

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: September 5, 2006
Public Hearing: September 26, 2006

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance granting Special Permit No. ZON06-00074, to allow for a 100% parking reduction on the property described as the South 46 feet, 7 inches of the West 1/2 of Block 21, Anson Mills Map, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 500 North Oregon Street. Applicant: Chama Lounge & Gallery. ZON06-00074 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00074, TO ALLOW FOR A 100% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE SOUTH 46 FEET, 7 INCHES OF THE WEST 1/2 OF BLOCK 21, ANSON MILLS MAP, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, Oregon Paso Partners, LP/Chama Lounge & Gallery, has applied for a Special Permit under Section 20.44.040 of the El Paso City Code to allow for a 100% parking reduction; and,

WHEREAS, the requirements of Section 20.64.175 have been satisfied; 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.64.175 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-5 (Commercial) District:
The South 46 feet, 7 inches of the West 1/2 of Block 21, Anson Mills Map, El Paso, El Paso County, Texas, and more particularly described in Exhibit "A", attached and incorporated for all purposes; and,
2. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso City Code so that a 100% parking reduction may be permitted on the property described in Paragraph 1 of this Ordinance; and,

CITY OF EL PASO
COUNTY CLERK
06-00074-00074

3. That this Special Permit is issued subject to the development standards in the C-5 (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. ZON06-00074** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 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.

PASSED AND APPROVED this _____ day of _____, 2006.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Hillary S. McGinnes, Assistant City Attorney

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Development Services Department

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

AGREEMENT

Oregon Paso Partners, LP/Chama Lounge & Gallery, 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-5 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

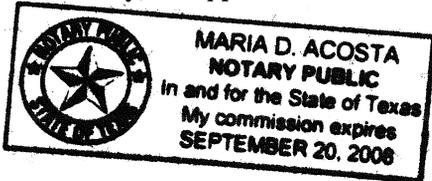
EXECUTED this 18TH day of AUGUST, 2006.


(Signature)
CHAMA LOUNGE & GALLERY - OWNER
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

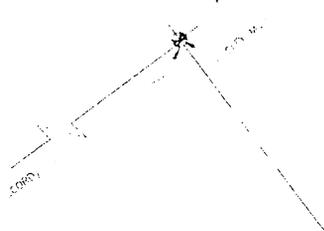
This instrument is acknowledged before me on this 18th day of August, 2006, by Ysabel C. Mazonish for **Oregon Paso Partners, LP/Chama Lounge & Gallery**, as Applicant.



Maria D. Acosta
Notary Public, State of Texas
Signature

My Commission expires:
9/20/08

Notary's Printed or Typed Name:
MARIA D. ACOSTA



PROPERTY DESCRIPTION

BEING THE SOUTH 46'7" OF THE WEST 1/2 OF BLOCK 21, ANSON MILLS MAP, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY MONUMENT FOUND AT THE MONUMENT LINE INTERSECTION OF OREGON STREET AND FRANKLIN STREET FROM WHICH A CITY MONUMENT AT THE MONUMENT LINE INTERSECTION OF FRANKLIN STREET AND MESA STREET BEARS NORTH 52°23'00" EAST A DISTANCE OF 325.16 FEET (RECORD 325.00 FEET). THENCE, WITH THE MONUMENT LINE OF FRANKLIN STREET NORTH 52°23'00" EAST A DISTANCE OF 20.00 FEET; THENCE, LEAVING SAID MONUMENT LINE NORTH 37°37'00" WEST A DISTANCE OF 25.00 FEET TO A PK NAIL SET ON THE NORTHEASTERLY RIGHT-OF-WAY OF OREGON STREET AND BEING THE POINT OF BEGINNING;

THENCE, WITH SAID RIGHT-OF-WAY NORTH 37°37'00" WEST A DISTANCE OF 46.58 FEET TO A SET CROW'S FOOT;

THENCE, LEAVING SAID RIGHT-OF-WAY NORTH 52°23'00" EAST A DISTANCE OF 120.00 FEET TO A SET 5/8" REBAR ON THE WESTERLY RIGHT-OF-WAY OF A 20.00 FOOT ALLEY;

THENCE, WITH SAID RIGHT-OF-WAY SOUTH 37°37'00" EAST A DISTANCE OF 46.58 FEET TO A CORNER ON THE NORTHWESTERLY RIGHT-OF-WAY OF FRANKLIN AVE. WITNESSED BY A SET PK NAIL IN CONCRETE 1.00 FOOT NORTHEASTERLY OF CORNER;

THENCE, WITH SAID NORTHWESTERLY RIGHT-OF-WAY SOUTH 52°23'00" WEST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.128 ACRES OR 5,590 SQUARE FEET.

Exhibit "A"



AREA: 0.128 ACRES = 5,590 SQUARE FEET

STEWART TITLE GUARANTY COMPANY
FILE NO. 5011314 DATED: FEBRUARY 22, 2005

| | | | | |
|--|--|-------------------------|---|-----------------|
| CERTIFICATION I CERTIFY THIS SURVEY WAS PERFORMED ON THE GROUND BY ME OR UNDER MY SUPERVISION, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND IT MEETS OR EXCEEDS THE MINIMUM STANDARDS OF LAND SURVEYING IN TEXAS. <i>Ira L. Hardin</i> IRA L. HARDIN REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS NO. 1798 | DATE B1: | REVISION DESCRIPTION | BOUNDARY & IMPROVEMENT SURVEY SOUTH 46'7" OF THE WEST 1/2 BLOCK 21 ANSON MILLS MAP CITY OF EL PASO EL PASO COUNTY TEXAS | |
| | DATE: MARCH 11, 2005 SCALE: 1"=20' DRAWING FILE: MILL-21-B&G DATA FILE: 500CK | | | |
| KISTENMACHER ENGINEERING COMPANY, INC. CONSULTING ENGINEERING LAND PLANNING SURVEYING 1420 GERONIMO DRIVE, SUITE A2 EL PASO, TEXAS 79925 915-778-4476 | | | DRAWN BY RHT | PROJECT NO. |
| | | | CHECKED BY ILH | SHEET 1 OF 1 |

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: August 24, 2006

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Melissa Granado, Planner

SUBJECT: ZON06-00074

The City Plan Commission (CPC), on August 3, 2006, voted **5-0** to recommend **APPROVAL** of a special permit for a one hundred percent (100%) parking reduction, concurring with Staff's recommendation.

The CPC found that this special permit is in conformance with The Plan for El Paso Citywide Land Use Goals which recommends that El Paso "develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities and outlets for social and cultural expression."

The proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for Mixed Use. The special permit is compatible with adjacent zoning and land uses. The CPC also determined the special permit protects the best interest, health, safety, and welfare of the public in general.

There was no opposition to this request.

Attachment: Staff Report, Location Map, Aerial Map, Site Plan, Traffic Study

STAFF REPORT

Special Use Permit #: ZON06-00074

Property Owner(s): Oregon Paso Partners, LP

Applicant(s): Chama Lounge & Gallery

Representative(s): Kevin Devonish

Legal Description: The South 46 feet, 7 inches of the West 1/2 of Block 21, Anson Mills Map

Location: 500 North Oregon Street

Representative District: # 8

Area: 0.1288 Acres

Zoning: C-5 (Commercial)

Existing Use: Retail

Proposed Use: Lounge and Gallery

Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association, Central Business Association

Surrounding Land Uses:

- North -** C-5 (Commercial) / Health care office
- South -** C-5 (Commercial) / Stewart Title El Paso
- East -** C-5 (Commercial) / Chase Bank of Texas
- West-** C-5/sp (Commercial/special permit) / El Paso City Library

Year 2025 Designation: **Mixed-Use** (Central Planning Area)

**CITY PLAN COMMISSION HEARING, AUGUST 3, 2006
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON06-00074

General Information:

The applicant is requesting a special permit to allow for a one hundred percent (100%) parking reduction for a proposed lounge and gallery. The property is currently zoned C-5 (Commercial). The property is currently being renovated and is 0.1288 acres in size. The proposed site plan shows a lounge and gallery to be located on the site. Access is proposed via Franklin Avenue and Oregon Street. There are no zoning conditions currently imposed on this property.

The proposed use for the property requires forty (40) parking spaces. The property is located in C-5 (Commercial) zoning and is therefore allowed a fifty percent (50%) parking reduction by Municipal Code. The applicants would therefore be required to provide a total of twenty (20) parking spaces; with approval of the special permit, the applicants would be granted a one hundred percent (100%) parking reduction.

Information to the Commission:

The Development Services Department – Planning Division has not received any calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit request.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities and outlets for social and cultural expression.”

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for Mixed Use land uses.

C-5 (Commercial) zoning permits a parking reduction by special permit.

The Commission must determine the following:

1. Will a one hundred percent (100%) parking reduction protect the best interest, health, safety, and welfare of the public in general?
2. Will a one hundred percent (100%) parking reduction be compatible with adjacent land uses?
3. What is the relation of the proposed special permit to the City’s Comprehensive Plan?
4. What effects will a one hundred percent (100%) parking reduction have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?

Information To The Applicant:

Development Services Department - Building Permits and Inspections Division Notes:

Zoning: Parking requirements for a night club are one space for every one hundred feet of gross floor area. Total improvement size for this project is 4028 sq. ft. Existing C-5 (Commercial) district allows automatic reduction of fifty percent of the amount otherwise required. This project would require 20 parking spaces.

Landscaping: This project has previously met the code requirements and has passed final inspection under 20.65.

Development Services Department – Planning Division Notes:

Current Planning: Recommends approval of the special permit for a one hundred percent (100%) parking reduction.

Subdivisions: No comments received.

Engineering Department - Traffic Division Notes:

No traffic concerns with the parking request for proposed night club.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

Water:

The property at 500 N. Oregon has an active water meter connection (3/4-inch) from an existing 14-inch diameter water main located along Oregon Street. Also, there is an existing 6-inch diameter water main along Franklin Avenue and an existing 2-inch diameter water main within the alley on Block 2.

Sanitary sewer:

There is an existing 10-inch diameter sanitary sewer main along Franklin Avenue fronting the subject properties. Also, there is an existing 6-inch diameter sewer main within the alley on Block 2.

General:

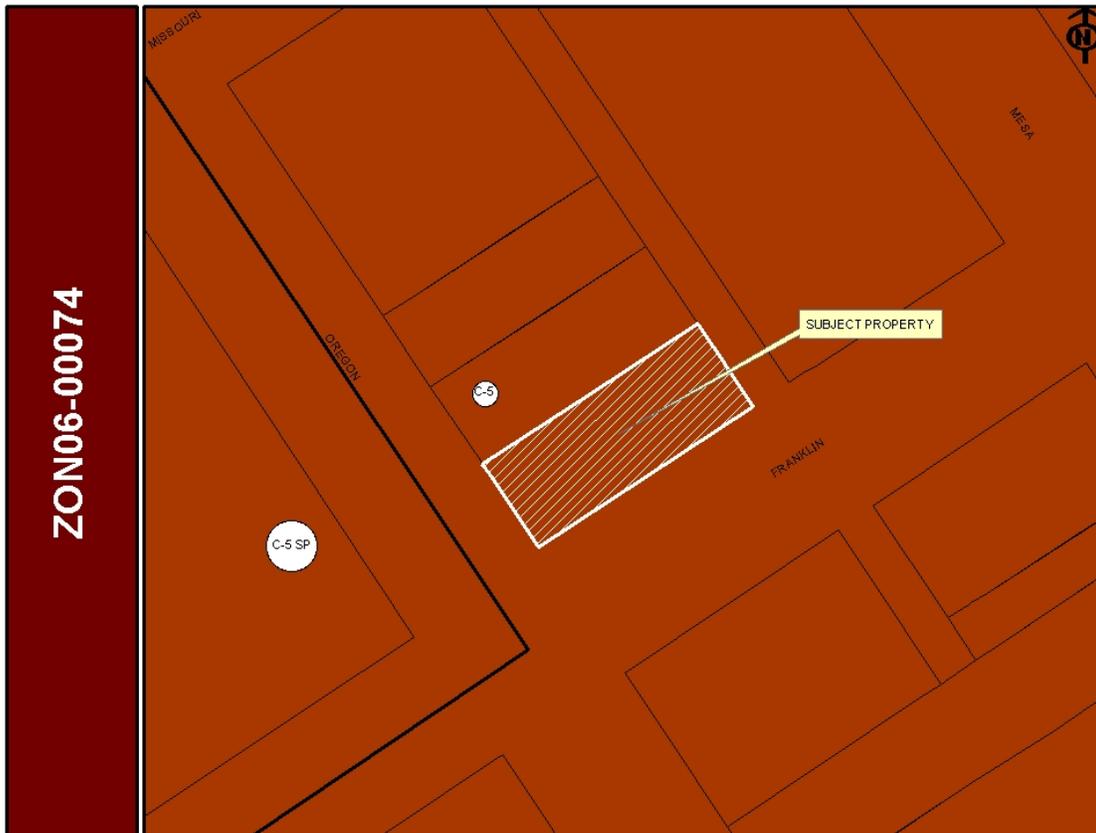
Application for additional water and sanitary sewer services should be made 6 to 8 weeks in advance of construction. A site plan, a utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner 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.

EPWU does not object to this request.

ATTACHMENT: Location Map, Aerial Map, Site Plan, Traffic Study

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION (915) 541-4056.

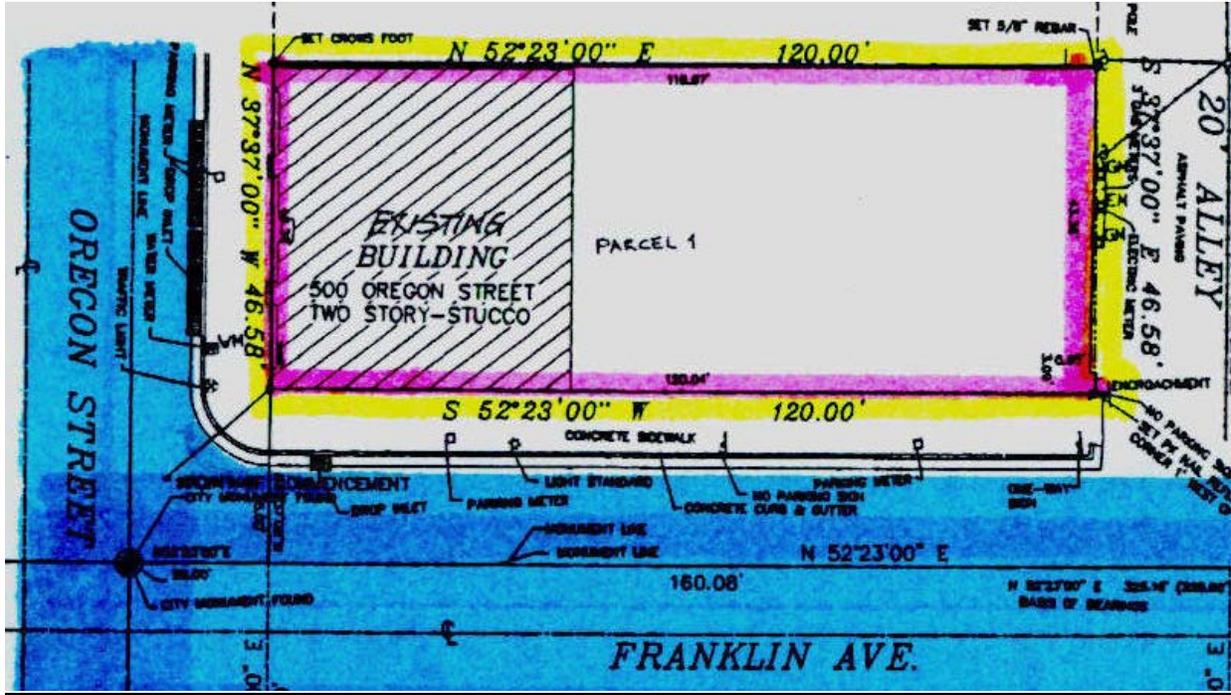
LOCATION MAP



AERIAL MAP



SITE PLAN



TRAFFIC STUDY

Traffic Study

**Chama Lounge & Gallery
500 N. Oregon, Suite A
El Paso, Texas 79901**

**Prepared For:
City of El Paso**

**Prepared By:
Chama Lounge & Gallery, Inc.
110 Atlantic
El Paso, Texas 79922**

Case Study

This traffic study was conducted due to Chama Lounge and Gallery (Chama) requesting 100% parking reduction from the City of El Paso. Chama will be located at 500 N. Oregon, which is in the 50% reduction zone. Based on its total square footage of 4,028 square feet, 1,547 square foot ground level and 2,481 square foot basement, Chama is required to provide twenty (20) parking spaces considering the 50% reduction; code requires one (1) parking space per 100 square foot. To fulfill code requirements, Chama has entered into a lease agreement with the Stewart Title building to lease its parking lot; which is directly across from Chama on the corner of Franklin and Oregon. The traffic study will show that Chama will fulfill its requirement without the lease agreement considering 100% reduction is granted by the City of El Paso.

Traffic Study

The traffic study was conducted within a 100 foot walking radius from 500 N. Oregon. Due to the current construction to the Main Library and Oregon Street, several parking meters are temporarily unavailable. The study was based on the available parking meters and parking lots within the stated walking radius. *See Table 1.*

| Street/Parking Lot | Intersections | Total Parking Spaces | Unavailable Spaces |
|---------------------|-----------------------------|----------------------|--------------------|
| Franklin | Santa Fe to Stanton | 50 | 22 |
| Diversified Parking | Franklin & Oregon | 60 | Note 2 |
| Chase Parking Lot | Mesa & Main / Oregon & Main | 91 | 0 |
| Oregon | Missouri to Main | 11 | 6 |
| Missouri | Mesa to El Paso | 16 | 9 |
| El Paso | Franklin to Main | 11 | 0 |

Table 1

- Notes: 1) Unavailable spaces are due to ongoing construction in the downtown area
2) Unavailable parking spaces in Diversified Parking lot are designated for taxi service

The study was conducted over the course of three weekend days at six (6) different time intervals. *Refer to Data Sheet.* At each time interval, there was a count of each available and unavailable parking meters and spaces; not including the meters unavailable due to construction. Once the data was recorded an analysis was conducted to calculate the average available spaces during operating and non-operating hours.

The lease agreement between Chama and Stewart Title states that the parking lot is accessible to Chama during the hours of 6:00 pm and 2:00am Friday thru Sunday. The analysis is based on the beginning-operating hour of 5:00 pm due to preparation. The Chase Parking lot is accessible to the public after 5:00pm daily and weekends. Should Chama decide to open earlier in day for business, the analysis shows time intervals outside of the hours stated. *Refer to Calculations.*

Analysis

On Friday July 21, 2006 the counts show that there was a total average of one hundred and one (101) available parking spaces during the whole day. There was an average of forty-six (46) available parking spaces during non-operating hours and one hundred and fifty-two (152) spaces during operating hours.

On Saturday July 22, 2006 the total average of available parking spaces was one hundred and sixty-seven (167). The average number of available spaces during non-operating hours was one hundred and fifty (150). During the operating hours the counts show that there was an average of one hundred and eighty-two (182) spaces during the operating hours.

The total average available parking spaces on Sunday July 23, 2006 were one hundred and seventy-five (175). During non-operating hours, the counts revealed that there was an average of one hundred and fifty-eight (158) available parking spaces. The counts also revealed that there was an average of one hundred and ninety-two (192) available parking spaces during operating hours.

Conclusion

Based on the analysis, Chama meets the parking requirements during the non-operating and operating hours. Even though the analysis did not take into consideration the meters that are unavailable due to construction, the requirements are met. The analysis did not take into consideration the available parking spaces located at the parking garage above Jack in The Box restaurant. The Chase Bank parking lot is limited to use by the public after 5:00 pm on weekdays and all day on weekends. This parking lot has shown to provide an ample amount of parking to facilitate the capacity of Chama. Based on the square footage and amount of furniture within the tenant space, the capacity is between 80 to 100 people on the ground level; which at this time will be renovated. The basement level will be phased in at a later date. The analysis shows that even with the basement being renovated at a later date, the available parking within a hundred foot radius will facilitate the patrons to Chama Lounge & Gallery.

Data Sheet

Date: Friday July 21, 2006

| Street / Parking Lot | 9:00 AM | | 12:00 PM | | 3:00 PM | | 5:00 PM | | 8:00 PM | | 10:00 PM | |
|----------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Available | Unavailable |
| Franklin | 14 | 14 | 16 | 12 | 15 | 13 | 16 | 12 | 14 | 14 | 18 | 10 |
| Diversified Parking | 7 | 53 | 23 | 27 | 28 | 22 | 35 | 15 | 53 | 7 | 58 | 2 |
| Chase Parking Lot | 0 | 91 | 0 | 91 | 0 | 91 | 20 | 71 | 85 | 6 | 85 | 6 |
| Oregon | 2 | 3 | 5 | 0 | 2 | 3 | 4 | 1 | 3 | 2 | 5 | 0 |
| Missouri | 5 | 11 | 8 | 8 | 6 | 10 | 9 | 7 | 12 | 4 | 13 | 3 |
| El Paso | 5 | 6 | 3 | 8 | 2 | 9 | 4 | 7 | 11 | 0 | 11 | 0 |

Date: Saturday July 22, 2006

| Street / Parking Lot | 9:00 AM | | 12:00 PM | | 3:00 PM | | 5:00 PM | | 8:00 PM | | 10:00 PM | |
|----------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Available | Unavailable |
| Franklin | 13 | 15 | 8 | 20 | 5 | 23 | 13 | 15 | 14 | 14 | 18 | 10 |
| Diversified Parking | 42 | 18 | 30 | 30 | 28 | 32 | 35 | 25 | 57 | 3 | 57 | 3 |
| Chase Parking Lot | 91 | 0 | 89 | 2 | 89 | 2 | 89 | 2 | 89 | 2 | 90 | 1 |
| Oregon | 1 | 4 | 0 | 5 | 0 | 5 | 2 | 3 | 2 | 3 | 2 | 3 |
| Missouri | 15 | 1 | 11 | 5 | 14 | 2 | 16 | 0 | 14 | 2 | 14 | 2 |
| El Paso | 8 | 3 | 5 | 6 | 3 | 8 | 10 | 1 | 11 | 0 | 11 | 0 |

Date: Sunday July 23, 2006

| Street / Parking Lot | 9:00 AM | | 12:00 PM | | 3:00 PM | | 5:00 PM | | 8:00 PM | | 10:00 PM | |
|----------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Available | Unavailable |
| Franklin | 25 | 3 | 11 | 17 | 5 | 23 | 13 | 15 | 20 | 8 | 19 | 9 |
| Diversified Parking | 52 | 8 | 32 | 28 | 18 | 40 | 48 | 12 | 58 | 2 | 58 | 2 |
| Chase Parking Lot | 91 | 0 | 90 | 1 | 90 | 1 | 89 | 2 | 91 | 0 | 91 | 0 |
| Oregon | 4 | 1 | 0 | 5 | 2 | 3 | 2 | 3 | 5 | 0 | 5 | 0 |
| Missouri | 15 | 1 | 14 | 2 | 14 | 2 | 16 | 0 | 15 | 1 | 15 | 1 |
| El Paso | 8 | 3 | 0 | 11 | 3 | 8 | 10 | 1 | 11 | 0 | 11 | 0 |

Calculations

Date: Friday July 21, 2006

| Street / Parking Lot | 9:00 AM | | 12:00 PM | | 3:00 PM | | 5:00 PM | | 8:00 PM | | 10:00 PM | |
|----------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Available | Unavailable |
| Franklin | 14 | 14 | 16 | 12 | 15 | 13 | 16 | 12 | 14 | 14 | 18 | 10 |
| Diversified Parking | 7 | 53 | 23 | 27 | 28 | 22 | 35 | 15 | 53 | 7 | 58 | 2 |
| Chase Parking Lot | 0 | 91 | 0 | 91 | 0 | 91 | 20 | 71 | 85 | 6 | 85 | 6 |
| Oregon | 2 | 3 | 5 | 0 | 2 | 3 | 4 | 1 | 3 | 2 | 5 | 0 |
| Missouri | 5 | 11 | 8 | 8 | 6 | 10 | 9 | 7 | 12 | 4 | 13 | 3 |
| El Paso | 5 | 6 | 3 | 8 | 2 | 9 | 4 | 7 | 11 | 0 | 11 | 0 |

| Average Available: | Non-Operating Hours | Operating Hours | Average Available Spaces |
|---|---------------------|-----------------|--------------------------|
| Franklin | 15 | 16 | 16 |
| Diversified Parking | 19.3 | 48.7 | 34 |
| Chase Parking Lot | 0.0 | 63.3 | 32 |
| Oregon | 3.0 | 4.0 | 4 |
| Missouri | 6.3 | 11.3 | 9 |
| El Paso | 3.3 | 8.7 | 6 |
| Total Average Available Spaces | | | 101 |
| Average During Non-operating Hours | | | 46 |
| Average During Operating Hours | | | 162 |

Date: Saturday July 22, 2006

| Street / Parking Lot | 9:00 AM | | 12:00 PM | | 3:00 PM | | 6:00 PM | | 8:00 PM | | 10:00 PM | |
|----------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Available | Unavailable |
| Franklin | 13 | 15 | 8 | 20 | 5 | 23 | 13 | 15 | 14 | 14 | 18 | 10 |
| Diversified Parking | 42 | 18 | 30 | 30 | 28 | 32 | 35 | 25 | 57 | 3 | 57 | 3 |
| Chase Parking Lot | 91 | 0 | 89 | 2 | 89 | 2 | 89 | 2 | 89 | 2 | 90 | 1 |
| Oregon | 1 | 4 | 0 | 5 | 0 | 5 | 2 | 3 | 2 | 3 | 2 | 3 |
| Missouri | 15 | 1 | 11 | 5 | 14 | 2 | 16 | 0 | 14 | 2 | 14 | 2 |
| El Paso | 8 | 3 | 5 | 6 | 3 | 8 | 10 | 1 | 11 | 0 | 11 | 0 |

| Average Available: | Non-Operating Hours | Operating Hours | Average Available Spaces |
|---|---------------------|-----------------|--------------------------|
| Franklin | 8.7 | 15.0 | 12 |
| Diversified Parking | 33.3 | 49.7 | 42 |
| Chase Parking Lot | 89.7 | 89.3 | 90 |
| Oregon | 0.3 | 2.0 | 1 |
| Missouri | 13.3 | 14.7 | 14 |
| El Paso | 5.3 | 10.7 | 8 |
| Total Average Available Spaces | | | 167 |
| Average During Non-operating Hours | | | 160 |
| Average During Operating Hours | | | 182 |

Date: Sunday July 23, 2006

| Street / Parking Lot | 9:00 AM | | 12:00 PM | | 3:00 PM | | 6:00 PM | | 8:00 PM | | 10:00 PM | |
|----------------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Available | Unavailable |
| Franklin | 25 | 3 | 11 | 17 | 5 | 23 | 13 | 15 | 20 | 8 | 19 | 9 |
| Diversified Parking | 52 | 8 | 32 | 28 | 18 | 40 | 48 | 12 | 58 | 2 | 58 | 2 |
| Chase Parking Lot | 91 | 0 | 90 | 1 | 90 | 1 | 89 | 2 | 91 | 0 | 91 | 0 |
| Oregon | 4 | 1 | 0 | 5 | 2 | 3 | 2 | 3 | 5 | 0 | 5 | 0 |
| Missouri | 15 | 1 | 14 | 2 | 14 | 2 | 16 | 0 | 15 | 1 | 15 | 1 |
| El Paso | 8 | 3 | 0 | 11 | 3 | 8 | 10 | 1 | 11 | 0 | 11 | 0 |

| Average Available: | Non-Operating Hours | Operating Hours | Average Available Spaces |
|---|---------------------|-----------------|--------------------------|
| Franklin | 13.7 | 17.3 | 16 |
| Diversified Parking | 34.0 | 54.7 | 44 |
| Chase Parking Lot | 90.3 | 90.3 | 90 |
| Oregon | 2.0 | 4.0 | 3 |
| Missouri | 14.3 | 15.3 | 15 |
| El Paso | 3.7 | 10.7 | 7 |
| Total Average Available Spaces | | | 176 |
| Average During Non-operating Hours | | | 168 |
| Average During Operating Hours | | | 192 |

APPENDIX

20.64.160 Number—Computing.

In computing the number of parking spaces required by the following formulae:

A. Where fractional spaces result, the parking spaces required shall be the next larger number where the fraction is 0.5 or more.

B. For mixed uses, except those with different hours of operation, the total requirement shall be the sum of the requirement of the individual uses computed separately.

C. Where a building is altered or enlarged in such a manner as to change its parking requirements twenty percent or more, said building shall comply with all parking requirements. Where the enlarged requirement is less than twenty percent, and when the enlargement or alteration is the first enlargement or alteration to the building, the additional spaces required shall be those generated by the addition to or alteration of the building.

D. For existing buildings not conforming with parking requirements for which a change in use is sought, see Section 20.62.020(H). (Prior code § 25-60.2(1))

20.64.170 Specific requirements.

Specific requirements by use shall be:

| Use or Use Category | Off-Street Parking Spaces Required |
|---|---|
| One or two-family dwelling | One per dwelling unit up to two bathrooms; one additional space for each three-fourths or full bathroom above two |
| Town house, patio house or atrium house | Two per dwelling unit |
| Multiple-family dwelling, three or more dwelling units: | |
| Apartments for the elderly | 0.7 per dwelling unit |
| Efficiency apartments | One per dwelling unit |
| One bedroom apartments | 1.5 per dwelling unit |
| Two or more bedroom apartments | Two per dwelling unit |
| Roomers | One for each two roomers |
| Church or place of assembly | One per five seats or bench seating spaces (seats in main auditorium only) or one per one hundred twenty-five square feet of floor area in the main |

| | |
|---|---|
| College or high school | One per four seats or bench seating spaces (seats in main auditorium or field house only) or one for each four students, whichever is greater |
| Elementary, junior high or nursery school | One per ten seats in main assembly room or two per classroom whichever is greater |
| Country club or golf club | One per five members or one for each four hundred square feet of floor area, whichever is greater |
| Public library, museum, art gallery, or community center | Ten per use plus one additional space for each three hundred square feet of floor area in excess of one thousand square feet |
| Private clubs, fraternities, sororities and lodges, with sleeping rooms | One per sleeping room or suite or one per two members whichever is greater |
| Private clubs, fraternities, sororities and lodges, with no sleeping rooms | One per four members or one for each two hundred square feet of floor area, whichever is greater |
| Sanitarium, convalescent home, home for the aged, or similar institution | One per three patient beds |
| Motel, motor hotel, motor lodge, hotel or tourist court | Five spaces, plus one per sleeping room or suite, excluding restaurants, bars, convention halls and similar type facilities |
| Rooming, boarding, or lodging house | One per two sleeping rooms |
| Hospital (for outpatient services, see medical offices or clinics) | Two per patient beds |
| Office or office building (other than medical) post office, studio | One per four hundred square feet of usable office floor area; three spaces minimum |
| Medical offices or clinic | One per two hundred square feet of floor area; ten spaces minimum for clinic; three spaces minimum for doctors' offices |
| Funeral home | One per fifty square feet of floor area excluding storage and work area, thirty spaces minimum |
| Restaurant or other establishment for consumption of food or beverages inside a building on the premises | One space for every one hundred square feet of gross floor area, five spaces minimum |
| Restaurant, drive-in | One per one hundred square feet of floor area, fifteen spaces minimum |
| Retail supermarket or retail department store or retail store or personal service establishment and banks | One per two hundred square feet of floor area, five spaces minimum |
| Shopping center | Five spaces per one thousand square feet of gross leasable floor area |
| auditorium where seating is not provided | |

WEEKEND PARKING LOT SUBLEASE

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This Weekend Parking Lot Sublease is entered into effective as March 15, 2006, between the Landlord and Subtenant identified below.

1. Defined Terms.

a) Landlord: **STEWART TITLE OF EL PASO FIRTH JOHNSTON MARTINEZ**
 415 N. Mesa Street 415 N. Mesa Street
 First Floor Third Floor
 El Paso, Texas, 79901 El Paso, Texas, 79901

b) Subtenant: **CHAMA LOUNGE & GALLERY, INC.**
 500 N. Oregon
 Suite A
 El Paso, Texas 79901

c) Subleased Premises: The parking lot (during the weekend hours of Friday between 6:30 p.m. and the following Monday at 2:00 a.m. only) of the property at 415 N. Mesa Street, El Paso Texas 79901, **save and except** the 5 covered and 10 uncovered parking spaces nearest Landlord's building.

d) Sublease Term and Permitted Use: 1 year commencing on the date listed above; parking of vehicles during the weekend hours beginning every Friday at 6:30 p.m. and ending the following Monday at 2:00 a.m.

e) Rental: Subtenant shall pay Landlord (in care of Firth Johnston Martinez) **\$600.00** per month as rental, in advance on the first day of every month of the Sublease Term.

2. Sublease. Landlord hereby subleases the Subleased Premises to Subtenant on the terms set forth herein.

3. Limitation on Landlord Liability and Insurance. Landlord shall not be liable to Subtenant or to its employees, customers, agents, invitees or visitors, or to any other person whomsoever, for any injury to person or damage to property on or about the Subleased Premises. Subtenant shall maintain insurance coverage of not less than \$1,000,000.00 insuring both Landlord and Subtenant against all claims in connection with Subtenant's use or occupancy of the Subleased Premises. Subtenant will provide written certification to Landlord that the insurance coverage is in place.

4. Limitations. This Sublease is subject to the approval and immediate termination by Landlord or owner of the Subleased Premises and/or MIMCO, Inc., and cannot be assigned or transferred in any way by Subtenant.

5. Default. If Subtenant fails or refuses to timely pay any rental or if Subtenant fails to perform or observe any other term, condition or covenant of this Sublease and the default continues for more than 5 days after Landlord gives Subtenant notice of the default, Landlord reserves the right to terminate this Sublease without further notice.