) bus stops located within walkable distance (0.25 miles) of the subject property. The closest bus stop is located 0.07 miles away on Pebble Hills Boulevard.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Staff recommends imposing a condition for five-feet (5') landscaped buffer to ensure vehicular parking is buffered from public sidewalks to avoid vehicles from extending and blocking sidewalks while parked.

PUBLIC COMMENT: The subject property does not lie within the boundaries of any recognized neighborhood associations. Public notices were mailed to property owners within 300 feet on January 31, 2025. As of February 6, 2025, the Planning Division has not received any communication in support or opposition to the requests.

RELATED APPLICATIONS: PZRZ24-00033, the applicant is also requesting to rezone the subject property from C-1/sc (Commercial/special contract) to C-2/sc/c (Commercial/special contract/condition) to allow for the use of a ballroom.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Detailed Site Plan
3. Ordinance No. 5797
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

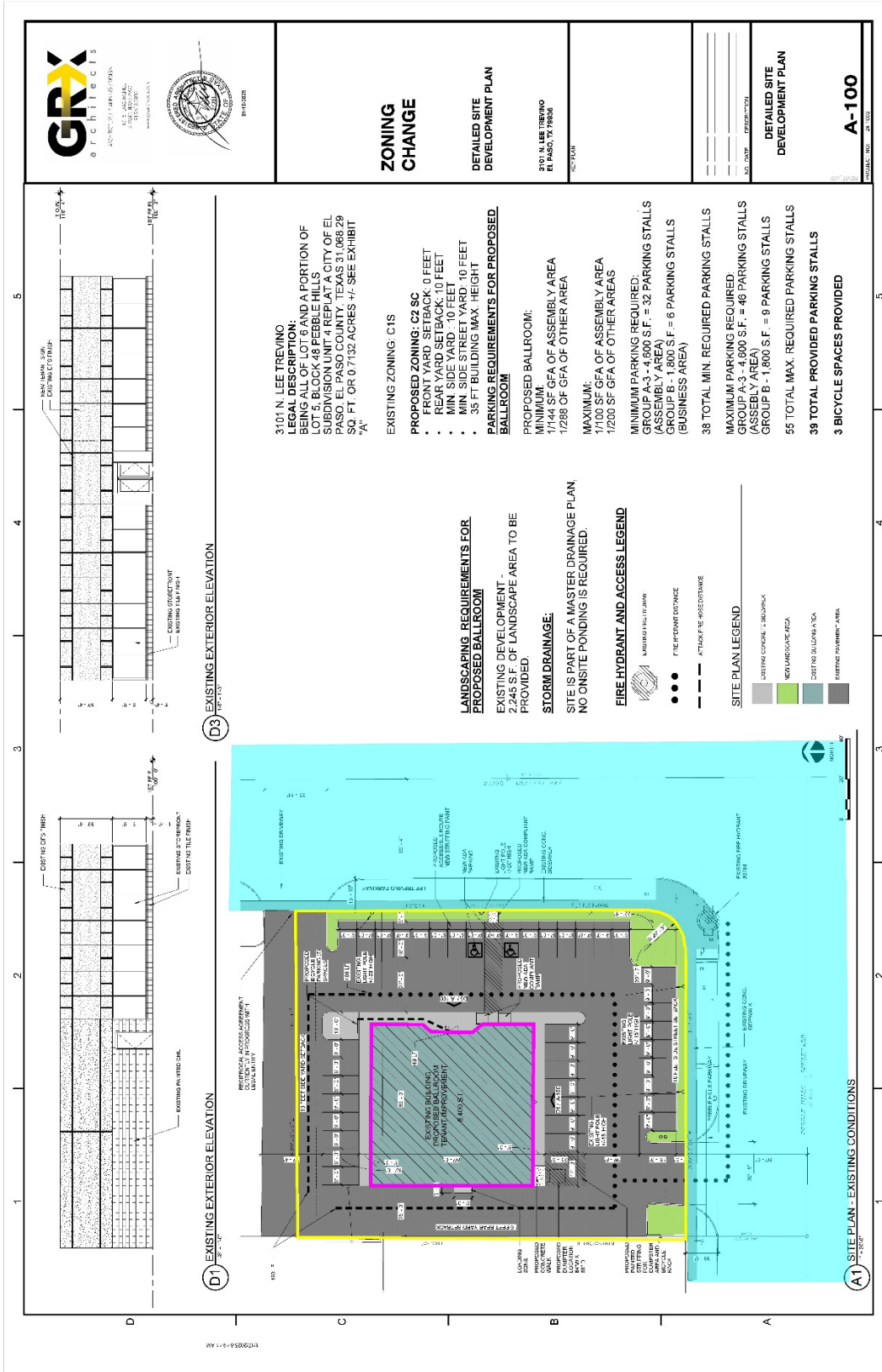
PZR24-00033 & PZST24-00015



Subject Property

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretation of the information shown. The City of El Paso Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

AN ORDINANCE AMENDING ORDINANCE NO.
5781 WHICH REZONED LOTS 1, 2 AND 3,
BLOCK 46, PEBBLE HILLS UNIT FOUR,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

WHEREAS, Ordinance No. 5781, passed and approved on July 15, 1976,
omitted certain changes of zoning in the description of the property
rezoned, and it is necessary to correct and verify the zoning on this
property:

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

That Ordinance No. 5781 be and is hereby amended by changing the body
thereof to read as follows:

That the zoning of the following described Lots 1, 2 and 3, Block 46,
Pebble Hills Unit Four, be changed as follows within the meaning of the
Zoning Ordinance, and the zoning map of the City be revised accordingly:

PARCEL A to C-1 (Commercial)

Beginning at a point of intersection of the center line of Pebble Hills Boulevard
with the center line of Lee Trevino Drive, located North 89°-57'-30" West a
distance of 1247.63 feet from the southeast corner of Section 38, Block 80, Township 2,
Texas and Pacific Railroad Surveys in El Paso County, Texas:

Thence North 89°-57'-30" West along said center line of Pebble Hills
Boulevard a distance of 419.00 feet:

Thence North 0°-13'-14" West a distance of 488.08 feet to the P. C.
of a curve to the left:

Thence northerly along said curve to the left an arc distance of
50.22 feet; curve having a radius of 312.45 feet, a central angle
of 9°-12'-30" and a long chord bearing North 4°-49'-29" West a
distance of 50.16 feet:

Thence North 89°-46'-46" East a distance of 423.02 feet to a point on
said center line of Lee Trevino Drive:

Thence South 0°-13'-14" East along said center line a distance of
540.00 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent street in Pebble Hills
Subdivision, Unit 4, in said El Paso County, and contains 5.186 acres.

PARCEL B to A-O (Apartment-Professional Office)

Beginning at a point on the center line of Pebble Hills Boulevard and located
North 89°-57'-30" West a distance of 1666.63 feet from the southeast corner of
Section 38, Block 80, Township 2, Texas and Pacific Railroad Surveys in El Paso
County, Texas:

Thence North 89°-57'-30" West along said center line a distance of 480.18 feet:

Thence North 0°-02'-30" East a distance of 144.84 feet:

Thence North 37°-55'-40" East a distance of 438.46 feet:

Thence North 42°-33'-35" East a distance of 112.29 feet:

Thence North 50°-24'-18" East a distance of 84.56 feet:

Thence North 60°-06'-16" East a distance of 30.00 feet:

Thence southerly along a curve to the right an arc distance of 161.83 feet; curve having a radius of 312.45 feet, a central angle of $29^{\circ}-40'-30''$, and a long chord bearing South $15^{\circ}-03'-29''$ East a distance of 160.02 feet:

Thence South $0^{\circ}-13'-14''$ East a distance of 488.08 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent street in Pebble Hills Subdivision, Unit 4, and in said El Paso County, and contains 4.748 acres.

PARCEL C to R-4 (Residential)

Beginning at a point on the center line of Pebble Hills Boulevard and located North $89^{\circ}-57'-30''$ West a distance of 2146.81 feet from the southeast corner of Section 38, Block 80, Township 2, Texas and Pacific Railroad Surveys, in El Paso County, Texas:

Thence North $89^{\circ}-57'-30''$ West along said center line of Pebble Hills Drive a distance of 160.87 feet to its intersection with the center line of Ivanhoe Drive:

Thence North $0^{\circ}-02'-30''$ East along said center line of Ivanhoe Drive a distance of 80.00 feet to the P. C. of a curve to the right:

Thence northeasterly along said curve to the right continuing along said right-of-way line an arc distance of 165.83 feet; curve having a radius of 250.78 feet, a central angle of $37^{\circ}-53'-10''$, and a long chord bearing North $18^{\circ}-59'-05''$ East a distance of 162.82 feet:

Thence North $37^{\circ}-55'-40''$ East a distance of 434.43 feet to the P. C. of a curve to the right and continuing along said center line:

Thence northeasterly along said curve to the right an arc distance of 273.31 feet; curve having a radius of 835.24 feet, a central angle of $18^{\circ}-44'-54''$ and a long chord bearing North $47^{\circ}-18'-07''$ East a distance of 272.09 feet:

Thence South $33^{\circ}-19'-26''$ East a distance of 123.38 feet to the P. C. of a curve to the right:

Thence southeasterly along said curve to the right an arc distance of 18.70 feet; curve having a radius of 312.45 feet, a central angle of $3^{\circ}-25'-42''$, and a long chord bearing South $31^{\circ}-36'-35''$ East a distance of 18.69 feet:

Thence South $60^{\circ}-06'-16''$ West a distance of 30.00 feet:

Thence South $50^{\circ}-24'-18''$ West a distance of 84.56 feet:

Thence South $42^{\circ}-33'-35''$ West a distance of 112.29 feet:

Thence South $37^{\circ}-55'-40''$ West a distance of 438.46 feet:

Thence South $0^{\circ}-02'-30''$ West a distance of 144.84 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent streets in Pebble Hills Subdivision, Unit 4, in El Paso County, Texas, and contains 2.908 acres.

PARCEL D to A-0 (Apartment-Professional Office)

Beginning at a point on the center line of Lee Trevino Drive and located North $89^{\circ}-57'-30''$ West a distance of 1247.63 feet, then North $0^{\circ}-13'-14''$ West a distance of 540.00 feet from the southeast corner of Section 38, Block 80, Township 2, Texas and Pacific Railroad Surveys in El Paso County, Texas:

Thence South $89^{\circ}-46'-46''$ West a distance of 423.02 feet:

Thence northwesterly along a curve to the left an arc distance of 130.31 feet; curve having a radius of 312.45 feet, a central angle of $23^{\circ}-53'-42''$, and a long chord bearing North $21^{\circ}-22'-35''$ West a distance of 129.36 feet:

Thence North $33^{\circ}-19'-26''$ West a distance of 123.38 feet to a point on the center line of Ivanhoe Drive:

Thence northeasterly along said center line of Ivanhoe Drive, being a curve to the right, an arc distance of 478.50 feet; curve having a radius of 835.24 feet, a central angle of $32^{\circ}-49'-26''$, and a long chord bearing North $73^{\circ}-05'-17''$ East

53.37
76-3985

-2-

a distance of 471.98 feet:

Thence North 89°-30' East a distance of 85.00 feet to a point on said center line of Lee Trevino Drive:


Thence South 0°-13'-14" East along said center line of Lee Trevino Drive a distance of 359.97 feet to the point of beginning.

Described parcel is a portion of Block 46 and adjacent streets in Pebble Hills Subdivision, Unit 4, in said El Paso County, and contains 3.632 acres.

PASSED AND APPROVED this 5th day of August, 1976.



Mayor

ATTEST:


City Clerk

City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: RE. P.A.O.
8-27-76 COUNTER
8-27-76 ORIGINAL
8-27-76 Public Inspection
8-27-76 CONTROL R. Bronght

~~certify that the zoning map has been revised to~~
~~reflect the amendment of ordinance # 5797~~
~~by R. Bronght Date 9-24-76~~


8787 76-3985

AN ORDINANCE CHANGING THE ZONING
OF LOTS 1, 2 AND 3, BLOCK 46,
PEBBLE HILLS UNIT FOUR, THE PENALTY
BEING AS PROVIDED IN SECTION 25-10
OF THE EL PASO CITY CODE

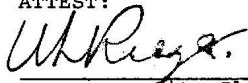
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 1, 2 and 3, Block 46, Pebble Hills
Unit Four be changed to C-1 (commercial) within the meaning of
the Zoning Ordinance, and the zoning map of the City be revised
accordingly.

PASSED AND APPROVED this 15 day of July,
1976.


Mayor

ATTEST:


City Clerk

*Note - The legal description in
this Ord. is not correct. There
are no Lots 2 & 3 in Block 46.
The law to be amended...
The parcel within Lot 1 have to be
described by metes and bounds
legal descriptions 7-15-76
Lujan*

Note
(Amended by Ord. 5797-8/5/76)
76-3985

CONTRACT

This contract, made this 12th day of July, 1976,
by and between LEAVELL DEVELOPMENT COMPANY, a corporation, and
INDIVIDUAL HOMES, INC., a corporation, First Parties, and the CITY
OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning
of Lots 1, 2 and 3, Block 46, Pebble Hills Unit 4 in the City of
El Paso, El Paso County, Texas, such property being more particu-
larly described in Ordinance No. 5181, now pending before the
City Council of the City of El Paso, a copy of which is attached
hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning,
First Parties covenant that if the property is rezoned as indicated
in the attached ordinance, it shall be subject to the following re-
strictions, conditions and covenants:

1. No certificates of occupancy and compliance shall be
issued by the City for any buildings constructed on
the property until First Parties have, at no cost to
the City, installed concrete sidewalks along the
boundaries of the property adjacent to Ivanhoe Drive,
Pebble Hills Drive and Lee Trevino Drive.
2. Such sidewalks shall be installed in accordance with
specifications to be approved by the City Engineer of
the City of El Paso and the City Engineer must certify
that such sidewalks have been satisfactorily completed
before certificates of occupancy and compliance will
be issued.

This agreement is a restriction, condition and covenant running
with the land and a charge and servitude thereon, and shall bind
First Parties and their successors in title. Any future conveyance
of the land shall contain this restriction, condition and covenant
and shall embody this agreement by express reference.

The City of El Paso may enforce this agreement by injunction
or any other legal or equitable remedy. The City Council of the
City of El Paso may release the above restrictions, conditions and
covenants in its discretion without the consent of any third person
who may be benefited thereby.

WITNESS the following signatures and seals:

76-3985

-1-

*Note: The legal description in this contract
is incorrect. Ord. 5181 dated 8-3-76
amended Ord. 5181 and corrected the legal description.
Paragraph 2 amended by Resolution of 2/21/78
R. Gonzales*

LEAVELL DEVELOPMENT COMPANY

By 
Vice President

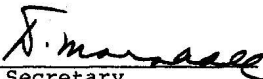
ATTEST:


Secretary

INDIVIDUAL HOMES, INC.

By 
Vice President


ATTEST:


Secretary

THE CITY OF EL PASO

By 
Mayor Pro-Tem

ATTEST:


City Clerk

76-3985

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared D.H. ELLIOTT, Vice President of LEAVELL DEVELOPMENT COMPANY, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 12th day of July, 1976.

DONNA G. REARDON, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

Donna G. Reardon
Notary Public, El Paso County,
Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared A.B. McKinney, ~~Vice~~ President of INDIVIDUAL HOMES, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 12th day of July, 1976.

Corine Minjarez
Notary Public, El Paso County,
Texas.

CORINE MINJAREZ, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared E. H. Baeza Mayor ~~of the City~~ of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 15 day of July, 1976.

Angela C. Guillen
Notary Public in and for El Paso
County, Texas.

ANGELA C. GUILLEN, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

76-3985

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:


That the Mayor be authorized to sign a contract with
LEAVELL DEVELOPMENT COMPANY and INDIVIDUAL HOMES, INC., placing
certain restrictions on property rezoned by Ordinance No.

5781.

ADOPTED this 15 day of July, 1976.



Mayor

ATTEST


City Clerk

City Clerk

JUL 16 1976

DEPT. OF
PLANNING

76-3985

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL WITH CONDITION** of the request. The proposal meets all of the requirements of El Paso City Code Sections: 20.04.320 – Special Permit and 20.04.150 – Detailed Site Development Plan. The condition is as follows:

That a five-foot (5') landscaped buffer with a mixture of trees and shrubs be required no less than twenty feet (20') on center along Lee Trevino Drive and Pebble Hills Boulevard abutting the subject property, with the exception of driveways for ingress and egress to the property prior to certificates of occupancy or certificates of completion.

Planning and Inspections Department – Plan Review & Landscaping Division

No comments received.

Planning and Inspections Department – Land Development

Recommend approval. Verify the capacity of the existing parking lot area at the time of building permit.

Fire Department

No adverse comments.

Police Department

No comments submitted.

El Paso 911 District

The 911 District has no comments or concerns regarding this re-zoning.

Environment Services

No comments submitted.

Streets and Maintenance Department

Traffic & Transportation Engineering

No objections

Street Lights Department

Does not object to this request.

For the development of this lot a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

Street Lights Department requires that any project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department. The applicant is responsible for any relocations or adjustments of a street light.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Sun Metro

Proposed land use does not affect Sun Metro transit services at this time

El Paso Water

EPWater-PSB does not object to this request.

1. There is an existing 12-inch diameter water main that extends along Pebble Hills Blvd. This main is available for service.
2. There is an existing 20-inch diameter water transmission main that extends along Lee Trevino Dr. No direct service connections are allowed to this main as per EPWater-PSB Rules and Regulations.
3. Previous water pressure reading from fire hydrant #3784, located on the northwest corner of Lee Trevino Dr. and Pebble Hills Blvd., has yielded a static pressure of 61 (psi), a residual pressure of 58 (psi), and a discharge of 1,838 (gpm).

Sanitary Sewer

1. There is an existing 8-inch diameter sanitary sewer main that extends along Pebble Hills Blvd. This main is available for service.
2. There is an existing 12-inch diameter sanitary sewer main that extends along Lee Trevino Dr. This main is approximately 17-feet deep.

General

EPWater-PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

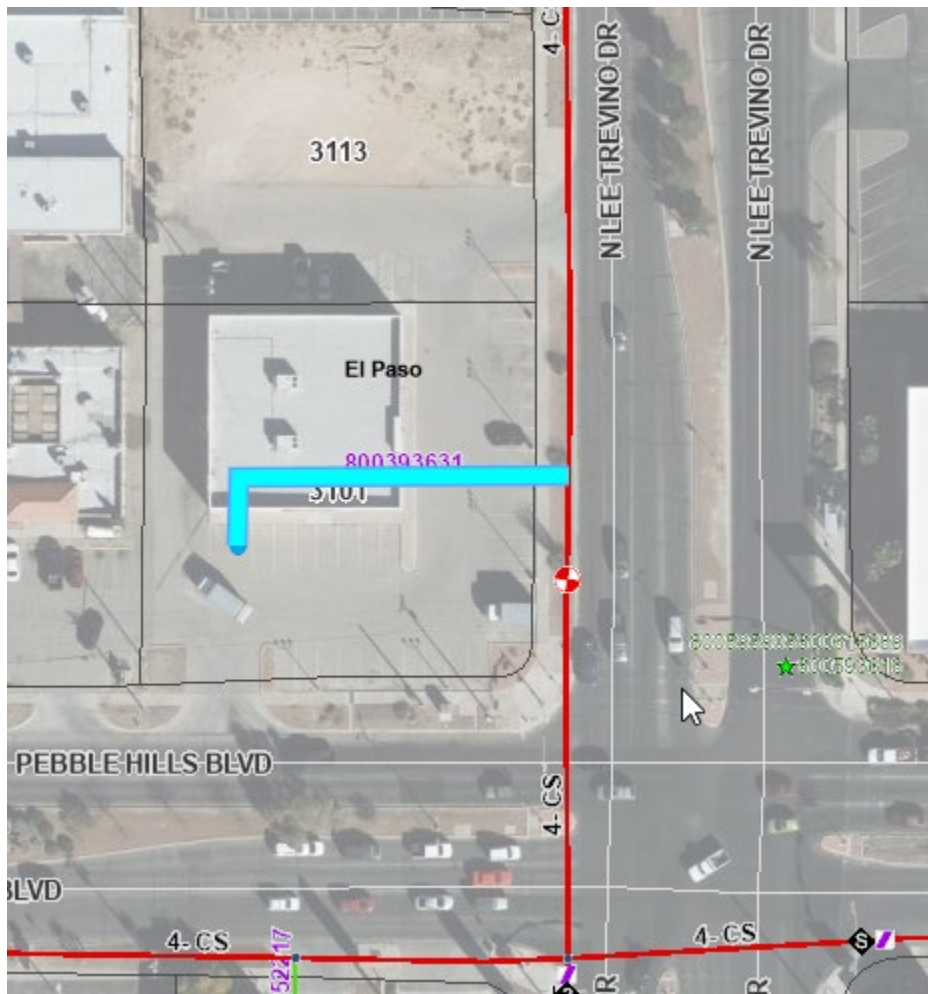
No comments submitted.

El Paso County Water Improvement District #1

No comments submitted.

Texas Gas Service

In reference to the existing PZR224-00033 - 3101 Lee Trevino and PZST24-00015 - 3101 Lee Trevino, Texas Gas Service has an existing service line at 3101 Lee Trevino. (see the image below as reference):



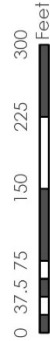
PZRZ24-00033 & PZST24-00015



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property
300 Feet Notice Area
Notified Properties



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

Martha Summerford

Business Name

Agenda Item Type

Rezoning and Special permit

Relevant Department

Planning and Inspections

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒

I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐

I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: Martha Sumner

Date: 8/14/24



Legislation Text

File #: 25-982, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Jose Beltran, (915) 212-1607

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3113 North Lee Trevino Drive, City of El Paso, El Paso County, Texas from C-1 (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 3113 North Lee Trevino Drive

Applicant: The Savage Oil Company, PZRZ24-00028

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 5, BLOCK 48, PEBBLE HILLS UNIT 4 REPLAT A, 3113 NORTH LEE TREVINO DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a portion of Lot 5, Block 48, Pebble Hills Unit 4 Replat A, 3113 North Lee Trevino Drive, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached **Exhibit "A"**, incorporated by reference, be changed from **C-1/SC (Commercial/special contract)** to **C-3/SC (Commercial/special contract)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. No parking, vehicular storage or display is permitted within ten feet (10') of the front property line abutting Lee Trevino.
2. Maintenance, repair, or storage of any type of vehicles is strictly prohibited on the property.
3. The following conditions shall apply only in the case the property is used for motor vehicle sales:
 - a. That a 10' wide stormwater garden be provided along the front property line adjacent to Lee Trevino along with a garden wall up to 24" in height. The wall shall be installed between the stormwater garden and the property.
4. That a detailed site development plan be approved per City Code prior to the issuance of any permits or licenses.
5. The following uses shall be prohibited on the property:
 - Contractor's yard
 - Correctional facility
 - Testing laboratory
 - Material sales.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

(signatures following page)

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

Exhibit "A"

A Portion of Lot 5, Block 48,
Pebble Hills Subdivision Unit 4 Replat A,
City of El Paso, El Paso County, Texas

August 30, 2024

METES AND BOUNDS DESCRIPTION

3113 N. Lee Trevino Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of a Portion of Lot 5, Block 48, Pebble Hills Subdivision Unit 4 Replat A, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the centerline intersection of Lee Trevino Drive (130' R.O.W.) and Pebble Hills Boulevard (120' R.O.W.); **THENCE**, leaving said centerline intersection and along the centerline of Lee Trevino Drive, North 00°13' 14" West, a distance of 253.40 feet to a point; **THENCE**, leaving said centerline of Lee Trevino Drive, South 89°46' 46" West, a distance of 65.00 feet to a set chiseled "X" for corner at the westerly right-of-way line of Lee Trevino Drive and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said westerly right-of-way line of Lee Trevino Drive, South 89°46' 46" West, a distance of 161.41 feet to a set iron rod for corner;

THENCE, North 00°02' 30" East, a distance of 82.18 feet to a point for corner;

THENCE, North 89°46' 46" East, a distance of 160.83 feet to a found chiseled "X" for corner at the westerly right-of-way line of Lee Trevino Drive;

THENCE, along the westerly right-of-way line of Lee Trevino Drive, South 00°13' 14" East, a distance of 82.18 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 13,232.55 square feet or 0.3037 acres of land more or less.

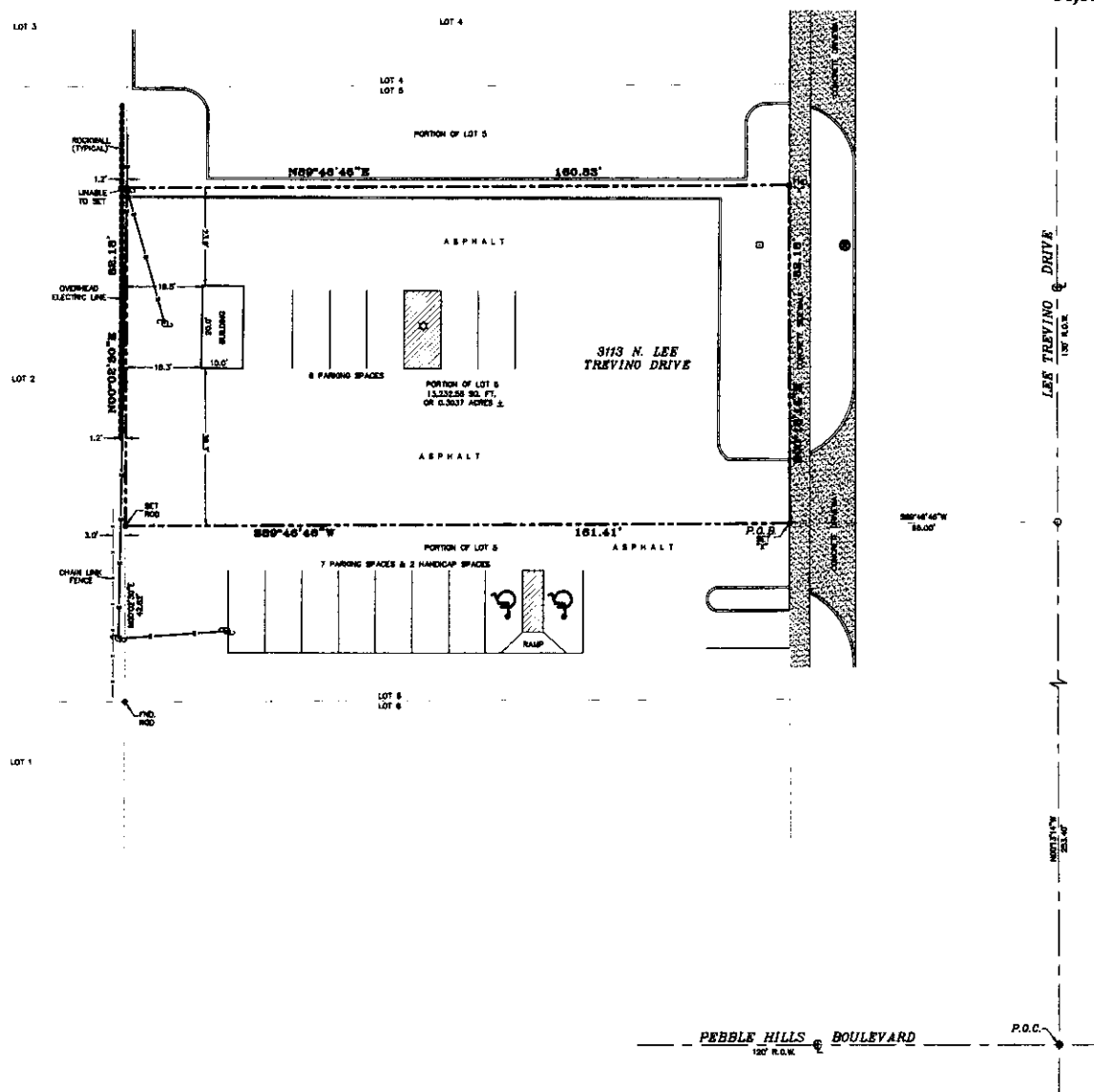
Carlos M. Jimenez
R.P.L.S. #3950

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2024\24-2043



IMPROVEMENT SURVEY

BEING A PORTION OF LOT 5, BLOCK 48
 PEBBLE HILLS SUBDIVISION UNIT 4 REPLAT A
 CITY OF EL PASO, EL PASO COUNTY, TEXAS
 31,068.29 SQ. FT. OR 0.7132 ACRES +
 SEE EXHIBIT "A"



GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.

COPYRIGHT © 2024 CAD CONSULTING CO. ALL RIGHTS RESERVED.

NOTE:
 THIS SURVEY WAS
 DONE WITHOUT THE
 BENEFIT OF A
 TITLE COMMITMENT.



CONSULTING COMPANY
 1790 N. LEE TREVINO DR. SUITE 309
 EL PASO, TEXAS 79936
 TEL (915) 633-6422

NOTE(S):

- 1) ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR ZONE X, COMMUNITY PANEL NO. 48024-0039-B, DATED 10-10-02
- 2) PEBBLE HILLS SUBDIVISION UNIT 4 REPLAT A IS RECORDED IN VOLUME 48, PAGE 24, REAL PROPERTY RECORDS OF EL PASO, EL PASO COUNTY, TEXAS.



I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND
 IMPROVEMENT SURVEY WAS MADE ON THE ORIGIN BY ME
 OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT
 TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CARLOS M. JIMENEZ, P.L.S. No. 8860
 1998

3113 Lee Trevino

City Plan Commission — May 8, 2025

REZONING



CASE NUMBER: PZRZ24-00028
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Savage Stations Inc.
REPRESENTATIVE: Joseph Moreno
LOCATION: 3113 N. Lee Trevino Dr. (District 3)
PROPERTY AREA: 0.30 acres
REQUEST: Rezone from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of May 1, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) to allow for the use of automobile (sales, service, storage and rental).

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **DENIAL** of the request for the following reasons:

- The proposed zoning district and use intensity are not compatible with the existing surrounding uses of restaurant, retail, and duplex dwellings.
- The rezoning request does not meet the character nor furthers the policies of the G-4, Suburban (Walkable) Land Use Map designation per *Plan El Paso*, which aims “to supplement the limited housing stock and add missing civic and commercial uses” to support the neighboring areas.

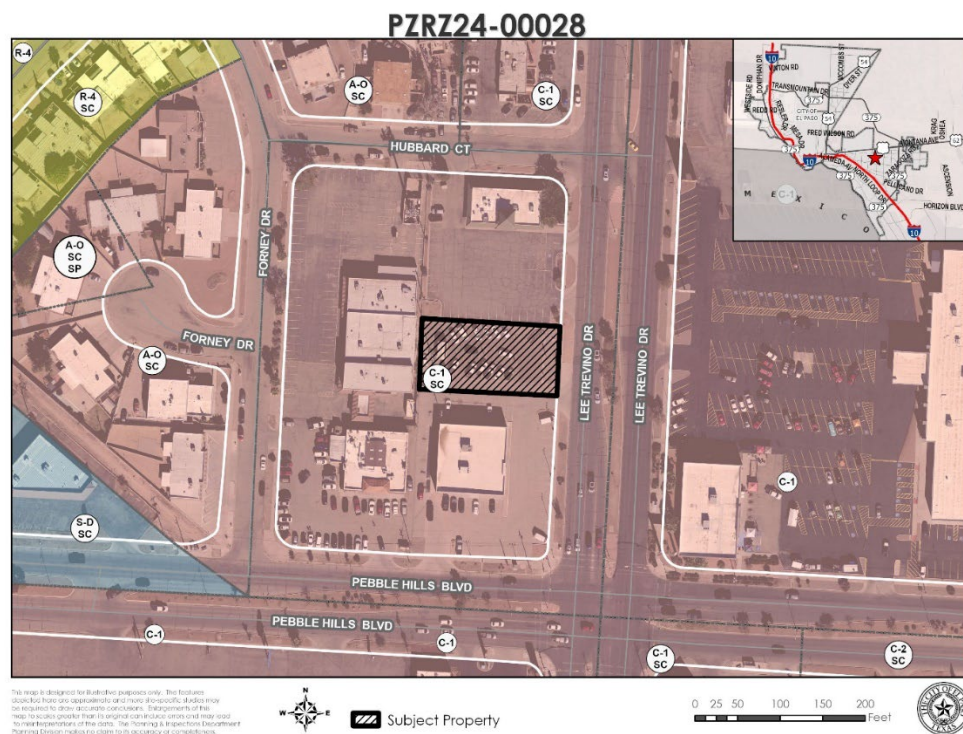


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to rezone the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) to allow for the existing use of automobile (sales, service, storage and rental). The subject property is approximately 0.30 acres in size and the conceptual site plan demonstrates the existing layout of the development. Access to the subject property is from North Lee Trevino Drive. The applicant has been operating illegally without proper permitting since 2022.

DESCRIPTION OF REQUEST: On July 12, 1976, City Council passed Ordinance No. 5797, that amended Ordinance No. 5781 and placed conditions on the subject property. The conditions were as follows:

1. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, installed concrete sidewalks along the boundaries of the property adjacent to Ivanhoe Drive, Pebble Hills Drive and Lee Trevino Drive.*
2. *Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily completed before certificates of occupancy and compliance will be issued.*

Note: *The conditions have been satisfied.*

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is not consistent with adjacent commercial uses and zoning districts in the area. Properties to the north are zoned C-1/sc (Commercial/special contract) and consist of restaurants and duplex dwellings. Properties to the south are zoned C-1/sc (Commercial/special contract) and consists of retail. Properties to the west consist of a restaurant, business offices, and a medical office zoned C-1/sc (Commercial/special contract). Properties to the east are zoned C-1 (Commercial) and consist of medical offices and a shopping center. The nearest school is Hanks Middle School located 0.90 miles away and the closest park is Pebble Hills Park located 0.47 miles away.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>No. The proposed zoning district and use are not in character with the G-4, Suburban (Walkable) designation per <i>Plan El Paso</i>. The proposal does not contribute to supplementing the housing stock nor adds missing civic and commercial uses to the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>No. The proposed zoning district and use are not compatible with adjacent zoning districts and uses to the north, east, south and west which include restaurants, retail, offices and duplex dwellings.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street</p>	<p>Yes. The subject property is located along Lee Trevino Drive which is designated as a major arterial in the City's Major Thoroughfare Plan (MTP).</p>

classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	No. The subject property does not fall within any historic districts or study plan areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	By rezoning the property to the proposed C-3/sc (Commercial/special contract) zoning district, incompatible uses of higher intensity will be introduced to the established neighborhood. The proposed zoning and use creates the potential for conflict with the existing residential and commercial uses.
Natural Environment: Anticipated effects on the natural environment.	No. The subject property does not involve any greenfield/environmentally sensitive land, or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable with no rezonings in the past 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None. There are no social, economic, or physical conditions that make the existing C-1 zoning district not suitable for the property.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access is provided from North Lee Trevino Drive which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan (MTP). Sidewalks are currently present along North Lee Trevino Drive. There are six (6) bust stops located within walkable distance (0.25 miles) of the subject property. The closest bus stop is located 0.07 miles away on Pebble Hills Boulevard.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Planning staff is recommending denial of the rezoning request due to incompatibility of the proposed zoning district with the existing development, zoning districts and the Future Land Use designation.

PUBLIC COMMENT: The subject property does not fall within the boundaries of any recognized neighborhood associations. Public notices were mailed to property owners withing 300 feet on April 24, 2025. As of May 1, 2025, the Planning Division has not received any communication in support or opposition to the request.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

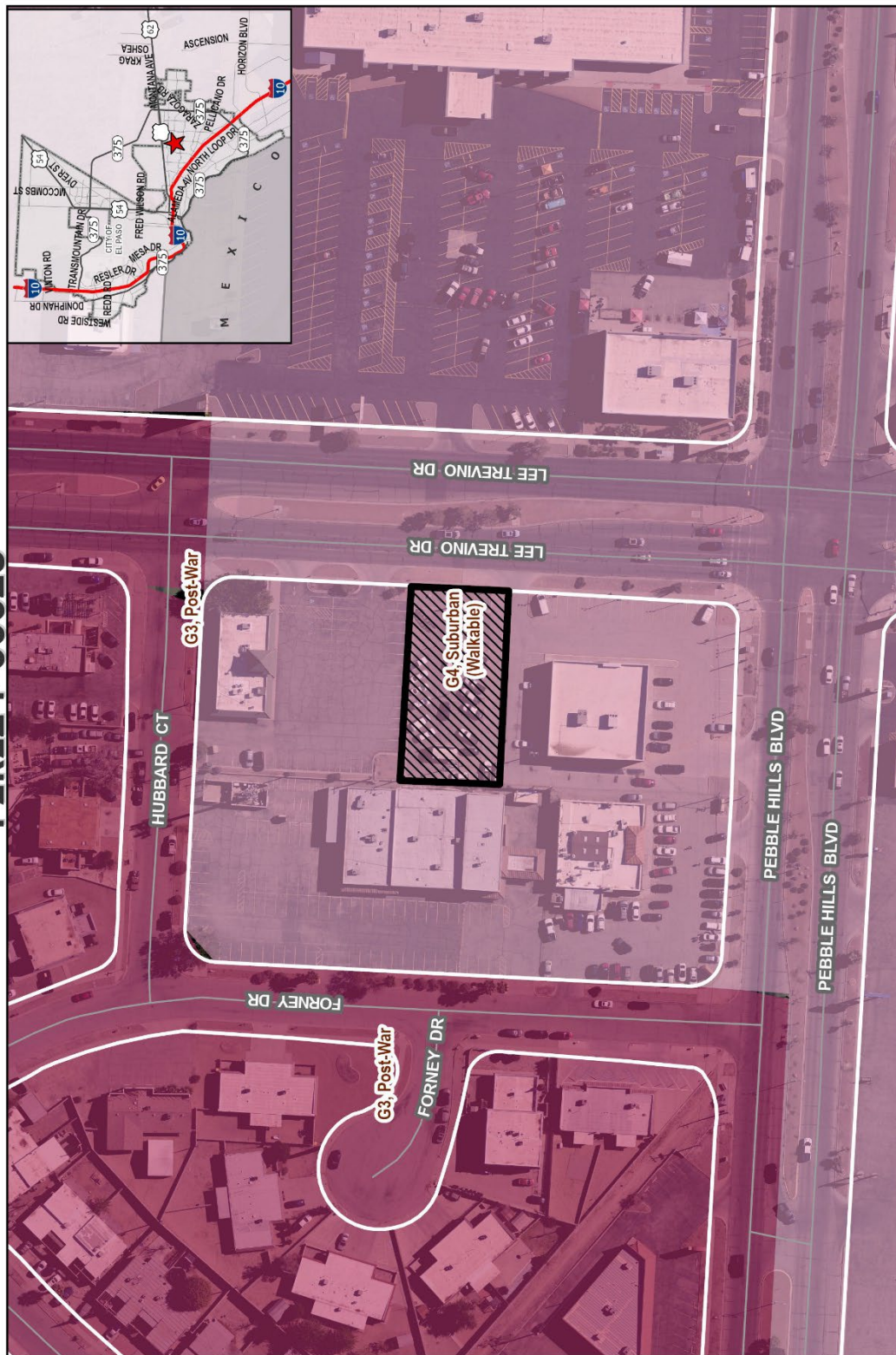
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**

ATTACHMENTS:

1. Future Land Use Map
2. Generalized Plot Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

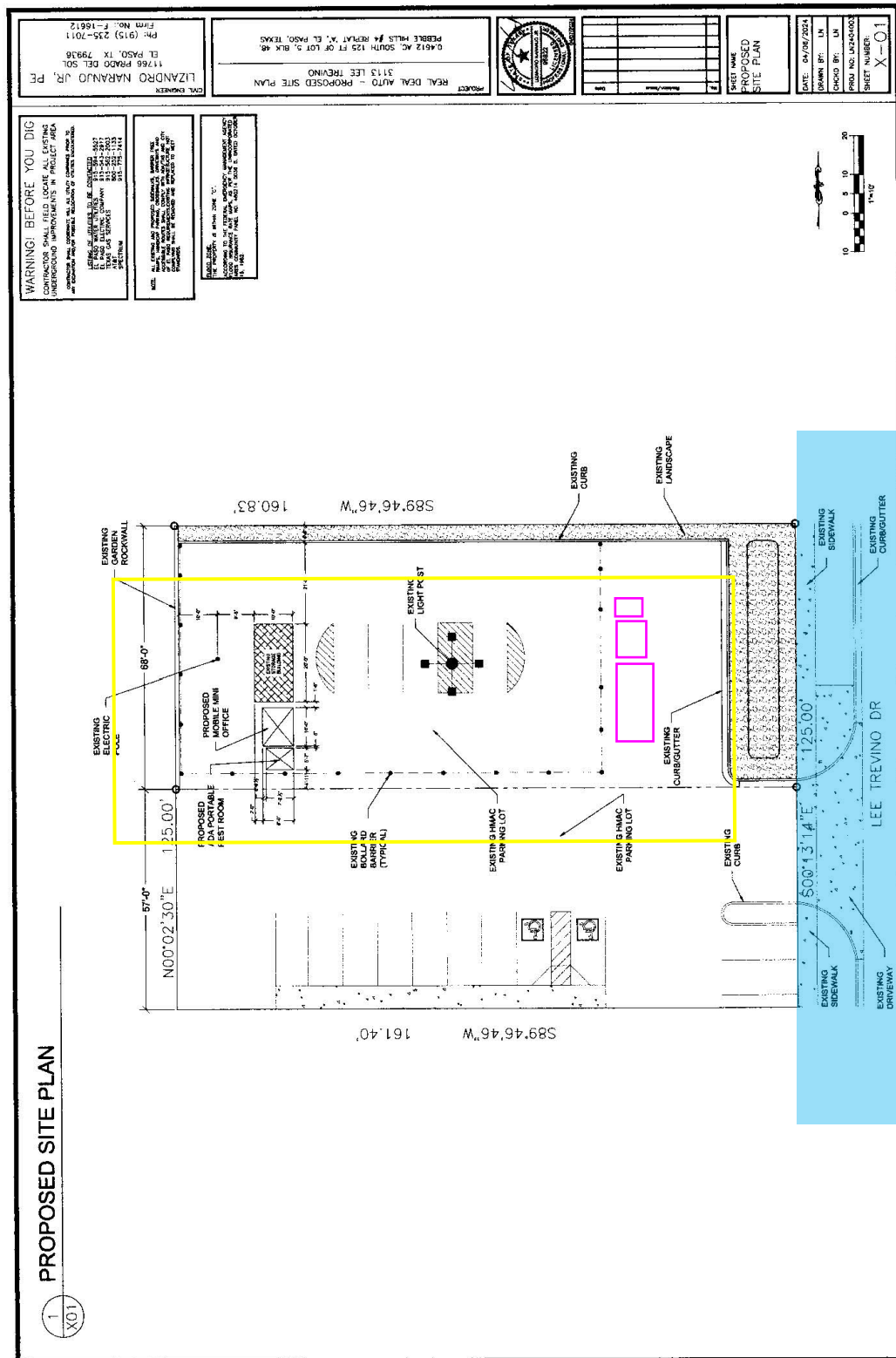
PZRZ24-00028



Subject Property

This map is designed for illustrative purposes only. The features shown on this map are not guaranteed to be accurate. The City of El Paso Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **DENIAL** of the rezoning request due to the following reasons:

1. The proposed zoning district and use intensity are not compatible with existing surrounding restaurants, retail, offices and multifamily dwellings.
2. The rezoning request does not meet the character nor furthers the policies of the G-4, Suburban (Walkable) Land Use Map designation per *Plan El Paso*, which aims “to supplement the limited housing stock and add missing civic and commercial uses” to support the neighboring areas.

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning.

At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

No objections to the proposed rezoning.

Fire Department

No adverse comments.

Police Department

The 911 District has no comments or concerns regarding this rezoning.

Environment Services

How will refuse be picked up or disposed of? If a dumpster pad will be put in place please allow maneuverability for a 36 ft. long truck lifting 14 ft. in height.

Streets and Maintenance Department

Traffic Engineering

No objections to the application.

No TIA is required.

Street Lights Department

Street Lights Department does not object to this request.

Lee Trevino Dr. is a Texas Department of Transportation (TXDOT) right-of-way.

For the development of this lot a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

Street Lights Department requires that any project that involves a roadway is to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction

(DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department. The applicant is responsible for any relocations or adjustments of a street light.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

El Paso Water

There is an existing 20-inch diameter water transmission main that extends along Lee Trevino Dr. No direct service connections are allowed to this main as per EPWater-PSB Rules and Regulations.

Previous water pressure reading from fire hydrant #3784, located on the northwest corner of Lee Trevino Dr. and Pebble Hills Blvd., has yielded a static pressure of 61 (psi), a residual pressure of 58 (psi), and a discharge of 1,838 (gpm).

EPWU-PSB Comments

No objections to this request.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main that extends along Lee Trevino Dr. This main is approximately 17-feet deep.

General

EPWater-PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater-PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

Texas Gas Service

Texas Gas Service does not have any objections.

ATTACHMENT 4



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

Megan Campuzano

Business Name

Savage Oil Co.

Agenda Item Type

Rezoning

Relevant Department

Planning and Inspection

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.

☒ I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR

☐ I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: M. Campuzano Date: 9-27-24



Legislation Text

File #: 25-983, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Saul J. G. Pina, (915) 212-1604

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance granting Special Permit No. PZST24-00005, to allow for a planned residential development on the property described as Lot 34, and 35, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.470 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

The proposed special permit meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 7233-7235 Dale Road

Applicant: EVIS Properties LLC, PZST24-00005

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiwa

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST24-00005, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 34 AND 35, BLOCK 6, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.470 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, EVIS PROPERTIES, LLC, has applied for a Special Permit for a Planned Residential development under Section 20.10.470 of the El Paso City Code to allow for single-family and duplex uses; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a A-2 (Apartment) District:
Lots 34 and 35, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas; and,
2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for single-family and duplex use on the property described in Paragraph 1 of this Ordinance; and,
3. That this Special Permit is issued subject to the development standards in the A-2 (Apartment) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "A"** and is incorporated herein by reference for all purposes; and subject to the following condition:
 - *That the proposed private street be subject to modifications based on the approval of the subdivision plat.*
4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST24-00005, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

ORDINANCE NO. _____

CASE: PZST24-00005

HQ25-4789|Trans# _____|P&I
Evis Properties-Special Permit

JAQ

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ day of _____, 2025

THE CITY OF EL PASO


ATTEST:

Renard U. Johnson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Jesus A. Quintanilla
Assistant City Attorney



Philip F. Etiwe, Director
Planning & Inspections Department

AGREEMENT

EVIS PROPERTIES, LLC, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the A-2 (Apartment) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 27 day of June, 2025.

EVIS Properties, LLC

[Signature]
(Signature)

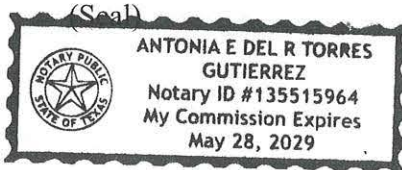
Blanca V. Gutierrez President
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 27 day of June, 2025, by Blanca Verónica Gutierrez for EVIS Properties, LLC as Applicant.



[Signature]

Notary Public, State of Texas

Signature

Antonia E. del R. Torres

Printed or Typed Name

My Commission Expires:

May 28, 2029

ORDINANCE NO. _____

HQ25-4789|Trans# _____|P&I
Evis Properties-Special Permit
JAQ

CASE: PZST24-00005

Page 3 of 3

DETAILED SITE
DEVELOPMENT PLAN

6 STILES GARDENS 34 & 35 (0.9470 AC) A-2 Zoning - APARTMENTS

SITE DATA SUMMARY TABLE
EVIS VILLAGE

PROPOSED : SINGLE-FAMILY DWELLINGS / DUPLEX
6 STILES GARDENS 34 & 35 (0.9470 AC) A-2 Zoning - PID NO. S65899900603600

ZONING	A-2, APARTMENTS / DUPLEX / SINGLE-FAMILY DWELLINGS
PROPOSED SETBACKS	EXISTING SETBACKS
FRONT YARD = 10 FT	10 FT
REAR YARD = 5 FEET	15 FT
SIDE YARD = 5 FT	5 FT
SIDE STREET YARD = 5 FT	10 FT
CUMULATIVE = N/A	45 FT
FRONT SETBACK DRIVEWAY= 20 FT	

MAXIMUM HEIGHT OF BUILDING - "A"	PROVIDED	2-STORY (35'-0" APROX.)
MAXIMUM HEIGHT OF BUILDING - "B"	PROVIDED	1-STORY (18'-5" APROX.)
MAXIMUM HEIGHT OF BUILDING - "B"	PROVIDED	1-STORY (30'-8" APROX.)

SUPPLEMENTAL REGULATIONS 20.10.050 NOT APPLICABLE

PARKING: 2 SPACES PER DWELLING UNIT PROVIDED

PROPOSED USE: SINGLE-FAMILY DWELLINGS / DUPLEX	LAND AREA
PROPOSED BUILDING - A SQ. FT.	1,275 S.F. (RESIDENCE)
PROPOSED BUILDING - B SQ. FT.	1,369 S.F. (RESIDENCE)

LOT COVERAGE	AREA	PERCENTAGE OF TOTAL LOT AREA
PROPOSED (2) - BLDG. - A SQ. FT.	2,550 S.F.	62.2 %
PROPOSED (2) BLDG. - B SQ. FT.	10,952 S.F.	26.5 %
TOTAL BUILDINGS SQ.FT.	13,502 S.F.	33.0 %
LAND AREA	41,250 S.F. OR 0.9470 AC	100.0 %

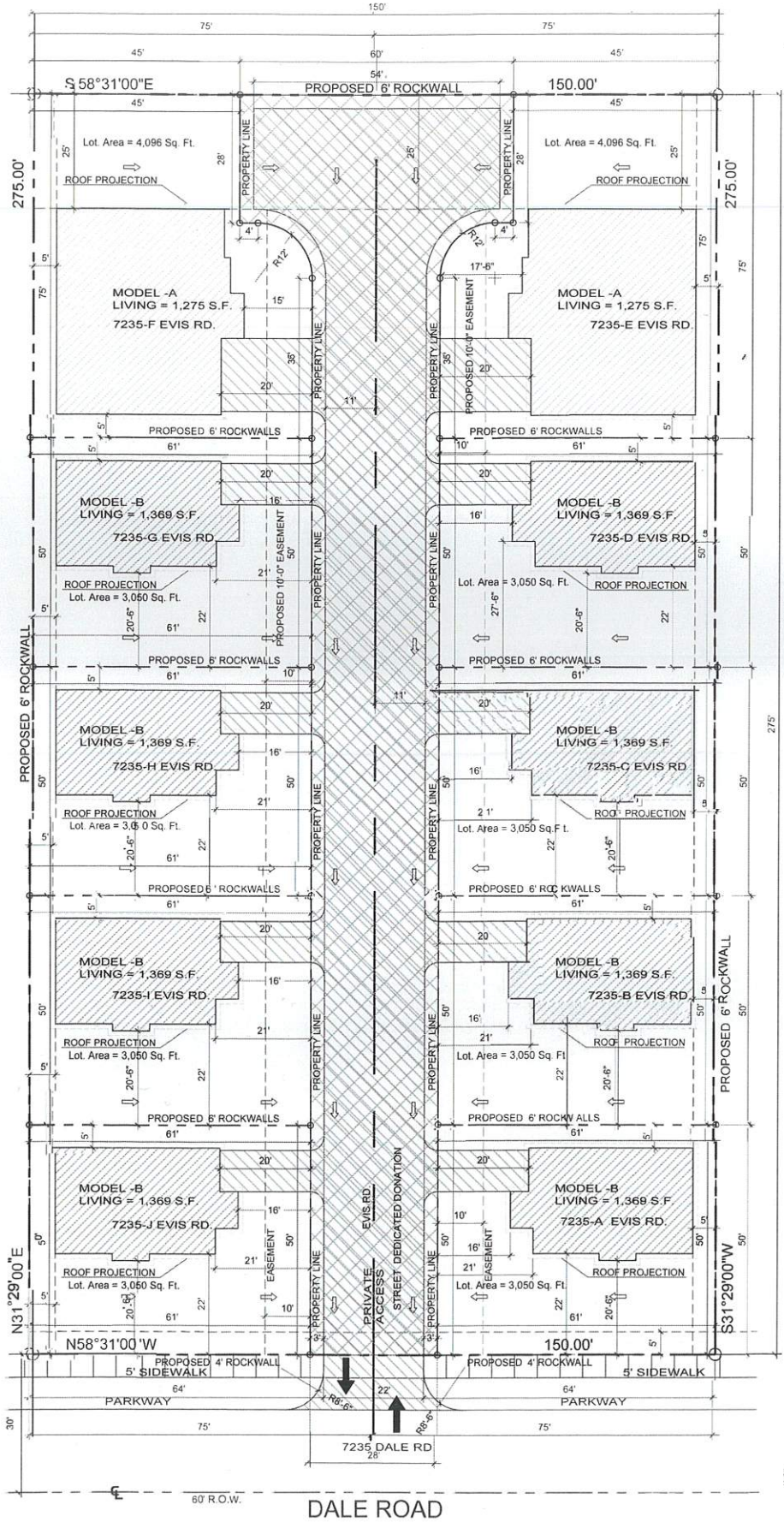
PROPOSED LOT AREA	EXIST MINIMUM LOT AREA	% REDUCTION LOT (25%)
Single-Dwelling / Two-Dwelling = 3,050 Sq Ft	3,500 Sq. Ft.	12.86%
Single-Dwelling / Two-Dwelling = 4,096 Sq Ft	5,000 Sq. Ft.	18.08%

MODEL - A (1 LEVEL)	63.17 SQ FT
FRONT PORCH	391.60 SQ.FT
GARAGE	1,275.00 SQ FT
LIVING AREA	

MODEL - B (2 LEVELS)	39.00 SQ FT
FRONT PORCH	233.00 SQ.FT
GARAGE	774.00 SQ FT
1ST LEVEL	595.00 SQ FT
2ND LEVEL	1,369.00 SQ FT
LIVING AREA	
PID	S65899900603600

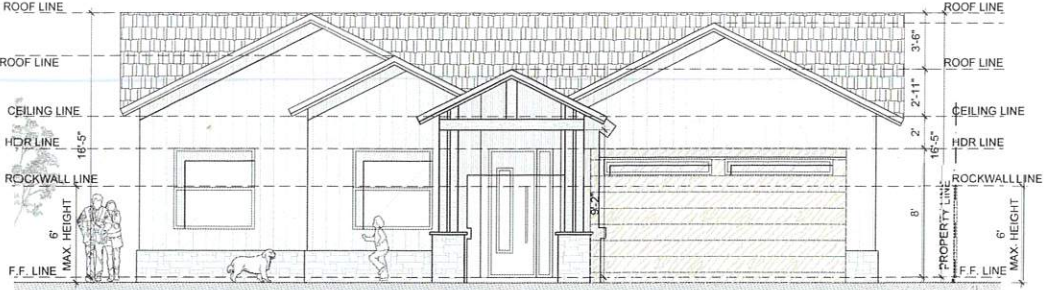
LEGAL DESCRIPTION	BUILDING ADDRESS
6 STILES GARDENS 35 (0.9470 AC)	7235 DALE RD., EL PASO TX. 79915
	INT RD.- EVIS RD

Note: "Final street design is dependent on approval from the City Plan Commission."



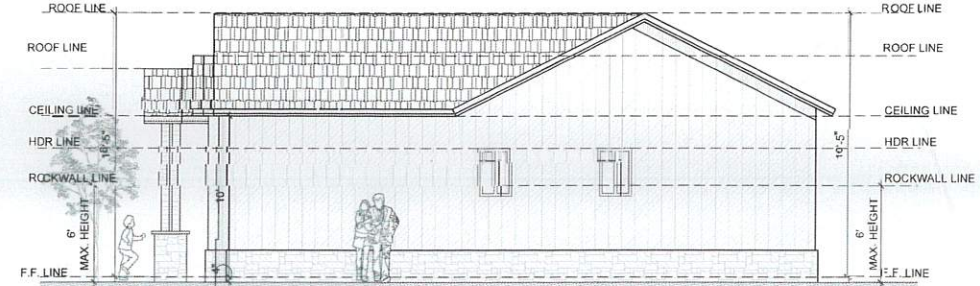
DETAIL SITE DEVELOPMENT PLAN

SCALE: 1/16" = 1'-0"



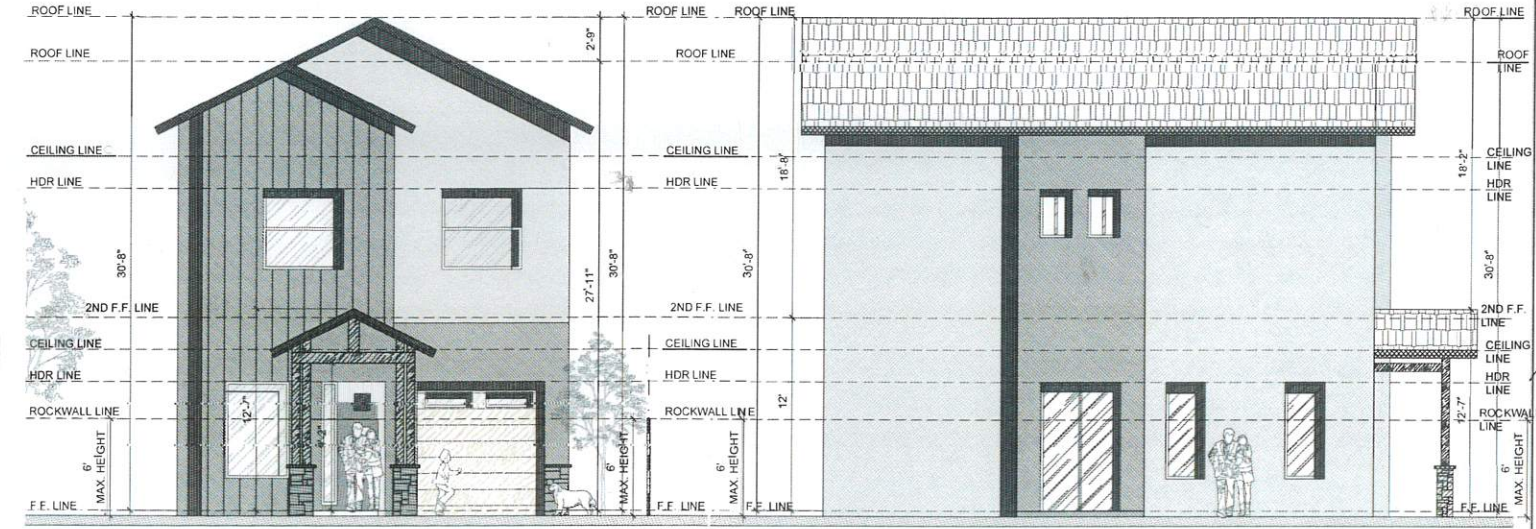
FRONT ELEVATION

MODEL "A" SCALE: 3/16"=1'-0"



RIGHT ELEVATION

MODEL "A" SCALE: 3/16"=1'-0"

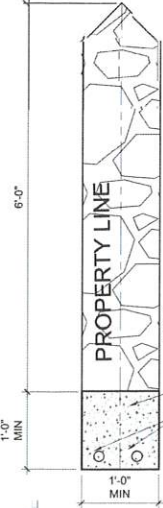


FRONT ELEVATION

MODEL "B" SCALE: 3/16"=1'-0"

RIGHT ELEVATION

MODEL "B" SCALE: 3/16"=1'-0"



TYPICAL ROCKWALL

SCALE: NOT TO SCALE

NOTES:

- 1- STONE FOR ROCKWALL SHALL BE AS NEARLY UNIFORM IN SECTIONS AS IS PRACTICABLE THE STONE SHALL BE DENSE AND RESISTANT TO AIR AND WATER
- 2- MORTAR SHALL BE TYPE "S" 1800 P.S.I. AS PER ASTM C270
- 3- MASONRY WALLS OVER SIX (6) FEET IN HEIGHT AND THOSE USED FOR EARTH RETENTION OVER TWO (2) FEET SHALL BE DESIGNED AS STRUCTURAL WALLS
- 4- WALLS ADJACENT TO PONDING AREAS OR DRAINAGE DITCHES MAY BE CONSTRUCTED OF BRICK OR CINDER BLOCK AND SHALL NOT BE LESS THAN SIX (6) FEET HIGH
- 5- ROCKWALL MORTAR JOINTS SHALL NOT EXCEED TWO (2) INCHES
- 6- PROVIDE ONE (1) INCH EXPANSION JOINTS AT EVERY 100 FEET
- 7- ALL STONE SHALL BE THOROUGHLY SOAKED BEFORE BEING PLACED
- 8- NO RIVER ROCK SHALL BE ALLOWED FOR ROCKWALLS

PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
July 1st 2023
Blond-Gilbert
Kevin Smith
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER

LEGEND

EXISTING BLDG. - A	PERMEABLE LANDSCAPE
PROPOSED NEW BLDG. - B	CONCRETE PAVEMENT
TRAFFIC FLOW	DRAINAGE FLOW
PROPOSED 6' ROCKWALL	

NOTE:
• AT THE TIME OF DEVELOPMENT, ALL CONSTRUCTION DOCUMENTS WILL BE REQUIRED TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE IBC, TAS AND LOCAL MUNICIPAL CODE.



SCALE:
AS
NOTED

ACOTACIONES:

FT/ IN

LEGAL DESCRIPTION:

ANY REPRODUCTION OF THESE PRINTS IS PROHIBITED BY FEDERAL COPYRIGHT LAWS. ANY ILLEGAL REPRODUCTION WILL BE AGGRESSIVELY PURSUED TO THE FULLEST EXTENT OF THE COPYRIGHT LAW.

NEW PROJECT
EVIS VILLAGE
7235 DALE RD., EL PASO TX. 79915
BLANCA GUTIERREZ



REVISIONS

04-09-2025

ISSUE DATE:
10-24-2024

TITLE SHEET:
DSDP

DESIGN BY:
PROARQ DESIGN STUDIO

SHEET No.
DSDP

SHEET

1 OF 1

7233-7235 Dale



City Plan Commission — April 10, 2025 (REVISED)

CASE NUMBER: PZST24-00009
CASE MANAGER: Saul J. G. Pina, (915) 212-1604, PinaSJ@elpasotexas.gov
PROPERTY OWNER: EVIS Properties, LLC
REPRESENTATIVE: Ray Mancera
LOCATION: 7233-7235 Dale Rd. (District 3)
PROPERTY AREA: 0.9 acres
EXISTING ZONING: A-2 (Apartment)
REQUEST: Special Permit to allow for a planned residential development with reductions to setbacks and lot sizes
PUBLIC INPUT: One (1) call of inquiry received as of April 9, 2025

SUMMARY OF REQUEST: The applicant is requesting a special permit and detailed site development plan approval for a planned residential development in the A-2 (Apartment) zoning district.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL with a CONDITION** of the special permit and detailed site development plan requests for a planned residential development. The proposed development meets all the requirements of El Paso City Code Section 20.04.320 – Special Permit and Section 20.04.150 – Detailed Site Development Plan. Furthermore, the proposed development is in accordance with both the G-7, Industrial and/or Railyards Neighborhood Future Land Use Designation and *Plan El Paso*, the City's adopted Comprehensive Plan. The condition is the following:

- That the proposed private street be subject to modifications based on the approval of the subdivision plat.

PZST24-00005



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting review and approval of a special permit and detailed site development plan for a planned residential development on the subject property, with reductions to setbacks and lot sizes. The proposed development will consist of eight (8) single-family dwellings and two (2) duplexes. The applicant is requesting to reduce the lot areas and setbacks for all proposed single-family dwellings and duplexes as per the table below.

A-2 (Apartment) Zone District		
Density/Dimensional Standard	Required	Proposed
Single-family dwelling		
Lot Area (min.)	3,500 sq. ft.	3,050 sq. ft.
Lot Width (average min.)	35 feet	50 feet
Lot Depth (min.)	90 feet	61 feet
Front Yard Setback (min.)	10 feet	10 feet
Rear Yard Setback (min.)	15 feet	5 feet
Cumulative Front & Rear Yard Setback (min.)	45 feet	N/A
Side Yard Setback (min.)	5 feet	5 feet
Side Street Yard Setback (min.)	10 feet	5 feet
Height (max.)	35 feet	16.42 feet
Duplex		
Lot Area (min.)	5,000 sq. ft.	4,096 sq. ft.
Lot Width (average min.)	50 feet	75 feet
Lot Depth (min.)	90 feet	61 feet
Front Yard Setback (min.)	10 feet	10 feet
Rear Yard Setback (min.)	15 feet	5 feet
Cumulative Front & Rear Yard Setback (min.)	45 feet	N/A
Side Yard Setback (min.)	5 feet	5 feet
Height (max.)	35 feet	30.67 feet

Note: bold indicates requested reductions

The zoning district for the property is A-2 (Apartment). The detailed site plan shows a total of eight (8) residential lots with a proposed private street. Access to the property will be via Dale Drive, connecting to a private 28-foot-wide road ending in a hammerhead cul-de-sac. The proposed roadway configuration will not be reviewed for subdivision requirements. The detailed site development plan demonstrates compliance with all applicable standards as per the El Paso City Code.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes. The detailed site development plan demonstrates compliance with all other applicable standards per the El Paso City Code.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-7, Industrial and/or Railyards Land Use designation. The proposed residential development will provide single and duplex housing types that will not only integrate with the existing multi-family housing but that will transition the area away from outdated industrial uses.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes. The subject property fronts Dale Road, a local road classified on the City of El Paso's Major Thoroughfare

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (EL PASO CITY CODE SECTION 20.04.320.D)	
	Plan (MTP). The classification of this road is appropriate for connectivity between other residential areas.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. No impact is anticipated from the approval of the proposed special permit and detailed site development plan. The proposed development will adhere to zoning requirements as requested and will not impose a risk to neighboring properties.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. The subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The proposed development will include brick wall to screen each individual lot from other properties.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The proposed development aligns with the neighboring residential housing types and will preserve low-density residential housing through single-family and duplex dwellings.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed residential development will have no impact on nearby properties. The special permit primarily aims to reduce setbacks and lot sizes while ensuring compatibility with surrounding properties.

COMPLIANCE WITH <i>PLAN EL PASO</i> GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i> , consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-7, Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	Yes. the proposed residential development aligns with the future land use designation by enabling the redevelopment of the area formerly designated for industrial use, which is now obsolete.
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-2 (Apartment) District: The purpose of this districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low-density residential</p>	Yes. The proposed special permit aligns with the surrounding area, as the development will blend with the existing residential, multi-family housing, and supporting commercial uses nearby.

neighborhoods to other residential areas, and certain nonresidential uses and support facilities.	
THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	No. The subject property is not located in a special designation or study area plan.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts on the proposed development and its surroundings. The construction of additional dwellings is not expected to affect Dale Road or other surrounding properties.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area has been stable, with proposed redevelopment stopping around 2010. The proposed development will not disrupt the residential character of the area, which is mainly predominant.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	Existing zoning will not be changed. The special permit will permit development of the property as proposed.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property fronts Dale Road, a street designated as a local road on the City of El Paso's Major Thoroughfare Plan (MTP), primarily linking to other residential and multi-family dwellings. Pedestrian and vehicular access is present on Dale Road as well as bus stops connecting to this same street.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from other respective departments.

PUBLIC COMMENT: The subject property falls within the Stiles Garden Neighborhood Association, the Mission Valley Civic Association, and the Corridor 20 Civic Association. The applicant reached out to these associations as part of their outreach efforts and also engaged with nearby residents in the area. No formal meetings were conducted. Notices were sent to property owners within 300 feet of the subject property on March 28, 2025. The planning division received one (1) call of inquiry but no communication in support or opposition to the special permit and detailed site development plan request.

RELATED APPLICATIONS: No related applications.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

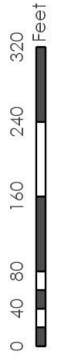
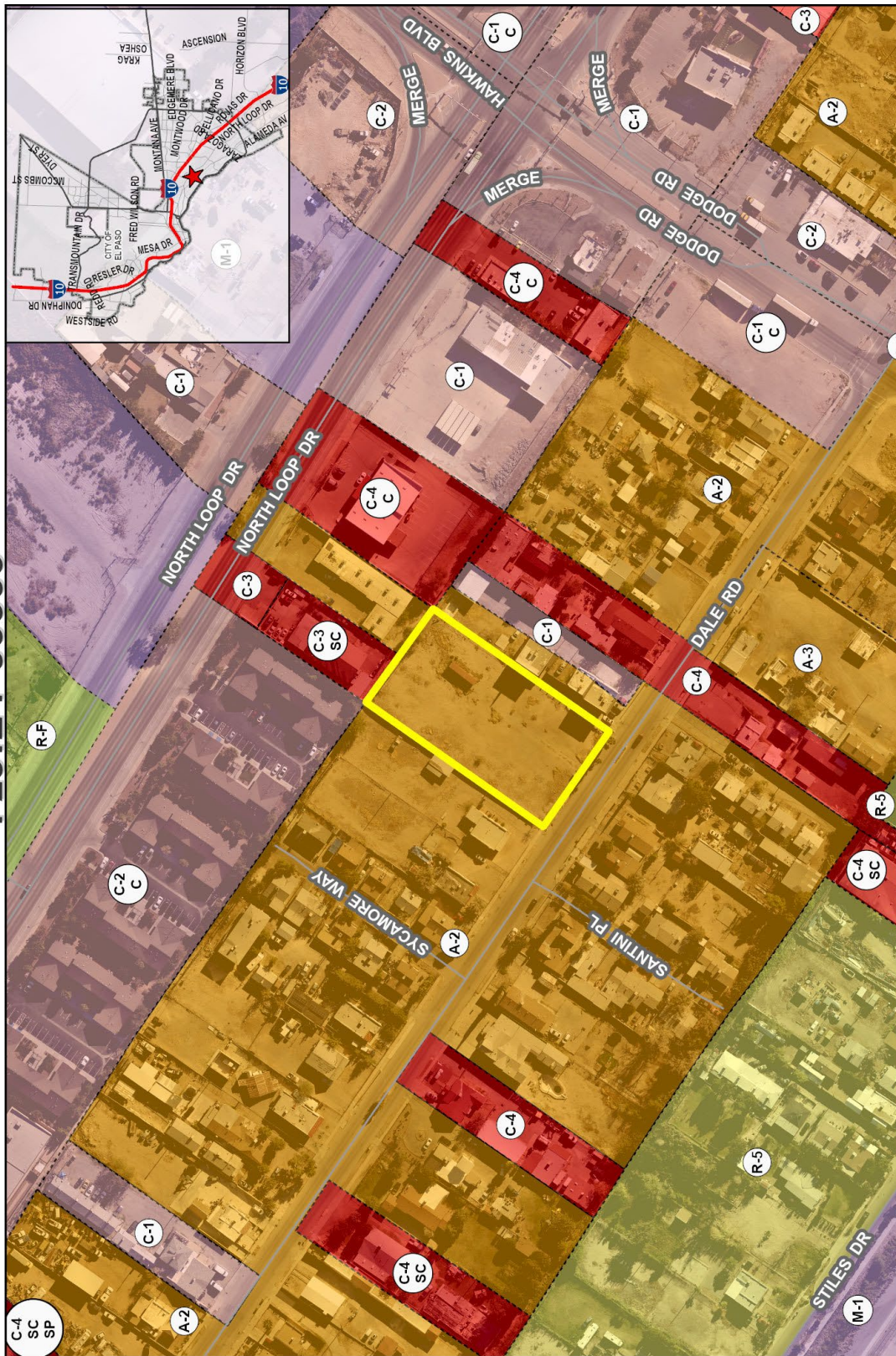
1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the special permit request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)
3. **Recommend Denial** of the special permit request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Zoning Map
2. Future Land Use Designation
3. Detailed Site Development Plan
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZST24-00005



This map is delivered for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

 Subject Property

ATTACHMENT 2

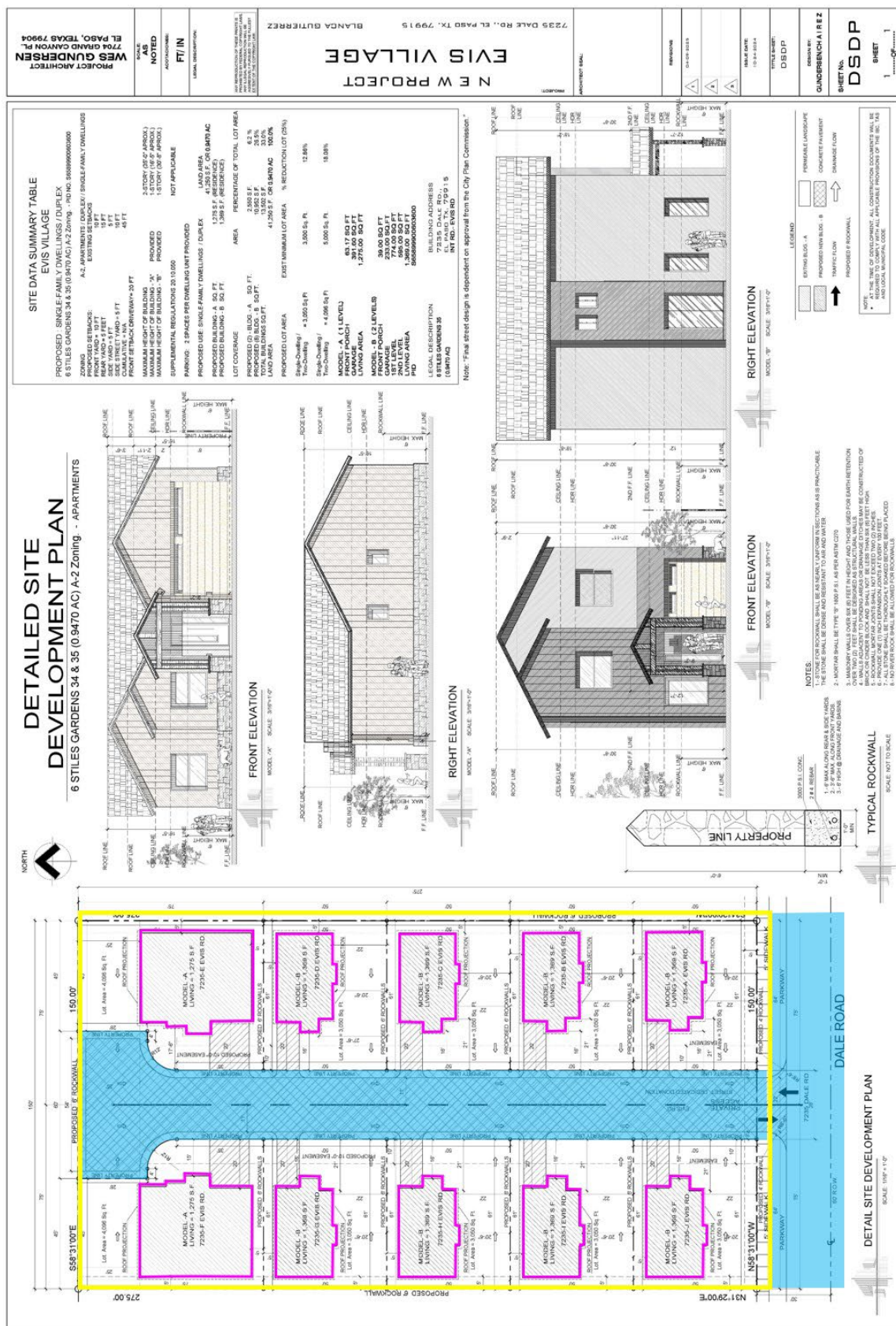
PZST24-00005

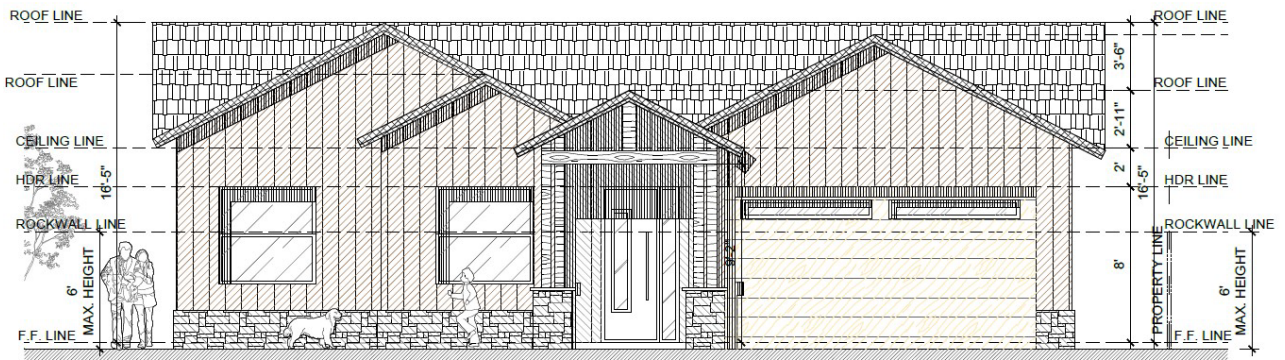


Subject Property

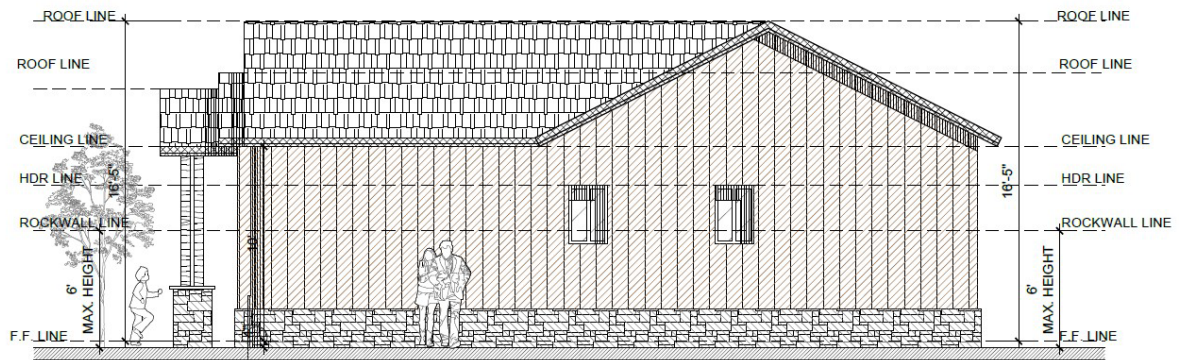
This map is designed for illustrative purposes only. The features depicted are approximate and more specific details may be required to determine the exact location of the property. The map is not to be used for legal purposes and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

573

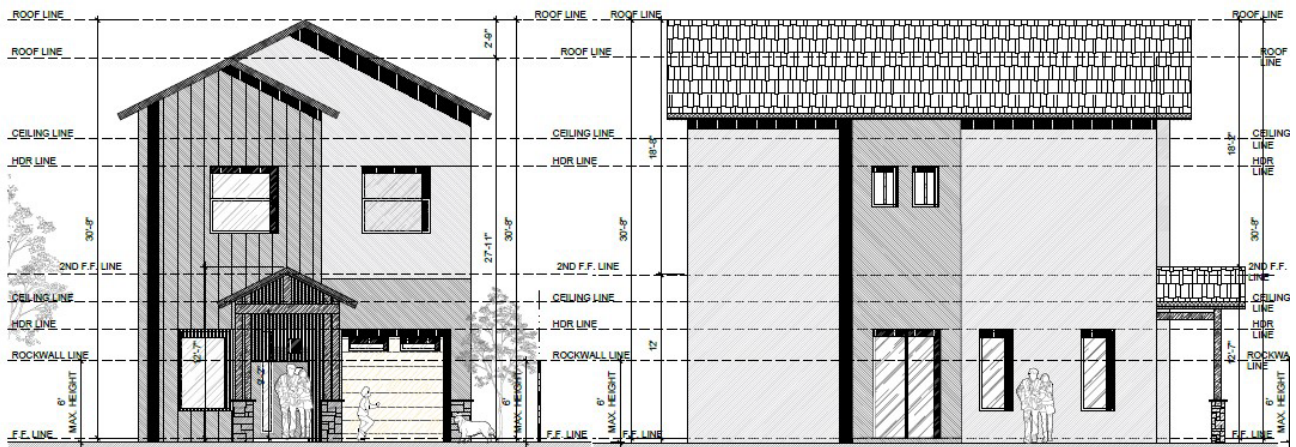




FRONT ELEVATION
MODEL "A" SCALE: 3/16"=1'-0"



RIGHT ELEVATION
MODEL "A" SCALE: 3/16"=1'-0"



FRONT ELEVATION
MODEL "B" SCALE: 3/16"=1'-0"

RIGHT ELEVATION
MODEL "B" SCALE: 3/16"=1'-0"

Typical elevations for single family and duplex models.

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends **Approval with a Condition** of the special permit and detailed site development plan per Section 20.04.320 – Special Permit, and Section 20.04.150 – Detailed Site Development Plan. The condition is the following:

- *That the proposed private street be subject to modifications based on the approval of the subdivision plat.*

In addition, the following comments are applicable:

1. Include a note on the site plan stating “Final street design is dependent on approval from the City Plan Commission.”

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval: No objections to the proposed special permit. At the time of submittal for building permits, the project will need to comply with all applicable municipal and building code requirements.

Planning and Inspections Department – Land Development

Approved with condition:

1. Indicate if the proposed street will be public or private, including R.O.W. width and cross-section.
2. Provide and label the radius of the T-cul-de-sac, comply with Appendix 3-17, T-cul-de-sac, DSC from Street Design Manual.
3. No sidewalk and parkway around the T-CUL-DE-SAC?
4. Provide all dimensions of the t-cul-de-sac (Appendix 3-17, T-cul-de-sac), DSC from Street Design Manual.

Fire Department

Recommend approval with condition: Check with Fire Marshal’s office for fire related requirements, dead end requirements and aerial access.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has the following comments:

1. Driveway to property shall be at least 25 feet in width.
2. Elvis Road shall be maintained by developer or property owners.

Sun Metro

No comments received.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 6-inch diameter water main extending along Dale Rd. fronting the subject property. This main is located approximately 19-feet south of the northern right-of-way line of Dale Rd. This water main is available for service.

Previous water pressure readings from fire hydrant # 4455 located on Dale Rd. fronting 7231 Dale Rd., have yielded a static pressure of 90 pounds per square inch, a residual pressure of 70 pounds per square inch, and a discharge flow of 1,501 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Dale Rd. fronting the subject property. This main is located approximately 20-feet north of the southern right-of-way line of Dale Rd. This sanitary sewer main is available for service.

General:

EPWU requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District

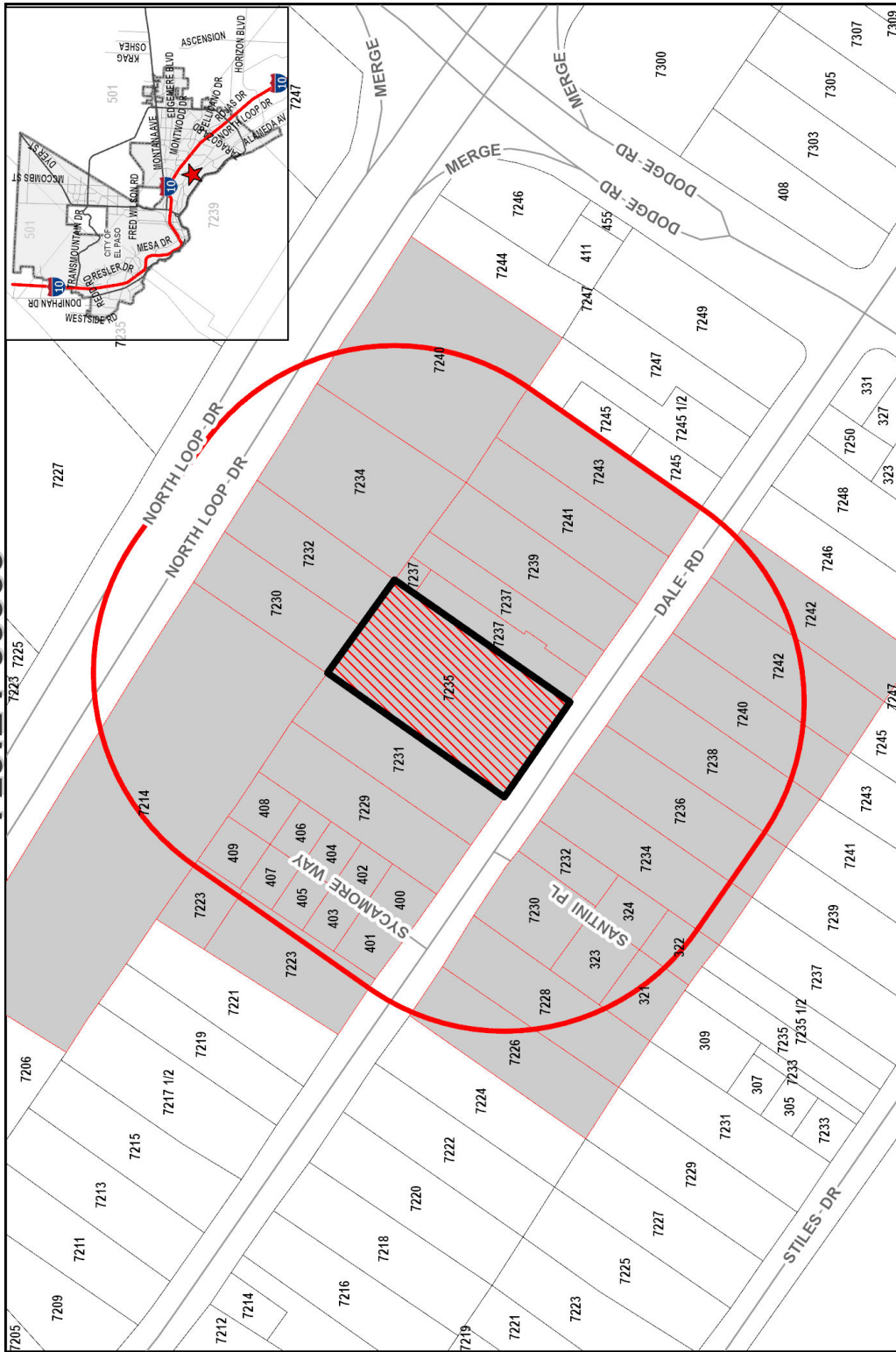
No comments received.

Texas Gas Service

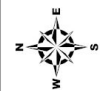
Texas Gas Services has no comments.

ATTACHMENT 5

PZST24-00005



- Subject Property
- 300 Feet Notice Area
- Notified Properties



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to confirm the accuracy of the information shown on this map. To scales greater than its original can induce error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____

Date: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with [Title 2, Chapter 2.92, Section 2.92.080](#)

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name

Blanca V. Gutierrez

Business Name

Agenda Item Type

Relevant Department



Legislation Text

File #: 25-1005, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 1

Planning and Inspections, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Saul J. G. Pina, (915) 212-1604

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance changing the zoning of the following real property known as: Parcel 1: A Portion of Tract 3A, S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas from R-3 (Residential) to PR-II (Planned Residential II); and, Parcel 2: A Portion of Tract 3A, S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial); and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: North of Montoya Ln., and West of Desert Blvd.

Applicant: Charles Patrick Mitchell, PZRZ25-00005

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD:

Philip FIVE

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: A PORTION OF TRACT 3A, S.A. & M.G. RAILWAY COMPANY SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO PR-II (PLANNED RESIDENTIAL II); AND,

PARCEL 2: A PORTION OF TRACT 3A, S.A. & M.G. RAILWAY COMPANY SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); AND IMPOSING “CONDITIONS”. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Parcel 1: A portion of Tract 3A, S.A. & M.G. Railway Company Survey No. 266*, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached **Exhibit “A”**, incorporated by reference; and, *Parcel 2: A portion of Tract 3A, S.A. & M.G. Railway Company Survey No. 266*, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit “A”, incorporated by reference; be changed as listed for **PARCEL 1: FROM R-3 (Residential) TO PR-II (Planned Residential II); PARCEL 2: FROM R-3 (Residential) TO C-1 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

The following conditions apply to Parcel 2:

- 1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.*
- 2. A Detailed Site Development Plan shall be reviewed and approved as per El Paso City Code prior to issuance of any certificates of occupancy or certificates of completion.*
- 3. That no outdoor amplified sound be permitted within the property.*
- 4. That a minimum 500-foot distance be required between any establishments deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption.*

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, **2025**.


THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:


Laura D. Prine,
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
HQ25-5034|Trans#612058|P&I
Ordinance Multiple Parcels w/Condition
JAQ

Zoning Case No: PZRZ25-00005

EXHIBIT "A"**PROPERTY DESCRIPTION****Tract 3-A-3 (PR-II Zone)**

Description of a parcel of land being a portion of Tract 3-A-3, S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas, map of said Survey No. 266 on file at the El Paso Central Appraisal offices, and lying in that parcel recorded in Clerk's File #20240057590 (and previously in volume 1905, Page 1000), and described as follows;

Commencing for reference at a 1/2" rebar with cap stamped "5152" found at the northwesterly corner of the Montoya Terrace Subdivision (recorded in book 79, page 88, Plat records of El Paso County), said rebar also marking the southwesterly corner of the Sunset View Subdivision (recorded in book 76, page 65, Plat records of El Paso County); Thence, with the common boundary line between said Montoya Terrace Subdivision and Sunset View Subdivision, North $72^{\circ}02'10''$ East a distance of 483.30' to a 1/2" rebar found at the northeasterly corner of Lot 37 (E.P.EC. ROW), Block 2, of said Montoya Terrace Subdivision, also being the northwesterly corner of this parcel, and being the "Point Of Beginning";

Thence, continuing with the southerly boundary line of said Sunset View Subdivision, also being the northerly boundary line of said Tract 3-A-3, North $72^{\circ}03'31''$ East (North $72^{\circ}02'10''$ East record) a distance of 489.14' (489.20' record) to a PK nail set at the northeasterly corner of said Tract 3-A-3, also being the northwest corner of Lot 36, Block 8, Sunset View Unit Two Subdivision (recorded in book 78, page 06, Plat records of El Paso County), and being the northeasterly corner of this parcel;

Thence, along the east boundary line of said Tract 3-A-3, also being the west boundary line of said Block 8, Sunset View Unit Two and the west boundary line of Tract 3-A-2 (described in 1905, page 996), South $00^{\circ}00'00''$ East a distance of 758.10' to the southeast corner of this parcel, from which a 1/2" rebar found at the southeasterly corner of said Tract 3-A-3, and lying on the Northerly Right-Of-Way line of Montoya Lane (60' wide) bears South $00^{\circ}00'00''$ East a distance of 129.85', and being the southeasterly corner of this parcel;

Thence, leaving the boundary line between said Tracts 3-A-2 and 3-A-3, North $90^{\circ}00'00''$ West a distance of 301.31' to an angle point;

Thence, South $00^{\circ}00'00''$ West a distance of 73.47' to a point of curvature;

Thence, 26.97' along the arc of a curve to the left, having a radius of 74.00', a central angle of $20^{\circ}52'52''$, and a chord bearing South $10^{\circ}26'26''$ East a distance of 26.82' to the point of termination of this curve;

Thence, South $20^{\circ}52'52''$ East a distance of 133.71' to the northerly Right-Of-Way of Montoya Lane, from which a 1/2" rebar found at the southeasterly corner of said Tract 3-A-3, and lying on the Northerly Right-Of-Way line of Montoya Lane bears North $69^{\circ}07'00''$ East a distance of 266.29';

Thence, along said northerly Right-Of-Way line of said Montoya Lane, South $69^{\circ}07'00''$ West a distance of 231.78' to a 5/8" rebar found at the southwesterly corner of said Tract 3-A-3 and also marking the southeasterly corner of said Lot 37 (E.P.EC. ROW), and being the southwesterly corner of this parcel;

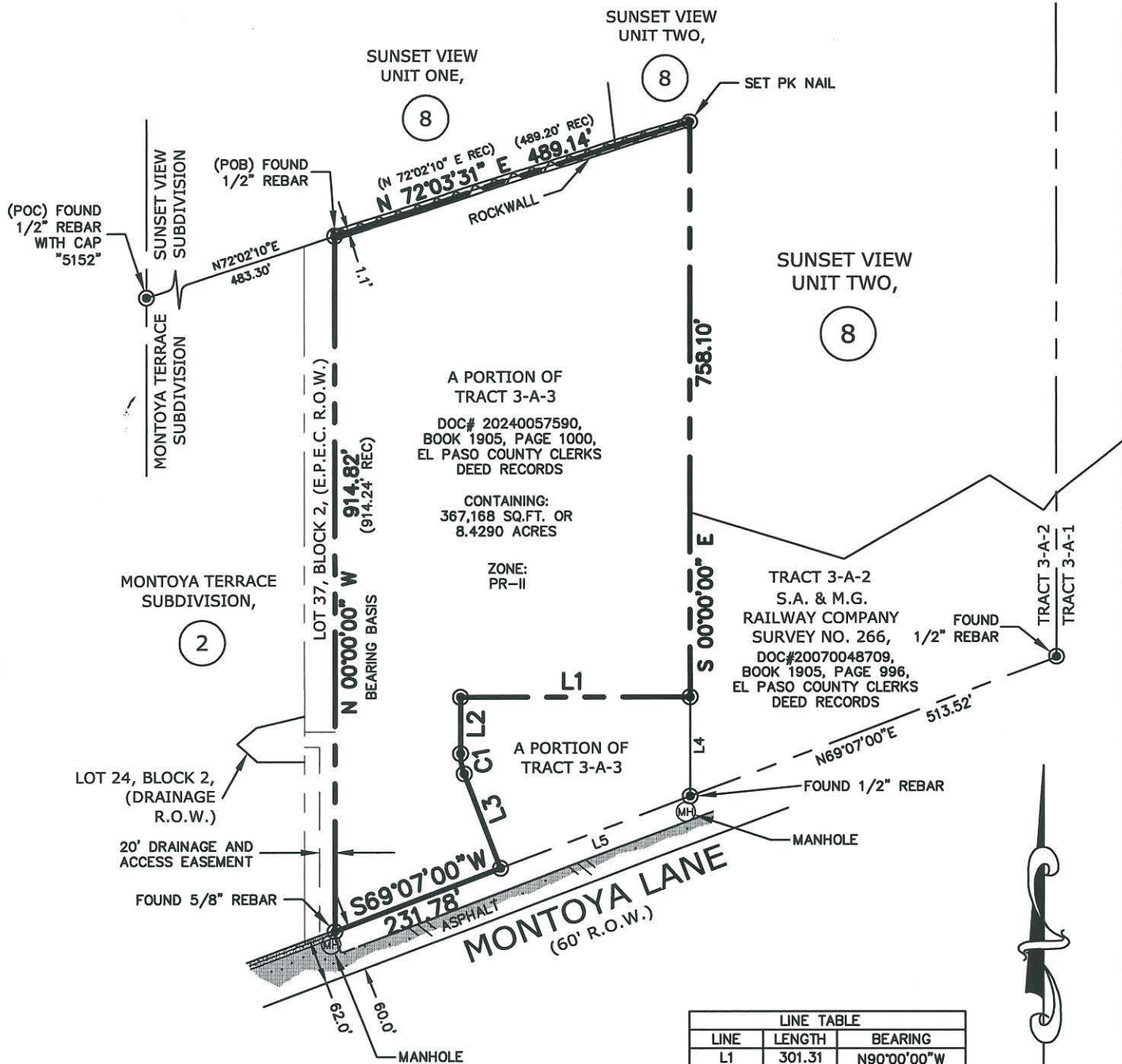
Thence, along the common boundary line between said Tract 3-A-3 and Montoya Terrace Subdivision, North $00^{\circ}00'00''$ West (bearing basis) a distance of 914.82' (914.24' record) to the "Point Of Beginning" and containing 367,168 sq. ft. or 8.4290 acres.

Based on a field survey performed under my supervision and dated 10/09/2024

John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841 TBPELS FIRM #10001200

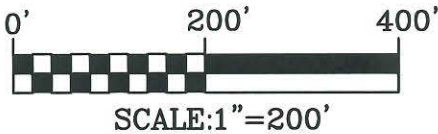




NOTES:
THIS SURVEY WAS COMPLETED WITHOUT THE
BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY
BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.

LINE TABLE		
LINE	LENGTH	BEARING
L1	301.31	N90°00'00"W
L2	73.47	S00°00'00"W
L3	133.71	S20°52'52"E
L4	129.85	S00°00'00"E
L5	266.29	N69°07'00"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CHORD
C1	26.97	74.00	20°52'52"	S10°26'26"E	26.82



CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS
BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND
COMPLIES WITH THE CURRENT STANDARDS OF THE TEXAS BOARD OF
PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JOHN A EBY TX-5372 NM-17779



TBPELS FIRM #10001200

A PORTION OF TRACT 3-A-3, AS DESCRIBED BY
METES AND BOUNDS
S.A. & M.G. RAILWAY COMPANY SURVEY NO. 266,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

FIRM ZONE: X PANEL#: 480212-0125-B DATED: 9/4/1991

DATE OF SURVEY: 2/11/2025 OFFICE: EA FIELD: JAE, AG

PASO DEL NORTE SURVEYING INC.

13998 BRADLEY ROAD, EL PASO, TEXAS 79938

PH. 915-241-1841
FAX 915-855-6925
© COPYRIGHT

PROPERTY DESCRIPTION

Tract 3-A-3 (C1-Commercial Zone) (PARCEL 2)

Description of a parcel of land being a portion of Tract 3-A-3, S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas, map of said Survey No. 266 on file at the El Paso Central Appraisal offices, and lying in that parcel recorded in Clerk's File #20240057590 (and previously in volume 1905, Page 1000), and described as follows;

Commencing for reference at a 1/2" rebar with cap stamped "5152" found at the northwesterly corner of the Montoya Terrace Subdivision (recorded in book 79, page 88, Plat records of El Paso County), said rebar also marking the southwesterly corner of the Sunset View Subdivision (recorded in book 76, page 65, Plat records of El Paso County); Thence, with the common boundary line between said Montoya Terrace Subdivision and Sunset View Subdivision, North $72^{\circ}02'10''$ East a distance of 483.30' to a 1/2" rebar found at the northeasterly corner of Lot 37 (E.P.E.C. ROW), Block 2, of said Montoya Terrace Subdivision; Thence, along the southerly boundary line of said Sunset View Subdivision, also being the northerly boundary line of said Tract 3-A-3, North $72^{\circ}03'31''$ East (North $72^{\circ}02'10''$ East record) a distance of 489.14' (489.20' record) to a PK nail set at the northeasterly corner of said Tract 3-A-3; Thence, along the east boundary line of said Tract 3-A-3, also being the west boundary line of said Block 8, Sunset View Unit Two and the west boundary line of Tract 3-A-2 (described in 1905, page 996), South $00^{\circ}00'00''$ East a distance of 758.10', to the northeast corner of this parcel, and being the "Point Of Beginning";

Thence, continuing with said east boundary line of said Tract 3-A-3, also being the west boundary line of said Tract 3-A-2 (described in 1905, page 996), South $00^{\circ}00'00''$ East a distance of 129.85' to a 1/2" rebar found at the southeasterly corner of said Tract 3-A-3, and lying on the Northerly Right-Of-Way line of Montoya Lane (60' wide), and being the southeasterly corner of this parcel;

Thence, along said northerly Right-Of-Way line of said Montoya Lane, South $69^{\circ}07'00''$ West a distance of 266.29' to the southwesterly corner of this parcel;

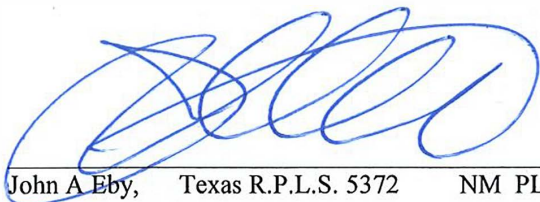
Thence, leaving the northerly Right-Of-Way line of said Montoya Lane, North $20^{\circ}52'52''$ West a distance of 133.71' to a point of curvature;

Thence, 26.97' along the arc of a curve to the right, having a radius of 74.00', a central angle of $20^{\circ}52'52''$, and a chord bearing North $10^{\circ}26'26''$ West a distance of 26.82' to the point of termination of this curve;

Thence, North $00^{\circ}00'00''$ West a distance of 73.47' to the northwest corner of this parcel;

Thence, South $90^{\circ}00'00''$ East a distance of 301.31' to the "Point Of Beginning" and containing 52,293 sq. ft. or 1.2005 acres.

Based on a field survey performed under my supervision and dated 10/09/2024



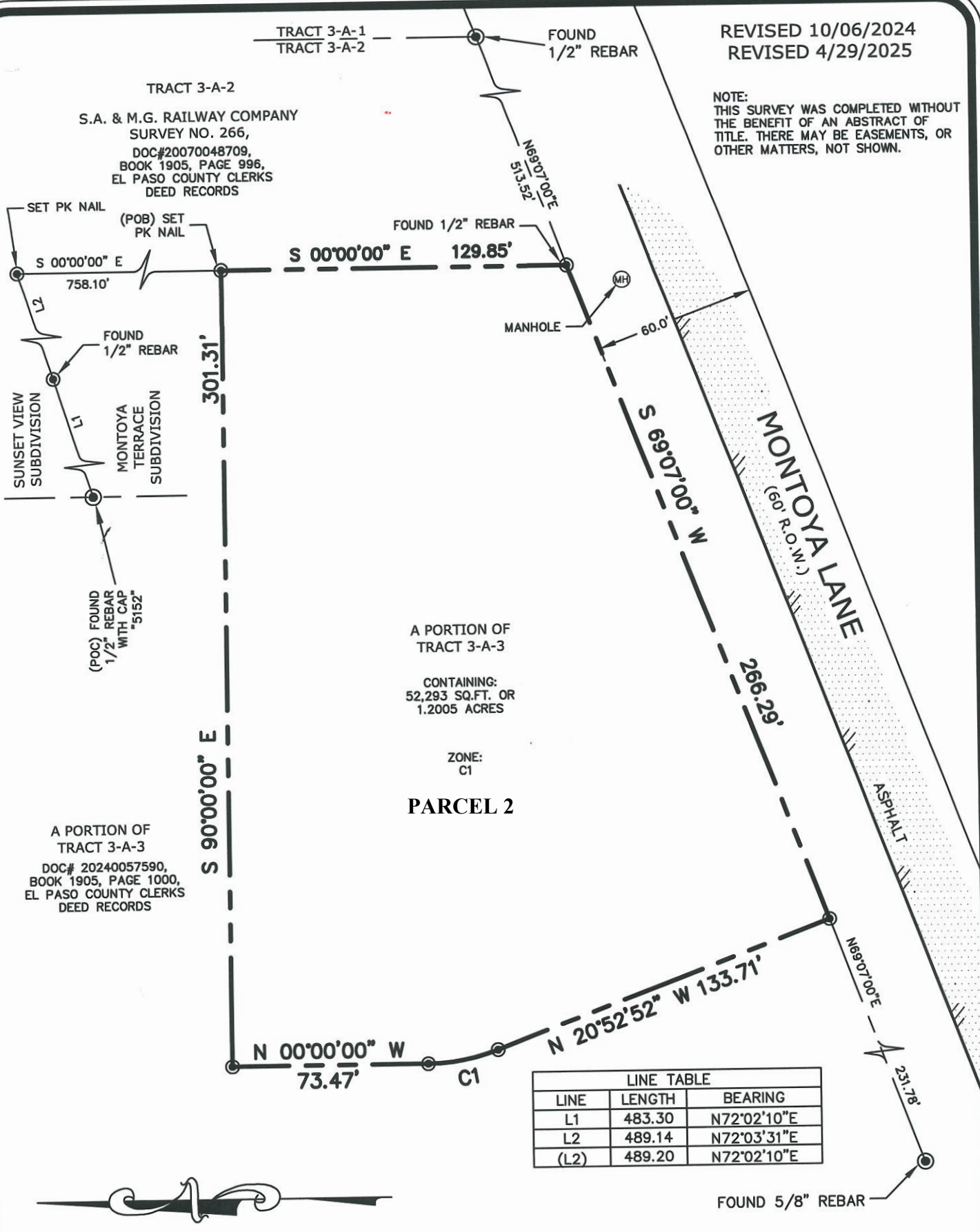
John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc.
13998 Bradley Road
El Paso, TX. 79938
915-241-1841
TBPELS FIRM #10001200



REVISED 10/06/2024
REVISED 4/29/2025

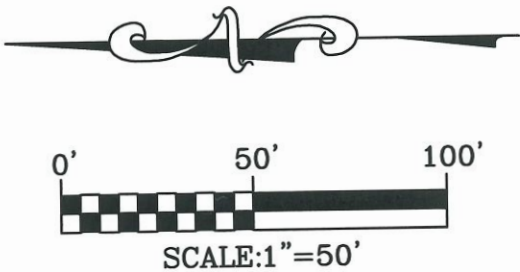
NOTE:
THIS SURVEY WAS COMPLETED WITHOUT
THE BENEFIT OF AN ABSTRACT OF
TITLE. THERE MAY BE EASEMENTS, OR
OTHER MATTERS, NOT SHOWN.



A PORTION OF
TRACT 3-A-2
CONTAINING:
52,293 SQ.FT. OR
1.2005 ACRES
ZONE:
C1
PARCEL 2

A PORTION OF
TRACT 3-A-3
DOC# 20240057590,
BOOK 1905, PAGE 1000,
EL PASO COUNTY CLERKS
DEED RECORDS

LINE TABLE		
LINE	LENGTH	BEARING
L1	483.30	N72°02'10"E
L2	489.14	N72°03'31"E
(L2)	489.20	N72°02'10"E



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CHORD
C1	26.97	74.00	20°52'52"	N10°26'26"W	26.82

CERTIFICATION
I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS
BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND
COMPLIES WITH THE CURRENT STANDARDS OF THE TEXAS BOARD OF
PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JOHN A EBY TX-5372 NM-17779



TBPELS FIRM #10001200

A PORTION OF TRACT 3-A-3,
S.A. & M.G. RAILWAY COMPANY SURVEY NO. 266,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

FIRM ZONE: X PANEL#: 480212-0125-B DATED: 9/4/1991

DATE OF SURVEY: 2/11/2025 OFFICE: EA FIELD: JAE, AG

PASO DEL NORTE SURVEYING INC.

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FAX 915-855-6925
© COPYRIGHT

Montoya and Desert

City Plan Commission — May 8, 2025 **(REVISED)**



CASE NUMBER:	PZR25-00005
CASE MANAGER:	Saul J. G. Pina, (915) 212-1604, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Charles Patrick Mitchell
REPRESENTATIVE:	Del Rio Engineering
LOCATION:	North of Montoya Ln., and West of S. Desert Blvd. (District 1)
PROPERTY AREA:	9.62 acres
REQUEST:	To rezone Parcel 1 from R-3 (Residential) to PR-2 (Planned Residential II) To rezone Parcel 2 from R-3 (Residential) to C-1 (Commercial)
PUBLIC INPUT:	One (1) call in opposition, received as of May 7, 2025

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property into two (2) separate zoning districts. The request is to change the zoning of Parcel 1 from R-3 (Residential) to PR-II (Planned Residential II) to allow for the use of single-family dwellings and to change the zoning of Parcel 2 from R-3 (Residential) to C-1 (Commercial) to allow for a retail establishment.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan for the G3, Post-War future land use designation.

The following conditions apply to Parcel 2:

1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.
2. A Detailed Site Development Plan shall be reviewed and approved as per El Paso City Code prior to issuance of any certificates of occupancy or certificates of completion.
3. That no outdoor amplified sound be permitted within the property.
4. That a minimum 500-foot distance be required between any establishments deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption.

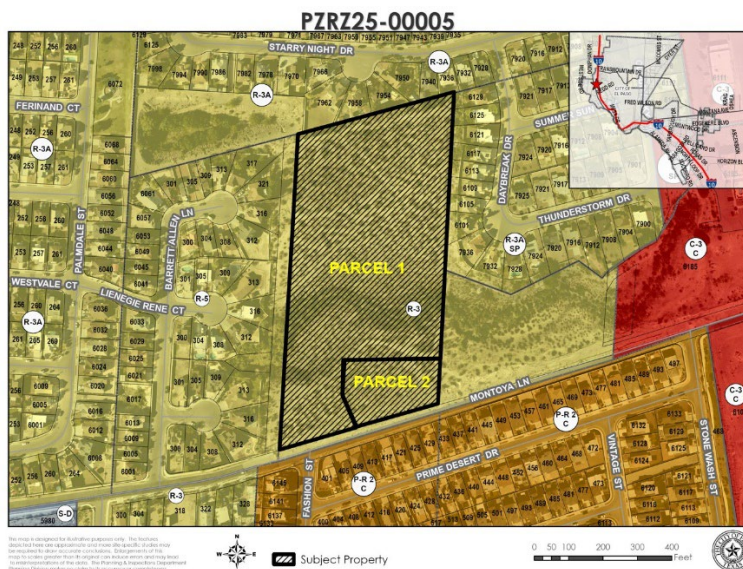


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property into two (2) separate zoning districts. The request is to change the zoning of Parcel 1 from R-3 (Residential) to PR-II (Planned Residential II) to allow for the use of single-family dwellings and to change the zoning of Parcel 2 from R-3 (Residential) to C-1 (Commercial) to allow for a retail establishment. The property is approximately 9.62 acres in size. The conceptual site plan shows Parcel 1 with a total of 76 residential dwellings and Parcel 2 with two (2) buildings to be used for retail. Primary access to the proposed development is from Montoya Lane. The conceptual plan is not under review for zoning requirements as per Title 20 of the El Paso City Code and is not binding.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The location of the proposed rezoning is in character with the existing zoning, due to the predominant residential and commercial uses in the area. Properties to the north are single-family dwellings, zoned R-3A (Residential); properties to the south are single-family dwellings, zoned P-R 2/c (Planned Residential II/conditions); properties to the east are vacant and single-family dwellings and are zoned R-3 (Residential); and properties to the west are R-5 (Residential), zoned single-family dwellings. The nearest school, William C. Herrera Elementary School, is 1.1 miles and the nearest park, Mesa Vista Park, is 0.4 miles in proximity to the proposed development.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G3, Post-war: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes, the proposed zone change is compatible with the Future Land Use Designation due to its location, which permits the addition of residential uses and integration of light-neighborhood commercial uses.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>P-R II (Planned Residential II): The purpose of this district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.</p> <p>C-1 (Commercial) District: The purpose of this district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the</p>	<p>Yes, the proposed zoning change is compatible with both proposed residential and commercial uses as they will integrate with the surrounding area to be developed which includes PR-II (Planned Residential II), R-3A (Residential), R-5 (Residential), and C-3 (Commercial) zones. Moreover, the proposed zoning change will allow mixed-use type development of the vacant property.</p>

districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.	
Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. The subject property is located between Doniphan Drive and South Desert Boulevard, two major roadways classified as 'freeway' and 'major arterial' in the City's Major Thoroughfare Plan. Being Montoya Lane, the point of access to the proposed development, this roadway not only will sustain residential and commercial traffic from neighboring areas but will permit localized traffic from the proposed development.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	No. The subject property is not located in a special designation or study area plan.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts. Any necessary improvements will be coordinated to safeguard neighboring properties.
Natural Environment: Anticipated effects on the natural environment.	Yes. The proposed development is located within an arroyo and may require measures to be addressed at a later development stage. This is to avoid any impact to the surrounding properties.
Stability: Whether the area is stable or in transition.	Yes. The area has been stable with no other rezoning in the area in the last ten (10) years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	No. Changing the property's zoning would not affect residential development, as the current R-3 (Residential) zoning district allows residential zoning to remain. Commercial development aligns best with roads of higher classification. With Montoya Lane classified as a 'collector,' the subject property is well-suited for light-neighborhood commercial uses that do not impact residential zoning and uses. Extending light-commercial development in this area would be appropriate.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access is proposed from Montoya Lane, a roadway classified as a collector on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development. Additional improvements will provide pedestrian accessibility and improve traffic flow. There are no bus stops serving the area.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Other development requirements, such as a traffic impact analysis and a detailed site development plan, will be required during later phases of the development process.

PUBLIC COMMENT: The subject property is located within the Upper Valley Neighborhood Association and the Montoya Heights Community Improvement Association, which the applicant contacted. Notices were sent to property owners within 300 feet of the subject property on April 25, 2025. As of May 1, 2025, the Planning Division received one (1) call in opposition, to the rezoning request, mainly citing concerns for increased traffic.

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

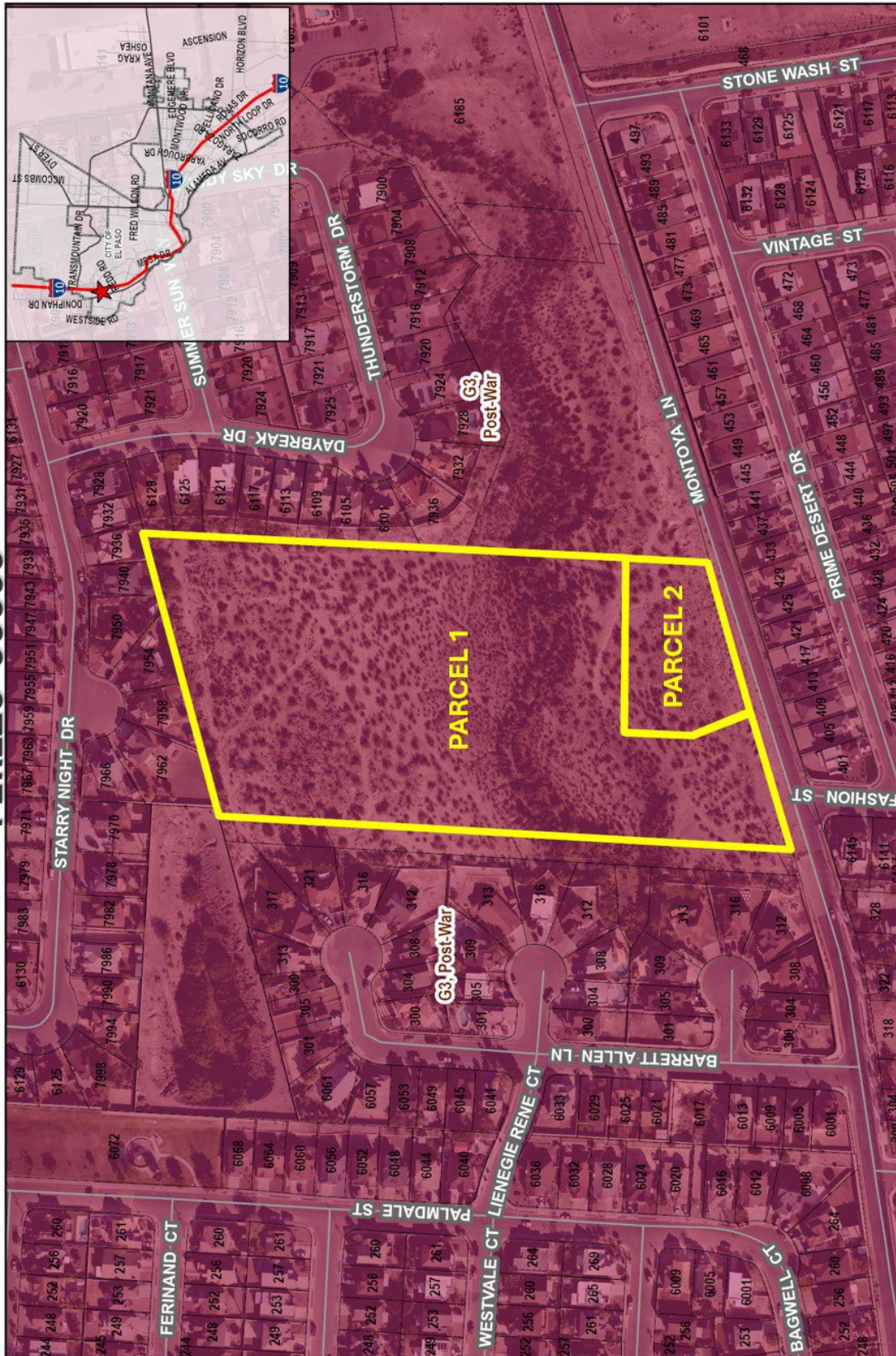
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZR25-00005



Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G3, Post-War future land use designation. The conditions are the following:

1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy or certificates of completion.
2. A Detailed Site Development Plan shall be reviewed and approved as per El Paso City Code prior to issuance of any certificates of occupancy or certificates of completion.
3. That no outdoor amplified sound be permitted within the property.
4. That a minimum 500-foot distance be required between any establishments deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend Approval:

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

Recommend Approval:

1. The retention of all storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1).
2. Clarify how all stormwater will be managed (upstream desilting). Show proposed drainage flow patterns on the site plan and identify the discharge and storage locations for all stormwater runoff with approximate location of areas subject to inundation or stormwater overflow. Show water management methods, such as the preservation of greenspace, rain water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
3. Applicant shall comply with the requirements of Preservation of Natural Arroyos (Section 19.19.010.F).
4. Pond requires a maintenance access road and gated entrance ramp. Label if public or private pond.

Note: Comments to be addressed during the platting and grading permit stage prior to construction.

Fire Department

Recommend Approval. No adverse comments.

Streets and Maintenance Department

Transportation Engineering Department

TIA is required. Scope meeting to be scheduled.

Street Lights Department

No objection to the request.

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be

shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management Section

1. Include civil plans following DSC and City of El Paso Municipal Codes.
2. Ensure that driveways comply with Municipal Code Chapter 13.12
3. When installing sidewalks, ensure compliance with Municipal Code Chapter 19.21 governing sidewalks and Chapter 13.04.020 specifying sidewalk standards.

Sun Metro

Currently does not affect Sun Metro transit operations or services.

El Paso Water

EPWater-PSB does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Montoya Lane. It is approximately 42 feet north of the south right-of-way line. This water main is available to provide service.

Previous water pressure from fire hydrant #11431, located south of Montoya Lane, fronting the property. Has yielded a static pressure of 64 psi, a residual pressure of 58 psi, and a discharge of 769 gallons per minute.

Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along the northside of Montoya Lane. This sanitary sewer main is available to provide service.

General:

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

- The proposed ponding area shown shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the pond as “Private”.
- At the improvement plan stage, provide protection to the subdivision from all offsite storm water runoff that may have an adverse impact on any improvements and convey the existing watercourse through the

subdivision.

El Paso County 911 District

The 911 District has no comments or concerns.

El Paso Electric

We have no comments for Montoya-Desert.

Texas Gas Service

In reference to case PZRZ25-00005 - Montoya-Desert, Texas Gas Service will need an easement to provide gas service to this apartment complex.

Note: Comments to be addressed during the platting and detailed site development plan stage.

El Paso County Water Improvement District No. 1

No comments received.

Police Department

No comments received.

Environment Services

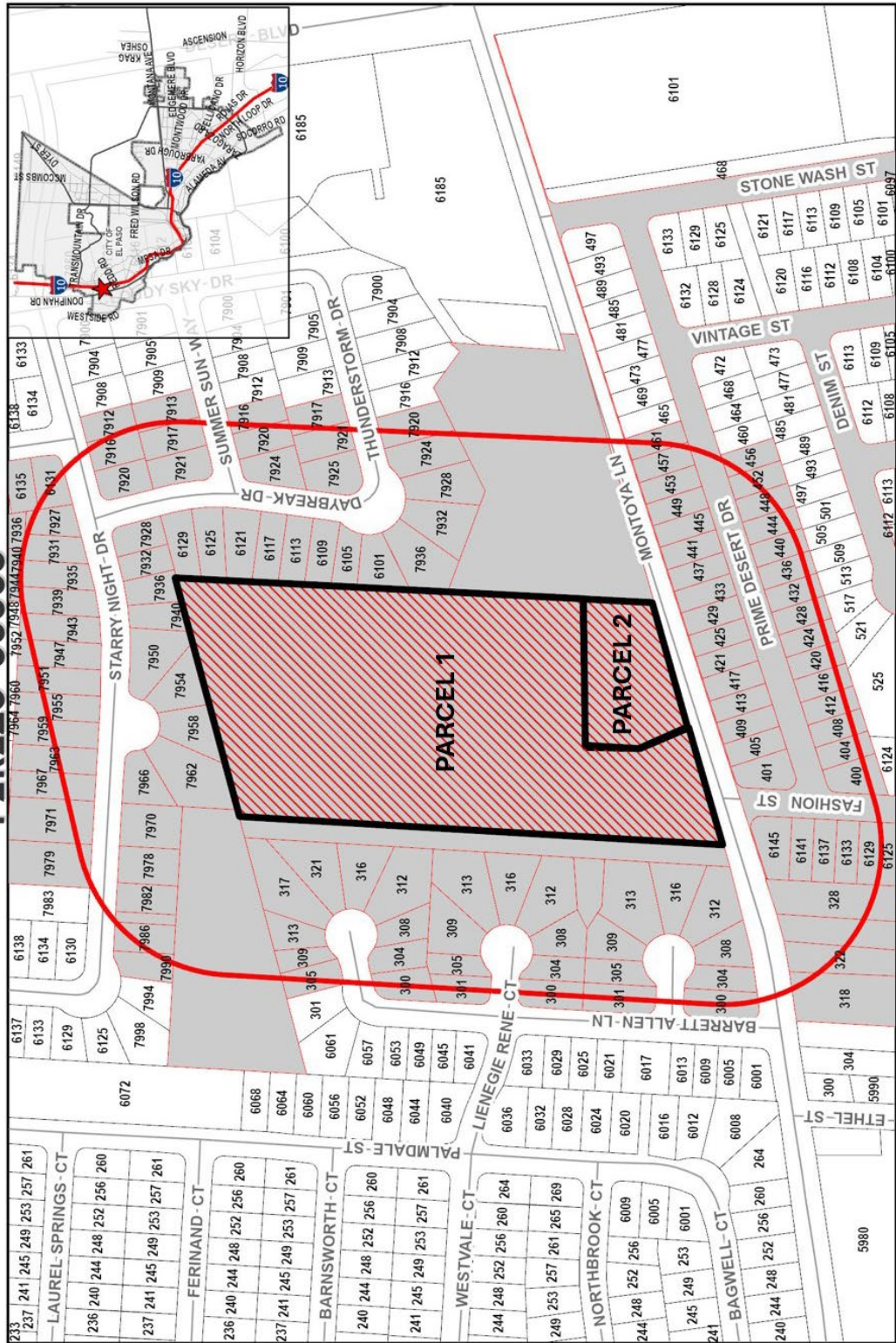
No comments received.

Texas Department of Transportation

No comments received.

ATTACHMENT 4

PZR25-00005



-  Subject Property
-  300 Feet Notice Area
-  Notified Properties



This map is designed for illustrative purposes only. The features shown on this map are not intended to be used for any other purpose. The map is not a survey and should not be used for any legal or financial purposes. The map is not a guarantee of accuracy and may be subject to change without notice. The map is not a representation of the City of Las Vegas and its policies. The map is not a representation of the City of Las Vegas and its policies. The map is not a representation of the City of Las Vegas and its policies.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

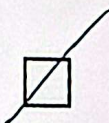
Full Name Charles Patrick Mitchell

Business Name _____

Agenda Item Type _____

Relevant Department _____

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.

Signature: X

Date: 1-16-25



Legislation Text

File #: 25-1019, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Community and Human Development, Nickole H. Rodriguez, (915) 212-2673

City Attorney's Office, Sarah L. Harnett, (915) 212-1141

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance Repealing Ordinances 011469 and 019329 that created the Americorps Seniors Advisory Council of the City of El Paso.

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD:

Nickole H. Rodriguez

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCES 011469 AND 019329 THAT CREATED THE AMERICORPS SENIORS ADVISORY COUNCIL OF THE CITY OF EL PASO.

WHEREAS, the El Paso City Council establishes City Boards and Commissions to inform City Council under statutory authorization or on particular issues or subjects of interest to the Council; and

WHEREAS, the City of El Paso recognizes the importance of consistent governance and operational procedures across all city boards and commissions to ensure efficient and effective public administration; and

WHEREAS, on May 12, 2025, City Council directed boards and commissions be standardized to be enacted by resolution instead of ordinance; and

WHEREAS, by Ordinance Nos. 011469 and 019329, the El Paso City Council created the Americorps Senior Advisory Board (the “Board”); and

WHEREAS, the El Paso City Council wishes to repeal the Ordinances enacting the Board as a future resolution will be adopted in its place.

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

SECTION 1. That Ordinance Nos. 011469 and 019329 are repealed.

ADOPTED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Nickole H Rodriguez, Director
Community and Human Development



Legislation Text

File #: 25-1021, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

Destination El Paso, Ben Fyffe, (915) 212-1766

City Attorney's Office, Ignacio Troncoso, (915) 212-1046

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

An Ordinance repealing Ordinance No. 015105 (an Ordinance Creating the Greater El Paso Civic, Convention and Tourism Advisory Board) as amended by Ordinance No. 017990, to repeal references and language regarding the Greater El Paso Civic, Convention and Tourism Advisory Board.

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:


PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: 

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 015105 (AN ORDINANCE CREATING THE GREATER EL PASO CIVIC, CONVENTION AND TOURISM ADVISORY BOARD) AS AMENDED BY ORDINANCE NO. 017990, TO REPEAL REFERENCES AND LANGUAGE REGARDING THE GREATER EL PASO CIVIC, CONVENTION AND TOURISM ADVISORY BOARD.

WHEREAS, the El Paso City Council establishes City Boards and Commissions to inform City Council under statutory authorization or on particular issues or subjects of interest to the Council; and

WHEREAS, the City of El Paso recognizes the importance of consistent governance and operational procedures across all city boards and commissions to ensure efficient and effective public administration; and

WHEREAS, on May 12, 2025, City Council directed boards and commissions be standardized to be enacted by resolution instead of ordinance; and

WHEREAS, by Ordinance No. 015105, the El Paso City Council created the Greater El Paso Civic, Convention and Tourism Advisory Board (the “Board”) to serve as an advisory board for the purpose of making recommendations to the City Council regarding the utilization of the El Paso Convention and Performing Arts Center and the Convention and Visitors Bureau; and

WHEREAS, Ordinance No. 015105 was amended by Ordinance No. 017990; and

WHEREAS, the El Paso City Council wishes to repeal the Ordinance enacting the Board as a Resolution will be adopted in its place.

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

SECTION 1. That Ordinance No. 015105 and Ordinance No. 017990 be repealed in their entirety.

SECTION 2. Except as expressly herein amended, all other provisions of the El Paso City Code will remain in full force and effect. Any provision of this ordinance deemed illegal will be severed and the remainder will remain in effect. The requirements of this ordinance will take effect 90 days from its adoption and publication in accordance with and as provided by law and the City Charter.

(Signatures begin on the following page)

ADOPTED this _____ day of _____, 2025.

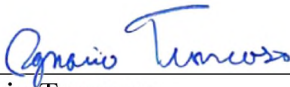
THE CITY OF EL PASO

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Ben Fyffe
Managing Director Quality of Life



Legislation Text

File #: 25-1135, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Members of the City Council, Representative Chris Canales, (915) 212-0008

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action to direct the City Manager to explore and develop a comprehensive set of anti-displacement strategies, tools, and policies grounded in best practices and tailored to El Paso's context, with a particular focus on vulnerable neighborhoods experiencing emergent economic pressures, redevelopment activity, and/or rising housing costs. This framework may include, but is not limited to: tenant protections to the extent allowed by state law; preservation of naturally occurring affordable housing; income-targeted zoning and overlay tools; community ownership models such as community land trusts (CLTs), limited-equity housing cooperatives, tenant opportunity to purchase/right of first refusal programs, and community development corporations (CDCs); and other relevant strategies. Preliminary recommendations and potential implementation pathways shall be presented for Council consideration on a timeline consistent with the implementation of other forthcoming Goal 8 housing strategies.

CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM



DEPARTMENT: Mayor & Council

AGENDA DATE: 09/03/2025

CONTACT PERSON NAME Chris Canales

PHONE NUMBER: 915-212-0008

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 8: Nurture & Promote a Healthy,

SUBGOAL: 8.2: Stabilize neighborhoods through

SUBJECT: Discussion and action to direct the City Manager to explore and develop a comprehensive set of anti-displacement strategies, tools, and policies grounded in best practices and tailored to El Paso's context, with a particular focus on vulnerable neighborhoods experiencing emergent economic pressures

COMMUNITY AND STAKEHOLDER OUTREACH:

Anti-displacement strategies have been discussed as part of the development of the City's existing Strategic Plan as well as other planning documents including the Uptown, Downtown & Surrounding Neighborhoods Plan and Onward Alameda. Further preliminary outreach has been conducted by the District 8 office with neighborhood associations including the South Side Neighborhood Association, Familias Unidas del Chamizal, and Rio Grande Neighborhood Association

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)	DATE

BACKGROUND / DISCUSSION:

This item directs the City Manager to develop a set of anti-displacement strategies that reflect best practices but are tailored to El Paso's needs. The focus is on neighborhoods where people are at risk of being pushed out because of rising housing costs, new development, or economic pressure. That includes areas where families, seniors, or lower-income residents may be living in affordable homes that aren't protected by subsidies or formal affordability agreements. The goal is to keep people in their homes and in their communities as the city grows and changes around them

PRIOR COUNCIL ACTION:

In adopting the City's existing Strategic Plan, the Council directed the creation of policies arising from subgoal 8.2, including "Create healthy, affordable, high quality housing options especially for vulnerable populations", "Support affordable, high quality housing options especially for vulnerable populations", and "Develop solutions to increase access and services for El Pasoans experiencing or at-risk of homelessness."

AMOUNT AND SOURCE OF FUNDING:

N/A

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

Zoning reforms are widely needed to address such local challenges as housing unaffordability, homelessness, workforce housing shortages, segregation and housing instability. Too many jurisdictions have outdated land use plans and zoning requirements that drive up the cost of home building. This can make it prohibitively difficult to create affordable homes, especially in well-resourced neighborhoods. Resulting housing shortages fall heaviest on low-income families and households of color.

But to ensure that new land use ordinances are *equitable*, policymakers need to *anticipate and prevent potential displacement* while taking a broader look at who would benefit and who could be harmed.

The potential for displacement from zoning changes

Displacement occurs when residents are forced to leave their home or neighborhood because of physical events like redevelopment or demolition, economic pressures such as rent hikes or spiking property taxes, landlord actions such as discontinued leases or evictions, and other events that make it impossible for residents to stay.

Zoning ordinances and land use plans that enable more housing should ease overall pressure on rents and home prices. But depending on context and how land use reforms are designed, they can also fuel physical or economic displacement of lower-income residents and others.

For example, zoning revisions that expand building permissions for all types of development could make it more economical to tear down existing low-cost rentals in certain settings and replace them with higher-priced housing. Similarly, zoning changes that enable large-scale development can catalyze adjacent rebuilding, bringing in needed investment and amenities – but also new interest from outside renters and homebuyers willing to pay higher prices, prompting nearby landlords to raise rents.

Why this matters

Displacement severely impacts people, communities and economies. It erodes housing and economic stability, interrupts educational continuity for kids, harms health for older adults, and damages overall well-being. It strips communities of cultural history, diversity, and residents with long-term roots. It disrupts the lives of essential workers and the businesses that rely on them.

Those most susceptible to displacement include renters, seniors, low-wealth households, people with disabilities, and residents of color. Key factors affecting risk include local market conditions, the prevalence of housing cost burdens, and the type of housing being enabled. For example, dedicated affordable housing is less likely to cause displacement, particularly when it delivers homes at prices that local residents can afford. But each community is different.

Anticipating and preventing displacement

When updating land use plans and zoning ordinances, it is important for each community to ask:

1. Who would be most vulnerable to displacement pressures resulting from zoning changes?
2. What measures are needed to prevent this?

10 policy strategies for preventing displacement

This policy guide offers ideas for stabilizing communities susceptible to displacement so that all can share in the benefits of new land use policies and the investments they spur. This builds on [previous Habitat research](#) on principles and lessons for equitable land use policy.

Policymakers and advocates have numerous strategies available for preventing displacement. Some reside within land use policies themselves. Others act as important complements to land use reforms. The following are examples of each approach. Most were aided by advocacy by local and state Habitat for Humanity organizations.

Land use strategies to prevent displacement

1. Alter zoning in displacement-sensitive neighborhoods

Example: Charlottesville, Virginia — After updating its [Comprehensive Plan](#) with significant community input, Charlottesville adopted a [new zoning code](#) in 2023 that allows three homes per lot in most single-family neighborhoods “by-right,” with opportunities to go up to six homes if the additional homes are affordably priced to low-income households. But in “Core Neighborhoods” susceptible to displacement, including historically low-income and African American neighborhoods, the plan allows just one home by-right, with a second home permitted only if the original home is preserved, and up to six homes only if the remaining units are affordable to low-income households. Habitat of Greater Charlottesville was a major advocate for these measures.

2. Prevent demolition of homes occupied by lower-income residents

Example: California — The state’s [“split lot bill” \(SB9\)](#), adopted in 2021, made it easier for property owners in single-family neighborhoods to split their lot and construct a second home on the new lot and to convert an existing home into a duplex. But key to the bill’s passage was making proposals ineligible for these zoning changes if the developer seeks to demolish affordable housing or homes where renters have resided within the past three years. Also, to discourage investors from using these new zoning permissions to flip properties, property owners must reside on-site for at least three years (nonprofit housing providers are exempted). Habitat California and local Habitat affiliates helped build support for these guardrails.

3. Tie upzoning to significant affordability requirements

Example: Austin, Texas — The city’s [Affordability Unlocked program](#), created in 2019, offers extensive waivers and modifications of zoning regulations for housing developers, but only if 50% or more of the homes are affordable to low-income households. A portion of the homes must be family-sized with two or more bedrooms, and rental properties must offer “just cause” eviction protections and accept housing vouchers. Developments receive additional zoning flexibility if they provide deeper or more extensive affordability. As of July 2023, the program has led to approvals for 7,678 new housing units, 69% of which are affordable to lower-income families. Furthermore, 30% are affordable to very low-income and extremely low-income families. Austin Habitat was a champion of the policy from its inception in 2018.

Non-zoning strategies to prevent displacement

4. Prioritize access to affordable housing for those facing displacement

Several cities have adopted policies that prioritize access to city-sponsored affordable housing for households who are at risk of being displaced or who were historically displaced. This includes subsidized properties and affordable homes produced through inclusionary zoning policies.

Early experiences suggest it may work best to make such a policy as geographically broad as possible in both where it applies and where applicants must live to gain priority access. Doing so could sidestep potential fair housing concerns that might arise from policies with narrower neighborhood eligibility that run the risk of producing racially disparate impacts. Policies that maintain broad neighborhood eligibility have the added benefit of expanding neighborhood choices for those impacted by displacement while not precluding a household from gaining access to local affordable housing that allows them to stay in their neighborhood.

Example: Denver, Colorado ([see detailed profile](#))

5. Help residents access existing resources to stay in their homes

Many communities have an array of private and public programs that help lower-income households stay in their homes. Resources include emergency rental assistance, property tax exemptions, home repair support, legal aid and more. But often these resources are underused because those who most need them don't know they exist.

Publicly funded, community-based outreach programs can overcome information gaps and language barriers that impact lower-income residents, seniors and communities of color. Such programs can help households facing displacement learn about and access public and private resources that help them maintain housing stability.

Example: Austin, Texas ([see detailed profile](#))

6. Preserve at-risk properties

When low-cost rental properties are put up for sale or near the expiration of affordability restrictions, localities can help affordable housing providers acquire them to preserve affordability and prevent displacement. Many localities create dedicated funding for this purpose. A growing number of places also require sellers to give nonprofit affordable housing providers advance notification and a first right of refusal before the properties are offered on the open market. Some localities even give themselves a first right of refusal to purchase at-risk properties so that they can hold them before transferring to a ready affordable housing provider.

Example: Montgomery County, Maryland — This suburban county gives itself, the local housing authority and tenant organizations [a first right of refusal for purchasing rental properties](#) (subsidized or unsubsidized) that are up for sale. The county can also assign its first right to a precertified affordable housing organization. This has helped the county and nonprofit housing partners preserve hundreds of at-risk, affordable rental housing units over the past five years. Habitat Metro Maryland recently benefited from a similar policy in neighboring city Takoma Park. The policy helped Habitat acquire a single-family home that was being rented in a gentrifying neighborhood. After the tenants turned down the ability to purchase it themselves, Habitat purchased the home to create a duplex with two affordable homes for homeownership. Having adequate financial support is critical to each program's success. Recognizing this, Habitat played a lead role in supporting the county's new [Non-Profit Preservation Fund](#), which will help nonprofit developers and public housing authorities acquire and preserve affordable housing.

7. Allocate funding for affordable homeownership and rental housing in concert with land use changes

Land use plans can be a helpful place for localities to commit to providing complementary resources to counter displacement and promote equitable outcomes. This includes funding for affordable homeownership opportunities and dedicated, affordable rental housing that help residents access long-term stability in their communities. Commitments promoting affordable homeownership could support such activities as home repair assistance for low-income homeowners, property acquisition assistance for producing dedicated homes for affordable homeownership, and supplemental down payment assistance targeted to residents of gentrifying communities.

Example: Charlotte, North Carolina ([see detailed profile](#))

8. Enable low-income homeowners to participate in creating ADUs

Some localities and states are providing financial and design assistance to help low-income homeowners take advantage of new zoning allowances to build accessory dwelling units, or ADUs. Rental income from these units can help senior and low-wealth homeowners manage rising property taxes and other housing expenses. It also can help them age in place or provide homes for doubled-up families at risk of homelessness. Oregon and New York now offer grants to nonprofits helping low- and moderate-income homeowners build new ADUs or bring existing ADUs up to code. Boston, Massachusetts, and Denver, Colorado, provide financial and other assistance directly to low- and moderate-income homeowners to support the creation of ADUs on their properties. Some programs condition assistance on the ADUs being rented to low-income households at affordable prices.

Example: Denver — Habitat Metro Denver joined community leaders, other nonprofit organizations and faith-based groups in supporting the [West Denver Single Family Plus initiative](#) in 2018. The ADU pilot works to prevent displacement in west Denver by helping low-income homeowners plan, price, design, finance and build an ADU on their property. Either the homeowner or renter of the ADU must earn below 80% of area median income. Income-qualified homeowners can qualify for up to \$108,000 in total cost savings. Habitat Metro Denver created seven low-cost [ADU design templates](#) for the program, in partnership with the American Institute of Architects. Through 2023, 75% of participants have been people of color, and 73% have been low-income homeowners.

9. Stabilize renters with the help of “just-cause” eviction policies

Given the fundamental importance of a stable home, some states and localities balance landlords’ rights with the rights of renters to be protected from unfair evictions and forced relocation. Just-cause eviction policies are important tools for preventing displacement, along with other strategies for stabilizing renters, such as emergency rental assistance.

Example: Santa Barbara County, California — The county’s [Just Cause for Residential Evictions](#) policy was adopted in 2023 in response to advocacy by Habitat of Southern Santa Barbara and others seeking to prevent the eviction of nearly 1,000 residents (predominantly low-income people of color) after a development company acquired a large apartment complex and immediately sent eviction notices. The county’s new policy prevents most landlords from evicting a tenant unless it is for “just causes,” such as unlawful activity, nuisance issues, or a tenant’s failure to pay rent. Landlords are also permitted to evict if, “in good faith,” they intend to move themselves or family members into the rental unit, permanently stop renting, or totally demolish or substantially remodel the unit. Crucially, “substantial remodels” must be for the primary purpose of bringing the rental unit into compliance with applicable health and safety codes. Changes such as cosmetic improvements or minor repairs are not covered. The owner also must obtain all necessary permits to carry out the demolition or substantial remodel and give tenants early notice. Landlords meeting all these terms must provide substantial relocation aid (covering costs of locating new housing, paying a security deposit, and first and last month’s rent on the new lease) and grant the tenant a first right of refusal to reoccupy the unit when it is ready to be occupied or for up to two years.

10. Stabilize low-income homeowners by providing property tax relief

Property tax “circuit breakers” and deferrals help protect low-income homeowners from unaffordable property taxes spurred by new zoning permissions and neighborhood investments. Circuit breakers limit the amount of property tax a homeowner owes to a set percentage of income. The household can receive a credit for all or a portion of the amount by which taxes exceed this percentage. Under a deferral program, some or all property tax payments are delayed, typically until the home is sold, when equity from the sale can help with the deferred payment, particularly in gentrifying markets. Effective programs are available to income-qualified owners of all ages. Places like Philadelphia, Pennsylvania, have also started extending eligibility to “equitable homeowners” to ensure that heirs’ property owners can also participate.

Example: Maryland – The state operates a [circuit breaker program](#) that provides a credit to qualified homeowners against their tax bill if property taxes exceed a certain percentage of their income. The limit is based on a sliding scale. For example, a household with income of \$16,000 has a property tax limit of \$420 (2.6% of income). Those earning \$40,000 have an effective property tax limit of 6.45% (\$2,580 per year). Income eligibility is capped at \$60,000. Asset limits also apply. A challenge with the program is that homeowners must apply to receive the credit. Recognizing this barrier, Habitat of the Chesapeake and other advocates secured legislation in 2023 (AB 897) requiring application only once every three years for homeowners with certain income sources (for example, Social Security or veterans’ pensions). Another successful bill (AB 665) directed state agencies to collaborate on finding additional ways to lower barriers to the program so that it can deliver more fully on its promise to stabilize low-income homeowners facing displacement.

The Denver City Council passed an anti-displacement policy in September 2022 to help long-standing residents remain in their communities amid rising housing costs. The policy prioritizes new and preserved affordable housing for residents who are at risk of displacement or have been displaced from their homes. Under the new policy, eligible households can be considered first to rent or purchase a home from a portion of city-supported affordable housing.

Habitat Metro Denver and other stakeholders gave input into the policy's development over the course of a year. Engaged participants included City Council members, developers, affordable housing organizations, residents and neighborhood organizations.

Policy provisions

- Thirty percent of units in qualified, new or preserved affordable housing must be set aside for eligible households. This applies to:
 - Rental housing that receives city funding or is regulated by a city agreement.
 - Newly built affordable homeownership projects with 10 or more homes.
 - Housing built under the city's inclusionary zoning policy with 100 or more units or located in areas vulnerable to displacement.
- Eligible residents are currently vulnerable to displacement from Denver, have experienced displacement at any point since 2000, or have a family member who was displaced between 1939 and 2000.
- Households vulnerable to displacement include those currently being asked to move for various "no-fault" reasons or inability to pay higher rents, those generally experiencing high rent or mortgage-cost burdens, and those living in formerly redlined neighborhoods.
- Rental housing is subject to the policy during initial and subsequent lease-ups. Homeownership units must comply during first sale of a home but not subsequent sales.
- Income limits and other qualifications are set by each affordable property.
- Residents apply to the city for priority status. Those prequalified by the city can use the city's new affordable housing listings website to sign up for notifications about prioritized units or to learn about other housing opportunities.

Implementation

Residents will have the opportunity to apply for priority status starting in mid-2024.

Key considerations for success

- To avoid Fair Housing Act concerns, the program is widely applicable both in where it applies and where residents can live to be eligible. Denver's city staff says that broadening eligibility for priority status beyond residents of a particular neighborhood will help ensure appropriate racial and ethnic diversity in who is able to participate.
- It was helpful to first build a one-stop website for locating affordable housing openings generally in the city.
- Grounding program decisions in data has been critical. Research on the percentage of residents experiencing cost burdens or displacement helped legally substantiate the city's selection of a 30% set-aside for affordable properties. Data is also helping the city design its point system for resident prioritization.
- While some programs in other cities have reported limited interest from historically displaced families in returning to their old neighborhood, particularly if much time has passed, Denver's city staff chose to preserve the opportunity for those displaced to at least return to the city, if not to their original neighborhood.

Resources and additional information

- [Adopted ordinance language](#)
- [Anti-Displacement Policy FAQ](#)
- [Affordable Housing Prioritization Policy One-Pager](#)

Contact

Polly Kyle, Housing Policy Officer,
City of Denver Department of Housing Stability
Email: Polly.Kyle@denvergov.org

Background

Austin launched a Displacement Prevention Navigators pilot program in the spring of 2023 as a tactic to advance the city's [displacement mitigation strategy](#). Navigators are paid community members who connect residents to housing resources with the goal of helping renters and homeowners remain in their homes despite escalating costs.

The yearlong pilot is focusing on two neighborhoods with high rates of cost-burdened residents, lower-than-average property values, and households who have lived in their homes for more than 20 years. Navigators conduct outreach in the pilot neighborhoods to inquire about residents' needs and to provide direct assistance with accessing resources.

Program characteristics

- Navigators applied for their positions and were interviewed by a small panel of city staff members and community representatives. Preference was given to applicants with ties to the targeted neighborhoods.
- Nine of the planned 12-15 navigators have been hired so far. They first attended a multiweek training to learn the ins and outs of the city's housing resources.
- Trained navigators earn \$25 per hour and work 10 to 15 hours per week.
- Navigators offer a range of services, such as explaining available resources, prioritizing resources for application, assisting with tasks like email setup, helping households complete applications, and supporting households in tracking submitted applications.
- Navigators inform residents of city programs and nonprofit programs, leveraging an online tool created by the United Way called Connect ATZ, which makes it easy to search for up-to-date information on housing and related resources.
- Residents learn about such assistance as property tax exemptions, payment-plan options for those behind on their property taxes, repair assistance, utility assistance, emergency rental assistance, legal aid, and help with tenant organizing.
- Funding for the program — \$360,000 — came from the city's housing trust fund.

Implementation

- Navigators began conducting door-to-door outreach in the two pilot neighborhoods in the fall of 2023, emphasizing face-to-face interactions to supplement online access to the program. Residents can also connect with navigators via community events and weekly office hours.
- The program is partnering with Huston-Tillotson University to conduct an evaluation.
- The pilot will continue through May 2024. The hope is to expand it citywide.

Key considerations for success

- Community response has been very positive so far. The program staff attributes this to the fact that most of the navigators come from the pilot communities, which helps build trust.
- Having an evaluation partner is proving helpful for both assessing outcomes and learning about the needs of the navigators themselves, who listen to a lot of need from residents they interact with. Lessons from the evaluation will help refine the program after the pilot and inform other city programming.

Resources and additional information

- [Displacement Prevention Navigator Pilot Program](#)
- [City of Austin Displacement Mitigation Strategy](#)
- [Short video about the Displacement Prevention Navigator Pilot](#)

Contact

Marla Torrado, Ph.D.,
Community Development Manager, Displacement
Prevention Division, Austin Housing Department

Email: Marla.Torrado@austintexas.gov

Charlotte established a Neighborhood Equity and Stabilization, or NEST, Commission as part of its 2040 Comprehensive Plan process in June 2021. The commission is charged with recommending solutions for protecting residents at risk of displacement in Charlotte.

The commission grew out of concerns about unintended consequences from a new comprehensive plan creating significant development and economic growth opportunities, particularly for low-income residents facing rising rents and economic stress, and especially given the city's history of investor purchases of apartment communities.

In early 2023, the NEST Commission developed an Anti-Displacement Strategy with extensive engagement from community stakeholders and support from Habitat of the Charlotte Region. Adopted by the city in June, the strategy includes four goals: support residents, strengthen communities, foster inclusivity and empower businesses.

To advance the new strategy, the commission presented initial programmatic recommendations in fall 2023, and the City Council voted to allocate \$5.9 million to the program from the Coronavirus State and Local Fiscal Recovery Fund.

Policy recommendations

The initiatives include:

- Creating homeownership opportunities for low- to moderate-income residents through expansion of the Acquisition, Rehab and Resale Program and boosting the new House Charlotte Plus Program, which provides supplemental down payment assistance in targeted, gentrifying corridors.
- Establishing an accessory dwelling unit program to provide affordable rental units and create income streams for low-income homeowners.
- Providing housing rehabilitation services and tenant supports to small landlords to create safe, affordable, deed-restricted rental units in rapidly changing neighborhoods.
- Increasing access to services that promote resident stability and economic mobility through resource and referral services and community partnerships.
- Reducing barriers to programs and information through targeted outreach and communications.
- Establishing a pilot program to increase capacity for innovative shared ownership models.

Implementation

- The commission will deliver additional recommendations throughout its three-year term (until 2025).
- The funding allocated by the City Council for recommended initiatives must be spent by Dec. 31, 2026.
- The commission plans to propose a dedicated funding source to support ongoing anti-displacement efforts.
- The city also established a dashboard to monitor the risk of displacement in Charlotte neighborhoods.

Key considerations for success

- Take a comprehensive approach.
- Empower anti-displacement strategies with funding, as soon as possible.
- Assemble a diverse group of citizens to work together with the city's staff to develop anti-displacement recommendations. This was important for safeguarding the needs of Charlotte's existing residents.

Resources and additional information

- [NEST Commission Programmatic and Investment Recommendations \(PDF download\)](#)
- [Charlotte's Displacement Risk Dashboard](#)
- [2040 Plan Implementation Strategy: Anti-Displacement Tools and Strategies](#)
- [Charlotte 2040 Comprehensive Plan](#)
- [Neighborhood Equity and Stabilization \(NEST\) Commission](#)

Contact

Rebecca Hefner, Deputy Director, Housing & Neighborhood Services, City of Charlotte

Email: rhefner@charlottenc.gov

Texas Anti-Displacement Toolkit

A Guide to Help Texas Communities
Combat Residential Displacement
in Gentrifying Neighborhoods

2019 EDITION

Heather K. Way,
Clinical Professor
The University of Texas
School of Law



Part of the Uprooted Project at The University of Texas at Austin:
<https://sites.utexas.edu/gentrificationproject>

Texas Anti-Displacement Toolkit: A Guide to Help Texas Communities Combat Residential Displacement in Gentrifying Neighborhoods

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For electronic access to the report and additional information related to gentrification and displacement in Texas, visit <https://sites.utexas.edu/gentrificationproject>.

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Disclaimer

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Acknowledgments

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We welcome your suggestions and comments for improving the toolkit. For electronic access to the toolkit and additional resources and information related to gentrification and displacement, visit <https://sites.utexas.edu/gentrificationproject>.

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Introduction

Gentrification is rapidly reshaping many cities across the United States, including Texas, displacing vulnerable residents and changing the cultural character of communities. This toolkit was created to help local elected officials, neighborhood leaders, and community organizations in Texas understand the policy tools available locally to combat this displacement.

What is Gentrification?

Gentrification is a process of neighborhood change where higher-income and higher-educated residents move into a historically marginalized neighborhood, housing costs rise, and the neighborhood is physically transformed through new higher-end construction and building upgrades, resulting in the displacement of vulnerable residents and changes to the neighborhood's cultural character.

A core driver of gentrification in the U.S. has been the strong and growing demand for central city living by more affluent households, which in turn drives up housing prices in central city neighborhoods. This broad-scale demographic shift is actively underway in many Texas cities, including Houston, Austin, and Dallas. City planning, economic development initiatives, and tax incentives fostering redevelopment in central neighborhoods are considered to be additional factors influencing gentrification.

Neighborhoods impacted by gentrification have been shaped historically by decades of discriminatory public policies and private real estate practices that undermined property values, facilitated substandard living conditions, and generated racially segregated housing patterns. These neighborhoods' lower property values, location in the urban core near good jobs and transit, and historical and cultural character are all factors that are making them more attractive to newcomers and susceptible to redevelopment.

Understanding Displacement

There are several types of displacement that can occur in gentrifying neighborhoods:

Direct displacement occurs when residents can no longer afford to remain in their homes due to rising housing costs. Residents may also be forced out by lease non-renewals, evictions, eminent domain, or physical conditions that render homes uninhabitable as investors await redevelopment opportunities. While displacement occurs routinely in low-income neighborhoods, when it occurs in the context of new development and an influx of wealthier residents, the displacement becomes a characteristic of gentrification.

Indirect displacement refers to changes in who is moving into a neighborhood as low-income residents move out. In a gentrifying neighborhood, when homes are vacated by low-income residents, other low-income residents cannot afford to move in because rents and sales prices have increased. This is also called **exclusionary displacement**. Low-income residents can also be excluded as a result of discriminatory policies (for example, a ban on tenants with housing vouchers) or changes in land use or zoning that foster a change in the character of residential development, such as eliminating units for households without children.

Cultural displacement occurs as the scale of residential change advances. Shops and services shift to focus on new residents, the character of the neighborhood is transformed, and the remaining residents may feel a sense of dislocation despite remaining in the neighborhood.

When understood as a process rooted in the uneven treatment of particular neighborhoods and racial and ethnic groups, addressing gentrification-induced displacement requires attention to former residents who have already been displaced, current residents, and future residents. Some cities have created "right of return"

or preference policies that focus on former residents or those at risk of being displaced. At the same time, it is important to ensure that in the future other low-income persons and persons of color will also be able to access the opportunities in gentrifying neighborhoods and that the scale of change does not erase key aspects of neighborhoods that allow both current and future residents to feel at home.

Who Is Impacted by Gentrification and Displacement?

Census Tract 3123, Part of
Houston's Third Ward

2000 to 2017 change



White Population

3% to 10%

African American
Population

81% to 63%

Hispanic or Latino
Population

12% to 22%



People 25+ with
Bachelor's Degree

5% to 30%



Median Home Value

\$61K to \$240K

292% Increase

Compared to **58% Increase**
in **Houston MSA**



Median Gross Rent

\$491 to \$692

41% Increase

Compared to **26% Increase**
in **Houston MSA**



Median Family Income

\$26K to \$34K

30% Increase

Compared to **3% Decrease**
in **Houston MSA**



Source: Texas Housers

Based on decennial census and ACS 5-year data. All Values in 2017 Inflation-Adjusted Dollars. "MSA" stands for Metropolitan Statistical Area and for Houston includes Harris, Fort Bend and Montgomery counties, along with five others.

As communities seek to craft tools for reducing displacement in gentrifying neighborhoods, it's important to first identify which neighborhoods in the city are already gentrifying or are susceptible to gentrifying, as well as the groups of residents in those neighborhoods who are most vulnerable to displacement in the face of rising housing costs. Cities can then more effectively tailor their tools to address the needs of those neighborhoods and residents. For example, many tools to address gentrification are more effective in neighborhoods in the earlier stages of gentrifying, while other tools are more viable in the later stages. And some tools are more effective in addressing the displacement of renters, while others are more effective in addressing the displacement of homeowners.

When cities create economic development projects and implement major public infrastructure projects, understanding a neighborhood's vulnerability to displacement also helps a city recognize when to incorporate displacement mitigation strategies up front into those projects, rather than waiting until later. Once gentrification picks up steam, reducing displacement becomes much more difficult.

Of 200 Austin neighborhoods . . .

Susceptible Near high value/high appreciation areas. Not yet experiencing demographic change.

Early Type 1

Experiencing appreciation, still with low/moderate home values.

Dynamic

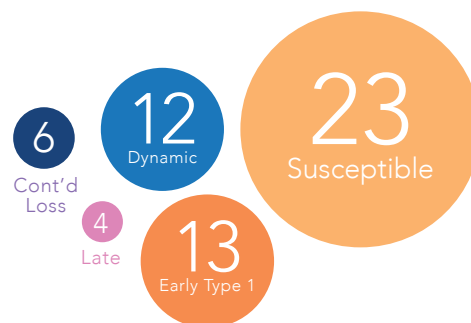
Exhibit demographic change indicative of gentrification.

Late

Newly high value areas, still with vulnerable populations

Continued Loss

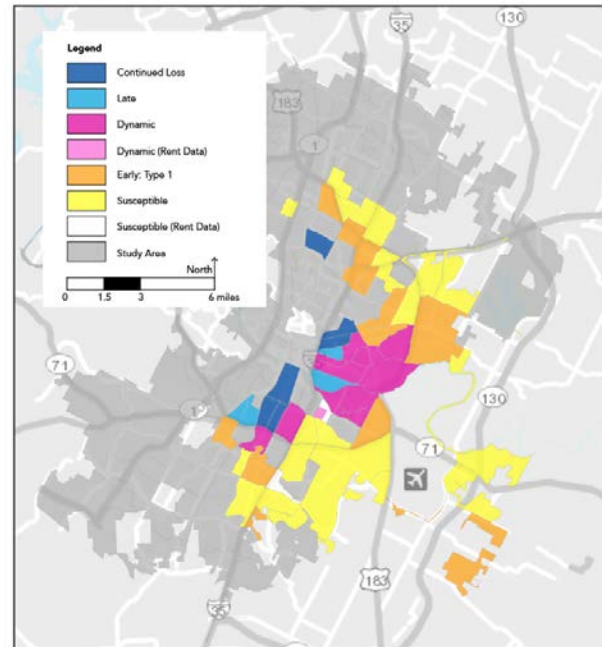
High value areas that have experienced demographic change



A number of methodologies are available for analyzing which neighborhoods are gentrifying and the level of gentrification occurring, as well as which neighborhoods are at the greatest risk of gentrifying. The analysis for the [City of Austin](https://sites.utexas.edu/gentrificationproject/) by faculty from The University of Texas at Austin (<https://sites.utexas.edu/gentrificationproject/>) built upon a methodology developed by Professor Lisa Bates at Portland State University. The [City of Denver's](#) gentrification analysis also built off of Professor Bates' methodology. The gentrification analysis for the [cities of Minneapolis and St. Paul](#) combined three different methodologies, including Bates' methodology. The [Urban Displacement Center](#) has also developed a useful methodology that has been used in many cities.

As for identifying groups of residents who are most vulnerable to displacement in gentrifying neighborhoods, there are five primary indicators of vulnerability. Renters, low-income households, persons of color, households headed by a resident without a college degree, and families with children in poverty are, overall, more vulnerable to displacement from rising housing costs than other groups of residents.

Neighborhood Typology (2016)
Austin, Texas



Source: *Uprooted: Residential Displacement in Austin Neighborhoods and What Can Be Done About It*

Who is most vulnerable to displacement?



Persons of Color



People 25 and older without a Bachelor's Degree



Renters



People making at or below 80% Median Family Income



Households with children in poverty

Renters, for example, are more vulnerable to displacement than homeowners in gentrifying neighborhoods because of landlords' ability to raise rents, convert their units to condominiums, and replace older apartments for more profitable land uses. African-American and Hispanic residents are more likely to be impacted by multiple vulnerability indicators. For example, African-American residents are more likely to live in poverty and be renters than white residents and Hispanics are more likely to be renters and have lower levels of education.

Toolkit Overview

-
- Part 1** provides an overview of **seven key lessons learned from gentrifying neighborhoods** across the country, in areas where city and neighborhood leaders have been working for years to combat the displacement of vulnerable residents. These lessons provide important considerations for Texas cities and community leaders to take into account as they seek to address displacement in their communities.
-
- Part 2** provides a **framework for understanding and weighing the merits of different policy tools** used to address displacement in gentrifying neighborhoods. The criteria discussed here are meant to help policymakers consider which tools best further the city's goals and best match the needs of particular vulnerable populations at different stages of neighborhood change. The criteria also allow policymakers to weigh the effectiveness and impact of specific tools and consider which ones the city has the resources to implement or capacity to develop. To illustrate how these criteria can be used to generate more nuanced evaluations of tools and strategies in particular contexts, they are applied to the ten policy tools discussed in Part 3.
-
- Part 3** features **ten recommendations of policy tools available to Texas cities** for addressing displacement in gentrifying neighborhoods, taken from the more comprehensive list of tools in Part 6. The tools selected provide a range of approaches, including high-impact but difficult to implement tools, as well as "low hanging fruit" tools that are fairly easy for a city to implement but not as wide-ranging in their impact. This section includes a brief discussion of each tool along with a list of key action steps to get started with the tool. This section also applies the analytical framework presented in Part 2 for assessing each tool.
-
- Part 4** presents an overview of the most **important revenue sources available to Texas cities** for funding programs that address the displacement of vulnerable residents. The overview includes examples of Texas cities utilizing each particular revenue source.
-
- Part 5** presents a list of **important displacement-mitigation tools** used in other parts of the country that are **illegal in Texas**, as a result of a state legislative or constitutional ban. Absent legal reforms, these tools are off limits to Texas cities.
-
- Part 6** presents an overview of more than **50 diverse local tools available in Texas** for combating the displacement of vulnerable residents in gentrifying neighborhoods. The tools are organized under six goals, which provides a reference point for understanding how certain strategies and tools further specific displacement mitigation goals while not furthering others. Each tool includes a short description along with any special considerations and examples of where the tool has been implemented. Only tools that can be legally adopted in Texas are included here.
-
- Part 7** provides an overview of **three case studies** of historically vulnerable neighborhoods—both inside and outside of Texas—where local efforts have focused on mitigating displacement in the face of rising housing costs and redevelopment pressures. The case studies demonstrate how a variety of strategies and policies can be used successfully to mitigate the displacement of vulnerable populations in gentrifying communities and offer both hope and concrete lessons to advocates in other communities. The complete case studies are available at <https://sites.utexas.edu/gentrificationproject/>.
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Part 1: Lessons from Gentrifying Neighborhoods

The following lessons are drawn from the case studies of gentrifying neighborhoods in Part 7, as well as research of efforts from other parts of the country to mitigate displacement in gentrifying neighborhoods.

1. Put community voices at the center. Ensure vulnerable residents have a meaningful role in identifying needs, prioritizing the use of resources, implementing strategies, and monitoring progress.

Community voices should be incorporated throughout the development and implementation of displacement mitigation plans and strategies to ensure they are aligned with community needs. Effective community engagement requires strong city efforts to reduce barriers to participation and reach out to directly impacted residents. Active, ongoing community oversight of a city's displacement mitigation programs brings critical transparency and accountability to the process.

Investing in capacity building of tenants and other vulnerable groups is critical to ensuring that their participation is meaningful and robust. Capacity building is also important to the implementation of many important displacement mitigation strategies, such as resident purchases of mobile home parks and apartment complexes and the creation of community development corporations.

2. Intervene early to acquire permanent control of land. Acquire as much land as possible for permanent use as affordable housing, through mechanisms such as community land trusts, long-term affordability restrictions, and nonprofit and public ownership of land.

As gentrification picks up steam in a neighborhood, it becomes much more difficult to feasibly acquire properties for the preservation and construction of affordable housing. For neighborhoods that are susceptible to gentrification or in the very early stages of gentrifying, it can be hard to envision the rapid rise in property values that will come in later stages of gentrification. But buying land and housing in this early period gives cities, community development organizations, and residents more capacity to mitigate displacement when change does come.

Taking land out of the speculative real estate market protects precious public investments in affordable housing and ensures opportunities for future generations of low-income residents to live in a gentrifying neighborhood. Long-term stewardship of affordable housing investments is best achieved through community and public ownership of affordable housing developments and the land underneath the homes, but long-term deed restrictions also help insure that land remains available for affordable housing for generations.

3. Dedicate substantial levels of city funding to anti-displacement efforts. Secure long-term, dedicated funding streams rather than relying on a city's general fund.

The implementation of displacement mitigation strategies at a scale large enough to have a systemic impact requires levels of financial commitment equivalent to or greater than city investments in transportation and other important civic endeavors. Producing and preserving affordable housing at scale, like widening freeways or building regional parks, is an undertaking whose costs are often startling to people. For instance, in the absence of oversubscribed federal subsidies, city contributions in the range of \$150,000 to \$300,000 or more are typically required for each new affordable housing unit built in a gentrifying neighborhood for low-income

families, with the exact amount depending on the local housing market, a neighborhood's stage of gentrification, the income levels of families served, and the type of housing product. Programs that serve the most vulnerable residents of a community require the greatest levels of investment.

4. Anticipate and include strategies for addressing displacement in public revitalization initiatives and major infrastructure projects. In some neighborhoods, the shift from the need for revitalization to the need for anti-displacement measures can occur quickly.

When a city institutes revitalization programs or otherwise makes significant investments in a community, such as new transit infrastructure or incentives for higher-end housing, it should anticipate displacement and incorporate affordable preservation and other displacement mitigation strategies into those plans up front, rather than reacting to this need later on when it may be too late and too expensive to respond.

5. Match anti-displacement strategies to neighborhood conditions and needs. Strategies to combat displacement should be grounded in community planning efforts with measurable goals and timelines for implementation.

Cities should develop a clear understanding of which neighborhoods are impacted by gentrification, the levels of gentrification and displacement occurring, and who is being impacted. Having a community-driven, neighborhood-level plan that includes specific goals and timelines, along with a community oversight mechanism, allows for greater accountability and oversight over a city's progress towards addressing displacement.

6. Commit for the long haul with a diverse set of tools. Develop realistic expectations of what constitutes success and the time to achieve displacement-mitigation goals.

Even with large-scale, concentrated investments to mitigate residential displacement in a gentrifying neighborhood, it is next to impossible to entirely eliminate displacement in the face of market pressures. But even though residential displacement that arises as a consequence of gentrification cannot be entirely eliminated, displacement can be meaningfully mitigated with a multipronged, sustained effort pursued over many years by local stakeholders, as shown in many communities across the United States. Progress on mitigating displacement of vulnerable populations requires long-term, ongoing support and engagement from elected officials, civic leaders, and residents, including those from impacted communities.

Reducing displacement also requires a willingness to mix and match a variety of strategies and to proceed simultaneously on a variety of fronts. Voters and elected officials have to be willing to support new and unfamiliar approaches, as well as to drastically scale up those tools that are already achieving results.

7. Create local capacity for preserving affordable housing and identifying the biggest preservation risks.

A coordinated network of high capacity preservation groups, strong community development organizations, city staff, and other stakeholders is essential to preserving existing affordable housing and combatting displacement in gentrifying neighborhoods. A network is needed to identify preservation risks, as well as coordinate and implement responses. A critical strategy for identifying preservation priorities is creating and actively updating a database of at-risk properties that incorporates detailed information about multifamily developments' expiring subsidies, building conditions, and other indicators of vulnerability.

Part 2: Framework for Evaluating Anti-Displacement Policies

In order to understand the ways that particular policy tools can be used to address the needs of vulnerable groups impacted by displacement in gentrifying neighborhoods, it is helpful to consider their relative strengths and weaknesses. The following set of criteria from the Uprooted Report for the City of Austin and developed by Professors Elizabeth Mueller, Jake Wegmann, and Heather Way can be used to help guide this analysis. To illustrate how these criteria work in practice, they are applied to a short list of specific tools for mitigating displacement.

It is important to keep in mind that no tool will score well on all measures. The criteria are meant to help policymakers consider which tools best further the city's goals and best match the needs of particular places and groups. The criteria also allow policymakers to weigh the effectiveness and impact of specific tools and consider which ones the city has the resources to implement or capacity to develop.

The first two criteria focus on the dimension of need that is addressed by a particular tool. The next three criteria are normative, meaning they are linked to value-based goals that a city or community may have adopted or wish to adopt. A city may have additional goals it wants to add here. The final two criteria focus on considerations important to the successful implementation of each tool. Together, the application of these criteria to the possible displacement mitigation tools will give city policymakers a great deal of information to consider and help inform discussion of which tools a city should adopt.

Vulnerable populations targeted. This criterion considers which vulnerable groups a particular tool is likely to assist the most. We focus here on groups that are known to be most vulnerable to displacement as housing costs rise, that have the fewest housing options once displaced, and that can be easily targeted by particular programs. When it comes to incomes of populations targeted, we recommend breaking this analysis down even further to identify whether a policy targets households with very low incomes (such as at 30 to 50 percent of the Area Median Family Income) or a higher range, such as 60 to 80 percent of the Area Median Family Income.

Stage of gentrification targeted. The second criterion considers at which stage of gentrification a particular tool will be the most effective. Since conditions and challenges vary according to the amount of displacement pressures in a neighborhood, it is important to be aware of which tools are most easily implemented at various stages. Of course, most tools will be easier to implement when neighborhoods are in the earliest stages of change.

Place-based. Place-based tools are targeted for specific gentrifying neighborhoods, rather than being implemented citywide. Some tools may focus on particular vulnerable groups without linking them to particular gentrifying neighborhoods.

Sustainability. Displacement has two time dimensions that are important to consider. First, displacement refers to the loss of existing vulnerable groups of residents. Second, displacement pressures impact the ability of persons from similar demographic groups to return or move into the neighborhood. Some policies are well matched to the needs of current residents but may not extend to future residents, while other policies address both current and future residents' needs. This criterion also speaks to the longevity of city investments: Will a displacement mitigation investment remain when the current residents move? How long will the city's investment in the affordability of a unit last?

Inclusivity. Displacement-mitigation tools vary in terms of the involvement of vulnerable residents in their design, implementation, and oversight. To ensure that tools are designed to address the concerns of these residents, it is important to consider to what extent such involvement is a feature of each tool.

Financial resources required. While it is not possible to precisely detail the likely costs of particular tools, our goal here is to give a sense of which are the most or least costly. We attempt to do this by considering the amount of funding required for initial implementation or investment and the ongoing cost to the city beyond start up. Initial costs might range from those associated with passage of an ordinance to allocation of funds for construction of housing. On-going costs might include funding for staff at agencies charged with implementation.

Capacity required. A key feature of a tool's successful implementation is the ability of city staff, local nonprofits, and community organizations to carry out the roles envisioned for them by each tool. We attempt to consider here whether the required capacities currently exist, whether there are key gaps that would require attention, and the extent to which any existing deficiencies in capacity could be easily addressed.

Criteria for Assessing and Comparing Anti-Displacement Policy Tools

CRITERIA	RATIONALE	OPERATIONALIZATION
Dimensions of need addressed		
Vulnerable populations targeted. <i>Which group does this tool assist the most?</i>	Certain populations are especially vulnerable to displacement and likely to face difficulties finding housing they can afford once displaced.	Vulnerable groups targeted: Includes low-income renters, low-income homeowners, people/communities of color, low-income families with children, low-income seniors
Stage of gentrification targeted. <i>At what stage is this tool most effective?</i>	Since conditions and challenges vary greatly according to the development pressure a neighborhood is experiencing, it is important to match policy tools to these conditions.	<p>Early-stage: For neighborhoods susceptible to gentrification or in the earlier stages of gentrifying</p> <p>Mid-stage: For neighborhoods with both significant demographic changes and housing appreciation but low or moderate residential values</p> <p>Late-stage: For neighborhoods in the later stages of gentrifying with high residential values</p>

CRITERIA	RATIONALE	OPERATIONALIZATION
Normative dimensions		
Place-based. <i>Does this policy tool focus on specific gentrifying neighborhoods?</i>	To address change that is affecting entire vulnerable neighborhoods will require an intentional focus on those areas.	Yes: Designed to serve vulnerable residents of one or more gentrifying neighborhoods No: Not targeted to specific gentrifying neighborhoods
Sustainability. <i>How long will the effects of this policy tool last?</i>	To preserve cultural communities and ensure ongoing income and racial diversity in vulnerable neighborhoods, it is important to consider whether the proposed tools will have effects beyond those served initially and for how long.	Good: Creates an ongoing (40+ years) stock of housing for current and future residents from vulnerable groups Fair: Creates housing for current and future residents for < 40 years Poor: No plans for future residents
Inclusivity. <i>How will the voices of vulnerable residents be represented?</i>	To ensure that policy tools incorporate features that best serve vulnerable residents, it is important that residents have a meaningful voice in the design, governance, and ongoing monitoring of the tool.	Good: Includes an active role for vulnerable residents in the design, governance, and ongoing implementation of the tool Fair: Includes some roles for vulnerable residents Poor: No role for vulnerable residents
Implementation dimensions		
Financial resources required. <i>What level of funding or foregone revenue will be required?</i>	Successful implementation and the ability to achieve the desired scale of impact will depend on the availability of financial resources from city tax dollars or other funds and resources.	Low: Minimal start-up and operational costs to the city Medium: Moderate start-up and operational costs to the city High: Either high start-up costs, high operational costs, or both
Current capacity. <i>How well do city and nonprofit staff and community roles match current capacity?</i>	Successful implementation of policy tools requires that city and nonprofit staff and community members are able to carry out the roles envisioned for them.	Good: Staff and community capacity currently exist to perform the envisioned roles Fair: Moderate levels of capacity exist but additional capacity building required Poor: Skills currently lacking or capacity very limited

Source: *Uprooted: Residential Displacement in Austin Neighborhoods and What Can Be Done About It*

Examples of Applying the Assessment

Policy	Vulnerable populations targeted	Stage of gentrification targeted	Place-based	Sustainability	Inclusivity	Financial resources required	Current capacity
Local Housing Voucher Programs	Current low-income renter households	Middle to late	No	Poor to fair	Poor to fair	Medium to high	Fair
Homestead Preservation Center	Current low-income homeowners, including seniors and persons of color	All	Yes	Poor	Good	Medium	Good
Affordable Housing Preservation Network and Database	Current and future low-income renters of apartments	Early and mid-stage	No	Good	Good	Low to medium	Fair
Affordable Housing Strike Funds	Current and future low-to-moderate-income renters	Early and mid-stage	No	Good	Poor to fair	Medium to high	Poor to fair
Community Capacity Building	Low-income residents in vulnerable neighborhoods	Early and mid-stage	Yes	Poor	Good	Medium	Poor to Fair
Adding Internal Accessory Dwelling Units to Existing Homes	Current homeowners, including seniors and persons with disabilities	All	No	Fair to good	Poor to fair	Low	Good
Community Land Trusts	Current and future low-income renters and homeowners	Early to middle	Yes	Good	Good	High	Fair
Tenant Relocation Ordinance	Current low-income renters and mobile home park residents	All	No	Poor	Fair	Low to medium	Fair
City and Tenant Right to Purchase Program	Current and future low-income renters and mobile home park residents	Early and mid-stage	No	Good	Good	Medium to high	Fair
Community Preference Policy	Current displaced residents who are low-income and have ties to a targeted neighborhood	Early to late-stage	Yes	Poor	Fair to good	Low	Good

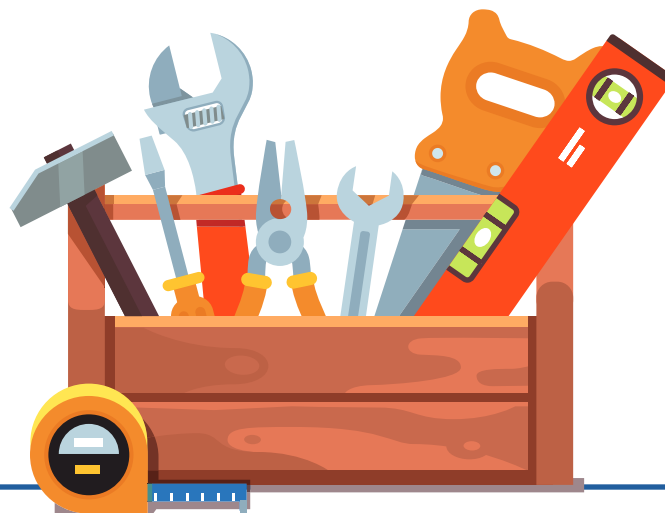
Part 3: Featured Tools for Combatting Residential Displacement

Introduction

This section features eight policy tools that Texas cities could adopt today to address displacement in gentrifying neighborhoods. These tools are taken from the more comprehensive list of tools in Part 6. The tools recommended here provide a diverse range of approaches for tackling residential displacement. Some of the tools assist primarily vulnerable homeowners, while others are targeted towards vulnerable renters. The tools include high-impact but more difficult to implement approaches, as well as “low hanging fruit” tools that are fairly easy to implement but may not be as wide-ranging in their impact. An overview of each tool is followed by a list of key action steps to get started with the tool, and then an application of the policy assessment framework presented in Part 2.

Featured Tools

- 1 Affordable housing preservation network and database
- 2 City and tenant right-to-purchase preservation program
- 3 Community land trusts
- 4 Homestead preservation center
- 5 Affordable housing strike fund
- 6 Tenant relocation assistance ordinance
- 7 Mobile home park zoning
- 8 Community preference policy



✂ Affordable Housing Preservation Network and Database

Highlights:

- Involves creating and maintaining an in-depth database to track affordable rental properties and mobile home parks at risk of redevelopment as well as operating a network that focuses on the preservation of these properties
- Helps a city identify at-risk properties, prioritize investment of precious preservation resources, and lead proactive interventions to save affordable apartments and mobile home parks

Action Steps to Get Started:

- 1 Hire staff or fund a nonprofit organization to create a database of affordable rental properties in gentrifying neighborhoods with expiring rent restrictions or other factors that make them vulnerable for redevelopment.
- 2 Recruit local affordable housing providers, city officials, tenant organizations, and other preservation stakeholders to discuss preservation opportunities and convene regular meetings.

The Problem

Texas cities include many privately-owned subsidized rental housing properties that are at risk of converting to market rates or undergoing redevelopment as a result of gentrification pressures. The largest affordable rental housing program in Texas is the federal Low Income Housing Tax Credit (LIHTC) program, which is responsible for close to 260,000 affordable rental units in Texas and is seeing a wave of units exiting the program. The state has already lost 4,000 units and, without intervention, thousands more will disappear from our cities' housing supply over the next several years.

Another group of highly vulnerable rental properties in gentrifying neighborhoods are mobile home parks. Texas has recently lost a number of mobile homes due to gentrification pressures, and many more are likely to be lost without intervention.

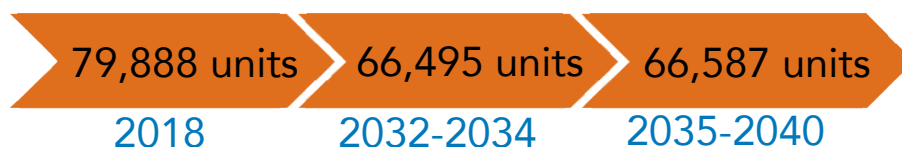
**Long-term tenants
displaced in trend to
build high-end**

Houston Chronicle, Sept. 26, 2013

**Mobile Home Park
Residents to be Forced Out
for New Redevelopment**

Texas Public Radio, May 16, 2014

Low Income Housing Tax Credit Properties Eligible to Exit the Program in Texas, by Year



The Tools

Two essential and related tools for preserving affordable rental properties and mobile home parks are preservation databases and networks. Texas cities can play a key role in preservation efforts by operating the database or funding another organization to do so, and by dedicating city staff to run the preservation network or help support its operations.

Preservation Database

A preservation strategy must start with good data. Creating and maintaining a preservation database allows local stakeholders to know which affordable properties are most at risk of converting to market-rate rents or under-going redevelopment and which properties make the best candidates for preservation.

Preservation databases rely on a range of sources to incorporate detailed information about properties' expiring subsidies, building condition, and other indicators of vulnerability, including insights from stakeholders working on the ground, such as members of the preservation network discussed below. As the National Housing Preservation Network has noted, "Without sufficient data to understand which properties are most at risk, it's impossible to target resources effectively or be prepared to act when a property is threatened."

Some [existing resources](#) provide a good baseline for identifying affordable properties with expiring subsidies, but a deeper dive is needed to understand a properties' vulnerability. For example, understanding when and whether a LIHTC property will exit the program requires examining the property's Land Use Restriction Agreement with the state for terms such as rights of first refusal or longer affordability commitments and identifying whether the property is eligible to exit early through the qualified contract process. Understanding the displacement pressures of the neighborhood where the property is located is also important.

Preservation Network

Preservation networks bring key stakeholders together on a regular basis to monitor the database of at-risk multifamily properties and mobile home parks, engage with property owners early on (i.e., before the property is exiting an affordable housing program or sold for redevelopment), and collaborate on proactive preservation strategies.

“Without sufficient data to understand which properties are most at risk, it’s impossible to target resources effectively or be prepared to act when a property is threatened.”

2 Key Components of an Effective Preservation Strategy

- 1 Data collection and analysis
- 2 Stakeholder network leading proactive interventions

The DC Model

One highly successful model for a preservation database and network is the DC Preservation Network, which monitors D.C.'s inventory of at-risk affordable multifamily properties via a set of local databases: the [DC Preservation Catalog](#) and the [Housing Insights](#) database. The Network tracks not only properties with expiring subsidies but also those in disrepair and in need of rehabilitation.

The focal point of the D.C. Preservation Network is holding regular meetings where participants discuss the at-risk housing inventory and develop strategies for preserving the highest priority properties. The databases focus conversations productively around properties at the most immediate risk of losing affordable units. The Network has been most successful in coordinating the preservation of privately-owned subsidized affordable housing. The District of Columbia recently created a special [affordable housing preservation unit](#) led by an affordable housing preservation officer to maintain the District's preservation database and lead its affordable housing preservation work.

Examples:

Washington, D.C. ([DC Preservation Catalog](#), [Housing Insights database](#), and DC Preservation Network), Colorado ([Housing Preservation Network](#)); Massachusetts ([Community Economic Development Assistance Corporation](#)–Interagency Working Group and Preservation Advisory Committee); Portland, Oregon ([Preserve Oregon Housing](#)); Chicago/Cooke County, IL ([Preservation Compact](#)).

Resources:

- [The Low-Income Housing Tax Credit Program in Texas: Opportunities for State and Local Preservation Strategies](#) (Lauren Loney and Heather Way, The University of Texas School of Law)
- [The Preservation Compact](#)
- [National Housing Trust](#)

Assessment

Vulnerable Populations Targeted	Current and future low-income renters in apartments and mobile home parks.
Stage of Neighborhood Change	Preservation interventions are most successful in early-stage and mid-stage gentrifying neighborhoods, where preservation costs are less and landlords are typically more responsive to incentives to preserve affordable rents.
Place-Based	No. Preservation networks typically track at-risk properties across the city, region, or state, although interventions can be targeted to particular neighborhoods.
Sustainability	Good. Focused on preserving a long-term stock of safe and affordable housing for current and future vulnerable residents
Inclusivity	Good. Preservation networks often include tenant organizations as members.
Financial Resources	Low to Medium. Requires moderate ongoing financial support for a staff person to coordinate the creation and maintenance of the database and regularly convene the preservation network
Current Capacity	Depends on city. This particular tool requires part-time staffing capacity to create and monitor the database and regularly convene the preservation network. The work could be led by the city or outsourced to a nonprofit partner.



City and Tenant Right-to-Purchase Preservation Program

Highlights:

- Provides tenants and cities with the right to purchase government-assisted multifamily rental properties and mobile home parks when the owner decides to sell the property or exit the affordable housing program
- Powerful tool for minimizing tenant displacement and creating rare low-income homeownership opportunities in gentrifying neighborhoods

Action Steps to Get Started:

- ① Adopt city and tenant right-to-purchase and notice ordinance.
- ② Secure funding to support tenant organizing and capacity building for tenant associations and nonprofit preservation organizations or partner with national or local organizations that already have that capacity.
- ③ Secure funding to help fund the acquisition and rehab of at-risk multifamily buildings and mobile home parks (see the Affordable Housing Strike Fund tool for one successful approach).

Overview

Right-to-purchase ordinances provide cities, tenants, or both with advanced notice and rights to purchase a multifamily rental property when the owner decides to sell the property, exit the affordable housing program, or convert the rents to market rate. These purchase rights can extend to: (1) all government-assisted apartments with city funding or requiring city approval to be funded (such as 4% LIHTC/tax-exempt bond projects in Texas); (2) all government-assisted apartments, regardless of the source of funding; or (3) all apartments, regardless of whether the property has received government subsidies.

Some purchase rights are structured as purchase options, which give the city or tenant association the option of purchasing an affordable apartment complex at the property's appraised value upon certain triggering events, such as when the owner is seeking to exit the federal Low Income Housing Tax Credit program. Other rights are structured as rights of first refusal, which are triggered when the owner chooses to sell the property, and which allow the city or tenants to match the price offered by the third-party purchaser. Right-to-purchase laws typically give the city and tenants the right to assign their rights to a nonprofit preservation organization.

Denver's Right-to-Purchase Ordinance

As an example, the City of Denver's ordinance, adopted in 2015, applies to all government-assisted multifamily rental properties, regardless of the source of public funding, such as Project-Based Section 8 and Low Income Housing Tax Credit properties. For federally-subsidized properties, the ordinance requires owners to provide (1) one year's advanced notice to the city and each tenant of the owner's intent to opt out of the affordable housing program, and (2) 90 days' advanced notice of the owner's intent to sell the property. The notice requirement for city-funded properties is 90 days. If the owner enters into a purchase and sale agreement, the owner must provide a right of first refusal to the city or its designee to purchase the property. The city has 120 days to decide whether to exercise the ROFR and then another 120 days to close on the purchase.

The Washington, D.C. Model

Washington, D.C., operates the most robust and successful right-to-purchase program in the country, through the District's Tenant Opportunity to Purchase Act (TOPA) and District Opportunity to Purchase Act (DOPA). TOPA gives tenants or their designee the priority opportunity to purchase a building when a landlord plans to put it on

the market, while DOPA gives the city the right to purchase the property if the tenants do not exercise their right. TOPA and DOPA have been two of the District’s most powerful tools for preserving affordable multifamily housing in a hot real estate market.

When tenants in D.C. exercise their purchase right, they can transfer their right to a third party, such as a nonprofit housing organization, or purchase their building and retain ownership. For low-income tenants, ownership is typically structured through the creation of a limited equity cooperative, where residents collectively own their building but with resale restrictions to preserve the long-term affordability of the units. The initial purchase price of a limited equity co-op unit is typically very low, and many of the limited equity co-ops in D.C. end up affordable to households making less than 50 percent of the area median income, with some purchase prices even affordable for households making less than 30 percent of the area median income.

Mobile Home Park Purchase Rights

Mobile home park purchase rights have likewise been successful around the country in preserving affordable housing. These ordinances provide mobile home park residents with a right of first refusal if the owner chooses to sell the park. As in the case of purchasing a multifamily building, the successful acquisition of a mobile home park by tenants requires funding for resident organizing and technical assistance. Fortunately, loan financing is already available through organizations like ROC USA, a national nonprofit social venture with a proven track record of financing resident ownership of mobile home communities. ROC USA has already financed at least one mobile home resident ownership project in Texas (Pasadena Trails). Around the country, there are many examples of successful resident acquisitions of mobile home parks that are providing a long-term source of stable affordable housing for low-income residents.

Keys to Successful Implementation

To be successful, a right-to-purchase ordinance for tenants needs to be paired with significant financial support for the acquisitions, technical assistance, and capacity building support. The preservation strike fund tool discussed in this toolkit can provide an important source of financing to assist with acquisition costs. Ideally a right-to-purchase ordinance would also be coupled with a preservation database and network (also discussed in the toolkit) to closely monitor opportunities for purchases. Close attention must be paid upfront in drafting the ordinance to address potential legal loopholes.

Examples:

Washington, D.C. ([District Opportunity to Purchase Act and Tenant Opportunity to Purchase Act](#), covers all multifamily rental properties); [Denver](#) (subsidized multifamily rental properties); [Massachusetts](#) (purchase option for subsidized multifamily properties); New York City (NYC Admin Code, [Section 26-802 to 806](#), subsidized multifamily rental properties); [Maryland](#) (subsidized multifamily rental properties). A number of [states](#) provide a right of first refusal for mobile home park sales, including New York State, Minnesota, and Florida.



Assessment

Vulnerable Populations Targeted	Current and future low-income renters.
Stage of Neighborhood Change	Early and mid-stage. A right-to-purchase ordinance works best in the earlier stages of gentrification when real estate values have not accelerated much.
Place-Based	No. Right-to-purchase ordinances apply city-wide, but the highest priority preservation opportunities are most likely to be located in gentrifying neighborhoods.
Sustainability	Good. Provides for long-term affordable rental and homeownership opportunities.
Inclusivity	Good. Right-to-purchase ordinances that prioritize tenant acquisitions or allow tenants to select a nonprofit preservation owner provide tenants with a central role in the ownership and governance of their housing.
Financial Resources	Medium to High. Depends on stage of gentrification and condition of the property. City support for predevelopment, acquisition, and rehab costs will help ensure success of the program. Funding for capacity building and technical assistance is critical to support tenant acquisitions. Local financial resources are less necessary for mobile home park acquisitions, especially in early-stage gentrifying neighborhoods, given the costs and national resources available to support mobile home preservation.
Current Capacity	Depends on city and scope of program. Preservation purchases are highly complex and require organizations with high capacity to assist with the acquisition transactions and operation of the acquired properties. National preservation organizations can help bridge local capacity barriers. Resident-owned properties require ongoing capacity building support.

Community Land Trusts (CLTs)

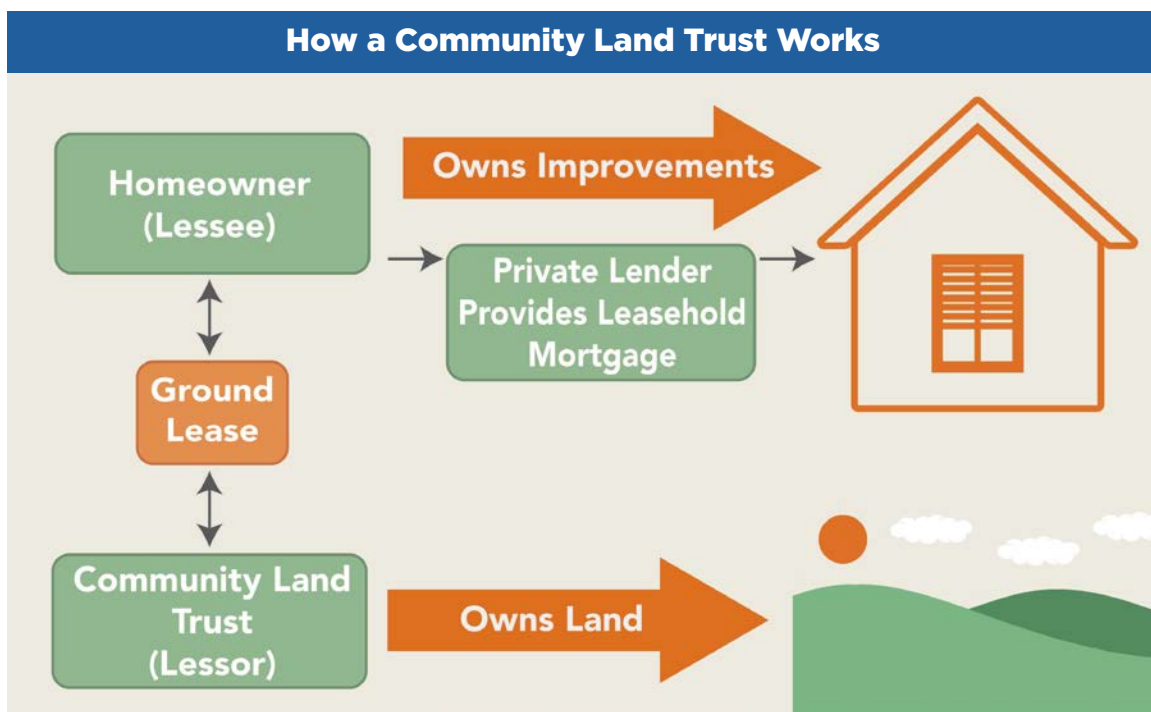
Highlights:

- CLTs provide opportunities for current and future generations of low-income residents to own homes in a gentrifying neighborhood, while giving communities long-term control over the land.
- CLTs can qualify for significant property tax savings in Texas.
- CLTs can be an unfamiliar concept to many residents; garnering community support for a CLT may require extensive education and community trust building.

Action Steps to Get Started:

- 1 Conduct extensive community education and outreach about the CLT model; engage community in the development of the CLT.
- 2 Designate or create an entity with capacity to operate a CLT.
- 3 Allocate subsidies to support land acquisition, construction of CLT homes, and initial operational costs.
- 4 Create a city ordinance adopting the CLT property tax exemption and designate one or more local CLTs under Chapter 373B of the Texas Local Government Code.

How a CLT Works



In a community land trust, a nonprofit organization maintains long-term ownership of land while using the land for a range of community benefits, such as selling and renting affordable homes on the land to low-income households and green space. Community land trusts typically incorporate residents into the governance of the CLT. A community land trust can be used with single-family housing as well as mixed-used and multifamily development, and with homeownership as well as rental housing.

For homeownership units, the CLT's land is typically leased for 99 years to an income-eligible family for an affordable price (\$25-\$50 a month is common) through a very detailed ground lease, which sets forth the policies and rules governing the use and sale of the property. An income-eligible family purchases the home sitting on the land at an affordable price with mortgage financing, typically from a bank.

When the family wishes to sell the home, the nonprofit CLT typically has a right of first refusal to purchase the home, and the resale price is restricted to ensure the home can be resold at an affordable price to another low-income buyer. CLT homeowners recoup what they paid for the home, while a fixed rate of appreciation caps the amount of appreciation they can receive if property values are rising. For rental CLT units, the nonprofit entity maintains ownership of the home and leases it to an income-eligible family for an affordable price.

After gentrification intensified in the Guadalupe neighborhood of East Austin, several affordable homes sold by Guadalupe Neighborhood Development Corporation (GNDC) resold at market prices far exceeding what a low-income family could afford. Today, GNDC's leaders regret that they did not utilize stronger affordability protections in those earlier home sales, and the organization now uses the community land trust model exclusively for its homeownership units.

Annual Property Tax Savings for CLT Homes in Austin (2017)



CLT Goals

1. CLTs provide a source of **permanently affordable homeownership and rental housing** for current and future generations of low-income families, even amidst rapidly rising land values. CLTs protect precious public investments in affordable housing by taking land out of the speculative real estate market. In Texas, through tax breaks available in Chapters 11.1827 and 23.21 of the Texas Tax Code, qualified CLTs and CLT homeowners are eligible for substantial property tax savings. For example, a CLT home and land worth \$300,000 in Austin results in annual tax savings of close to \$4,000.
2. Through long-term community control of land, the CLT structure gives communities the opportunity to **shape future redevelopment** in the neighborhood and **preserve the cultural legacy** of a community. For example, the Guadalupe Neighborhood Development Corporation's "four corners strategy" of acquiring as many lots as possible on each block corner of the Guadalupe Neighborhood in Austin has protected a large part of the neighborhood against further commercial encroachment from downtown.
3. CLTs support the **stability of homeowners and renters** participating in the CLT. A CLT serves as an active steward to help ensure families are able to hold onto their homes. The ground lease provides a mechanism for the CLT to guard against predatory loans on the home and ward against foreclosures. Many CLTs charge a minor monthly stewardship fee to help with long-term maintenance of the homes.

4. The unique CLT structure, by severing ownership of the land from the home, as well as the property tax savings that come with this model in Texas, enables communities to provide **more deeply affordable homes serving lower-income families** who would otherwise be unable to afford their own home. CLTs can also be structured to help low-income families in financial distress remain in their current homes. For example, the [City of Lakes CLT in Minnesota](#) is working to help current homeowners in financial crisis stay in their homes by transferring ownership of the land into the CLT in exchange for the family receiving assistance to rehab their home and pay off their tax debts.

A CLT should be created only if there is **clear community support** for this model. Extensive community engagement and securing the trust of the community is critical to a CLT's success. Community control of land can be an unfamiliar concept to many residents and often requires extensive education and community trust building to counter suspicions of a land grab. If these steps are not taken, a community may ultimately oppose efforts to create the CLT.

To be successful, CLTs also need **access to land**. Public land, such as surplus land and city land bank lots, can be an excellent resource in many cities to help CLTs get off the ground. CLTs may also need grant funding to help subsidize the construction of the houses as well as cover operational costs in the initial stages of the CLT's development.

Questions to Answer Before Forming a CLT

- Can an existing organization successfully take on the functions of a CLT– including long-term stewardship of CLT properties–or does a new organization need to be created?
- What types of partnerships are needed to ensure the success of the CLT, such as construction of the homes and assisting families with qualifying for mortgages?
- What roles will the CLT homeowners and renters as well as other community residents play in the creation and governance of the CLT? Traditionally, CLTs have included active roles for CLT residents.
- On what scale will the CLT operate? Historically, CLTs have been operated on a neighborhood scale to provide for long-term community control of land and permanent affordability, but several CLTs, such as the [City of Houston's new CLT](#), operate citywide.

Texas Examples

- Austin: The first CLT in Texas was created by the [Guadalupe Neighborhood Corporation](#) in 2012. Through its CLT, GNDC has successfully created a legacy of permanently affordable housing under long-term community control in a rapidly gentrifying area where market rate homes now sell for over \$750,000.
- Houston: The [Houston Community Land Trust](#) was created in 2018 by the City of Houston as an independent nonprofit corporation. The Houston CLT is utilizing Houston's land bank lots for construction of new homes for families at 80% AMI and below, with prices starting at \$75,000.



Photo courtesy Guadalupe Neighborhood Development Corporation

Other Examples:

There are more than 240 CLTs in 46 states, including North Carolina ([Community Home Trust](#), [Durham Community Land Trustees](#)); Chicago ([Chicago Community Land Trust](#)); and Albuquerque ([Sawmill Community Land Trust](#)).

Resources:

- [A Guide for Developing Community Land Trust Affordable Homeownership Programs in Texas](#) (Eliza Platts-Mills, Univ. of TX School of Law);
- [Grounded Solutions Network](#)

Assessment

Vulnerable Populations Targeted	Low-income homeowners and renters. CLTs serve a broad range of low-income residents, from families to seniors and persons with disabilities.
Stage of Neighborhood Change	Early and middle stage. CLTs are most effective in neighborhoods in the earlier stages of gentrification when land prices are still relatively low. Land acquisition becomes harder to achieve as neighborhoods gentrify and property values skyrocket.
Place-Based	Yes. Designed to serve vulnerable residents and future residents in specific gentrifying neighborhoods, although a CLT can also be operated citywide.
Sustainability	Good. The CLT is one of strongest tools available for preserving affordability in perpetuity for future generations of low-income homeowners and renters.
Inclusivity	Good. Residents can play an active role in the implementation and governance of CLTs.
Financial Resources	High. CLTs need resources to acquire land for the CLT homes, such as grant funds or access to public land or city land banking lots. CLTs also need grant funding to subsidize the construction of houses as well as cover operational costs in the initial stages of the CLT's development.
Current Capacity	Depends on city and capacity already existing on the ground. Requires an entity with long-term capacity to operate the CLT, including fundraising, developing partnerships to construct the homes, working with prospective buyers to qualify for mortgages, and, after the home is sold, working closely with the homeowners to ensure that the home is maintained and that the ground lease is complied with.



Homestead Preservation Center

Highlights:

- Relatively low-cost solution to help vulnerable homeowners qualify for valuable homestead exemptions and pay their property taxes
- Texas Senate Bill 1943 (enacted in 2019) improves heirs property owners' access to homestead exemptions, but community education and assistance is needed to help them qualify.

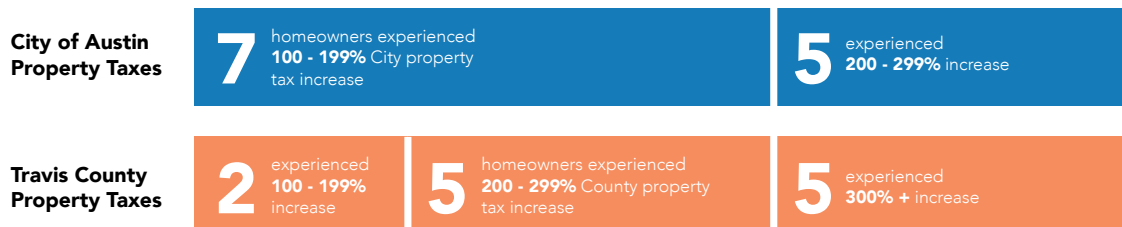
Action Steps to Get Started:

- ① Designate a nonprofit entity or city department to operate one or more centers.
- ② Allocate operational funding.

The Problem:

As a neighborhood gentrifies, low-income homeowners face recurring property tax increases, which can lead to mounting financial pressures and, ultimately, loss of their homes. In Austin, for example, the highest percentage of homeowners who are two or more years behind on their property taxes are located in Austin's fastest gentrifying neighborhoods. One-third of these homeowners are seniors.

Rising Property Tax Burdens for **12 Senior Homeowners** in East Austin from 2006 to 2015



Source: East Austin Conservancy

In Texas, a homestead exemption brings several important forms of tax relief to help homeowners stay in their homes, especially for seniors, disabled veterans, and other persons with disabilities. These forms of tax relief include various reductions from the appraised value and tax deferral rights for certain groups of homeowners.

Despite these important protections, many low-income homeowners who are eligible for a homestead exemption in Texas, especially heirs property owners, do not have one. An heirs property owner is someone who inherited their home from a relative after the relative died intestate (i.e., without a will). Heirs property is a common form of ownership in older gentrifying neighborhoods. Texas legislation passed in 2019 ([Senate Bill 1943](#)) improves heirs property owners' access to homestead exemptions, but many owners need to submit new paperwork with the local appraisal district to qualify for these expanded rights. Community education and targeted assistance is needed to help ensure these homeowners and others take advantage of homestead exemptions and stay current on their taxes.

The Tool: Homestead Preservation Centers

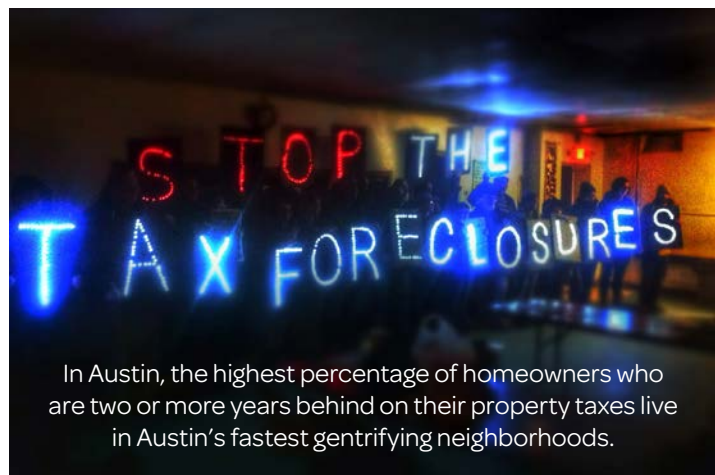
Homestead Preservation Centers could be created in Texas cities to provide targeted assistance to heirs property owners and other vulnerable households in gentrifying neighborhoods to make sure they access the homestead exemption benefits they are eligible for and do not fall behind on their property taxes. A center could be operated by the city or community partners in a gentrifying neighborhood and funded by the city, foundations, or both. The center could obtain lists from the appraisal district and tax assessor of likely homeowners without an exemption or with property tax delinquencies and then provide targeted, door-to-door outreach to these homeowners to assist them with enrolling for homestead exemptions, financial counseling, and assistance negotiating payment plans with the tax assessor-collector. Community institutions trusted by residents could be brought in as partners in the outreach.

A Homestead Preservation Center could also provide emergency grants and low interest loans to help a family overcome a financial crisis in order to catch up on their tax payments. Short of creating a center, Texas cities could provide funding to one or more community-based nonprofits who work directly with low-income homeowners, such as Meals on Wheels, to deliver homestead exemption enrollment assistance to families they work with.

Examples from Around the Country

A number of cities provide services targeted towards helping vulnerable residents with financial stability and holding onto their homes. None of these programs include the exact same scope as the Homestead Preservation Center discussed here, but they have different components that would be useful for Texas cities to consider.

For example, Cleveland's Empowering and Strengthening Ohio's People (ESOP) Program specializes in providing aging residents with financial stability. In 2014, the organization launched a Senior Financial Empowerment Initiative, which provides one-on-one financial counseling, financial education workshops, and foreclosure prevention assistance to seniors. ESOP's Senior Property Tax Loan program provides property tax loans to seniors of up to \$6,500, coupled with comprehensive financial counseling and ongoing financial coaching.



Source: Stephen Boyle, licensed under Creative Commons by 2.0



Pennsylvania's Affordable Housing Centers offer a number of services related to supporting homeownership by low-income families, including a foreclosure counseling program, which helps homeowners who are struggling to make their mortgage or property tax payments. New York City's Financial Empowerment Centers, with 20 neighborhood locations, provide financial education and counseling to help tackle debt, budgeting, and other financial stabilization services.

Examples:

[Cleveland \(ESOP\)](#), [Oregon \(Homeownership Stabilization Initiative\)](#), [Pennsylvania \(Affordable Housing Centers of Pennsylvania\)](#), [New York \(New York City Financial Empowerment Centers\)](#)

Assessment

Vulnerable Populations Targeted	Current low-income homeowners , including seniors and persons with disabilities; communities of color
Stage of Neighborhood Change	All , although low-income homeowners in late-stage gentrifying neighborhoods face the largest property tax burdens and will thus likely receive the greatest benefit from a Homestead Preservation Center
Place-Based	Yes . Assistance from a Homestead Preservation Center can be targeted to residents of gentrifying neighborhoods as well as other vulnerable neighborhoods.
Sustainability	Poor . Does not create affordability for future residents
Inclusivity	Good . Vulnerable residents can serve on an advisory board for the Center and, through the Center, can play an active role in educating and reaching out to their neighbors about homestead exemption enrollment and other services of the Center.
Financial Resources	Medium . Financial support is needed to create the center and provide support for ongoing operations. The price tag would depend on the scope of services provided and any geographical targeting. Funding can likely be leveraged from philanthropic institutions.
Current Capacity	Depends on city . Contracting with a nonprofit agency to set up and run the center would likely be required.



Affordable Housing Strike Fund

Highlights:

- Affordable housing strike funds provide flexible, below-market financing to fund the preservation of existing affordable multifamily housing by utilizing a combination of public, private, and philanthropic dollars.
- Require significant public investment as well as strong interest from foundations to seed the fund
- Large start-up costs and complex administration

Action Steps to Get Started:

- ① Secure seed funding to cover start-up costs.
- ② Create a coalition of government agencies, foundations, lenders, and other stakeholders to identify and secure funding sources.

The Problem:

Across Texas, thousands of affordable multifamily units are disappearing as they are redeveloped as higher-end housing or commercial properties. These disappearing units include government-subsidized properties as well as unsubsidized “naturally occurring” affordable properties. Affordable units in gentrifying neighborhoods are especially vulnerable to redevelopment pressures. Preserving these existing affordable units is typically one-half to two-thirds as expensive as constructing new affordable rental housing as well as more environmentally sustainable.

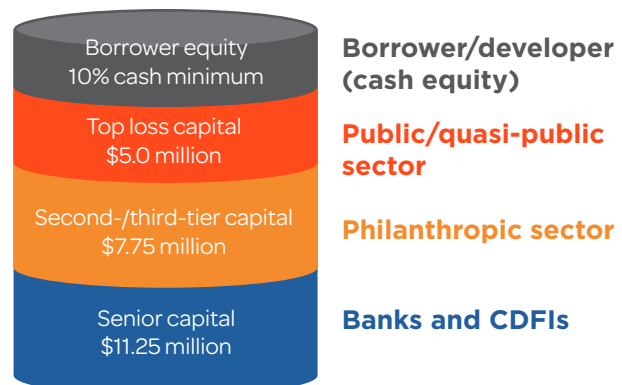
Cities and affordable housing providers face many challenges in preserving these units. Acquiring affordable multifamily properties in hot markets, where preservation organizations may be competing with cash buyers, often requires quick and nimble access to financing, which purely private capital and public loan programs typically cannot provide.

The Tool: Affordable Housing Strike Funds

To advance the preservation of at-risk affordable multifamily properties and close these financing barriers, a number of cities around the country have formed public-private partnerships to create below-market debt funds. These funds, also referred to as “strike funds,” or “layered funds,” offer low-cost loans to affordable housing developers and other entities to purchase and preserve existing affordable multifamily housing. The funds are capitalized by layering public, private, and foundation funds. The government and foundation capital allow for loans with lower interest rates. Enterprise Community Partners and the Local Initiatives Support Corporation have been partners in several strike funds around the country.

These funds are typically “revolving,” meaning that as the loans are repaid, new loans can be made. The loans are typically five to seven years, at which time the properties are refinanced with other loans or subsidies, such as federal Low Income Housing Tax Credits. Successful utilization of financing through a below-market debt fund depends on the availability of permanent financing from other sources at the end of the fund’s loan term. Below-market debt funds are most viable in markets with a high-capacity city housing department and where there is strong interest from the philanthropic community.

Denver Regional Transit-Oriented Development Fund Capital Stack



Source: Enterprise Community Partners

Private-Only Funds

Some strike funds have started that rely largely or solely on private investments. These funds vary in their commitment to long-term affordability and often lack transparency in structure and returns. While income targeting varies, most of these funds are labelled as preserving “workforce housing” and are aimed at higher income levels than those served by funds that utilize a mix of public and private sources.

Examples of Public-Private Strike Funds

[Los Angeles’s New Generation Fund](#) was formed in 2008 to offer pre-development, acquisition, and moderate-rehab financing through a private-public partnership with the city and a consortium of private and community development financial institutions. The District of Columbia’s newer [Public-Private Affordable Housing Preservation Fund](#) was seeded with an initial \$10 million in local funds, with a goal of leveraging an additional \$70 million in funding for short-term bridge acquisition and pre-development financing.

Successful funds focused on preservation of affordable rental housing near transit have been created in the Bay Area and Denver. The [Denver Regional Transit-Oriented Development Fund](#) and [The Bay Area Transit-Oriented Affordable Housing Fund](#) began with \$10 million to \$13.5 million in capital from public agencies, later expanding to include equity from banks, community development financial institutions, and foundations.

Additional Examples:

[Chicago Opportunity Investment Fund](#), [Seattle Regional Equitable Development Initiative Fund](#), [New York City Acquisition Fund](#), [Invest Atlanta TOD Fund](#)

Resources:

[Preserving Multifamily Workforce and Affordable Housing](#) (Urban Land Institute), [Funds for Kickstarting Affordable Housing and Preservation](#) (Federal Reserve Bank of San Francisco)

Assessment

Vulnerable Populations Targeted	Low- to moderate-income renters. Depth of income targeting depends on sources of funds; funds drawing mostly from private equity are likely to target renters closer to median income, while funds with more public dollars can serve renters with lower incomes.
Stage of Neighborhood Change	Early- to Mid-Stage. Funds can be used at any stage but will have a greater impact in early and mid-stage areas where increases in land and property prices have been low or moderate.
Place-Based	No. Strike funds are not typically targeted at specific neighborhoods. Some publicly-supported funds have targeted areas near transit.
Sustainability	Fair to Good. Affordable housing strike funds can be set up as revolving funds and prioritize financing of affordable multifamily housing projects committed to long affordability terms.
Inclusivity	Poor to fair. The governance of the funds typically excludes impacted residents.
Financial Resources	Medium to high. Seed financing is typically required from the city or other government stakeholders to operate a below-market fund targeting preservation for lower-income households. A higher city investment allows the fund to serve more lower-income families.
Current Capacity	Depends on city. An affordable housing strike fund can take at least two years to develop. Partnerships with organizations like Enterprise Community Partners that have experience operating a strike fund can cut down on the need to build capacity at the city level to launch and operate a strike fund.



Tenant Relocation Assistance Ordinance

Highlights:

- Supports low-income tenants displaced by redevelopment of apartments and mobile home parks by providing advanced notice of the displacement, relocation counseling, and financial assistance
- Ordinances vary in structure, including what triggers the notice and fee, who is required to pay the relocation fee, and who is eligible for the assistance.
- Must be carefully drafted to navigate Texas's restrictions on linkage fees

Action Steps to Get Started:

- ① Draft a tenant relocation assistance ordinance and solicit public input, including from tenants.
- ② Decide whether the city or a third party will administer the program, including the relocation assistance counseling, delivery of financial assistance to tenants, and outreach and education to landlords and tenants.
- ③ If rental property owners displacing tenants are required to pay a relocation fee, undertake a nexus study to determine the appropriate fee.

The Problem:

The loss of an affordable apartment can trigger a wave of destabilizing effects on low-income tenants. Displaced tenants must navigate increasingly limited affordable rental housing options in their neighborhoods, as well as cover the costs of relocating, which can exceed \$2,500. Low-income tenants with mobility impairments, limited education, or limited English proficiency face additional challenges in securing new housing. Tenants with criminal records or credit issues face additional challenges in securing replacement housing. The closure of a mobile home park can have even greater destabilizing impacts, given the high cost of moving a mobile home—which can range from \$4,000 to \$10,000—and the difficulties mobile home residents face in securing a new rental pad as the supply of mobile home parks in cities diminishes.

Displacement can impact the long-term wellbeing of tenants and their families, from loss of important social networks to children forced to transfer to schools and reduced school performance. For the most vulnerable tenants, displacement can even lead to homelessness.

The Tool: Tenant Relocation Assistance Ordinance

Tenant relocation assistance ordinances buffer some of the hardships associated with tenant displacement in several ways. Key features of a comprehensive ordinance include the following:

- **Advanced notice:** An advanced notice provision requires landlords to provide advanced notice to the tenants and potentially other stakeholders (such as the city and school district) before taking certain actions that will lead to the displacement of most or all tenants at a property. Advanced notice requirements give tenants more time to secure new rental housing or move their mobile home. Requiring notice to the school district provides the district with the opportunity to mediate the impacts on neighborhood schools serving the property.

The typical length of notice required by relocation ordinances around the country varies from 60 to 180 days for tenants in apartment complexes, and 90 days to a year for residents in

a mobile home park. Austin's [ordinance](#) has a 180-day notice requirement for apartments, which is triggered by a permit application for a demolition (including partial demolitions) or commercial building application. Austin's notice requirement for mobile homes parks is 270 days, which is triggered by a site plan, change of use permit, or rezoning application.

- **Financial assistance:** Another key feature of tenant relocation assistance ordinances is the provision of financial assistance to the tenants to cover the cost of relocating to a new apartment. Most cities with relocation ordinances require developers to pay a fee to the city to cover the financial assistance to renters who are displaced. However, some cities pay the relocation fees out of general revenue.

The amount of assistance required by city ordinances varies across the country, with a typical range of \$500 to \$2,000 for apartment displacements. A 2012 [UT Law study](#) of tenant displacement from an apartment complex in Austin found that the typical cost for a tenant to relocate to a \$500 a month apartment was at least \$1,500 and included costs such as application fees (\$30-\$50 per adult per application); moving truck rental and boxes; utility transfer costs; payment of a new security deposit, which is due before tenants receive a refund of their current security deposit; and first month's rent for the new apartment, which also must be advanced.

The relocation assistance for mobile home park residents is much higher. Mobile home park displacement fees typically cover the actual cost of moving the mobile home, with the typical maximum cap ranging from \$5,000 to \$8,000 for a single-wide and \$7,000 to \$12,000 for double-wide.

- **Relocation counseling:** Relocation counseling is essential to helping tenants navigate tight rental markets, negotiate with new landlords, and access housing in their neighborhood and school attendance zone if they want to remain in their community. The [University of Texas School of Law study](#) on tenant displacement found that the relocation counseling provided by an experienced realtor following the closure of an Austin apartment complex was critical in helping tenants successfully relocate and, for some tenants, was more important than the financial assistance they received. The cost of relocation counseling can be covered by the city or out of a fee charged to the property owner.

Triggers for Displacement Assistance

Before adopting an ordinance, a city needs to determine what types of displacement actions require advanced notice, as well as whether and when a property owner will be required to pay a relocation fee to cover part or all of the costs of the relocation assistance. Triggers for notice or financial assistance can include:

- Demolition permits
- Zoning changes
- Site plan permit and change of use applications
- Increases in rent over a certain amount
- Lease non-renewals without cause or substantial changes in lease terms

Navigating Texas's Linkage Fee Ban

Under [Section 250.008](#) of the Local Government Code, a fee cannot be imposed on new construction (which includes zoning changes, building permits, and site plans) unless (1) the fee is not used to offset the cost or rent of the new housing unit or (2) the fee is a "fee in lieu" via a density bonus program. A broad fee could still be tied to a demolition permit, which is not barred under 250.008. Alternatively, a narrower fee could be adopted to cover things like moving costs (such as a moving truck rental or mobile home relocation) and intensive relocation counseling, which are not restricted at all by 250.008. As an additional option, a broad fee could be triggered as part of an optional fee in lieu for developers receiving an increase in height and square footage. A city could require developers receiving these increases in entitlements to provide for the moving truck, counselor, and other relocation services or have the option of paying a fee instead.

Portland's Mandatory Renter Relocation Assistance ordinance requires landlords to pay a tenant relocation fee of \$2,900 to \$4,500 depending on the size of the rental unit, which is triggered by non-renewal of leases due to redevelopment, as well as increases in rent by 10% or more over a 12-month period and other actions that displace tenants. A similar type of ordinance in Texas would not be restricted under Section 250.008.

Texas Examples

- [Austin](#): Notice requirement for 180 days for apartments and 270 days for mobile home parks, with different triggers. Austin's ordinance also requires the housing department to set up a relocation program and fund to cover low-income tenant's relocation expenses when they are displaced by multi-family redevelopment and mobile home conversions. The city ordinance includes a city-funded component and a landlord-funded component; the landlord fee is still under development.
- [San Antonio](#): In 2019, the San Antonio City Council dedicated \$1 million in funding towards a pilot Risk Mitigation program that includes a Resident Relocation Assistance Program (RRAP) and Emergency Assistance for Housing Stabilization program (EAHS). RRAP provides housing counseling services and financial assistance for relocation and moving expenses for families who are displaced from their housing. EAHS provides financial and counseling assistance to help renters and homeowners experiencing a financial emergency stay in their homes. The program is funded entirely by the city and does not include any advanced notice requirements.

Other Examples:

The City of Austin has collected information [on other mobile home relocation assistance laws](#) from around the country. Ordinances addressing displacement from apartments include: Chicago ([Condominium Conversion Ordinance](#)), Seattle ([Tenant Relocation Assistance Ordinance](#)), Portland ([Mandatory Renter Relocation Assistance Ordinance](#)), and Palo Alto ([Rental Housing Stabilization Ordinance](#)).

Resources:

[Tenant Displacement in Austin](#) (Texas Law Community Development Clinic, 2012)

Assessment

Vulnerable Populations Targeted	Current low-income renters and mobile home owners who rent in a mobile home park
Stage of Neighborhood Change	All. While tenant relocation ordinances support tenants in neighborhoods in any stage of gentrification, the ordinances target displacement from redevelopment and are thus more likely be used in mid- and late-stage gentrifying neighborhoods.
Place-Based	No. Tenant relocation assistance ordinances are citywide.
Sustainability	Poor. This tool does not result in any long-term rent restrictions and does not assist future generations of low-income residents.
Inclusivity	Fair. A city can involve low-income tenants in the design and oversight of a tenant relocation assistance program.
Financial Resources	Depends on ordinance. If a relocation ordinance requires landlords to pay a fee that covers the relocation assistance and counseling services, then the cost to the city will be low to medium (for start-up and enforcement costs). If a city is covering the costs, the city financial resources required will be high.
Current Capacity	Depends on city. Requires administration and enforcement by the city, including education to landlords and tenants



Mobile Home Park Zoning

Highlights:

- City council rezones mobile home parks by applying a special zoning category to the parks, effectively barring redevelopment for other uses absent future council action.
- Low cost and high impact tool that helps protect mobile home park residents from displacement

Action Steps to Get Started:

- ① Conduct inventory of mobile home parks to identify which parks do not have zoning protections that restrict redevelopment for other uses.
- ② Conduct inventory of mobile home parks to identify which parks do not have zoning protections that restrict redevelopment for other uses

The Problem:

Mobile home parks provide an important source of affordable housing for lower-income families across Texas. The parks are owned by a company or individual investor, with individual lots leased to families, typically through an annual or month-to-month lease. The family either owns or rents the mobile home on the lot.

In Texas cities, mobile home parks have historically been concentrated in low-income neighborhoods. As real estate values in these neighborhoods escalate through gentrification, the parks are among the most vulnerable properties for redevelopment. If the zoning on the property allows for more intensive residential and commercial uses, the property is especially vulnerable to redevelopment and tenant displacement. Over the years, a number of mobile home parks in Texas have been closed in areas undergoing gentrification to make way for higher-end development.

Many mobile home parks across Texas are not currently zoned as mobile home parks or related zoning category and instead have zoning that allows for other uses, thus making these properties more vulnerable to redevelopment. For example, in the City of San Antonio, only 31% of the city's 89 active mobile home parks (as of 2019) are protected under the city's manufactured housing district zoning—the city's zoning classification for mobile home parks. Close to 25% of mobile home parks are zoned as commercial, and another 25% are zoned as single-family or multi-family residential. San Antonio's manufactured housing district zoning also still allows for single-family residential uses and thus doesn't provide as strong a protection as some other cities' mobile home zoning categories. In Austin, prior to the City's rezoning of several mobile home parks in 2019, a majority of the city's 37 mobile home parks were not zoned mobile home residence districts, Austin's zoning classification for mobile home parks.

Austin's Disappearing Mobile Home Communities

Austin Chronicle, Dec. 15, 2017

The Tool: Applying Zoning Protections to Mobile Home Parks

Rezoning mobile home parks to a zoning category that legally restricts the property to use only as a mobile home park reduces the redevelopment risks and helps protect mobile home residents from displacement. For properties with mobile home zoning, an owner must secure a zoning change from the city council in order to redevelop the property as a different use such as luxury apartments.

The Austin Example

In 2018, the Austin City Council adopted two [resolutions](#) instructing the city manager to identify properties currently being used as a mobile home residence park or mobile home subdivision that were not zoned as a mobile home residence district and to submit the properties to the Council for initiation of zoning cases. In 2019, the Council proceeded to rezone nine mobile home parks containing 450 units as mobile home residence districts, and the rezoning of several other parks is underway.

Examples:

[Austin](#); [Portland, Oregon](#) (56 mobile home parks rezoned as Manufactured Dwelling Park uses); [Kenmore, Washington](#); [Bend, Oregon](#)

Assessment

Vulnerable Populations Targeted	Current and future low-income renters.
Stage of Neighborhood Change	All.
Place-Based	Not usually , although a rezoning effort could focus on properties in gentrifying areas.
Sustainability	Good.
Inclusivity	Poor. Rezoning efforts are brought through the city's zoning and planning commissions, which are typically not very inclusive of vulnerable residents, and to participate in the rezoning process, residents are usually expected to come to city hall.
Financial Resources	Low. The adoption of mobile home rezoning protections does not require any funding other than coverage of city staff time to process the rezoning.
Current Capacity	Good. Utilizes the city's existing land use and planning staff, along with the city's zoning and planning commissions.



Community Preference Policy

Highlights:

- Furthers displacement mitigation goals and remediates prior racial injustices
- Does not produce new affordable units or ensure eligibility for affordable housing programs
- Must be crafted carefully to comply with the Fair Housing Act's disparate impact and perpetuation of segregation bars

Several cities and nonprofit organizations across the United States are utilizing community preference policies for their affordable housing programs to redress prior racial injustices (such as displacement precipitated by urban renewal and freeway construction), further their displacement mitigation goals, and help stabilize communities. These policies are typically created at a neighborhood scale and provide priority placement for affordable units in a neighborhood or group of neighborhoods to low-income applicants who have been displaced from their neighborhood, are current residents at risk of displacement, or are descendants of displaced residents. Preference policies do not actually produce affordable units but instead provide preference for units that are produced by other means. A resident receiving a community preference must still meet the affordable housing program's eligibility requirements, such as specific income limits.

Austin's Guadalupe Neighborhood Development Corporation is a longstanding community development organization providing affordable rental and homeownership opportunities and working to prevent displacement of vulnerable residents in several East Austin neighborhoods. GNDC's community preference policy gives priority on GNDC's housing waitlists to applicants with historic ties to the neighborhood and who are vulnerable to displacement. For home sales, GNDC has six different levels of priority, with the highest priority given to current tenants and then to applicants who have lived in GNDC's service area for 25 or more years.

On a larger scale, the City of Portland's N/NE Neighborhood Housing Strategy employs a community preference policy in several neighborhoods of N/NE Portland, with a focus on remediating displacement based on urban renewal, which displaced more than half of the area's Black community. The City uses a system of preference points to move people to the top of the waitlist. The highest priority is given to families who owned property taken by the City through eminent domain for urban renewal projects. For the next tier, applicants are awarded points based on the location of their residence and whether their parents, guardians, or grandparents lived in the area. The initial implementation of Portland's policy hit some rough spots and offers lessons for other communities. For example, the eligibility criteria for different affordable housing programs was poorly communicated to applicants who applied for housing preferences, only to find out they did not meet the income requirements.

A preference policy must be carefully crafted to avoid violating the Fair Housing Act by ensuring that the policy does not perpetuate segregation or have a disparate impact on persons of color or other protected classes (such as families with children or persons with disabilities). For example, if a preference policy prioritizes current residents of a neighborhood and the residents who qualify for the affordable housing program are more likely to be white compared to a program serving applicants drawn from a larger geographic area, the policy could be considered to have a disparate impact under the Fair Housing Act. To avoid disparate impacts in gentrifying neighborhoods that are becoming predominantly white but were historically communities of color, a city should consider giving preference to low-income residents who are at the highest risk of displacement (such as renters), have long ties to the community, or have already been displaced. Each preference policy should be carefully tailored to the particular community and regularly reviewed for compliance with the Fair Housing Act.

Examples:

Portland, Oregon ([N/NE Portland Preference Policy](#)); San Francisco ([Lottery Preference Programs](#)); Seattle ([Affirmative Marketing and Community Preference Policy](#))

Assessment

Vulnerable Populations Targeted	<p>Current and displaced residents who are low-income and have long ties to a targeted neighborhood.</p> <p>Community preference policies help redress past displacement of residents as well as prevent displacement of existing vulnerable residents from a community.</p>
Stage of Neighborhood Change	<p>Early to late stage. Community preference policies can serve vulnerable residents experiencing displacement pressures in neighborhoods going through any stage of gentrification, as well as residents who have already been displaced by urban renewal or redevelopment pressures.</p>
Place-Based	<p>Yes. Community preference policies are designed to serve targeted areas.</p>
Sustainability	<p>Poor. Community preference policies do not create new affordable housing and, to achieve long-term sustainability, must be paired with efforts to create a permanently affordable housing stock.</p>
Inclusivity	<p>Good. Community development corporations play a key role in enacting community preference policies. City-level policies can also be the result of a community-driven housing strategy, as in the case of N/NE Portland.</p>
Financial Resources	<p>Low. A community preference policy requires minimal financial resources. To ensure effective implementation, however, funding might be needed for marketing and outreach to residents targeted by the policy.</p>
Current Capacity	<p>Depends on city. Some level of ongoing support from city or nonprofit staff is required to implement a community preference policy and to conduct outreach to residents targeted by the policy.</p>

Part 4: City Revenue Sources for Combating Displacement in Gentrifying Neighborhoods

Key City Revenue Sources

- ① General obligation bonds
- ② Tax increment financing
- ③ Homestead Preservation Reinvestment Zones
- ④ Type B sales tax
- ⑤ General revenue
- ⑥ Fees in lieu of density bonus

Limited funds for affordable housing can be one of the biggest barriers cities face when seeking to increase housing stability in gentrifying neighborhoods. While a majority of funding for preserving and creating affordable housing has historically come from federal sources, these funds are inadequate to support local housing needs. As a result, many Texas cities have been relying increasingly on local revenue sources to improve housing stability—although the range of local revenue sources available to cities here is very limited due to state legislative limits.

Six important local revenue sources and financing programs that are currently being used in Texas cities to fund affordable housing and other housing stability projects are outlined here, along with the opportunities and challenges of using these tools.

General Obligation Bonds

Highlights:

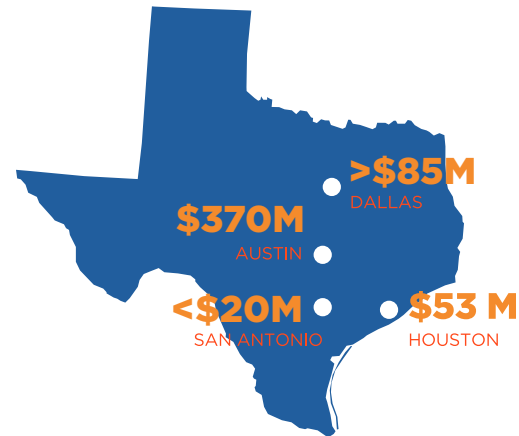
- Can generate large levels of funding over multiple years that are dedicated to affordable housing
 - Subject to public vote: Affordable housing may not be a priority to all taxpayers
 - Bond proceeds may fund only capital costs and not operational costs or support services
-

Texas cities have the authority to issue General Obligation (GO) bonds after receiving voter approval in a citywide election. The bonds must be used in advancement of a public purpose. The preservation and development of affordable housing (both rental and homeownership) for low-income households are examples of public purposes that qualify for GO bonds. GO bonds are spent over several years (four to seven years is typical) and are repaid by the city using general revenue, such as property and sales taxes. Approving GO bonds for affordable housing effectively locks in spending on affordable housing for several years and shields the funding from competing spending priorities during the term of the bonds.

Proceeds from GO bonds can be used only for capital costs, such as land acquisition, housing construction, and infrastructure related to an affordable housing development. The proceeds cannot be used to fund on-going operational costs or direct financial assistance to households, such as rental assistance.

Examples:

- **Austin:** In 2018, Austin voters overwhelmingly approved a [\\$250 million bond](#) in support of affordable housing. Out of the \$250 million, \$100 million of the bond will support land acquisition for affordable housing development, \$98 million will support rental housing development assistance, \$28 million will support homeownership, and \$28 million will support home repairs and rehabilitation. The most recent GO bonds fund rental housing serving households at or below 30%, 40%, and 50% MFI, while the homeownership units serve households at or below 80% MFI. In 2013, Austin voters approved a \$65 million bond for affordable housing and, in 2006, approved a \$55 million bond.
- **Houston:** Houston voters have approved a total of \$53 million in general obligation bonds for affordable housing over the course of three bond referendums from 2001 to 2012.
- **San Antonio:** In 2017, San Antonio voters approved \$20 million for neighborhood improvements. The bond funds, which are not targeted towards housing stability, are focused on eliminating blight and the preparation of sites for construction of workforce housing development. Half the residential units in a bond-funded project can be market rate.
- **Dallas:** From 2003 to 2017, Dallas voters approved more than \$85 million in general obligation bonds for affordable housing, including homeless assistance facilities, through bond referendums in 2003, 2005, 2006, 2012, and 2017.

General Obligation Bonds for Affordable Housing 2001-2018

Tax Increment Financing Targeted for Affordable Housing

Highlights:

- Transforms a funding mechanism with the potential to fuel gentrification into one that helps reduce the displacement of low-income residents
- Locks in ongoing contributions of city tax dollars towards affordable housing for many years
- Places the burden of financing affordable housing on future development rather than the current tax base

Tax Increment Financing (TIF) is used widely by Texas cities to capture the expected growth in property tax revenues to fund projects within a precisely-defined TIF zone for a long period of time—typically thirty years. When a TIF zone is formed, the amount of existing tax collections originating from inside the zone’s boundary is set as the baseline. As tax revenues in the zone increase in future years (whether from redevelopment, inflation, or otherwise) the amount that exceeds the baseline is redirected out of the city’s general fund and reserved for expenditure on designated projects that benefit the zone.

Under Chapter 311 of the Texas Tax Code, Texas cities have the authority to dedicate all or a portion of TIF funds towards affordable housing, such as land assembly, construction, and infrastructure for an affordable housing development, as well as affordable housing programs. Affordable housing receiving TIF funding can be located inside or outside of the TIF zone.

There are two primary ways to create affordable housing through TIF funding: (1) by requiring market-rate developments receiving TIF funds or abatements to set aside a certain percentage of units in the development as affordable housing; and (2) by redirecting a percentage of the TIF funds into a special fund used to subsidize

affordable housing developments and affordable housing programs. The targeting for affordable housing can be required only for specific TIFs when they are created by the City Council, or via a city ordinance that applies to all future TIFs.

If TIF funds are used to incentivize the inclusion of affordable housing in a market-rate development, consideration should be given to the rents and sales prices of the affordable housing units, as well as the number of bedrooms required, to ensure that neighborhood residents who are at risk of displacement can access those units. Other best practices to consider include: (1) requiring properties receiving TIF funds to accept a percentage of renters with housing vouchers; (2) affirmative marketing requirements to reach area residents; and (3) requiring the developments to provide enhanced tenant rights such as right to cure provisions.

Examples:

- **Dallas:** All residential developments receiving TIF subsidies must set aside 20% of units for families earning at or below 50% to 80% AMFI, with the exact income targeting determined by the area where the TIF district is located. As of 2016, Dallas's TIF policy had yielded 2,320 affordable housing units.
- **Fort Worth:** Any residential projects receiving TIF support must set aside a minimum of 20% of units as affordable (half at 60% AMFI and half at 80%).
- **Houston:** Thirty percent of all funds from "petition" TIFs (those created by petition of landowners) are dedicated to affordable housing, pursuant to a requirement under state law that applies only to Houston. In 2015 and 2016, TIFs in Houston contributed a total of \$41 million to the city's affordable housing fund, along with several additional TIFs that spent TIF funds directly on affordable housing within the respective TIF district. A 2018 [City of Houston audit](#) found major flaws in the city's administration of the TIF funds for affordable housing, including a finding that a majority of those funds were spent on city administrative costs and only 43% on affordable housing projects and programs.
- **San Antonio:** The City of San Antonio has created at least two TIFs dedicated solely towards the creation of affordable housing. For example, the Tarasco Gardens TIF is a petition-created TIRZ that will provide 60 affordable homes for low- and moderate-income families.
- **Portland, Oregon:** In each of the city's TIF districts, 25% of TIF funds must be set aside for affordable housing. Advocates were successful in getting the city to redirect an even higher amount of TIF funds in the North/Northeast Portland area towards affordable housing. Over a six-year period, \$100 million in TIF funds will be dedicated towards affordable housing and mitigating displacement in that area of the city.

Homestead Preservation Reinvestment Zones

Highlights:

- Special TIF model that restricts TIF funds for the development, construction, and preservation of affordable housing with deep income targeting
- HPRZs can currently be created only in the cities of Austin and Dallas, and in these two cities, the tool is available only on a very limited basis. Legislative changes are needed to expand use of this tool statewide.

Homestead Preservation Reinvestment Zones (HPRZs) were created by the Texas Legislature in 2005 as a special form of tax increment financing to mitigate residential displacement in gentrifying neighborhoods. All of the tax increment funds in an HPRZ must be used for the development, construction, and preservation of affordable housing. HPRZs are authorized by Chapter 373A of the Local Government Code, which contains specific income targeting caps to ensure that most of the funding is used to assist the families most likely to be impacted by displacement. No more than ten percent of the HPRZ funds can be used on administrative costs.

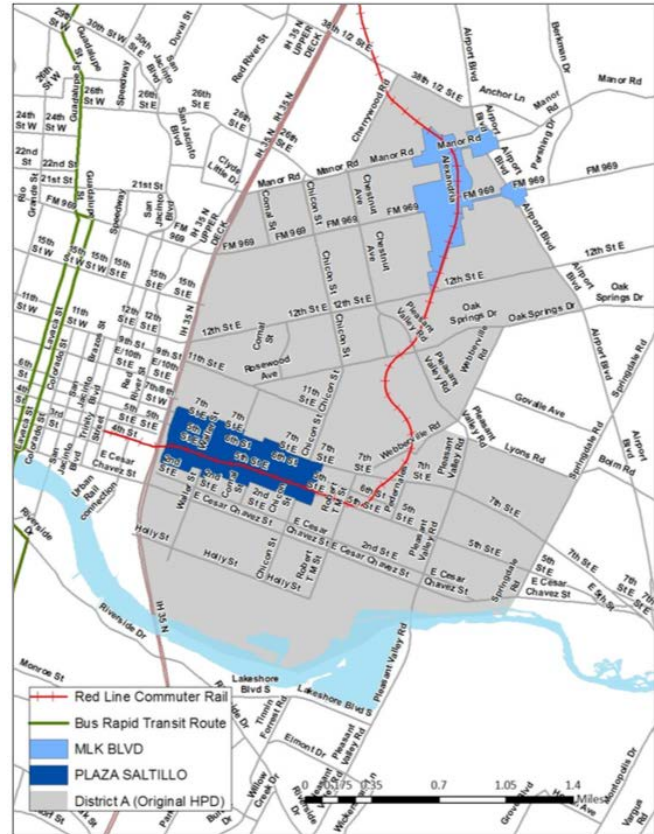
HPRZs offer a great opportunity for Texas cities to create dedicated funding streams towards creating housing stability in gentrifying neighborhoods, but additional legislative changes are needed to make the HPRZ funding

City of Austin Homestead Preservation District A

tool viable for cities. An HPRZ can be created only in an area that a city has designated as a Homestead Preservation District under the Local Government Code. Currently, only the cities of Dallas and Austin have authority under state law to create Homestead Preservation Districts. Prior legislative attempts to extend this authority to other cities has failed. The City of Austin has successfully created one HPRZ, but is currently ineligible to create any additional Homestead Preservation Districts because of an issue with the state statute's bracketing language. And in Dallas, the fastest gentrifying areas do not qualify as Homestead Preservation Districts under the restrictive language in the state statute, and, thus, do not qualify for the HPRZ funding tool.

Example:

In 2015, the City of Austin created its [first HPRZ](#), which is located within [seven census tracts](#) of Central East Austin and dedicates 20% of the tax increment in the zone towards affordable housing. The HPRZ has a ten-year term that can be extended by the City Council.



Source: City of Austin

Type B Sales Tax

Highlights:

- Can be used to generate a dedicated source of revenue for certain types of affordable housing expenses, such as land acquisition, construction, and infrastructure
- Many Texas cities have already adopted a Type B sales tax, but very few are currently using the revenue for affordable housing.
- Cities are ineligible to adopt a Type B sales tax if their local sales tax revenue exceeds two percent, which is the case for Dallas, Austin, and Houston, unless the local general sales tax rate is reduced.

Under the Texas Development Corporation Act, Texas cities may adopt a Type B sales tax with voter approval to fund economic development activities through a city-created economic development corporation, as long as the total local sales tax rate (including any local transit authority's rate) does not exceed two percent. Affordable housing, including land acquisition and construction, is eligible as an economic development activity that can be funded with the Type B sales tax. Many cities, such as Dallas, Houston, and Austin, have already reached the two percent cap for local sales tax rates and so would have to decrease their general sales tax rate before adopting a Type B sales tax.

As of Fiscal Year 2016-17, 361 Texas cities have adopted a Type B sales tax, with 8 cities using part of the sales tax revenue towards affordable housing, according to the Texas Comptroller's [annual report](#) on economic development corporation expenditures.

Examples:

Texas cities that dedicate part of their Type B sales tax revenue for affordable housing include Corpus Christi (\$500,000), San Angelo (\$460,000), McAllen (\$550,000), and McKinney (\$200,000).

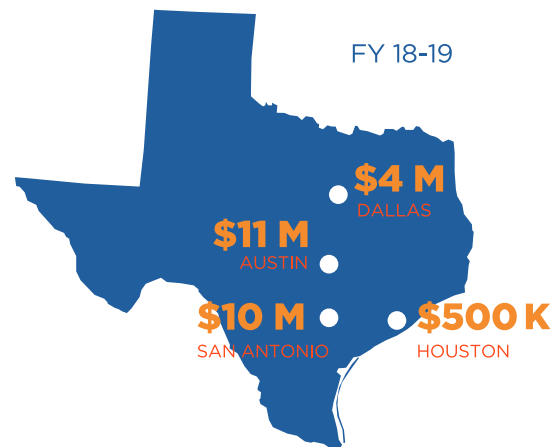
General Revenue

Highlights:

- Not very reliable as a long-term source of financing; subject to annual political battles and competing priorities
- Subject to the state's annual revenue caps on cities

As part of its annual budgeting process, a Texas city can dedicate general fund dollars in the city budget for that fiscal year towards affordable housing and other tools for creating housing stability. This method of funding is the most simple, straightforward, and transparent. However, relying on the general fund for affordable housing is not very reliable and subject to fluctuations in revenue. Budgeting processes are highly politicized and contested, with different constituencies jostling for their varying priorities to receive funding. Affordable housing can seem like a lesser priority compared to traditional bread and butter items such as public safety and street maintenance.

Texas cities have historically relied largely on federal funding instead of general revenue to fund local housing initiatives. The Texas cities that have dedicated general revenue towards affordable housing have done so in only small amounts in proportion to their overall general revenue budget.



Examples:

Austin (\$11 million, FY 18-19); San Antonio (\$10 million, FY 18-19); Dallas (\$4 million, FY 18-19); Houston (\$500,000, FY 18-19)

Fees in Lieu of Density Bonuses

Highlights:

- Fees in lieu are paid for by the developer of a project instead of taxpayers
- An inconsistent and unpredictable stream of revenue for affordable housing that relies on a strong real estate market and demand for denser development.

Through density bonus programs, cities provide developers with the option of obtaining the right to build a taller or more dense building (or obtain other increases in development entitlements) in exchange for providing community benefits such as affordable housing. Instead of requiring the affordable housing units to be built onsite of the development, Texas cities can give the developer the option of paying a fee to the city to fund the city's affordable housing programs. These fees are commonly referred to as "fees in lieu." If a fee in lieu is allowed, it should be calibrated to the price of what it would cost to build a unit of affordable housing offsite.

Some cities and housing advocates prefer the fee approach over requiring the affordable housing units to be built on site through the density bonus program. One reason for this preference is that the fee can be used more nimbly to address the most pressing housing needs in a community. The City of Austin's most active density bonus programs require the affordable housing units to be built onsite unless special circumstances

exist. For example, the City's Downtown Density Bonus Program allows for a fee in lieu given the cost of high-rise construction and the sense that the city can get a "bigger bang for its buck" in funding the creation of affordable units offsite where land and construction costs are a lot lower.

Examples:

City of Austin's [Downtown Density Bonus Program](#), along with several other [density bonus programs](#). These programs generated \$1.2 million in fees to fund affordable housing for fiscal year 2018-19.

Displacement Mitigation Tools Off Limits in Texas

The following is a summary of popular tools used in other states to combat residential displacement that are illegal in Texas.

Linkage fees

A linkage fee is a form of impact fee whereby cities charge developers a fee for new market-rate development, with the funds then used to create or preserve affordable housing. The fee is based on the increased demand for affordable housing generated by the new development. Many cities have adopted linkage fees for commercial development, with a more recent surge of cities adding linkage fees for residential development (for example, Los Angeles and Denver). In 2017, the Texas Legislature passed a law ([House Bill 1449](#), codified in [Local Government Code, 250.008](#)) barring Texas cities from charging a fee “on new construction for the purposes of offsetting the cost or rent of any unit of residential housing,” thereby making linkage fees illegal.

Condo conversion restrictions

Dozens of cities and states around the country have adopted laws regulating the conversion of rental housing to condominiums, with the goal of discouraging the loss of the affordable rental housing. Most conversion ordinances require tenant relocation fees, advance notice, and rights of first refusal for tenants to purchase their units before they are converted to condominiums. Texas law ([Section 81.003\(b\) of the Texas Property Code](#)) bars cities from regulating condominiums differently from other types of similar structures and, thus, presumably bars cities from targeting only condominiums for tenant relocation fees and other tenant protections. Any such regulations would need to extend to similar types of developments, such as a tenant relocation ordinance that extends to all increases in rents, up-zonings, and redevelopment resulting in a loss of rental units.

Inclusionary zoning for homeownership (with exceptions)

Inclusionary zoning is a widely used tool that requires new housing developments to make a percentage of the housing available at affordable rates to low- and moderate-income residents. Texas law ([Section 214.905 of the Local Government Code](#)) bars cities from adopting inclusionary zoning in homeownership developments with several exceptions, including voluntary density bonus programs and areas served by a homestead preservation district. Inclusionary zoning for rental housing is not prohibited in Texas.

Source-of-income protections from discrimination

To help low-income renters afford the cost of rental housing in higher-income areas, including gentrifying neighborhoods, many cities have adopted laws prohibiting landlords from discriminating against renters paying a portion of their rent with housing vouchers or others forms of government assistance. In 2017, the Texas Legislature adopted a law (codified in [Local Government Code, Section 250.007](#)) prohibiting Texas cities from adopting source-of-income discrimination protections for renters.

Real estate transfer tax

Real estate transfer taxes are used by cities across the country to create a dedicated source of revenue for affordable housing. The tax, which is levied whenever the title of real property is transferred, is typically based on a percentage of the property value. In 2015, Texas voters approved an amendment to the Texas Constitution ([Section 29](#)) that bars real estate transfer taxes. An opening for a similar type of tax still exists: The 2015 constitutional amendment explicitly exempts from the real estate transfer tax ban a tax on the issuance of title insurance, but the Legislature would have to pass a law allowing cities to adopt such a tax.

Circuit breaker taxes

A circuit breaker tax places a cap on the amount of property taxes that lower-income homeowners pay based on the homeowner's income. Texas law does not allow for circuit breaker taxes. The Texas Constitution heavily regulates property taxes, requiring that property taxes be equal and uniform based on property values. Local taxing jurisdictions are restricted from adopting property tax exemptions or caps beyond those enumerated in the state constitution and state statutes.

Minimum wage

An important tool that dozens of cities use to help residents afford the cost of living, including housing costs, is a local minimum wage that exceeds the federal minimum wage. Texas law ([Section 62.0515 of the Labor Code](#)) bars Texas cities from adopting a minimum wage unless the wage floor applies only to city workers or is imposed through a contractual agreement with a private party, such as a city construction contract or an economic development agreement.

Partial Ban

Moratorium on development and rezoning

Texas law places heavy restrictions on when a city can adopt a moratorium on new developments, redevelopments, and re-zonings. Under [Chapter 212 of the Local Government Code](#), a moratorium on residential development is limited to 120 days, and a local government must follow detailed standards and processes before imposing or extending a moratorium. For a moratorium on residential development, a city must show a need for public facilities generated by the development. A moratorium on commercial development is limited to 90 days, and the allowable justifications for a moratorium are much broader and include an impact on public health, safety, and welfare. Some extensions of the time limits are available, subject to meeting certain standards and processes. A moratorium cannot cover existing building permits or rezoning requests filed before the effective date of the moratorium.

Common misperceptions about Illegality

Rent control

Contrary to popular belief, Texas statutes do not prohibit cities from adopting rent control. A provision of the Local Government Code ([Section 214.902](#)) explicitly authorizes cities to establish rent control in the event of a housing emergency due to a disaster, with approval by the governor. Cities may be able to adopt rent control ordinances in other circumstances, since Section 214.902 does not explicitly preempt home rule cities' authority to adopt rent control in other situations.

Inclusionary zoning for rental housing

As discussed above, the state legislative ban on inclusionary zoning applies only to homeownership units and not rental housing. As a result, requiring the inclusion of affordable rental housing in new apartment developments does not violate the inclusionary zoning ban.

Part 6: The Toolbox

Strategies and Policies Available to Texas Communities for Addressing the Displacement of Vulnerable Residents in Gentrifying Neighborhoods

Introduction

This section of the toolkit provides an overview of a diverse set of strategies and policies for addressing the displacement of vulnerable residents in gentrifying neighborhoods. The discussion of each strategy and policy is guided by the following vision statement:

Low-income residents and persons of color (and their children) in historically disadvantaged communities have the opportunity to stay and return to their neighborhoods in the face of rising property values and an influx of more affluent residents. Over time, opportunities remain for new low-income residents to live in the community. Residents have a meaningful role in shaping the future of their neighborhood.

The strategies and policies are organized around a set of six overarching goals (see below). This organizational framework provides a reference point for understanding how certain strategies and policies further different displacement mitigation goals, while not furthering others. The framework also highlights how one type of strategy might advance one goal while actually undermining another. For example, lowering property taxes for homeowners would help low-income homeowners remain in their homes, but also shift more of the property tax burden to landlords, potentially contributing to increased rents and hurting a city's vulnerable renters.

Goals for addressing displacement in gentrifying neighborhoods

- 1 Vulnerable **renters** in gentrifying neighborhoods are **not displaced** from their current homes and neighborhoods.
- 2 Vulnerable **homeowners** in gentrifying neighborhoods are **not displaced** from their current homes and neighborhoods.
- 3 The **existing affordable housing stock** (subsidized and non-subsidized) in gentrifying neighborhoods is **preserved** so that the units are in good condition while remaining affordable to low-income residents.
- 4 **City planning and land use decisions** incorporate **inclusive** and **equitable** anti-displacement strategies, and low-income persons and communities of color are empowered to participate early and meaningfully in land use decisions that shape their homes, neighborhoods, and communities.
- 5 **New affordable housing options are created** to serve current and future vulnerable households in gentrifying neighborhoods.
- 6 Vulnerable residents are able to **remain in or return** to their communities by accessing the new affordable housing opportunities in their neighborhoods.

Goal 1: Vulnerable renters in gentrifying neighborhoods are not displaced from their current homes and neighborhoods

Strategy	Tool
1a. Provide direct financial relief to vulnerable renters who are at risk of being displaced from their homes in gentrifying neighborhoods.	Local funding for emergency rental assistance Neighborhood stabilization voucher program
1b. Increase city legal protections for renters to reduce evictions and other forms of displacement in gentrifying neighborhoods.	Mandatory tenant protections in rental properties receiving city support Expansion of legal and mediation support for tenants facing eviction Anti-retaliation ordinance and anti-harassment protections for tenants Eviction notification ordinance
1c. Assist renters who have been displaced with relocating in their neighborhoods.	Tenant relocation ordinance
1d. Support tenant acquisitions of their apartment units.	Tenant right-to-purchase program
1e. Support tenants to be active participants in advocating for and implementing displacement mitigation strategies.	Financial support for tenant organizing and tenant engagement Tenant right-to-organize ordinance

Goal 2: Vulnerable homeowners in gentrifying neighborhoods are not displaced from their current homes and neighborhoods

Strategy	Tool
2a. Lower the property tax burdens for vulnerable homeowners.	Homestead Preservation Centers Homestead exemption enrollment program Expand notice of property tax deferral rights Emergency homestead stabilization fund Neighborhood stabilization loan program Tax abatement program for homeowners Market segmentation Senior volunteer tax break
2b. Assist vulnerable homeowners in gentrifying neighborhoods with repairs to their homes.	Create and expand home repair assistance programs
2c. Assist low-income homeowners with accessing the equity in their home through non-predatory products.	Enhanced fair lending education and enforcement Community homeownership loan fund
2d. Increase the ability of vulnerable homeowners to generate income from their homes and lots through the creation of accessory dwelling units.	Support the construction of external accessory dwelling units Reform land use ordinances to allow for the creation of internal accessory dwelling units

Strategy	Tool
2e. Support the preservation of mobile home parks and ability of mobile home park residents stay in their communities.	Comprehensive mobile home park preservation program
	Advanced notice of sale or change of use for mobile home parks
	Relocation assistance fee for mobile home park displacement
	Designate new sites for mobile home zoning
	Extend mobile home zoning to all mobile home parks

Goal 3: The existing affordable housing stock (subsidized and non-subsidized) in gentrifying neighborhoods is preserved so that the units are in good condition while remaining affordable to low-income residents.

Strategy	Tool
3a. Create programs and policies for proactively identifying, monitoring, and preserving at-risk affordable multifamily rental properties in gentrifying neighborhoods.	Affordable housing preservation officer
	Affordable housing preservation network
	Database to track at-risk properties
	Notice requirements
	Right-to-purchase ordinance
	Rental registration and proactive inspection program
	Small site acquisition program
3b. Enact land use restrictions that disincentivize redevelopment and demolitions of current affordable homes in gentrifying neighborhoods.	Neighborhood stabilization overlay
	Residential infill project
	Deconstruction ordinance
3c. Create preservation funds to provide private and public capital targeted towards acquiring and rehabilitating at-risk apartments.	Public-private strike funds
3d. Utilize property tax relief to promote preservation of rental properties.	Property tax abatement program
	Property tax exemptions via publicly-owned land

Goal 4: City planning and land use decisions incorporate inclusive and equitable anti-displacement strategies, and low-income persons and communities of color are empowered to participate early and meaningfully in land use decisions that shape their homes, neighborhoods, and communities

Strategy	Tool
4a. Create and support planning processes that incorporate a focus on mitigating displacement, with ongoing input and oversight by impacted residents.	Community-driven, neighborhood-scale displacement mitigation plans
	Community impact analyses
4b. Strengthen vulnerable residents' ability to have a voice and active role in the development of their neighborhoods.	Invest in community organizing
	Community engagement plan requirements

4c. Increase resident and community ownership of land.	Capacity building support and incubation of neighborhood-centered community development corporations
4d. Reduce barriers to participating in planning and land use decisions impacting gentrifying neighborhoods and utilize effective community engagement tools to elevate community voices.	Comprehensive community engagement strategy

Goal 5: New affordable housing options are created to serve current and future vulnerable households in gentrifying neighborhoods

Strategy	Tool
5a. Intervene early to acquire control of land in strategic locations of gentrifying neighborhoods.	Acquisition and land banking of property for future affordable housing development Land acquisition fund
5b. Dedicate surplus public land to affordable housing development.	Public land for affordable housing policy
5c. Leverage the power of hot real estate markets in middle- and late-stage gentrifying areas to create affordable housing.	Adoption and expansion of density bonus programs Community benefits agreements (CBAs)
5d. Retain city and community ownership of land to ensure permanent affordability of housing units for future generations of residents.	Community land trusts Shared equity appreciation with resale restrictions and rights of first refusal
5e. Require longer affordability terms in new affordable multifamily properties.	Require longer affordability terms for new LIHTC properties

Goal 6: Vulnerable residents are able to remain in or return to their communities by accessing the new affordable housing opportunities in their neighborhoods

Strategy	Tool
6a. Give displaced residents and residents at risk of displacement higher priority on waiting lists for affordable housing programs in their neighborhood.	Community preference policy
6b. Improve vulnerable residents' access to information about affordable housing opportunities and streamline the application process.	Single-entry, online affordable housing application portal

GOAL 1:

Vulnerable renters in gentrifying neighborhoods are not displaced from their current homes and neighborhoods

Renters in gentrifying neighborhoods face recurring rent increases and other displacement pressures as existing rental housing is torn down to make way for higher-end development. The most vulnerable groups of renters (e.g., low-income renters, persons of color, and families with children in poverty) are at the highest risk of displacement. The following is a summary of strategies and policy tools that can be used by Texas cities in gentrifying neighborhoods to help low-income renters stay in their current homes and neighborhoods, with a focus on direct financial legal assistance, legal protections, and other types of support. Additional strategies related to renters are discussed under Goal #3, related to preserving Texas cities' existing affordable housing stock for low-income residents.

Strategy 1a: Provide direct financial relief to vulnerable renters who are at risk of being displaced from their homes in gentrifying neighborhoods.



Policy Tools:

- **Local funding for emergency rental assistance**

Emergency rental assistance programs provide short-term direct relief to residents facing an immediate threat of eviction from their rental homes in gentrifying neighborhoods. These programs could be structured to target renters in gentrifying neighborhoods.

Examples: Austin ([Travis County Family Support Services](#)); Seattle ([Rental Housing Assistance Program](#)); New York City ([One-Shot Deal Program and Homeless Diversion Unit](#)).

Considerations: Helps vulnerable families weather a financial crisis and reduces homelessness. Short-term solution not directed towards helping families who need longer-term assistance to remain in their homes.

- **Neighborhood stabilization voucher program**

A neighborhood stabilization voucher program can provide longer-term relief to renters facing displacement in targeted gentrifying neighborhoods by funding the gap between market rate rents and what a low-income renter can afford. By using local dollars, a voucher program acts as a supplement to federal Housing Choice Vouchers (commonly referred to as "Section 8"), which are in short supply relative to need and not targeted to particular neighborhoods. Programs can target residents whose properties are exiting affordable housing programs, who are unable to pay their current rent, or who are living in unsafe conditions and need to move to another property. The program can be tenant-based as well as property-based.

Examples: D.C. ([Local Rent Supplement Program](#)); Denver ([Lower Income Voucher Equity Program](#)).

Considerations: Major outlays of city funding needed to provide the on-going rent subsidies in areas with rapidly appreciating property values. Requires cooperation from landlords.

Strategy 1b: Increase city legal protections for renters to reduce evictions and other forms of displacement in gentrifying neighborhoods.

Tenants in Texas have very limited rights, but there are a number of measures that cities can adopt to enhance their rights, which would help reduce the displacement of renters living in complexes with substandard conditions, rising rents, or undergoing redevelopment. Tenant protections, such as a right to organize and stronger retaliation protections, are critical for tenants who want to advocate against rent increases and zoning changes that would facilitate redevelopment of their property, who are seeking to purchase their property through a right-to-purchase program, and who want to ensure a right to return to any new development.



Policy Tools:

- **Mandatory tenant protections in rental properties receiving city support**

Texas cities can require properties receiving city support—such as city subsidies and property tax abatements, new zoning entitlements, and approval of federal Low Income Housing Tax Credit and tax-exempt bond projects—to provide a designated set of robust protections for tenants. Tenant protections could include: (1) organizing protections, (2) opportunities to cure alleged lease violations, (3) rights of first refusal to purchase, (4) longer advanced notice of rent increases, (5) lease renewal protections (i.e., barring lease non-renewals without just cause), and (6) caps on rent increases.

Examples: The [City of Austin](#) requires rental housing developers seeking city funding to provide, via a deed restriction, [additional protections for tenants](#), such as good cause protections for lease non-renewal and right to cure.

Considerations: Tenant protections are most effective when backed with funding for monitoring and enforcing violations.

- **Anti-retaliation ordinance and anti-harassment protections for tenants**

Tenants who speak out against rent increases and living conditions in their housing units risk retaliation from their landlords, including non-renewals of leases. Anti-retaliation and anti-harassment protections are critical for tenant advocacy groups as they work to help tenants address substandard housing conditions and receive fair treatment from their landlords. Dallas has its own anti-retaliation ordinance, but tenant advocates report that the ordinance is weak, hard to enforce, and needs to be strengthened.

Examples: Dallas ([Tenant Anti-Retaliation Ordinance](#)); Oakland ([Tenant Protection Ordinance](#)); San Jose ([Tenant Protection Ordinance](#)).

Considerations: Tenant protections are most effective when backed with funding for monitoring and enforcing violations. In Texas, enforcement remedies are very limited.

• Expansion of legal and mediation support for tenants facing eviction

Research shows that providing legal support to tenants in eviction proceedings dramatically reduces the number of evictions and thus also reduces the negative impacts to both families and communities that result from evictions. These impacts include shelter costs associated with homelessness and the harm to students and school districts of moving students to new campuses. Using D.C.'s Office of Tenant Advocate (OTA) and New York City's eviction defense programs as a guide, Texas cities could fund similar programs locally to provide legal support for vulnerable tenants in gentrifying neighborhoods as well as other areas of the city. D.C.'s OTA receives more than \$4 million in annual city funding. OTA's four staff attorneys provide legal assistance to tenants and tenants associations and intervene in judicial cases impacting tenants' rights.

Examples: Washington, D.C. ([Office of Tenant Advocate](#)), New York City ([Universal Access to Legal Counsel Program](#)), Boston ([Office of Housing Stability](#)), San Francisco ([Proposition F](#)—right to counsel in evictions referendum), Newark ([Right to Counsel in Evictions](#)). See the [National Coalition for a Right to Civil Counsel](#) for a list of cities and states supporting a legal right to counsel in evictions.

Considerations: Systematizes and strengthens what is at present an incomplete and underfunded network of advocates for renters. Would help redress the under-representation of renter populations in city policies. The long-term viability of an eviction support program would require an on-going commitment of general funds.

• Eviction notification ordinance

Under an eviction notification ordinance, landlords would be required to notify the city when they intend to evict a large number of tenants or not renew their leases. A notification requirement would improve the ability of cities, tenant associations, tenant advocacy groups, and social service providers to assist the tenants and intervene in mass-displacement actions as well as reduce impacts on schools.

Strategy #1c: Assist renters who have been displaced with relocating in their neighborhoods.



Policy Tools:

• Tenant relocation ordinance

Tenant relocation ordinances provide support for renters, such as financial assistance and counseling, when they are displaced from apartments undergoing redevelopment or demolition. Programs range in scope and structure. Many cities require developers to pay financial assistance to renters who are displaced, with some cities paying for the assistance. Cities may provide special relocation protections for residents of mobile home parks, given the cost and time it takes to move a mobile home. Austin's tenant relocation ordinance requires that developers provide 180-day notice to residents of apartments before filing a demolition permit or commercial building application. The notice requirement for residents of mobile homes parks is 270 days and is also triggered by rezoning applications. Austin also has—on paper at least—a tenant relocation assistance program

that provides housing location counseling services to tenants and requires developers to pay assistance to tenants when seeking a rezoning or other discretionary land use approval. The City is in the process of adopting a fee and directing city funding for this program.

Examples: Austin ([Tenant Relocation Program](#)); Boston ([Condominium Cooperative Ordinance](#)); Chicago ([Protecting Tenants in Foreclosed Rental Property Ordinance](#)); Seattle ([Tenant Relocation Assistance Ordinance](#)); Portland ([Mandatory Renter Relocation Assistance Ordinance](#)); Palo Alto ([Rental Housing Stabilization Ordinance](#)); San Antonio ([Risk Mitigation Policy](#)).

Considerations: Assessing a fee on developers to fund relocation assistance requires a nexus study. The provision of intensive relocation counseling, which helps tenants navigate the rental market, negotiate with new landlords, and access housing in their neighborhood and school attendance zone, can be just as important as financial assistance in helping tenants relocate.

Strategy #1d: Support tenant acquisitions of their apartment units.



Policy Tools:

• Tenant right-to-purchase program

When structured appropriately, tenant right-to-purchase programs can be a powerful tool for minimizing resident displacement while helping create rare low- and moderate-income homeownership opportunities in gentrifying neighborhoods. Washington, D.C.'s Tenant Opportunity to Purchase Act is a key element in the most successful tenant purchase program in the country. The Act provides tenant associations in multifamily properties or a tenant-designated nonprofit with a right of first refusal to purchase their apartment complex if it is ever sold. As the D.C. model has shown, to be effective, a right to purchase needs to be paired with significant financial support for the acquisitions, technical assistance, and capacity building support for preservation nonprofits. Many subsidized housing programs already come with a right of first refusal for tenants but are rarely used because of the lack of funding and technical assistance for the purchases.

Examples: Washington, D.C. ([Tenant Opportunity to Purchase Program](#)) and other supporting programs.

Considerations: A right-to-purchase program could be applied citywide or only to subsidized properties. If extended to private properties, a tenant right-to-purchase ordinance would likely attract hostile action from the Texas Legislature. In Washington, D.C., scattered cases of tenants gaming the system to their advantage (e.g., by selling their right to purchase) have been widely publicized and undermined support for an otherwise very helpful ordinance.

Strategy #1e: Support tenants to be active participants in advocating for and implementing displacement mitigation strategies.



Policy Tools:

- Financial support for tenant organizing and tenant engagement**

Before a displacement event occurs, renters need to know their rights and options and need organizing support so they can effectively advocate for their interests. Tenant organizing is also critical to the effectiveness of a tenant right-to-purchase program. Cities can invest in tenant organizing and support tenants in acquiring their units and in other advocacy actions to mitigate displacement. The City of Austin provides annual funding out of its code enforcement budget for Building and Strengthening Tenant Action (BASTA), a local nonprofit initiative that educates tenants about their rights, helps tenants form tenant associations and engage in a variety of advocacy actions to address unsafe living conditions, and represents tenants in landlord retaliation actions.

Examples: Austin ([Building and Strengthening Tenant Action](#) (BASTA)); Washington, D.C.

Considerations: Requires on-going funding for long-term effectiveness.

- Tenant right-to-organize ordinance**

A right-to-organize ordinance provides tenants with critical protections needed to organize as a tenant association and work together to advocate for improved living conditions, exercise a right to purchase, and otherwise mitigate displacement. While [some federal housing programs](#) provide tenants with a right to organize, such as Project-Based Section 8 and Public Housing, these protections do not extend to non-subsidized housing developments or the largest subsidized housing program: the Low Income Housing Tax Credit Program.

Examples: Washington, D.C. ([Tenant Right to Organize Act](#)); East Palo Alto ([Tenants' right to organize ordinance](#))



Source: Building and Strengthening Tenant Action

GOAL 2:**Vulnerable homeowners in gentrifying neighborhoods are not displaced from their current homes and neighborhoods**

As a neighborhood gentrifies, low-income homeowners face mounting financial pressures in the form of recurring property tax increases and, as a consequence, inability to cover other housing expenses, such as repairs. Homeowners who are the most vulnerable to displacement are those with the lowest incomes living in the most rapidly appreciating neighborhoods. While constitutionally-mandated tax savings are available via various homestead exemption policies, low-income homeowners who qualify for these exemptions may not have an exemption in place.

The following are strategies and tools that can be adopted by Texas cities in gentrifying neighborhoods to help vulnerable homeowners who want to stay in their current homes—with a focus on increasing these homeowners' access to homestead exemptions and other tax relief tools available in Texas, providing direct financial relief, helping owners access the equity in their homes, and assisting mobile home owners with acquiring their mobile home communities.

Strategy #2a: Lower the property tax burdens for vulnerable homeowners.

Texas law heavily restricts what Texas cities can do to provide property tax relief for struggling homeowners, but there are still a number of useful policies they can enact. The following tools have a more equitable and softer fiscal impact on cities compared to many other tax relief tools available to Texas cities. Two of the most popular tax relief tools—expansion of the general homestead exemption (which must be set at a percentage versus flat dollar amount) and tax freezes for seniors—support wealthier homeowners much more than lower-income homeowners and shift the property tax burden onto renters, who are typically lower-income and more likely to be from communities of color compared to homeowners.

**Policy Tools:**

- **Homestead Preservation Centers**

By creating and funding Homestead Preservation Centers within gentrifying neighborhoods, Texas cities could support community education about homestead exemptions and other property rights and responsibilities that come with homeownership, targeting services towards vulnerable households who do not have an exemption or are delinquent on their taxes or mortgages. These centers could be operated by cities or through partnerships with a nonprofit or university. Centers could also conduct proactive outreach to help vulnerable owners negotiate payment plans with the tax collector and mortgage modifications with their lenders. Another need that centers could fill is the provision of legal assistance to help eligible owners qualify for homestead exemptions. In particular, heirs-property owners (homeowners who have inherited their homes without a will) often need legal assistance, such as the preparation of affidavits of heirship, to qualify for an exemption.

Examples: Cleveland ([ESOP](#)); Oregon ([Homeownership Stabilization Initiative](#)); Pennsylvania ([Affordable Housing Centers of Pennsylvania](#)); New York ([Financial Empowerment Centers](#)).

Considerations: Relatively low-cost solution to help vulnerable homeowners save hundreds of dollars in property taxes and stay in their homes by accessing constitutionally-mandated exemptions. Cities are able to tailor assistance to low-income homeowners in gentrifying neighborhoods.

• Homestead exemption enrollment program

Short of creating a Homestead Preservation Center, Texas cities could provide funding to community-based nonprofits to conduct in-person outreach to homeowners without a tax exemption and provide on-the-spot assistance to sign homeowners up for the homestead exemptions they qualify for. In Austin several years ago, a successful partnership between the nonprofit, grassroots organization PODER and the Travis Central Appraisal District provided targeted, door-to-door outreach to assist homeowners with applying for homestead exemptions.

Considerations: Low-cost program that would lower the property tax burden of vulnerable homeowners and help them stay in their homes.

• Expand notice of property tax deferral rights

Seniors, persons with disabilities, and disabled veteran homeowners are eligible to defer part or all of their property taxes until they die or move, with an interest of five percent on the taxes owed. In contrast, homeowners who do not defer and fail to pay their property taxes are subject to interest and penalties of 24 percent and can lose their home to foreclosure. Because many vulnerable homeowners who are eligible for a deferral are unaware of their deferral rights under state law, Texas cities could partner with the county tax assessor to provide targeted notices about the property tax deferral option and make the notices more accessible to homeowners who are not fluent in English. Providing door-to-door outreach to homeowners by trusted community members would likely have the greatest impact in informing tax delinquent homeowners about the financial benefits of enrolling in the deferral program rather than paying late penalties and interest for delinquent payments.

Considerations: Low-cost policy that would save vulnerable homeowners up to thousands of dollars a year and help them stay in their homes.

• Emergency homestead stabilization fund

An emergency homestead stabilization fund set up and funded by Texas cities could provide short-term property tax and mortgage assistance to low-income, cost-burdened homeowners at risk of losing their homes because of a financial crisis. The assistance could be provided through a Homestead Preservation Center or another nonprofit, and could be coupled with financial coaching and other assistance to help stabilize families experiencing a financial crisis.

Examples: Seattle ([Foreclosure Prevention Loan Pilot Program](#)); Milwaukee ([Milwaukee Property Tax Rescue Assistance Program](#)); State of Florida ([Elderly Mortgage Assistance Program](#)); Atlanta ([Westside Community Retention Collaborative](#)—grants to homeowners in a gentrifying neighborhood to cover increases in property taxes); Michigan ([Step Forward Michigan](#)—mortgage and property tax assistance); Charlotte ([NC Foreclosure Prevention Fund](#)—interest-free loans of up to \$36,000).

Considerations: Helps families hold onto their homes during a short-term financial crisis. Does not provide long-term relief for vulnerable families unable to afford on-going tax increases or make their mortgage payments.

• Neighborhood stabilization loan program

Some of the most vulnerable low-income homeowners need longer-term financial assistance to be able to stay in their homes and pay their mounting property taxes. While under state law a household with a homestead exemption is entitled to enter into a property tax payment plan with the tax collector in which interest accrues at 12 percent a year, the plan cannot exceed 36 months, and a homeowner can enter into a new plan only after two years.

Texas cities could create a neighborhood stabilization loan program in gentrifying neighborhoods to provide longer-term, low-interest loans to low-income homeowners who are paying more than 30 percent of their income on housing costs. Each loan could be forgivable in exchange for the homeowner agreeing to a longer-term affordability restriction, ensuring that the home would be sold to another low-income owner and remain owner-occupied (this would also generate property tax savings). The program could also provide forgivable loans for low-income residents whose parents have utilized a property tax deferral under state law and, when their parents die, are suddenly faced with a large property tax bill. The loan could be forgivable only to the extent the family member is income-eligible and agrees to remain in the home.

Considerations: Through a neighborhood stabilization loan program, cities could generate permanently income-restricted affordable housing units for a relatively low cost compared to building new units. Longer-term and forgivable loan terms carry a larger financial burden for the city.

• Tax abatement program for homeowners

The Texas Tax Code provides multiple mechanisms by which a city can grant tax abatements of up to ten years to homeowners and other property owners in a “Reinvestment Zone.” With a tax abatement, cities abate (i.e., waive) their property taxes on the increase in the appraised value of a property. A city can provide a partial or full abatement and must adopt guidelines and criteria for awarding the abatements in a Reinvestment Zone. A city can tailor the abatements to serve the most vulnerable homeowners in gentrifying neighborhoods, such as by pairing abatements with low-income persons participating in a city home repair program, as long as the area meets the definition of a Reinvestment Zone. Issuing an abatement is contingent on the owner making specific improvements or repairs to the property, but the [state statute](#) does not set forth a minimum level of repairs that must be made. Counties and other taxing entities can extend property tax abatements to homeowners by entering into an abatement agreement identical to a city’s agreement. Several Texas cities are using tax abatements for homes (e.g., Fort Worth and Waco), but these are mainly geared towards incentivizing new developments and rehabs versus helping current homeowners stay in their homes.

Examples: [Fort Worth](#); [Philadelphia](#); [Portland](#) (new homes only); [Waco](#).

Considerations: Administrative burden to process applications and enter into agreements with homeowners; homeowners with abatements in gentrifying areas will likely be hit with a sharp increase in property taxes when the abatement agreement expires.

• Market segmentation

To protect longtime homeowners in gentrifying neighborhoods from becoming property tax burdened, Texas appraisal districts are allowed to categorize and appraise older homes differently from new and remodeled homes. Instead of using comparable sales for all nearby homes to appraise a home's taxable value, appraisal districts can appraise an older home based on comparable sales of other older homes in the area. A Travis Central Appraisal District pilot program showed that older homes were overvalued by an average of 120 percent without market segmentation, while newer homes were undervalued by an average of 83 percent. Market segmentation helped correct for this, lowering the property tax burden on owners of older homes that have not been remodeled. Market segmentation is a tool used by many appraisal districts in Texas, but it is not as widespread for appraisal districts to use this tool as a means of differentiating between old and new homes.

Examples: [Travis Central Appraisal District](#), [State of Indiana](#).

• Senior volunteer tax break

To help low-income seniors cover their property taxes, Section 11.181 of the [Texas Tax Code](#) allows Texas cities and counties to forgive a senior homeowner's property taxes by the current federal minimum wage (\$7.25) for each hour of volunteer work they perform for the city or county. Cities and counties could adopt special volunteer programs targeted towards seniors in gentrifying neighborhoods. In addition to the tax benefits, a volunteer program could provide opportunities for seniors to stay engaged in their community and to connect with other residents.

Considerations: Unavailable for seniors who do not have the capacity to volunteer as a result of a disability, illness, or other barrier.

Strategy #2b: Assist vulnerable homeowners in gentrifying neighborhoods with repairs to their homes.

Rising property taxes mean that low-income homeowners in gentrifying neighborhoods have a harder time paying for repairs to maintain their homes, which in turn puts these homeowners at greater risk of displacement.



Policy Tools:

• Create and expand home repair assistance programs in gentrifying neighborhoods

In many cases, home repairs and modifications, such as ADA-compliant entry ramps or bathrooms, can help residents remain in their homes rather than undergoing disruptive moves. Major home repairs can lead to an increase in property taxes, and thus repair programs in gentrifying neighborhoods would ideally be coupled with a tax abatement program or resale restrictions. While many Texas cities operate home repair programs, these programs are often over-subscribed and none are geographically targeted towards neighborhoods facing gentrification pressures.

Considerations: Repairing existing homes is generally a less expensive method of creating safe, affordable homeowner opportunities than building new affordable homes. Repair programs typically come with less restrictive resale restrictions than programs such as community land trusts and thus do not provide for long-term affordability.

Strategy #2c: Assist low-income homeowners with accessing the equity in their home through non-predatory products.

For lower-income homeowners in rapidly appreciating areas, the equity in their homes is an asset that can be leveraged to assist with property taxes and other costs of living, but many vulnerable homeowners who tap into their equity are targeted by predatory loan products with excessive interest rates and unnecessary fees. African-American and Hispanic homeowners are the biggest victims of predatory lending products. These products jeopardize the ability of homeowners to stay in their homes and deplete the wealth of African-American and Hispanic households. The following tools could be deployed by Texas cities to assist low-income homeowners with accessing the equity in their homes while avoiding predatory products.



Policy Tools:

• Enhanced fair lending education and enforcement

Texas cities rely largely on federal funding for local fair housing enforcement, but with a commitment of local dollars, cities could enhance their efforts to investigate and enforce fair lending laws, shut down discriminatory and predatory lending practices, and expand vulnerable homeowners' access to safer lending products. The funding could also support financial education to vulnerable homeowners about safe and affordable financial products and help homeowners improve their credit to increase their chances of qualifying for safer lending products.

Examples: New York ([Fair Housing Justice Center](#)); City of Los Angeles ([Housing Rights Center](#)).

Considerations: Fair lending legal actions are difficult to litigate and can take years to work their way through the courts. Law firms may be willing to donate pro bono resources towards the enforcement of fair lending laws.

• Community homeownership loan fund

Nonprofit, mission-driven community loan funds play a key role in helping low-income households access safe and affordable financing, including refinancing and home repair loans as well as financial counseling about the lending process. These funds are typically operated by organizations classified as Community Development Financial Institutions (CDFIs) through the U.S. Treasury Department, which in 2013 opened up financing for below-market homeownership through its CDFI Bond Guarantee Program. Nonprofits and CDFIs can act as trusted interlocutors in neighborhoods with a long history of distrust stemming from past actions taken by the city government.

Examples: Indianapolis ([Indianapolis Neighborhood Housing Partnership](#)); Santa Fe ([Homewise](#)); Chicago ([Community Loan Fund](#)); Nashville ([The Housing Fund](#)).

Considerations: Administrative complexity in setting up a CDFI is high.

Strategy #2d: Increase the ability of vulnerable homeowners to generate income from their homes and lots through the creation of accessory dwelling units.

Long-time homeowners in gentrifying neighborhoods are often sitting on a considerable amount of untapped equity in their homes and lots, which will increase over time as property values continue to rise. At the same time, many of these homeowners are empty nesters and no longer need the space they once needed when raising children in their homes. Allowing low-income homeowners to tap into this equity by renting out portions of their homes and lots through the creation of internal and external accessory dwelling units (ADUs) will improve their ability to stay in their homes as property values rise. An ADU is a smaller, second dwelling created on a lot with an existing house. An ADU can be created in a number of ways, such as the construction of a new stand-alone house (external ADU) and a conversion of a portion of the existing house (internal ADU). In many Texas cities, current land use restrictions and financing barriers stand in the way of the creation of ADUs.



Policy Tools:

• Support the construction of external accessory dwelling units

ADUs provide new housing as well as a potential income stream for homeowners. Regulatory allowance of ADU construction is a key policy tool that [Austin](#), [San Antonio](#), and other [cities](#) across the United States have adopted to support the creation of new, more affordable housing options. Even when regulatory barriers for external ADUs are removed, research from other cities, including Seattle and Portland, strongly suggests that, without intervention, very few low- or moderate-income homeowners will build these units. To build an external ADU, lower-income homeowners also need viable financing options as well as technical assistance navigating the complex, intimidating, and risky processes of design, financing, construction, and property management for ADUs. ADU support programs broaden access to the documented benefits of ADUs—extra living space; rental income; the ability to move into a small, modern housing unit while renting out the existing house; etc.—beyond affluent homeowners to low- and moderate-income homeowners.

Examples: Austin ([Austin Community Design and Development Center](#), The Alley Flat Initiative); Denver ([West Denver Renaissance Collaborative](#)); [Portland, Oregon](#); the State of California passed [legislation](#) preventing cities from blocking ADUs.

Considerations: Existing models in the U.S. that provide large-scale access to ADUs are nonexistent. Would require policy and program innovation and likely a partnership with local nonprofits and financial institutions.

• Reform land use ordinances to allow for the creation of internal accessory dwelling units

Internal ADUs generate income for existing homeowners by converting excess space inside a home (a common scenario for empty nester and elderly residents) into a secondary rental unit. While a freestanding ADU can easily cost up to \$200,000 or more, many internal ADU projects are feasible for under \$50,000. This brings them within reach of far more homeowners. Internal ADUs involve almost negligible changes to the physical look of the home's exterior and are also likely the cheapest possible way to add a new housing unit to already developed neighborhoods.

Examples: [Portland](#), Oregon; [Seattle](#); [Santa Cruz](#), California; [San Francisco](#); [Los Angeles](#); [Vancouver](#), Canada; the State of California passed legislation preventing cities from blocking ADUs (internal and external).

Considerations: May engender political opposition in some areas due to increased unit density. Low- and moderate-income homeowners will need access to affordable financing and technical assistance.

Strategy #2e: Support the preservation of mobile home parks and ability of mobile home park residents to stay in their communities.

Mobile home parks are the largest source of unsubsidized affordable homeownership in the United States and are also home to some of the city's poorest and most vulnerable residents. While the residents typically own their homes, they rent the land their mobile home sits on. In many Texas cities, mobile home parks have been recently lost or are at high risk of redeveloping. Mobile home households face special challenges when they are displaced as a result of mobile home conversions. Moving a mobile home costs an average of \$5,000 to \$10,000, and many homes are in such poor condition they cannot be moved. The declining stock of mobile home parks in cities contributes to the difficulties that mobile home owners face in successfully relocating. The following bundle of tools would further the preservation of mobile home parks and reduce the vulnerability of residents living in these frequently overlooked communities.

Policy Tools:

• Comprehensive mobile home park preservation program

Around the country, there are many examples of comprehensive mobile home park preservation programs that incorporate a range of tools to promote the preservation of these affordable housing opportunities. In New Hampshire, for example, residents have purchased over 120 mobile home communities, preserving more than 7,200 homes. Public policies to support resident ownership typically include a right to purchase, funding for resident organizing, legal and technical assistance, and legal protections to allow residents to organize and form resident associations. Fortunately, financing is already available for

qualified resident acquisitions of mobile home parks through groups like ROC USA, a national nonprofit social venture with a proven track record of financing resident ownership of mobile home communities. ROC USA has already financed at least one mobile home resident ownership project in Texas (Pasadena Trails). A comprehensive preservation program should include active monitoring of mobile home parks most at risk of redevelopment, which could be led by a city preservation officer or nonprofit preservation network.



Mobile Homes by oatsy40 on Flickr, licensed under Creative Commons by 2.0.

Examples: [New Hampshire](#) (robust acquisition program); [Oregon](#) (Network for Oregon Affordable Housing—comprehensive program including financing, policy reforms, and technical assistance).

Considerations: Purchases by low-income residents may require public subsidy, especially in areas in the later stages of gentrifying; success is more likely with on-going public financial support, including for technical assistance and tenant organizing. Enhanced legal protections—including a right to organize and form resident associations and enhanced protections from retaliation and harassment—improve mobile home park residents' chances of successfully purchasing their park.

• Advanced notice of sale or change of use for mobile home parks

Texas cities can adopt ordinances requiring mobile home park owners to give advanced notice to the city and tenants before a mobile home park project owner applies for a site plan or change of use permit, applies for rezoning of the property, or puts the property up for sale. These policies increase the ability of the city and tenants to preserve the property and, if the property cannot be preserved, to prepare for potential relocation upon sale of the mobile home park. Several state governments have coupled an advanced notice of sale requirement with a right of first refusal.

Examples: Austin (270-day notice required prior to owner applying for a site plan, change of use permit, or rezoning of a mobile home residence district); [Florida](#) (right of first refusal; notice at least 45 days before owner sells property); [Pennsylvania](#) (good faith negotiation requirements); [New York](#) (advanced notice with right of first refusal); [New Jersey](#) (advanced notice with right of first refusal); [Rhode Island](#) (advanced notice with right of first refusal); Minnesota (advanced notice with right of first refusal); North Carolina ([notice of sale](#) to Housing Finance Agency required to be eligible for tax exemption); Washington ([notice of sale](#) to state office of manufactured housing, local government, local housing authority, and state housing finance commission within 14 days of advertisement for sale).

• Relocation assistance fee for mobile home park displacement

Relocation assistance ordinances require the payment of a relocation fee to mobile home park residents to help cover the costs of relocating in the event a mobile home park is shut down, such as through a rezoning change. [Various cities and states](#) have adopted mobile home relocation assistance ordinances. For example, in Maryland, property owners closing mobile home parks are required to pay tenants the equivalent of ten months' rent. In Minnesota, the Minnesota Housing Finance Agency pays relocation costs of up to \$9,000 out of a Manufactured Home Relocation Trust Fund. The City of Austin has adopted a relocation fee requirement and is in the process of setting the fee amount.

Examples: [Minnesota](#) (up to \$14,500 for a multi-section home and \$8,000 for a single-section home, or 50% of relocation expenses; \$5,000 for single section and \$9,000 for multi-section home that can't be relocated); [Washington State](#) (actual moving expenses up to \$12,000 for double-wide home and \$7,500 for a single-wide home); Delaware (up to \$12,000 for a multi-section home and \$8,000 for a single section home); Austin (fee under development after nexus study is performed).

Considerations: Texas cities should conduct a nexus study before adopting a fee.

• Designate new sites for mobile home zoning

When homeowners in mobile home communities are forced out of their communities, they may have little or no alternatives of places to move their mobile homes, especially in cities with few parcels of land zoned for mobile home parks. Designating new sites across a city for mobile home parks would open up opportunities for mobile home residents to remain in the city.

Considerations: This policy would likely not result in new mobile home residents being able to stay in gentrifying neighborhoods unless the policy were coupled with subsidies to support city, nonprofit, or tenant acquisition of land for mobile home parks with restricted lease rates that are affordable to lower-income households.

• Extend mobile home zoning to all mobile home parks

Some cities' mobile home parks are not zoned specifically as mobile home parks, making these residences especially vulnerable for redevelopment. Rezoning these areas as mobile home zones or adding an overlay designation prohibiting other types of development would help secure the future of these sites as mobile home parks.

Examples: [Austin](#) (City Council resolution adopted in 2018 to initiate rezoning process for all mobile home parks not currently zoned mobile home residence district; process expected to be completed by 2020).

Considerations: Low-cost regulatory solution to restrict redevelopment of mobile home parks, although staff resources are required to take the properties through the rezoning process; likely opposition from current mobile home park owners.



GOAL 3:**The existing affordable housing stock (subsidized and non-subsidized) in gentrifying neighborhoods is preserved so that the units are in good condition while remaining affordable to low-income residents.**

The most overall cost-effective method of providing affordable housing opportunities in gentrifying neighborhoods is to preserve existing affordable rental housing instead of subsidizing the construction of new affordable housing. Without intervention, many existing subsidized and non-subsidized rental properties will no longer be affordable over the next ten years. In particular, in Texas thousands of units in the Low-Income Housing Tax Credit program—the largest affordable housing program in the country—are at risk of exiting the program and losing their affordable rents without preservation interventions. Other affordable properties are at risk because of deteriorating property conditions, especially aging properties where owners fail to provide improvements and repairs in anticipation of future redevelopment on the site.

Strategy #3a: Create programs and policies for proactively identifying, monitoring, and preserving at-risk affordable multifamily rental properties in gentrifying neighborhoods.

The following programs and policies would enhance Texas cities' ability to identify and monitor affordable multifamily properties that are at risk in gentrifying neighborhoods—either because of expiring affordability restrictions or deteriorating physical condition—and facilitate early interventions to safely preserve them. Some funding mechanisms targeted towards preservation—critical components of any preservation program—are discussed below, while general funding mechanisms for affordable housing are discussed in a separate section of this toolkit. Ideally, the adoption and implementation of these policies would be part of a comprehensive preservation strategy and program. Cities with comprehensive preservation programs include New York City ([Proactive Preservation Initiative](#)), Los Angeles ([Affordable Housing Preservation Program](#)), and Chicago/Cook County ([Preservation Compact](#)).

**Policy Tools:**

- **Affordable housing preservation officer**

An affordable housing preservation officer is a city employee who is tasked with overseeing and coordinating the city's programming related to the preservation of multifamily affordable housing and mobile home parks, including: (1) implementing a citywide preservation policy, (2) coordinating a preservation network (see the tools below), (3) coordinating preservation interventions, (4) matching apartment owners with preservation-minded buyers, and (5) working with tenants to ensure they are notified and aware of their rights and preservation options.

Example: [Washington, D.C.](#)

Considerations: Local funding commitments required to fund the position. Will help Texas cities shift towards a proactive rather than reactive posture regarding affordable rental housing preservation.

- **Affordable housing preservation network**

Affordable housing preservation networks regularly convene community-based organizations, tenant groups, government agencies, and other stakeholders to identify and monitor at-risk multifamily properties and collaborate on preservation efforts, including engaging with property owners. Around the country, preservation networks have played a key role in the preservation of affordable housing at the local and state levels—tracking cities' inventory of at-risk housing and mobilizing and coordinating preservation interventions among a variety of stakeholders.

Examples: Washington, D.C. ([Housing Preservation Network](#)); Colorado ([Housing Preservation Network](#)); Chicago/Cook County ([Preservation Compact](#)); Chicago ([Chicago Rehab Network](#)).

Considerations: On-going funding needed to hire staff or out source the coordination of the network through a nonprofit organization. Funders would likely be interested in providing seed funding for this work.

- **Database to track at-risk properties**

An effective affordable housing preservation program is impossible without an inventory of affordable properties that are at risk of displacing tenants. Preservation databases track at-risk properties by incorporating detailed information about properties' expiring subsidies, habitability and code violations, and other indicators of vulnerability by gathering information from on-the-ground resources, including preservation stakeholders. A comprehensive database can focus not only on properties with expiring subsidies but also those in disrepair and otherwise at risk of displacing low-income renters.

Examples: Washington, D.C. ([DC Preservation Catalog](#)); Colorado ([Housing Preservation Network](#)); Chicago ([Chicago Rehab Network Preservation Database](#)); New York City ([Proactive Preservation Initiative](#)).

Considerations: Costs associated with maintaining and updating the database, although funders would likely be interested in providing seed funding to get a database off the ground.

• Notice requirements

Notice ordinances require a subsidized affordable property owner to provide cities and tenants with advance notice when the owner intends to sell the property or convert the property to market-rate rents. Notice requirements provide cities with the time to formulate a strategy to minimize the impact of the property's conversion, such as securing financing to purchase the units, locating alternative housing for tenants, and coordinating with the local school district regarding changes in school enrollment.

Most affordable housing subsidy programs, including the federal Low-Income Housing Tax Credit (LIHTC) program, have a notice requirement, but notice is typically only required for the tenants and not the city. And for some LIHTC properties exiting the program, the notice requirement for tenants ends 30 years after the property came online, even if the property committed to a longer affordability term with the state. Several cities and states require notice terms that exceed the minimum notice period and notice triggers required by federal housing programs (e.g., expiration of affordability term, sale, pre-payment, and early exit from the program).

Examples: [Denver](#) (one-year notice), [California](#) (one-year notice); [Portland](#) (one-year notice); [Massachusetts](#) (two years).

Considerations: Requires active compliance monitoring by city staff or another organization.

• Right-to-purchase ordinance

Right-to-purchase ordinances are a powerful tool for minimizing the displacement of low- and moderate-income residents by providing cities, tenants, and preservation organizations with a right to purchase a rental property when the owner decides to sell the property or convert it to market rate. A “right of first refusal” (ROFR) provides the preservation buyer with a right to match a private offer to purchase the property during a set period of time. A “purchase right” gives a preservation buyer the right to purchase the property at fair market value when the property is exiting the affordability program. ROFR and purchase rights can extend to: (1) all subsidized apartments requiring city funding or approval (such as 4% LIHTC/tax-exempt bond projects); (2) all subsidized apartments, regardless of the source of funding; or (3) all apartments, regardless of whether the property is subsidized.

Examples: Washington, D.C. ([Tenant Opportunity to Purchase Act](#) and [District Opportunity to Purchase Act](#); covers all multifamily rental properties); [Denver](#) (federally subsidized rental properties); [Maryland](#) (condominiums); Illinois ([Federally Assisted Housing Preservation Act](#)).

Considerations: Requires significant funding and capacity building support from the city and nonprofit organizations. Close attention needed upfront when drafting the ordinance to address potential loopholes. In Washington, D.C., scattered cases of tenants gaming the system to their advantage (e.g., by selling their right to purchase) have been widely publicized and undermined support for an otherwise helpful ordinance.

• Rental registration and proactive inspection program

Conducting proactive inspections of rental properties on a rotating schedule is a key tool used by cities around the country to identify rental properties at risk because of deteriorating conditions and, after identifying an at-risk property, to engage in appropriate interventions. These programs, when coupled with effective enforcement, provide a disincentive for landlords to “milk” properties while awaiting redevelopment opportunities.

Examples: Dallas ([Multi-Tenant Inspection Program](#)); Fort Worth; Los Angeles; Sacramento ([Rental Housing Inspection Program](#)); Seattle ([Rental Registration and Inspection Ordinance](#)); San José.

Considerations: To effectively address displacement, inspection programs must be accompanied by adequately-funded programs to help with repairs that landlords are unable or refuse to make. A city may need to incentivize landlords to keep rents low after making extensive repairs, such as by offering tax abatements; otherwise the improvements could lead to increased rents and displacement of current renters.

• Small site acquisition program

Small site acquisition programs target the preservation of smaller multifamily buildings. In general, small, older rental housing is more likely to be owned by local landlords who manage their own properties. Many of these properties, which are concentrated in central city neighborhoods near transit corridors, are [being purchased by investors](#) who renovate them and then raise their rents.

Examples: San Francisco ([Small Sites Program](#), buildings with 4 to 25 units)

Considerations: Most preservation funding programs, such as the Low Income Housing Tax Credit program, are geared to larger, contiguous properties, making it harder to leverage funds to support preservation of these smaller properties.

Strategy #3b: Enact land use restrictions that disincentivize redevelopment and demolitions of current affordable homes in gentrifying neighborhoods.



Policy Tools:

• Neighborhood stabilization overlay

A neighborhood stabilization overlay (NSO), also called a neighborhood conservation district, is deployed at a neighborhood scale and requires new development to meet standards more stringent than the zoning baseline, such as setbacks, building height, floor-to-ratio, etc. While communities have many different goals for adopting neighborhood stabilization strategies, some communities have adopted these policies with the specific goal of slowing down displacement of vulnerable residents. For example, in 2012, residents in Dallas's La Bajada neighborhood, a low-income neighborhood in a gentrifying area, voted to adopt an overlay restricting building heights through Dallas's NSO ordinance, with the goal of preserving the affordable single-family homes in the neighborhood that were threatened by redevelopment pressures spreading into West Dallas. The process of creating the overlay, which required community buy-in along with approval by the City Council, enhanced the political capital of the neighborhood and created a strong political statement that preservation of the low-income neighborhood is a priority. The NSO has been used to defeat rezoning requests that threaten existing affordable single-family units.

Examples: Dallas ([Neighborhood Stabilization Overlay](#)), Seattle ([Pike/Pine Neighborhood Conservation District](#)).

Considerations: Slows down redevelopment pressures in a neighborhood; helpful as a short-term intervention in neighborhoods with accelerating teardowns and housing costs. There is no evidence yet of this tool permanently halting displacement of vulnerable residents—as long as the real estate market in a city is hot, market pressures will eventually catch up in a neighborhood where these tools are used. Depending on how an NSO is structured, the overlay could make it more difficult to build new rent-restricted affordable housing. The overlay could also lead to a reduction in property values for owners of single-family houses.

• Residential infill project

A variation of an NSO is the Residential Infill Project, which is under consideration in Portland, Oregon. Portland's proposed Residential Infill Project would restrict the size of new developments to avoid super-sized single-family homes, called "McMansions," by lowering the maximum size of a new home. At the same time, the ordinance would loosen restrictions on internal subdivisions and accessory dwelling units (ADUs) with the intention of increasing the number of less expensive housing options in the city.

Examples: Portland ([draft rules for Residential Infill Project](#)).

Considerations: If coupled with requirements to include a percentage of affordable units, a residential infill project could have a greater impact on generating long-term affordable housing than a neighborhood stabilization overlay.

• Deconstruction ordinance

A deconstruction ordinance requires projects seeking a demolition permit to deconstruct the building, meaning the home or other building must be disassembled, rather than simply demolished, in a manner that salvages as much material as possible for reuse.

Examples: Portland ([deconstruction ordinance](#) for houses built prior to 1916 or designated historic).

Considerations: Beyond its environmental benefits, acts as a brake on demolition of existing housing by effectively increasing the demolition cost. Unless exceptions are built into the ordinance, would increase costs of new affordable housing development involving housing demolition.

Strategy #3c: Create preservation funds to provide private and public capital targeted towards acquiring and rehabilitating at-risk apartments.

Policy Tools:

• Public-private strike funds

Public-private strike funds offer low-cost loans to acquire and preserve existing affordable housing. They are capitalized with funds from a combination of public, private, and philanthropic institutions. The structure allows for greater flexibility than government subsidy programs (such as Low Income Housing Tax Credits) and lower interest rates than what the market can offer. The funds are typically “revolving,” meaning that as loans are repaid, new loans can be made. These funds are most viable in markets with a high-capacity city housing department and where there is interest from a strong local philanthropic community. The loans are typically acquisition loans of five to seven years, at which time the properties are refinanced with other loans or other subsidies, such as federal Low Income Housing Tax Credits.

Examples: [Denver Regional Transit-Oriented Development Fund](#); [The Bay Area Transit-Oriented Affordable Housing Fund](#); [New Generation Fund](#) (Los Angeles); [Chicago Opportunity Investment Fund](#); [Enterprise Multifamily Opportunity Fund](#).

Considerations: In contrast with private investment funds, public-private funds are able to provide deeper income targeting and thus more likely to serve current renters. These funds, however, require significant public investment to seed the fund and strong interest from local foundations. Administration can be complex.

Strategy #3d: Utilize property tax relief to promote preservation of rental properties.

Providing property tax breaks is an important strategy for incentivizing private owners of multifamily housing to preserve their units as affordable housing. Property tax breaks are of particular importance in Texas, where property taxes are high and assessed values reset every year. The following are two property tax relief tools that can be used in Texas to promote preservation of affordable multifamily housing.

Policy Tools:

• Property tax abatement program

Owners of multifamily properties who make extensive upgrades to their properties are typically hit with increased property bills, making it harder to keep rents affordable. To offset this impact, Texas cities have authority under the Texas Tax Code to provide up to 10 years of a property tax abatement for part or all of the increase in property taxes on multifamily rental properties in exchange for the property owner making repairs to the property. Texas cities are also allowed to condition the abatement on the owner agreeing to continue to rent to low-income renters.

Examples: Cook County (Chicago-area, [Class 9 Program and Class S Program](#)), New York City (numerous programs including [J-51](#) and [UDAAP](#)).

Considerations: Incentivizes multifamily property owners to maintain and repair their properties while also incentivizing them to maintain affordable rents. Costs associated with monitoring compliance.

• Property tax exemptions via publicly-owned land

As a preservation strategy, Texas cities, counties, and housing authorities—along with public facility corporations owned by a government entity (see Local Government Code, Chapters [303](#) and [392](#))—can acquire the land under multifamily properties and then lease the land to a third party under a long-term ground lease, which results in the land being 100 percent exempt from all property taxes. The private entity maintains ownership of the buildings. Several public entities across Texas, including the Housing Authority of the City of Austin, have been using this tax break tool.

Examples: Housing Authority of the City of Austin; [San Antonio Housing Public Trust Corporation](#).

Considerations: Gives cities the ability to provide large property tax breaks and thus subsidize rents. Concerns about the transparency and oversight of these deals and impacts on public school finance. Past and potential abuses of this tool, with developments providing limited affordable housing in exchange for large tax breaks.

GOAL 4:

City planning and land use decisions incorporate inclusive and equitable anti-displacement strategies, and low-income persons and communities of color are empowered to participate early and meaningfully in land use decisions that shape their homes, neighborhoods, and communities.

Cities that build in strategies for preventing or mitigating displacement as land use plans are being adopted or updated can implement more effective displacement interventions than cities that react to displacement after projects are already well underway. Including vulnerable residents in the land use planning process also helps ensure more inclusive and equitable outcomes.

Strategy #4a: Create and support planning processes that incorporate a focus on mitigating displacement with ongoing input and oversight by impacted residents.

**Policy Tools:**

- Community-driven, neighborhood-scale displacement mitigation plans**

A displacement mitigation plan covering a neighborhood or collection of neighborhoods should incorporate meaningful community participation at every step in the process. Plans should include the identification of annual goals, strategies, and priorities, along with annual performance assessments. Plans should be created through an inclusive process and set forth specific tools with clear timelines for implementation. A community oversight committee like the one used in North/Northeast Portland, which meets regularly to review the city housing programs and outcomes in the community, provides for greater transparency and accountability in the implementation of the plan. The success of a comprehensive displacement mitigation plan is also contingent on dedicating adequate funding towards the implementation of the plan.

Examples: [Portland's North/Northeast Neighborhood Housing Strategy](#) (2014); [Guadalupe Community Development Project Plan](#) (Austin, 1980)

Considerations: When backed with deep levels of funding, enables cities to have a concentrated impact on mitigating displacement in a neighborhood in a way that is transparent and responsive to community needs.

• Community impact analyses

Community impact analyses require developers and public agencies to analyze how proposed developments, zoning changes, public investments, and infrastructure projects will impact communities, housing affordability, and displacement. Several cities have adopted impact analyses that must specifically incorporate a racial justice lens. Community impact analyses raise awareness of how certain city decisions impact vulnerable communities, thus increasing public transparency and increasing the potential for elected officials to be more responsive to the needs of vulnerable residents and communities. The analyses can also enhance the ability of stakeholders to identify specific displacement threats and thus develop and implement strategies for remediating the displacement. To be effective, the assessment should include a clear and accepted methodology for assessing impacts.

Examples: Austin ([Affordable housing impact statement](#)); Atlanta ([Affordable housing impact statement](#)); Portland ([Racial equity toolkit worksheet](#)); King County, Washington ([Equity impact review tool](#)); Seattle ([Racial equity toolkit assessment](#)).

Considerations: Community impact analyses do not include enforceable measures for limiting the displacement; they only identify the impact of potential developments or investments. Cities and developers can still proceed with a development even when the community impact statement shows a negative displacement impact.

Strategy #4b: Strengthen vulnerable residents' ability to have a voice and active role in the development of their neighborhoods.



Policy Tools:

• Invest in community organizing

Community organizing is a process of bringing people together and coordinating efforts to promote their common interests. Community organizing is a critical tool for increasing the participation and impact of vulnerable residents in shaping private and public decisions that affect their homes and communities. Community organizing initiatives often include community education regarding planning and local issues and supporting vulnerable residents in negotiating specific agreements with developers to ensure that development projects are more responsive to the needs of the community. Community organizing of vulnerable tenants and other residents has been a critical component of several anti-displacement mitigation efforts in Texas cities.



Source: Building and Strengthening Tenant Action

Examples: Austin (on-going city funding support for Building and Strengthening Tenant Action, [BASTA](#)); Washington, D.C. ([Tenant Purchase Technical Assistance Program](#)); Boston ([Boston Tenant Organizing Program](#)); New York City ([Partners in Preservation pilot program](#)); Los Angeles ([Strategic Action for a Just Economy](#)).

• Community engagement plan requirements

Community engagement plan ordinances require development project applicants in vulnerable communities to prepare and follow an inclusive plan for how the applicant will actively engage with the community concerning the proposed project and provide impacted residents with the opportunity to provide input on the project. The City of Oakland has a five-step community engagement process that development applicants are required to follow. The process includes preparation of a community engagement plan, partnership with a community-based organization that has experience working with impacted stakeholders, contacting the stakeholders in multiple languages and different forums, and conducting the actual engagement activities. The applicant must submit the proposed engagement process to the city for review and approval.

Examples: Oakland ([Community Engagement Guidelines](#)).

Considerations: Requires city funding and staffing to review and monitor the plans as well as community organizations experienced in working with impacted stakeholders.

Strategy #4c: Increase resident and community ownership of land.

Residents who own their land or govern a community organization that owns land have much greater power in influencing land use and redevelopment decisions and reducing displacement. In addition to the tools discussed here, tools for increasing resident and community ownership are also discussed under the strategies for tenant acquisitions of apartment complexes and mobile home parks.



Policy Tools:

• Capacity building support and incubation of neighborhood-centered community development corporations

Community development corporations (CDCs) are nonprofit, community-based organizations focused on improving the quality of life in the neighborhoods they serve. CDCs can play a key role in facilitating anti-displacement planning and provide long-term affordable housing that meets locally-identified needs. CDCs such as Guadalupe Neighborhood Development Corporation in Austin are governed by residents of the neighborhoods served by the CDC, empowering residents to shape the future of their community. Establishing a successful CDC requires extensive capacity building and leadership development, which cities could support by: (1) funding local experts to help incubate and provide technical assistance to CDCs, (2) providing seed and ongoing administrative funding for CDCs, and (3) funding leadership development programs for residents. City support for community organizing, discussed in other sections of this toolkit, could also be linked to the formation and support of CDCs.

Examples: Memphis ([CDC Capacity Building Fund](#)).

Considerations: Requires ongoing city funding for operating support to be effective until the CDC is able to build a reliable stream of revenue, such as from rental income from properties owned by the CDC (if there is limited debt in the property or after the debt is paid off).

Strategy #4d: Reduce barriers to participating in planning and land use decisions impacting gentrifying neighborhoods and utilize effective community engagement tools to elevate community voices.

Public planning processes need to incorporate cultural competence and robust and inclusive community engagement. Many community members who are most directly impacted by displacement also have the highest barriers to entry for participation in public planning and decision-making processes. These barriers include childcare obligations, transportation, work obligations, and potential lost income if meetings conflict with work schedules.

Community participation around the issue of displacement presents a further difficulty: Many directly-impacted residents with historic ties to the area no longer live there, yet still arguably deserve a voice in the planning process. In North/Northeast Portland, the social networks that existed in the local African-American church community were used to connect with former residents. Neighborhoods that were known to contain high numbers of displaced people were also targeted for outreach. Future residents from vulnerable groups are also unrepresented in planning unless tenant advocacy groups and other advocacy organizations are brought to the table to represent their interests.

Balancing between homeowner and renter interests is another concern, and renters are usually underrepresented in participatory planning processes. Tenant advocacy groups can be useful voices to make up for the challenges of getting consistent renter participation in these processes.



Policy Tool:

• Comprehensive community engagement strategy

A comprehensive community engagement strategy should be developed and implemented each time a city seeks to engage residents and should include: (1) understanding who makes up the community and setting clear engagement goals, (2) measuring the effectiveness of engagement efforts by tracking who is and is not participating and adjusting efforts as needed, (3) providing relevant information that is easy to understand, (4) using diverse and accessible forums for participation, (5) understanding and removing barriers to participation that are specific to the targeted communities, and (6) targeting areas where displaced residents are known to live. Effective community engagement increases accountability and responsiveness to the needs of vulnerable persons and communities and can result in plans that are more effective and innovative. Plans created through robust community engagement also have stronger community buy in.

Examples: Portland ([North/Northeast Neighborhood Housing Strategy forums](#) and [Diversity and Civic Leadership Program](#)); Boulder ([Code for America partnership](#)); [Center for Urban Pedagogy](#) (Making Policy Public); Los Angeles/SAJE ([People's Planning School](#)).

Considerations: Requires additional city resources and time compared to “top down” planning processes. May reveal divisions within the community that require further in-depth engagement.

GOAL 5:**New affordable housing options are created to serve current and future vulnerable households in gentrifying neighborhoods.**

The following overview focuses on strategies and tools related to creating new affordable housing options that are specifically tailored to the opportunities and challenges presented by gentrifying neighborhoods. Specifically, these tools are focused on creating housing that is permanently affordable for both current and future generations of vulnerable households.

Strategy #5a: Intervene early to acquire control of land in strategic locations of gentrifying neighborhoods.

For neighborhoods that are vulnerable or in the early stages of gentrifying, a city should support the acquisition of as much land as possible in strategic areas of the neighborhood. As gentrification picks up steam in a neighborhood, it becomes much more difficult to feasibly acquire properties for affordable housing. For neighborhoods that are susceptible to gentrification or in the very early stages of gentrifying, it can be hard to envision the kind of rapid rise in property values that often comes in the later stages of gentrification. But buying land in this early period gives cities, community groups, and residents more capacity to mitigate displacement when change does come.

**Policy Tools:**

- **Acquisition and land banking of property for future affordable housing development**

Even if plans or funds are not yet in place to build a new affordable housing development, cities can acquire parcels of land of varying sizes in neighborhoods that are at risk or in the early stages of gentrifying, while prices are still relatively affordable, and bank that land for future affordable housing development. A land bank can best serve the needs of gentrifying neighborhoods when it works in tandem with a community land trust, making the land available for affordable housing development via a 99-year lease to ensure permanent affordability of the land.

The Urban Land Conservancy in Denver focuses on acquiring properties near current and future transit stations—areas where large increases in property values are anticipated. The Conservancy banks the sites for up to five years while funds and plans are assembled for new affordable housing and other community uses on the site. The Conservancy then leases the land via 99-year leases.

Cities can support land banking by creating a streamlined system to track vacant parcels that are appropriate for residential or mixed-use development. Eminent domain is also available to Texas cities for land acquisition for affordable housing—such as acquiring old industrial sites that conflict with surrounding residential uses—although this tool should be used on a very limited basis with community vetting. Special attention has to be paid to avoid any racially discriminatory uses of eminent domain.

Examples: Denver ([The Urban Land Conservancy](#)); Austin (\$100 million from 2018 general obligation bonds dedicated towards buying and holding land for affordable housing).

Considerations: In addition to the lower land costs that come with acquiring land in early-stage gentrifying neighborhoods, land acquisition gives a community more control to shape future redevelopment. To be effective, a land bank program needs access to affordable financing as well as city subsidies.

• Land acquisition fund

Land acquisition funds support the capacity of cities and nonprofits to swiftly take advantage of land acquisition opportunities in gentrifying neighborhoods. The Urban Land Conservancy in Denver relies on the Denver Transit Oriented Development Fund for funding its land acquisitions. The \$24 million fund is used to pay for purchasing, holding, and eventually developing sites in the Denver region along current and planned transit corridors for affordable housing and other community amenities. The fund is supported by contributions from the City of Denver, foundations, and private investors.

Examples: Denver ([Denver Transit Oriented Development Fund](#)); Minneapolis ([Hiawatha Land Acquisition LRT Fund](#)).

Considerations: Requires a high level of city investment and development of new local capacity to create and operate the fund.

Strategy #5b: Dedicate surplus public land to affordable housing development.

Surplus and underutilized public land is often the most accessible source of land for affordable housing in gentrifying neighborhoods. For many CDCs in Texas, the utilization of surplus public land has been a key strategy in a community's early development of affordable housing. Public ownership of land helps insulate housing development decisions from market pressures, allowing the provision of housing types that for-profit developers will not provide, such as large family-sized apartments.



Policy Tools:

• Public land for affordable housing policy

A public land for affordable housing policy could include a number of components to address current barriers to redeveloping surplus public land with affordable housing, including: (1) a clear and enforceable city policy regarding the minimum level of affordable housing that must be included on redeveloped city land that is suitable to residential development, (2) annual goals for the number of city parcels to redevelop with affordable housing, and (3) a requirement that any city-owned land be first offered for affordable housing development.

To complement a policy and help cut through inter-department politics and silos, cities should consider creating a new staff position at city management level rather than within a city department to manage the public land for affordable housing policy. The staff member could regularly assess opportunities for developing affordable housing on public land and kick start the redevelopment process. Part of the charge for the staff member would be to interface with other units of local government (e.g., school districts) to put their surplus land parcels into use as affordable housing through mechanisms such as partnerships and land swaps, in cases when public entity goals align, such as with below-market teacher housing. Many [states and cities](#) around the country have policies that prioritize public land for affordable housing.

Examples: [Seattle](#); [San Francisco](#); [Montgomery County, Maryland](#).

Considerations: Land costs are a significant portion of the cost of a new affordable housing development, but providing publicly-owned land, on its own, will typically not be enough to achieve deep affordability. Additional subsidies likely required.

Strategy #5c: Leverage the power of hot real estate markets in middle- and late-stage gentrifying areas to create affordable housing.

In neighborhoods where real estate is already at a premium and housing is in high demand, cities and communities have a unique ability to steer the private market toward the development of affordable housing and other community benefits in exchange for increases in land use entitlements such as increases in height of a building.



Policy Tools:

- **Adoption and expansion of density bonus programs**

In many Texas cities, denser development types are increasingly imperative to provide enough housing to support local needs. Local governments can leverage this need and support denser development through density bonus programs that require a percentage of income-restricted affordable housing as a part of every new development in exchange for an increase in land use entitlements. Many density bonus programs offer an option for an in-lieu fee toward an affordable housing fund instead of the development of onsite affordable housing. However, some of the most successful density bonus programs in Texas, such as the City of Austin's Vertical Mixed Use (VMU) ordinance, do not offer in-lieu fees and require onsite affordable units. These programs with onsite requirements have resulted in more affordable units built overall than those that offer in-lieu fees.

The efficacy of density bonus programs is highly dependent on market conditions; density bonuses can become "out of tune" with market conditions as the business cycle progresses and thus must be frequently calibrated. If calibrated correctly, density bonus programs result in an increase in both affordable and market rate housing in middle- and late-stage gentrifying neighborhoods and more mixed-income housing in cities overall.

Examples: Austin ([Ten programs](#) including [VMU Ordinance](#), [Planned Unit Development \(PUD\) Density Bonus](#), [Downtown Density Bonus Program](#)); Dallas ([Mixed-Income Housing Development Bonuses](#)).

Considerations: Density bonus programs result in income-restricted affordable housing in high opportunity areas with no subsidy by the city. The economics of density bonus programs do not typically allow for units that serve families below 60 percent of the median family income, unless they are coupled with additional policies and programs, such as Montgomery County's partnership with the local housing authority. Requires active monitoring by the city to ensure the program requirements are followed by current and future owners.

• Community benefits agreements (CBAs)

CBAs are agreements negotiated between a developer and a community group that will be impacted by a proposed development project, whereby the developer of the project agrees to provide specific mitigations or benefits to the local community in exchange for the community group agreeing to support or take a neutral position on the developer's project. In a community undergoing gentrification pressures, for example, residents may be able to successfully negotiate an agreement for the developer to include affordable housing in the new development or to provide funding for house repairs, in exchange for the community group supporting the developer's request for an upzoning on the property.

Examples: Zilker Neighborhood Association, Austin (Developer agreed to include 26 rental units for low-income families making up to 60% AMI, and 14 units at 80% AMI, in exchange for the association supporting the developer's upzoning request); Blackland Community Development Corporation, Austin (developer agreed to sell one of the five condominium units to Blackland as affordable housing to a family making up to 60% AMI, with a 99-year affordability requirement, in exchange for obtaining an upzoning on the property).

Considerations: Community benefits agreements are most likely to be successful when the community has some type of political leverage, such as when a developer is seeking an increase in zoning entitlements and the city council is willing to condition its approval of the rezoning on the developer securing the community's support. The community will need a lawyer to prepare and help negotiate the agreement.

Strategy #5d: Retain city and community ownership of land to ensure permanent affordability of housing units for future generations of residents.

Wherever possible, cities supporting the development of affordable housing should retain ownership or long-term resale controls on the land—or ensure that a nonprofit or community-controlled entity with a commitment to permanent affordability retains ownership of the land. Otherwise, precious government investments in affordable housing located in a gentrifying neighborhood will be lost as the housing eventually flips to market rates that are far out of reach of low-income families.



Policy Tools:

• Community land trusts

Community land trusts (CLTs) provides opportunities for future generations of low-income residents to live in a gentrifying neighborhood and reduces turnover of properties. CLTs also result in substantial property tax savings for low-income homeowners in Texas. Through a CLT, a nonprofit organization maintains long-term ownership of the land to provide permanently affordable housing for the benefit of the community. CLTs typically incorporate residents into the governance of the land trust. A community land trust can be used with single-family housing as well as mixed-used and multifamily development, and with homeownership as well as rental housing. For homeownership units, the land is typically leased for 99 years to an income-eligible family for an affordable price. The family purchases the home on the land with mortgage financing, typically from a bank. When the family wishes to sell the home, the nonprofit CLT has a right of first refusal to purchase the home, and the resale price is restricted to ensure it remains affordable to future buyers. For rental CLT units, a nonprofit entity retains ownership of the home and then leases the home to an income-eligible family for an affordable price.

Examples: There are more than 240 CLT programs in 46 states, including: Houston ([Houston Community Land Trust](#)); Austin ([City of Austin, Guadalupe Neighborhood Development Corporation](#)); North Carolina ([Community Home Trust, Durham Community Land Trustees](#)); Chicago ([Chicago Community Land Trust](#)); and Albuquerque ([Sawmill Community Land Trust](#)).

Considerations: Requires an entity with capacity to actively monitor the resale restrictions and work closely with the homeowners to ensure that the home is maintained and that the restrictions on the home are complied with. Community control of land can be an unfamiliar concept to many residents and often requires extensive education efforts to counter suspicions of a “land grab.”

• **Shared equity appreciation with resale restrictions and rights of first refusal**

If a city or nonprofit entity does not retain ownership of the land, then a best practice for long-term affordable homeownership is restricting the resale prices of the homes through a shared equity model, where the owners recoup their investment and the return on appreciation is capped via a restrictive covenant recorded in the deed records.

Examples: The City of Austin currently requires shared equity appreciation for 99 years for its homeownership programs and has a right of first refusal on the home so the City can buy the home and resell it to another low-income household.

Considerations: The wealth-building that can occur in gentrifying areas is muted in shared-equity homeownership.

Strategy #5e: Require longer affordability terms in new affordable multifamily properties

The federal Low-Income Housing Tax Credit (LIHTC) program is the largest affordable rental housing development program in the country, but Texas regulations reduce the long-term effectiveness of the program. Many new properties placed in service can exit the program after 30 years, and most properties with credits allocated prior to 2002 can exit after 15 years. Rapid gentrification in some areas is increasing apartment owners’ incentive to exit early from the LIHTC program. The following is a tool that cities could adopt to ensure new tax credit properties coming online include longer affordability requirements.



Policy Tools:

• **Require longer affordability terms for new LIHTC properties**

Under [Texas law](#), LIHTC developers applying for tax credits currently must obtain city council approval as a condition of receiving the credits (4% credits) or competitively scoring in the state’s application process (9% credits). As a condition of providing city approval or any other benefits to LIHTC developments, cities could pass an ordinance requiring all developers to commit to a minimum 55-year affordability term with the City. Several cities and states around the country require an affordability term of 40 to 55 years or even longer.

Examples: [Nevada](#) (50 years), [Utah](#) (99 years), [California](#) (55 years).

Considerations: LIHTC properties will likely need additional subsidies down the road to maintain the property.

GOAL 6:

Vulnerable residents are able to remain in or return to their communities by accessing affordable housing opportunities in their neighborhoods.

Strategy #6a: Give displaced residents and residents at risk of displacement higher priority on waiting lists for affordable housing programs in their neighborhood.

**Policy Tools:**

- **Community preference policy**

Several cities and nonprofit organizations across the United States utilize community preference policies for their affordable housing programs to redress prior racial injustices (such as displacement precipitated by urban renewal and freeway construction), further their displacement mitigation goals, and help stabilize communities. These policies are typically created at a neighborhood scale and provide priority placement for affordable units in a neighborhood or group of neighborhoods to low-income applicants who have been displaced from their neighborhood, are current residents at risk of displacement, or are descendants of displaced residents. The City of San Francisco has several community preference policies; its HUD-sanctioned preference policy for a federally-funded senior apartment complex gives preference for 40 percent of units to low-income seniors living in census tracts at the greatest risk of displacement.

A preference policy must be carefully crafted to avoid violating the Fair Housing Act by ensuring that the policy does not perpetuate segregation or have a disparate impact on persons of color or other protected classes, such as families with children or persons with disabilities. For example, if a preference policy prioritizes current residents of a neighborhood and the residents who qualify for the affordable housing program are more likely to be white compared to a program serving applicants drawn from a larger geographic area, the policy would have a disparate impact under the Fair Housing Act. To avoid disparate impacts in gentrifying neighborhoods that are becoming predominantly white but were historically communities of color, a city should consider giving preference to low-income residents who are at the highest risk of displacement (such as renters), have long ties to the community, or have already been displaced. But again, to comply with the Fair Housing Act, each policy needs to be tailored to the particular community and analyses need to be regularly updated to ensure the policy is not having a disparate impact or perpetuating segregation.

Examples: Portland, Oregon ([N/NE Portland](#)); [San Francisco](#); [Guadalupe Neighborhood, Austin](#).

Considerations: Preference policies do not actually produce affordable units but instead only provide preference for units that are produced by other means. Preference policies also do not ensure eligibility for a particular affordable housing program, which can lead to confusion among program applicants. If structured improperly, a preference policy can illegally restrict housing choices for persons of color or perpetuate segregation and thus be vulnerable to legal attack.

Strategy #6b: Improve vulnerable residents' access to information about affordable housing opportunities and streamline the application process.



Policy Tools:

- **Single-entry, online affordable housing application portal**

Residents trying to secure a rent-restricted unit in a particular neighborhood have to be able to identify the available affordable housing opportunities and then navigate a morass of different eligibility requirements, applications, and waitlists. Residents can pour precious time and hundreds of dollars into applications only to find they do not qualify or units are unavailable. Cities can reduce these barriers by providing an online portal that includes all income-restricted affordable housing funded or incentivized by the city (such as density bonus units) as well as other housing programs, and that also includes a mechanism for determining eligibility. Portland, Oregon, recently funded a start-up app, [OneAppOregon.com](#), to help residents identify affordable apartments they qualify for and to streamline the application process. Residents submit one application online and view a listing of all properties they are qualified to rent. New York City also operates a single-entry application process.

Examples: Portland, Oregon ([OneApp Oregon](#)); New York City ([NYC Housing Connect](#)).

Considerations: Costs associated with the start up and operation of the software along with maintenance of the portal.

Part 7: Case Studies of Local Efforts to Combat Displacement in Gentrifying Neighborhoods

Introduction

This section features excerpts from three case studies of historically vulnerable neighborhoods where local efforts have focused on mitigating displacement in the face of rising housing costs and redevelopment pressures. The three areas featured are the Guadalupe neighborhood in Austin, the Columbia Heights neighborhood in Washington, D.C., and Inner North/Northeast Portland, a group of neighborhoods in Portland, Oregon. The full case studies were developed as part of the Uprooted Study for the City of Austin and are available at <https://sites.utexas.edu/gentrificationproject/>.

Each of the case studies is focused on neighborhood-centric approaches, highlighting concentrated efforts to address displacement in a particular neighborhood or group of neighborhoods facing displacement pressures. The case studies include an analysis of which approaches have had the most positive outcomes, which approaches did not turn out as expected, and which approaches could have had more positive outcomes if implemented differently—now that leaders have the benefit of experience and hindsight. These case studies also examine how efforts to address displacement evolve over time as neighborhoods enter different stages of gentrification.

Columbia Heights

WASHINGTON, D.C.

A Case Study of Affordable Rental Housing Preservation and Tenant Ownership in the Face of Large-Scale Displacement Pressures

Overview

Columbia Heights is a historically African-American neighborhood in Washington, D.C., located near Howard University. The neighborhood suffered heavy damage during the 1968 riots following the death of Martin Luther King, Jr., and experienced disinvestment and population loss that lasted into the 1990s. In 1996, the District of Columbia began to implement a series of economic development projects to transform Columbia Heights, including a new subway stop. While the public investment strategies were a successful catalyst for bringing in new development and residents, the changes led to intense displacement pressures for longtime residents. In 2012, Columbia Heights was named one of the fastest-gentrifying neighborhoods in the country, and today, the bulk of housing in the neighborhood is well beyond the means of low-income residents of color.

Despite the transformation of Columbia Heights, today approximately 22 percent of the housing units in the neighborhood are restricted for low-income renters, as a result of a heavy concentration of subsidized housing that was built before the neighborhood's gentrification, along with several key strategies and tools. Since 2001, hundreds of affordable homes in Columbia Heights have been created and preserved and many buildings are owned by former tenants, thanks to D.C.'s tenant protection laws; robust funding; and a high-capacity network of tenant organizing groups, nonprofit developers, technical assistance providers, and other stakeholders. While displacement pressures are still a threat in the neighborhood, the level of affordable housing preserved—in the face of such rapidly-rising housing costs—is significant.

Key Strategies & Tools

- ① **The Tenant Opportunity to Purchase Act.** D.C.'s Tenant Opportunity to Purchase Act (TOPA) gives tenants a right to purchase when their landlord attempts to sell their property. TOPA has been a critical legal backstop for the city's preservation efforts, coupled with the strategies below. Many buildings purchased under TOPA have become limited equity cooperatives owned by the former tenants.
- ② **Major dedicated funding.** D.C. dedicates large levels of funding for affordable housing preservation and production. The district's current mayor has committed \$100 million per year to the D.C. Housing Production Trust Fund (HPTF)—the largest such commitment by a city in the United States.
- ③ **Coordinated tenant organizing & support network.** A proactive, fast-acting housing preservation network has evolved in D.C. since the 1970s, providing robust technical and legal assistance, tenant organizing, and coordination to preserve affordable apartments. The D.C. Preservation Network (DCPN) has become a critical forum for preservation groups to share information and resources, track at-risk buildings, and coordinate preservation efforts.

Challenges

- Preserving affordable housing for Columbia Heights' lowest-income residents has been an on-going challenge, requiring deep acquisition and operational subsidies.
- Opponents of TOPA have argued that the law contains loopholes enabling tenants to drag out the TOPA process and extract payments from landlords in exchange for waiving their purchase rights.
- African-American residents with historical ties to the neighborhood have voiced concerns about feeling like strangers in their own neighborhood as a result of the type of redevelopment occurring and the changing neighborhood demographics.

Outcomes

- Close to 3,000 affordable units restricted in Columbia Heights for low-income households (22% of all housing units) as of 2017.
- 318 affordable rental units in 12 multifamily buildings created or preserved in the neighborhood from 2001 to 2016 through D.C.'s Housing Preservation Trust Fund.
- At least 398 housing units in the neighborhood are limited equity cooperatives, allowing low-income tenants to own their units.
- Average trust fund investment per unit in Columbia Heights (2001-2016): \$145,000.

Takeaways

- 1. Incorporate residential displacement mitigation strategies into initial redevelopment plans.** In Columbia Heights, the shift from “needing to revitalize” the neighborhood to “needing to preserve affordable housing” happened very quickly. Once gentrification picks up steam, preservation efforts become much more difficult.
- 2. Develop a network of high capacity preservation actors.** A coordinated infrastructure of high-capacity preservation groups that can move with agility and speed is essential to preserving existing affordable rental housing.
- 3. Invest in tenant organizing.** Organizing and linking tenants with a committed network of support is also crucial. Tenant voice and power is critical to well-targeted policies.
- 4. Provide a legal mechanism that supports tenants' ability to purchase their apartment complexes, including adequate notice and time to complete the purchase.** D.C.'s Tenant Opportunity to Purchase Act (TOPA), by providing tenants with a right to purchase their units when sold and adequate time to complete the purchase, shifts power to tenants and provides a critical legal backstop for preventing displacement of current renters and disincentivizing inequitable redevelopment.
- 5. City council and municipal leadership is critical.** Elected officials committed to affordability and mitigating displacement are critical for successful preservation of affordable housing. D.C.'s progressive early councils were deeply committed to affordable housing preservation, which led to TOPA, creation of funding streams, and a large roster of tenant support organizations.
- 6. Substantial, dedicated funding is necessary.** Preservation at a scale large enough to be meaningful requires large levels of dedicated funding.

Guadalupe Neighborhood

AUSTIN, TEXAS

A Case Study of Early Intervention and Evolving Strategies to Create Affordable Housing for Vulnerable Residents with Historical Ties to the Neighborhood

Overview

The Guadalupe neighborhood is located just east of Austin's Central Business District, bounded by Interstate Highway 35. The neighborhood, which comprises less than one-fifth a square mile and approximately 14 blocks, was historically a community of color, with a predominantly Mexican-American population. Through the 1970s and 1980s, the area suffered from rapid deterioration, population loss, and large-scale redevelopment pressures. At that time, of the area's 170 single-family homes, over half were in substandard condition.

In 1979, Austin leaders made plans to expand the French Legation in the neighborhood, which would have displaced at least 11 families. Residents rallied to block the expansion and successfully lobbied the city council to redirect federal block grant funds to support a new community-generated development plan for Guadalupe. To implement the plan, neighborhood leaders formed the Guadalupe Neighborhood Development Corporation (GNDC), which has become a pioneer in its diverse deployment of community-driven strategies over the past 35-plus years to mitigate the displacement of vulnerable residents.

Today, even though Guadalupe is now in the dynamic stage of gentrification, with a growing share of million-dollar homes, neighborhood leaders have successfully preserved the residential character of the neighborhood while creating a legacy of affordable housing that is under long-term community control for low-income residents with ties to the area.

Key Strategies & Tools

- ① **Community development corporation.** The Guadalupe Neighborhood Development Corporation, created and governed by leaders from the neighborhood, has been integral to the success of the neighborhood's displacement mitigation programs.
- ② **Early and strategic land acquisition.** In GNDC's early years, the organization purchased vacant properties in strategic locations on as many blocks as possible—for long-term control and to bar assembly for commercial redevelopment. GNDC became a large property owner in the area providing additional clout in zoning battles. Buying lots early was also smart from an affordability perspective: In the 1980s, the average lot price was \$5,000; today full lots sell for \$500,000 to \$650,000.
- ③ **Preference policy.** Low-income residents and former residents with historical ties to the two zip codes served by GNDC receive priority placement on GNDC's long waiting list for affordable rental and homeownership opportunities.
- ④ **Community land trust.** GNDC created the first community land trust in Texas to provide for homeownership that is permanently affordable. GNDC maintains ownership of the land, while the family obtains a mortgage to purchase the home. A fixed rate of appreciation ensures that CLT homes can be resold at affordable prices, while allowing owners to recoup their investment and build additional equity.

- ⑤ **Property tax breaks for permanently affordable properties.** GNDC has led efforts at the Texas Legislature and the local appraisal district to reduce property taxes on community land trust and other income-restricted homes—ensuring that these homes remain affordable for the low-income families renting or purchasing them.
- ⑥ **Creative utilization of infill properties.** Since purchasing lots is no longer feasible in Guadalupe, GNDC has become an innovator in Austin in developing affordable accessory dwelling units on lots that can support a second unit.

Challenges

Guadalupe neighborhood's initial challenges in mitigating displacement of vulnerable residents included large-scale zoning changes that precipitated the loss of homes in the neighborhood. GNDC and neighborhood association leaders had deep-seated disagreements with African-American leaders in the area over the commercialization of the neighborhood, and the groups worked largely in silos. More recently, high land values have made new lot acquisition for affordable housing infeasible within the neighborhood.

Outcomes as of 2018

- 91 long-term affordable units under community control in Guadalupe through two community development corporations, including 26 units underway (out of 170 total homes in the neighborhood in 1980, when GNDC's displacement-mitigation work began)
- Average rent of GNDC units: \$583; average income of GNDC renters: \$28,700
- 8 affordable homeownership units, including the first CLT home in Texas

Takeaways

1. **Develop and implement a community-driven, neighborhood-level strategy for mitigating displacement of vulnerable residents.** Efforts to mitigate displacement in Guadalupe have continually been anchored in the community, beginning with a community-generated plan and a community development corporation governed by widely-respected neighborhood leaders with social and political capital.
2. **Intervene early to acquire permanent control of land.** Acquire as much land as possible early on; as gentrification picks up steam in a neighborhood it becomes much more difficult to feasibly acquire properties for affordable housing.
3. **For homeownership units, restrict resale price using a shared equity model to ensure permanent affordability of the units for future generations of residents.** GNDC's earlier homes were sold without caps on the resale price, and several have since been resold at market prices beyond the means of other low-income families.
4. **Invest in capacity building and technical assistance.** Funding for program administration and early technical assistance have been key to GNDC's displacement mitigation work. GNDC's early investment in rental housing with little or no debt has generated a critical stream of income to help fund the organization's administrative operations, allowing the organization to expand its capacity and impact over time.
5. **Adapt strategies to changing conditions in the neighborhood.** The strategies utilized in Guadalupe to address gentrification have evolved over time, in response to neighborhood changes, newly available tools, and lessons learned from prior work.

Inner North and Northeast **PORTLAND, OREGON**

A Case Study of Community-Driven Strategies to Mitigate and Remediate the Displacement of African-American Residents

Overview

The inner neighborhoods of North and Northeast Portland (N/NE Portland) were once home to 80 percent of Portland's black community. Following decades of disinvestment, subsequent urban renewal, and large-scale public and private investment projects, the area has been rapidly gentrifying, with rising housing costs and large-scale loss of African Americans. Since 2000, the area has lost close to 8,000 black residents—more than half the area's black population.

In 2013, mounting tensions in the community over gentrification and publicly-financed economic development in the area came to a head over the proposed use of prime public land and tax increment financing (TIF) for a development anchored by a Trader Joe's grocery store. Local African-American leaders organized protests of the new development and succeeded in getting the City to revamp its investment strategy in the community, shifting \$100 million towards mitigating displacement of low-income residents in Inner N/NE Portland. Responding to the community's concerns, the City of Portland, anchored by ongoing active community involvement and a community-driven plan, has been deploying a number of innovative strategies and tools for addressing displacement in the area.

Key Strategies & Tools

- ① **N/NE Neighborhood Housing Strategy.** A five-year, community-driven plan for expanding affordable housing opportunities and preventing displacement in Inner N/NE Portland. The plan utilizes several different affordable housing strategies including rental repairs, land acquisition, and new homeownership and rental housing, and identifies specific timeframes and measurable goals to track progress.
- ② **Dedicated TIF funding.** Implementation of the N/NE Neighborhood Housing Strategy was originally funded with \$20 million in dedicated tax increment financing (TIF). Since then, the City's financial commitment to mitigating displacement in the area has grown to more than \$100 million in TIF funds to be invested over a six-year period.
- ③ **Community Oversight Committee.** The N/NE Portland Oversight Committee oversees the City's implementation of the N/NE Neighborhood Housing Strategy. The committee's work includes providing input on development projects in the area, monitoring the City's progress towards benchmarks in the Housing Strategy, and issuing an annual report to the City Council. The Oversight Committee is meant to represent and be responsive to the community. It is made up of trusted community leaders, topic area experts, and directly impacted community members.
- ④ **Preference Policy.** The Housing Strategy provides priority placement in subsidized housing units in N/NE Portland to residents with generational ties to N/NE Portland who were displaced or are at risk of displacement from areas where prior city plans had a destabilizing impact on long-term residents. Priority preference is given to households and their descendants who own property lost through urban renewal.

Challenges

Portland's Down Payment Assistance Loan Program for helping low-income, first-time homebuyers in N/NE Portland served only four families from 2015 through 2017, despite a goal of serving 40 households. With market home prices at \$400,000, homeownership is out of reach for most low-income households, even with individual assistance of \$100,000.

The Preference Policy does not create affordable housing, and so its success is dependent on the availability of affordable housing stock. In 2016, 1,000 households applied through the preference policy program for 65 homeownership slots.

The focus on mitigating displacement in N/NE Portland is fairly new, and it is still too early to tell how successful different strategies will be. However, the Oversight Committee already has a successful track record of providing transparency and accountability to the City's anti-displacement programs in N/NE Portland, closely monitoring the City's programs, and identifying barriers and challenges as well as opportunities for improvement.

Outcomes from 2015-2017

- New affordable rental housing (on line or in development): 350+ units in 7 multifamily developments
- Average city investment (TIF funds) per new affordable rental unit (2016): \$64,755
- Homeownership units repaired: 326+

Takeaways

- 1. Develop a community-driven, comprehensive, neighborhood-level strategy to address residential displacement for vulnerable residents.** Align the strategy with community needs, be clear about goals, and be transparent in assessing outcomes.
- 2. Back community strategies with substantial, dedicated funding.** Preservation at a scale large enough to be meaningful requires large levels of dedicated funding.
- 3. Prioritize meaningful community participation.** Take it seriously. This requires an assertive effort to reduce barriers to participation and reach out to directly impacted current and former residents. Community voices should be incorporated into every step of the planning process. Strategies and outcomes should be in clear and demonstrable alignment with community needs and priorities.
- 4. Incorporate community-responsive oversight into mitigation displacement and affordable housing preservation plans.** An oversight committee provides critical transparency and accountability in strategy implementation and outcomes. Oversight leadership should be trusted and well-respected by the community and responsive to the community's needs.
- 5. Affordable homeownership for low-income families is difficult to achieve in hot market neighborhoods.** To make homeownership affordable in markets where median housing prices vastly exceed what households earning the median family income can afford, cities have to be willing to support the units with very large subsidies.

Preserving and Expanding Affordability in Neighborhoods Experiencing Rising Rents and Property Values

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Abstract

To ensure that low- and moderate-income households can continue to afford to live in neighborhoods experiencing rising rents and property values, local governments will need to adopt comprehensive strategies that make use of multiple policy levers. This article outlines a framework for thinking about the necessary local policies organized into six components: (1) preservation, (2) protection, (3) inclusion, (4) revenue generation, (5) incentives, and (6) property acquisition.

Introduction

Many urban neighborhoods are experiencing increases in rents and property values associated with an influx of higher-income households. This phenomenon (sometimes referred to as “gentrification”) can be a double-edged sword. On the one hand, it may contribute to the revitalization of older deteriorated buildings; generate increased property taxes for cities, helping to shore up city finances; and contribute to greater diversity in terms of income, race, and ethnicity. On the other hand, many critics are concerned that the rent and property value increases may push out long-time residents of these neighborhoods, undermining the full potential of these changes to enhance community diversity, disrupting longstanding cultural traditions, and depriving long-term residents of the health, educational, and quality-of-life benefits of living in revitalized neighborhoods.

The ideal solution to the challenge of rapidly rising rents would preserve opportunities for low- and moderate-income households to continue to afford to live in these neighborhoods even as higher-income households move in, increasing income, expanding racial and ethnic diversity. To achieve this outcome, cities and counties will need to be proactive in adopting local housing strategies designed to preserve and expand the availability of affordable housing in these neighborhoods. A

successful strategy generally will require the adoption of multiple policies or programs to address different aspects of the challenge and achieve a larger cumulative impact as well as advance planning to anticipate areas where rising rents and home prices are likely so the needed policies can be adopted early in the trajectory of neighborhood change. Communities will need to coordinate the actions of multiple local government agencies and build close working partnerships with many nongovernmental actors, including nonprofit organizations and for-profit developers, community development corporations, advocates, and others.

To address this challenge, local governments need to focus on six housing strategy components—

1. **Preservation.** Preserve existing affordable rental units.
2. **Protection.** Help long-time residents who wish to stay in the neighborhood.
3. **Inclusion.** Ensure that a share of new development is affordable.
4. **Revenue generation.** Harness growth to expand financial resources for affordable housing.
5. **Incentives.** Create incentives for developers of affordable housing.
6. **Property acquisition.** Facilitate the acquisition of sites for affordable housing.

In general, these policies will be most useful in cities and counties where strong regional economies are creating an increased demand for housing in urban areas that is driving up rents and home prices. Many of these high-cost communities are experiencing rent and home price increases throughout (or in large parts of) the city or county. These policies also may be useful, however, to address rising rents and home prices in particular neighborhoods within cities or counties that are otherwise considered to have a weak or stable housing market.

This article provides a broad overview of housing policies and programs that address each of these housing strategy components, followed by a brief discussion of cross-cutting issues that will need to be addressed as part of a comprehensive strategy for preserving and expanding affordability in these neighborhoods.

Housing Strategy Components

1. Preservation: Preserve Existing Affordable Rental Units

The first component of an overall strategy in this area aims to preserve the affordability of existing affordable rental units despite increases in surrounding property values and rents. These units fall into two main categories: (1) rent-restricted rental units and (2) unsubsidized but affordable units. Federal and state public housing units may also need preservation, although the challenges are somewhat different and so are addressed in the “Preserving Public Housing” section as a third category.

Preserving Rent-Restricted Rental Units

Most rental housing preservation efforts focus on units for which rents are legally restricted to affordable levels (rent-restricted units), usually because the owner receives one or more government housing subsidies. Federal rental subsidy programs include the Low-Income Housing Tax Credit (LIHTC) Program; a number of programs from the U.S. Department of Housing and Urban Development (HUD)—including the project-based Section 8 Program, the Section 202 Supportive

Housing for the Elderly Program, the Section 811 Supportive Housing for Persons with Disabilities program, and the Section 236 Mortgage Program—and programs from the U.S. Department of Agriculture (USDA) such as the Section 521 Rural Rental Assistance program. Two HUD block grant programs—the HOME Investments Partnership Program and the Community Development Block Grant (CDBG) program—also provide funding for housing subsidies. Some states and localities also have housing subsidy programs.

Preservation efforts tend to focus on units for which rents are restricted due to the receipt of government funding, in part, because these units are often easier to preserve than unsubsidized units and, in part, because some (though not all) of these housing units provide “deep” subsidies that base rents on 30 percent of household income. These deep subsidies are especially important for ensuring that poor households—including those living entirely on Social Security and the working poor—can afford to live in the community. The deep subsidy programs include project-based Section 8, project-based vouchers, Section 202, Section 811, and USDA’s Section 521.

Preserving rent-restricted units presents three main challenges. The first challenge is that the subsidies giving rise to rent restrictions usually have a specific duration, after which the subsidy expires and the owner may choose to raise rents to market levels. In some programs, owners also have the choice of “opting out” during the normal term of the subsidy at various trigger points or time intervals. In neighborhoods that are experiencing or expecting to experience increases in market rents, owners usually have a financial incentive to exercise their rights to raise rents to market levels rather than agreeing to keep rents below market levels. Counteracting financial incentives will thus be needed in many cases to convince owners to keep rents below market.

The second challenge is that some subsidized developments have accrued sizable capital needs that need to be addressed, such as roofs or furnaces that need to be replaced and kitchens and bathrooms that need to be updated. One way to address these needs is to seek residents capable of paying higher rents, enabling the development to borrow money against the higher rental stream to pay for capital improvements. This approach, of course, defeats the goal of long-term affordability. To address this issue, owners will often need a grant or below-market-rate loan to pay for the needed improvements, which can itself be a quid pro quo for extending affordability periods.

The third and final challenge is that, in some cases, properties are no longer being managed actively by owners but rather are more in caretaker mode. This occurs, in particular, for older properties developed as tax shelters under pre-1986 tax law, in which the owners are at points in their lives or careers where they are mostly waiting for the subsidy to end so they can sell the property rather than actively managing the property as an ongoing endeavor. In these cases, it may be important to bring in new owners who are more mission driven and focused on actively managing the developments as affordable rental properties.

Approaches used to preserve the affordability of rent-restricted units include the following—

- **Creating preservation catalogs.** An important first step is to identify the units one is trying to preserve along with information about the type of subsidies and rent restrictions present in each development and the timing of when those subsidies are going to expire. Some of this information is already available through the National Housing Preservation Database (<http://www.preservationdatabase.org>), but other information—notably, regarding state and local

subsidies—will need to be added to complete the picture. A policy brief by the Center for Housing Policy (n.d.) provides information on how preservation catalogs work, based on examples from Chicago, Illinois; Florida; New Jersey; New York City, New York; and Washington, D.C.

- **Prioritizing properties.** After the full range of potential properties has been identified, communities can determine their priority targets for preservation by reaching out to owners to learn more about their intentions and the physical and capital needs of the property and determining the likelihood that any given property will leave the subsidized housing inventory. In general, the properties at greatest risk are (1) located in neighborhoods with the highest market rents and (2) not owned by a mission-driven owner, such as a nonprofit organization; properties with high levels of accrued capital needs are also vulnerable. Where practicable, it is best to do a site-by-site analysis, because circumstances can vary from property to property. This analysis, in turn, can facilitate a determination of how properties' needs can be met in ways that encourage the preservation of long-term affordability.
- **Targeting resources.** Communities may elect to prioritize the highest priority preservation projects for the limited resources available for housing and community development activities, including HOME and CDBG funds, LIHTC, tax-exempt multifamily bonds, and 501(c)(3) bonds. The goal of such efforts generally is to develop a package of financial supports that can help properties meet any accrued capital needs and be in a position to continue to do so for as long of a period as possible. The quid pro quo for these efforts usually is a long-term extension of affordability.
- **Expanding resources for preservation.** In many cases, additional funding—above and beyond the amount normally available through federal funding streams—will be needed to preserve properties. The policies discussed later under the “revenue generation” component generate flexible funding that can be used to meet a wide range of affordable-housing needs, including preservation.
- **Facilitating transfers to new owners.** As noted previously, the preservation challenge sometimes extends beyond providing financial assistance to ensuring that properties are owned by mission-driven owners committed to actively managing the property and preserving long-term affordability. To achieve this objective, communities will often need to cultivate mission-driven owners (often nonprofit organizations) and to facilitate and finance their purchase of the properties.
- **Adopting other preservation-friendly policies.** Other policies that can help facilitate preservation of subsidized properties include (1) tax abatements to lower property taxes for owners that agree to preserve their properties as affordable, such as in the Class S incentive program in Chicago; (2) advance notice policies that give subsidized renters advance notice when an owner seeks to leave a subsidized housing program; and (3) right of first refusal policies that give either all renters or just subsidized renters (depending on the policy) a right of first refusal to match any offer to purchase a rental property that an owner seeks to convert to condominiums.¹

Galen Terrace Apartments in Washington, D.C., provides an example of preservation policies at work. A troubled project-based Section 8 property facing physical deterioration and criminal activity, Galen Terrace came under new ownership as a result of Washington, D.C.'s policy that gave

¹ Condominium conversion protections are discussed in greater depth in the “Protection” strategy.

residents a right of first refusal in the event that a rental property was put up for sale. Members of the tenant association exercised this right in 2006 and worked with the National Housing Trust-Enterprise Preservation Corporation and Somerset Development Company to make long-needed renovations and preserve the property as affordable, using a mix of low-income housing tax credits, private activity bonds, a 20-year renewal of the property's Section 8 contract, and other financing sources (National Housing Trust, n.d.).

Preserving Unsubsidized but Affordable Housing

A large share of the nation's affordable rental housing stock consists of privately owned unsubsidized units—usually older units in which rents have filtered down over time as newer units with more amenities have come on line. Many of these rental units are single-family homes or homes that provide two or three units. Others are in small, midsize or larger multifamily buildings. In many neighborhoods with rents that are low compared with those in the city or metropolitan area as a whole, these units—sometimes called “market-rate affordable” units—significantly outnumber the number of subsidized rental units.

Given the large number of these unsubsidized but affordable units, it makes sense to at least consider efforts to preserve them as affordable as neighborhoods change. Doing so, however, is easier said than done. Absent the “hook” provided by a government housing subsidy or ownership by nonprofits or mission-driven for-profit organizations, few reasons exist for owners of these buildings to forgo the profit associated with higher rents or conversion to condominiums when the market conditions allow for these higher returns.

Options to consider for preserving strategically important unsubsidized properties include the following:

- **Facilitate the purchase by mission-driven owners committed to preserving the properties as affordable.** The pioneering Housing Partnership Equity Trust offers a model for preserving the affordability of market-rate rental housing that could be put to use in target neighborhoods. Organized as a real estate investment trust (REIT), the REIT raises funds to enable participating nonprofit organizations to purchase decent-quality, market-rate affordable properties for the purposes of maintaining them as affordable over time. Tenant protection laws represent another mechanism for facilitating the purchase of properties by mission-driven owners. In Washington, D.C., for example, owners of a rental property who wish to sell it or discontinue its use as a residential property must provide residents with the first opportunity to purchase the property and a right to match any legitimate offer. This policy helped to facilitate the preservation of Galen Terrace Apartments, noted previously.
- **Provide incentives for properties to stay affordable.** In Chicago, the Class 9 program provides a tax abatement for owners of market-rate properties that undergo substantial rehabilitation so long as they agree to maintain a certain percentage as affordable. Such programs can be helpful in maintaining market-rate units as affordable but, in general, have a limited duration—such as 10 or 15 years. In the context of changing neighborhoods, such policies might best be considered as a bridge to maintain affordability for a 10- or 15-year period to provide the community with time to develop and implement longer-term options for affordability, such as the construction of LIHTC developments paired with long-term affordability covenants.

- **Bring properties into a subsidy program.** Owners of market-rate properties with substantial capital needs may find it attractive to use the LIHTC Program as a vehicle for recapitalizing and upgrading the development. Because LIHTC units may be rented only to households with incomes that are less than 60 percent of the Area Median Income (AMI)—and many target even lower-income households—this process effectively preserves the affordability of these units and also improves their quality through the investment of additional equity. The project-based Housing Choice Voucher program is another option that has the added advantage of creating units affordable to households with extremely low incomes.

Preserving Public Housing

Although most discussions of rental housing preservation focus on either privately owned rent-restricted housing or unsubsidized but affordable housing, it is also important to focus on the preservation of any public housing units that may be located within the target neighborhoods. The preservation challenge for these units generally does not refer to the preservation of affordability but rather to maintenance of the units in good physical quality. Although, in some cases, these units may be in good condition, in other cases, they may have substantial accrued capital needs and will require new financing to bring them up to current standards.

The legal framework for public housing can make it difficult to use the LIHTC Program to recapitalize these properties. A new program called the Rental Assistance Demonstration (RAD), however, offers a solution that converts public housing subsidies into a form that can be married more easily with the LIHTC Program and other subsidy mechanisms. Congress currently caps the number of public housing units eligible to convert to RAD. See Costigan (2016) for an overview of the RAD program and its initial accomplishments.

2. Protection: Help Long-Time Residents Who Wish To Stay in the Neighborhood

In addition to taking steps to preserve affordable housing in target neighborhoods, communities can adopt a variety of policies to protect low-income households from being displaced by rising rents and home values and help them manage the relocation process. Because many of these policies involve providing legal protections to renters, legal services and marketing campaigns often will be needed in conjunction with these policies to ensure residents are aware of and have the ability to exercise their rights.

Policies to protect residents from displacement include—

- **Condominium conversion protections.** These policies protect residents of multifamily rental properties in a variety of ways from adverse impacts when the properties in which they live are converted to condominium ownership. In addition to rights of first refusal for the building as a whole—discussed previously as a preservation tool—some policies require that residents be offered the right to purchase individual units in the building before they are offered to new residents. Other policies provide residents with advance notice of the conversion (so they can plan for an orderly move) and provide relocation assistance to displaced households.
- **Rent stabilization.** These policies specify that, after an initial rent is set, it can rise by only a specified amount each year. Although these policies often allow for rents to float to market each time a new resident is admitted—and thus do not guarantee the housing is initially affordable

to any particular income level—they do promote housing stability for existing residents by limiting rent increases. Most policies allow owners to raise rents to cover investments in capital improvements, so the policies cannot offer full protection from large rent increases in areas experiencing an influx of higher-income residents. They also often apply only to older buildings.

- **Good-cause eviction protections.** In some states, renters can be evicted for any reason whatsoever or no reason at all. Often, communities have the power to adopt laws that provide increased protection, providing, for example, that owners demonstrate “good cause” for eviction, such as nonpayment of rent or intentional damage to the unit. Although these protections will not help residents who simply can no longer afford the rents, they can reduce the incidence of indiscriminate evictions, giving residents more time to adjust to higher rents and, if needed, look for alternative housing arrangements. When paired with rent stabilization policies, they can promote stability for existing residents for many years.
- **Property tax protections.** Renters are not the only ones affected by higher housing costs in areas experiencing influxes of higher-income households. Homeowners with low or moderate incomes may also face higher housing costs—even if they own their homes outright—in the form of higher property taxes due to increases in assessed home values. To help protect existing owners from displacement, communities can cap the amount by which property taxes increase in a given year, set a maximum property tax level based on income, exempt a certain amount of assessed value from tax, or defer collection of increased property taxes until a property is transferred or the owner becomes deceased. By applying these policies to residents who have been in the homes for a certain period of time (for example, 5 years), these benefits can be targeted to existing residents. Some states adopt similar policies in the form of a credit against state taxes. (See Lincoln Institute of Land Policy [2012] for a compilation of residential property tax relief policies.)
- **Shared equity homeownership.** This term encompasses a range of affordable ownership policies—including community land trusts, limited equity cooperatives, and deed-restricted homeownership—that are designed to provide both initial and lasting affordability. The basic approach is to use a subsidy (or inclusionary zoning) to bring homes down to a level affordable to the target income group and then to limit resale prices according to a formula designed to balance long-term affordability to the target group with an opportunity for owners to build assets. (See Davis [2006] and Lubell [2014].) Done well, this approach can ensure that a single subsidy provides affordable-housing opportunities for one generation of homebuyers after another due to the long-term affordability of the subsidized homes. For this reason, it is well suited to changing neighborhoods that are experiencing an influx of higher-income households and can be used either as a protective mechanism to help residents continue to afford to live in a neighborhood or as a vehicle for expanding the stock of permanently affordable housing.
- **Housing Choice Voucher homeownership.** In the Housing Choice Voucher Homeownership Program, tenants with housing choice vouchers use them to pay for homeownership costs, such as mortgage payments and property taxes, rather than for rent. The family pays 30 percent of its adjusted income for housing costs and the public housing authority pays the difference between the family contribution and a locally determined voucher payment standard (Brennan and Lubell, 2012). Communities interested in using voucher homeownership as a protective

strategy for existing residents in a changing neighborhood could work with their local housing authority to ensure the option is available in the community and encourage its use in the target neighborhoods.

3. Inclusion: Ensure That a Share of New Development Is Affordable

In addition to preserving existing affordable housing within changing neighborhoods, local governments will also want to take steps to ensure that a share of new development is affordable. The most common mechanism for doing so is “inclusionary zoning,” a land use policy that either requires or creates incentives for developers to make a share of newly developed units affordable. The related term “inclusionary housing strategy” or “inclusionary housing policies” encompasses inclusionary zoning and most of the other policies covered by this article that help ensure that affordable housing is available in areas experiencing new development.

Mandatory Inclusionary Zoning

Inclusionary zoning policies can be mandatory or voluntary. The classic mandatory inclusionary zoning ordinance specifies that a share of newly developed housing units—for example, 10 or 20 percent—must be affordable to households at a specified income level. In developing a mandatory inclusionary zoning policy, communities will need to determine—

- Which developments are covered by the mandate.
- The share of units required to be affordable.
- The target income level of the affordable units.
- The duration of required affordability.
- Whether to allow owners to pay a fee in lieu of providing units on site.
- Whether to allow owners to build units off site in lieu of building on site.
- What offsets, if any, to provide developers in compensation for the lost revenue associated with the affordable units.

Allbee, Johnson, and Lubell (2015) provided a summary of the considerations involved in making these determinations. Jacobus (2015) prepared an indepth guide to designing mandatory inclusionary zoning policies. Sturtevant (2016) summarized lessons learned from research on inclusionary zoning. Levy et al. (2012) reviewed the inclusionary zoning policies of Montgomery County, Maryland, and Fairfax County, Virginia—longstanding inclusionary policies that, together, have produced more than 16,000 affordable units.

In some states—notably California, Colorado, and Wisconsin—courts have interpreted mandatory inclusionary zoning policies as a form of rent control, which is not permitted under these states’ laws, and thus restricted the ability to apply these policies to rental housing. To address this limitation, several California jurisdictions, including San Francisco, have instituted an affordable-housing fee on new rental development. Developers have the option of producing affordable housing units in lieu of paying the affordable-housing fee. (This approach is essentially the inverse of a traditional inclusionary zoning policy.) The high fee in San Francisco has made the affordable-housing development option more attractive to developers (Hickey, 2013).

Voluntary Inclusionary Policies/Density Bonuses

Although most successful inclusionary zoning policies are framed as requirements, some policies have succeeded in generating affordable units through policies that are voluntary rather than mandatory. The key to a voluntary policy is to have really strong incentives that make sense within the market context. For example, New York City rezoned formerly industrial land on the Brooklyn waterfront as residential land, providing a strong density bonus for developers that agreed to meet specified affordability targets (20 percent of units at rents affordable to households at or below 60 or 80 percent of AMI, depending on the use of other programs). Because greater density is highly valued in New York City, the program was able to generate about 2,700 permanently affordable rental units between 2005 and 2013. Some 949 affordable units were built on the Brooklyn waterfront, which accounted for about 13 percent of total units built in the area (Ullman, Freedman-Schnapp, and Lander, 2013). New York City ultimately determined, however, that it needed to produce a larger number of affordable-housing units and thus, in 2016, adopted a new mandatory inclusionary zoning policy applicable to all future upzonings that requires about 25 percent of newly developed units in covered areas to be affordable.

Some communities have policies that provide—either as a matter of formal policy or as a matter of practice—that a certain level of affordability will be required whenever an applicant seeks a variance from the standard zoning requirements. This approach has the advantage of making the nexus between the affordability requirement and the provision of a government benefit in the form of the zoning variance very clear. It is also a policy that can be adopted as a matter of practice even when insufficient political will exists to adopt a broadly applicable inclusionary zoning policy. It additionally gives policy officials a significant level of control over individual development approval decisions, which get made on a case-by-case basis. On the down side, the policy provides less predictability to developers and also increased costs associated with navigating variances or special use permits for virtually every project, which can potentially depress the overall level of supply and investment in the housing market and raise housing costs for residents living in unsubsidized rental units.

4. Revenue Generation: Harness Growth To Expand Financial Resources for Affordable Housing

The fourth component of a strategy for helping to ensure that families of all incomes can afford to live in areas experiencing an influx of higher-income households is to set up mechanisms for using the growth associated with new development or redevelopment to generate funding for affordable housing. The three principal policies within this component are (1) tax increment financing (TIF), (2) linkage fees, and (3) housing trust funds.

Tax Increment Financing and Related Tools

In general, TIF is a mechanism used for funding infrastructure and other public improvements through the future increases in property taxes expected to result from these investments. Consider, for example, a community that wanted to redevelop a distressed downtown neighborhood and needed funding for the necessary investments in roads, sidewalks, water/sewer, schools, parks, and so on. These investments would be expected to increase the value of property located in the neighborhood, generating increases in property taxes. By establishing a TIF district, with specific

geographical boundaries and a specific duration, a community can capture some or all of the increased property taxes that are collected after these investments are made (the “increment”) for the duration of the TIF. These funds can be used to reimburse the community for the original investment or to repay a loan that was made to finance the original improvements. Depending on state law, the property tax increment can be used for other purposes as well, including affordable housing within the TIF district.

The key to using a TIF for affordable housing is to enact a legally binding requirement at the time the TIF is established to use a portion of the funds for affordable housing. For many years, such a requirement was in place in California, where 20 percent of TIF revenues from TIFs established by redevelopment agencies were required to be spent on affordable housing. Several cities have similar requirements, including Madison, Wisconsin, which has a 10 percent set-aside of TIF funds for affordable or workforce housing, and Portland, Oregon, which has committed to invest a minimum of 30 percent of TIF funds in affordable-housing development. In other communities, no citywide requirement exists for an affordable-housing set-aside from all TIFs, but the requirement has been included in the authorization of a specific TIF when adopted by city council or other authorizing body.

One challenge with using TIFs in the context of areas with rising rents and home prices is that the enabling statutes often specify that TIFs be used only in blighted or distressed neighborhoods. In states that take a strict view of requiring blight or distress as a condition for establishing a TIF, it may make sense to seek statutory authorization for a new type of mechanism that works similarly to a TIF but can be applied equally to neighborhoods experiencing an influx of higher-income households, irrespective of whether the neighborhood starts out as blighted or distressed. Such a vehicle might conceivably tap only a portion of the “increment,” as traditionally defined in TIFs, to minimize concerns of diverting funds from schools and could have limited uses—perhaps focused only on affordable housing or on a narrow range of activities that include affordable housing.

The Homestead Preservation Reinvestment Zones established by the Texas legislature to address concerns with gentrification in parts of Austin and Dallas provide a precedent for this approach. The 2005 legislation (updated in 2013) authorizes TIF-like vehicles and also other housing policy options within districts designated locally within Austin and Dallas to, among other things, “provide affordable housing for low-income and moderate-income residents in the community; . . . promote resident ownership and control of housing; . . . keep housing affordable for future residents; and capture the value of public investment for long-term community benefit.”² Although the criteria for establishing the zones are still somewhat restrictive and the specific basket of policies included in the legislation may or may not make sense in every state, the legislation nevertheless provides a precedent for other states to set up specific zones designed to capture a portion of increased property tax values for purposes of helping to preserve and expand affordable housing in changing neighborhoods.

² Texas H.B. 525 (2005), relating to the creation of homestead preservation districts, reinvestment zones, and other programs to increase home ownership and provide affordable housing.

Linkage Fees

Linkage programs are another mechanism for generating funding for affordable housing in neighborhoods undergoing development or redevelopment. They generally are implemented as a fee, applied on a per-square-foot basis to new retail development.

A number of justifications exist for these fees. In areas where retail and residential developers are competing directly for land—as is often the case in changing urban neighborhoods that are characterized by mixed-use land patterns—the competition can drive up property values, aggravating affordable-housing challenges. In areas where retail and residential developers are not in *direct* competition, such as in designated retail areas, the addition of new retail can still reinforce the cycle of neighborhood change in nearby residential areas, providing amenities that attract additional higher-income households and also workers who want to live close to work, leading to increases in rents and home values.

Linkage fees are also sometimes explained as a remedy for a “jobs-housing imbalance” in a market where commercial development begins to outpace affordable-housing production. Some communities have found that commercial projects, such as the construction of offices, business parks, hotels, warehouses, and shopping centers, create a demand for housing affordable to the very low and low-income households that work there. This increased demand for a limited supply of affordable units can drive up rents and home prices that potentially jeopardize the ability of existing residents to afford to remain in the neighborhood.

In implementing a linkage program, communities need to strike a balance between raising funds for affordable housing and encouraging economic development and growth. Communities also need to meet a number of legal requirements. Local governments generally are required to show a reasonable nexus between the challenge the community is trying to address (in this case, the need for affordable housing created by commercial development) and the solution being adopted (the linkage fee). See David Paul Rosen & Associates (2001) and Local Progress and Cornerstone Partnership (2013).

Linkage fees have been used successfully in a number of communities around the country. Some localities like Fairfax County have implemented a linkage fee program in response to planned transit development. Others, like Boston, Massachusetts, apply the policy citywide.

Housing Trust Funds

Many cities, counties, and states have established housing trust funds to generate flexible revenue for affordable housing. These funds can be financed in a variety of ways, including through general revenue bonds, discretionary appropriations, document recording fees, real estate transfer taxes, linkage fees, and fees paid in lieu of providing affordable units under an inclusionary zoning policy.

Many of the funding mechanisms for housing trust funds are linked to new growth and thus represent a form of “value capture” similar to TIFs and linkage fees. In addition to linkage fees and in-lieu fees, these mechanisms include document recording fees and real estate transfer taxes. These “dedicated” fees rise and fall with the volume of new development and so represent a good way to generate funding when communities are experiencing new development. When growth slows

down, however, these funding sources start to dry up, even if the need continues to be high for affordable housing. The Center for Community Change (n.d.) provides a hub for information on state and local housing trust funds.

5. Incentives: Create Incentives for Developers of Affordable Housing

Communities can offer a range of incentives to stimulate the development of affordable housing in targeted areas. Voluntary inclusionary housing policies are essentially structured as an incentive, generally offering increases in density or relief from other provisions of the zoning code in exchange for the inclusion of affordable units within new development. This section highlights additional incentives that communities can use to stimulate the production of additional affordable housing, including—

- Tax incentives.
- Parking incentives.
- Expedited permitting.
- Reduced impact fees.
- Transfers of development rights.
- Targeting of federal, state, and local housing subsidies.

To be effective, the incentives need to make a material difference in the bottom line for developers, which can be accomplished through a single large incentive or by combining smaller incentives together to achieve a larger collective impact.

Tax Incentives

Communities have used a range of tax incentives to encourage the development and rehabilitation of affordable housing. Common tax incentives include freezing a property's taxable assessed value after construction or rehabilitation for a period of time or providing a lower property tax rate. These policies are sometimes called tax abatements or exemptions. Some states also provide a credit against state income taxes.

Tax incentives can be used to achieve a number of different housing policy goals. In neighborhoods experiencing rapidly rising rents, communities will want to focus on incentivizing long-term affordability. In weaker markets or in neighborhoods with higher levels of distress, tax incentives can be used to stimulate rehabilitation and new development of market-rate homes.

Parking Incentives

Because of local zoning codes, developers often have to meet minimum off-street parking requirements meant to reduce traffic congestion and overcrowding. These parking spaces increase land acquisition costs, which often are passed on to the homebuyer or renter. By reducing parking requirements for developments that include affordable housing, localities can decrease production costs, allowing the developments to provide more affordable housing. This tool may be particularly useful in dense, high-cost cities where land prices are very high and account for a large proportion of a development's overall costs.

For example, in Denver, Colorado, developers of rental housing who voluntarily agree to set aside at least 10 percent of the units as affordable housing receive a reduction in parking requirements, among other incentives. In King County, Washington, developers receive a 50-percent reduction in onsite parking requirements for each affordable unit.

Expedited Permitting

Another incentive for affordable housing that some communities offer is an expedited permitting process that helps reduce development costs associated with delays in permit processing. For example, in 2009, Rhode Island passed a law, Expedited Affordable Housing Permitting, which granted state agencies the ability to expedite the approval process for affordable-housing developments that address critical housing needs. In Pinellas County, Florida, affordable-housing development receives priority in the permit review process with a 2-week turnaround.

Reduced Impact Fees

Impact fees are one-time charges for new development designed to cover the costs of developing infrastructure to support that unit, such as water, sewer, and schools. Court cases have established that impact fees must have a “rational nexus” in terms of the actual impact of development on public facilities or other infrastructure. By reducing or waiving fees for affordable housing below the levels that may otherwise be required, localities can provide incentives for developers to provide affordable housing.

Transfers of Development Rights

A transfer of development rights (TDR) program is meant to transfer development potential from one site to another. The “sending site” sells its development rights (for example, the right to build at all or above a certain height) to a “receiving area,” where a developer can now build at a higher density or height than usually permitted by local zoning codes. Although often used to preserve open space, this approach has also been used to preserve affordable housing in dense, urban areas experiencing high levels of redevelopment. One approach is for existing affordable housing to serve as “sending sites” that can grant development rights to developers of other properties, raising funds to recapitalize and upgrade the units, preserving long-term affordability. This market-based tool has the ability to preserve certain areas and encourage development in other areas that can handle increased density. Rather than increasing overall density, TDR policies use the economic value of greater density to developers to generate funds for the development, rehabilitation, and preservation of affordable housing.

For example, a TDR program in Seattle has been used to preserve affordable housing since 1985. Seattle’s TDR program focuses on preserving existing low-income housing in the city. Through the program, the city can transfer development rights from low-income housing sites to downtown developments that want more density. Nonprofit organizations that need to rehabilitate or preserve affordable-housing units sell the site’s development rights to the city, which are then deposited into a TDR “bank” for developers to purchase.

Targeting of Federal, State, and Local Housing Subsidies

Other resources available to create incentives for the development of affordable housing in areas experiencing an influx of higher-income households are communities’ bread-and-butter housing

programs, funded by the HOME and CDBG funds and a diverse array of other funding sources, depending on the community, including general obligation bonds, general revenue, and state funding. In administering these programs, some communities give equal weight to applications from all parts of the community, but other communities give a preference for funding in certain priority neighborhoods. Because the resources for these programs are typically very limited, communities that wish to use their bread-and-butter programs as incentives for stimulating the preservation and expansion of affordable housing in particular neighborhoods will likely want to signal clearly in their requests for proposals and other funding plans that investments in specific target neighborhoods (or neighborhoods meeting certain criteria of need) will be prioritized for funding.

Federal funding for both HOME and CDBG has experienced cuts, leading to tight allocations that force communities to make difficult choices and reduce the scale of the impact that can be achieved directly with this funding. In considering the impact of these funding sources and decisions on how to target these funds, however, it is important to remember that these and other sources of local funding often leverage substantial additional funding through the LIHTC program. In many communities, LIHTC deals require some source of “gap funding” to cover the difference between what a project costs to develop and what the equity raised by the LIHTC and the debt supported by expected rent revenues will support. For this reason, a community’s decision to focus a substantial portion of its allocation of HOME or other funds on specific geographical areas can have an outsized impact on the production of affordable housing in those neighborhoods.

6. Property Acquisition: Facilitate the Acquisition of Sites for Affordable Housing

One of the biggest challenges associated with preserving and expanding affordable housing in an area experiencing rising rents and home prices is gaining control of desirable sites for development or redevelopment at affordable prices. These challenges differ depending on where a neighborhood is on the spectrum of neighborhood change.

Early in the trajectory of neighborhood change—when an increase in demand is not yet apparent or has not yet expressed itself in higher rents or land prices—development sites generally are easier to acquire at comparatively affordable prices. The lower prices, however, generally reflect a heightened level of risk, at least from the perspective of market-rate developers, because the potential of the site to achieve full occupancy (or sell at prices that will generate a profit) is not yet clear. Because of this uncertainty, a lengthy holding period often is required between the time a property is acquired and the time a property is developed, which can add costs (interest on any loans taken out to purchase the property plus responsibility for property taxes) and, in some cases, make it more difficult to use federal funding for the acquisition.

At this stage in the cycle, developers interested in preserving or developing affordable housing may need access to capital for land acquisition that is more patient than federal block grant funding and, in some cases, may need assistance paying for property taxes while a property is in the holding period. They also may need some backstop for the risk that a neighborhood may not be ready to absorb the planned development for some period of time. Although the challenges associated with achieving full occupancy in an affordable property are different from those of a market-rate property, they are real and need to be addressed for a development to be successful.

By contrast, late in the trajectory of neighborhood change—after rents and home prices have risen substantially—the challenge is reversed. At this point, prices tend to be high but the risk that a property will not achieve full occupancy is much lower. Easy-to-develop sites often are hard to find and property prices generally assume that renters or purchasers will have much higher incomes than the low-income households affordable-housing developers seek to serve.

At this point, developers of affordable housing do not need long-term patient capital so much as they need flexible capital that can be deployed quickly to compete effectively with private developers offering all-cash purchases. They also need financing on attractive terms. To achieve affordable, flexible financing that is easy to deploy quickly, some form of credit enhancement often will be needed from the public or nonprofit sector.

Of course, many neighborhoods fall in between these two extremes. Communities that wish to maximize the availability of affordable housing in targeted neighborhoods can facilitate its development by working closely with developers of affordable housing to understand the property acquisition challenges they face and help them overcome them.

The following two approaches have been used to help developers acquire properties for affordable housing.

Property Acquisition Funds

Some communities have set up funds to facilitate the purchase and holding of properties for development as affordable housing. The most common model is a revolving loan fund that provides low-interest-rate loans to nonprofit organizations for the acquisition of property to be developed or redeveloped as affordable housing. A second approach is a direct acquisition model in which a single entity purchases and holds land for subsequent development by outside developers.

These funds address several factors that prevent nonprofit developers from competing on an equal footing with private developers in the private market. Unlike market-rate developers, developers of affordable housing typically have few sources of available flexible funds to purchase property. In addition, public-sector funds for affordable-housing development usually require a lengthy application and competition process. These factors constrain the ability of an affordable-housing developer to successfully compete for property acquisitions in the private real estate market.

Affordable-housing developers can access low-interest capital more quickly through acquisition funds than through many other public-sector funding sources. These funds are usually made possible by the collaboration of several investors, including the local government, community development financial institutions, and private banks.

The New York City Acquisition Fund provides an example of how an acquisition fund can provide support for affordable-housing development in a highly competitive housing market. To help level the playing field with market-rate developers, the fund makes up to \$210 million in loans available for up to 3 years to developers of affordable housing for acquisition and predevelopment financing through major banks and financial institutions. These institutions are protected by a \$40 million guarantee pool consisting of \$8 million of City funding and \$32 million in funding from philanthropic foundations (New York City Global Partners, 2013).

Two other funds focus more specifically on facilitating affordable-housing development near transit—

1. The Bay Area Transit-Oriented Affordable Housing Fund is a \$50 million fund managed by the Low-Income Investment Fund, a Community Development Financial Institution. The fund focuses primarily on supporting the production and preservation of affordable housing in the San Francisco Bay Area, but 15 percent of the funds are set aside for the development of neighborhood amenities, including community facilities, health clinics, retail, and grocery stores. (Seifel Consulting Inc., 2013).
2. The Denver Transit-Oriented Development Fund is an example of the alternative model in which a single entity—the Urban Land Conservancy—purchases and holds property for subsequent development. It was established to purchase key sites for the creation and preservation of more than 1,000 affordable-housing units in “current and future transit corridors” in and around Denver (Urban Land Conservancy, n.d.)

Use of Publicly Owned Land

Another approach to addressing the challenges associated with acquiring properties for development of affordable housing in changing neighborhoods at reasonable prices is to focus on properties owned by public agencies within the city, including properties owned by public hospital corporations, police and fire departments, school boards, and a wide range of administrative entities. Some of these sites may have vacant or underutilized land that can be used for affordable housing, such as a parking lot that is rarely at capacity. In other cases, a property may have been developed at a density that is low compared with the higher densities emerging as the community changes. By redeveloping the property at a higher density, the original purpose can continue to be served while also making space available for affordable or mixed-income development.

In addition to developing affordable housing on land controlled by a range of city agencies, some communities also seek to use the inventory of tax-delinquent properties as a source of property for affordable housing. This approach works as long as an adequate number of tax-delinquent properties that are desirable development sites are within the target neighborhoods. As the market for housing in target neighborhoods begins to heat up, however, fewer tax-delinquent properties are likely to be within those neighborhoods as owners find buyers willing to purchase the properties and retire the tax debt. So this approach may work better toward the beginning of a neighborhood change cycle than toward the end.

A number of challenges are associated with using tax-delinquent properties for affordable housing or other development, including lengthy and complicated tax foreclosure processes and challenges assembling small parcels into development sites. An excellent manual about “land banks” by Frank Alexander (2011) provides a comprehensive overview of the challenges and approaches to addressing them.

Cross-Cutting Issues

In developing a comprehensive housing strategy for preserving and expanding affordable housing in target neighborhoods, it will be important for localities to address a number of cross-cutting issues.

Advance Planning

Advance planning is always a good idea, but it is particularly important in this area because of the impact of rising land prices on the overall costs of an affordable-housing strategy. The longer one waits to get serious about an affordable-housing strategy, the more difficult and expensive it will be to acquire attractive sites for development or redevelopment as affordable housing. In some cases, the higher-income households that move into a changing neighborhood also become the strongest critics of new development, again underscoring the importance of early and comprehensive planning. Finally, it often takes a period of years to put a strategy in place and begin creating affordable units, so it is best to start early.

It is not always easy to identify which neighborhoods are likely to experience influxes of higher-income households before it happens, and, as noted previously regarding land acquisition, it can be problematic to guess incorrectly. Despite the risks, it is essential to be looking ahead and paying attention to early warning signs, rather than waiting until after the change process has taken place and having to play catch-up.

Public and Private Capacity

The successful execution of a strategy to address rising rents and home prices will require a high level of capacity both within and outside government. Cities and counties can look to similar communities for models of ordinances and implementing practices, but, ultimately, policies will need to be customized to meet the needs of each locality. Members of the development community and advocates can help local government officials identify promising models and adapt these models to local market dynamics. A strong infrastructure of affordable-housing developers will also be needed to help implement many of the policies.

Long-Term Affordability

Many affordable-housing strategies aim to create housing that is affordable at the outset, and perhaps for the next 10 to 15 years, but do not focus sufficiently on what happens to housing prices or rents after that time period. This flaw can be fatal for neighborhoods where home prices and rents are rising, because the homes are unlikely to remain affordable after the initial affordability period ends.

Options for maintaining long-term affordability include shared equity homeownership (on the ownership side) and long-term covenants and nonprofit ownership (on the rental side). Well-designed policies can maintain affordability for 50 years or longer, helping to maximize and maintain the value of scarce public subsidy and ensure that efforts contribute to the overall stock of affordable homes, rather than simply replacing units exiting the affordability period. In many cases, these options will require local initiative because the affordability periods required by federal law are not long enough to preserve affordability in changing neighborhoods.

Increased Density

Rents and home prices are highly sensitive to the law of supply and demand. So long as demand for housing is low and supply is high, prices and rents will tend to be low relative to other locations, but, when demand for housing is high and supply is low, rents and home prices tend to go up, which is often the case in changing neighborhoods.

Allowing for density to increase is one way to make it easier to accommodate strong demand among incoming residents in a changing neighborhood without displacing existing residents and thus has a place as part of an overall housing strategy. In a neighborhood experiencing strong increases in demand for housing, it will seldom be possible to increase density sufficiently to keep housing prices and rents from rising at all; the best conceivable outcome is slower growth in rents and home prices. Policies to increase density can also be problematic if they accelerate the process of neighborhood change before a full-blow housing affordability strategy is in place, and, by themselves, these policies rarely produce housing in changing neighborhoods that is affordable to the very lowest incomes. If married with a comprehensive affordable-housing strategy, however, increased density can play an important role in providing ample space for both existing residents and newcomers and in generating new development that produces affordable units through an inclusionary zoning policy.

Reduction of Barriers to Development

Consistent with the discussion on density, communities may wish to consider overall reforms to their housing entitlement process that reduce barriers to new development, allowing for the supply of housing to better respond to increased demand. Density is one component of this reform process, as are the related concepts of minimum lot size and required set-backs. Parking requirements can also be a problem by increasing the amount of land needed per unit. Other barriers include lengthy permitting processes, complicated and lengthy zoning approval processes, and environmental requirements that do not effectively balance legitimate environmental goals with the need for an increased supply of housing. As with density limitations, it is unlikely that a barrier reduction strategy on its own will achieve a community's affordability goals, but it can be an important part of a broader strategy.

Targeted Versus Citywide Policies

Many of the strategies discussed in this article can be employed either in specific neighborhoods or in the city as a whole. Communities will need to decide which approach to take. Targeted policies can be more impactful than broader policies, given a limited amount of public subsidy to expend, but they may raise political issues among residents and representatives of other parts of the community. One way to avoid the appearance of singling out particular neighborhoods is to specify that policies apply wherever certain objective market conditions apply, such as median rents above a certain level or median rents increasing at a certain rate. Some of the policies, such as TIF, can be applied only to a targeted area. In practice, many communities will end up with a combination of targeted and citywide policies.

Building Community Support and Political Will

Political support will be needed both to pass the necessary public policies and to ensure that individual affordable-housing projects can be developed. Community opposition can make or break an affordable-housing project. To facilitate the necessary development and the preservation and expansion of affordable housing, communities will need to work proactively with residents and resident leaders and groups to build a trusting relationship and ensure that the city's plans for the neighborhoods respond to residents' needs and concerns.

Conclusion

The dynamic of neighborhood change brought about by increases in demand among higher-income households can be difficult to fine tune. At the outset, neighborhood change holds the possibility of increasing diversity, but, after rent and home price pressures build up, the promise of increased diversity can give way to displacement and resegregation. The local policy environment has the potential to be an important factor shaping the final outcome. A range of policy tools are available to local governments to preserve and expand housing opportunities affordable to low- and moderate-income households. Communities that wish to protect long-time residents and preserve diversity will need to act proactively to adopt a suite of complementary policy tools as early as possible in the cycle of neighborhood change.

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Gentrification Response:

A Survey of Strategies to Maintain Neighborhood Economic Diversity





Executive Summary

In high-cost cities across the U.S., local governments are struggling with how to protect low-income households and the economic diversity of neighborhoods in the face of soaring housing costs. Where demand for housing outstrips supply, construction of more market-rate housing must be a part of the solution; but such construction is necessary but not necessarily sufficient to protect lower income households from displacement or the economic diversity of neighborhoods. In this report, we survey strategies that have been used both to create more affordable housing and assist low-income households at risk of displacement because of rising rents. It is important to note that we have not studied the effectiveness of these policies in practice. We also recognize that the effectiveness of a policy intervention will vary based on local conditions, which we also do not address. However, we hope that this overview of possible approaches is a helpful starting point for policymakers and practitioners interested in addressing these goals as part of a local housing strategy.

Executive Summary *(continued)*

I. GOAL: Creating and Preserving Affordable Housing in Gentrifying Areas

Protecting the existing affordable housing stock and using resources strategically to expand it in neighborhoods where rents are rising are important strategies for cities concerned with the future economic diversity of those neighborhoods. Government-subsidized affordable housing located in areas with rising rents can help foster diversity and stability in neighborhoods; but, depending on how much rents have risen, it can also come with a high price tag, resulting in fewer affordable units than if the resources were used in lower-cost areas of a city. With these considerations in mind, we explore the following strategies and tools aimed at creating and preserving affordable housing:

A. Strategy: Strategic Use of City-Owned Land

1. Ground Leases: long-term leases of city-owned land that include an affordability requirement.
2. Mechanisms to Restrict Use after Sale: deed restrictions or agreements that limit the use of formerly city-owned land to affordable housing.
3. Community Land Trusts: cooperatively owned entities that hold formerly city-owned land (and other land) in trust to maintain affordable homeownership or rental properties.

B. Strategy: Strategic Use of Other City Resources

1. Housing Subsidies: the prioritized use of subsidies for new construction and preservation of housing in gentrifying areas.
2. Property Tax Benefits: a property tax benefit for landlords who provide low-rent housing or for low-income homeowners facing sudden increases in property taxes.

C. Strategy: Harnessing the Market

1. Inclusionary Zoning: a zoning bonus or requirement that results in the inclusion of affordable units in newly developed multifamily properties.
2. Linkage Fees: a requirement for certain types of new development—often commercial—resulting in fees paid into an affordable housing trust fund.

Executive Summary *(continued)*

II. GOAL: Assisting Tenants at Risk of Displacement

As areas that have lacked significant private investment become the focus of development in cities, many existing residents increasingly worry that they will be pushed out of their neighborhoods. Cities have adopted a range of strategies to help low-income residents facing displacement pressures. Some of these strategies can add to the cost of private housing provision, and potentially reduce investment, which can further drive up rents. We explore the pros and cons of the following strategies and tools aimed at potentially helping households remain in place and helping households that have to move:

A. Strategy: Regulating the Landlord/ Tenant Relationship

1. Rent Regulation: caps on the amount rent can be raised in the privately owned, unsubsidized housing stock.
2. Other Regulations of Tenancy: strengthening tenants' rights, including limits on permissible eviction circumstances, requirement of longer-term leases, and/or creation of tenants' rights during sale of a unit.
3. Anti-Harassment Laws: laws prohibiting harassing behavior and creation of affirmative enforcement mechanisms.
4. Know and Enforce Your Rights Assistance: legal and organizing services for tenants, and wide and public dissemination of tenants' rights disclosures.

B. Strategy: Assistance for Households that Move

1. Preferences for Subsidized Housing: preferences for available subsidized units for individuals vulnerable to displacement.
2. Relocation Assistance and Regulation of Buy-outs: payments to displaced tenants (either legal requirement or regulation of informal "buyouts") and counseling services to help with apartment search and application process.
3. Unified Tenant Screening Report: common application and criteria for rental units negotiated with landlords and tenants' groups.

Introduction

Over the past twenty-five years, many cities in the United States have experienced striking economic change.¹ After decades of attempting to entice real estate and business investments, as well as a resident base with higher taxable income, officials in these cities now find themselves with a significant amount of all three. One of the most visible results of this shift has been soaring housing prices. As the demand for housing has grown to far exceed the existing supply, many urban neighborhoods that have long served as a home for mostly low- and moderate-income households are now seeing an influx of higher-income households; in other words, they are experiencing gentrification.²

The spread of investment into these areas presents both opportunities and challenges for policymakers in high-cost cities. Many residents, policymakers, and academics have celebrated reinvestment in areas long neglected by businesses and developers as well as the integration of people of different incomes and races moving in. Research shows that the presence of higher-income households in a neighborhood can bring with it more retail activity, which may bring employment opportunities, and an improvement in city services, including schools.³ There is more mixed evidence on the

As the demand for housing has grown to far exceed the existing supply, many urban neighborhoods that have long served as a home for mostly low- and moderate-income households are now seeing an influx of higher-income households; in other words, they are experiencing gentrification.

question of whether gentrification results in less segregation across neighborhoods and how gentrification affects (or is affected by) crime rates.⁴

An equally vocal (and sometimes overlapping) group has worried that rising housing prices that accompany these changes may result in displacement of low- and moderate-income residents. Evidence is mixed on the question of displacement (and what counts as displacement), but there is little question that increased demand for housing in an area can put upward pressure on housing prices and rents, making neighborhoods less affordable.⁵ This is especially true if the growing demand that drives gentrification is not met with an increase in supply.

¹ See, e.g., Baum-Snow, N. & Hartley, D. (2016). Causes and Consequences of Central Neighborhood Change, 1970-2010. Retrieved from <https://www.philadelphiafed.org/community-development/events/2016/research-symposium-on-gentrification>

² Gentrification is commonly used term, but it is often defined in different ways. For the purposes of this paper, we are defining gentrification as rapid rent growth in areas occupied by lower-income households.

³ See, e.g., Meltzer, R. & Schuetz, J. (2012). Bodegas or Bagel Shops? Neighborhood Differences in Retail and Household Services. *Economic Development Quarterly*, 26(21), 73–94. Retrieved from <http://edq.sagepub.com/content/26/1/73>; see also Zukin, S., Trujillo, V., Frase, P., Jackson, D., Recuber, T., Walker, A. (2009). New Retail Capital and Neighborhood Change: Boutiques and Gentrification in New York City. *City & Community*, 8(1), 47–64; Freeman, L. (2006). *There Goes the 'Hood: Views of Gentrification from the Ground Up*. Philadelphia: Temple University Press.

⁴ For a discussion of the evidence up to 2010, see Ellen, I. & O'Regan, K. (2011). Gentrification: Perspectives of Economists and Planners. In N. Brooks, K. Donaghy, & G. Knaap (Eds.), *The Oxford Handbook of Urban Economics and Planning*. Oxford: Oxford University Press, 2011.

⁵ A detailed review of the literature on these thorny issues was put together by researchers at the Federal Reserve Bank in San Francisco: Zuk, M., Bierbaum, A.H., Chapple, K., Gorska, K., Loukaitou-Sideris, A., Ong, P., Thomas, T. (2015). Gentrification, Displacement, and the Role of Public Investment: A Literature Review. Retrieved from http://iurd.berkeley.edu/uploads/Displacement_Lit_Review_Final.pdf.

Cities with rising housing costs need to promote—or at least not unduly impede—housing development if their goal is to promote housing affordability for low- and moderate-income households. That said, it takes time to construct new units; and, as they are created, a hot market without tenant protections is likely to leave low-income tenants vulnerable. Thus, while more housing development is necessary to address the affordable housing crises in high-cost cities, it is insufficient to ensure that these cities remain home to economically diverse neighborhoods. Cities interested in providing housing affordable to low- and moderate-income residents and maintaining diverse neighborhoods will want to supplement policies that encourage new development with those that promote preservation of affordable stock and protections for lower-income households.

In this report we explore policy tools that have been tried by cities to achieve these latter two goals⁶—in Section I, we highlight strategies to promote affordable housing development and

preservation in gentrifying neighborhoods; and in Section II, we consider strategies to assist incumbent residents at risk of displacement or who have to move because of gentrification.

It is important to emphasize that we have not performed an empirical evaluation of the policies we discuss (although we do cite empirical evaluations of others where available), and do not mean to suggest that these policies will always, in practice, be successful in achieving their stated goals. More work is needed to rigorously evaluate the impact of these policies and to pinpoint the conditions under which they are able to help cities foster economic diversity citywide and in wide range of neighborhoods. Nonetheless, we hope this overview of approaches is a useful catalogue of options available to local policymakers.

⁶ Strategies that facilitate the development of more market-rate housing are also critically important in addressing housing needs in high-cost cities, but they are not the focus of this paper.



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I. GOAL: Creating and Pre- serving Affordable Housing in Gentrifying Areas

Rising rents can pose a threat to both subsidized and unsubsidized affordable housing. The latter threat is obvious: unsubsidized units are only affordable if market rents are affordable. In subsidized units where affordability restrictions expire after a period of time, the potential threat arises from the fact that higher prices make landlords less likely to seek out new subsidy to keep the units affordable. This threat to affordability in gentrifying neighborhoods requires special attention if economic diversity is to be preserved. In areas where rents are on the rise, strategic use of city subsidies, land use regulations, and city-owned land can help create and preserve affordable units. Below we explore ways that localities can deploy these different tools to create long-term affordable housing in the face of gentrification.

A. Strategy: Strategic Use of City-Owned Land

Municipalities that still own land in their boundaries have a head start in creating new affordable units. The price of land accounts for a substantial amount of the cost of building new housing in high-demand areas. Providing land at no or reduced cost can be a subsidy for housing development. City-owned land need not be vacant to be useful: government-owned buildings might be redeveloped into affordable units or have affordable units added on top of them. When cities use their land resources this way, they have a number of ways to structure deals to promote the long-term affordability of the housing on the site.

1. Ground Leases

With a ground lease, a city maintains ownership of a piece of land while renting it out on a long-term basis (often 75 to 99 years) to a developer. Where the city wishes to use its land to facilitate the development of affordable housing, it can lease the land at a discount, and the lease it signs with a developer can establish the terms of the affordability requirements. An example is the leasing by the New York City Housing Authority of some of its property to raise revenue for public housing while also creating affordable units.⁷ In the last decade, Washington D.C. has also been in the process of leasing surplus city property to private developers to create affordable housing, as well as other community facilities.⁸

The benefit of leasing, rather than selling, city-owned land for development is that the land remains within the city's control once the lease is over, which is one way to ensure that the land is used for the provision of below-market housing indefinitely. Ground leases, however, typically result in less revenue than a sale. And another disadvantage is that by retaining ownership, the city, as landlord, retains some legal obligations to the property.

If a below-market or no-cost ground lease provides insufficient subsidy to create the amount of affordable housing at the rent levels the city seeks, it can be paired with other housing subsidies.

⁷ NYU Furman Center. (2015, May). *Building New or Preserving the Old? The Affordable Housing Tradeoffs of Developing on NYCHA Land*. Retrieved from http://furmancenter.org/files/NYUFurmanCenter_NYCHABrief_13MAY2015.pdf; NYC Housing Preservation and Development. (2016). NextGeneration NYCHA RFP. Retrieved from <https://www1.nyc.gov/site/hpd/developers/request-for-proposals/NextGeneration-NYCHA-RFP.page>.

⁸ Hickey, R. & Sturtevant, L. (2015, February). *Public Land & Affordable Housing in the Washington DC Region: Best Practices and Recommendation*. Retrieved from http://washington.uli.org/wp-content/uploads/sites/56/2015/02/ULI_PublicLandReport_Final020215.pdf.

2. Mechanisms to Restrict Use after Sale

Even when a city does not maintain ownership of a piece of land, it can secure the long-term affordability of the units developed on that land through a number of mechanisms.

One tool available to a city is a restrictive covenant. A restrictive covenant is a deed restriction limiting land uses that “run with the land.” This means that it must be honored by all subsequent owners for all time unless the original owner that created the covenant—here, the city—agrees to remove it. A city can include a restrictive covenant in the deed whether it donates or sells the land to a private developer. Covenants can include a provision that specifies who can enforce them.⁹ Cities may wish to use such a provision creatively: allowing both city enforcement officials and certain private parties (such as residents) the ability to enforce affordability requirements.

Cities can also impose restrictions through a restrictive declaration, which is an agreement between a government actor and a private party that is recorded against the property and runs with the land, binding future owners—just as restrictive covenant does.

Restrictive covenants and restrictive declarations can ensure permanent affordability as long as subsequent city officials do not remove the requirement, and as long as they are enforced.¹⁰ If officials remove the requirement (or fail to enforce it), then the land is entirely outside the city’s control absent another regulatory tool to ensure affordability.

⁹ Kazis, N. (2015). Public Actors, Private Law: Local Governments’ Use of Covenants to Regulate Land Use. *Yale Law Journal*, 124(5), 1792–1824.

¹⁰ The DeBlasio administration in New York City has come under fire recently for removing deed restrictions. Goodman, J.D. (2016, March 24). New York City Turns Over Files on Building Sale Subpoenaed by Comptroller. *The New York Times*. Retrieved from <http://www.nytimes.com/2016/03/25/nyregion/new-york-city-turns-over-files-on-building-sale-subpoenaed-by-comptroller.html>.

There are a number of mechanisms available to jurisdictions to achieve some control over the activity on the lot either in perpetuity or for a significant length of time.

Cities can also have control over what happens to formerly city-owned land by providing subsidy or a mortgage to the new owner. In that case, the new owner would be subject to the terms of a regulatory agreement or a mortgage that can impose affordability restrictions. While these tools are generally time limited, they are often of long-term duration.

In short, there are a number of mechanisms available to jurisdictions to achieve some control over the activity on the lot either in perpetuity or for a significant length of time. Of course, each of these mechanisms is only as good as the monitoring and enforcement that accompany them over time. When a city transfers its land to private ownership for the creation of affordable housing, it can ensure the long-term affordability of units on that property through one of these mechanisms.

3. Community Land Trusts

A city can also transfer its land to mission-driven organizations that use ground leases in a different way to create permanent affordability. A community land trust (CLT) for affordable housing is a non-profit entity that owns land that it stewards to ensure the long-term affordability of the properties on the land. The CLT sells the buildings on the land, or the right to develop the land, to a homeowner or a developer. By removing the cost of land, a CLT allows the units on the land to be sold or rented for more affordable prices. The CLT then provides a long-term lease to the building owner to ensure the affordability of the housing. While the city gives up control of the land to the trust, it can provide a stipulation that should the CLT dissolve the land reverts back to city ownership.

For ownership units, the CLT generally regulates sales via resale formulas that govern the price at which a dwelling unit may be resold. Residents can build equity by paying down a mortgage and, under most resale formulas, they receive a share of their home's appreciating value (if any) upon resale. At the same time, resale price is limited, allowing only for a "fair return" to keep the units affordable.¹¹ Members of a CLT may also be limited in to whom they are allowed to sell: CLTs often restrict themselves to low- to middle-income residents. In the South Atlanta Land Trust in Georgia, for example, this has resulted in housing for low-income single women, predominantly of color.¹² A CLT run by ACORN in Englewood Chicago makes units even more affordable by offering a lease-with-an-option-to-buy product, with all of

¹¹ Sungu-Eryilmaz, Y., & Greenstein R. (2007). *A National Study of Community Land Trusts* (Working Paper). Retrieved from <http://clt-network.org/wp-content/uploads/2014/01/2007-A-National-Study-of-CLTs.pdf>. (Lincoln Institute Product Code: WP07YS1).

¹² Chicago Rehab Network. (1995, June). Development without Displacement Task Force Background Paper. Retrieved from http://www.urbancenter.utoronto.ca/pdfs/curp/Chicago_Dev-without-Displac.pdf.

Transferring city-owned land into a Community Land Trust can help ensure its long-term affordability and insulate it from a city's changing political priorities over time.

the payments during the three-year lease going to paying down a mortgage if the option is exercised.¹³ Resale formulas and other rules governing CLTs are created by a board that consists of the homeowners themselves, members of the surrounding community, and, perhaps, other stakeholders.

Transferring city-owned land into a CLT can help ensure its long-term affordability and insulate it from a city's changing political priorities over time. By relinquishing city-owned land, to a CLT or any other entity, the city loses the ability to determine that the land is better suited for a different use in the future. This can protect affordable housing on the land from changes in political will; but it can also deprive the city of the ability to repurpose the land in ways that may make sense in the future. Transfer of land into a CLT also passes responsibility for maintenance and enforcement from the city to the CLT—whether this is a benefit will depend on the long-term capacity and resources of both the city and the CLT to perform those functions well.

¹³ Mironova, O. (2014, April 29). The Value of Land: How Community Land Trusts Maintain Housing Affordability. *Urban Omnibus*. Retrieved from <http://urbanomnibus.net/2014/04/the-value-of-land-how-community-land-trusts-maintain-housing-affordability/>.

CLTs have been used in several cities around the United States. The biggest CLT in the country, in Burlington, Vermont, includes both homeownership (via ground lease) and rental units, potentially providing a model for a higher-density CLT.¹⁴

B. Strategy: Strategic Use of Other City Resources

In addition to employing city-owned land in the service of affordable housing, local governments may also want to think about how to use subsidy dollars strategically to promote affordability in gentrifying and high-cost areas. But, there is also a cost associated with focusing housing resources in areas with rising rents, namely that it is more costly than focusing in areas where government resources may stretch farther to serve more households. Given the overwhelming demand for housing subsidies from eligible households, local governments should carefully weigh this tradeoff. But, if cities are able to identify neighborhoods relatively early in the gentrification process, they may be able to lock-in affordability in areas where it will be much more costly to preserve affordability later.

1. Housing Subsidies

As a practical matter, cities can do this as they make their discretionary decisions about where to invest their subsidy dollars. The Low Income Housing Tax Credit (LIHTC)—the nation's most-used tool to create new affordable housing—provides a mechanism through which administering jurisdictions (typically states but also some cities) can direct the siting of development. State and local allocating agencies issue Qualified Allocation Plans (QAPs) that specify their priorities in selecting projects to receive credits. A recent study

¹⁴ Blumgart, J. (2016, January 19). How Bernie Sanders Made Burlington Affordable. *Slate*. Retrieved from http://www.slate.com/articles/business/metropolis/2016/01/bernie_sanders_made_burlington_s_land_trust_possible_it_s_still_an_innovative.html.



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found that changes in QAPs that prioritized development in higher-opportunity areas resulted in more development in low poverty areas.¹⁵ Tailoring of QAPs to achieve strategic goals can be an effective tool, like development in high-opportunity areas. While it differs from the question studied in this research, it may also be possible to use QAPs to encourage the development and preservation of affordable housing in areas that were formerly low-income and have seen dramatic rent growth. However, because of limited available data on current rents and the process involved in updating QAPs, this tool might not be particularly nimble.

2. Property Tax Breaks

As the value of real estate in a neighborhood increases, property taxes typically rise as well. The burden that this creates for property owners presents an opportunity for cities to use property tax relief to support affordable housing. When

¹⁵ Ellen, I. G., Horn, K., Kuai, Y., Pazuniak, R., & Williams, M.D. (2015). *Effect of QAP Incentives on the Location of LIHTC Properties*. U.S. Department of Housing and Urban Development, Office of Policy Development and Research. Retrieved from https://www.huduser.gov/portal/publications/mdrt/QAP_Incentives.html.

targeted towards rental properties, such a tax benefit can be used to preserve affordable units. When targeted towards owner-occupied units, it can serve as a way to prevent the displacement of vulnerable homeowners.¹⁶

To preserve affordable units, a property tax benefit can come with rules that require owners to maintain a certain portion of their units at affordable rents for some period of time. Chicago, Seattle, and New York City all have programs that allow for tax reductions or exemptions for owners of multifamily buildings who undertake substantial renovations in exchange for reserving a certain number of affordable units.¹⁷ Affordability can be defined in terms of a percentage of area median income or units benefiting from the tax break can enter into a rent stabilization program that slows their rent growth.¹⁸ Either way, a bottom-line-minded owner will only be interested in trading off a tax break for affordability if the tax break is sufficient to make it worthwhile to forgo raising the rents to market. Thus, in a neighborhood where rents are high or expected to rise, the city will likely have to forego substantial tax revenue to entice owners into keeping units affordable for any significant length of time.

Rapidly rising prices can also create distress for homeowners with low and/or fixed incomes as property taxes rise. Although homeowners benefit from rising prices, homeowners generally have to move or refinance their homes to reap those benefits. To provide low-income senior or



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long-term homeowners with the ability to stay in their homes if they choose, several cities provide them property tax relief.¹⁹

C. Strategy: Harnessing the Market

Some policies also look to developers of new construction to bear some of the cost of providing new affordable housing. Regulations that require new development to support the creation of new affordable housing—such as inclusionary zoning or linkage fees—help local governments foster diversity alongside development; they also harness the market to pay for new affordable units. Like any regulation that increases the cost of development, though, the risk is that these policies may suppress development—undermining the goal of the policy and resulting in less housing overall.

¹⁶ Part II of this brief deals with anti-displacement policies, but because the structure of these tax breaks is so similar, we keep them together in this Part.

¹⁷ Albee, A., Johnson, R., & Lubell, J. (2015). *Preserving, Protecting, and Expanding Affordable Housing: A Polity Toolkit for Public Health*. ChangeLab Solutions. Retrieved from http://www.changelabsolutions.org/sites/default/files/Preserving_Affordable_Housing-POLICY-TOOLKIT_FINAL_20150401.pdf.

¹⁸ NYU Furman Center. (2015, June). *The Challenge of Rising Rents: Exploring Whether a New Tax Benefit Could Help Keep Unsubsidized Rental Units Affordable*. Retrieved from furmancenter.org/files/NYU-FurmanCenter_ChallengeofRisingRents_10JUN2015.pdf.

¹⁹ Philadelphia has a long-term owner occupants program (LOOP) that provides a property tax break for those who have owned since 2003, are paying in good standing, and meet income requirements. City of Philadelphia. Longtime Owner Occupants Program (LOOP). Retrieved from <http://www.phila.gov/loop/Pages/default.aspx>. Washington D.C. provides a property tax credit to low-income homeowners who have occupied their homes for at least seven years. Office of Tax and Revenue. Lower Income, Long-Term Homeowners Tax Credit. Retrieved from <http://otr.cfo.dc.gov/page/other-credits-and-deductions>. New York City also provides a property tax exemption to eligible senior homeowners. NYC Department of Finance. Senior Citizen Homeowners' Exemption (SCHE). Retrieved from <http://www1.nyc.gov/site/finance/benefits/landlords-sche.page>.

1. Inclusionary Zoning

Inclusionary zoning (IZ), sometimes called inclusionary housing, leverages market-rate development to create housing affordable to low-, moderate- or middle-income households.²⁰ IZ can incentivize or require the creation of affordable housing along with new market-rate housing without direct expenditure of public dollars. Such programs are designed so that the rents or sale prices from market-rate units cross-subsidize the creation (and potentially the operation, if necessary) of the lower income housing units. IZ can have many variations. It can be voluntary or mandatory; it can require affordable units on site or off site or allow for a payment in lieu; it can involve new construction or preservation of affordable units; it can target different incomes and provide different ratios of market-rate to affordable units; it can require that affordable units be permanently affordable or permit affordability to expire.²¹ For instance, in Washington DC, affordable housing created through inclusionary zoning serves households with income up to 80 percent of area median income, does not allow for an in-lieu fee, and requires that affordable units be income restricted in perpetuity. By contrast,

²⁰ Transferrable development rights (TDR) programs present another opportunity for a city to link new development with the creation of new affordable units. A TDR program allows a property owner to transfer unused development rights granted under zoning (at, say, a single-story church on land zoned for a multistory residential building) to another location, known as the “receiving site.” With affordability requirements attached, a TDR program could have the same practical effect as a voluntary inclusionary zoning program—allowing a developer to obtain additional density in exchange for providing support (either in the form of units or a fee in lieu) for affordable housing. NYU Furman Center. (2015, March). *Creating Affordable Housing Out of Thin Air: The Economics of Mandatory Inclusionary Zoning in New York City*. Retrieved from http://furmancenter.org/files/NYUFurmanCenter_CreatingAffHousing_March2015.pdf

²¹ Schetz, J., Meltzer, R. & Been, V. (2009). 31 Flavors of Inclusionary Zoning: Comparing Policies from San Francisco, Washington, D.C., and Suburban Boston. *Journal of the American Planning Association*, 75, 441-456.

Mandatory IZ will be most effective at generating new affordable units where market-rate rents are sufficient to cross-subsidize the construction and operation of the affordable units.

in Boston, affordable units can serve households with income up to 100 percent of area median income, developers have the option of paying an in-lieu fee, and units only need to be affordable for 50 years.²²

The difference between mandatory and voluntary is important to understand. Voluntary IZ is optional and comes with a benefit or incentive. Local zoning regulations set a base amount of density and then offer a developer greater density if he/she includes a certain amount of affordable housing in the development.²³ Because the developer retains the option of building without the bonus, the value of the added density must more than offset the cost of providing affordable units in order to entice developers to participate.

²² BAE Urban Economics, Inc. et al. (September 2015). Market and Financial Study: NYC Mandatory Inclusionary Housing (Appendix A). Retrieved from http://media.wix.com/ugd/7796e8_6e036224870e4e5e8e1c5ed1f8988508.pdf

²³ NYC Department of City Planning. Inclusionary Housing Program. Retrieved from <http://www1.nyc.gov/site/planning/zoning/districts-tools/inclusionary-housing.page>.

By contrast, mandatory IZ requires that a specified share of a subject market-rate development be set-aside for affordable housing. In a mandatory program, the developer typically does not have the option of building housing without the mandated affordability; but if the required affordability is too costly, a developer may choose to forgo development altogether or may choose to build something other than housing on the site, if that's an option.

Mandatory IZ will be most effective at generating new affordable units where market-rate rents are sufficient to cross-subsidize the construction and operation of the affordable units.²⁴ In neighborhoods where market-rate development is currently not profitable, neither mandatory nor voluntary IZ requirements will result in new affordable housing production without government subsidy. In areas where market-rate development may be just marginally viable today, a mandatory IZ requirement may render development infeasible in the short-term. However, cities can craft a program that ameliorates these harms in borderline markets by either providing subsidy in those areas to support development, by permitting higher rents in the affordable units for the period of time that they are needed to help maintain the development pipeline, or by allowing for a waiver of the requirements based on the economics of a specific deal. For example, in its

²⁴ NYU Furman Center (2015, March). *Creating Affordable Housing Out of Thin Air: The Economics of Mandatory Inclusionary Zoning in New York City*. http://furmancenter.org/files/NYUFurmanCenter_CreatingAffHousing_March2015.pdf

Mandatory Inclusionary Housing Program, New York City has a “Workforce Option” that permits rents in the affordable units to be as high as 115 percent of area median income, but that option will only be available for ten years in any of the areas where the city decides to impose it.²⁵ In addition to these economic feasibility questions, there are also legal constraints that local governments should keep in mind when designing inclusionary zoning programs.²⁶

All major cities that have adopted IZ—whether mandatory or voluntary—have seen it generate new affordable units and most have generated in lieu fees, but the pace of new unit creation has varied. For example, Seattle’s program created 56 units in 13 years while San Francisco’s generated 1,560 in 12 years.²⁷

2. Linkage Fees

Linkage fee programs impose a requirement on developers, typically of commercial space, to help meet a need that their new development will generate, in exchange for the necessary permissions

²⁵ NYC Department of City Planning. Mandatory Inclusionary Housing. Update: March 22, 2016. Retrieved from <http://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>.

²⁶ See generally Tim Iglesias, *Framing Inclusionary Zoning: Exploring the Legality of Local Inclusionary Zoning and Its Potential to Meet Affordable Housing Needs*, 36 No. 4 Zoning & Plan. L. Report 1 (2013).

²⁷ BAE Urban Economics, Inc., *supra*, note 21. See also Mukhija, V., Regus, L., Slovin, S., & Das, A. (2010, May). Can Inclusionary Zoning Be an Effective and Efficient Housing Policy? Evidence from Los Angeles and Orange Counties. *Journal of Urban Affairs* 32(2), 229–252. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9906.2010.00495.x/full>.

to develop.²⁸ Although linkage fees have been used to address a range of civic needs, they are often used to support the development of affordable housing, where they are justified by showing that the new development will result in increased demand for housing by people who will work in the new development.²⁹ Among other jurisdiction, San Francisco, Sacramento, Boston, and Seattle all have mandatory linkage fee programs that generate funds for affordable housing.³⁰

Linkage fee programs are typically rooted in detailed studies of development patterns in a locality, and feature uniform standards for calculating a

fee obligation (typically a price set per square foot of new development). As a result, they safeguard both developers and local governments from the uncertainty and transaction costs associated with ad hoc fee negotiations, though they still carry a risk of inaccurately assessing the extent of a development's secondary effects due to insufficient context sensitivity.³¹

Linkage fees have raised substantial sums for housing. Between 1986 and 2012, Boston's fee raised over \$133 million.³² Seattle projects that it will raise over \$195 million over the next decade.³³ However, by making it more costly to develop, linkage fees run the risk of discouraging commercial development and possibly costing a neighborhood or a city (depending on the geographic boundaries of the requirement) jobs.

²⁸ Been, V. (2005). Impact Fees and Housing Affordability, *Cityscape* 8(1), 139–185, 143. Retrieved from <https://www.huduser.gov/periodicals/cityscape/vol8num1/ch4.pdf>.

²⁹ For discussion of legal authority and possible legal challenges to linkage fees, see Schukoske, J. E. (1991). Housing Linkage: Regulating Development Impact on Housing Costs. *Iowa Law Review* 76(5), 1011–1066, 1038–62.

³⁰ City and County of San Francisco. (December 1, 2015). San Francisco Citywide Development Impact Fee Register. Retrieved from http://default.sfplanning.org/administration/Master_Impact_Fee_Schedule_2016_DBI_Register-071416.pdf; City of Sacramento. Housing Trust Fund. Retrieved from <http://www.cityofsacramento.org/Community-Development/Planning/Long-Range/Housing-Programs/Housing-Trust-Fund>; Boston Redevelopment Authority, Glossary: Linkage. Retrieved from <http://www.bostonredevelopmentauthority.org/about-us/glossary>; Stephen, F. (November 10, 2015). Toward Affordable Housing: Seattle Adopts A Commercial Linkage Fee. *The Urbanist*. Retrieved from <https://www.theurbanist.org/2015/11/10/toward-affordable-housing-seattle-adopts-a-commercial-linkage-fee/>; City of Boston. (2015). Neighborhood Housing Trust. Retrieved from http://dnd.cityofboston.gov/portal/v1/contentRepository/Public/dnd%20pdfs/HousingDevelopment/NHT_Report_2014_160622_1110.pdf.

³¹ Schukoske, J. E. (1991). Housing Linkage: Regulating Development Impact on Housing Costs. *Iowa Law Review* 76(5), 1011–1066, 1023–24.

³² City of Boston. *supra*, note 29.

³³ Letter from Edward B. Murray, Mayor of Seattle, to Honorable Tim Burgess, President Seattle City Council. (2015, August 25). Retrieved from <https://seattle.legistar.com/View.ashx?M=F&ID=4006991&GUID=FF26387E-AE10-44C9-9300-8709C6BAE51D>

II. GOAL: Assisting Tenants at Risk of Displacement

Another concern for residents and policymakers in high-cost cities is the threats and harms of displacement faced by lower income residents in areas where rents are on the rise. There is a wide range of circumstances that are cited as displacement; and like the term “gentrification,” displacement can mean different things to different people. Direct displacement can occur when a market-rate unit becomes unaffordable to an existing tenant; it can also occur through landlord harassment. There can also be indirect or secondary displacement when existing community members are forced to look elsewhere for housing because the price of available units has become unaffordable. In different places, some or all of these experiences of displacement may be the focus of policy intervention.

There are a number of reasons why policymakers may make anti-displacement a policy goal. Having to move is stressful and costly, and being forced to can make the situation even worse. Changing neighborhoods means leaving a local community, disrupting social connections that can play an essential role in both life outcomes and well-being. Research shows particularly strong negative effects for children.³⁴ There may be costs to mobility at a neighborhood level too. Lower mobility may mean greater social cohesion, which can make neighborhoods safer, more supportive, and more pleasant to live in. The negative impacts of moving can be exacerbated when the factors

that lead to a move are outside a tenant’s control. Landlord harassment and arbitrary eviction are especially difficult experiences for tenants and may be in violation of legal rights.

Even just the possibility of housing instability can understandably lead many residents to fear direct displacement as gentrification takes effect. Those fears may lead to opposition to new residential development, even when such changes would absorb some of the demand that creates price pressures. Protecting residents from displacement can alleviate the fear of being forced to move from one’s home and should help move the political discussion past a pro- vs. anti-development binary towards one about how neighborhood change can benefit the current community.

For tenants for whom moving becomes inevitable, tight rental markets can make finding a new home very difficult and time-consuming and even increase the risk of homelessness. As such, it may make sense to supplement anti-displacement policies with those that help low-income households navigate finding a new place to live.

Anti-displacement policies do have potential downsides. Perhaps most fundamentally, if cities are segregated, policies that help keep households in place can reinforce existing racial and economic segregation. Moreover, programs designed to prevent moving may reduce beneficial mobility—leading residents to favor staying in place even when a move might increase their wellbeing or might be a better outcome for affordability in the city overall (if those moves then pave the way for higher-density development or better use/allocation of the existing stock). Such programs may also reduce revenues for landlords, which may run the risk of discouraging investment to maintain existing housing and investment to create new housing.

³⁴ See, e.g., Jolleyman, T. & Spencer, N. (2008). Residential Mobility in Childhood and Health Outcomes: A Systematic Review. *Journal of Epidemiology and Community Health*, 62(7), 584–592.

Nevertheless, many cities are grappling with the question of how to address displacement risks. In this section, we consider strategies cities might adopt to prevent displacement and assist households facing displacement—both anti-displacement measures and policies aimed at helping households who must move.

A. Strategy: Regulating the Landlord/Tenant Relationship

Regulating the relationship between tenants and landlords, and ensuring that tenants have the resources to enforce their rights, is one way in which local governments help protect tenants in cities where rents are on the rise. Unlike some of the other tools we discuss that can be targeted at gentrifying neighborhoods specifically, these are primarily citywide, not neighborhood-based, interventions (though New York City's current Certificate of No Harassment policy, discussed below, is an exception).

1. Rent Regulation

Rent regulation laws (sometimes called rent stabilization or rent control) limit the amount by which landlords can raise rents.³⁵ Rather than setting an absolute cap on rents, regulations often allow for regular but modest increases set—at the city or neighborhood level³⁶—by a predetermined

formula or by a body of experts.³⁷ Once an existing tenant vacates, landlords can typically raise the rent for a new tenant by a greater degree than would be allowed during the course of a lease or even reset the rent to market rate.³⁸

Many argue that, by failing to allocate rent-regulated units according to need, rent regulation is an unfair policy. It results in a transfer of money from a landlord to a tenant who may not be in need of that *de facto* subsidy. And, it may in fact hurt lower-income households by undermining investment in housing and discouraging long-term tenants to vacate units—both of which could constrain housing supply.³⁹ Although rent regulation is ill-targeted if viewed as a purely redistributive program, as a program to promote longer-term lower-rent tenancies for the tenants who benefit from it, even in hot rental markets, it seems to succeed.⁴⁰

³⁷ Some municipalities allow yearly rent increases based on a fixed percentage, or tie increases to inflation plus additional criteria. In Washington, D.C., landlords can raise rents each year to adjust for inflation plus an additional two percent increase. (though the total increase cannot exceed 10%). DC.gov. Rent Control Fact Sheet rev. 2-2014. Retrieved from <http://dhcd.dc.gov/publication/rent-control-fact-sheet-rev-2-2014>. In New York City, increases for one- or two-year contracts are set annually by a Rent Guidelines Board. In addition, even for an existing tenant, landlords in many jurisdictions can seek rent increases above the standard allowable amount if there are additional factors, such as construction, improvements, or hardship. New York City Rent Guidelines Board. Rents and Rent Increases FAQ. Retrieved from <http://www.nycrgb.org/html/resources/faq/rents.html>

³⁸ San Francisco allows owners to raise rent to market level upon vacancy. Rent Board Fact Sheet 1. Retrieved from <http://sfrb.org/fact-sheet-1-general-information>. In Washington, D.C., upon vacancy, rents may be raised by 10 percent or up the amount charged for a similar unit (but not exceeding 30%). DC.gov. Rent Control Fact Sheet rev. 2-2014; retrieved from <http://dhcd.dc.gov/publication/rent-control-fact-sheet-rev-2-2014>. In New York City, state law sets increase levels for new tenants signing leases following a vacancy, which is up to 20 percent for two-year leases. New York City Rent Guidelines Board. Vacancy Leases. Retrieved from <http://www.nycrgb.org/html/guidelines/vacancy.html>

³⁹ For a summary of the economics literature, theoretical and empirical, on rent control, see Jenkins, B. (2009). Rent Control: Do Economists Agree? *Econ Journal Watch*, 6(1), 73–112.

⁴⁰ As of 2008, for example, stabilized tenants in New York City had lived in their units for an average of 12 years, compared to six years for households in market-rate units. This difference was especially pronounced in Manhattan below 96th Street, where 35 percent of households in rent-stabilized apartments had lived in their units for 20 years or more, compared to just 2.7 percent of households in market-rate apartments. NYU Furman Center. (2011). *Rent Stabilization in New York City*. Retrieved from http://furmancenter.org/files/publications/HVS_Rent_Stabilization_fact_sheet_FINAL_4.pdf.

³⁵ Four states (plus Washington, D.C.) currently have cities with rent regulation laws—California, New York, New Jersey, and Maryland. Most states ban localities from passing such laws. National Multifamily Housing Council. Rent Control Laws by State. Retrieved from <https://nmhc.org/Research-Insight/Rent-Control-Laws-by-State/>.

³⁶ For instance, Berlin's *mietpreisbremse* law allows for standard median rents (and allowable increases) to be fixed at the city district level. O'Sullivan, F. (2015, July 9). Berlin's New Rent Control Laws are Already Working. *Citylab*. Retrieved from <http://www.citylab.com/housing/2015/07/berlins-brand-new-rent-control-laws-are-already-working/398087/>.



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Jurisdictions that have adopted rent regulation attempt to temper its potentially damaging effects by limiting the number of units that enter into regulation (new units are usually exempt), by allowing larger rent increases at vacancy, and by allowing for deregulation of units over time.

2. Other Regulations of Tenancy

Regulation of leases unrelated to the price of rent is another tool used to protect tenants from pressures to move out. These protections need not be tied to price regulations, though they often are. In some jurisdictions, they apply even to market-rate units as an independent form of tenant protection.

Just-cause eviction requirements restrict landlords' ability to evict tenants—even at the end of a lease-term—other than for a specific cause enumerated by statute.⁴¹ In Washington, D.C., Oakland, San Francisco, and all cities in New Jersey,

⁴¹ In addition to legislative efforts, some have called for a renewed litigation effort to establish a common law implied covenant of security of tenure for residential leases. See Roisman, F.W. (2008). *The Right to Remain: Common Law Protections for Security of Tenure*. *North Carolina Law Review* 86(3), 817–858.

acceptable causes for eviction include nonpayment of rent, violation of a lease obligation, an illegal act, a landlord's personal use of the property, sale or conversion of the unit, rehabilitation or renovation, or discontinued housing use.⁴² Connecticut extends just-cause eviction protections to elderly, disabled, or blind tenants living in developments with five or more units.⁴³ Seattle applies just-cause eviction requirements to month-to-month tenancies.⁴⁴ Landlords must also typically give notice before moving to evict a tenant for cause.

Jurisdiction-wide good-cause eviction standards can help establish a security of tenure that would be useful for preventing displacement in gentrifying neighborhoods. As an added layer of security,

⁴² Anti-Eviction Act, N.J. Stat. Ann. §§ 2A:18–61.1 (Lexis 2016); D.C. Code § 42-3505.01 (Lexis 2016); Just Cause for Eviction Ordinance, Oakland, California Code of Ordinances § 8.22.300 to 8.22.390 (Lexis 2016); San Francisco, Ca. Admin. Code § 37.9 (Lexis 2016).

⁴³ Conn. Gen. Stat. § 47a-23c (Lexis 2016).

⁴⁴ Seattle, Wa. Municipal Code § 22.206.160(C) (Lexis 2016); see also Seattle Department of Construction & Inspections. Just Cause Eviction Ordinance. Retrieved from <http://www.seattle.gov/dPd/codes-rules/codes/justcauseordinance/default.htm>

Connecticut and New Jersey have also enacted statutory protections that prevent landlords from raising rent as a means of circumventing just-cause eviction protections. These regulations are not the same as rent stabilization—rather than setting a process or a schedule for raising rents, they allow tenants to contest rent increases as unduly burdensome.⁴⁵

Similar to just-cause eviction standards, requiring landlords to offer longer-term leases can help prevent displacement by producing more stable tenancies. Some European countries as well as U.S. rent stabilization regimes feature minimum lease durations of two or more years. Even in the absence of explicit price restrictions, longer-term leases can serve as a form of rent-stabilization because prices will have to be set for subsequent years, either by fiat or formula, in the initial agreement rather than by the market.⁴⁶

Finally, many cities also provide tenants protections when landlords seek to sell a property. Examples of substantive protections include requiring approval of a majority of residents;⁴⁷ providing for a long notice period before a conversion/sale;⁴⁸ giving tenants (or the jurisdiction itself) a right to purchase units before they can be offered to

outside buyers;⁴⁹ and/or giving tenants a right to remain as a renter or renew a tenancy following a conversion or sale.⁵⁰

3. Anti-Harassment Laws

As rents rise, the incentive to encourage lower-income households to vacate units rises accordingly, and thus, where tenant protections exist, incidents of tenant harassment can also rise. Some cities have enacted anti-harassment ordinances to address this risk. These laws both extend existing substantive protections by prohibiting certain pressure tactics used by some landlords and provide resources for affirmative enforcement of these laws.

Some jurisdictions have adopted laws directly aimed at addressing landlord harassment. Oakland and New York City have defined “tenant harassment” broadly enough to outlaw tactics such as tampering with doors and locks, unreasonably slow repair timelines, frivolous eviction proceedings, threatening to report tenants to immigration enforcement, removing tenant’s possessions from an apartment, repeatedly calling or knocking even after being asked to stop, etc.⁵¹ Both cities include a catchall clause as well, which prevents their lists of prohibited behaviors from being read as closed universes. Of course, banning too broad a swath of behavior may have unintended consequences such as encouraging quickly performed but shoddy repairs.

Giving tenants a right to sue for such harassment, especially when combined with a multiple

⁴⁵ Conn. Gen. Stat. § 47a-23c (Lexis 2016); N.J. Stat. § 2A:18–61.1 (2016).

⁴⁶ France, for instance, allows for rent to be revised once a year during a three- to six-year lease, but only if a clause in the lease-contract has a term specifying the authority to raise the rent. Moreover, a landlord may never raise the rent above a quarterly average of the index of construction costs. Global Property Guide. (2006, May 25). France: Tenant Protection Laws are Onerous. Retrieved from <http://www.globalpropertyguide.com/Europe/france/Landlord-and-Tenant>.

⁴⁷ D.C. Code Ann. §§ 42-3402.02 - 42-3402.03 (West); District of Columbia Office of the Tenant Advocate. District of Columbia Tenant Bill of Rights. Retrieved from <http://ota.dc.gov/sites/default/files/dc/sites/ota/publication/attachments/2015%2007%2003%20OTA%20DC%20Tenant%20Bill%20of%20Rights%20ODAI-OTA%20FINAL.pdf>.

⁴⁸ See, e.g., City of Chicago, Department of Business Affairs and Consumer Protection. Notice of Condo Conversion and Your Rights as a Tenant. Retrieved from <http://www.cityofchicago.org/content/dam/city/depts/bacp/Consumer%20Information/condominiumordtenantsrightsnotice012012.pdf>; City of Boston. Municipal Code Ch. 10-2.10(2).

⁴⁹ See, e.g., Baltimore City Code Art. 13, Subtitle 6-1. Retrieved from <https://law.resource.org/pub/us/code/md/baltimore.code.article.13.pdf>.

⁵⁰ See, e.g., New York City allows this for condo or co-op conversions that involve rent-stabilized units. NYC Rent Guidelines Board. Rent Stabilization FAQs. Retrieved from <http://www.nycrgb.org/html/resources/faq/rentstab.html>.

⁵¹ Oakland, Ca. Code of Ordinances Sec. 8.22.640 (2015). Tenant Protection Act, N.Y.C. Local Law No. 7 (2008). N.Y. Admin. Sec. 27.2093.

damages provision, can be a powerful tool.⁵² However, the low-income tenants may lack the resources to press these claims. Expanding resources for lawyers and organizers and encouraging tenants' rights disclosures can help. Permitting government enforcement of the law may also help ensure enforcement.

Oakland provides one model. The City Attorney has civil enforcement powers when there is a "pattern and practice" of harassment by a given landlord or at a given property.⁵³ Although such enforcement power would likely require tips from tenants, the burden of reporting to the City Attorney is significantly lower than filing a case and the City Attorney can identify patterns of harassment that may be hard for individual tenants to uncover.

In addition to anti-harassment laws, New York City has a geographically focused model designed to prevent harassment. In certain "anti-harassment zones", to obtain a permit for any significant alteration or construction project, an owner of a qualifying rental property must first obtain a "certificate of no harassment" (or a waiver) from the city's housing agency.⁵⁴ To obtain this certificate, the owner must pay a fee and submit a form containing information about the work to be performed, past applications, and, if an LLC, all members of the company. The owner must submit a list of all tenants and rent paid going back three years; but the full inquiry period for the city's investigation

is over a decade.⁵⁵ The agency that receives these documents then reaches out to local community organizations and local elected officials and publishes notice. It then does an investigation, including taking any written or oral testimony tenants may wish to provide, to determine whether harassment has taken place. If harassment is found, the case is reviewed in an administrative court to determine if the agency may refuse to issue the certification of no harassment.⁵⁶ The City Council is considering extending the program citywide.⁵⁷

The main concern with this provision is that it is likely to slow development and make it more expensive for all property owners even for the majority of landlords who do not harass their tenants, thereby preventing the development needed to absorb new demand. Programs like this might reach a compromise by developing a fast-track option for owners that have a good track-record for observing tenants' rights or by targeting owners with bad track-records for heightened scrutiny. Focusing on construction also may be too narrow a target: tenants, especially rent-regulated tenants, may be just as likely to face harassment absent any significant construction activity.

⁵² New York City allows tenants to sue for harassment as a violation of the housing code. Fernandez, M. (2008, March 14). New Law Lets Tenants Sue Over Harassment. *The New York Times*. Retrieved from http://www.nytimes.com/2008/03/14/nyregion/14tenants.html?_r=0.

⁵³ Oakland, Ca. Code of Ordinances Sec. 8.22.670(2).

⁵⁴ These rules are contained in zoning resolutions: § 23-013 *et seq.*; § 93-90 *et seq.*; § 96-00 *et seq.*; § 98-80 *et seq.*

⁵⁵ New York City Application for Certificate of No Harassment. Retrieved from <https://www1.nyc.gov/assets/hpd/downloads/pdf/certification-of-no-harassment-and-exemption.pdf>. New York City's law requires a look-back period going back to 2004 or 15 years, whichever is later. But, this period can be extended by the city at its discretion. New York City Zoning Resolution § 93-90(a)(11), (15).

⁵⁶ New York City Zoning Resolution § 93-90(c)(7)(ii). There is also a cure provision that, in certain cases, allows the landlord to set aside a significant portion of new construction for permanent affordable housing without subsidy. New York City Zoning Resolution § 93-90(a)(5).

⁵⁷ New York City Council, Legislative Research Center. Requiring a Certificate of No Harassment for the Demolition or Material Alteration of Residential Buildings. Retrieved from <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=458975&GUID=A4F32C2C-519F-4987-9A1E-CF0D66CA008B&Options=info&Search=>

4. Know and Enforce Your Rights Assistance

Access to information and representation helps tenants enforce existing legal protections, like the ones discussed above. Information about rights and access to assistance in asserting them are necessary in order to make the existence of those legal protections meaningful.

The availability of lawyers may help tenants avoid eviction by helping tenants negotiate more favorable settlements and by discouraging frivolous eviction suits. Preliminary studies and pilot programs in New York and Boston provide support for the notion that legal representation improves outcomes for tenants.⁵⁸ New York City, San Francisco, Washington, D.C. and Massachusetts are all considering some form of expanded access to legal services for low-income tenants.⁵⁹

The main challenge of this strategy is fiscal – providing legal assistance is expensive. To manage costs, funding can be targeted geographically to high-displacement-risk neighborhoods, but this presents potentially insurmountable problems of

⁵⁸ Some studies have focused on full scope legal representation and some on “unbundled” (i.e. limited scope) legal advice. Seron, C., Frankel, M., Van Ryzin, G., Kovath, J. (2001). The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment. *Law & Society Review*, 35(2), 419–434; Fisher, F.A. & Newton J.B. (2008, February). *Volunteer Lawyer for a Day Project Report: A Test of Unbundled Legal Services in the NYC Housing Court*. Retrieved from https://www.nycourts.gov/courts/nyc/housing/pdfs/vlfdreport_0208.pdf; Greiner, D.J., Pattanayak, C.W., Hennessy, J. (2012, March 12). How Effective Are Limited Legal Assistance Programs? A Randomized Experiment in Massachusetts Housing Court. Retrieved from <http://www.law.uchicago.edu/files/files/Greiner%20Paper.pdf>.

⁵⁹ Bekiempis, V. (2014, December 11). Housing: The Other Civil Rights Movement. *Newsweek*. Retrieved from <http://www.newsweek.com/should-there-be-free-lawyers-housing-court-289660>. New York City Council, Legislative Research Center. (2016). Providing Legal Counsel for Low-Income Eligible Tenants Who Are Subject to Eviction, Ejectment or Foreclosure Proceedings. Retrieved from [https://malegislature.gov/Bills/189/House/H1560](http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4CSE-A797-96BDC4F64F80&Options=ID%7CText%7C&Search=%22covered+proceeding%22; The 189th General Court of the Commonwealth of Massachusetts. (2015). Bill H. 1560: An Act Establishing a Right to Counsel in Certain Eviction Cases. Retrieved from <a href=). Washington, D.C. is currently funding a study on the issue.

measurement as well as disadvantaging individuals who may benefit from legal assistance but live in lower-risk neighborhoods. It may be cheaper to fund “unbundled” legal services, where a lawyer helps with a portion of a case rather than providing full representation. One recent study from Boston has indicated outcomes for tenants were similar whether services are for a portion or the entirety of a case, while a more informal study of the pilot program in San Francisco indicated the opposite.⁶⁰

Tenant organizers and rights disclosures are also important tools for protecting tenants’ rights. Widespread dissemination of information about tenants’ rights and available resources can raise awareness of legal protections and pursuit of legal remedies. Provision of tenant-rights resources at convenient locations and times can also make a significant difference in terms of ensuring access to available resources.

B. Strategy: Assistance for Households that Move

Some jurisdictions have implemented policies that address the challenges of finding a new place to live in a high-cost city.

1. Preferences for Subsidized Housing

In high-cost markets, subsidized housing units are in especially high demand. If a jurisdiction wants to assist households that are displaced, it could create a preference for such households in the selection process for housing it subsidizes, a strategy that has been employed by some cities.

For example, Portland, Oregon has provided a preference for subsidized housing in a specific area

⁶⁰ John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. (2014, May). San Francisco Right to Civil Counsel Pilot Program Documentation Report. Retrieved from <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=49157>.

of the city for residents or their descendants who were displaced or residents at risk of displacement from the area due to city urban renewal policies.⁶¹ New York City and San Francisco have policies that give preference for a share of new subsidized units to households who live nearby.⁶² Policies that give a preference for new housing based on a geographical link between the existing residency of a household and the newly available unit are seen as ways to combat gentrification because they can help households stay more permanently in a neighborhood (i.e., in rent-restricted subsidized housing) where they might otherwise be priced out.

While they may be seen as ways to maintain diversity in the long-run in neighborhoods undergoing change, these policies can run the risk of reinforcing segregation in the short-term (or in the long-term if the expected demographic shifts do not materialize). New York City's policy is currently being challenged in court on fair housing grounds;⁶³ and numerous suburban jurisdictions have faced challenges based on tenant selection policies (typically tenant selection policies that provide preference for local residents over people

seeking to move from other jurisdictions).⁶⁴ In August of this year, the U.S. Department of Housing and Urban Renewal rejected a marketing plan for a HUD-subsidized development in San Francisco that included application of that city's preference; according to news reports, it is unclear what this action will mean for the future of San Francisco's policy.⁶⁵ Of course, the existence of a legal challenge (like in New York) or a concern about application in a particular instance (as appears to be the case in San Francisco) does not mean that community-based preferences will be impermissible in all instances.

Cities might also consider a preference for available subsidized units based on displacement risk without limiting the preference to households already living in the same community as the new housing. Indeed, HUD just agreed to allow San Francisco to impose such a preference in the federally subsidized development where it earlier rejected application of the city's geographically-based preference.⁶⁶ A preference for at-risk households may be an effective strategy for assisting some of the households likely to be displaced in gentrifying neighborhoods. But if targeted to

⁶¹ Portland Housing Bureau. N/NE Homeownership Application for Preference. Retrieved from <https://www.portlandoregon.gov/phb/70384>.

⁶² New York City Housing Development Corporation & New York City Department of Housing Preservation & Development. (Updated March 2012). *Marketing Guidelines* at 27. Retrieved from <http://www1.nyc.gov/assets/hpd/downloads/pdf/developers/marketing-guidelines.pdf>; City and County of San Francisco. Neighborhood Resident Housing Preference. Retrieved from <http://sfmohcd.org/neighborhood-resident-housing-preference>.

⁶³ The pending challenge alleges that the city's community preference policy discriminates based on race because of the high levels of neighborhood racial segregation in New York City. First Amended Complaint, *Winfield v. City of New York*, 15-cv-05236 (S.D.N.Y. 2015).

⁶⁴ In recent years, several municipalities have been sued by the United States Department of Justice or by fair housing organizations, alleging that the use of particular residency preferences in overwhelmingly white non-Hispanic communities has functioned to make housing unavailable on the basis of race. For instance, *Yorktown*, in Westchester County, and *Smithtown*, in Suffolk County, both recently settled suits by fair housing organizations alleging that the use of residency preferences in their Housing Choice Voucher programs allowed them to accept a much greater proportion of white applicants than were on the waiting list, thus making housing unavailable on the basis of race. *Vargas v. Town of Smithtown*, 07-CV-5202 (E.D.N.Y. 2007); *Fair Housing Justice Center v. Town of Yorktown*, 10-CV-9337 (S.D.N.Y. 2010). More recently, the United States Attorney for the Eastern District of New York sued the town of *Oyster Bay*, in Nassau County, for civil rights violations related to the use of residency preferences in its housing programs. *United States of America v. Town of Oyster Bay*, 14-CV-2317 (E.D.N.Y. 2014).

⁶⁵ Dineen, J. K. (2016, August 17). Feds reject housing plan meant to help minorities stay in SF. *San Francisco Chronicle*. Retrieved from <http://www.sfchronicle.com/politics/article/Feds-reject-housing-plan-meant-to-help-minorities-9146987.php?b0de125679>.

⁶⁶ Gaiser, S. (2016, September 21). Deal prioritizes affordable housing for at-risk residents. *SF Bay*. Retrieved from <https://sfbay.ca/2016/09/21/deal-prioritizes-affordable-housing-for-at-risk-residents/>

gentrifying neighborhoods, the policy could hasten gentrification by facilitating moves of lower-income residents out of the neighborhood.

In addition, in order for such a policy to be meaningful, there needs to be a reliable measure of displacement risk—either individual indicators (possibly residence in market-rate housing; substandard living conditions; severe rent burden) or neighborhood-based indicators (possibly residence in a neighborhood that has high housing costs or in a neighborhood where rents are on the rise)—that also reduces the number of eligible households. In a high-cost city, many or most of the income-eligible households may have characteristics indicating risk of displacement.

2. Relocation Assistance & Regulation of “Buyouts”

Providing assistants—both financial assistance and relocation assistance—to residents who are facing a move because of displacement is another strategy high-cost cities might take.

In some cases of direct displacement, some cities mandate that landlords pay the relocation costs for tenants in some circumstances. In Washington, D.C., tenants are eligible to receive relocation assistance when their building is demolished or substantially rehabilitated, no longer used, or converted into condominiums.⁶⁷ San Francisco requires that owners of rent stabilized units pay relocation payments to tenants in a number of no-fault eviction circumstances.⁶⁸ New York City’s rent stabilization rules similarly require that a

⁶⁷ Washington, D.C. Office of Tenant Advocate (2006, December). *Tenant Survival Guide*. Retrieved from http://ota.dc.gov/sites/default/files/dc/sites/ota/publication/attachments/Tenant_Survival_Guide.pdf.

⁶⁸ Tenants Rights to Relocation for No-Fault Evictions, San Francisco Admin. Code § 37.9C (2006). Retrieved from <http://sfrb.org/section-379c-tenants-rights-relocation-no-fault-evictions>.



Photo credit: Shutterstock / Frontpage

landlord pay relocation expenses or find alternative housing for a tenant evicted from a rent stabilized unit because of the owner’s intention to demolish the building.⁶⁹

Even when relocation payments are not mandated, in cities where tenants have the right to remain in their units, they often occur in practice. Cities interested in assisting tenants at risk of displacement, and interested in protecting the efficacy of their rent regulation laws, may be interested in regulating these more informal “buy-out” transactions. Recently, New York City,⁷⁰ San

⁶⁹ N.Y. Comp. Codes R. & Regs. tit. 9, § 2524.5(a)(2).

⁷⁰ New York City passed three laws addressing buyouts, which established that (i) an owner must wait 180 days to make a new offer after a tenant rejects a buyout offer; (ii) in connection with a buyout offer, an owner may not threaten a tenant, contact a tenant at odd hours, or provide false information to a tenant; and (iii) when making a buyout offer, an owner must inform a tenant of “their right to stay in their apartment, to seek an attorney’s advice, and to decline any future contact on a buyout offer for 180 days.” City of New York. (2015, September 3). Mayor de Blasio Signs Three New Laws Protecting Tenants from Harassment. Retrieved from <http://www1.nyc.gov/office-of-the-mayor/news/590-15/mayor-de-blasio-signs-three-new-laws-protecting-tenants-harassment>.

Francisco,⁷¹ Berkeley,⁷² and Santa Monica⁷³ passed laws to regulate buyout negotiations and agreements between rent-regulated tenants and landlord—requiring rights disclosures to tenants and other tenant protections in the negotiation and agreement processes. San Francisco, Santa Monica, and Berkeley will make some information about buyout agreements publicly available.

Cities can also help displaced tenants by providing access to housing counseling services to help tenants find new homes and/or prepare for the rental search process, drawing on existing models of counseling programs that target homeowners⁷⁴ and voucher recipients⁷⁵. For example, such a program could help with search assistance, education and information about how to assess the quality and characteristics of a new unit, and information about schools and other services in neighborhoods

across the city. It could also help tenants prepare financially to go on the rental market—providing assistance with credit counseling or repair and help pulling together the materials for a rental application. Finally, they can provide one-time financial assistance that can be extremely valuable to a low-income household looking for a new unit: help with moving expenses and help with a security deposit.

3. Unified Tenant Screening Report

Cities can also consider ways to make the apartment search process more efficient for landlords and tenants. Whether in market-rate or subsidized housing, tight rental markets mean that landlords can be extremely selective regarding tenant selection. To guide their decision, landlords might require credit checks, court records, proof of income, letters of reference, records of rental history, or any combination thereof. Tenants with checkered histories on any of these records—who are disproportionately low-income and people of color—are likely to be rejected multiple times, having paid for multiple screening reports. Moreover, since different landlords look for different indicators, tenants may not have a clear idea of what is required of them.

Seattle is considering one way to alleviate these obstacles for tenants by creating a portable unified tenant screening report.⁷⁶ To develop such a report, city officials would convene relevant stakeholders to negotiate over the proper information to include in a report. To ensure its use, the city could broker an agreement—whether legally enforceable or not—among landlords to only use the standard report, prohibit the use of any other report, or provide benefits to landlords

⁷¹ San Francisco's ordinance requires that, prior to any buyout negotiation, landlords must provide tenants with a disclosure form approved by the city's Rent Board and file a notification form with the Rent Board. In addition, the law requires that buyout agreement must be in writing, and must disclose that tenants have the "right to rescind the agreement within 45 days of execution," in addition to other required disclosures. The Rent Board will make both the notification forms publicly available and will include the agreements in a publicly available searchable database. City and County of San Francisco Rent Board. New Ordinance Amendment Regulating Buyout Agreements. Retrieved from <http://sfrb.org/new-ordinance-amendment-regulating-buyout-agreements>.

⁷² Berkeley's requires that landlords provide notice of rights and establishes a right to rescind the buyout agreement within 30 days. It also states that landlords must file agreements with the city, and the city will make data about them public. City of Berkeley. Rent Stabilization Board: New Tenant Buyout Ordinance. Retrieved from http://www.ci.berkeley.ca.us/Rent_Stabilization_Board/Home/Tenant_Buyout_Ordinance.aspx

⁷³ Santa Monica's law requires that landlords provide tenants with notice of their rights, and requires that the buyout agreement must be in writing and also include statement of the tenant's rights. The agreements must be filed with the city, which will make information available upon request. City of Santa Monica. (Revised 2016, July 1). Buyout Notice and Information. Retrieved from https://www.smgov.net/uploadedFiles/Departments/Rent_Control/Forms_and_Petitions/Buyout_Rights_Disclosure_Form.pdf.

⁷⁴ See, e.g., Neighborhood Housing Services of New York City. First Time Homebuyer Program. Retrieved from http://www.nhsnyc.org/index.php?option=com_content&view=article&id=54:first-time-homebuyer-program&catid=117&Itemid=121&showall=&limitstart=&lang=en.

⁷⁵ See, e.g., Baltimore Regional Housing Partnership. Baltimore Housing Mobility Program. Retrieved from <http://www.brhp.org/>.

⁷⁶ Seattle Housing Affordability and Livability Agenda Advisory Committee. (2015, July 13). *Final Advisory Committee Recommendations to Mayor Edward B. Murray and the Seattle City Council*. Retrieved from http://murray.seattle.gov/wp-content/uploads/2015/07/HALA_Report_2015.pdf.

who use the document. To prevent tenants from being charged multiple times, the report could be provided to tenants rather than landlords. Tenants could then bring it with them in their apartment search. Once a unified report were agreed to, it would provide the baseline for study about which factors best predict rent payment, as well as for negotiation about which factors should and should not be included.

If designed well, a unified screening report could benefit both landlords and tenants. Landlords would have the benefit of uniformity and potentially cost savings, as well as a report that contains information that, based on the collective wisdom landlords and possibly other evidence, is most indicative of likelihood to pay rent. Tenants would benefit from more predictability and lower cost, as well as having a voice in what should be included in the report.

Conclusion

One of the most significant challenges facing many cities today is how to maintain affordability and diversity in the face of dramatic increases in housing demand and housing prices. In this policy brief, we have explored policy tools that have been used to address the challenges of rapidly rising rents, including both strategies to increase housing supply and approaches to provide protections for existing tenants. Much work remains to be done to determine whether, in what conditions, and in what combination, the above explored possibilities have the largest impact with the fewest unintended consequences.

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Localized Anti-Displacement Policies

Ways To Combat the Effects of Gentrification and Lack of Affordable Housing

As more investments enter disadvantaged communities, it is crucial that local policies stabilize current residents, ensure they benefit from expanded opportunity, and protect them from displacement.

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[Advancing Racial Equity and Justice](#), [Affordable Housing](#), [Family Economic Security](#), [+3 More](#)

A construction worker stands on the roof of a home in an affordable housing complex in Irvine, California, January 2022. (Getty/Mindy Schauer/Digital First Media/Orange County Register)

Introduction and summary

Under President Joe Biden's administration, the federal government has provided historic investments to states and local communities to recover from the COVID-19 pandemic and resulting economic crisis;¹ revitalize the United

States' infrastructure;² advance environmental justice;³ and spur economic opportunity for minority-owned businesses.⁴ And with the passage of the Inflation Reduction Act in August, the federal government is making its most significant climate and clean energy investments in history.⁵ Critically, the Biden administration has made an extraordinary commitment through the Justice40 Initiative to direct at least 40 percent of all climate and infrastructure investment benefits toward disadvantaged communities.⁶

Investment in disadvantaged communities is instrumental to expanding economic opportunity, health, safety, and prosperity to historically marginalized populations. These investments are also crucial to reducing local pollution⁷ and building equitable resilience⁸ to extreme weather events fueled by climate change. Yet too often over the course of history, investment in underserved communities has led to displacement, disproportionately affecting people of color. The benefits of large-scale federal investments in disadvantaged neighborhoods are only realized if the long-term residents remain in their communities and are not forced out by higher rents and higher costs of living triggered by new investment.

Local governments are well positioned to foster economic stability and opportunities for longtime residents of underinvested neighborhoods. State governments have policy levers at their disposal to ensure local governments are not restricted and are instead enabled to protect their most vulnerable residents from displacement. And the federal government has influence to ensure that federal investments do not exacerbate displacement but rather prioritize the needs of residents in disadvantaged communities. Policymakers at all levels must implement anti-displacement measures—in tandem with these investments—that foster inclusive development; stabilize communities of color and low-income communities; address housing affordability and price increases; ensure housing supply anticipates and meets demand; and remain effective, sustainable, and scalable over time.

Defining displacement

Displacement is the forced or involuntary relocation of residents, including departure from a home or neighborhood where a tenant would otherwise have wanted to remain if not for socioeconomic or environmental pressures making that infeasible or undesirable.⁹ Displacement is deeply entwined with gentrification, the term coined by British sociologist Ruth Glass to label the movement of investment and higher-income residents into previously under-invested communities.¹⁰ Generally, the process of gentrification begins and continues rapidly until all or most of the original low-income or working-class occupiers are displaced and the character of the district is changed. While usually displacement follows gentrification, sometimes it precedes it, such as when new transportation and infrastructure are planned but not yet completed.¹¹ In either case, the impact predominantly exposes lower-income people and residents of color to the brunt of the consequences.¹² Namely, as property values and rent prices steadily rise, community members are often pushed out of their neighborhoods and unable to access the new economic, environmental, and health benefits brought to the community.

Displacement is not new and can take many forms. It can resemble the forced removal of Native Americans from their lands in the 1830s;¹³ the displacement of people of color caused by urban renewal and local governments seizing land deemed “blighted” through eminent domain after passage of the Fair Housing Act of 1949;¹⁴ the displacement and destruction of Black neighborhoods for infrastructure and highway development in the 1960s,¹⁵ such as in the Black Bottom neighborhood of Detroit;¹⁶ the displacement caused by natural disasters devastating communities, such as in New Orleans following Hurricane Katrina in the 2000s;¹⁷ or displacement induced by new public green space development, including the New York City High Line in Manhattan in the 2010s.¹⁸

Displacement is persistent

Displacement in America today is the result of policy choices that have made housing unaffordable, evictions more likely, and opportunity for upward mobility less accessible, particularly in large metropolitan areas. It tends to occur in neighborhoods that have historically suffered from underinvestment and that are experiencing gentrification, advancing new transit projects, and building more infrastructure and that fail to enact policies to protect residents. Meanwhile, the frequency and destructiveness of natural disasters have revealed that the country’s energy and environment policy decisions expose communities to displacement due to climate change.



National trends showed more than 110,000 Black residents and 24,000 Hispanic residents were displaced from urban areas from 2000 to 2013 due to gentrification.

These policies have led to the stark results Americans face today. A Harvard University study estimates that the U.S. housing market is short by nearly 4 million homes.¹⁹ But when looking at affordability, the shortage of affordable housing available to extremely low-income renter households is 7 million.²⁰ And a lack of affordable housing leads to evictions. Nationwide there were still 434,304 evictions in 2021, despite the federal eviction moratorium²¹ in effect until August 2021, which is estimated to have prevented 1.36 million additional evictions.²² And 27.9 percent—more than one-quarter—of all avoided eviction cases in 2021 were in majority-Black neighborhoods—even though just 11.6 percent of neighborhoods are classified as majority-Black—likely due to emergency rental assistance support.²³ A large share of these evictions and the corresponding displacement of residents takes place in cities and urban areas. One study found that displacement occurred in 232 of the 1,049 eligible census tracts in urban areas nationwide, with cities such as New York City, Atlanta, and Washington, D.C., experiencing gentrification among 22 percent to 40 percent of their census tracts.²⁴ National trends showed more than 110,000 Black residents and 24,000 Hispanic residents were displaced from urban areas from 2000 to 2013 due to gentrification.²⁵ But displacement is not exclusive to urban areas. Often, natural disasters affect coastal towns and communities as well as those

that are at risk of wildfires and tornadoes. From 2008 to 2020, an estimated 9.9 million U.S. residents were displaced due to natural disasters, with 1.7 million occurring in 2020 alone.²⁶ Without strong anti-displacement policies that anchor communities, they remain vulnerable to its devastating effects.

DISPLACEMENT HAS MYRIAD CAUSES AND OCCURS NATIONWIDE

110K

Number of Black residents displaced from urban areas, 2000–2013

24K

Number of Hispanic residents displaced from urban areas, 2000–2013

1.7M

Number of U.S. residents displaced due to natural disasters, 2008–2020

Displacement leads to harsh consequences

The consequences of displacement are severe. By forcing long-term residents and communities out of their own neighborhoods, it can shake the stable factors of their lives, from employment and shelter to social determinants of health and social environment.²⁷ Displacement can uproot people from their jobs and force them to find alternative housing to remain actively employed. It also increases homelessness, especially in circumstances when alternative housing is unavailable or the costs of moving to less expensive areas is prohibitive.²⁸ Generally, the education of children is disrupted as they are removed from their schools.²⁹

In a story collected by the Center for American Progress, Javona Brownlee, a single mother of three who has experienced homelessness in the past, ended up in a homeless shelter with her children for nine months after a landlord refused to remove black mold from her apartment. The displacement to a community shelter disrupted her children’s “feeling of stability.” In her previous experiences with displacement and homelessness during her own upbringing, Javona was unable to attend school because she was trying to support herself through work—and the cycle oscillated between the difficulty of earning income to support a home and the difficulty of finding a home to support her family.³⁰ This experience is common.

Displacement can also trigger the loss of community anchors such as neighbors, churches, and small businesses, which constitute the fabric of an area, culminating in the erasure of community history, culture, and opportunities.³¹ There are also health consequences.³² People lose access to health care as they move farther away from their regular sources of primary care.³³ This is particularly harmful for older adults: Mortality rates for the elderly increase due to displacement.³⁴ Among many other reasons, people are forced to live in crowded housing to share the cost burden, which exposes them to less sanitary conditions and greater prevalence of infections and diseases.³⁵ Studies have shown that displaced residents face exacerbated food insecurity, while those most vulnerable to displacement are more likely to have diabetes, cardiovascular disease, and higher cancer rates.³⁶ And ultimately, studies have revealed that displacement affects mental health, including increased depression, anxiety, and post-traumatic stress disorder, leaving an impactful toll on those who are forced to experience it.³⁷

The causes of displacement

There are numerous causes of displacement, which contribute to harmful consequences and create an environment that allows displacement to occur and recur.

Economic insecurity and the racial wealth gap

One important driver of displacement and determinant of who is displaced is the long history of discrimination and economic injustice that unfairly concentrates wealth-building and wealth-sustaining opportunities in select communities and manifests in modern economic precarity for certain populations. This is felt through the racial wealth gap, gender pay gap, LGBTQI+ and disability labor discrimination, generational wealth divides, and exploitation of immigration status. Historically marginalized communities face barriers to employment and job security that can affect economic security, make finding affordable housing more difficult, and make retaining housing more challenging when costs rise.

MEDIAN WEALTH IN THE UNITED STATES VARIES SIGNIFICANTLY BY RACE/ETHNICITY

\$188K

Median wealth of white households

\$24K

Median wealth of Black households

\$36K

Median wealth of Hispanic households

One of the largest vulnerabilities to displacement stems from the racial wealth gap in the United States, which makes people of color more susceptible to rising housing prices. As of 2019, the median wealth of white households is \$188,200 compared with \$24,100 for Black households and \$36,100 for Hispanic households.³⁸ Much of this inequity comes from historical racial discrimination that has shaped cities by segregating communities of color from affluent, white neighborhoods.³⁹ It has deprived these groups of the resources, city services, and private development that help communities thrive. People of color, and in particular Black people, have been systematically denied the same opportunities to build and acquire wealth in these neighborhoods through land use regulations, mortgage loan restrictions, underemployment and occupational segregation,⁴⁰ poor quality of education, and discriminatory loan terms, which have exacerbated the racial wealth gap.⁴¹ Meanwhile, these communities have historically been targeted by federal, state, and local governments as well as private firms for development of new infrastructure projects that displace residents, including development of the national highway interstate system, public green spaces, and those that harm communities, such as the location of toxic waste and treatment facilities.⁴² Residents of these communities also face added burdens of health care costs stemming from high levels of pollution and lack of access to high-quality care.⁴³

Lack of housing supply and renter protections

Other policies have created an inadequate supply of housing, which disproportionately affects people of color, who are less likely to own homes,⁴⁴ more likely to be rent cost-burdened,⁴⁵ and more likely to experience homelessness.⁴⁶ These policies include: zoning regulations that prohibit multifamily housing developments;⁴⁷ land use regulations, such as parking requirements, which impose costs, barriers, and hurdles to development⁴⁸ and even lower the income and welfare of all U.S. workers;⁴⁹ environmental impact

reviews, which have been leveraged to prevent production on discriminatory and exclusionary grounds;⁵⁰ and tax code provisions, which incentivize existing homeowners to restrict new development to boost personal wealth.⁵¹ And the resulting lack of new and available housing, particularly in high-opportunity areas,⁵² leads to displacement, as those with higher-paying jobs move in and overtake markets.

Meanwhile, there are limited policies to protect renters and low-income homeowners from this type of market competition with limited supply. Tenants in many states are not protected from drastic rent increases, lack access to legal counsel in eviction proceedings, may face no-cause evictions, and are not protected from retaliation by landlords when asserting their limited rights.⁵³ Plus, the limited supply of housing forces some tenants to live in homes in disrepair and of poor quality by allowing landlords to refrain from upgrading units, making necessary repairs, and ensuring the space is healthy, safe, and stable. The lack of renter protections and supports create a market dynamic that condones aggressive landlord practices that displace those with lower incomes, less wealth, and fewer options. Additionally, low-income homeowners are often met with a rise in property taxes caused by increased demand and rising property values but are unable to pay them due to lack of generational wealth and low income.⁵⁴



The lack of renter protections and supports create a market dynamic that condones aggressive landlord practices that displace those with lower incomes, less wealth, and fewer options.

The effects of climate change

Policies related to energy and the environment have exposed communities to displacement spurred by climate change. Overreliance on fossil fuels and other energy sources that emit greenhouse gasses such as carbon dioxide have rapidly advanced climate change and global warming.⁵⁵ Scientists have concluded that climate change has caused extreme weather events to be more frequent and damaging,⁵⁶ while also demonstrating how community infrastructure and climate resilience in the United States are inadequate.⁵⁷ People are acutely displaced following natural disasters, and studies have shown that climate change disproportionately affects people of color and those with low incomes. Meanwhile, federal disaster assistance and recovery programs are insufficient and inequitable,⁵⁸ which can further drive displacement of the most vulnerable. Climate change also alters the locations and land deemed most valuable, which pushes high-income people into neighborhoods occupied by low-income residents, such as communities inland from the coast.⁵⁹

Measuring displacement and principles for adopting solutions

To prevent displacement spurred by new investment, policy needs to be informed by the local context and degree of neighborhood change. The Urban Displacement Project (UDP) categorizes census tracts by typologies of

neighborhood change, such as: not losing households with low incomes or at very early stages; at risk of gentrification or displacement; undergoing displacement; and advanced gentrification or advanced exclusion.⁶⁰ In gentrifying areas, understanding the phase of gentrification within the community can be critical to adopting the correct solutions. If ahead of gentrification, adopting inclusive development policies and increasing supply of housing for all income levels in tandem with new investments can protect communities. If gentrification is already unfolding, adopting stabilization policies can curb its harshest effects and provide time to implement long-term anti-displacement strategies.

To identify the stage and level of risk within a neighborhood, it is important to measure changes in the community using a variety and combination of indicators over time.⁶¹ Since comprehensive data to directly measure displacement do not exist, researchers have determined that using measurements of community change as a proxy can reveal, predict, or contextualize displacement. Useful indicators are those that contain timely and readily available data for analysis; include resident characteristics to reveal effects on specific groups such as race and income level; and closely correlate to the causes and effects of displacement.

Some indicators used to predict risk of future gentrification and displacement include the amount of housing affordable to low- and mixed-low-income households, greater-than-median rent increases in adjacent communities, and marginal home or rental value increases within the community. Indicators that reveal early or ongoing gentrification include rapid increase in housing costs and education level. Since some data can lag, using proxies such as Zillow estimates for mortgage and rental prices can approximate the data in real time. Indicators that can demonstrate ongoing displacement of low-income households and advanced gentrification include loss of low-income residents from consistently low-income census tracts; racial and ethnic composition of a neighborhood compared with the city or region; the racial and ethnic composition of the student body at a public school; and changes in homeownership rates disaggregated by race and ethnicity.⁶²

However, data do not always tell a complete story, and given the variety of indicators, some phases of neighborhood change may show up differently. For example, UDP uses low-, moderate-, high-, and mixed-income designations⁶³ for census tracts and only characterizes low-income or mixed-low-income as meeting the criteria for displacement, which may exclude low-income households belonging to a mixed-moderate-income or moderate-income neighborhood that are displaced or at risk of being displaced over time. Displacement is complex and requires an intersectional view of data and factors, including other socioeconomic indicators. And while each of these indicators is helpful to local policymakers, the field of data analysis and displacement is evolving, and given delays and gaps in data, there is room for further research.⁶⁴

Given displacement's wide array of causes and its pervasive effects on communities, it is critical that public policies meet the criteria required to be impactful. Policymakers should consider five overarching principles when implementing anti-displacement solutions:

- 1** Solutions should foster inclusive development, including access to high-quality job opportunities and training for existing residents.
- 2** Solutions should have the effect of stabilizing and anchoring the communities that are most vulnerable to displacement, especially communities of color and low-income communities.

- 3 Solutions should address housing affordability and focus on the cost of both market-rate and public housing, given the relationship between price increases and displacement.
- 4 Solutions should address the supply of housing to ensure that it meets current demand, anticipates future demand, and remains of good quality and resilience.
- 5 Solutions should be sustainable and scalable to last for extended periods of time, scale to meet increased pressures, and be replicated to address new challenges.

Promising state and local policy solutions

Given the prevalence of displacement and its myriad causes, no single solution on its own will be able to prevent displacement. Several policy solutions at the state and local levels have minimized and prevented displacement in communities across the United States.⁶⁵ However, given the scope and scale of the problem, in order to create positive outcomes, a combination of policies that build upon each other and meet the principles for solutions is needed. This section focuses on four categories of promising policy solutions that can be effectively implemented to prevent displacement: inclusive development, neighborhood stabilization, production, and preservation.

Inclusive development

Inclusive development refers to policies that foster community growth by providing equal access and opportunity. Promising inclusive development policies include investing in high-quality training programs, local hire mandates, and project labor agreements.⁶⁶

High-quality training programs

State and local governments should develop and invest in high-quality training programs, which include registered apprenticeship and pre-apprenticeship programs, to provide workers with credentials, work experience, and the potential for higher wages and career advancement opportunities.⁶⁷ State and local governments can leverage new funding in the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act as well as existing funding and programs authorized by the Workforce Innovation and Opportunity Act to connect and retain diverse workers to infrastructure, manufacturing, and construction jobs. They should particularly focus on partnerships with high-quality programs that have proven track records of connecting workers to good jobs; graduating diverse cohorts of workers; supporting partnerships with worker and community organizations to drive accountability; and closing the racial apprenticeship gap.⁶⁸ Apprenticeship programs vary in quality, and states should look to high-quality programs such as California's High Road Training Partnerships initiative⁶⁹ and the Wisconsin Regional Training Partnership⁷⁰ as models to emulate. Through increased access to apprenticeship programs, residents of disadvantaged communities will be better included in new development projects and better positioned to realize the benefits of higher wages, employment protections, and economic stability that can come with new investment.

Local hire mandates



Local governments should enact local hire provisions to encourage or require the hiring of residents from a particular geographic location, or from a particular population such as women and people of color, to perform work or provide services on new infrastructure and development projects.⁷¹ City councils and local governments can set minimum percentages of residents who should be employed through public works, construction, or other projects that are funded within the community. These policies can increase the number of residents who enter apprenticeship programs and retain high-quality jobs related to public investments and projects. Similar provisions can specify a certain percentage of jobs that should be utilized by those who have completed apprenticeship programs to further encourage uptake of training programs, provide job experience for new workers, and create pathways for career growth and economic stability. Cities such as San Francisco have implemented local hire mandates.⁷²

Project labor agreements



State and local governments should utilize project labor agreements (PLAs) and community workforce agreements (CWAs) to establish wages, benefits, and other terms of employment for state-funded projects. When used by state and local governments, PLAs and CWAs can uphold safety standards for workers, ensure better wages, and prioritize hiring of local workers from historically disadvantaged communities.⁷³ CWAs, also called community benefits agreements, can go even further to align labor and community interests by contractually connecting employers and unions with local community organizations.⁷⁴ New York, Maryland, Connecticut, and Washington all require in-state renewable energy projects to enter into agreements that require contractors to meet certain labor standards.⁷⁵ And cities such as Los Angeles⁷⁶ and Portland, Oregon,⁷⁷ use PLAs to diversify their workforces and ensure people from disadvantaged communities and people of color are included in the workforce for public projects.

Neighborhood stabilization

Neighborhood stabilization refers to policies and strategies that change conditions to allow residents to remain in their neighborhoods. Promising neighborhood stabilization policies include community land trusts, right of first refusal, renter protections, and rent control.

Community land trusts

Local governments should support and invest in community land trusts (CLTs) that acquire and manage land upon which affordable homes can be developed or preserved for low- and moderate-income residents to own or rent. Since the trust retains ownership of the land beneath the building and leases it to residents or a rental entity for a nominal cost,⁷⁸ this partnership allows homes to be purchased at affordable prices and includes mechanisms to retain affordability through resale caps for future owners and right of first refusal for renters. Local governments should work with CLTs to actively pursue and acquire abandoned, tax-delinquent, or foreclosing properties to be used for housing. Typically, local governments can identify sites with high potential, such as transit-oriented neighborhoods, high-cost areas, and currently gentrifying areas, which gives the residents, who share ownership equity of the home, the opportunity to build wealth. This more manageable access to economic mobility can, in turn, protect residents from displacement by providing a bottom-up solution to neighborhood stabilization as they root the power and decision-making in community and its members. As of 2021, there were only 260 CLTs across the United States, highlighting a large opportunity to increase and scale.⁷⁹ State and local governments should increase CLT capacity management through funding and technical assistance grants to help expedite scale.

Right of first refusal



Local governments should develop a right-of-first-refusal or tenant-opportunity-to-purchase policy, which provides tenant groups the right to purchase an apartment unit that is being put up for sale or being transformed into a condo by the owner, before it hits the market. This right is typically provided to qualified nonprofit organizations with the intent to keep current tenants housed and to prevent disruption of residence. Local laws have been implemented in Washington, D.C.,⁸⁰ and in San Francisco⁸¹ that provide the opportunity to purchase or counter-offer purchases of properties. To be successful, community-based organizations require support from the local government through investment and capacity-building funding to serve the communities they wish to stabilize. Washington, D.C., enacted the first tenant-opportunity-to-purchase law in 1980, and a study showed that it preserved nearly 1,400 units of affordable housing from 2003 to 2013.⁸²

Renter protections



State and local governments should bolster renter protections to shield tenants from discriminatory or harmful practices by landlords and management companies, support a tenant's ability to negotiate with landlords, and restore equity and justice to the housing market. Just-cause eviction protections can limit the grounds on which a landlord can evict a tenant, typically to nonpayment of rent, intentional damaging of the unit, and other noncompliance with lease terms. These policies also create the legal procedures that a landlord must follow to evict a tenant. Meanwhile, tenant advocacy programs provide free information to tenants about their rights and responsibilities, referrals to legal service providers, and resources to organizations that provide housing support. These programs are critical to ensure tenants understand their rights and resources when dealing with a landlord, including discrimination protections, safety and code enforcement, denial of essential services, and illegal eviction prevention, each of which can lead to displacement. Right to an attorney in eviction proceedings provides a tenant who is issued an eviction notice the right to a defense counsel in court eviction proceedings to help navigate the procedure and advocate on their behalf. In eviction cases across the country, 90 percent of landlords have legal representation in eviction proceedings, compared with just 10 percent of tenants.⁸³ One Detroit study estimated that 90 percent of tenants who have an attorney present during eviction proceedings avoid being displaced into homelessness.⁸⁴

Rent control



States and local governments should enact rent control and rent stabilization policies that cap the amount by which landlords and management companies can increase the price of a residence each year. This protects residents from exorbitant rent increases that they are unable to afford. However, when considering rent control and stabilization policies, it is important to understand short-term and long-term effects. In the short term, it can protect tenants from displacement in a quickly gentrifying area by capping the rise in rent costs.⁸⁵ But in the long term, it can make the market more costly and more gentrified for those who are not in rent-controlled units. Therefore, rent control and stabilization policies should be coupled with housing production strategies that can decrease pressures and demand on these units to help lower total and average housing costs. Five states and Washington, D.C., currently have rent control and stabilization laws, while 37 states have laws that ban the practice.⁸⁶

Production

Production refers to policies and strategies that increase both market-rate and public housing supply. Promising production policies include adopting inclusionary zoning regulations, using housing trust funds to build in communities of color, and upzoning in wealthier communities.

Inclusionary zoning regulations



Local governments should develop inclusionary zoning regulations that require and incentivize new housing developments in cities and localities to mandate a portion of the new units be reserved for those with low or below-median incomes. These set-aside amounts can ensure that as new units are constructed to meet demand, they include people within the community that would otherwise be unable to afford the market rate. Incentives typically include expedited permits and approvals; relaxed parking and design requirements; and tax incentives or subsidies. However,

while some units of the new development are affordable, it remains a limited share, revealing that inclusionary zoning alone will not prevent long-term displacement. In an analysis of the 40 largest U.S. cities, only 13 had mandatory inclusionary zoning laws.⁸⁷ Ten states explicitly permit inclusionary zoning policies, while seven states ban cities from implementing such a law.⁸⁸

Housing trust funds

State and local governments should develop and invest in housing trust funds (HTFs) to fund and support the preservation and production of affordable housing for low-income residents. Typically funded through property taxes, matching funds, or other enabling legislation, HTFs can finance construction of affordable housing developments in communities to support supply. And the need is large: The United States has a shortage of about 7 million units that are affordable to people with low incomes.⁸⁹ Typically, HTF grants target extremely low-income households and specify the amount of funds that must go to each low-income group and for how long. The focus of HTFs on low-income households and the committed source of funding outside annual appropriations make them strong anti-displacement vehicles when coupled with robust funding levels. Forty-seven states have HTFs,⁹⁰ along with about 605 local HTFs,⁹¹ with combined total revenues nationwide exceeding \$2 billion.

Upzoning policies

Local governments should upzone in wealthier communities, which allows multiple housing units to be built on a single plot of land. In most wealthy communities, strict zoning restrictions prevent this type of construction, which makes it harder to build new housing in wealthy areas.⁹² These restrictions can limit supply, which pushes downward demand pressures on other areas within the same city or county and spurs gentrification of less wealthy, less developed, and less regulated communities. Upzoning in wealthier communities can help increase total supply and help limit displacement of other less wealthy communities in the process. In addition, building higher-density housing through upzoning is good for social and economic diversity as well as for climate resilience.⁹³ Minnesota

became the first U.S. city to upzone entirely in 2018, with its law preventing any neighborhoods from implementing exclusively zoning for single-family homes.⁹⁴

Preservation

Preservation refers to policies and strategies that ensure current housing stock is not lost and remains of sound quality. Promising preservation policies include subsidized affordable housing rehabilitation, preservation of unsubsidized affordable housing, and measures to strengthen community resilience.

Affordable housing rehabilitation

State and local governments should support affordable housing rehabilitation to preserve the longevity and use of affordable housing by low-income residents. The federal government shifted from construction of public housing, which started during the Great Depression through the Housing Act in 1937, to private development of affordable housing in the 1970s due to cost; under the new model, the government requires that demolished subsidized units be replaced on a one-to-one basis if developers build new construction in their place. The Rental Assistance Demonstration (RAD) program is a joint effort by public, nonprofit, and private organizations to rehabilitate and operate preserved sites.⁹⁵ Updates include repairing leaky roofs, fixing or replacing broken appliances, removing toxic mold, and alleviating other hazardous and inefficient issues. During the rehabilitation process, any residents who are displaced as a result of the conversion retain a right to return as well as other protections afforded under the public housing authority.⁹⁶ As of February 2022, 155,000 of the 958,000 units of public housing nationwide—or 16 percent—have been converted using the RAD program, while 455,000 had been approved for conversion.⁹⁷

Preservation of unsubsidized affordable housing

State and local governments should also support the preservation of naturally occurring affordable housing (NOAH) units, or unsubsidized units. This is particularly critical, as they account for most affordable housing in the United States.⁹⁸ NOAH properties are ordinarily owned by individual landlords, as is the case with 76 percent of those in Los Angeles County.⁹⁹ Displacement typically follows when owners sell NOAH properties to management companies, developers, or others who seek to refurbish the property and raise rents. State and local preservation strategies that center renters and current owners can effectively combat this cycle and preserve affordability. Grant and low-interest loan programs for energy efficiency and functional upgrades can preserve current ownership and keep the housing safe, healthy, and affordable for the renter. The Small Building Program in Washington, D.C., for example, provides maintenance grants for small property owners to improve conditions through maintenance repairs and includes an affordability covenant that restricts the maximum allowable rent and income eligibility limits per household.¹⁰⁰

Measures to strengthen community resilience



State and local governments should strengthen community resilience through initiatives that preserve housing amid the harsh effects of climate change, natural disasters, and severe weather. This includes policies that redesign communities and infrastructure to build in ways that reduce flood, extreme weather, and pollution risks, all of which can displace residents.¹⁰¹ Some community resilience strategies include: expanding parks, green spaces, and tree canopy to reduce flooding and extreme heat risks; promoting community-owned solar power; expanding clean, rapid, public transit; designing bike- and pedestrian-friendly neighborhoods to curb pollution; building infrastructure able to withstand extreme heat; implementing home energy efficiency improvements; and making energy efficiency investments through public-private partnerships. According to U.S. Conference of Mayors data as of 2018, 65 percent of cities use renewable energy for municipal operations, and more than 125 cities pledged to transition their communities to 100 percent clean energy as early as 2030.¹⁰² And as of November 2020, 225 local government fleets committed to more than 3,800 electric vehicle transitions by the end of 2021.¹⁰³

How the federal government can facilitate these policies

State and local policies across inclusive development, neighborhood stabilization, production, and preservation are each critical to preventing displacement, and a comprehensive combination of these policies is necessary to achieve the strongest results. However, the federal government has incredible influence over new investments in infrastructure, climate, and environmental justice initiatives through its authority to award grants, fund projects, and approve applications. Given these levers, it should prioritize and incentivize state and local programs that incorporate anti-displacement measures in their policies where possible.

Proposal reviews and scoring rubrics could be weighted to prioritize those that include anti-displacement measures, particularly for larger infrastructure projects and development proposed in disadvantaged communities of color. One example is to include community benefits agreements as a rubric criteria for individual projects that use competitive grant funding, which would ensure that projects with an equitable approach to workforce development receive priority.¹⁰⁴ Another measure is to assess and select infrastructure proposals for competitive grants by their equity goals and metrics included in their applications, such as analyzing degree of neighborhood change as a proxy for displacement.¹⁰⁵ Transportation grant programs could also require state and local government entities to demonstrate progress toward meeting regional housing needs by prioritizing measures such as zoning code changes and local funding of affordable housing production in areas identified for infrastructure projects.¹⁰⁶

Federal agencies, such as the U.S. Department of Transportation and the U.S. Department of Housing and Urban Development, can also coordinate grants for public transportation and housing development by encouraging applicants to braid funds. These agencies could ask those submitting proposals to demonstrate how programs would improve residential and transportation outcomes simultaneously,¹⁰⁷ which was an effective approach at reducing displacement and increasing economic mobility for underserved residents in Minneapolis and St. Paul, Minnesota.¹⁰⁸ In addition, given the codification of the Minority Business Development Agency through the IIJA,¹⁰⁹ the federal government should conduct oversight to ensure new state and local bidding opportunities are accessible to minority-owned businesses and that minority-owned businesses are being awarded new projects.

Conclusion

As the United States directs historic amounts of investments and resources into disadvantaged communities through the Justice40 Initiative, the IIJA, and the Inflation Reduction Act, federal, state, and local policymakers must ensure investments are implemented in ways that mitigate displacement. Without intervention, displacement and its devastating effects will continue to harm vulnerable communities. Enacting local measures that protect residents from displacement is crucial to creating inclusive, healthy, and climate-resilient

communities where all people are given the opportunity to prosper. Through policies that foster economic opportunity for residents, stabilize racially diverse and historically disadvantaged neighborhoods, address housing affordability, ensure a quality supply of housing, and are effective and scalable over time, communities will have more opportunities to thrive and benefit from these historic investments.

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Legislation Text

File #: 25-1136, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

District 6

Members of the City Council, Representative Art Fierro, (915) 212-0006

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action that the City Council declares that the expenditure of District 6 discretionary funds in the amount of \$5,000.00 to fund Representative Fierro's attendance at the National Association of Latino Elected and Appointed Officials (NALEO) Training serves a municipal purpose of setting the standard for sound governance and fiscal management as well as for a safe and secure city.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**



DEPARTMENT:

AGENDA DATE:

CONTACT PERSON NAME

PHONE NUMBER:

2nd CONTACT PERSON

PHONE NUMBER:

3rd CONTACT PERSON

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

COMMUNITY AND STAKEHOLDER OUTREACH:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)	DATE

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

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

RESOLUTION

WHEREAS, the National Association of Latino Elected and Appointed Officials (“NALEO”) is a non-partisan organization that holds an annual conference which includes professional development sessions led by leading subject matter experts designed to enhance policymakers’ governance skills and understanding of critical policy issues; and

WHEREAS, the Emergency Policy Institute has brought together elected officials to strengthen their ability to lead during disasters; whether natural or human-made. Participants learn strategies and best practices to guide their communities through such events; and

WHEREAS, the NALEO Educational Fund is hosting a training and community meeting in El Paso, Texas on September 25th and 26th, 2025 (“Training”); and

WHEREAS, this year’s program focuses on critical infrastructure and essential systems to respond effectively during emergencies. Approximately 70 elected officials from across the country will attend; and

WHEREAS, Representative Fierro, City Council Representative for District 6, wishes to allocate \$5,000 from District 6’s discretionary funds to attend and support the Training where the City will be listed on the registration page and have a presence via the on-site signage, with the city logo; and be listed as a supporter on the institute agenda; and

WHEREAS the City Council finds that the expenditure of District 6 discretionary funds serves a municipal purpose of setting the standard for sound governance and fiscal management as well as for a safe and secure city.

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

THAT the City Council declares that the expenditure of District 6 discretionary funds in the amount of \$5,000.00 to fund Representative Fierro’s attendance at the Training serves a municipal purpose of setting the standard for sound governance and fiscal management as well as for a safe and secure city; and

THAT the City Manager, or designee, be authorized to effectuate any budget transfers and execute any related documents necessary to ensure that the funds are properly expended for the municipal purpose.

(Signatures begin on the following page)

APPROVED this ____ day of _____ 2025.

THE CITY OF EL PASO:

ATTEST:

Renard U. Johnson, Mayor

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney



Legislation Text

File #: 25-1140, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Members of the City Council, Representative Deanna Maldonado-Rocha, (915) 212-0003

AGENDA LANGUAGE:

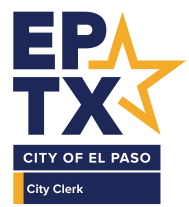
This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action to direct the City Manager to have staff work in coordination with the El Paso Short-Term Rental Alliance and return to City Council within 60 days with a written report outlining:

Identified safety issues and concerns related to short-term rentals in the City of El Paso, and

An update on the current state of short-term rentals within the city.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**



DEPARTMENT:

AGENDA DATE:

CONTACT PERSON NAME

PHONE NUMBER:

2nd CONTACT PERSON

PHONE NUMBER:

3rd CONTACT PERSON

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

COMMUNITY AND STAKEHOLDER OUTREACH:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)	DATE

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

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



Legislation Text

File #: 25-1141, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

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All Districts

Members of the City Council, Representative Deanna Maldonado-Rocha, (915) 212-0003

Members of the City Council, Representative Alejandra Chávez, (915) 212-0001

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action to direct the City Manager to organize and host an open meeting within 60 days with local contractors to receive feedback regarding the City of El Paso's current contracting and procurement processes. The purpose of the meeting is to:

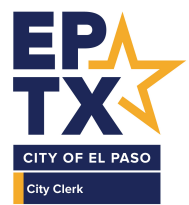
Solicit input on how to improve contract language and bid documents,

Understand factors that influence contractors' decisions to submit or not submit bids for City projects,

Increase competition and participation in future City solicitations.

The meeting will serve as a forum for open dialogue between City staff and the contracting community to identify opportunities for improvement and enhance transparency, efficiency, and accessibility in the City's procurement practices.

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**



DEPARTMENT:

AGENDA DATE:

CONTACT PERSON NAME

PHONE NUMBER:

2nd CONTACT PERSON

PHONE NUMBER:

3rd CONTACT PERSON

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

COMMUNITY AND STAKEHOLDER OUTREACH:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)	DATE

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

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



Legislation Text

File #: 25-1087, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

*Please choose District and Department from drop down menu. Please post exactly as example below.
No Title's, No emails. Please use ARIAL 10 Font.*

All Districts

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-0043
Airport, Tony Nevarez, (915) 212-7301

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".

Discussion and action on the request that the Director of Purchasing & Strategic Sourcing be authorized to issue Purchase Order(s) for solicitation 2025-0363 Flight View and Flight Status Software and Maintenance to OAG Aviation Worldwide, LLC the sole and authorized distributor of FlightView Web Components and FlightView XML Flight Status Data for a term of three (3) years for an estimated amount of \$145,646.62. Supplier will be required to provide an updated sole source letter and affidavit each year. This contract will allow the continuation of services are for arrival and departure schedules and other flight information to be displayed in the terminal and on the airport's website, as well as a flight tracker map.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$7,884.45 for the initial term, which represents a 5.72% increase due to a price increase for software and maintenance.

Department:	Aviation
Award to:	OAG Aviation Worldwide LLC
City & State:	Chicago, IL
Item(s):	All
Initial Term:	3 Years
Option Term:	N/A
Total Contract Time:	3 Years
Annual Estimated Award:	\$48,548.87
Term Estimated Award:	\$145,646.62
Option Term Estimated Award:	N/A

Total Estimated Award:	\$145,646.62
Account(s):	562-3000-62030-522150-P6203
Funding Source(s):	Airport Operations Fund
District(s):	All

Non-Competitive Procurement under Local Government General Exemption: Section 252.022 - (7) a procurement of items that are available from only one source - (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;

The Purchasing & Strategic Sourcing and El Paso International Airport Departments recommend award as indicated to OAG Aviation Worldwide LLC under the exemption listed above.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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



REVISED

2:26 pm, Aug 20, 2025

DEPARTMENT: El Paso International Airport
Purchasing & Strategic Sourcing
AGENDA DATE: September 3, 2025
PUBLIC HEARING DATE: September 3, 2025
CONTACT PERSON NAME: Tony Nevarez – Director
Claudia A. Garcia, Director
DISTRICT(S) AFFECTED: All

PHONE NUMBER: (915) 212-7301
PHONE NUMBER: (915) 212-0043

SUBJECT:

Discussion and action on the request that the Director of Purchasing & Strategic Sourcing be authorized to issue Purchase Order(s) for solicitation 2025-0363 Flight View and Flight Status Software and Maintenance to OAG Aviation Worldwide LLC the sole source distributor of FlightView Web Components and FlightView XML Flight Status Data for a term of three (3) years for an estimated amount of \$145,646.62. Supplier will be required to provide an updated sole source letter and affidavit each year.

BACKGROUND / DISCUSSION:

OAG Aviation Worldwide LLC provides software for tracking services of arrival and departure schedules as well as other flight information displayed in the terminal, on the airport's website, and as a flight tracker map. This software is essential for the airport to provide accurate flight information to customers. The maintenance for this software is needed to maintain the integrity of the system already owned by EPIA. This contract will allow the continuation of services for arrival and departure schedules and other flight information to be displayed in the terminal and on the airport's website, as well as a flight tracker map.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

SELECTION SUMMARY:

Non-Competitive Procurement under Local Government General Exemption: Section 252.022 - (7) a procurement of items that are available from only one source – (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$7,884.45 for the total term, which represents a 5.72% increase due to a price increase for software and maintenance.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$145,646.62

Funding Source: Airport Operations Fund

Account: 562-3000-62030-522150-P6203

2025-0363 Flight View and Flight Status Software and Maintenance

Revised 5/20/2025-V6 – Previous Versions Obsolete

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

Report any contributions or donations to City Council of an accumulated total of \$500 or more. Report the name of the elected official and the amount.

NAME	AMOUNT (\$)
Form was provided to the applicant	

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

DEPARTMENT HEAD:



Tony Nevarez, Aviation Director



Claudia A. Garcia – Director of Purchasing & Strategic Sourcing

Project Form
Non-Competitive

*****Posting Language Below*****

Please place the following item on the Regular Agenda for the City Council Meeting of September 3, 2023

Award Summary:

Discussion and action on the request that the Director of Purchasing & Strategic Sourcing be authorized to issue Purchase Order(s) for solicitation 2025-0363 Flight View and Flight Status Software and Maintenance to OAG Aviation Worldwide, LLC the sole and authorized distributor FlightView Web Components and FlightView XML Flight Status Data for a term of three (3) years for an estimated amount of \$145,646.62. Supplier will be required to provide an updated sole source letter and affidavit each year. This contract will allow the continuation of services are for arrival and departure schedules and other flight information to be displayed in the terminal and on the airport's website, as well as a flight tracker map.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$7,884.45 for the initial term, which represents a 5.72% increase due to a price increase for software and maintenance.

Department:	Aviation
Award to:	OAG Aviation Worldwide LLC
City & State:	Chicago, IL
Item(s):	All
Initial Term:	3 Years
Option Term:	N/A
Total Contract Time:	3 Years
Annual Estimated Award:	\$48,548.87
Term Estimated Award:	\$145,646.62
Option Term Estimated Award:	N/A
Total Estimated Award:	\$145,646.62
Account(s):	562 – 3000 – 62030 – 522150 - P6203
Funding Source(s):	Airport Operations
District(s):	All

Non-Competitive Procurement under Local Government General Exemption: Section 252.022 - (7) a procurement of items that are available from only one source – (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;

The Purchasing & Strategic Sourcing and El Paso International Airport Departments recommend award as indicated to OAG Aviation Worldwide LLC under the exemption listed above.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.



PURCHASING & STRATEGIC SOURCING DEPARTMENT

SOLE SOURCE AFFIDAVIT

THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Noah Kaufman. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: OAG
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
Flightview, WebComponents, Flight Status API.
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

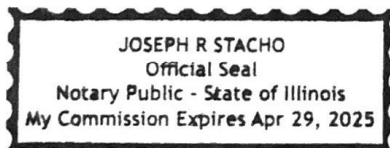
Signed by:

Noah Kaufman

87AA0188826F42F

Signature

SUBSCRIBED AND SWORN to before me on this 20th day of December, 2024



Joseph R. Stacho
NOTARY PUBLIC

Joseph R. Stacho
PRINTED NAME

April 29, 2025
MY COMMISSION EXPIRES

COMPANY NAME: OAG Aviation Worldwide, LLC

ADDRESS, CITY, STATE & ZIP CODE: 550 W. Van Buren Street, Suite 1520, Chicago, IL 60607

PHONE: _____ FAX NUMBER: _____

CONTACT NAME AND TITLE: Noah Kaufman, Account Executive

WEB ADDRESS: www.oag.com

EMAIL: noah.kaufman@oag.com

FEDERAL TAX ID NUMBER: 36-4458455

TEXAS SALES TAX NUMBER: 13644584552



Via E-mail: collinsb@elpasotexas.gov

December 18, 2024

Bruce Collins
Purchasing Director
El Paso International Airport
6701 Convair Road
El Paso, Texas 79925

Re: Sole Source Letter Request

Dear Mr. Collins:

OAG is the sole source for the FV Web Components and FV XML Flight Status Data provided to El Paso International Airport. The FV XML Data that powers the Web Components is collected and aggregated by OAG from a number of different sources using proprietary algorithms. These algorithms are responsible for providing accurate information and presenting it in a clear and concise manner.

Sincerely,

Noah Kaufman
Account Executive

Signed by:

87AA018B826F42F...

550 West Van Buren Street, Suite 1520, Chicago, Illinois 60607, USA
Tel: +1 800 342 5624

www.oag.com

MAKE SMARTER MOVES

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND DONATIONS FORM

In compliance with Title 2, Chapter 2.92, Section 2.92.080

Introduction:

Individuals or entities benefiting by a City Council Agenda item must disclose contributions or donations made to current members of Council under the City's Ethics Code. The information on this form is being captured for transparency purposes and will be noted on the relevant City Council Agenda. **Contributions and Donations do NOT disqualify an applicant from doing business with the City.**

Definitions:

- "Contribution" A direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit.
- "Contributor" A person making a contribution, including the contributor's spouse.
- "Donation" Cash and the value of any in-kind contributions or gifts to the council member for use by their office or in their district.
- "Donor" An individual and spouse, a business entity, or an individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item.
- "Benefiting" Shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

Instructions: Please read and complete this form carefully. If you have made campaign contributions or donations to any current City Council member(s) totaling an aggregate of \$500 or more during their campaign(s) or term(s) of City office, you are required to disclose the information as specified below. If you have not made such contributions or donations past the limit specified in the ordinance, you are required to affirm your compliance with the municipal code. Please submit this completed form along with your application or proposal to the relevant city department. Failure to disclose campaign contributions or donations as required by the ordinance may result in a violation of the City's Ethics Code requirements, and sanctions under the Ethics Code 2.92.

Contributor / Donor Information:

Full Name Jodie Novotony

Business Name OAG Aviation Worldwide LLC

Agenda Item Type Contract Award

Relevant Department Aviation

Disclosure Affirmation: Please check the appropriate box below to indicate whether you have made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office specified in Section 2.92.080 of the El Paso Municipal Code.



I have **NOT** made campaign contributions or donations totaling an aggregate of \$500 or more to any City Council member(s) during their campaign(s) or term(s) of City office, as specified in Section 2.92.080 of the El Paso Municipal Code.

OR



I have made campaign contributions or donations totaling an aggregate of \$500 or more to the following City Council member(s) during their campaign(s) or term(s) of City office:

OFFICE	CURRENT COUNCIL MEMBER NAME	AMOUNT (\$)
Mayor		
District 1		
District 2		
District 3		
District 4		
District 5		
District 6		
District 7		
District 8		

Declaration: I hereby affirm that the information provided in this disclosure form is true and accurate to the best of my knowledge. I understand that this disclosure is required by Title 2, Chapter 2.92 of the El Paso Municipal Code and is subject to verification by the city authorities. Further, **I understand that upon submission of this form, I must disclose any subsequent contributions or donations prior to the relevant council meeting date.**

Signature: _____

Date: _____

8/13/2025



Legislation Text

File #: 25-1080, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

District 3

Economic and International Development, Jessica Cordova, 915-212-0094

Economic and International Development, Karina Brasgalla, 915-212-0094

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on a Resolution authorizing the City Manager to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between the CITY OF EL PASO ("City") and FERVERET, INC., ("Applicant"), to further the municipal purpose of promoting economic development in the City, in support of the business operations at the Innovation Factory located at 501 George Perry Suite F, El Paso, Texas 79925 and as more particularly described and depicted on *Exhibit A* of the Agreement. The business operations include the development of the Applicant's immersion cooling solution technology, which aims to address the increasing demand for power-intensive microchips and reduce data center emissions. The Agreement requires the Applicant to create 30 full-time employees, or an equivalent number of hours at or above the median county wage for El Paso County, Texas within the first 3 years of the Agreement. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$875,634.84 in the form of Rental Assistance, Operating Expenses, Tenant Improvements, and Business Expense assistance.

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

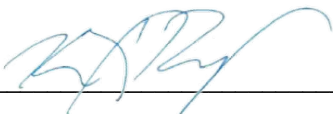
AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: _____



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement (“Agreement”) by and between the **CITY OF EL PASO** (“City”) and **FERVERET, INC.**, (“Applicant”), to further the municipal purpose of promoting economic development in the City, in support of the business operations at the Innovation Factory located at **501 George Perry Suite F, El Paso, Texas 79925** and as more particularly described and depicted on *Exhibit A* of the Agreement. The business operations include the development of the Applicant’s immersion cooling solution technology, which aims to address the increasing demand for power-intensive microchips and reduce data center emissions. The Agreement requires the Applicant to create 30 full-time employees, or an equivalent number of hours at or above the median county wage for El Paso County, Texas within the first 3 years of the Agreement. Over the term of the Agreement, the City shall provide economic incentives not to exceed **\$875,634.84** in the form of Rental Assistance, Operating Expenses, Tenant Improvements, and Business Expense assistance.

APPROVED is _____ day of _____, 2025.

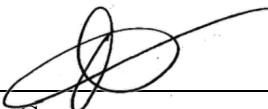
CITY OF EL PASO:

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:


Karina Brasgalla, Director
Economic & International Development

STATE OF TEXAS § **CHAPTER 380 ECONOMIC DEVELOPMENT**
 § **PROGRAM AGREEMENT**
 COUNTY OF EL PASO §

This Chapter 380 Economic Development Program Agreement ("**Agreement**") is made this ____ day of _____, 2025 ("**Effective Date**") between the City of El Paso, Texas, a Texas home rule municipal corporation, (the "**City**"), and **FERVERET, INC., a Delaware corporation** (the "**Applicant**"). For the convenience of the parties, all defined terms appear in **bold face print** when first defined.

RECITALS

WHEREAS, Article 3, Section 52A, Texas Constitution, authorizes the Legislature to enable cities to implement programs for the public purposes of economic development under which cities and counties may provide financial incentives for the purposes of stimulating local economic development and business and commercial activity in the City; and

WHEREAS, Section 380.001, Texas Local Government Code (“Chapter 380”), authorizes the City Council of the City to establish and provide for the administration of one or more programs in order to stimulate business and commercial activity in the City including, but not limited to, programs for (i) making loans and grants of public money to promote local economic development, (ii) accepting contributions, gifts and other resources to develop and administer a program; and

WHEREAS, the City has established an economic development program and, pursuant to Chapter 380, is authorized to provide loans or grants of public funds as a governmental function to promote economic development, including the creation and retention of jobs, stimulating of business and commercial activity, and expansion of the tax base within the City of El Paso and surrounding region; and

WHEREAS, the City wishes to provide incentives to the Applicant, pursuant to Chapter 380, for the Applicant's business operations located at **501 George Perry Suite F, El Paso, Texas 79925** and as more particularly described and depicted on Exhibit A, and the Applicant wishes to receive the incentives in exchange for compliance with the obligations set forth herein; and

WHEREAS, the City determines that a grant of funds to Applicant will serve the municipal purpose of promoting local economic development and enhancing business and commercial activity within the City and region; and

WHEREAS, the Development will likely encourage increased economic development within the City and region, provide increases in the City's property tax revenues, and improve the City's ability to provide for the health, safety and welfare of the general public within and around of El Paso, Texas; and

WHEREAS, the City finds that this Agreement embodies an eligible *program* and promotes economic development within and around the City of El Paso, Texas, and, as such, meets

the requirements under Chapter 380 of the Texas Local Government Code and further is in the best interests of the City.

NOW, THEREFORE, for and in consideration of the above recitals and the terms and conditions set forth below, the mutual benefits and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

SECTION 1. DEFINITIONS.

The following words shall have the following meanings when used in this Agreement.

- A. **“Affiliate”** means any designated person or entity that directly or indirectly controls, is under the control of, or is under common control with the designated person or entity by the power to direct or cause the direction of the management of the policies of designated person or entity, whether through ownership interest, by contract or otherwise.
- B. **“Agreement”** means this Chapter 380 Economic Development Program Agreement, together with all exhibits and schedules attached and incorporated herein by reference.
- C. **“Business Expense”** means the costs incurred by a business in its operations, which in this agreement include:
 - (1) **Workforce Training:** Costs associated with training and developing employees, including programs, courses, and certifications that enhance skills and productivity.
 - (2) **Inventory and Supplies:** Expenses for purchasing materials, products, or equipment necessary for daily operations, production, or services offered by the business.
 - (3) **Forklift and Charging Station:** Costs related to acquiring and maintaining forklifts and their associated charging stations, essential for material handling and logistics.
 - (4) **Relocation Costs and Travel:** Expenses incurred when relocating the business or its employees, including transportation, moving services, and travel costs associated with the relocation process.
- D. **“Effective Date”** means the date the El Paso City Council approves the Agreement.
- E. **“Facility Operating Expense”** means the estimated cost of utilities, maintenance, and property management of the project location based on square footage of leased space.
- F. **“Full-Time Employment”** means a job in El Paso created and/or retained by Applicant that meets the following requirements:

- (1) the job requires a minimum of 1,820 prorated hours of work in a year, including allowance for vacation, holidays and sick leave; and
 - (2) the job offers full company benefits including company paid health insurance (employees must not be required to pay more than fifty percent (50%) of the health insurance premium).
- G. **“Full-Time Employment Equivalent Hours”** means the minimum number of required Hours Worked as further set forth in Table 1 of Exhibit “D.” Full-Time Employment Equivalent Hours can be satisfied through (1) the employment of full-time employees meeting the criteria for Full-Time Employment, (2) Applicant’s employment of part-time employees in El Paso, and/or (3) Applicant’s engagement in El Paso of independent contractors, consultants, advisors, and/or other similar contingent workers (the foregoing workers described in clauses (2) and (3) are collectively referred to herein as “Non-FTE Workers”).
- H. **“Grant”** means each payment to Applicant under the terms of this Agreement computed as the sum of the applicable rebates: (i) Lease Rental Assistance (\$171,952.02); (ii) Facility Operating Expense Assistance (\$200,703.63); (iii) Tenant Improvement Assistance (\$454,139.19); and (iv) Business Expense Reimbursement (Workforce Training, Inventory and Supplies, Forklift and Charging Station, and Relocation and Travel Expenses (collective \$48,840 cap). For the purposes of this Agreement, the aggregate Grant payments will not exceed **\$875,634.84**.
- I. **“Grant Submittal Package”** means the documentation required to be supplied to City as a condition of receipt of any Grant, with such documentation more fully described in the Grant Submittal Package, which is attached as Exhibit C to this Agreement.
- J. **“Lease Rental Cost”** means rent charged by the El Paso International Airport at the project location, as listed in Exhibit F.
- K. **“Project Location”** means the real property leased by Applicant located at **501 George Perry Suite F, El Paso, Texas 79925**, El Paso, Texas, and described on Exhibit A, which is attached and incorporated by reference.
- L. **“Tenant Improvements”** means architecture and construction services completed on behalf of the Applicant at the project location.

SECTION 2. TERM AND GRANT PERIOD.

- A. This Agreement shall commence on the Effective Date and shall terminate on the first to occur of: (i) 5 years from the Effective Date; (ii) the proper termination of this Agreement in accordance with the applicable provisions contained herein; or (iii) termination by mutual consent of the parties in writing (“Term”).

- B. Applicant's eligibility for Grant payments shall be limited to **3** consecutive years within the Term of this Agreement (the "Grant Period").

SECTION 3. OBLIGATIONS OF APPLICANT.

A. PROJECT.

- (1) Applicant shall Operate at Innovation Factory or Airport's Advanced Manufacturing Campus a manufacturing operation of liquid based cooling tech for data centers. Operation must be at the Innovation Factory or Airport's Advanced Manufacturing Campus for a minimum of 5 years.
- (2) Applicant shall diligently and faithfully in a good and workmanlike manner pursue the completion of the project in accordance with all applicable federal, state and local laws and regulations.
- (3) Applicant agrees that during the Term of this Agreement, the Project Location shall be limited to those uses consistent with the Project Description.
- (4) Applicant shall demonstrate, before the receipts of any Grant payments, that Applicant has incurred no delinquency taxes by providing certified city tax certificates for any parcel of real or personal property owned in the City of El Paso.
- (5) Applicant, during normal business hours, at its principal place of business in El Paso, shall allow the City or its agents reasonable access to operating records, accounting books, and any other records related to the economic development considerations and incentives described herein, which are in Applicant's possession, custody, or control, for purposes of verifying the Business Expenses and for audit, if so requested by the City. The confidentiality of such records will be maintained in accordance with all applicable laws.

B. EMPLOYMENT POSITIONS

- (1) Applicant agrees that, at Applicant's sole discretion, it shall either (1) create, staff, and maintain the Full-Time Employment positions or (2) ensure the performance of the Full-Time Employment Equivalent Hours as described in Exhibit D for the Project as of **December 31** of the applicable year, and shall maintain the Full-Time Employment positions or Full-Time Employment Equivalent Hours, as applicable, for the Project Location through the entire Grant Period of this Agreement. The transfer of an existing employee or contractor, consultant, advisor or other similar contingent worker from Applicant's existing business site to Applicant's new Project Location does not qualify as creating and staffing a Full-Time Employment position or Full-Time Equivalent Hours for purposes of this Agreement.
- (2) Applicant shall provide the City with a quarterly report within thirty (30) days following the end of each quarter of each reporting year during the Term of this

Agreement (with each such reporting year beginning July 31 of the respective year), certifying the status of compliance through the preceding quarter. Such quarterly report shall include the number of new jobs created and retained for the Project Location, information on any new investments in the Project Location, and any other information relevant to the Project Location and the City's economic development goals. Documentation for jobs may be in the form of quarterly IRS 941 returns, or Texas Workforce Commission Employer Quarterly Reports, or employee rosters that show the hours worked and the positions filled. Applicant shall also provide the City with such other reports as may reasonably be required. Applicant may redact worker names and other personally identifying information from reports provided to the City.

C. GRANT SUBMITTAL PACKAGE.

In order to receive the disbursement of the Grant, the Applicant must submit a Grant Submittal Package, as specified below.

- (1) The Applicant shall quarterly submit one Grant Submittal Package which shall be in the form provided in Exhibit C, together with the requisite documentation. The Applicant shall submit to the City the initial Grant Submittal Package on **October 31, 2025**. Thereafter, the Applicant's quarterly Grant Submittal Package must be submitted on or within 30 business days of the following dates: **(January 31st, April 30th, July 31st, and October 31st)**. A failure by the Applicant to timely submit a Grant Submittal Package in accordance with this paragraph is a waiver by the Applicant to receive a Grant payment for that Grant quarter.
- (2) Concurrent with the submittal of a Grant Submittal Package, the Applicant will submit to the City documentation as may be reasonably necessary to verify the expenditure to date of the Business Expenses, which has not otherwise been verified as part of a prior submittal. The City will provide to the Applicant a written explanation for any Business Expenses that the City determines cannot be verified. The Applicant may submit additional documentation to the City in order to obtain verification.
- (3) The City's determination of the amount of the Grant payment due to the Applicant is final.

SECTION 4. OBLIGATIONS OF THE CITY.

During the Term of this Agreement, and so long as an Event of Default has not occurred and Applicant is in compliance with the Agreement, the City agrees as follows:

- A. The City agrees to provide Lease Rental Assistance not to exceed **\$171,952.02** in the amounts and pursuant to the timing set forth in Exhibit B.

- B. The City agrees to provide Facility Operating Expense Assistance not to exceed **\$200,703.63** in the amounts and pursuant to the timing set forth in Exhibit B.
- C. The City agrees to provide Tenant Improvement Assistance not to exceed **\$454,139.19** in the amount and pursuant to the timing set forth in Exhibit B.
- D. The City agrees to provide Business Expense Reimbursement not to exceed **\$48,840** in the amounts and pursuant to the timing set forth in Exhibit B.
- E. The City will process any eligible Grant payment within **30 days** after receipt of the Applicant's complete quarterly Grant Submittal Package. Once Applicant is notified of incomplete submittal, they shall have 15 days to cure.

SECTION 5. EVENTS OF DEFAULT.

Each of the following Paragraphs A through D shall constitute an "Event of Default":

- A. **Failure to Comply.** Applicant's failure to comply with, or to perform any obligation or condition of this Agreement or in any related documents, or Applicant's failure to comply with or to perform any obligation or condition of any other agreement between the City and Applicant, in each case, in any material respect, and excluding compliance with the Applicant's obligations set forth in Section 3(B) and Exhibit D (the exclusive remedy for which is set forth in Exhibit D).
- B. **False Statements.** Any representation or statement made or furnished to the City by Applicant pursuant to this Agreement or any document(s) related hereto, that is/are false or misleading in any material respect; or if Applicant obtains actual knowledge that any such representation or statement has become false or misleading after the time that it was made, and Applicant fails to provide written notice to the City of the false or misleading nature of such representation or statement within 10 days after Applicant learns of its false or misleading nature.
- C. **Insolvency.** Applicant files a voluntary petition in bankruptcy, a proceeding in bankruptcy is instituted against the Applicant and the Applicant is thereafter adjudicated bankrupt, a receiver for the Applicant's assets is appointed, or any assignment of all or substantially all of the assets of Applicant for the benefit of creditors of Applicant.
- D. **Property Taxes.** If Applicant allows its personal or real property taxes owed to the City to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of such taxes and to cure such failure or post a satisfactory bond within 30 days after written notice thereof from the City and/or El Paso Central Appraisal District.
- E. **Notice and Opportunity to Cure.** If an Event of Default occurs, the City will provide Applicant with written notice of the default and Applicant shall have 30 days from the receipt of said notice to cure the default (the "Cure Period"). If the default cannot be remedied within the Cure Period but the Applicant has made a diligent effort to effect a

cure, the Cure Period may be extended at the City's sole discretion for a reasonable time. The City, in its sole discretion, shall determine what constitutes "a reasonable time" and what constitutes "a diligent effort" for purposes of this provision. If the City agrees to extend the Cure Period past the 30 days, the City shall notify the Applicant, in writing, of the expiration date of the extended cure period.

- F. **Failure to Cure.** If an Event of Default occurs and, after receipt of written notice and opportunity to cure as herein provided, the Applicant fails to cure the Event of Default in accordance with the provisions herein, then this Agreement may be terminated by the City by written notice to the Applicant at which time the City's obligations hereunder will end and the City may exercise its rights pursuant to Section 6.

SECTION 6. RECAPTURE.

Should an Event of Default under Section 5 of this Agreement occur and provided that the Cure Period for such Event of Default has expired, upon a termination of the Agreement pursuant to Section 5(F), all Tenant Improvement Grant previously provided by the City pursuant to this Agreement shall be recaptured and repaid by Applicant in accordance to the recapture schedule in Exhibit E.

SECTION 7. TERMINATION OF AGREEMENT BY CITY WITHOUT DEFAULT.

The City may terminate this Agreement without an Event of Default and effective immediately if any state or federal statute, regulation, case law, or other law renders this Agreement ineffectual, impractical or illegal, including any case law holding that a Chapter 380 Economic Development Agreement such as this Agreement is an unconstitutional debt.

SECTION 8. MISCELLANEOUS PROVISIONS

- A. **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by both parties.
- B. **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in El Paso County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of El Paso County, Texas.
- C. **Assignment.** Applicant understands and agrees that the City expressly prohibits Applicant from selling, transferring, assigning or conveying in any way any rights to receive the Grant or Grants that are subject of this Agreement without the City's consent to assignment. Any such attempt to sell, transfer, assign or convey without the City's prior written consent is void and may result in the immediate termination of this Agreement and recapture of the taxes rebated prior to the attempted transfer. Notwithstanding anything contained herein to the contrary, Applicant may, without City's prior written consent and without constituting an assignment or transfer hereunder, assign this Agreement to (a) an entity controlling, controlled by or under common control with Applicant, (b) an entity related to

Applicant by merger, consolidation or reorganization, or (c) a purchaser of a substantial portion of Applicant's assets. A transfer or change of ownership of Applicant's capital stock or equity interests shall not be deemed an assignment or any other transfer of this Agreement.

- D. **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. City warrants and represents that the individual executing this Agreement on behalf of City has full authority to execute this Agreement and bind City to the same. Applicant warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind Applicant to the same.
- E. **Confidentiality Obligations.** The confidentiality of records related to the City's economic development considerations and incentives provided herein will be maintained in accordance with and subject to all applicable laws, including the Public Information Act, Chapter 552, Texas Government Code. To the extent permitted by state or federal law, the City shall maintain the confidentiality of any proprietary information and shall not copy any such information except as necessary for dissemination to the City's agents or employees and agrees that, as required by the Public Information Act, it will notify Applicant if a request relating to such proprietary information is received. Applicant represents that it understands that the Public Information Act excepts disclosure of trade secret and confidential commercial information and that it will need to assert the proprietary interest of Applicant as a basis for nondisclosure.
- F. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute the same document.
- G. **Employment of Undocumented Workers.** During the term of this Agreement, Applicant agrees not to knowingly employ any undocumented workers as defined in Texas Government Code Section 2264.001. If convicted of a violation under 8 U.S.C. Section 1324a(f), Applicant shall repay the amount of the Grant payments received by Applicant from the City as of the date of such violation not later than one hundred twenty (120) days after the date Applicant is notified by City of a violation of this section, plus interest from the date the Grant payment(s) was paid to Applicant, at the rate of seven percent (7%) per annum. The interest will accrue from the date the Grant payment(s) were paid to Applicant until the date the reimbursement payments are repaid to City. City may also recover court costs and reasonable attorney's fees incurred in an action to recover the Grant payment(s) subject to repayment under this section. Applicant is not liable for a violation by its subsidiary, affiliate, or franchisee, or by a person which whom Applicant contracts.
- H. **Force Majeure.** The parties agree that if the performance of any obligations hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, fire or other casualty, or court injunction, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.

- To the City: The City of El Paso
Attn: City Manager
P. O. Box 1890
El Paso, Texas 79950-1890
- With a Copy to: Economic and International Development
Attn: Director of Economic Development
P. O. Box 1890
El Paso, Texas 79950-1890
- To the Applicant: FERVERET, INC
Attn: **REZA AZIZIAN**
501 George Perry Suite F Office #110
El Paso, Texas 79925


- [Signatures begin on the following page]*

IN WITNESS WHEREOF, the parties hereby execute this Agreement.

CITY OF EL PASO:

Dionne Mack
City Manager

APPROVED AS TO FORM:


Oscar Gomez
Assistant City Attorney

APPROVED AS TO CONTENT:


Karina X. Brasgalla, Director
Economic & International Development

ACKNOWLEDGMENT

STATE OF TEXAS

§§§


COUNTY OF EL PASO

This instrument was acknowledged before me on the _____ day of _____, 2025,
by **Dionne Mack** as **City Manager** of the **City of El Paso, Texas**, on behalf of the City of El
Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

[Signatures continue on the following page]


REZA AZIZIAN
Co-Founder & CEO

STATE OF _____ §
COUNTY OF _____ §

Notary Public, State of _____

Acknowledgement
Jurat

Notary Public

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Clara }

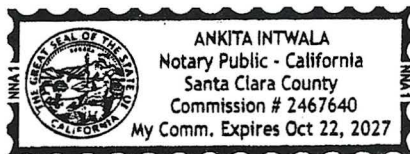
On 18th August, 2025 before me, Ankita Intwala, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Reza Azizian
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Ankita Intwala
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Program Incentive Agreement

Document Date: 08-18-2025 Number of Pages: 17

Signer(s) Other Than Named Above: yes

Capacity(ies) Claimed by Signer(s)

Signer's Name: Reza Azizian Signer's Name: _____

☒ Corporate Officer – Title(s): CEO & Co-founder ☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General ☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact ☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator ☐ Trustee ☐ Guardian or Conservator

☐ Other: _____ ☐ Other: _____

Signer is Representing: _____ Signer is Representing: _____

EXHIBIT A – Part I

Project Location

Maker Spaces (#204, #205 and #206): 5,649 total rsf

Office Spaces (#110, #111, #100 and #101): 426 total rsf

Storage Space (#5E and #6E): 364 rsf

Exhibit A – Part II

Project Description

Ferveret, Inc., is a San Jose, CA-based company specializing in immersion cooling solutions for computer cooling applications. With a dedicated R&D laboratory, the team, which includes UTEP graduates, has developed a highly innovative product that has garnered significant attention in the market and is receiving large orders.

The expansion project will be financed through a combination of venture capital and orders received for the product. This dual financing approach ensures adequate capitalization for scaling production and meeting market demand.

Ferveret's immersion cooling solution represents a cutting-edge innovation in computer cooling technology. The company's strategic relocation to Texas, coupled with its robust production timeline and financing strategy, positions it for rapid growth and success in the burgeoning market for advanced cooling solutions.

EXHIBIT B

Rent and Operating Expenses

Space #	Type	Square Footage	Gross Annual Rent & Op Expenses - Year 1	Gross Annual Rent & Op Expenses - Year 2	Gross Annual Rent & Op Expenses - Year 3	Gross Totals for 3 Years
204	makerspace	1883	\$34,628.37	\$36,191.26	\$36,925.63	\$107,745.26
205	makerspace	1883	\$34,628.37	\$36,191.26	\$36,925.63	\$107,745.26
206	makerspace	1883	\$34,628.37	\$36,191.26	\$36,925.63	\$107,745.26
110	office	108	\$3,570.48	\$3,660.12	\$3,702.24	\$10,932.84
111	office	108	\$3,570.48	\$3,660.12	\$3,702.24	\$10,932.84
100	office	105	\$3,471.30	\$3,558.45	\$3,599.40	\$10,629.15
101	office	105	\$3,471.30	\$3,558.45	\$3,599.40	\$10,629.15
5E	(1) storage	182	\$3,124.94	\$3,124.94	\$3,124.94	\$9,374.82
6E	(2) storage	182	\$3,124.94	\$3,124.94	\$3,124.94	\$9,374.82
		6439	\$124,218.55	\$124,218.55	\$124,218.55	\$372,655.65

Tenant Improvements	
Tenant Improvements	\$454,139.19

Incentive Type	Incentive Caps 3 years	Payment Frequency	Payment Type	Payment To	Grant Submittal Date
Lease Rent Costs	\$171,952.02	\$14,329.34 Quarterly	Journal Entry	Airport	10/31/2025
Facility Operating Expenses	\$200,703.63	\$16,725.30 Quarterly	Journal Entry	Airport	10/31/2025
Tenant Improvements	\$454,139.19	One time	Journal Entry	Airport	As Invoiced by Airport
Workforce Training	\$48,840.00	Quarterly	Reimbursed	Ferveret	10/31/2025
Inventory and Supplies		Quarterly	Reimbursed	Ferveret	10/31/2025
Forklift and Charging Station		One time	Reimbursed	Ferveret	10/31/2025
Relocation		One time	Reimbursed	Ferveret	10/31/2025
Total Incentive		\$875,634.84			

Exhibit "B"

Estimate Tenant Improvements cost under Tenant Responsibility		Line item cost
Alvidrez Architecture: Architectural drawings		\$ 36,370.00
Noble Construction: 1. Construct the tenant improvements as per the drawings from Alvidrez Architecture, Inc. El Paso International Airport Ferveret date stamped 02.22.2024. 2. Full time project superintendent 3. Plumbing 4. HVAC 5. Electrical 6. Chain link fence modifications 7. Install high-capacity pallet racks 8. Electrical installation of water chillers 9. Includes \$75,000 contingency for 3 hydronic chillers, and high rack shelving. Unused contingency amounts will be 100% refunded to the Owner.		\$ 267,383.40
Unused Contingency (Credit)		\$ (21,909.14)
CO#12 ASI 01- Revised Electrical drawings dated 05.21.2024		\$ 4,716.39
CO#12 Fume Extractor Arm		\$ 3,775.58
CO#12 Canopy		\$ 15,049.16
CO#4 Internet fiber		\$ 9,172.61
CO#15 - 1200 AMP Panel (includes credit for 600 AMP panel quoted on 03.21.2024)		\$ 139,196.00
CO#12 Temporary SO Cord - temporary measure to test equipment		\$ 385.19
Totals		\$ 454,139.19

26 February 2024

Victoria Ruiz, EIT, ACE, CNU-A
Project Manager
Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, Texas 79925

Reference: EPIA Cargo 4 **FERVERET Tenant Improvement**

Dear Ms. Ruiz,

We appreciate your consideration of our Studio to provide Architectural + Engineering services for the above referenced Project. The following is a brief description of design and construction document services. These various phases are typical for the architectural/engineering industry and correlate with the phases of design and construction. Services will include Architectural, Mechanical, Electrical + Plumbing services.

SCOPE OF WORK:

The Project will consist of the design and preparation of construction documents for the Interior Improvements to Cargo 4 for FERVERET. Tenant improvements will accommodate Tenant equipment, new power, modified compressed air and airside chillers.

Services to be performed:

1. FIELD VERIFICATION:

- 1.1 Field verification will be performed to analyze the existing space + infrastructure to support the interior improvements.

2. DESIGN:

- 2.1 The Architect will review the requirements of the project as described by the Owner and will review the understanding of such requirements with the Owner.
- 2.2 Based on the mutually agreed upon requirements, the Architect will prepare, for approval by the Owner, Design Documents consisting of drawings illustrating the scale and relationship of project components.
- 2.3 Based on the approved Design Documents and any adjustments authorized by the Owner in the program, schedule or construction budget, the Architect shall prepare, for approval by the Owner, Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural and electrical systems, materials and such other elements as may be appropriate.

3. CONTRACT DOCUMENTS:

- 3.1 Based on the approved Design Documents and final comments the Architect will finalize Contract Documents for the Bid | Negotiation Phase.

4. BIDDING | CONSTRUCTION

- 4.1 The Architect, following the Owner's approval of the Contract Documents, will assist the Owner in obtaining bids and assist in cost evaluation as required.
- 4.2 Contract Administration will include observation of construction, checking of project shop drawings and reviewing of Contractors application for payment.

COMPENSATION:

Compensation for services will be provided as a **FIXED FEE of THIRTY-SIX THOUSAND THREE HUNDRED SEVENTY (\$36,370.00) DOLLARS.** The proposed fee is inclusive of engineering consultants. Services are proposed to be invoiced monthly per phase of completion.

SERVICES:**\$ 35,010.00**

Field verification	10%
Design	40%
Contract Documents	40%
Bidding Construction	10%

REIMBURSABLES:

1. Printing	\$ 120.00
2. TAS	\$ 1,200.00
3. Gas	\$ 40.00

SUBTOTAL**\$ 1,360.00****TOTAL****\$ 36,370.00**

Barring unforeseen circumstances, we will complete the services to be performed as expeditiously as possible upon authorization to proceed.

Owner provided services as required:

1. Asbestos Survey required for permitting.

The following services are not part of the basic services to be provided:

1. Providing planning surveys, site excavations, environmental studies, special surveys, etc.
2. Providing coordination of Work performed by separate contractors or by the Owner's own forces.

We appreciate the opportunity to provide you with our proposal for services as outlined above. Please contact this office if you should have any questions regarding services to be performed. We look forward to continuing our working relationship with the El Paso International Airport!

Respectfully,

ALVIDREZ ARCHITECTURE INC.



David A. Alvidrez AIA, RID, CNUA
E:/24.15.00/doc/design/proposal

Noble General Contractors

March 21, 2024

Victoria Ruiz, EIT, ACE, CNU-A
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI

Ms. Ruiz,

Noble General Contractors is pleased to offer our proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

1. Construct the tenant improvements as per the drawings from Alvidrez Architecture, Inc.
El Paso International Airport Ferveret date stamped 02.22.2024.
2. Full time project superintendent
3. Plumbing
4. HVAC
5. Electrical
6. Chain link fence modifications
7. Install high-capacity pallet racks
8. Electrical installation of water chillers
9. Includes \$75,000 contingency for 3 hydronic chillers, and high rack shelving.
Unused contingency amounts will be 100% refunded to the Owner.

4BT Open JOC Price Totals	\$160,220.25
Coefficient 1.17 (adjusted)	\$26,494.14
Coefficient 1.17 Non Pre-Priced	\$ 743.30
Pass Thru to Owner – Contingency for chillers and shelving	\$75,000.00
Pass Thru to Owner – P&P Bonds	\$ 4,925.71
Total Proposed Price	\$267,383.40

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

May 21, 2024

Victoria Ruiz, EIT, ACE, CNU-A
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
ASI 001

Ms. Ruiz,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. ASI 001 from Alvidrez Architecture, Inc. regarding El Paso International Airport Ferveret date stamped 05.06.2024.
- 1. E2.0 Power Plan; Addition of one (1) 480V-30A, 3PH electrical outlet.
- 2. Revised electrical schedule to accommodate new 480V-30A, 3PH electrical outlet

4BT Open JOC Price Totals	\$4,031.10
Coefficient 1.17 (adjusted)	\$685.29
Total Proposed Price	\$4,716.39

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

August 12, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
Fume Extractor Arm

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. Provide fume extractor arm and arm ducting kit

4BT Open JOC Price Totals	\$3,226.99
Coefficient 1.17 (adjusted)	\$548.59
Total Proposed Price	\$3,775.58

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

September 11, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
ASI #02 Addition of canopy framing plan at E1 Chillers’ location

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. Add canopy framing at outdoor chillers

4BT Open JOC Price Totals	\$12,735.18
Coefficient 1.17 (adjusted)	\$2,164.98
Pass through to Owner – Increase of P&P Bonds	\$149.00
Total Proposed Price	\$15,049.16

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive



Advanced Security Contractors, Inc.

135 Rio West
El Paso, TX 79932

El Paso International Airport

Cargo 4 - Ferveret Fiber Extension - 12 Strand Fiber

Region 19 Contract #24-7488

9/25/2024

REF	QTY	PART NO.	EQUIPMENT DESCRIPTION	COST EA.	TOTAL
1	1	252823-NEW	Chatsworth Products - Wall Mount Cabinet, CUBE-iT+ Wall Mount Cabinet, PlexiGlass Door, 24"Hx24"Wx24"D, 12U Tapped Rail, Black	\$1,069.39	\$1,069.39
2	2	40970-711	Chatsworth Products - Vertical Cabling Section, 11RU	\$93.63	\$187.26
3	1	25190-000	Chatsworth Products - Cable Port Brush Kit	\$59.49	\$59.49
4	1	CONDUIT	Conduit - 3/4" EMT Drop	\$266.00	\$266.00
5	1	LIFT	Scissor Lift - 19ft, 1 Week Rental, Includes Drop Off/Pickup	\$780.00	\$780.00
6	400	TF12-OS2-PLO	TiniFiber - 12 Strand, OS2, Single Mode, Armored, Plenum Rated	\$2.54	\$1,016.00
7	2	FRMP1U-V2	Lynn - 3 Panel Fiber Enclosure, 1RU	\$176.42	\$352.84
8	2	FAS-12SLC	Lynn - Adapter Single Mode, LC Connectors, 12 Pack	\$50.54	\$101.08
9	4	FPP-AD-BLANK	Lynn - LGX Blank Adapter Plate	\$8.65	\$34.60
10	4	539022	AFL - FUSE-LC9SMU-6, LC Singlemode Fuseconnect 900 uM Boot Blue Pack of 6	\$93.17	\$372.68
11	2	LCLCDUPSM-1M	Lynn - Fiber Patch Cord, Single Mode, LC/LC 1 Meter	\$19.95	\$39.90
12	1	MISC	Miscellaneous Fasteners, Connectors, Fittings, Mounting Bases, Etc.	\$428.37	\$428.37
EQUIPMENT TOTAL:					\$4,707.61
ASC INSTALLATION:					\$4,465.00
TOTAL JOB:					\$9,172.61

NOTES:

1. THIS DOCUMENT IS PROPRIETARY AND CANNOT BE DISCLOSED TO A THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF ASC, INC.
2. TAXES NOT INCLUDED ABOVE.
3. PRICING SHALL REMAIN FIRM FOR 30 DAYS FROM ABOVE DATE.
4. EXTENSION OF EXISTING FIBER FROM IDF TO FERVERT SPACE.

Limited Warranty

Parts and labor warranty is provided within this design by ASC, for software, components and materials provided and installed by ASC. Warranty will begin upon either customer acceptance or substantial completion. Warranty term for this project will be 365 days. In situations during the ASC warranty period where ASC provides diagnostic and/or repair services for system hardware provided by others, ASC will invoice the Customer for time and materials at the rates applicable at the time of service. ASC will not warranty product that has been abused, misused, or improperly maintained, repaired, and/or modified during such period, and such defect has not been caused by ordinary wear and tear, and such defect is not a result of voltage surges/brownouts, lightning, water damage/flooding, fire, explosion, earthquakes, tornadoes, acts of aggression/war/god, or similar phenomena.

Noble General Contractors

August 5, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
Add 1200 AMP Service and additional changes to permit drawings.

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. Add 1200 AMP service as per the approved permit drawings from Alvidrez Architecture, Inc. El Paso International Airport Ferveret date stamped 04.18.2024.

4BT Open JOC Price Totals	\$242,914.53
Coefficient 1.17 (adjusted)	\$41,295.47
Pass Thru to Owner – P&P Bonds	\$5,263.15
Total Proposed Price	\$289,473.15

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

October 03, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
Temporary SO Cord

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

1. Install a temporary SO cord at Ferveret for Generator

4BT Open JOC Price Totals	\$329.22
Coefficient 1.17 (adjusted)	\$55.97
Total Proposed Price	\$385.19

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

EXHIBIT C

Quarterly Grant Submittal Package Form

FERVERET, INC believes that it has substantially met its obligations under the Chapter 380 Agreement dated the _____ day of ____ 20__ and signed by _____ of **FERVERET, INC**. Pursuant to the Agreement, **FERVERET, INC** submits this Grant Submittal Package Form in compliance with the Agreement and in anticipation of receiving the Grant payments referenced in the Agreement in consideration for its obligations met therein.

As required by the Agreement, the following information is submitted:

1. Electronically to Email: EDCompliance@elpasotexas.gov;
2. Completed Grant Submittal Package Form
3. **[INITIAL GRANT SUBMITTAL ONLY]** Documentation evidencing Business Expenses (receipts, invoices, bank and/or credit card statements, checks);
4. **[INITIAL GRANT SUBMITTAL ONLY]** 1295 Form;
5. Job Certification Report Spreadsheet with the following breakdown:
 - a. Employee/ Roster containing the following data points:
 - a. Unique worker ID
 - b. Job title (if applicable)
 - c. Hire date / first date of engagement
 - d. Termination date (if applicable)
 - e. Job creation/retention status (new within reporting period vs. retained from prior reporting period)
 - f. Total hours worked in the applicable calendar year
 - g. Number of weeks worked in the applicable calendar year
 - h. Hourly wage or gross annual salary (as applicable)
 - i. Employment status (full-time or part-time) (if applicable)
 - j. Percentage of medical insurance premium paid by employee (if applicable)
 - k. Percentage of medical insurance premium paid by Applicant (if applicable)
 - b. Insurance Benefits Packet
 - c. Employee Benefits Packet (pto, vacation, sick leave, etc.)
 - d. 941 IRS Reports
6. Documentation to evidence **Workforce Training** expenditures that includes the following:
 - a. Training Materials
 - b. Training Equipment
 - c. Courses
 - d. Certifications

It is understood by **FERVERET, INC** that the City of El Paso has up to thirty **(30) days** to process this request and reserves the right to deny the Grant request if the Applicant has not complied with the terms of the Agreement.

FERVERET, INC

Name: _____

Title: _____

EXHIBIT D

Employment Requirements & Grant Payment Eligibility

SECTION 1. MINIMUM JOB CREATION AND RETENTION REQUIREMENTS.

In order for the Applicant or its Affiliate to be eligible for the Workforce Training¹ Grant, the Applicant or its Affiliate is required to create and maintain the Full-Time Employment positions or Full-Time Employment Equivalent Hours by December 31 of each full tax year during the Grant Period as follows in Table 1:

Table 1.

	Year 1 (2026)	Year 2 (2027)	Year 3 (2028)
Full-Time Employment positions retained		10	20
Full-Time Employment positions created	10	10	10
Total Full-Time Employment positions	10	20	30
Full-Time Employment Equivalent Hours worked	18,200	36,400	54,600

For the avoidance of doubt, Applicant may, at its sole discretion, elect to (1) employ the number of Full-Time Employment positions as set forth in Table 1 or (2) employ any combination of Full-Time Employment positions and Non-FTE Workers, provided that such combined employment results in such workers performing the required “Full-Time Employment Equivalent Hours worked” set forth on Table 1 for the corresponding Year during the Grant Period.

SECTION 2. ELIGIBILITY FOR GRANT PAYMENTS.

After Year 2, the Applicant must either (1) retain 90% or more of the total amount of Full-Time Employment positions shown for the remainder of the Grant Period in Table 1 or (2) equal or exceed 90% of the “Full-Time Employment Equivalent Hours worked” for the applicable Year in Table 1, to be eligible to receive further Workforce Training Grant payments. For any Full-Time Employment positions created, **FERVERET, INC** will meet the current Median County Wage (\$18.21/hr.), except for the Site Engineer which shall be paid a minimum annual salary of \$74,000 and the Business Manager which shall be paid a minimum annual salary of \$65,000.

Workforce Training Grant payments will be reduced by ten percent (10%) for every one percent (1 %) drop in the “Full-Time Employment Equivalent Hours worked”, noted in Section 1 of Exhibit D from 100% to 90%.

Example: For illustrative purposes only:

During the second year, Applicant creates and retains 95% (34,580) of the expected 36,400 Full-Time Employment Equivalent Hours worked. Workforce Training Grant payments will be reduced by 50% (10% per 1% of job creation shortfall) for future dispersal periods.

Should the applicant fall below the 90% threshold, no further Workforce Training Grant payment will be owed to the Applicant for the remainder of the Grant Period.³

EXHIBIT E

Recapture Schedule

Recapture is only triggered upon an Event of Default and after notice and opportunity to cure pursuant to the terms of the Agreement. The Applicant will have 60 days to repay funds to the City based on the schedule below and shall only be responsible for the applicable costs associated with the Termination Year in which the termination is effective:

Termination Year	Recapture of Tenant Improvement Costs
Year 1:	\$454,139.19
Year 2:	\$363,311.35
Year 3:	\$270,483.51
Year 4:	\$177,655.67
Year 5:	\$84,827.83

EXHIBIT F

Lease

**Innovation Factory Agreement
501 George Perry Blvd.**

**El Paso International Airport
El Paso, Texas**

**Ferveret Inc.
TENANT**

**September 3, 2025
Effective Date**

**INNOVATION FACTORY AGREEMENT
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EL PASO INTERNATIONAL AIRPORT

INNOVATION FACTORY AGREEMENT

THIS INNOVATION FACTORY AGREEMENT, (“Agreement” or “Lease”), entered into effective as the day of September 3, 2025 between the **CITY OF EL PASO, TEXAS** (“Landlord”) and Ferveret Inc., a Delaware corporation (“Tenant”).

WITNESSETH:

WHEREAS, the Municipal Airports Act of the State of Texas (Chapter 22 of the Texas Transportation Code) authorizes municipal airports, as governmental entities, to establish the terms and fix the charges, rentals, or fees for the privileges or services. The charges, rentals, and fees must be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the local government;

WHEREAS, Landlord owns and operates the El Paso International Airport as depicted in the Airport Layout Plan (“Airport”) located in the County of El Paso, Texas;

WHEREAS, Landlord has constructed an Innovation Factory and facilities located on the Airport and has space and facilities available for lease, and Tenant desires to lease space in the Innovation Factory;

WHEREAS, Tenant has indicated a willingness and ability to properly operate, keep and maintain the portion of the Innovation Factory that it leases in accordance with the standards established by Landlord; and

WHEREAS, in furtherance of its authority, Landlord further desires to lease to Tenant certain facilities located at said Airport in accordance with the terms, covenants, and conditions set forth in this Agreement;

WHEREAS, the Landlord has adopted the Innovation Factory Incentive and Lease Policy (the “Policy”) to lease space in the Innovation Factory to businesses engaged in the aerospace, defense, advanced manufacturing, and related sectors;

WHEREAS, this lease is granted and structured in accordance to the Policy.

NOW THEREFORE, for and in consideration of the mutual covenants, agreements, and conditions contained herein, the parties agree as follows:

ARTICLE I
PREMISES AND PRIVILEGES

Section 1.01 Description of Premises Demised

Subject to and on the terms, conditions, covenants, agreements and undertakings hereinafter set forth, Landlord does hereby demise and lease to Tenant and Tenant does hereby lease from Landlord the following described Premises located in El Paso County, Texas, as follows:

- A. That certain office, warehouse, and storage space containing approximately 6,439 square feet, more or less, in total, as shown on Exhibit “A” attached hereto and incorporated herein by reference, and also known as Innovation Factory, 501 George Perry Blvd., Suite F for Tenant's exclusive use:

Offices #100 and #101, #110 and #111	426	square feet of office space
Maker space #204, #205 and #206	5,649	square feet of maker space
Storage #5E and #6E	364	square feet of storage space
	6,439	square feet total

(All square footage figures are approximate)

All of which will hereinafter be referred to as the “Premises” or “Leased Premises”.

Section 1.02 Right of Ingress and Egress

Landlord hereby grants to Tenant the rights of ingress to and egress from the Premises over and across the public roadways serving the Airport for Tenant, its agents and servants, patrons and invitees, suppliers of service and furnishers of material. Said right shall be subject to such ordinances, rules and regulations as now or may hereafter have application at the Airport.

In addition, the tenant will have the right to use the non- exclusive parking lot located near the Leased premises. The right to use the parking spaces is non-exclusive and will be shared with other tenants on a first come first serve basis.

Tenant shall have a temporary right of entry to the Premises prior to the issuance of a Certificate of Occupancy (“CO”) for the Premises which will terminate upon the issuance of the CO.

Section 1.03 Restrictions of Privileges, Uses and Rights

Tenant covenants and agrees that it shall use the Premises and common areas as provided in this Lease and the Policy posted on the City website, as updated from time to time in the discretion of the Landlord. For reference purposes the Policy in effect as of the Effective Date of this Lease are attached to this Lease as Exhibit “C” provided that the Landlord reserves the right to update such

Policy at any time, in the Landlord's sole discretion, by posting the updated versions in the City website. No notification is required from the Landlord to the Tenant to update the Policy. Updated Policy become effective as of the date of the website posting. Tenant will abide by all updates to the Policy.

Tenant shall not offer, or permit to be offered, retail services or sales. In connection with the exercise of its rights under this Agreement, Tenant:

- A. Shall not do, or permit any of Tenant's employees, agents, contractors, visitors, or customers/clients ("Tenant's Parties") to do, anything at or about the Airport or the Premises that may interfere with the effectiveness or accessibility of the water system, drainage and sewage system, fire protection system, security system, fire hydrants and hoses, electrical system, natural gas, or other Airport systems installed or located on or within the Premises or the Airport.
- B. Shall not do, or permit any of Tenant's Parties to do, any act or thing upon the Airport or the Premises that will invalidate or conflict with any fire or other casualty insurance policies covering the Airport or any part thereof.
- C. Shall not dispose of, or permit any of Tenant's Parties to dispose of, any waste material taken from, or products used with respect to, its aircraft or operations into the sanitary or storm sewers at the Airport or any other location on the Airport (whether liquid or solid), including but not limited to Hazardous Materials, unless such waste material or products first be properly treated by equipment installed with the prior written approval of Landlord and all other administrative bodies having appropriate jurisdiction or may remain untreated if wastewater guidelines limitations of the El Paso Water Utilities/Public Service Board are not exceeded.
- D. Shall not keep or store hazardous articles and materials including, without limitation, flammable liquids and solids, corrosive liquids, compressed gasses, and magnetized or radioactive materials on the Airport except when all of the following conditions are met: (1) in accordance with standards established by the National Board of Fire Underwriters, any such liquids having a flash point of less than one hundred degrees (100⁰) Fahrenheit shall be kept and stored in safety containers of a type approved by the Underwriters Laboratories; (2) said material shall be under the control and care of designated Tenant personnel; (3) said material shall be packaged and handled in compliance with applicable U. S. Department of Transportation, Environmental Protection Agency, or other such applicable regulations for transport and pre-transport of hazardous articles and materials; and (4) storage of hazardous materials shall comply with applicable federal, state, and local laws and regulations including, without limitation, building and fire code provisions. "Director" shall mean the Director of Aviation of the El Paso International Airport or other authorized representative of Landlord.

- E. Shall not install fuel storage tanks or pumping facilities for use in fueling any vehicle at the Airport without prior written approval of Landlord, said approval to be at Landlord's sole discretion.
- F. Shall not maintain or operate on the Premises or elsewhere at the Airport a cafeteria, restaurant, bar or cocktail lounge for the purpose of selling or dispensing food or beverages to the public or to its employees.

Section 1.04 Conditions of Granting Agreement

The granting of this Agreement and its acceptance by Tenant are conditioned upon the following covenants:

- A. No functional alteration of the Premises shown on Exhibit "A" or functional change in the uses of the Premises shall be made without the specific written consent of Landlord; said consent to be at Landlord's sole reasonable discretion, which shall not be unreasonably withheld, conditioned, or delayed.
- B. The right to use public Airport facilities in common with others authorized to do so shall be exercised only subject to and in accordance with the laws of the United States of America and the State of Texas; the rules and regulations promulgated under their authority with reference to aviation and air navigation; and all applicable rules, regulations and ordinances of Landlord now in force or hereafter prescribed or promulgated by charter authority or by law.
- C. Tenant will utilize only the roadways, taxiways, or other direction, path, route, or form of travel Landlord may designate, from time to time, for Tenant's operation and movement on or about the Airport.

ARTICLE II **OBLIGATIONS AND RIGHTS OF LANDLORD**

Section 2.01 Quiet Enjoyment

Landlord agrees that upon Tenant's paying rent and performing all of the covenants, conditions, and agreements herein set forth, Tenant shall and may peaceably and quietly have, hold, and enjoy the Premises hereby demised for the term of this Agreement.

Section 2.02 Landlord's Right of Entry

Landlord and persons authorized by Landlord may enter the Premises at all reasonable times upon reasonable advance notice of not less than one (1) business day (except in the case of an emergency in which case no prior notice is necessary) for the purpose of inspections, repairs, alterations to adjoining space, appraisals, or other reasonable purposes; including enforcement of Landlord's rights under this Lease. Landlord also shall have the right to enter the Premises at all reasonable times after giving not less than one (1) business day prior oral notice to Tenant, to exhibit the Premises to any prospective tenants or other persons as reasonably determined by the Landlord. Any entry by Landlord and Landlord's agents shall not impair Tenant's operations more than reasonably necessary, and shall comply with Tenant's reasonable security measures.

Section 2.03 Condition and Maintenance of Premises.

Landlord shall bear responsibility for the repair, maintenance and replacement of the mechanical systems of the Premises and the building, including but not limited to, electrical, the plumbing system including replacement of major lines, the life-safety systems and the HVAC systems. Landlord shall bear responsibility for the repair, maintenance and replacement of the Structural Elements of the Premises, except for any damage caused by the act or omission of the Tenant, or any agent, employee, invitee, contractor, servant, or subtenant of Tenant, for which damage Tenant shall be responsible. "Structural Elements" shall mean the roof, roof membrane, foundation, load bearing columns and walls, exterior walls, exterior paint, common vehicle parking areas, and the aircraft parking apron.

ARTICLE III **OBLIGATIONS OF THE PARTIES**

Section 3.01 Condition and Maintenance of Premises

Except as otherwise provided in this Lease, TENANT ACCEPTS THE PREMISES IN "AS IS" CONDITION. The Landlord makes no representations regarding the suitability of the Premises for any uses by the Tenant.

Section 3.02 Internal Improvements.

- A. General. Tenant will not make any alterations or improvements ("Leasehold Improvements") to the Premises without prior written approval of the Director or designee. Approval for improvements remains at the sole discretion of the Director or designee and shall not be unreasonably withheld, conditioned, denied or delayed. Landlord shall have no right to require Tenant to remove any Leasehold Improvements unless it notifies Tenant at the time it consents to such Leasehold Improvements that it shall require such Leasehold Improvement to be removed.
- B. Unapproved Improvement Default. In the event of such alteration, erection, placement, or maintenance without approval, upon the giving of notice and expiration of any applicable cure period, Tenant will be considered in default of this Agreement and Landlord may terminate this Agreement in accordance with the provisions set forth in this Lease. In addition to termination, Tenant will be responsible for the costs incurred by the Landlord for removing any unauthorized improvements and/or the costs of restoring the Premises to its prior condition.
- C. Title to Improvements. All Leasehold Improvements made to the Premises by Tenant, the Removable Facilities (defined below) and Tenant's Property shall be and remain the property of Tenant. Upon the termination of this Agreement, whether by expiration, cancellation, or otherwise, title to such Leasehold Improvements shall vest in accordance with the Paragraph below.
- D. Permanent Improvements. Tenant may remove "Non-Permanent Leasehold Improvements" prior to the expiration, cancellation, or early termination of this Agreement. All permanent Leasehold Improvements, which are those that cannot be removed without structural injury to the Premises, if any, made by Tenant to the Air Cargo Center, of which the Premises are a part, shall become the property of Landlord upon the

expiration, cancellation or early termination of this Agreement; provided, however, that at Landlord's sole discretion, Tenant shall remove all permanent improvements and restore the Premises to the condition existing as of the Rent Commencement Date of this Lease provided that Landlord informs Tenant, in writing, at the time of granting approval that Landlord wants those improvements removed. For purposes of this Agreement "Non-Permanent Leasehold Improvements" are any fixtures or equipment installed or paid by the tenant that can be removed without damaging the Premises. Notwithstanding anything to the contrary, the electrical panel and fume extractor are considered permanent leasehold improvements and will remain the property of the Landlord and will not be removed by the tenant upon the expiration, cancellation, or early termination of this Agreement.

- E. Tenant Improvements. The Tenant acknowledges that the Tenant needs certain tenant improvements to be performed to the Leased Premises in order for the Tenant to be able to move in and operate at the Leased Premises. The Landlord will construct the improvements described in Exhibit B at the request of the Tenant and at the tenant's sole expense. The Tenant will be responsible for the costs of the tenant improvements in the amount of \$454,139.19 ("Improvement Costs"). The Tenant will pay the Improvement Costs within 30 calendar days of the Grant Submittal Deadline of October 31, 2025 listed in the Chapter 380 Agreement between the City and Ferret, Inc. incorporated herein by reference.
- F. Surrender. Tenant's obligations with respect to the surrender of the Premises shall be fulfilled if Tenant surrenders possession of the Premises in the condition existing on the Commencement Date, ordinary wear and tear, casualties, condemnation, Hazardous Materials (other than those released or emitted by Tenant), Leasehold Improvements, alterations or other interior improvements which it is permitted to surrender at the termination of this Lease and repairs that Tenant is not responsible for under this Lease, excepted.

Section 3.03 Compliance with Laws

Tenant, at Tenant's expense, agrees that in the event it constructs, operates and/or maintains improvements on the Premises, such activities shall be done in accordance with all laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force, including, but not limited to, those which shall impose any duty upon the Landlord or Tenant, with respect to the use, occupation or alteration of the Premises and any improvements thereon. By way of example and not in limitation of the foregoing, the execution of this Lease and approval of Tenant's plans by the Airport shall not preclude the requirement that Tenant obtain all other approvals necessary for development of Tenant's project such as, but not limited to, building permits and certificates of occupancy.

Tenant, at Tenant's expense, specifically agrees to make or cause to be made all such alterations to the Premises, and any improvements thereon, including, without limiting the generality of the requirements of this sentence, removing such barriers and providing such alternative services, as shall be required by the Americans with Disabilities Act of 1990 and any other laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force, which relate to use or occupation of the Premises and any improvements thereon by disabled persons ("Disabilities Laws") if such alterations are required to be made solely due to Tenant's particular use of the Premises or Alterations to the

Premises made by Tenant; provided, however, notwithstanding anything contained herein to the contrary, Tenant shall not be required to comply with or cause the Premises to comply with, or pay any penalties or in lieu fees due to, any laws, rules, regulations or insurance requirements requiring the construction of Alterations or relating to increased energy efficiency or emissions reduction unless such compliance is necessitated solely due to Tenant's particular use of or Alterations to the Premises.

Tenant shall, at Tenant's expense, comply with all present and hereinafter enacted Environmental Laws, and any amendments thereto, affecting Tenant's use, operation, occupation or alteration of the Premises including any improvements thereon.

A. Definitions.

1. "Environmental Laws" means any one or all of the following as the same are amended from time to time: the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. Section 6941 et seq.; the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq.; the Safe Drinking Water Act, 42 U.S.C. Section 300h et seq.; the Clean Water Act, 33 U.S.C. Section 1251 et seq.; the Clean Air Act, 42 U.S.C. Section 7401 et seq.; and the regulations promulgated thereunder and any other laws, regulations and ordinances (whether enacted by the local, state or federal government) now in effect or hereinafter enacted that deal with the regulation or protection of the environment, including the ambient air, ground water, surface water, and land use, including sub-strata land.
2. "Hazardous Material" shall mean all substances, materials and wastes that are, or that become, regulated under or classified as hazardous or toxic under any Environmental Law and all petroleum products, such as gasoline, kerosene, diesel fuel, and the like.
3. "Release" shall mean any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing, or dumping into the environment in violation of Environmental Laws.

B. Compliance.

1. Tenant shall not cause or permit any of Tenant's Parties to cause any Hazardous Material to be used, generated, manufactured, produced, stored, brought upon, or released, on, under or about the Premises, or transported to and from the Premises, by Tenant or Tenant's Parties in violation of any Environmental Law; provided, further, that with respect to demolition of Existing Improvements, Tenant shall comply fully with all regulatory requirements, including, but not limited to, those governing asbestos abatement. **Tenant shall indemnify, defend and hold harmless Landlord, its successors and assigns, its employees, agents and attorneys from and against any and all liability, loss, damage, expense, penalties and legal**

and investigation fees or costs, arising from or related to any claim or action for injury, liability, breach of warranty or representation, or damage to persons or property and any and all claims or actions brought by any person, entity or governmental body, alleging or arising in connection with contamination of, or adverse effects on, the environment or violation of any Environmental Law or other statute, ordinance, rule, regulation, judgment or order of any government or judicial entity which are incurred or assessed as a result (whether in part or in whole) of any activity or operation on or discharge from the Premises or any improvements thereon arising from a Release of Hazardous Materials by Tenant or any of Tenant's Parties. This obligation includes, but is not limited to, all costs and expenses related to cleaning up the Premises, improvements, land, soil, underground or surface water as required under the law. Tenant's obligations and liabilities under this paragraph shall continue so long as Landlord bears any liability or responsibility under the Environmental Laws for any action that occurred on the Premises or any improvements thereon by Tenant or any of Tenant's Parties. This indemnification of Landlord by Tenant includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal or restoration work required by any federal, state or local governmental agency or political subdivision because of Hazardous Material located on the Premises or any improvements thereon, or present in the soil or ground water on, under or about the Premises Released by Tenant or any of Tenant's Parties.

2. The parties agree that Landlord's right to enforce Tenant's promise to indemnify is not an adequate remedy at law for Tenant's violation of any provision of this Section. Landlord shall also have all other rights and remedies provided by law or otherwise provided in this Agreement.
3. Without limiting the foregoing, if the presence of any Hazardous Material on, under or about the Premises or in any improvements thereon or permitted by Tenant results in any contamination of the Premises or any improvements thereon which constitutes a Release, Tenant shall promptly take all actions at its sole cost and expense as are necessary to return the Premises or any improvements thereon to the condition existing prior to the Release any such Hazardous Material by Tenant or any of Tenant's Parties to the Premises or in any improvements thereon; provided that Landlord's approval of such actions shall first be obtained, which approval shall not be unreasonably withheld so long as such actions would not potentially have any material adverse long-term effect on the Premises or on any improvements thereon.
4. Tenant shall, at Tenant's own cost and expense, make all submissions to, provide all information to, and comply with all requirements of the appropriate governmental authority (the "Government") under the

Environmental Laws. Should the Government determine that site characterization, site assessment and/or a cleanup plan be prepared or that a cleanup should be undertaken on the Premises or in any improvements thereon, then Tenant shall, at Tenant's own cost and expense, prepare and submit the required plans and financial assurances, and carry out the approved plans. At no cost or expense to Landlord, Tenant shall promptly provide all information requested by Landlord to determine the applicability of the Environmental Laws to the Premises or to respond to any governmental investigation or to respond to any claim of liability by third parties, which is related to environmental contamination.

5. Tenant shall immediately notify Landlord of any of the following: (a) any correspondence or communication from any governmental entity regarding the application of Environmental Laws to the Premises or Tenant's operation on the Premises, and (b) any change in Tenant's operation on the Premises that will change or has the potential to change Tenant's or Landlord's obligations or liabilities under the Environmental Laws.
6. Intentionally omitted.
7. Nothing in Section 3.03 will make Tenant liable or responsible for, and Tenant shall have no obligations related to any hazardous materials which (i) existed on, under or about the Premises prior Tenant's occupation under this Agreement or any previous lease Agreement with Landlord for the Premises, (ii) which migrate to the Premises from off-site, or (iii) are introduced to the Premises during Landlord or its employees, agents or contractors, or any other person or entity except to the extent caused by Tenant or Tenant's Parties.
8. Landlord shall use commercially reasonable efforts to cause its other tenants in the Air Cargo Center to comply with all Environmental Laws.

C. Reporting.

1. At any time that Tenant submits any filing pertaining to its property, operations, or presence on the Airport with any governmental entity (other than the Internal Revenue Service) by way of example but not in limitation, the Federal Aviation Administration (FAA), the Environmental Protection Agency (EPA) or the Texas Commission on Environmental Quality (TCEQ), Tenant shall provide duplicate copies of the filing(s) and all related documents to Landlord.
2. Within ninety (90) days after expiration, termination or cessation of this Lease for any reason, Tenant shall provide a current Phase I environmental site assessment of the Premises prepared in accordance with recognized industry standards; and if, in the opinion of Landlord and based on report

findings, the Premises shall require environmental remediation, Tenant shall perform same to return the Premises into a condition equal or better to that as of the effective date of the Lease. Landlord shall provide Tenant access to the Premises as needed in order for Tenant to comply with its obligations pursuant to this Section 3.05(C)(2).

Section 3.04 Operation and Maintenance Expenses

Tenant shall pay its prorated share of the operating costs of the Innovation Factory building, which include water, sewer, gas, electricity, maintenance, building insurance, property management fees, pest control, trash removal as provided in Section 3.05 below, parking lot maintenance, building insurance and security system software. The Tenants prorated share will be calculated by dividing the square footage of the Tenants occupancy by the square footage of the leasable areas of the Innovation Factory.

Section 3.05 Trash, Garbage, and Other Refuse

Landlord shall provide proper arrangement for the adequate sanitary handling and disposal, away from the Airport, of all non-hazardous trash, garbage and other refuse. Tenant will not dispose of hazardous materials in the receptacles provided. Tenant will be responsible for the disposal of any hazardous materials in accordance with applicable laws.

Section 3.06 Permitted Uses

Tenant covenants and agrees that in no event will it enter into any business activity on the Premises other than those specified in the Policy and this agreement. For purposes of this agreement the Tenant is allowed to use the facilities only for the following: the development, manufacturing and assembly of immersion cooling solutions for computing cooling applications, office, storage and all other lawful ancillary uses. If Tenant uses the Premises for any other use not specified herein, then the Landlord may declare Tenant in breach of this lease and if Tenant has failed to cure following a 30-calendar day advanced written notice, Landlord shall have the remedies as provided in Sections 10.02 and 10.03 hereof.

Section 3.07 Approval of Plans

Approval of any and all improvements, plans, signs, or documents by the Director does not constitute approval of the City or any other local, state, or federal agency. It is specifically understood that the Department of Aviation is only one of numerous departments of the City and that, in addition to obtaining approval of the Director, Tenant shall be required to obtain the approval of other departments as well.

Section 3.08 Authorization to Enter Restricted Area

Tenant understands that all of its agents, employees, servants or independent contractors must be authorized by Landlord to enter restricted areas as defined in Title 14 of the El Paso City Code as amended. Tenant understands that no person authorized to enter a restricted area by virtue of this Agreement may permit any person who is not otherwise authorized to enter a restricted area unless such person is, at all times while in the restricted area, in the company of an authorized person.

Section 3.09 Security

Tenant is familiar with the restrictions imposed on Landlord by 49 CFR Part 1540 and 1542 as amended and agrees to assume responsibility for compliance with said applicable regulations as they relate to access and identification procedures on the Premises. Tenant recognizes that all persons in or on the Premises must comply with applicable federal safety and security requirements.

Section 3.10 Penalties Assessed by Federal Government

Tenant understands and agrees that in the event any federal agency assesses a civil penalty against Landlord for any violation of a federal rule or regulation as a result of any act on part of Tenant or Tenant's Parties, Tenant will, upon invoice, promptly reimburse Landlord in the amount of the civil penalty assessed. Failure to reimburse Landlord within thirty (30) days of receipt of written notice shall be an event of default hereunder. Tenant shall have the right to contest the imposition of such civil penalty so long as Tenant indemnifies Landlord from any liability as a result thereof.

ARTICLE IV **TERM OF LEASEHOLD**

Section 4.01 Term

The "Term" of this Lease will be the Initial Term and any properly exercised Option Period, as provided below. This Lease shall be for an initial term of five (5) years ("Initial Term"), commencing on September 3, 2025.

Section 4.02 Option to Extend

Intentionally deleted.

Section 4.03 Holding Over

It is agreed and understood that any holding over by Tenant of the Premises at the expiration or cancellation of this Agreement shall operate and be construed as a tenancy from month to month at a rental of one and one-half (1.5) times the then current monthly rental, unless the hold over is caused by the City staff not placing a new agreement with Tenant regarding the Premises at the end of the term of the present Lease on the City Council Agenda on a timely basis in which case the current monthly rental rate shall continue until the new agreement is executed. No receipt or acceptance of money by Landlord from Tenant after the expiration or cancellation of this Agreement or after the service of any notice, after the commencement of any suit, or after final judgment for possession of the Premises, shall reinstate, continue or extend the terms of this Agreement, or affect any such notice, demand or suit or imply consent for any action for which Landlord's consent is required or operate as a waiver of any right of the Landlord to retake and resume possession of the Premises.

Section 4.04 National Emergency

In the event that the rights and privileges hereunder are suspended by reason of war or other national emergency, the parties will negotiate in good faith a reasonable resolution of this lease under the circumstances.

HQ 24-2771 | Tran #613391 | Aviation
Ferveret- Innovation Factory- Lease
IRT

ARTICLE V
RENTALS

Section 5.01 Rental

For the purpose of computing the rental payments of this Lease, Landlord and Tenant agree that the Premises comprise the following:

Maker Space: 5,649 (#204, #205 and #206)	5,649 square feet total at \$8.00 per square foot per annum
	\$45,192.00 per annum
Office Space: 426 (#100, #101, #110 and #111)	426 square feet total at \$22.67 per square foot per annum
	\$9,657.42 per annum
Storage Space: 364 (#5E and #6E)	364 square feet total at \$6.78 per square foot per annum
	\$2,467.92 per annum Rent Commencement for the storage will commence upon the delivery of the storage space.

The annual rental for the Initial Term shall be \$57,317.34 per year payable on a quarterly basis starting on the Rent Commencement and subsequent payments due in accordance with Section 5.04 after the Rent Commencement.

Section 5.02 Expenses

In addition to the Rental, the Tenant will be responsible for the utility expenses of the Leased Premises in accordance with Section 3.04, as well as the Tenant proportionate share of the expenses listed in Section 3.04 and 3.05 as necessary (the "Expense Amount"). The Expense Amount for the First year of this Lease is \$66,901.21. The Tenant will pay the Expense Amount per year payable on a quarterly basis starting on the Rent Commencement and subsequent payments due in accordance with Section 5.04 after the Rent Commencement. The Landlord will perform a reconciliation report of the expenses at the end of every calendar year. The Tenant will be responsible for any expenses that exceed the Expense Amount. If the actual expenses are less than the Expense Amount, then the Landlord will credit to the Tenant any over payments. The Tenant will not receive any actual refund of overpayments of expenses. All overpayments will be credited against amounts owed to the Landlord under this Lease. Following the reconciliation every calendar year, the Landlord will establish a new Expense Amount and will notify the Tenant of the new Expense Amount. The Tenant will pay the new Expense Amount within 30 calendar days of notification by the Landlord. In the event that a refund is warranted, the Tenant will not be entitled to the refund but rather the Landlord will refund the funds directly to the Landlord's Economic Development Department ("ED Department") where the funds will be reallocated to other tenants or applicants in accordance with the Policy and at the ED Department's sole discretion. Tenant or its

authorized representative shall have the right to inspect the books of Landlord, for the purpose of verifying the information contained in the reconciliation report.

Section 5.03 Unpaid Rent, Fees and Charges

Any installment of rent, any fees, or other charges or monies accruing under any provisions of this Lease that are not received by the 105th day after payment is due, shall bear interest at the rate of 12% per annum. Notwithstanding the foregoing, no late charge shall be imposed on amounts not timely paid by Tenant due to the City of El Paso's failure to properly fund an eligible grant payment within the timeframe contemplated by that certain Chapter 380 Economic Development Program Agreement (the "Incentive Agreement") provided that Tenant is not in default of the Incentive Agreement beyond all applicable notice and cure periods.

Section 5.04 Time of Payment

All rental due hereunder shall be paid in four (4) equal quarterly installments. Each installment will be payable at the beginning of the quarter and will be delinquent if not paid within 105 days of the invoice from Landlord (the "Delinquency Date"). Notwithstanding the foregoing, amounts not timely paid by Tenant due to the City of El Paso's failure to fund a grant payment during the pendency of any grant submittal cure period and/or processing period permitted by Section 4(e) of that certain Chapter 380 Economic Development Program Agreement (the "Incentive Agreement") shall not be considered delinquent.

Section 5.05 Place of Payment

All payments provided herein shall be paid to Landlord at the following address:

Accounting Division
El Paso International Airport
P.O. Box 971278
El Paso, Texas 79997-1278.

ARTICLE VI **DAMAGE OR DESTRUCTION OF PREMISES**

Section 6.01 Damage or Destruction

If the Premises or any portions thereof, or structures of which such space may be a part, be damaged by fire or other casualty not caused by Tenant, Director shall notify Tenant within sixty (60) days whether the space shall be repaired. If the space is to be repaired, it shall be repaired with due diligence by Landlord, and the rental allocable to the Premises rendered untenable shall be abated for the period from the occurrence of the damage to the completion of the repairs, provided that Landlord will exert its best effort to provide Tenant with temporary substitute space, if available, at such rent as deemed necessary and reasonable by City, until such time as the repairs are completed.

If Director shall fail to notify Tenant of its decision to repair any untenable Premises within sixty (60) days after the destruction, Landlord will be deemed to have elected to terminate this

Agreement as to the space damaged and destroyed, and the Agreement shall automatically terminate as to such space as of the date of the damage or destruction.

Section 6.02 Damage Caused by Tenant

Notwithstanding the provisions of this Article 6, in the event that due to the negligence or willful act or omission of Tenant, its employees, its agents, or licensees, Premises shall be damaged or destroyed by fire, other casualty or otherwise, there shall be no abatement of rent during the repair or replacement of said Premises. To the extent that the costs of repair or replacement shall exceed the amount of any insurance proceeds payable to Landlord by reason of such damage or destruction, Tenant shall pay the amount of such additional costs to Landlord.

ARTICLE VII **INSURANCE AND INDEMNIFICATION**

Section 7.01 Commercial General Liability Insurance

Tenant shall obtain and maintain for the term of this Lease, at its own cost and expense, Commercial General Liability Insurance, including contractual liability, in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit for bodily injury, property damage and personal liability policy shall be “per occurrence” and not “claims made and include a waiver of subrogation.”

Landlord shall be named as an Additional Insured on all insurance policies, either in the policy itself and reflected on the certificate of insurance and through an endorsement attached to the policy. Tenant’s insurance shall be primary with Landlord’s policy being secondary and noncontributory.

All policies shall provide either in the policy itself and reflected on the certificate of insurance or through an endorsement attached to the policy, that the insurance cannot be canceled or the amount of coverage changed without thirty (30) calendar days prior written notice to the Landlord or ten (10) calendar days prior written notice for non-payment of insurance policy premiums.

Section 7.02 Commercial Renter’s Insurance

Tenant will maintain, throughout the term of the Lease Commercial Renter’s Insurance.

Section 7.03 Environmental Insurance

The Tenant represents and warrants that no potentially Hazardous Materials will be stored in the Premises without Landlord’s prior written consent. Landlord hereby consents to Tenants use and storage of the Hazardous Materials listed on the attached Schedule 1 (“Approved Hazardous Materials”). The Tenant will notify landlord of any changes in operations or storage of Hazardous Materials on the leased Premises. Landlord may require tenant to obtain environmental insurance at any time following 30-day written notification, if the landlord determines in its sole discretion that the tenant’s activities pose an environmental risk to the premises and other tenants; provided however, environmental insurance shall not be required for the use and storage of the Approved Hazardous Materials. Landlord may request tenant to stop any activities that may pose an

environmental risk following a 30-day notice; notwithstanding the foregoing, Landlord acknowledges and agrees that Tenant's use of Approved Hazardous Materials in compliance with Environmental Law shall not be deemed to pose an environmental risk. Failure by tenant to abide by such notice from the landlord constitutes a material breach of this lease.

Section 7.04 Workers' Compensation Insurance

If required by law, tenant shall provide proof of Worker's compensation insurance not less than minimum statutory requirement by the state in which the Premises is located and in amounts as may be required by applicable statute.

Section 7.05 Indemnification

WITHOUT LIMITING THE GENERALITY OF ANY OTHER INDEMNITY CONTAINED IN THIS AGREEMENT, TENANT AGREES TO INDEMNIFY AND HOLD LANDLORD AND ITS OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, COSTS, LIABILITIES AND EXPENSES, INCLUDING INVESTIGATION EXPENSES AND REASONABLE ATTORNEY'S FEES FOR THE DEFENSE OF SUCH CLAIMS AND DEMANDS, ARISING OUT OF OR ATTRIBUTED DIRECTLY OR INDIRECTLY TO THE OPERATION, CONDUCT OR MANAGEMENT OF TENANT'S ACTIVITIES ON THE PREMISES, OR ON THE COMMON AREAS AND EXTERIOR AREAS OF THE BUILDING AND THE AIRPORT TO WHICH TENANT HAS NON-EXCLUSIVE ACCESS (COLLECTIVELY, THE "COMMON AREAS"), ITS USE OF THE PREMISES AND THE COMMON AREAS, OR FROM ANY BREACH ON THE PART OF TENANT OF ANY TERMS OF THIS AGREEMENT, OR FROM ANY ACT OR NEGLIGENCE OF TENANT, ITS AGENTS, CONTRACTORS, EMPLOYEES, CONCESSIONAIRES, OR LICENSEES IN OR ABOUT THE PREMISES AND THE COMMON AREAS INCLUDING CLAIMS AND DAMAGES ARISING IN WHOLE, OR IN PART, FROM THE NEGLIGENCE OF LANDLORD. IN CASE OF ANY ACTION OR PROCEEDING BROUGHT AGAINST LANDLORD BY REASON OF ANY SUCH CLAIM, TENANT, UPON RECEIPT OF WRITTEN NOTICE FROM LANDLORD, AGREES TO DEFEND THE ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO LANDLORD. THE OBLIGATIONS OF TENANT UNDER THIS SECTION SHALL SURVIVE THE EXPIRATION OR SOONER TERMINATION OF THE LEASE.

Section 7.06 Additional Expenses

The Tenant acknowledges that the expenses under this Section are not included as expenses covered by the Expense Amount and that the Tenant is responsible for these expenses under this Section in addition to the Rental Amount and Expense Amount.

Section 7.07 Release and Waiver of Subrogation. Notwithstanding anything to the contrary herein, the parties hereto release each other and their respective agents, employees, successors, assignees and subtenants from all liability for damage to any of its property that is caused by or results from a risk which is actually insured against, which is required to be insured against under this Lease, or which would normally be covered by all risk property insurance, without regard to the negligence of the entity so released.

ARTICLE VIII **CONDEMNATION**

Section 8.01 Definition

The following definitions apply in construing the provisions of this Agreement relating to the taking of or damage to all or any part of the Premises, or improvements thereon, or any interest in them by eminent domain or condemnation:

- A. “Taking” means the taking or damaging, including severance damage by eminent domain or by condemnation for any public or quasi-public use under any statute. The transfer of title may be either a transfer resulting from the recording of a final order in condemnation or a voluntary transfer or conveyance to the condemning agency or entity under threat of condemnation and avoidance proceedings are pending.
- B. “Total taking” means the taking of the fee title to all of the Premises and improvements thereon.
- C. “Substantial taking” means the taking of so much of the Premises or improvements or both that one or more of the following conditions results:
 - 1. The remaining portion of the Premises and improvements thereon after such taking would not be economically and feasibly useable by Tenant;
 - 2. The conduct of Tenant's business on the Premises would be substantially prevented or impaired; or
 - 3. The portion of the Premises not so taken cannot be so repaired or reconstructed, taking into consideration the amount of the award available for repair or reconstruction, as to constitute a complete rentable structure capable of producing a proportionately fair and reasonable net annual income after payment of all operation expenses including the rent and after performance of all covenants and conditions required of Tenant under this Agreement.
- D. “Partial taking” means the taking of a fee title that is not either a total or substantial taking.
- E. “Improvements” includes, but is not limited to, all buildings, structures, fixtures, fences, utility installations, parking facilities and landscaping on the Premises.
- F. “Notice of intended taking” means any notice or notification on which a reasonably prudent person would rely and which such person would interpret as expressing an existing intention of taking as distinguished from a mere preliminary inquiry or proposal. It includes, but is not limited to, the service of a condemnation summons and complaint on a party to this Agreement. The notice is considered to have been received when a party to this Agreement receives from the condemning agency or

entity a notice of intent to take in writing containing a description or map reasonably defining the extent of the taking.

- G. "Award" means compensation paid for the taking, whether pursuant to judgment, or by agreement, or otherwise.
- H. "Date of taking" means the date that Tenant is required to vacate the Premises pursuant to a final order of condemnation or agreement between the parties hereto.

Section 8.02 Notice of Condemnation

The party receiving any notice of the kind specified below shall promptly give the other party notice of the receipt, contents and date of the notice received:

- A. Notice of intended taking;
- B. Service of any legal process relating to condemnation of the Premises or improvements; or
- C. Notice in connection with any proceedings or negotiations with respect to such a condemnation.

Section 8.03 Rights of Parties during Condemnation Proceeding

Landlord and Tenant shall each have the right to represent its respective interest in each proceeding or negotiation with respect to a taking or intended taking and to make full proof of its claims. No agreement, settlement, sale or transfer to or with the condemning authorities shall be made without the consent of all parties. Each party agrees to execute and deliver to any other party hereto any instrument that may be required to facilitate the provisions of this Agreement relating to the condemnation.

Section 8.04 Taking of Leasehold

Upon a total taking, Tenant's obligation to pay rent and other charges hereunder together with Tenant's interest in the leasehold shall terminate on the Date of Taking. Upon a substantial taking, Tenant may, by notice to Landlord within ninety (90) days after Tenant receives notice of the intended taking, elect to treat the taking as a total taking. If Tenant does not so notify Landlord, the taking shall be deemed a partial taking. Upon a partial taking, this Agreement shall remain in full force and effect covering the balance of the Premises not so taken, except that the rent payable hereunder shall be reduced in the same ratio as the percentage of the area of the Premises taken bears to the total area of the Premises.

Section 8.05 Total Taking

All of Tenant's obligations under the Agreement shall terminate as of the Date of Taking. Upon a total taking, all sums awarded for any Tenant-owned improvements and the leasehold estate shall be disbursed to Tenant. All sums awarded for the Premises, as unencumbered by the Tenant-owned improvements, but subject to the Agreement, shall be disbursed to Landlord.

Section 8.06 Partial Taking

Upon a partial taking, all awards shall be disbursed as follows:
To the cost of restoring the improvements on the Premises; and

- A. The balance, if any, to Landlord and Tenant as follows: Tenant shall receive all sums awarded for Tenant-owned improvements and the Leasehold estate. Landlord shall receive all sums awarded for the Premises as unencumbered by the improvements but subject to the Agreement.

Section 8.07 Obligations of Tenant under Partial Taking

Promptly after any such partial taking, Tenant, at its expense and in accordance with any awards disbursed in accordance with Section 8.06, shall repair, alter, modify or reconstruct the improvements on the Premises so as to make them reasonably suitable for Tenant's continued occupancy for the uses and purposes for which the Premises are leased. Notwithstanding the foregoing to the contrary, should there be a partial taking in the last year of the initial term or any renewal term, Tenant shall be relieved of the responsibility to so repair or reconstruct the improvements on Premises as aforesaid by notifying Landlord of its intention to that effect.

Section 8.08 Taking of Temporary Use of Premises and Improvements

Upon any taking of the temporary use of all or any part or parts of the Premises or improvements, or both, for a period of any estate less than a fee ending on or before the expiration date of the term, neither the term nor the rent shall be reduced or affected in any way and Tenant shall be entitled to any award for the use or estate taken. If a result of the taking is to necessitate expenditures for changes, repairs, alterations, modifications or reconstruction of the improvements to make them reasonably suitable for Tenant's continued occupancy for the uses and purposes for which the Premises are leased, after the termination of such taking, Tenant shall receive, hold and disburse the award in trust for such work. At the completion of the work and the discharge of the Premises and improvements from all liens or claims arising therefrom, Tenant shall be entitled to any surplus and shall be liable for any deficiency.

If any such taking is for a period extending beyond the expiration date of the term, the taking shall be treated under the foregoing provisions for total, substantial and partial takings.

ARTICLE IX **ENCUMBRANCES**

Intentionally Deleted.

ARTICLE X **EXPIRATION, CANCELLATION, ASSIGNMENT AND TRANSFER**

Section 10.01 Expiration

This Agreement shall expire at the end of the term or any extension thereof.

Section 10.02 Cancellation

HQ 24-2771 | Tran #613391 | Aviation
Ferveret- Innovation Factory- Lease
IRT

Subject to the provisions of Article IX above, this Agreement shall be subject to cancellation by Landlord in the event Tenant shall:

Be in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period of ten (10) days after Landlord has notified Tenant in writing that payment was not received after the Delinquency Date.

- A. File in any court a petition in bankruptcy or insolvency or for the appointment of a receiver or trustee of all or a portion of Tenant's property;
- B. Make any general assignment for the benefit of creditors;
- C. Abandon the Premises while rent is in arrears;
- D. Default in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by Tenant, and such default continues for a period of thirty (30) days after receipt of written notice from Landlord to cure such default, unless during such thirty-day period, Tenant shall commence and thereafter diligently perform such action as may be reasonably necessary to cure such default;
- E. Be adjudged bankrupt in involuntary bankruptcy proceedings;
- F. Be made a party to any receivership proceeding in which a receiver is appointed for the property or affairs of Tenant where such receivership is not vacated within sixty (60) days after the appointment of such receiver;
- I. Fails to use the Premises as described in Section 3.06 of this Agreement and such default continues for a period of thirty (30) days after receipt of written notice from Landlord to cure such default, unless during such thirty-day period.

In any of the aforesaid events, Landlord may, in accordance with all laws, take immediate possession of the Premises including any and all improvements thereon and remove Tenant's effects, forcibly if necessary, without being deemed guilty of trespassing; provided, however, that Landlord shall store Tenant's Property in accordance with applicable law.

Failure of Landlord to declare this Agreement canceled upon the default of Tenant for any of the reasons set out shall not operate to bar or destroy the right of Landlord to cancel this Agreement by reason of any subsequent violation of the terms of this Agreement.

No receipt or acceptance of money by Landlord from Tenant after the expiration or cancellation of this Agreement or after the service of any notice, after the commencement of any suit, or after final judgment for possession of the Premises, shall reinstate, continue, or extend the term of this Agreement, or affect any such notice, demand or suit or imply consent for any action for which Landlord's consent is required or operate as a waiver of any right of the Landlord to retake and resume possession of the Premises.

Landlord waives any right of distraint, distress for rent or Landlord's lien that may arise at law.

Section 10.03 Repossessing and Reletting

In the event of default by Tenant hereunder which shall remain uncured after the required notices have been given pursuant to this Agreement, and for such time as provided herein, Landlord may at once thereafter, or at any time subsequent during the existence of such breach or default:

- A. Enter into and upon the Premises or any part thereof and repossess the same, expelling therefrom Tenant and all personal property of Tenant (which property may be removed and stored at the cost of and for the account of Tenant), using such force as may be necessary; and
- B. Either cancel this Agreement by notice or without canceling this Agreement, relet the Premises or any part thereof upon such terms and conditions as shall appear advisable to Landlord. If Landlord shall proceed to relet the Premises and the amounts received from reletting the Premises during any month or part thereof be less than the rent due and owing from Tenant during such month or part thereof under the terms of this Agreement, Tenant shall pay such deficiency to Landlord immediately upon calculation thereof, providing Landlord has exercised good faith in the terms and conditions of reletting. Payment of any such deficiencies shall be made monthly within thirty (30) days after receipt of notice of deficiency.

Section 10.04 Assignment and Transfer

Tenant is not permitted to assign this Agreement without first obtaining Landlord's written consent; said consent shall not be unreasonably withheld, conditioned or delayed. The foregoing notwithstanding, any person or entity to which this Agreement is assigned to, pursuant to the Bankruptcy Code, 11 U.S.C. 101 et seq., shall be deemed without further act or deed to have assumed all the obligations arising under this Agreement on or after the date of such assignment. Any such assignee shall, upon demand, execute and deliver to Landlord an instrument confirming such assumption. Notwithstanding anything contained herein to the contrary, Tenant may, without Landlord's prior written consent and without constituting an assignment or sublease hereunder, sublet the Premises or assign this Agreement to (a) an entity controlling, controlled by or under common control with Tenant, (b) an entity related to Tenant by merger, consolidation or reorganization, or (c) a purchaser of a substantial portion of Tenant's assets. A transfer or change of ownership of Tenant's capital stock or equity interests shall not be deemed an assignment, subletting or any other transfer of this Agreement or the Premises.

Section 10.05 Subleasing

Tenant shall not sublease all or any part of the Premises.

Section 10.06 Cancellation at Landlord's discretion

The Landlord may cancel this Lease following a 30 calendar day written notice, if the Landlord determines, in its sole discretion, that this lease must be canceled for any of the following reasons: (1) to allow the Landlord to comply with any Federal Aviation Administration or other federal or state agency requirements, (2) the Landlord requires the Premises for aeronautical purposes, (3) the Landlord requires the Premises for any other municipal or airport purposes in the reasonable

discretion of the Landlord, or (4) termination of the Policy and the incentive program established under the Policy.

10.07 Cancellation for failure to comply with requirements

If the tenant fails to comply with the requirements of the policy, this lease agreement, or the grant agreement following notice and a 30-calendar day opportunity to cure, then the City may cancel any or all agreements with the tenant, at the landlord's sole discretion, and the tenant will be responsible for repaying any funds granted under the grant agreement and responsible for any amounts under the lease agreement.

10.08 Cancellation by Tenant

Tenant may cancel the lease agreement and grant agreement upon 90 calendar day written notice if the tenant is unable to continue its business operations in accordance with the application approved for grant funds. The notice provided by the tenant must explain the reasons the tenant is unable to continue to operate its business as provided in the application approved for the grant funds. Upon receipt of notification the City may immediately reallocate any funds approved for the tenant.

10.09 Liquidated damages in event of cancellation

In the event that either party cancels the lease agreement, the pre-paid Rent and Expenses shall be used as liquidated damages by landlord.

ARTICLE XI **GENERAL PROVISIONS**

Section 11.01 Right of Flight

Landlord reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the Premises, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for the use of said airspace for landing on, taking off from or operation on the Airport.

Landlord reserves to itself, its successors and assigns, for the use and benefit of the public, a continuing right and easement over the Premises to take any action it deems necessary to prevent the construction, erection, alteration or growth of any structure, tree or other object in the vicinity of the runways at El Paso International Airport which would constitute an obstruction to air navigation according to the criteria or standards prescribed in Subpart C of Part 77 of the Federal Aviation Regulations.

Landlord reserves for itself, its successors and assigns the right to prevent any use of the Premises which would interfere with aircraft landing on or taking off from the Airport and the right to prevent any other use of the Premises which would constitute an airport hazard.

Section 11.02 Time Is of the Essence

Time is and shall be deemed of the essence in respect to the performance of each provision of this Agreement.

Section 11.03 Notices

All notices provided to be given under this Agreement shall be given by certified or registered mail, return receipt requested, postage fully prepaid, addressed to the proper party at the following addresses:

LANDLORD: Director of Aviation
El Paso International Airport
6701 Convair Road
El Paso, Texas 79925-1099

TENANT: Ferveret Inc.
Attn: Reza Azizian
Address: 501 George Perry Suite F Office #110
El Paso, Texas 79925

With copy to: The City of El Paso
Attn: Economic and International Development Department
P.O. Box 1890
El Paso, Texas 79950-1890

Any notice so given shall be deemed properly delivered, given, served, or received on the date shown for delivery or rejection on the return receipt. Any party may change the address to which notices shall thereafter be given upon five (5) days prior written notice to all other parties in the manner set forth in this Section.

Section 11.04 Attorney's Fees

If either party brings any action or proceedings to enforce, protect or establish any right or remedy under the terms and conditions of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees, as determined by a court of competent jurisdiction, in addition to any other relief awarded.

Section 11.05 Agreement Made in Texas

The laws of the State of Texas shall govern the validity, interpretation, performance and enforcement of this Agreement. Venue shall be in the courts in El Paso County, Texas.

Section 11.06 General Civil Rights Provision

Lessee agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. If the Lessee transfers its obligation to another, the transferee is obligated in the same manner as the transferor.

This provision obligates the Lessee for the period during which the property is owned, used or possessed by the Lessee and the airport remains obligated to the Federal Aviation Administration. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

Section 11.07 Compliance with FAA Requirements and Nondiscrimination Requirements

Lessee shall comply with and shall cause its assignees, successors in interest, and any contractor, subcontractor, lower-tier subcontractor, or service provider of Lessee to comply with, to the extent required by applicable law, all provisions of **Exhibit “D”, Federal Aviation Administration Required Provisions**, as amended or interpreted by the FAA from time to time, which are incorporated as if fully set forth herein.

Section 11.08 Affirmative Action

Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, and any amendments thereto, and any other federal statutes or regulations applicable to the receipt of federal assistance from the Department of Transportation by local governments for Airport use, or otherwise applicable to persons leasing premises from the City of El Paso, to insure that no person shall, on the grounds of race, color, sex, age, disability or national origin be excluded from participating in or receiving the services or benefits of any program of activity covered by this Subpart. Lessee assures that it will require that its covered sub-organizations (sublessees) provide assurances to Lessor, as set forth herein, that they similarly will undertake affirmative action programs, and that they will require assurance from their sub-organizations (sublessees) to the same effect.

Section 11.09 FAA Order 1400.11

Pursuant to Federal Aviation Administration Order 1400.11, effective August 27, 2013, and because the described premises are located at the El Paso International Airport which is subject to regulation by, among others, the U.S. Federal Aviation Administration, the parties specifically agree to the following:

1. A. Lessee for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the property described in this Lease for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, Tenant will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations set out in Federal Aviation Administration Order 1400.11, Appendix 4, as same may be amended from time to time (the “Acts and Regulations”) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to the Lease, in the event of breach of any of the above nondiscrimination covenants, Lessor will have the right to terminate the Lease and to enter or re-enter and repossess said

Premises and the facilities thereon, and hold the same as if said easement had never been made or issued. [FAA Order 1400.11, Appendix C].

2. A. The Lessee for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the Tenant will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations.

B. With respect to the Lease, in the event of breach of any of the above nondiscrimination covenants, Lessor will have the right to terminate the Lease and to enter or re-enter and repossess said Premises and the facilities thereon, and hold the same as if said easement had never been made or issued. [FAA Order 1400.11, Appendix D]

3. A. During the term of this Lease, Lessee for itself, its successors in interest, and assigns, as a part of the consideration hereof, agrees to comply with the following non-discrimination statutes and authorities.

B. In the event of breach of any of the covenants in this section 3, Lessor shall have the rights and remedies set forth in sections 1 and 2 above, in addition to all other rights and remedies available to it under applicable law. [FAA Order 1400.11, Appendix E]

Section 11.10 Cumulative Rights and Remedies

All rights and remedies of Landlord here enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law. Likewise, the exercise by Landlord of any remedy provided for herein or allowed by law shall not be to the exclusion of any other remedy.

Section 11.11 Interpretation

Words of gender used in this Agreement shall be held and construed to include any other gender, and words in the singular shall be held to include the plural and vice versa unless the context otherwise requires.

Section 11.12 Agreement Made in Writing

This Agreement contains all of the agreements and conditions made between the parties hereto and may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their respective successors in interest.

Section 11.13 Paragraph Headings

The Table of Contents of this Agreement and the captions of the various articles and sections of this Agreement are for convenience and ease of reference only, and do not define, limit, augment or describe the scope, context or intent of this Agreement or any part or parts of this Agreement.

Section 11.14 Severability

If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement will not be affected, and in lieu of each provision which is found to be illegal, invalid, or unenforceable, there will be added as part of this Agreement a provision as similar to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

Section 11.15 Successors and Assigns

All of the terms, provisions, covenants and conditions of this Agreement shall inure to the benefit of and be binding upon Landlord and Tenant and their successors, assigns, legal representatives, heirs, executors and administrators.

Section 11.16 Taxes and Other Charges

Tenant shall pay any and all taxes and governmental charges of any kind whatsoever that may be lawfully assessed against Tenant or Landlord, with respect to the Premises, any improvements, equipment, personal property or inventory thereon or Tenant's use and/or occupancy of the Premises, during the term of this Agreement including any extensions or option periods granted thereto. Tenant in good faith may contest any tax or governmental charge; provided that Tenant may not permit such tax or governmental charge to remain unpaid during the period of such contest and any appeal therefrom. The Tenant acknowledges that taxes under this Section are not included as expenses covered by the Expense Amount and that the Tenant is responsible for these expenses under this Section in addition to the Rental Amount and Expense Amount. The Tenant will provide the Landlord written proof of payment of all taxes owed no later than March 30 of each calendar year. In the event that the Central Appraisal District issues a single property/improvement tax bill for the Innovation Factory, the Landlord will prorate such taxes and send an invoice to the Tenant for the Tenant's share of the taxes. The Tenant will pay the Landlord the amount in the invoice within 30 calendar days of receipt of the invoice. The tenant remains responsible for any other taxes on equipment, personal property and/or inventory and will provide proof of payment to the Landlord as provided in this Section. Notwithstanding anything contained herein to the contrary, "Taxes" shall not include and Tenant shall not be required to pay any portion of any tax or assessment expense or any increase therein (a) levied on Landlord's rental income, unless such tax or assessment is imposed in lieu of real property taxes; (b) in excess of the amount which would be payable if such tax or assessment expense were paid in installments over the longest permitted term; (c) imposed on land and improvements other than the Project; (d) attributable to Landlord's net income, inheritance, gift, transfer, estate or state taxes.

Section 11.17 Waiver of Warranty of Suitability

LANDLORD DISCLAIMS ANY WARRANTY OF SUITABILITY THAT MAY ARISE BY OPERATION OF LAW. EXCEPT AS OTHERWISE PROVIDED IN THIS LEASE, TENANT LEASES THE PREMISES AS-IS AND LANDLORD DOES NOT WARRANT THAT THERE ARE NO LATENT DEFECTS THAT ARE VITAL TO TENANT'S USE OF THE PREMISES FOR THEIR INTENDED COMMERCIAL PURPOSE.

Section 11.18 Waiver of Reliance and Assumption of Risk

TENANT AGREES THAT IT HAS NOT RELIED UPON ANY STATEMENTS MADE BY LANDLORD WHETHER ORAL AND/OR WRITTEN, EXPRESS OR IMPLICIT, NOR ANY OTHER REPRESENTATIONS OF LANDLORD, ITS EMPLOYEES, AGENTS, REPRESENTATIVE, AND CONTRACTORS SIGNING THIS AGREEMENT EXCEPT AS OTHERWISE EXPRESSLY SET FORTH HEREIN. TENANT HAS RELIED SOLELY ON ITS OWN INDEPENDENT INVESTIGATIONS AND ANALYSIS AND ON THE OPINIONS OF ITS ATTORNEYS, AGENTS, AND CONTRACTORS IN ENTERING INTO THE LEASE. TENANT HEREBY WAIVES ANY AND ALL RIGHT, WHICH TENANT MAY HAVE TO CLAIM ANY NATURE OF A LIEN OR TO WITHHOLD, ABATE, DEDUCT FROM OR OFFSET AGAINST RENT UNDER THE TEXAS PROPERTY CODE. LANDLORD HEREBY ACKNOWLEDGES THAT WITHOUT SUCH WAIVER, LANDLORD WOULD NOT ENTER INTO THIS LEASE.

Section 11.19 Survival of Certain Provisions

All Provisions of this Agreement which expressly or impliedly contemplate or require performance after the expiration or termination of this Agreement hereunder shall survive such expiration or termination of this Agreement, including without limitation, Section 3.05.

Section 11.20 Authorization to Enter Agreement

If Tenant signs this Agreement as a corporation, Tenant warrants to Landlord that Tenant is a duly authorized and existing corporation, that Tenant is qualified to do business in the State of Texas, that Tenant has full right and authority to enter into this Agreement, and that each and every person signing on behalf of Tenant is authorized to do so. Upon Landlord's request, Tenant will provide evidence satisfactory to Landlord confirming these representations.

Section 11.21 Complete Agreement

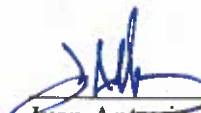
This agreement, together with the attachment(s) attached hereto, constitutes the entire agreement among the parties relating to the terms and conditions of the agreement. The parties expressly acknowledge and warrant that there exists no other written or oral understanding, agreements or assurances with respect to such matters except as are set forth herein. Unless expressly stated, this agreement confers no rights on any person or business entity that is not a party hereto. This agreement shall not be construed against or unfavorably to any part because of such party's involvement in the preparation or drafting of this agreement.

(Signatures on the following page)

LANDLORD'S SIGNATURE AND ACKNOWLEDGMENT

IN WITNESS WHEREOF, the parties have hereunto set their hands as of this 11th day of August, 2025.


LANDLORD: CITY OF EL PASO:


 Juan Antonio Nevarez, CM, ACE, IACE
 Director of Aviation

APPROVED AS TO FORM:


 Ignacio Troncoso
 Assistant City Attorney

APPROVED AS TO CONTENT:


 Omar De La Rosa
 Interim Chief Strategy and Business Officer

ACKNOWLEDGMENT

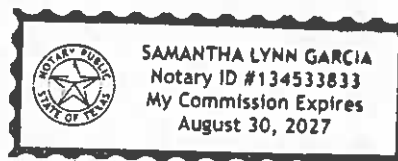
THE STATE OF TEXAS)
)
 COUNTY OF EL PASO)

This instrument was acknowledged before me on this 11th day of August, 2025 by Juan Antonio Nevarez as Director of Aviation for the City of El Paso, Texas (Landlord).


 Notary Public, State of Texas

My Commission Expires:

August 30, 2027



(Signatures continue on the following page)

TENANT'S SIGNATURE AND ACKNOWLEDGMENT

TENANT:

**FERVERET INC.,
a Delaware Corporation**

Reza Azizian
Name:

CEO
Title:

ACKNOWLEDGMENT

THE STATE OF California
COUNTY OF Santa Clara

This instrument was acknowledged before me on this 18th day of August, 2025 by
_____, as _____ of (Tenant).

Notary Public, State of _____

My Commission Expires:

See Attached CA Certificate

Acknowledgement
Jurat

AP

Notary Public

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

Santa Clara

On

18th August, 2021

before me,

Ankita Intwala, Notary Public

Here Insert Name and Title of the Officer

personally appeared

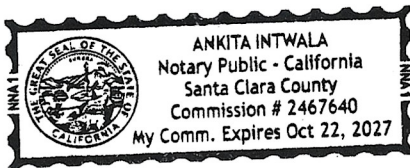
Reza Azizian

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature

Ankita Intwala

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document:

Lease Agreement

Document Date:

08.18.2025

Number of Pages:

38

Signer(s) Other Than Named Above:

Yes.

Capacity(ies) Claimed by Signer(s)

Signer's Name:

Reza Azizian

Signer's Name:

☒ Corporate Officer – Title(s):

CEO & Co-Founder

☐ Corporate Officer – Title(s):

☐ Partner – ☐ Limited ☐ General

☐ Partner – ☐ Limited ☐ General

☐ Individual

☐ Attorney in Fact

☐ Individual

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Trustee

☐ Guardian or Conservator

☐ Other:

☐ Other:

Signer is Representing:

Signer is Representing:

EXHIBIT “A”
Leased Premises

Exhibit "A" Leased Premises



EXHIBIT “B”
Tenant Improvements

Exhibit "B"

Estimate Tenant Improvements cost under Tenant Responsibility		Line item cost
Alvidrez Architecture: Architectural drawings		\$ 36,370.00
Noble Construction: 1. Construct the tenant improvements as per the drawings from Alvidrez Architecture, Inc. El Paso International Airport Ferveret date stamped 02.22.2024. 2. Full time project superintendent 3. Plumbing 4. HVAC 5. Electrical 6. Chain link fence modifications 7. Install high-capacity pallet racks 8. Electrical installation of water chillers 9. Includes \$75,000 contingency for 3 hydronic chillers, and high rack shelving. Unused contingency amounts will be 100% refunded to the Owner.		\$ 267,383.40
Unused Contingency (Credit)		\$ (21,909.14)
CO#12 ASI 01- Revised Electrical drawings dated 05.21.2024		\$ 4,716.39
CO#12 Fume Extractor Arm		\$ 3,775.58
CO#12 Canopy		\$ 15,049.16
CO#4 Internet fiber		\$ 9,172.61
CO#15 - 1200 AMP Panel (includes credit for 600 AMP panel quoted on 03.21.2024)		\$ 139,196.00
CO#12 Temporary SO Cord - temporary measure to test equipment		\$ 385.19
Totals		\$ 454,139.19

26 February 2024

Victoria Ruiz, EIT, ACE, CNU-A
Project Manager
Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, Texas 79925

Reference: EPIA Cargo 4 **FERVERET Tenant Improvement**

Dear Ms. Ruiz,

We appreciate your consideration of our Studio to provide Architectural + Engineering services for the above referenced Project. The following is a brief description of design and construction document services. These various phases are typical for the architectural/engineering industry and correlate with the phases of design and construction. Services will include Architectural, Mechanical, Electrical + Plumbing services.

SCOPE OF WORK:

The Project will consist of the design and preparation of construction documents for the Interior Improvements to Cargo 4 for FERVERET. Tenant improvements will accommodate Tenant equipment, new power, modified compressed air and airside chillers.

Services to be performed:

1. FIELD VERIFICATION:

- 1.1 Field verification will be performed to analyze the existing space + infrastructure to support the interior improvements.

2. DESIGN:

- 2.1 The Architect will review the requirements of the project as described by the Owner and will review the understanding of such requirements with the Owner.
- 2.2 Based on the mutually agreed upon requirements, the Architect will prepare, for approval by the Owner, Design Documents consisting of drawings illustrating the scale and relationship of project components.
- 2.3 Based on the approved Design Documents and any adjustments authorized by the Owner in the program, schedule or construction budget, the Architect shall prepare, for approval by the Owner, Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural and electrical systems, materials and such other elements as may be appropriate.

3. CONTRACT DOCUMENTS:

- 3.1 Based on the approved Design Documents and final comments the Architect will finalize Contract Documents for the Bid | Negotiation Phase.

4. BIDDING | CONSTRUCTION

- 4.1 The Architect, following the Owner's approval of the Contract Documents, will assist the Owner in obtaining bids and assist in cost evaluation as required.
- 4.2 Contract Administration will include observation of construction, checking of project shop drawings and reviewing of Contractors application for payment.

COMPENSATION:

Compensation for services will be provided as a **FIXED FEE of THIRTY-SIX THOUSAND THREE HUNDRED SEVENTY (\$36,370.00) DOLLARS.** The proposed fee is inclusive of engineering consultants. Services are proposed to be invoiced monthly per phase of completion.

SERVICES: \$ 35,010.00

Field verification	10%
Design	40%
Contract Documents	40%
Bidding Construction	10%

REIMBURSABLES:

1. Printing	\$ 120.00	
2. TAS	\$ 1,200.00	
3. Gas	\$ 40.00	
SUBTOTAL		\$ 1,360.00
TOTAL		\$ 36,370.00

Barring unforeseen circumstances, we will complete the services to be performed as expeditiously as possible upon authorization to proceed.

Owner provided services as required:

1. Asbestos Survey required for permitting.

The following services are not part of the basic services to be provided:

1. Providing planning surveys, site excavations, environmental studies, special surveys, etc.
2. Providing coordination of Work performed by separate contractors or by the Owner's own forces.

We appreciate the opportunity to provide you with our proposal for services as outlined above. Please contact this office if you should have any questions regarding services to be performed. We look forward to continuing our working relationship with the El Paso International Airport!

Respectfully,

ALVIDREZ ARCHITECTURE INC.



David A. Alvidrez AIA, RID, CNUA
E://24.15.00/doc/design/proposal

Noble General Contractors

March 21, 2024

Victoria Ruiz, EIT, ACE, CNU-A
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI

Ms. Ruiz,

Noble General Contractors is pleased to offer our proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

1. Construct the tenant improvements as per the drawings from Alvidrez Architecture, Inc.
El Paso International Airport Ferveret date stamped 02.22.2024.
2. Full time project superintendent
3. Plumbing
4. HVAC
5. Electrical
6. Chain link fence modifications
7. Install high-capacity pallet racks
8. Electrical installation of water chillers
9. Includes \$75,000 contingency for 3 hydronic chillers, and high rack shelving.
Unused contingency amounts will be 100% refunded to the Owner.

4BT Open JOC Price Totals	\$160,220.25
Coefficient 1.17 (adjusted)	\$26,494.14
Coefficient 1.17 Non Pre-Priced	\$ 743.30
Pass Thru to Owner – Contingency for chillers and shelving	\$75,000.00
Pass Thru to Owner – P&P Bonds	\$ 4,925.71
Total Proposed Price	\$267,383.40

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

May 21, 2024

Victoria Ruiz, EIT, ACE, CNU-A
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
ASI 001

Ms. Ruiz,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. ASI 001 from Alvidrez Architecture, Inc. regarding El Paso International Airport Ferveret date stamped 05.06.2024.
- 1. E2.0 Power Plan; Addition of one (1) 480V-30A, 3PH electrical outlet.
- 2. Revised electrical schedule to accommodate new 480V-30A, 3PH electrical outlet

4BT Open JOC Price Totals	\$4,031.10
Coefficient 1.17 (adjusted)	\$685.29
Total Proposed Price	\$4,716.39

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

August 12, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
Fume Extractor Arm

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. Provide fume extractor arm and arm ducting kit

4BT Open JOC Price Totals	\$3,226.99
Coefficient 1.17 (adjusted)	\$548.59
Total Proposed Price	\$3,775.58

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

September 11, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
ASI #02 Addition of canopy framing plan at E1 Chillers’ location

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. Add canopy framing at outdoor chillers

4BT Open JOC Price Totals	\$12,735.18
Coefficient 1.17 (adjusted)	\$2,164.98
Pass through to Owner – Increase of P&P Bonds	\$149.00
Total Proposed Price	\$15,049.16

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive



Advanced Security Contractors, Inc.

135 Rio West
El Paso, TX 79932

El Paso International Airport

Cargo 4 - Ferveret Fiber Extension - 12 Strand Fiber

Region 19 Contract #24-7488

9/25/2024

REF	QTY	PART NO.	EQUIPMENT DESCRIPTION	COST EA.	TOTAL
1	1	252823-NEW	Chatsworth Products - Wall Mount Cabinet, CUBE-iT+ Wall Mount Cabinet, PlexiGlass Door, 24"Hx24"Wx24"D, 12U Tapped Rail, Black	\$1,069.39	\$1,069.39
2	2	40970-711	Chatsworth Products - Vertical Cabling Section, 11RU	\$93.63	\$187.26
3	1	25190-000	Chatsworth Products - Cable Port Brush Kit	\$59.49	\$59.49
4	1	CONDUIT	Conduit - 3/4" EMT Drop	\$266.00	\$266.00
5	1	LIFT	Scissor Lift - 19ft, 1 Week Rental, Includes Drop Off/Pickup	\$780.00	\$780.00
6	400	TF12-OS2-PLO	TiniFiber - 12 Strand, OS2, Single Mode, Armored, Plenum Rated	\$2.54	\$1,016.00
7	2	FRMP1U-V2	Lynn - 3 Panel Fiber Enclosure, 1RU	\$176.42	\$352.84
8	2	FAS-12SLC	Lynn - Adapter Single Mode, LC Connectors, 12 Pack	\$50.54	\$101.08
9	4	FPP-AD-BLANK	Lynn - LGX Blank Adapter Plate	\$8.65	\$34.60
10	4	539022	AFL - FUSE-LC9SMU-6, LC Singlemode Fuseconnect 900 uM Boot Blue Pack of 6	\$93.17	\$372.68
11	2	LCLCDUPSM-1M	Lynn - Fiber Patch Cord, Single Mode, LC/LC 1 Meter	\$19.95	\$39.90
12	1	MISC	Miscellaneous Fasteners, Connectors, Fittings, Mounting Bases, Etc.	\$428.37	\$428.37
EQUIPMENT TOTAL:					\$4,707.61
ASC INSTALLATION:					\$4,465.00
TOTAL JOB:					\$9,172.61

NOTES:

1. THIS DOCUMENT IS PROPRIETARY AND CANNOT BE DISCLOSED TO A THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF ASC, INC.
2. TAXES NOT INCLUDED ABOVE.
3. PRICING SHALL REMAIN FIRM FOR 30 DAYS FROM ABOVE DATE.
4. EXTENSION OF EXISTING FIBER FROM IDF TO FERVERT SPACE.

Limited Warranty

Parts and labor warranty is provided within this design by ASC, for software, components and materials provided and installed by ASC. Warranty will begin upon either customer acceptance or substantial completion. Warranty term for this project will be 365 days. In situations during the ASC warranty period where ASC provides diagnostic and/or repair services for system hardware provided by others, ASC will invoice the Customer for time and materials at the rates applicable at the time of service. ASC will not warranty product that has been abused, misused, or improperly maintained, repaired, and/or modified during such period, and such defect has not been caused by ordinary wear and tear, and such defect is not a result of voltage surges/brownouts, lightning, water damage/flooding, fire, explosion, earthquakes, tornadoes, acts of aggression/war/god, or similar phenomena.

Noble General Contractors

August 5, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
Add 1200 AMP Service and additional changes to permit drawings.

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

- 1. Add 1200 AMP service as per the approved permit drawings from Alvidrez Architecture, Inc. El Paso International Airport Ferveret date stamped 04.18.2024.

4BT Open JOC Price Totals	\$242,914.53
Coefficient 1.17 (adjusted)	\$41,295.47
Pass Thru to Owner – P&P Bonds	\$5,263.15
Total Proposed Price	\$289,473.15

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

Noble General Contractors

October 03, 2024

Zuhey Monge
Project Manager, Aviation Development
El Paso International Airport
6701 Convair Rd.
El Paso, TX 79925

Re: EPIA Cargo #4 Innovation Factory Sol # 2022-0334 – Suite F Ferveret TI
Temporary SO Cord

Ms. Monge,

Noble General Contractors is pleased to offer our change proposal to perform the scope of work as described in the following inclusions:

INCLUSIONS:

1. Install a temporary SO cord at Ferveret for Generator

4BT Open JOC Price Totals	\$329.22
Coefficient 1.17 (adjusted)	\$55.97
Total Proposed Price	\$385.19

Thank You,

Christy Nevarez

Christy Nevarez
Project Executive

EXHIBIT “C”
Policy

RESOLUTION

WHEREAS, on March 11, 2021, President Joseph R. Biden signed the American Recovery Plan Act of 2021 into law and appropriated \$3 billion to be awarded by the United States Department of Commerce's Economic Development Administration (EDA) to assist communities nationwide in their efforts to build back better by accelerating economic recovery and building local economies that will be resilient to future shocks; and

WHEREAS, through the American Recovery Plan Act, funding became available across six programs, including the Build Back Better Regional Challenge; and

WHEREAS, in October of 2021, City Council supported the City's participation in the West Texas Aerospace Manufacturing Coalition ("Coalition") led by UTEP's Aerospace center and the submission of the Coalition's application to the Build Back Better Regional Challenge Phase 1; and

WHEREAS, in December of 2021, from a pool of 529 applicants, the EDA announced that this coalition was one of sixty coalitions nationwide awarded Phase 1 Funding under the Build Back Better Challenge, and invited the Coalition to apply for Phase 2; and

WHEREAS, the Coalition's application requested \$100 million dollars to fund several projects, among them the construction of an Advanced Manufacturing District; and

WHEREAS, on September 2, 2022, EDA announced that the Coalition's application was selected, however, only \$40 million dollars were approved by the EDA; and

WHEREAS, out of the \$40 million dollar grant, the Coalition allocated \$25 million dollars to the construction of three buildings within the Advanced Manufacturing District; and

WHEREAS, at the end of construction, the three buildings within the Advanced Manufacturing District will be leased to manufacturers in the advanced manufacturing, defense, aerospace, and related industries; and

WHEREAS, related to but separate from the EDA grant, the City of El Paso has completed the construction of the Innovation Factory located 501 George Perry Blvd ("Innovation Factory"); and

WHEREAS, although no EDA funds were used for the construction of the Innovation Factory, the Innovation Factory is a crucial component of the Advanced Manufacturing Campus and was constructed to bolster defense and manufacturing capabilities by attracting and assisting new entrants into those industries in the region while also building the skills of our area's workforce; and

WHEREAS, on August 1, 2022 City Council approved the appropriation of \$3,000,000 of grant funds from the Coronavirus State and Local Fiscal Recovery Funds to assist impacted or disproportionately impacted small businesses in the manufacturing industry sector; and

WHEREAS, such funds will be used to assist tenants leasing space at the Innovation Factory that meet the requirements of the Coronavirus State and Local Fiscal Recovery Fund; and

WHEREAS, the City wishes to set the framework for the leasing, operation, and maintenance of the Advanced Manufacturing Campus and Innovation Factory in accordance to the requirements of the EDA grant and the Coronavirus State and Local Fiscal Recovery Fund.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Director of Aviation is authorized to create and amend policies for the lease of the Innovation Factory and buildings within the Advanced Manufacturing Campus to businesses engaged in the aerospace, defense, advanced manufacturing and related sectors, as determined by the Director of Aviation, in compliance with all applicable grant and FAA requirements.
2. That the Director of Aviation, or designee, is authorized to execute and amend leases of space within the Innovation Factory and buildings constructed within the Advanced Manufacturing Campus provided such leases are approved by the City Attorney's Office as to form.
3. That the Director of Aviation, or designee, is authorized to exercise all rights within the executed agreements including termination of such leases.
4. That the Director of Aviation, or designee, is authorized to execute any MOU or similar agreements with community partners such as UTEP for the provision of services and use of space at the Innovation Factory and other buildings located in the Advanced Manufacturing Campus provided such agreements are approved by the City Attorney's Office as to form.
5. That the Director of Aviation, or designee, is authorized to execute any related documents required to execute the policies and agreements authorized by this resolution.
6. That the Director of Economic Development is authorized to create a policy to use the appropriated Coronavirus State and Local Fiscal Recovery Funds to assist small businesses with the payment of rents and related expenses at the Innovation Factory.
7. That the Director of Economic Development, or designee, is authorized to execute any grant agreements, if necessary, with small businesses to cover rents and related expenses
8. That the Director of Economic Development, or designee, is authorized to exercise all rights within the executed grant agreement including termination of such agreements, if any.
9. That the Director of Economic Development, or designee, is authorized to execute any related documents required to execute the grant policy and administer the grant agreements, if any.
10. The City Manager, or designee, is authorized to perform any budget transfers in accordance to the purposes of this resolution.

(Signatures Begin on Following Page)

APPROVED this 7th day February 2023.

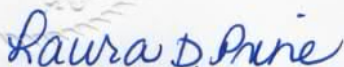
THE CITY OF EL PASO:



Oscar Leeser
Mayor



ATTEST:



Laura D. Prine
City Clerk

APPROVED AS TO CONTENT:



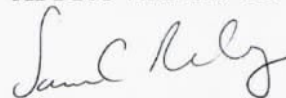
Elizabeth Triggs, Director
Economic & International Development
Department

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, Chief Operations Officer
Aviation Department



EL PASO MAKES: INNOVATION FACTORY

INCENTIVE AND LEASE POLICY

El Paso Makes: Innovation Factory Policy

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El Paso Makes: Innovation Factory Policy

SECTION I. PURPOSE

On August 1, 2022, City Council approved a Resolution for appropriation of \$3,000,000 of the grant funds from the Coronavirus State and Local Fiscal Recovery Funds, to assist impacted or disproportionately impacted small businesses in the manufacturing industry sector in accordance with the requirements stipulated by the American Rescue Plan Act (“ARPA”) and federal guidelines in the Final Rule to cover expenses incurred to respond and recover from the COVID-19 public health crisis. Per the Resolution, such funding may be used to provide loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees and mortgage, rent, utility, and other operating costs; and technical assistance, counseling or other services to support business planning; or other assistance as identified in the Final Rule to support impacted and disproportionately impacted small businesses in the manufacturing industry sector, to include small business startups, microbusinesses, or individuals seeking to start small or microbusinesses.

The El Paso Makes: Innovation Factory Incentive and Lease Policy (“Policy”), contains guidelines on the leasing of space at the El Paso Makes: Innovation Factory (“Innovation Factory”) and the provision of incentives to Small Businesses occupying the Innovation Factory. Small Businesses, as defined by this Policy, are early stage, new or existing manufacturing technology businesses targeting the aerospace, defense, or other advanced manufacturing markets; and would greatly benefit from incubation services. Economic Development Incentives, funded through ARPA, will provide a mechanism to offset costs associated with Small Business’(re)location to the Innovation Factory.

The Innovation Factory is owned by the City of El Paso (“COEP”), managed by the El Paso International Airport (“ELP”), and is located at 501 George Perry Drive, El Paso, Texas 79925. The Innovation Factory was built for the purpose of incubating and accelerating Small Businesses, as defined herein, and connecting them to aerospace and defense markets. Applicants approved under this policy will lease space at the Innovation Factory.

This document is meant to serve as a guide for COEP staff and does not create any obligations on COEP. The COEP may modify this policy as the deemed necessary for the benefit of the COEP, always in accordance with local, state and federal regulations. Notwithstanding anything to the contrary, this document does not confer any rights to any party.

SECTION II. DEFINITIONS

Aerospace Center at The University of Texas at El Paso - The Aerospace Center’s mission is to educate and prepare a diverse, future-ready workforce for high-paying, in-demand careers through project-based learning in applied, cutting-edge research in aerospace, defense, and energy.

Aerospace Markets - Product is integrated into or is an aircraft, rocket, missile, spacecraft, or any product that is meant to operate in the earth’s atmosphere or space beyond. A product is also considered related to aerospace if the item is critical for the operation or maintenance of aircraft, rockets, missiles, spacecraft, satellites, or any other items that are meant to operate in the earth’s atmosphere or space beyond.

Advanced Manufacturing - The use of innovative technologies that enhance business competitiveness by increasing quality, productivity, and efficiency. Advanced manufacturing can include production activities that depend on the information, automation, computation, software, sensing, and networking.

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Applicant – A business that submits a formal application requesting incentives under the City of El Paso’s Innovation Factory Policy. Applicants will be Small Businesses, as defined herein, focusing on product development with the use of advanced manufacturing technologies, focused on maturing advanced manufacturing technologies or focused on deploying advanced manufacturing technologies. Markets for these Small Businesses could include, but is not limited to, aerospace and defense or renewable or alternative energy.

Common Areas – Areas of the building that are available for use by all tenants on a non-exclusive basis.

Cybersecurity - Different types of activities whose goal is to protect digital infrastructure from unauthorized access or harm.

Early Stage – The Small Business’s idea or proposed product is deemed scalable and is gaining more customer traction attracting larger funding.

El Paso Makes: Innovation Factory (“Innovation Factory”) - Owned by the City of El Paso, managed by the El Paso International Airport (ELP), and is located at 501 George Perry Drive, El Paso, Texas 79925, built for the purpose of encouraging aerospace, defense, and advanced manufacturing.

Facility Manager - A professional who oversees the daily operations of the Innovation Factory.

Growth Stage – The company has reached a consistent customer base and is producing income consistently. This stage is often accompanied by an increase in employees to manage the growing workload.

Landlord – The El Paso International Airport.

Lease – A legal, binding contract outlining the terms under which a person or corporate entity agrees to rent property owned by the COEP and managed by the El Paso International Airport.

Leased Space - Areas of the building that are available for a tenant’s exclusive use, as specified in the lease contract.

National Defense Market - Assists the federal or state government with ensuring national safety, welfare, and economy particularly resulting from foreign military action or natural disaster. An item is also considered related to national defense if the product is incorporated into another item that is used to assist the federal or state government with ensuring national safety, welfare, and economy particularly resulting from foreign military action or natural disaster.

Operating Hours - Monday through Friday from 8am to 5pm, excluding holidays.

Panel – One representative each from the Aerospace Center and the W.M. Keck for 3D Innovation at UTEP and four representatives from the City of El Paso.

Pre-Seed Stage - This stage typically refers to the period in which a company's founders are first getting their operations off the ground, often verifying the viability of the idea and completing their business model.

Seed Stage – The idea becomes a business with customer traction.

Small Business – early stage, new or existing manufacturing technology businesses targeting aerospace, defense and other advanced manufacturing markets; and would benefit greatly from incubation services.

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Tenant - A person or a corporate entity leasing space at the Innovation Factory.

W.M. Keck Center for 3D Innovation at the University of Texas at El Paso (Keck Center) - A multidisciplinary research center focused on the use and development Additive Manufacturing (AM) technologies with primary focus areas in AM Technology Development, Engineered and Structured Materials, and Advanced AM Applications.

SECTION III. ECONOMIC DEVELOPMENT INCENTIVES

Selected applicants will receive from the COEP up to a 100% subsidy of the rent and associated expenses for the lease of space at the Innovation Factory. The funding will come from American Rescue Plan Act funds for years 2023-2026. Per ARPA requirements, these funds must be allocated by year end 2024 and expended by year end 2026.

Applicants may request funds for tenant improvements at the Innovation Factory in an amount approved by the panel.

In order to comply with Federal Aviation Administration regulations, ELP must charge fair market value for the lease of space owned by the COEP, managed by ELP. The rental payments under the lease approved under this policy will be calculated on an annual basis and due in advance. In the event of a cancellation of a grant agreement, no refunds of rental payments will be made by ELP, however, ELP will ensure to credit any rental payments made to ensure that ELP does not charge duplicate rent for the same space. Any charges for expenses made by ELP will be reconciled annually and ELP will credit any overpayments. Refund of funds will only be made if a credit is not appropriate. In the event of a refund of funds by ELP, the tenant will not be entitled to such refund but rather the refund will be made back to the City where the funds will be reallocated to other applicants in accordance with any applicable ARPA regulations.

SECTION IV. ELIGIBILITY REQUIREMENTS AND SELECTION

In order to be eligible for incentives and to lease space at the Innovation Factory, a person or a corporate entity must:

- A. Fill-out and submit a complete application as provided by COEP;
- B. Demonstrate negative economic impact caused by COVID, as required by ARPA;
- C. Provide a business plan or proforma to include current and projected revenue;
- D. Provide the number of employees; and
- E. Provide detailed information about any required tenant improvements to property, if applicable.

To be eligible an applicant, the applicant must be a Small Business that is focused on at least one of the following areas:

- A. Focuses on developing a product or technologies using advanced manufacturing technologies;
- B. Focuses on maturing advanced manufacturing technologies or advanced materials;
- C. Focuses on deploying advanced manufacturing technologies as a service;
- D. Manufactures products that will accelerate the adoption of alternative or renewable sources of energy; or
- E. Manufactures products for aerospace or national defense markets.

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Office space not needed to support manufacturing will be available to Small Businesses that support manufacturing. To be eligible these spaces, an applicant must be a Small Business that:

- A. Provides design engineering services for manufacturers;
- B. Develops cybersecurity solutions for manufacturers, or
- C. Develops software or system designs for aerospace and defense markets, or other markets requiring manufacturing technology, including but not limited to renewable and alternative energy markets.

A panel consisting of staff from the COEP, the Aerospace Center and the W.M. Keck Center for 3D innovation will select applicants based on the following considerations:

- A. Rational, workable technology solution for product or service;
- B. A solid business plan with a proven market for product or service;
- C. Applicant's demographic information (gender, race, ethnicity, and educational attainment) that ensures we are serving a broad and diverse cross section of our community and that is reflective of our community's demographics;
- D. Commitment to growing in El Paso;
- E. Potential to produce jobs in the local area; and
- F. Potential for growth into the Advanced Manufacturing District.

To aid in decision making and at the discretion of the panel, the applicant may be invited to present their application and pitch deck in person.

SECTION V. UTEP INCUBATION SERVICES

UTEP will be responsible for incubation service delivery to tenants through the El Paso Makes: Innovation Network for Manufacturers. The programming is designed to make the tenant competitive and to introduce the tenant to potential customers in aerospace and defense markets. Services include, but are not limited to:

A. Technology Innovation

- 1. Technology and digital infrastructure assessment;
- 2. Product and process development and improvement;
- 3. Prototyping;
- 4. Research and development support;
- 5. Technical consultation about the adoption of digital integration strategies; and
- 6. Technical consultation about the adoption of advanced manufacturing technologies.

B. Infrastructure & Facilities

- 1. Technical consulting on facility and process upgrades required for AS9100D quality certifications; and
- 2. Technical consulting on facility and process upgrades for ITAR registration.

C. Talent Acquisition & Development

- 1. Assessment of workforce needs and connection with existing programs and training dollars to support training and workforce needs; and
- 2. Development of training programs to support workforce needs.

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D. Business Fundamentals

1. Department of defense contracting assistance;
2. One-on-one business coaching and support; and
3. Development of financing plan and connection to potential financing sources.

E. Business Growth

1. Access to CONNEX El Paso, a supply chain database tool to connect to new customers and suppliers and active support from Innovation Network staff to connect customer to new business opportunities;
2. Annual Aerospace and Defense Supplier Summit;
3. Annual Technology Forum;
4. Monthly networking meetings; and
5. Promotion at aerospace and defense trade shows.

F. Evaluation of Progress

Tenants will receive incubation services for three years. At the end of that term, the tenant will be evaluated based on a number of criteria that will depend on the type of company and its business and technology maturity to determine whether to continue incubation services or to graduate them into the acceleration track. Companies who graduate into acceleration services will be invited to lease in the Advanced Manufacturing District and will continue to receive services as needed through the Innovation Network for Manufacturers.

Tenants are required to provide a semi-annual report to UTEP, COEP and ELP, documenting growth and progress. The semi-annual report is to be comprised of:

1. Any updates to business plan
2. Number of employees;
3. Annual revenue; and
4. New business/contracts through support from Innovation Network.

Tenants are also required to respond to an annual survey administered by UTEP. Tenants are encouraged to collaborate with other tenants. Tenants are encouraged to attend meetings hosted by UTEP for Innovation Factory Tenants.

COEP and ELP at their sole discretion may provide other or similar types of services to tenants that are aimed at assisting small businesses.

SECTION VI. LEASE

A. Use Requirements

Tenants must use the property based on the eligibility requirements and as submitted in the application.

B. Minimum Space Requirements

A person or entity applying to lease space at the Innovation Factory must lease at least one maker space, one office, and one storage unit. Any exceptions must be approved by the COEP.

Individual offices may be leased in the event that all maker spaces are leased and offices remain available.

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C. Term

COEP may enter into a lease with an Eligible Person or entity for a term not to exceed 3 years provided, however, that the actual term granted to an Eligible Person will be determined on a case-by-case basis. A tenant may apply for a renewal of a lease no later than 2 months prior to the expiration of the Tenant's current lease.

D. Insurance

All tenants are required to have Renter's Insurance, Fire and Extended Coverage Insurance, and Commercial General Liability Insurance for the term of their lease.

E. Lease Rate

All tenants will be required to pay the Lease Rate as provided in the Lease Agreement.

F. Expense Amounts

Tenants will be required to pay for their pro rata portion of expenses at the Innovation Factory as set in the Lease. The following amenities and services are included as part of the Expense Amount:

1. Utilities (gas, water, wastewater, electricity);
2. Conference room access;
3. Break room access;
4. Building Insurance;
5. Maintenance;
6. Common area janitorial services;
7. Trash Services;
8. Pressurized Air;
9. 24-hour access;
10. Parking;
11. Building Security during operating hours; and
12. Property Management Service.

Nothing in this policy obligates the City to provide the services above. The City will conduct a reconciliation of the expenses at the end of each year. The tenant will be responsible for paying any expenses that exceed the actual Expense Amount paid by the tenant. The City will credit any overpayments to the tenant. No refunds will be issued. Following the reconciliation every calendar year, the Landlord will establish a new Expense Amount and will notify the Tenant of the new Expense Amount. The Tenant will pay the new Expense Amount within 30 calendar days of notification by the Landlord.

G. Not Included in the Lease Rate

The following are not included as part of the lease rate. Tenant is responsible for obtaining and paying for the following:

1. Renter's insurance and fire and extended coverage;
2. Commercial liability insurance;
3. Environmental pollution liability insurance;
4. Real Property Taxes; and
5. Inventory, Equipment and Personal Property Taxes.

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The tenant may elect to obtain the following services at the tenant's expense:

1. Janitorial services to leased space areas; and
2. Telephone and internet service.

H. Subleasing and Assignment

A tenant may not sublease or assign a lease without the express written consent of ELP.

I. Innovation Factory Regulations

All tenants will abide by the Innovation Factory Regulations ("Regulations") published by the Airport pertaining to the lease and use of space at the Innovation Factory. ELP will publish the Regulations on its website. ELP may change the Use Regulations as ELP deems necessary in the best interest of the airport and the Innovation Factory. All tenants will abide by any new Regulations published by ELP on the website.

SECTION VII. TERMINATION

COEP may cancel the lease and/or grant agreement following a 30-calendar day written notice, if COEP determines, in its sole discretion, that this lease must be canceled for any of the following reasons: (1) to allow COEP to comply with any Federal Aviation Administration or other federal or state agency requirements, (2) COEP requires the Premises for aeronautical purposes, or (3) COEP requires the Premises for any other municipal or airport purposes in the sole discretion of COEP.

Cancellation for failure to comply with requirements. If the tenant fails to comply with the requirements of the policy, this lease agreement, or the grant agreement following notice and a 30-calendar day opportunity to cure, then COEP may cancel any or all agreements with the tenant, at COEP's sole discretion, and the tenant will be responsible for repaying any funds granted under the grant agreement and responsible for any amounts under the lease agreement.

Cancellation by Tenant. Tenant may cancel the lease agreement and grant agreement upon 90-calendar day written notice if the tenant is unable to continue its business operations in accordance to the application approved for grant funds. The notice provided by the tenant must explain the reasons the tenant is unable to continue to operate its business as provided in the application approved for the grant funds. Upon receipt of notification COEP may immediately reallocate any funds approved for the tenant.

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EXHIBIT A – Innovation Factory Program Application

In order to be eligible for incentives and to lease space at the Innovation Factory, a person or a corporate entity must:

Fill-out and submit a complete application as provided by COEP,
Provide a business plan or proforma to include current and projected revenue,
Provide the number of employees; and provide detailed information about any proposed tenant improvements to property, if applicable.

Applicant Information

1. Applicant Company *

2. Name of Founder/ Point of Contact *

3. Email *

4. Phone *

5. Applicant headquarters address *

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6. If considered a startup, select your startup stage. The definitions provided are to be used only for the purposes of this application and the El Paso Makes Innovation Factory program. *

- ☐ **Pre-Seed Stage:** This stage typically refers to the period in which a company's founders are first getting their operations off the ground, often verifying the viability of the idea and completing their business model.
- ☐ **Seed Stage:** The idea becomes a business with customer traction. Equity is often provided in exchange for larger amounts of funding.
- ☐ **Early Stage:** The idea is deemed scalable and is gaining more customer traction attracting larger funding. This phase is often before the first series A funding round.
- ☐ **Growth Stage:** The company has reached a consistent customer base and is producing income consistently. This stage is often accompanied by an increase in employees to manage the growing workload.
- ☐ **Small Business:** Small Businesses are generally considered as a privately owned, for-profit enterprises with 500 employees or fewer with certain exceptions depending on industry.
- ☐ Other

7. Business Structure *

- ☐ Sole Proprietorship
- ☐ Partnership
- ☐ LLC
- ☐ C Corp
- ☐ S Corp
- ☐ Non-Profit (501 C3)

8. Briefly describe the products that will be manufactured and the method of manufacturing such products: *

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9. Website and Social-media *

10. To be an eligible applicant, the applicant company must be focused on at least one of the following areas: *

- ☐ Focuses on developing a product or technologies using advanced manufacturing technologies;
- ☐ Focuses on maturing advanced manufacturing technologies or advanced materials;
- ☐ Focuses on deploying advanced manufacturing technologies as a service;
- ☐ Manufactures products that will accelerate the adoption of alternative or renewable sources of energy; or
- ☐ Manufactures products for aerospace or national defense markets

11. Office space not needed to support manufacturing startups will be available to businesses that support manufacturing. To be eligible these spaces, an applicant must be a startup that

- ☐ Provides design engineering services for manufacturers
- ☐ Develops cybersecurity solutions for manufacturers
- ☐ Develops software or system designs for aerospace and defense

12. Have you received incentives from any of these organizations in the past?

- ☐ City of El Paso
- ☐ El Paso County
- ☐ State of Texas
- ☐ None of the above

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13. Describe the problem you are solving *

14. Describe who you are solving the problem for *

15. How are you solving it? *

16. Number of people working full-time *

17. Number of people outside El Paso *

18. Number of people working part-time *

19. Please, select all that apply: The applicant company is a *

- ☐ UTEP Keck Center Spinoff
- ☐ West Texas community startup
- ☐ Startup/small business from outside the region
- ☐ Other

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20. How many people will be using the Innovation Factory?

**Please note that office spaces have a max occupancy of two **

- ☐ 2-5
- ☐ 6-10
- ☐ 11-15
- ☐ 15+

21. Describe your plans for growth in El Paso *

22. Do you require improvements or enhancements for the space? *

- ☐ Yes
- ☐ No

23. If you replied "Yes" to question 22, please, describe necessary improvements or enhancements for your space *

24. Have you leased a workspace before? *

- ☐ Yes
- ☐ No

25. If you replied "Yes" to question 24, please provide rate and zip code of your previous location *

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Employee Demographics

Please, fill out this section describing your team to the best of your knowledge. This is confidential information and will only be reported by aggregate.

26. How many people on your team are self described as female?
** Note: This question is meant to capture and understand trends in the representation of females in STEM related fields. **

27. Please, describe people belong to the following races *

	1-5	6-10	11-15	16-20	20+
White	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Black or African American	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Native Hawaiian or Other Pacific Islander	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hispanic or Latinx	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Asian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prefer not to respond	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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28. Please, describe how many people belong to the following educational attainment categories *

	1-5	6-10	11-15	16-20	20+
Master's degree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bachelor's degree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Associate's degree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Some college, no degree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High school diploma or equivalent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No formal educational credential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prefer not to respond	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Tenant Requirements

29. Expected move-in day * Please input date (M/d/yyyy)

30. Manufacturing space (SF) *

31. Office space (SF) *

32. Storage space (SF) *

Please Provide the Following

**Tenants must fill out and submit a Form 1295 with the Texas Ethics Commission. For more information visit <https://www.ethics.state.tx.us/filinginfo/1295/>.*

33. Upload business plan or proforma *

↑ Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

34. Upload pitch deck *

↑ Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

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35. Articles of Incorporation *

📄 Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

36. Certificate of Authority from the Texas Secretary of State *

📄 Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

37. Proof of signatory authority *

📄 Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

38. Upload information regarding space improvements and enhancements including specifications and safety measures. Modifications will be subject to panel approval *

📄 Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

Billing Contact Information

39. Name *

40. Phone *

41. Email *

42. Billing Address *

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COVID 19 Impact

Please check the boxes that best describe the impact of COVID 19 on your company

43. My company has been impacted by COVID 19 in the following ways *

- ☐ Decreased revenue or gross receipts
- ☐ Financial insecurity
- ☐ Increased costs
- ☐ Capacity to weather financial hardship
- ☐ Challenges covering payroll, rent or mortgage, and other operating costs
- ☐ Other

44. Please upload supporting evidence of negative economic impact of COVID 19. *(Can use items such as profit loss statement.)* *

 Upload file

File number limit: 5 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

45. Signature *

46. Date *

Please input date (M/d/yyyy)



EXHIBIT B — Innovation Factory Building Regulations

All persons leasing or using space at the Innovation Factory must abide by these Innovation Factory Regulations (“Regulations”).

1. **Maintenance.** Tenant will maintain all Leased Space and Common Areas in a clean, safe and orderly condition at all times. Tenant will not tamper or attempt to fix any fixtures in the Common Areas and Leased Space. Tenant will report all problems to the Facility Manager or to the after-hours phone line provided by Facility Manager.
2. **Alterations and Improvements.** No alterations or improvements to Leased Space shall be made without the prior Landlord’s written approval. Tenant shall not make alterations or improvements to Common Areas.
3. **Tenant’s Contractors and Technicians.** All contractors, contractor's representatives and installation technicians performing work in the Building shall be subject to Landlord's prior approval and shall be required to comply with Landlord's standard rules, regulations, policies and procedures, which may be revised from time to time.
4. **Signs.** No signs, advertisements, or notices shall be painted or affixed to windows, doors or other parts of the Building, except those of such color, size, style and in such places as are first approved in writing by Landlord. All tenant identification and suite numbers at the entrance to the Premises shall be installed by Landlord, at Tenant's cost and expense, using the standard graphics for the Building. Except in connection with the hanging of lightweight pictures and wall decorations, no nails, hooks or screws shall be inserted into any part of the Building except by maintenance personnel.
5. **Access to the Building.** Tenants have access to the building 24 hours a day, 7 days a week provided that the Facility Manager is only available Monday through Friday from 8am to 5pm, excluding holidays (“Operating Hours”). In the event of an emergency, Tenant should contact the Facility Manager or the after-hours phone line.
6. **Keys to Main Entrance.** A key or a key card to the entry doors of the Building shall be furnished by Landlord to Tenant at the beginning of occupancy, Tenant shall not make any duplicate keys or key cards. All keys/key cards shall be returned to Landlord at the expiration or early termination of the Lease. Lost or stolen keys/key cards shall be promptly reported to Facility Manager. The tenant will be solely responsible for the cost of replacing any lost, stolen, or damaged keys/key cards and for rekeying the Facility and issuing new keys to other tenants.
7. **Keys to Leased Space.** Tenant is responsible for installing locks on any premises exclusively leased to the Tenant. Tenant will provide a copy of the key(s) to the Landlord.
8. **Right to Enter.** Landlord and persons authorized by Landlord may enter the Building at all reasonable times upon reasonable advance notice (except in the case of an emergency in which case no prior notice is necessary) for the purpose of inspections, repairs, alterations to adjoining space, appraisals, or other reasonable purposes; including enforcement of Landlord’s rights under this Lease. Landlord also shall have the right to enter the Premises at all reasonable times

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after giving prior oral notice to Tenant, to exhibit the Premises to any prospective Tenant or other persons as reasonably determined by Landlord.

9. **Telecommunications.** Tenant shall not use more than its proportionate share of telephone lines and other telecommunication facilities available to service the building. If a tenant requires access to the IT/Electrical room, then the Tenant will notify the Facility Manager and the Facility Manager will provide access to the IT/Electrical room. Tenant will permanently label all of their connections by clearly identifying what the connection is for and the name of the tenant. Tenant will not tamper with another tenant's connections.
10. **Electrical System Capacity.** Tenant shall not install, operate or maintain in the Premises or in any other area of the Building, electrical equipment that would overload the electrical system beyond its capacity for proper, efficient and safe operation as determined solely by Landlord.
11. **Temperature.** The Innovation Factory will be kept at a temperature of 72 degrees Fahrenheit during Operating Hours. Tenants are prohibited from tampering with any thermostats.
12. **Heating and Cooling Devices.** Tenant shall not furnish cooling or heating to the Premises, including, without limitation, the use of electronic or gas heating devices, without Landlord's prior written consent
13. **Trash.** Landlord will provide trash receptacles for the proper disposal of non-hazardous trash and garbage. Tenant will use the designated receptacles. Piling of boxes, cartons, barrels or other similar items in an unsightly or unsafe manner, on or about the Premises shall not be permitted. Tenant will not dispose of hazardous materials in the receptacles provided. Tenant will be responsible for the disposal of any hazardous materials in accordance with applicable laws. Tenant shall not throw away excess food or beverages in trashcans located in the offices to prevent smells within the work environment. Instead, Tenant shall deposit them in the trash cans located in the break rooms.
14. **Deliveries.** Deliveries of furniture, office equipment, or material to and from the Premises shall be made only at the times, in the areas and through the entrances and exits designated by Landlord. Tenant shall not make deliveries to or from the Premises in a manner that might interfere with the use by any other tenant of its premises or of the Common Areas, any pedestrian use, or any use which is inconsistent with good business practice.
15. **Parking.** Unassigned parking at a dedicated zone will be available for tenants and tenant's guests.
16. **Office Occupancy.** No more than 2 persons may occupy a single office.
17. **Makerspace Use.** Tenant will use makerspaces for manufacturing only. No office use will be allowed in makerspace areas. No storage of materials of any kind is allowed in makerspace areas.
18. **Storage Use.** Tenant will use the storage rooms for the storage of manufacturing materials. No storage of manufacturing materials is allowed in the maker spaces, offices, parking lot, or any other area in the Innovation Factory or outside.
19. **Conference Rooms.** Conference rooms must be booked in advance through Facility Manager.

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20. **Break Rooms.** Tenant shall not leave any unwashed dishes or utensils in the break rooms. Tenant will store dishes, utensils, food and beverages in the appropriate areas in the break room. Labeling food & beverage items stored in the pantry and fridges is highly recommended. Ensure food and beverages stored are properly packaged. Fridges will be cleared every Friday.
21. **Hazardous Materials.** All use and storage of hazardous materials must comply with all environmental laws. Tenant will only store hazardous materials in a storage space and can only store materials disclosed in application. A list of hazardous materials will be updated by the tenant and provided to Facility Manager every 6 months. Tenant shall immediately report any spills of hazardous material to Facility Manager. Tenant remains responsible for the proper cleaning of hazardous materials spills in accordance to applicable environmental laws.
22. **Guests.** Tenant must be present while Tenant's guest is invited to visit the space. No other individual other than those stated on the Lease are allowed to utilize a key to the Building's entry doors. Tenant will not be allowed to have guests/individuals not authorized via the lease agreement to utilize any workspaces. Casual guests and visitors are not permitted outside of Regular Hours. Only Tenant's clients or professional contacts are welcome after Operating Hours. Children are allowed in the workplace on a case-by-case basis and must be accompanied by an adult at all times. Children under the age of fifteen are not allowed in the makerspace areas.
23. **Conduct.** Tenant shall not: (1) make or permit any improper, objectionable, or unpleasant noises or odors in the Building, or otherwise, interfere in any way with other Tenant or persons having business with them; (2) conduct or permit other activities in the Building that might, in Landlord's sole opinion, constitute a nuisance.
24. **Prohibited Conduct.** Tenant and Tenant's guests may not engage in criminal conduct, regardless of whether or where arrest or conviction occurs. Tenant and Tenant's guests may not behave in a loud or obnoxious manner; or disturb or threaten the rights, comfort, health, safety, or convenience of others (including our agents and employees) in or near the Innovation Factory. Theft or on-premise criminal acts of any nature will result in immediate termination of the agreement by the Landlord without a refund of the deposit. Vaping, smoking, drugs of any type, and alcoholic beverages are not permitted inside Innovation Factory.
25. **Animals.** No animals, except those assisting handicapped persons, shall be brought into the Building or kept in or about the Premises.
26. **Valuable Personal Items.** We recommend locking up items of value including but not limited to valuable personal items and technology items - laptop, charger, mouse, mouse pad, etc.
27. These regulations are designed and implemented to ensure that all tenants have a seamless, productive, and professional atmosphere to work in and thrive. Regulations may be edited or added as needed. Tenant will be afforded one warning. The tenant and users agree that the contravention of such regulations can result in immediate removal from leased premises and/or immediate termination of tenancy, without return of security deposit. Failure by a tenant to abide by these Regulations is grounds for termination of the tenant's lease.

EXHIBIT “D”
Federal Aviation Administration Required Provisions

Exhibit “D”
Federal Aviation Administration Required Provisions

A. General Civil Rights Clause.

1. In all its activities within the scope of its airport program, Lessee agrees to comply with pertinent statutes, Executive Orders, and such rules as identified in Title VI List of Pertinent Nondiscrimination Acts and Authorities to ensure that no person shall, on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964. If Lessee transfers its obligation to another, the transferee is obligated in the same manner as Lessee.
2. The above provision obligates Lessee for the period during which the property is owned, used or possessed by Lessee and the Airport remains obligated to the Federal Aviation Administration.

B. Compliance with Nondiscrimination Provisions. During the performance of this Lease, Lessee, for itself, its assignees, and successors in interest (hereinafter collectively referred to as “Contractor”) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this Lease.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. Solicitations for Agreements, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the contractor’s obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Lessor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to Lessor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a Contractor's noncompliance with the non-discrimination provisions of this contract, Lessor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as Lessor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request Lessor to enter into any litigation to protect the interests of Lessor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

C. Title VI List of Pertinent Nondiscrimination Acts and Authorities. During the performance of this contract, Lessee, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

1. Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
2. 49 CFR part 21 (Non-discrimination in Federally-Assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
3. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
4. Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.), as amended (prohibits discrimination on the basis of disability); and 49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance);
5. The Age Discrimination Act of 1975, as amended (42 USC § 6101 et seq.) (prohibits discrimination on the basis of age);
6. Airport and Airway Improvement Act of 1982 (49 USC § 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
7. The Civil Rights Restoration Act of 1987 (PL 100-259) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients,

sub-recipients and contractors, whether such programs or activities are Federally funded or not);

8. Titles II and III of the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq) (prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
9. The Federal Aviation Administration's Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
10. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
11. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. 74087 (2005));
12. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC § 1681, et seq).

D. Transfer of Real Property Acquired or Improved Under the Airport Improvement Program.

1. Lessee for itself, its, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: In the event facilities are constructed, maintained, or otherwise operated on the property described in this Lease for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, Lessee will maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Regulations listed in the Title VI List of Pertinent Nondiscrimination Acts and Authorities (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
2. In the event of breach of any of the above Nondiscrimination covenants, Lessor will have the right to terminate the Lease and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the Lease had never been made or issued.

E. Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program.

1. Lessee, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that Lessee will use the premises in compliance with all other requirements

imposed by or pursuant to the Title VI List of Pertinent Nondiscrimination Acts and Authorities.

2. With respect to the Lease, in the event of breach of any of the above Non-discrimination covenants, Lessor will have the right to terminate the Lease and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said Lease had never been made or issued.

F. Subcontracts. Lessee agrees that it shall insert in any subcontracts the clauses set forth in paragraphs (A) through (E) above and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. Lessee shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (A) through (E).

Schedule 1

Approved Hazardous Materials

- Ethylene-Glycol 100% ACS grade (CAS #: 107-21-1)
- Isopropyl Alcohol 70% (CAS #: 67-63-0)
- Distilled water 100% (CAS #: 7732-18-5)
- TMC-49 (CAS # : 2070-70-4)
- Propylene-Glycol 100% (CAS #: 57-55-6)
- Distilled water & Propylene-Glycol Mixture (70 / 30 %)
- Distilled water & Ethylene-Glycol Mixture (70 / 30 %)
- Dowcal™ 100 Inhibited Ethylene-Glycol
- Dowcal™ 200 Propylene-Glycol



Legislation Text

File #: 25-1082, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

Districts 1 and 8

Planning and Inspections, Philip Etiwe, (915) 212-1553

Planning and Inspections, Kevin Smith, (915) 212-1566

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on a Resolution authorizing the Mayor of El Paso to enter into a Memorandum of Understanding with the City of Sunland Park, New Mexico, in order to coordinate and share development information along the shared boundaries of the two jurisdictions.

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Tiive

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR OF EL PASO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SUNLAND PARK, NEW MEXICO, IN ORDER TO COORDINATE AND SHARE DEVELOPMENT INFORMATION ALONG THE SHARED BOUNDARIES OF THE TWO JURISDICTIONS.

WHEREAS, the City of Sunland Park, New Mexico, and the City of El Paso share common municipal boundaries;

WHEREAS, the purpose of this MOU is to establish a cooperative intergovernmental agreement between the Parties to coordinate on reviewing and assessing the impact of new developments proposed within a defined proximity to the shared state line between Sunland Park, New Mexico and El Paso, Texas. The goal is to mitigate cross-jurisdictional traffic issues, ensure public safety, improve quality of life, and support responsible growth and transportation planning;

WHEREAS, the cities of Sunland Park and El Paso share a common border and utilize interdependent infrastructure that will benefit from close coordination between the Parties to proactively manage these developments and their impacts. It is essential to fully determine each Party's needs and vision for proper future planning in this region;

WHEREAS, coordinated planning and communication between the two jurisdictions is essential to ensure orderly growth, efficient use of resources, and compatibility of development along their shared boundaries;

WHEREAS, the parties desire to enter into a Memorandum of Understanding to facilitate the sharing of development information, foster collaboration, and promote the mutual interests of both jurisdictions; and

WHEREAS, the governing body of the City of El Paso finds that entering into such a Memorandum of Understanding is in the best interest of the City and its residents.

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

1. That the Mayor is hereby authorized to enter into a Memorandum of Understanding with the City of Sunland Park, New Mexico, for the purpose of coordinating and sharing development information along the shared boundaries of the two jurisdictions.

2. That the City Manager, City Attorney, and other designated staff are authorized to take all necessary actions to carry out the intent of this Resolution.

APPROVED this _____ day of _____ 2025.

THE CITY OF EL PASO:

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

**CITY OF SUNLAND PARK
MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding ("MOU") or ("Agreement") is entered into by and among the **City of Sunland Park, New Mexico** ("Sunland Park") and the **City of El Paso, Texas** ("El Paso").

RECITALS

WHEREAS, the purpose of this MOU is to establish a cooperative intergovernmental agreement between the Parties to coordinate on reviewing and assessing the impact of new developments proposed within a defined proximity to the shared state line between Sunland Park, New Mexico and El Paso, Texas. The goal is to mitigate cross-jurisdictional traffic issues, ensure public safety, improve quality of life, and support responsible growth and transportation planning; and,

WHEREAS, the cities of Sunland Park and El Paso share a common border and utilize interdependent infrastructure that will benefit from close coordination between the Parties to proactively manage these developments and their impacts. It is essential to fully determine each Party's needs and vision for proper future planning in this region; and,

THEREFORE, for and in consideration of the recitals set forth above, the covenants, terms, conditions, and releases herein contained, the receipt and sufficiency of which are hereby acknowledged, the Parties warrant, represent, and agree to the following terms:

AGREEMENT

1. Any development proposed within one thousand (1,000) feet of the state boundary line between the two cities. For purposes of this agreement, a development is defined as any zoning, special permit, or subdivision application.
 - a. Each Party shall notify the other in writing of any qualifying zoning or special permit development proposal located within the designated proximity to the shared border. Notification shall occur within ten (10) business days of receipt of a completed application for the proposed development and comments provided within a fifteen (15) business day window will be considered during review.
 - b. For any subdivision application within the designated proximity to the boundary, the initiating jurisdiction shall provide notice and a copy of the proposed plat to the other Party. Comments provided within a fifteen (15) business day window will be considered during final review.

2. Traffic Impact Analysis (TIA)

- a. The Party in which the development is proposed shall require the developer to conduct a Traffic Impact Analysis (TIA) in accordance with the respective city's traffic engineering standards.
- b. The neighboring city shall be given an opportunity to review and provide written comments on the TIA within thirty (30) calendar days of receipt.

3. Joint Review Process

- a. If either Party determines that the proposed development will have a significant traffic impact on its transportation network, both Parties agree to convene a joint review meeting involving planning, engineering, and traffic departments to discuss mitigation strategies.
- b. The Parties may recommend mitigation measures, including, but not limited to, roadway improvements, traffic control devices, access management, or funding contributions.

4. Notification to Abutting Jurisdiction

- a. Both parties will notify the abutting jurisdiction if within the prescribed 1,000-foot distance of the State boundary and property owners as per State and local requirements.

5. Quarterly Coordination Meeting

- a. Both Parties agree to hold a quarterly coordination meeting involving planning, parks, engineering, and traffic departments to discuss mitigation strategies and options to address ongoing development. The Parties may discuss and recommend mitigation measures including, but not limited to, roadway improvements, traffic control devices, access management, or funding contributions. These meetings will discuss the developments defined in this Agreement, but may also include, but not limited to, subdivisions and non-residential building permits.

6. Infrastructure Coordination

- a. The Parties agree to identify infrastructure projects (roads, water/sewer lines, drainage systems) near the state line that may benefit from joint coordination.
- b. When feasible, cost-sharing arrangements or joint development agreements may be pursued.

7. Non-Binding Nature

- a. This MOU reflects the good-faith intentions of the Parties and is not a legally binding agreement. However, both Parties agree to act in good faith to honor the spirit and purpose of this understanding.

8. Term and Termination

- a. This MOU shall become effective upon signature by both Parties and shall remain in effect for a term of five (5) years, unless terminated earlier by either Party with thirty (30) days written notice. The MOU may be extended or amended in writing upon mutual agreement.

(Signatures Begin on Following Page)

IN WITNESS WHEREOF, the Parties intending to be legally bound, have caused this Agreement to be executed by duly authorized personnel as of this date, August 25th, 2025.

CITY OF SUNLAND PARK, NEW MEXICO:

By: 

Name: **Javier Perea**

Title: **Mayor of City of Sunland Park, NM**

CITY OF EL PASO, TEXAS:

By: _____

Name: _____

Title: _____



Legislation Text

File #: 25-1093, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below.

No Title's, No emails. Please use ARIAL 10 Font.

All Districts

City Manager's Office, Robert Cortinas, (915) 212-1067

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Discussion and action on a Resolution authorizing budget transfers, as part of the fiscal year 2025 year-end closing process, in the estimated amount of \$15.4 million comprised from investment earnings, unspent bond proceeds and prior appropriations to be allocated to cover specified expenditures.

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



DEPARTMENT: Office of the City Manager

AGENDA DATE: 9/03/25

PUBLIC HEARING DATE:

CONTACT PERSON NAME: Robert Cortinas, Deputy CM and CFO **PHONE NUMBER:** 915-212-1067

2nd CONTACT PERSON NAME: **PHONE NUMBER:**

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

SUBGOAL:

6.6: Ensure Continued Financial Stability and Accountability Through Sound Financial Management, Budgeting and Reporting.

SUBJECT:

Approve a Resolution authorizing budget transfers to Appropriately use of investment earnings (Non-General Fund) as part of the fiscal year 2025 year-end closing process in the amount of \$9.9 million. Transfer \$3.6 million of unspent bond proceeds from the capital project fund 4743 to the debt service fund 1100. Consolidate ADA on-demand projects into one project and transfer budget to Capital Improvement Department

BACKGROUND / DISCUSSION:

As part of the fiscal year 2025 closeout process, we are recommending to authorize the use of investment earnings from the American Rescue Plan Act (ARPA) grant, investment earnings from the Internal Capital Project Fund, consolidation of ADA projects in the Internal Capital Project Fund and transfer of unspent bond proceeds allocated to the Railroad Reconstruction project in fund 4743 to the debt service fund. These funds will be applied to cover expenditures related to economic development incentive agreements, capital repairs at the ballpark, animal services and other improvements to other city facilities. This strategic reallocation supports the City’s financial stewardship by utilizing existing resources to meet critical obligations without requiring the use of general fund.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

4930 Internal Capital Project Funds
2235 COVID Relief Fund
4743 2018 Capital Plan

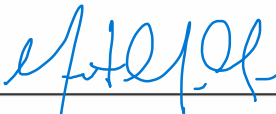
REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That, as part of the fiscal year 2025 year-end closing process, the City Manager be authorized to use investment earnings and project savings from the following sources:

1. Investment earnings, in the estimated of amount of \$7,000,000 from the American Rescue Plan Act (ARPA) grant;
2. Investment earnings, in estimated of amount of \$2,900,000 from the Internal Capital Project Fund;
3. Transfer unspent bond proceeds, in estimated of amount of \$3,600,000 from CO 2021C; and
4. ADA established appropriations, in estimated of amount of \$1,900,000 within the Internal Capital Project Fund

be allocated to cover expenditures incurred and related to the following:

1. Economic Development Incentive Agreements in estimated of amount of \$2,300,000;
2. Ballpark Capital Repairs Fund in estimated of amount of \$2,400,000;
3. Animal Services Operations Fund in estimated of amount of \$2,300,000;
4. Facility improvements/repairs in estimated of amount of \$900,000;
5. Information Technology Capital in estimated of amount of \$2,000,000;
6. Transfer to the Debt Service Fund in estimated of amount of \$3,600,000; and
7. Consolidation of prior year ADA projects and transferring of program funding/administration to CID in estimated of amount of \$1,900,000.

That, the City Manager is hereby authorized to effect necessary budget transfers and execute any and all documents required to effectuate the intent of this Resolution.

(Signatures begin on the following page)

APPROVED this _____ day of _____, 2025.

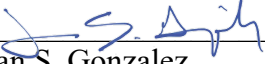
CITY OF EL PASO:

Renard U. Johnson
Mayor

ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Margarita M. Marin
Deputy Chief Financial Officer