Engineering Report

NUESTRA SENORA, El Paso, Texas

Owner: Paisano Housing Redevelopment Corporation

Prepared by: Georges Halloul, P.E.

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1 ABSTRACT

This study is intended to assist the owner/developer in meeting the 2020 HTC requirements for an engineering Analysis of the proposed development. The study will assess the existing conditions of the site.

2 LIMITATIONS

This report has been prepared for the exclusive use of Paisano Housing Redevelopment Corporation, and its consultants for evaluation purposes and does not contain information for other parties or other uses. Ms. Lucila Diaz authorized this study on January 2020.

The results submitted in this report are based on data obtained from the following sources:

1. SLI Engineering, Inc.
2. The EL Paso County
3. Texas Department of Transportation
4. Paisano Housing Redevelopment Corporation.
5. Field data collected during the study

If the project information described in this report is incorrect or altered, or if new information is available, we should be retained to review and modify the results of this study.

All persons who have a property interest in this report hereby acknowledge that TDHCA may publish the full report on the TDHCA website, release the report in response to a request for public information and make other use of the report as authorized by law.

3 INTRODUCTION

Paisano Housing Redevelopment Corporation is preparing an application for a Tax Credit Development consisting of an elderly facility located along Montana Avenue and Kansas Street in the central area of El Paso. The proposed development will include 80 units with a combination of 1, and 2, bedrooms units. There are 60 (1-bedroom) units, and 20 (2-bedroom) units. The developer is providing 130 parking spaces to include 8 accessible parking spaces. The site does not appear to have any onerous development requirements. It is fronting an arterial street, with utilities nearby, the soil condition is acceptable, and access is available and no problematic visible issues. The site identification number is C05099926606100.
4 GENERAL LOCATION OF THE SITE

The proposed site consists of a parcel of land located downtown El Paso, El Paso County, Texas. The parcel is shown on the following exhibit.

Figure 1: GENERAL LOCATION OF THE SITE
4.1 SITE LOCATION

The site is bound by vacant commercial land located on the southwest corner of Kansas and Montana. Kansas is a City owned right of way and Montana is a Texas State owned right of way. The site is bound by an existing apartment complex to the north. Commercial development on all other sides.

Figure 2: Site Location
4.2 SITE DESCRIPTION

4.2.1 Platting Determination & Physical Boundary
The site is subdivided. The legal description is Lots 1 through 10, Block, Campbell Addition an addition to the City of El Paso, El Paso County Texas. The site does not need to be replatted.

The legal Address is 415 Montana and 416 Rio Grande.

4.2.2 Zoning and Proposed Uses:
The site is zoned C-4, Commercial District. There is a special permit and a zoning contract associated with the site. A copy of the contract is included in the Appendix section. This zoning designation permits the development. However due to the proposed height of the building and the proposed number of parking spaces, we suggest that a zoning application is submitted to the City of El Paso to allow for a building higher than the 60 feet allowed under this zoning designation and to allow for a set back reduction. The proposed zoning designation should be “GMU”, general Mix Use. A Detailed Site Development plan is required as well as a Parking reduction Study as requirement of the new zoning application. The following exhibit is obtained from the City of El Paso Zoning Map.

Figure 3: ZONING DESIGNATION OF TH SITE, SOURCE: The City of El Paso
The zoning contract states the followings:

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the intensity of use 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 bars, nightclubs, liquor stores, tattoo parlors, convenience store with gas pumps, commercial fueling station, and retail tobacco store and smoking establishments as defined in Title 9 of the El Paso City Code shall be prohibited.

The special permit states the followings:

2. That the City Council hereby grants a Special Permit under Section 20.10.410 off street parking serving another property and 20.04.320 of the El Paso City Code, and,

3. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) and 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 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. PZST14-00027 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; and

6. That bars, nightclubs, liquor stores, tattoo parlors, convenience store with gas pumps, commercial fueling station, and retail tobacco store and smoking establishments as defined in Title 9 of the El Paso City Code shall be prohibited.
4.3 PROPERTY TAX INFORMATION AND MILLAGE RATES

The site has 2 (Property) Identification Numbers associated with the different lots and addresses:

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>LEGAL DESCRIPTION</th>
<th>ID #</th>
</tr>
</thead>
<tbody>
<tr>
<td>415 Montana</td>
<td>2 ALEXANDER 1 &amp; 2 &amp; S 1/2 OF 3</td>
<td>A4629990002001000</td>
</tr>
<tr>
<td>416 Rio Grande</td>
<td>2 ALEXANDER 4 TO 10 &amp; N 1/2 OF 3</td>
<td>A4629990002000800</td>
</tr>
</tbody>
</table>

Table 1: PROPERTY IDENTIFICATION NUMBERS

As per the Consolidated Tax Office, City of El Paso, the proposed site is subject to property-tax levies from a total of five taxing entities:

1. City of El Paso 0.907301
2. El Paso County 0.488997
3. University Medical Center 0.267747
4. El Paso Community College 0.141167
5. El Paso Independent School District 1.41167

The millage rates provided above are based on 100 percent assessed valuation and are expressed per $100 of value. The total tax rate is 3.073562

4.4 DEVELOPMENT ORDINANCES

The site will be developed as per the “City of El Paso – Subdivision and Development Plats Ordinance”.

4.5 FIRE DEPARTMENT REQUIREMENTS

It appears that there are several site Fire Department requirements. The site will be developed as per “2019 International Fire Code”.

“Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more, located 35 feet or more above the lowest level of fire department vehicle access, measured to the finished floor”
4.6 **Survey**

The survey prepared by SLI engineering, Inc. shows a frontage of 120 feet along Montana Avenue and 286 feet along Campbell Street. The site is 0.7162 acres. There are no easements associated with the site.
4.7 **FLOOD ZONE**

The site is located in Flood Zone C, areas determined to be outside the 100 year flood as per FIRM No. 480214 0039 B dated October 15, 1982.

*Figure 4: FLOOD ZONE DESIGNATION, SOURCE: FEMA FRIM MAPS*
4.8 GEOTECHNICAL REVIEW
The General Soil Map for El Paso County issued by the U. S. Department of Agriculture Soil Conservation Service classifies the site in the Del Norte Canutio Association (DNC), 100%

![Soil Classification Table]

**Figure 5: SOIL CLASSIFICATION, SOURCE: WEBSOIL SURVEY**

The following is a description of the soil as per the Web Soil survey:

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A **restrictive layer** is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. **Depth to top** is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

**Subsidence** is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

**Potential for frost action** is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

**Risk of corrosion** pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as **low, moderate, or high**, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.
For concrete, the risk of corrosion also is expressed as *low, moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

A site-specific soils test using samples from on site would be required to obtain more specific and/or detailed information.
The following exhibit is the proposed site plan showing the proposed layout of the buildings. The plan materially adheres to all applicable zoning, site development, and building code ordinances.

5.1  **INGRESS AND EGRESS REQUIREMENTS**

There will be ingress and egress off Campbell Street and off Rio Grande Street. We recommend coordinating the location of the driveways with the City of El Paso Traffic and Transportation Department.
5.2 UTILITIES

5.2.1 Domestic Water and Sanitary Sewer

There is an existing 6-inch water main that extends along Campbell Street and there is a 6-inch water main that extends along Kansas Street. Also there is a 4-inch water main that extends along Montana Avenue. All of these lines are available for main extensions.

There is an 8-inch sanitary sewer main that extends in the alley between Campbell and Kansas. This line is available for service. The design might require encasing the proposed line with concrete or steel at depth shallower than 4 feet. Easements will be required to accommodate the proposed main extensions.

Service to the subject Property is anticipated by means of a water service line and Sanitary sewer service lines extension to connect the above-mentioned mains.

Figure 7: DOMESTIC WATER AND SEWER MAIL SERVICE LINE, SOURCE: EL PASO WATER
There is electric overhead line located along the easterly property line. This line will be used to extend electrical service line to the proposed development. Electric Service will be provided by the El Paso Electric Company.

Telephone service will be provided to the site along with the electric service. The Service is provided by Southwestern Bell.

Gas service is also available nearby the site.

5.3 **Off Site Requirements**

There will not be any Off-site cost associated with the project. The sidewalks and the frontage trees required by the City of El Paso are included within the On-Site cost.

5.4 **On-Site Requirements**

The onsite requirements are typical of any development

5.5 **Drainage and Detention /Retention Requirements**

The storm water runoff generated by the development will be released onto either Campbell and or Montana. Coordination with the Texas Department of Transportation maintenance section and the City of El Paso Land Management Department is important during the design phase.

5.6 **Required Approvals**

The site is already a portion of a legal subdivision. There will not be a need to subdivide.

A building permit has to be obtained from the City after their review. This process might take 21 working days plus or minus depending on the amount of details needed. The Texas Department of Transportation will have to approve the driveway off Montana And the drainage plans of the site.
5.7 OTHER NECESSARY FEES

The City of El Paso Engineering and Construction Department has an established Building Permit process and has a Customized Plan Review process to expedite the permit in cases where this is desired. The valuation of the permit fees is based on the following Code 18.02.106.6 - Valuation for Commercial Master Permits. Permit valuation for the master permit for new commercial buildings and structures construction work shall be based on the International Code Council rates for building type and occupancy in effect on the date of the permit application. Subsequent to the completion of work, a final accounting of all costs or a certified professional appraisal may be submitted to the building official for a re-valuation.

“The International Code Council provides a table showing the average construction costs per square foot. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction”.

Based on the total annual construction value within the jurisdiction in the past year and based on the percentage of the building department budget generated by the expected building permits revenue, a permit fee multiplier is generated to establish the fee for the permit. The formula is as follows:

\[ \text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier} \]

The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost considers everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.
## 5.8 Square Foot Construction Cost Table:

<table>
<thead>
<tr>
<th>Group (2018 International Building Code)</th>
<th>IA</th>
<th>IB</th>
<th>IIA</th>
<th>IIB</th>
<th>IIIA</th>
<th>IIIB</th>
<th>IV</th>
<th>VA</th>
<th>VB</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Assembly, theaters, with stage</td>
<td>246.61</td>
<td>238.50</td>
<td>232.82</td>
<td>223.18</td>
<td>209.86</td>
<td>203.80</td>
<td>216.12</td>
<td>191.69</td>
<td>184.50</td>
</tr>
<tr>
<td>A-1 Assembly, theaters, without stage</td>
<td>225.65</td>
<td>217.54</td>
<td>211.85</td>
<td>202.22</td>
<td>189.15</td>
<td>183.09</td>
<td>195.16</td>
<td>170.98</td>
<td>163.79</td>
</tr>
<tr>
<td>A-2 Assembly, nightclubs</td>
<td>191.96</td>
<td>186.56</td>
<td>182.12</td>
<td>174.70</td>
<td>164.94</td>
<td>160.39</td>
<td>168.64</td>
<td>149.29</td>
<td>144.33</td>
</tr>
<tr>
<td>A-2 Assembly, restaurants, bars,</td>
<td>190.96</td>
<td>185.56</td>
<td>180.12</td>
<td>173.70</td>
<td>162.94</td>
<td>159.39</td>
<td>167.64</td>
<td>147.29</td>
<td>143.33</td>
</tr>
<tr>
<td>A-3 Assembly, churches</td>
<td>226.69</td>
<td>218.58</td>
<td>212.89</td>
<td>203.26</td>
<td>191.60</td>
<td>185.54</td>
<td>196.20</td>
<td>173.43</td>
<td>166.24</td>
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<td>182.52</td>
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<td>148.07</td>
<td>160.14</td>
<td>134.97</td>
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<td>216.54</td>
<td>209.85</td>
<td>201.22</td>
<td>187.15</td>
<td>182.09</td>
<td>194.16</td>
<td>168.98</td>
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<td>B Business</td>
<td>197.81</td>
<td>190.62</td>
<td>184.70</td>
<td>175.70</td>
<td>160.65</td>
<td>154.63</td>
<td>168.95</td>
<td>141.15</td>
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<tr>
<td>E Educational</td>
<td>207.77</td>
<td>200.59</td>
<td>194.83</td>
<td>186.43</td>
<td>173.71</td>
<td>164.91</td>
<td>180.01</td>
<td>151.89</td>
<td>147.25</td>
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<td>F-1 Factory and industrial, moderate</td>
<td>117.60</td>
<td>112.19</td>
<td>105.97</td>
<td>101.84</td>
<td>91.54</td>
<td>87.26</td>
<td>97.61</td>
<td>75.29</td>
<td>70.95</td>
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<td>F-2 Factory and industrial, low hazard</td>
<td>116.60</td>
<td>111.19</td>
<td>105.97</td>
<td>101.84</td>
<td>91.54</td>
<td>86.26</td>
<td>96.61</td>
<td>75.29</td>
<td>69.95</td>
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<td>109.99</td>
<td>104.58</td>
<td>99.35</td>
<td>94.22</td>
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<td>79.87</td>
<td>89.99</td>
<td>68.89</td>
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<td>89.99</td>
<td>68.89</td>
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<td>H-5 HPM</td>
<td>197.81</td>
<td>190.62</td>
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<td>154.63</td>
<td>168.95</td>
<td>141.15</td>
<td>134.99</td>
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<tr>
<td>I-1 Institutional, supervised</td>
<td>197.83</td>
<td>191.05</td>
<td>185.12</td>
<td>177.91</td>
<td>163.28</td>
<td>158.81</td>
<td>178.06</td>
<td>146.98</td>
<td>142.33</td>
</tr>
<tr>
<td>I-2 Institutional, hospitals</td>
<td>330.92</td>
<td>323.73</td>
<td>317.81</td>
<td>308.81</td>
<td>292.72</td>
<td>N.P.</td>
<td>302.06</td>
<td>273.22</td>
<td>N.P.</td>
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<td>I-2 Institutional, nursing homes</td>
<td>229.68</td>
<td>222.49</td>
<td>216.58</td>
<td>207.57</td>
<td>193.53</td>
<td>N.P.</td>
<td>200.83</td>
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<tr>
<td>I-3 Institutional, restrained</td>
<td>224.86</td>
<td>217.67</td>
<td>211.75</td>
<td>202.75</td>
<td>188.96</td>
<td>181.94</td>
<td>196.00</td>
<td>169.45</td>
<td>161.29</td>
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<td>I-4 Institutional, day care facilities</td>
<td>197.83</td>
<td>191.05</td>
<td>185.12</td>
<td>177.91</td>
<td>163.28</td>
<td>158.81</td>
<td>178.06</td>
<td>146.98</td>
<td>142.33</td>
</tr>
<tr>
<td>M Mercantile</td>
<td>142.95</td>
<td>137.54</td>
<td>132.11</td>
<td>125.68</td>
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<td>111.83</td>
<td>119.62</td>
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<td>R-1 Residential, hotels</td>
<td>199.70</td>
<td>192.92</td>
<td>186.99</td>
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<td>160.43</td>
<td>179.93</td>
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<td>143.96</td>
</tr>
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<td>R-2 Residential, multiple family</td>
<td>167.27</td>
<td>160.49</td>
<td>154.56</td>
<td>147.35</td>
<td>133.71</td>
<td>129.23</td>
<td>147.50</td>
<td>117.40</td>
<td>112.76</td>
</tr>
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<td>R-3 Residential, one- and two-family d</td>
<td>154.28</td>
<td>150.09</td>
<td>146.35</td>
<td>142.65</td>
<td>137.55</td>
<td>133.92</td>
<td>140.30</td>
<td>128.74</td>
<td>121.24</td>
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<td>R-4 Residential, care/assisted living</td>
<td>197.83</td>
<td>191.05</td>
<td>185.12</td>
<td>177.91</td>
<td>163.28</td>
<td>158.81</td>
<td>178.06</td>
<td>146.98</td>
<td>142.33</td>
</tr>
<tr>
<td>S-1 Storage, moderate hazard</td>
<td>108.99</td>
<td>103.58</td>
<td>97.35</td>
<td>93.22</td>
<td>83.14</td>
<td>78.87</td>
<td>88.99</td>
<td>66.89</td>
<td>62.56</td>
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<td>S-2 Storage, low hazard</td>
<td>107.99</td>
<td>102.58</td>
<td>97.35</td>
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<td>77.87</td>
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<td>U Utility, miscellaneous</td>
<td>84.66</td>
<td>79.81</td>
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<td>71.30</td>
<td>64.01</td>
<td>59.80</td>
<td>68.04</td>
<td>50.69</td>
<td>48.30</td>
</tr>
</tbody>
</table>

**Table 2: Square Foot Construction Cost**

- a. Private Garages use Utility, miscellaneous
- b. For shell only buildings deduct 20 percent
- c. N.P. = not permitted
- d. Unfinished basements (Group R-3) = $22.45 per sq. ft.
5.9 BUILDING DESIGN CODES AND ORDINANCES:

The NUESTRA SENORA Apartment Complex design will comply with all of the current and adopted building codes and local ordinances. The City of El Paso has adopted and is currently using the following codes and ordinances:

2015 International Building Code
2015 International Plumbing Code
2015 International Mechanical Code
2015 International Fire Code
2015 National Electric Code
2015 International Energy Conservation Code
Texas Accessibility Code
Uniform Federal Accessibility Standards
City of El Paso Ordinance No. 017413
City of El Paso Landscape Ordinance 18.46
6 APPENDIX A: ZONING ORDINANCE
AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00027, TO ALLOW FOR OFF-STREET PARKING SERVING ANOTHER PROPERTY, ON THE PROPERTY DESCRIBED AS LOTS 1 THROUGH 10, BLOCK 266, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY TEXAS; LOTS 17 THROUGH 20, BLOCK 266, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS; A PORTION OF LOT 15 AND ALL OF LOT 16, BLOCK 266 CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND LOTS 11 THROUGH 12, BLOCK 266, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, 400 RIO GRANDE AVENUE, 416 RIO GRANDE AVENUE, 405 MONTANA AVENUE AND 415 MONTANA AVENUE PURSUANT TO SECTION 20.10.410, OFF STREET PARKING SERVING ANOTHER PROPERTY OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, ASLM, LTD has applied for a Special Permit for off-street parking serving another property under Section 20.10.410 of the El Paso City for retail development; 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 Section 20.10.410 and 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) and C-1 (Commercial) Zone District:

   Lots 1 through 10, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas; Lots 17 through 20, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas; A portion of Lot 15 and all of Lot 16, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas, and Lots 11 through 12, Block 266, Campbell Addition, City of El Paso, El Paso County, Texas, 400 Río Grande Avenue, 416 Río Grande Avenue, 405 Montana Avenue and 415 Montana Avenue and 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 20.10.410 off-street parking serving another property and 20.04.320 of the El Paso City Code, and,

3. That this Special Permit is issued subject to the development standards in the C-4 (Commercial) and 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 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. PZST14-00027 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; and

6. That bars, nightclubs, liquor stores, tattoo parlors, convenience store with gas pumps, commercial fueling station, and retail tobacco store and smoking establishments as defined in Title 9 of the El Paso City Code shall be prohibited.

ADOPTED this 12th day of May, 2015.

THE CITY OF EL PASO

[Signature]
Oscar Leeser
Mayor

ATTEST:

[Signature]
Richard Dufy Momsen
City Clerk

APPROVED AS TO FORM:

[Signature]
Karla M. Gleman
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Mathew S. McElroy, Director
Planning & Inspections Department

ORDINANCE NO. 018353

PZST14-00027

#388196 / 15-1007-1362 / 400 & 416 Rio Grande Ave. & 405 & 415 Montana Avenue
Special Permit Ordinance / KMN
AGREEMENT

ASLM, LTD, 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 C-4 (Commercial) and C-1 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 12th day of May, 2015.

ASLM, LTD:

By: Alan Maloney G.P. Pres.
(name/title)

(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS )
) COUNTY OF EL PASO )

This instrument is acknowledged before me on this 2015, by Alan Maloney, as General Partner President of ASLM, LTD.

Notary Public, State of Texas
Notary's Printed or Typed Name:

Michelle Armendariz

My Commission Expires:
2-18-2019

ORDINANCE NO. 018353

PZST14-00027

#388196 / 15-1007-1362 / 400 & 416 Rio Grande Ave. & 405 & 415 Montana Avenue
Special Permit Ordinance / KMN
ORDINANCE NO. 018352

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 15 AND ALL OF LOT 16, BLOCK 266, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY TEXAS, AND LOTS 11 THROUGH 12, BLOCK 266, CAMPBELL ADDITION, 400 RIO GRANDE AVENUE AND 405 MONTANA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL), AND IMPOSING A CONDITION. 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 15 and all of Lot 16, Block 266, Campbell Addition and Lots 11 through 12, Block 266, Campbell Addition, 400 Rio Grande Avenue and 405 Montana 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 A-2 (Apartment) 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 condition which is necessitated by and attributable to the intensity of use 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 bars, nightclubs, liquor stores, tattoo parlors, convenience store with gas pumps, commercial fueling station, and retail tobacco store and smoking establishments as defined in Title 9 of the El Paso City Code shall be prohibited.

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 12th day of May, 2015.

THE CITY OF EL PASO

Oscar Lesser
Mayor

ORDINANCE NO. 018352
Zoning Case No: PZRZ14-00038

#388136 / 15-1007-1361 / 400 Rio Grande Ave. & 405 Montana Ave. Rezoning Ordinance
KMN
ATTEST:

[Signature]
Richard D. Momsen
City Clerk

APPROVED AS TO FORM:

[Signature]
Karla M. Nierras
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Mathew S. McElroy, Director
Planning & Inspections Department

ORDINANCE NO. 018352
Zoning Case No: PZRZ14-00038

#388136 / 15-1007-1361 / 400 Rio Grande Ave & 405 Montana Ave. Rezoning Ordinance
KMN
8  APPENDIX C: SITE PLAN & UTILITY PLANS