



# County of Los Alamos

Los Alamos, NM 87544  
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## Council Meeting Staff Report

August 10, 2016

**Agenda No.:**

**Indexes (Council Goals):**

**Presenters:** Anders Millmann

**Legislative File:** 8473-16

### Title

Case No. 16-SUP-001: Mark and Diana Martinez, owners, request approval of a Special Use Permit to allow for an accessory apartment. The subject property is located at 20 Manhattan Loop, Los Alamos, and is zoned R-1-8 (Single Family Residential).

### Property Owners

Mark & Diana Martinez

### Applicant

Mark & Diana Martinez

### Case Manager

Anders Millmann, Senior Planner

### Recommended Motions

#### Motion Option 1:

I move to **approve** Case No. 16-SUP-001, a Special Use Permit to allow an accessory apartment, located at 20 Manhattan Loop, 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.
2. The off-street parking area proposed to be sited at the front of the subject property shall be constructed in accordance with code and be complete prior to future occupancy of the accessory apartment (if this area will be designated for off-street parking to serve the accessory apartment). As an alternative, the existing concrete pad in the rear yard may be utilized for off-street parking to serve the accessory apartment.
3. The accessory apartment structure shall be architecturally compatible with the existing single family residential structure on the subject property.
4. All requirements of the Los Alamos Development Code shall be met during construction of the accessory apartment and prior to obtaining a Certificate of Occupancy.

#### Motion Option 2:

I move to **deny** Case No. 16-SUP-001, a Special Use Permit to allow for the accessory apartment use, located at 80 Canyon 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. ...

### CASE SUMMARY

This request is for approval of a Special Use Permit (SUP) to allow an "accessory apartment" to the principal residential structure located at 20 Manhattan Loop. The stated purpose of the accessory apartment is to house the petitioner's elderly parents.

The subject property contains 10,598 ft<sup>2</sup> of land (0.24± 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 in the

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1960s as a single family residential dwelling.

The subject property is completely enclosed by a solid wood fence containing three gates providing access.

The proposed accessory apartment ("Casita") will be placed within the rear yard. It will measure approximately 20' by 24' and contain a total area of 480 ft<sup>2</sup>. The approximate total area of the rear yard is 2,924 ft<sup>2</sup>, yielding a rear yard coverage figure of 16.4%. Section 16-273 (b) permits up to 25% coverage within the rear yard by accessory buildings. The petitioner's proposal complies with this section.

The total lot coverage prior to constructing the proposed accessory apartment is approximately 26.7%. The addition of the 480 ft<sup>2</sup> Casita increases the lot coverage by approximately 4.53%, for a total lot coverage of 31.2%. 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%.

The proposed accessory apartment will be set back six (6') feet from the rear yard property line. The minimum required by §16-273 (a) (2) is three (3') feet. This setback distance is in compliance with this code requirement.

The proposed accessory apartment will be set back fifteen (15') feet from the interior side yard property line, and twenty-seven (27') feet from a street side yard property line. There will be a ten (10') foot separation distance observed between the accessory apartment and the existing principal residence. Although not specifically regulated, Staff finds that all three setbacks are adequate.

There is a utility easement traversing the length of the rear yard. There is a gas service line which serves only the petitioner's residence located within this easement. The proposed accessory structure will not be constructed over any portion of the existing utility easement.

The height of the proposed accessory apartment will measure approximately ten (10') feet. The maximum height permitted by the Site Development Requirements contained within §16-537 (j) of the Development Code is twelve (12') feet. The height of the structure is in compliance with this code requirement.

The site currently has three designated off-street parking spaces. Three off-street parking spaces meets the minimum number of required off-street parking spaces for this land use, as specified in §16-370 (a) of the Development Code. Section 16-366 (2) (c) requires conformance with the Development Code, "when the use of a structure or the number of units on a site is changed which requires more parking spaces." Although not required by the Development Code, the applicant is proposing to utilize an area located at the northwestern corner of the subject property to accommodate off-street parking for one additional vehicle. The site plan illustrates this area as measuring 10' by 14'. This is shown as "unimproved parking" on the site plan. Section 16-367 (a) of the Development Code requires minimum parking stall dimensions of 9 feet by 18 feet. If this area is to be designated as the off-street parking space for the proposed accessory apartment, it shall be lengthened to 18 feet so as to meet this requirement of the Development Code. The petitioner may also consider utilizing an existing concrete pad measuring 16' by 18', which is located immediately adjacent to where the proposed accessory apartment will be sited, as off-street parking designed to serve the accessory apartment, if warranted or conditioned. Access to this pad would be via an existing 10' wide gate which access the Christian Church parking lot, adjacent to the rear yard of the subject property.

Canyon Road is of sufficient width to accommodate on-street parking, if needed. The New Mexico Department of Transportation is proposing to re-align the intersection of Canyon Road and SR 502 in the near future. The resulting intersection improvement seeks to align Canyon Road with Arroyo Lane, to make a single 4-way intersection. The result of this project will create an "orphan" of the portion of Canyon Road that lies adjacent to the south of the subject property. Although disposal of this portion of right-of-way is not outlined within NMDOT's current Plans and Specifications, it could be used for additional parking for the subject property, and adjacent properties, if warranted. This proposal by NMDOT should not negatively impact the petitioner's property or the use proposed via this petition.

Although the petitioner has plans to construct a small shop structure in the rear yard to the south of the proposed accessory apartment at some point in the future, no other construction is proposed or anticipated at

this time. 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 request will conform to county-required setbacks, including corner property. The casita and shop will be adjacent to a church parking lot with access from current existing driveway at front 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.

***(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: The existing driveway accommodates 3 vehicles; 2 diagonally, 1 vertically. Front of house has a fourth parking space, with low curb but that currently accommodates one car - we plan to gravel or place pavers to formalize this parking space.

Staff Comment: The site currently has three off-street parking spaces. Three off-street parking spaces meets the minimum number of required off-street parking spaces for this land use, as specified in §16-370 (a) of the Development Code.

***(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 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: On-site and off-site ingress/egress are in conformance with construction standards. Site has adjacent 12' gate and pad to accommodate building with permission from the Christian Church. Canyon Road 10' gate also exists.

Staff Comment: Staff concurs with the applicant's response. On-street parking is also available on both sides of Canyon Road. Any agreement(s) made between the petitioner and the Christian Church for access to the petitioner's rear yard are beyond the scope of this report.

***(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: Casita will be finished in stuccoed-ranch style, with pitch or slanted roof, in conformance with local adjacent homes

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

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Official. Approval of the accessory apartment use will have no impact on the site layout.

***(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 landscaping to be performed is in a back yard bordered by 6' fence and will be a work-in-progress, with sidewalks/path be done with casita immediately. Existing fence will not be altered.

Staff Comment: The petitioner will need to address all additional requirements of the Development Code regarding landscaping, screen planting and fencing at the time of Building Permit submittal.

## **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 Monitor, and property owners of real property located 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 in the rear yard.
3. The proposed accessory apartment is sited approximately 10' from the east (rear) property line; 15' from the interior (north) side property line, and 27' from the street side property line.
4. The proposed parking area is sized for one additional vehicle, and measures 10' x 14'. It is located in the front yard of the subject property, adjacent to Manhattan Loop, and may require the removal of existing landscaping to be accommodated. Individuals parking vehicles on this proposed area will be required to walk through a gate located within a fence near the proposed parking area to gain access the accessory structure (apartment), located approximately 100' distant. As an alternative, the petitioner proposes to utilize an existing concrete pad located immediately adjacent to the site identified for construction of the accessory apartment. This concrete pad measures 16' by 18', and has direct access to the Christian Church parking lot via a 10' wide gate.
5. Petitioner states that the accessory structure measures 20' x 24' (exterior dimensions), and will house their elderly parents.

## **INTERDEPARTMENTAL REVIEW COMMITTEE 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 July 1, 2016. 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 conduct a vote and forward a favorable recommendation to the Planning & Zoning Commission.

## **EXHIBITS**

- Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property
- Exhibit 2: Application, Proposed Site Plan and Proposed Elevations
- Exhibit 3: DRAFT Minutes of July 1, 2016 Inter Departmental Review Committee (IDRC) Meeting Minutes
- Exhibit 4: Map and List of Property Owners within 100 Yards (300 Feet)
- Exhibit 5: Photographs of Subject Property; Staff (8) and Petitioner (4)
- Exhibit 6: NM 502-Trinity Drive Improvements, January 2016 Update