LEGISLATIVE REVIEW COMMITTEE
Meeting Action Report

Committee: Planning & Development

Members: City Representative Ann Morgan Lilly (Chair)
City Representative Susie Byrd
City Representative Beto O'Rourke
City Representative Rachel Quintana

Date of Meeting: December 2, 2009

This Meeting Action Report includes agenda items where action was taken by the Planning & Development Legislative Review Committee (LRC), and where City Council finalization of the direction received is necessary. Items postponed for future action of the LRC are not included in this Report.

I. Discussion and Action on the 2009 Texas Legislative changes to allow municipalities to regulate boarding home facilities.

Summary:

Members of the LRC requested clarification from the City Attorney's Office on the state requirements regulating boarding facilities. It was reported that House Bill 216 amended Chapter 254 of the Health and Safety Code to add a section addressing the regulation of these facilities. This section goes into effect September 1, 2010 and allows a municipality to require a City permit in order to operate a boarding home facility. The City may also adopt the standards developed by the state. No public comment was received.

Action Taken:

The LRC voted 3-0 to recommend that the City Manager prepare an amendment to various portions of the El Paso City Code pertaining to the regulation of boarding home facilities pursuant to changes in the state requirements; that staff develop the proposed Code amendments working with various community advocates and agencies; and that an update on the staff progress of the code amendment be given in March 2010.

Disposition:

This recommendation will be scheduled for City Council action on December 22, 2009.

II. Discussion and Action on policy direction concerning personal care facilities and assisted care facilities within single-family residential zones.

Summary:

City staff presented information regarding the various types of personal care and assisted care facilities permitted within residential zones and sought guidance on whether the type of facilities and number of recipients was appropriate within these single-family residential areas. Certain applications had recently been submitted that raised public concerns with these facilities and the current

regulations. Legal staff also pointed to changes in state law that impacted the definitions and standards for these facilities for the aged and disabled. No public comment was presented.

Action Taken:

The LRC voted 3-0 to recommend that the City Manager prepare an amendment to the El Paso City Code (Zoning) pertaining to the regulation of personal care facilities and assisted care facilities within single-family residential zones, and specifying the supplemental requirements for each type of facility.

Disposition:

This recommendation will be scheduled for City Council action on December 22, 2009.

III. Discussion and Action on amending Title 20 (Zoning) of the El Paso City Code to include off-street parking maximums outside of the downtown area.

Summary:

On September 1, 2009, the El Paso City Council directed that the Development Services Department conduct research on off-street parking maximums as an alternative to current parking requirements. City staff presented data from the Institute of Transportation Engineers, the Urban Land Institute and the National Parking Association. Also, other community regulations were presented which limit off-street parking under various mechanisms. Options, from least to most restrictive, were presented and discussed. No public comment was presented.

Action Taken:

The LRC voted 3-0 to recommend that the City Manager solicit public input regarding an amendment to the El Paso City Code (Zoning) to establish off-street parking maximums for certain uses on properties outside of the Downtown Area, and reporting back to the LRC on any input received to allow further direction on such a proposed amendment.

Disposition:

This recommendation will be scheduled for City Council action on December 22, 2009.

IV. Discussion and Action on amending Title 20 (Zoning) of the El Paso City Code to allow for administrative review and approval of parking reduction applications that do not exceed a 10% reduction.

Summary:

As part of a recent application scheduled for City Council action, discussion ensued regarding the need to have parking reduction applications heard by the El Paso City Council or whether staff review and approval would be most appropriate. The Development Services Department was tasked to bring forward its recommendations. City staff presented a recommendation that permits administrative parking reductions under limited circumstances; no more than a ten percent reduction request and subject to compliance with certain conditions that demonstrate that parking is not available and that the impact is minimal. No public comment was presented.

Action Taken:

The LRC voted 3-0 to recommend that the City Manager prepare an amendment to the El Paso City Code (Zoning) that permits administrative review and approval of parking reduction applications that do not exceed a 10% reduction.

Disposition:

This recommendation will be scheduled for City Council action on December 22, 2009.

V. Discussion and Action on policy direction regarding expanding the boundaries of the City of El Paso Improvement District No. 3 (as established by Ordinance No. 736) to match the boundaries of the Downtown 2015 Plan, so as to expand the area for which 100% of the off-street parking requirements are waived under the Zoning Code, and for which redevelopment project incentives may be available.

Summary:

The Economic Development Department is considering various options to incentivize redevelopment and rehabilitation opportunities in the downtown area. City staff submitted a recommendation to expand the area of the Improvement District No. 3 to match the boundaries of the Downtown 2015 Plan to allow a 100% waiver of the City's off-street parking requirements for all uses within the revised area. Since properties within the downtown area are built to the property lines, it is imperative that the parking requirements be relaxed so that this is not seen as an impediment to any rehabilitation or redevelopment project. No public comment was presented.

Action Taken:

The LRC voted 3-0 to recommend that the City Manager prepare an amendment to the El Paso City Code (Zoning) that expands the boundaries of the City of El Paso Improvement District No. 3 to match the boundaries of the Downtown 2015 Plan, so as to expand the area for which 100% of the off-street parking requirements are waived under the code, and for which redevelopment project incentives may be available.

Disposition:

This recommendation will be scheduled for City Council action on December 22, 2009.

SUBMITTED BY:

Ann Morgan Lilly

City Representative Ann Morgan Lilly, District 1
Chair, Planning & Development LRC

Patricia D. Adauto

Patricia D. Adauto, Deputy City Manager
City Manager – Development & Infrastructure