



Los Alamos County
Community Development Department
PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: February 22, 2017
Subject: Case No. SUP-2017-0009
Owners/Applicants: Steven Booth, Owners & Applicants
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. SUP-2017-0009:

The petitioners are requesting approval of a Special Use Permit to allow for an accessory apartment. The subject property is located at 705 Rim Road, Los Alamos, and is zoned R-1-8 (Single Family Residential). Section 16-287 of the Los Alamos County Development Code requires accessory apartments to obtain a Special Use Permit issued by the Planning & Zoning Commission.

Motion Option 1:

I move to **approve** Case No. SUP-2017-0009, a Special Use Permit to allow an accessory apartment, located at 705 Rim Road, Los Alamos, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

1. The applicant shall apply for and receive a Building Permit prior to constructing the accessory apartment, and a Certificate of Occupancy prior to future occupancy.

Motion Option 2:

I move to **deny** Case No. SUP-2017-0009, a Special Use Permit to allow for the accessory apartment use, located at 705 Rim Road, Los Alamos, due the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 – Development Code review criteria in §16-156, for the following reasons:

1. ...

SUMMARY

This request is for approval of a Special Use Permit (SUP) to allow an "accessory apartment" to the principal residential structure located at 705 Rim Road. The proposed accessory apartment will be located in an existing space within the basement of the single family residential dwelling.

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The subject property contains 12,818.5 ft² of land (0.294± acre), and is zoned R-1-8, a single family district that allows accessory apartments as a Special Use. The principal structure on the property was constructed as a single family residential dwelling.

According to §16-533(3) of the Los Alamos County Development Code, the R-1-8 Single Family Residential District is intended to accommodate single-family dwellings and accessory structures and uses, and are further intended to maintain and protect a residential character of development.

According to §16-287 – Use index table of the Los Alamos County Development Code, “Accessory Apartments” are permitted within single family residential zoning districts, subject to securing approval of a Special Use Permit by the Planning & Zoning Commission.

The subject property is a “through lot,” meaning that it has frontage on both Rim Road and Quartz Street. The rear yard is completely enclosed by a chain link fence containing two gates which provide access to the rear yard. The gate located at the southern property boundary is a double-wide gate, which will provide vehicular access to the rear yard.

The proposed accessory apartment will be constructed within a portion of the basement. It will consist of an “L-shaped” floor plan, measuring approximately 27' by 22,' and containing a total area of approximately 450 Ft². A kitchen and bathroom facilities are proposed. Ingress/egress to the proposed apartment will be via a man door opening into the basement. A second man door opens from the basement into the rear yard.

According to the Senior Building Official, the accessory apartment will need to be constructed with a one-hour wall separating the two living spaces (apartment, main residence). This will require the one-hour wall to be placed in the ceiling of the accessory apartment. Plumbing fixtures for both the kitchen and bathroom will require review, inspection and approval by the Building Official. All electrical and/or gas utility connections for the stove will also require a review, inspection and approval by the Building Official.

The footprint of the principal residence contains 1,534 Ft² of area. The proposed accessory apartment will not increase the area of the footprint, as it is proposed to be constructed entirely within the existing basement of the residence. The total lot coverage, including the shed (192 Ft²) and the detached garage structure (288 Ft²) is approximately 15.7%. This total lot coverage calculation is in compliance with the Site Development Requirements contained within §16-537 (j) of the Development Code, which specifies a maximum lot coverage of 40%.

Off-street parking will be accommodated within the rear yard, and be accessible via Quartz Street through a double gated entryway in a chain link fence.

There are 2 utility easements traversing the length of the rear yard. There is a sewer service line which bisects the rear yard into two roughly equal portions. An electrical line runs diagonally across the rear yard, from the southeastern corner of the subject property to the southwest corner of the residence. Since no outside construction is proposed, neither existing utility easement will be compromised or impacted.

All other Development Code requirements for the existing and proposed land use have been satisfied. No waivers, per §16-572 and §16-157, are being requested to support development of this project.

SPECIAL USE PERMIT REVIEW CRITERIA

Section 16-156 of the Development Code states: During the time of the review, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission, and the planning and zoning commission shall utilize the following criteria in making its determination of approval, conditional approval or denial.

(1) The request substantially conforms to the Comprehensive Plan, and the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of such proposed use, or be detrimental or injurious to property or to the value of property in the vicinity, or to the general welfare of the county.

Applicant Response: The County plan for residential district R-1 provides for single-family units (SFUs), accessory structures, and uses to be maintained and protected in a residential character of development. The accessory apartment at 705 Rim Road complies with this intent. The project's goal is to provide additional living space to serve the tight Los Alamos County rental market, especially during the peak summer months when the Laboratory hires over 1000 students, while making minimal changes to the neighborhood. The accessory apartment will be located wholly within the existing SFU structure. A single wall with a door will be added inside the existing -1000 square foot basement to create a partitioned space of about 450 square feet to serve as a bedroom, bath, and kitchen. The project includes an improvement to the heating system for the entire SFU that will reduce emissions via installation of a high-efficiency, condensing boiler. A smaller 4-inch diameter PVC flue will replace the current larger galvanized steel flue associated with the original 36-year-old boiler in the house. The two existing basement windows will be replaced with larger ones to allow safe fire egress. The new flue and windows will be the only visible changes to the exterior of the SFU. The bedroom/apartment will be well-insulated and finished in a high-quality manner similar to the rest of the house.

Staff Comment: The accessory apartment use is permitted in the R-1-8 district, subject to Planning and Zoning Commission review and approval as a Special Use Permit. There are several goals and policies contained within the 2016 Comprehensive Plan that address increased density and affordable housing. (Planning). A Building Permit shall be required for all proposed construction activities (Building).

(2) There are sufficient parking facilities that are adequately designed, shielded, landscaped and lighted to serve the use applied for based on the requirements of this chapter as found in article IX of this chapter.

Applicant Response: Parking facilities are entirely off-street. A 12-foot gate encloses a flat graveled pad, with a temporary garage already in place. Three options for parking locations are shown on the plan. Mature trees are on both sides of the gate along Quartz St., which provide visual screening. No curb cut is required. No sidewalks or walking paths will be disturbed by the parking. Street lights are located about 50 yards away on both sides of the property along Quartz St. The street has very low traffic, with only 18 residences on it. The accessory apartment will not add significantly to the vehicle burden.

Staff Comment: The site currently has ample space to accommodate sufficient off-street parking to serve the accessory apartment use. Off-street parking requirements are specified in §16-370 (a) of the Development Code (Planning). The Traffic Department has no concerns with the use proposed.

(3) The provisions for on-site and off-site ingress/egress and traffic circulation are in conformance with the County's construction standards, that the public streets serving the use applied for are adequate to

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meet the traffic needs of the proposed use and that the proposed use will not adversely affect neighboring properties by virtue of the type of traffic generated by the use.

Applicant Response: Ingress and egress to the accessory apartment is via the existing basement door facing Quartz St. Entrance to and exist from Quartz St. from the parking pad has good sight lines. No adverse impact will occur to surrounding properties. Any additional vehicle traffic to the neighborhood will be related to the tenant or guests, and will be an insignificant change to current conditions.

Staff Comment: Traffic generated by the use proposed will not negatively impact the neighborhood (Dan Erickson). Ingress and egress to the subject property will be via the existing driveway. Apartment tenants will utilize an existing doorway to access the proposed apartment. (Planning).

(4) The setbacks of buildings and parking facilities from the property lines, right-of-way, and adjacent land uses are in conformance with this chapter and provide protection to and a transition from residential development, existing and contemplated in the vicinity; and that the height and bulk of the proposed buildings and structures are compatible with the general character of development in the vicinity of the use applied for.

Applicant Response: The 12-foot gate is set back about 20-feet from the Quartz St. north curb, with a flat area to use as an entrance lane. No set-back issues exist with the construction since the remodel will occur entirely inside the existing structure.

Staff Comment: The proposal is not anticipated to have a negative impact on the existing ingress/egress, and adjacent roadways as determined by the County Fire Marshal, the County Engineer, and County Building Official. Approval of the accessory apartment use will have no impact on the site layout. No new exterior construction is proposed. (Planning)

(5) The site plan, including but not limited to landscaping, screen planting, and fencing of the proposed development, demonstrates that the site development will be compatible with adjoining areas and will conform to the site development standards of the district regulations.

Applicant Response: The 705 Rim Road property is fully landscaped with many mature trees, shrubs, and flower beds. Existing landscaping and fencing will not be disturbed or modified by the special use.

Staff Comment: This provision is not applicable, since the petition proposes no new (exterior) construction. (Planning).

PUBLIC COMMENT

The Community Development Department received one comment from a neighbor as a result of mailing property owner notices of the public hearing. Mr. David Kloepper initially expressed opposition to the apparent use of the land as an “apartment;” however, after speaking with the petitioner, he is withdrawing his objections to the proposed land use. His comments are provided in Exhibit 6.

FINDINGS OF FACT

1. Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Post, the official newspaper of record, and property owners of real property located

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within 100 yards of the subject property were notified of this public hearing, all in accordance with the requirements of §16-192 of the Los Alamos Development Code.

2. The request is for a Special Use Permit to construct an accessory apartment structure to be located inside the existing residential dwelling unit, with access via the rear yard.
3. The proposed parking area is sized for several vehicles, and is located in the rear yard of the subject property, with access via Quartz Street. Individuals parking vehicles in the rear yard will have access through a 12-foot wide gate located within a fence.
4. Accessory Apartments are permitted within the R-1-8 Zoning District, subject to securing approval of a Special Use Permit by the Planning & Zoning Commission.
5. Petitioner states that the accessory apartment will contain approximately 450 Ft².
6. One neighbor commented and voiced an objection regarding the proposed land use. After speaking with the property owner, this neighbor withdrew his objections to the proposed land use.
7. ...

STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

Staff review has determined that the application meets the criteria for processing of a Special Use Permit. IDRC review of the SUP application took place on January 27, 2017. After reviewing and determining that the petition did not present any negative aspects or impacts that would preclude it from being forwarded to the Planning and Zoning Commission for a public hearing, the IDRC membership conducted a vote and forwarded a favorable recommendation to the Planning & Zoning Commission.

EXHIBITS

- Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property/ List of Property Owners within 100 Yards (300 Feet)
- Exhibit 2: Application, Lot Survey and Proposed Floor Plan
- Exhibit 3: IDRC Master Comments
- Exhibit 4: Photographs of Subject Property; Staff (6)
- Exhibit 5: E-Mail message from David Kloepper, initially expressing opposition to the Special Use Permit, dated February 6, 2017; and a follow-up E-Mail, retracting his opposition to the Special Use Permit, dated February 10, 2017.