

## Council Meeting Staff Report

September 28, 2016

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**Agenda No.:** A.

**Indexes (Council Goals):**

**Presenters:**

**Legislative File:** 8627-16

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### Title

#### **Case No. SIT-2016-0004:**

Paul Mifsud, agent for Vista del Este Partnership, requests Site Plan approval to develop eight (8) new attached single family residential units, located in the Quemazon Subdivision at 4725 Quemazon. The proposed development will consist of 8 new attached single family residential units contained within 3 buildings, with associated on-site parking and traffic circulation. The property contains 22,590 Ft<sup>2</sup> (0.519± acres), and is zoned PD 3.5 SP (Special Plan District, 3½ dwelling units per acre).

### Property Owners

Vista del Este Partnership/Roger Waterman/Richard Kramer

### Applicant

Vista del Este Partnership/Roger Waterman/Richard Kramer

### Case Manager

Anders Millmann, Senior Planner

### Recommended Action

I move to approve Case No. SIT-2016-0014, a Site Plan Amendment for 8 new attached single family residential units contained within 3 buildings, with associated on-site parking and traffic circulation, located at 4725 Quemazon, for the reasons stated in the staff report and per testimony entered at the public hearing, subject to the following conditions of approval:

- A revised landscape plan shall be prepared and submitted for review by Community Development Department Staff, prior to the submittal of construction drawings in support of a building permit. These Plans shall contain an irrigation plan and a plan to identify and preserve existing trees located on the site;
- All exterior lighting shall be in conformance with the New Mexico Night Sky Protection Act;
- The petitioner shall work closely with Los Alamos County Staff to address all issues related to the proposed development, including but not limited to, Fire Department issues, Utility Department issues and Environmental Services Department issues;
- The petitioner shall receive any necessary approvals from the Quemazon Architectural Review Committee and the HOA; and
- Approval of a Building Permit is required prior to construction.

I further move to authorize the Chair to sign Findings of Fact and Conclusions of Law for this case and based on this decision, to be prepared by County staff.

### CASE SUMMARY

Paul Mifsud requests Site Plan approval (SIT) to construct eight (8) new attached single-family residential dwelling units contained within 3 buildings, addressed as 4725 Quemazon, Los Alamos, NM. The vacant lot contains a total of 22,590± Ft<sup>2</sup> (0.519± acres) of land area. The legal description of the subject property is Lot 44A, Quemazon Communities Phase 1.

The Quemazon Communities Planned Development was approved as a three phase development,

during the time period from August 1998 through December 1999. The overall density approved for the entire development was 3.5 dwelling units per acre. Lot 44A was platted and recorded in July 2005, and is located within the "Middle Island" portion of the development (Phase 1). Plans for a 12-unit apartment complex were submitted to the CDD for review and approval in December 2005; however this proposal never materialized due to expressed opposition from the HOA. A previous Site Plan was submitted to the Community Development Department in 2012 (Case No. 12-SIT-004), but was never processed. That application illustrated 9 attached single-family residential dwelling units; this application illustrates 8 dwelling units, on the same parcel of land.

This proposal seeks to construct 8 single family residential dwelling units on a parcel of land that was identified in the original Quemazon Communities Planned Development as a "Neighborhood Amenity Lots," with this specific site being identified as a "Lodge."

The proposed site plan illustrates 8 attached single family residential dwelling units to be constructed within 3 separate structures. There will be two different floor plans, identified on the site plan as "Unit A" and "Unit B." Four "A" units are proposed to be constructed along Quemazon Street, and the four "B" units are proposed to be constructed along the western half of the property. A one-way access road will serve the proposed development, with ingress on Quemazon Street, and egress onto Esperanza Street. The entrance of the access way drive will be constructed to a width of 20-feet, in order to accommodate fire and emergency apparatus. This driveway access will be reduced to 16-feet in width as it accesses the 8 dwelling units.

Each "A" unit will be two stories in height, and will contain 1,384 Ft<sup>2</sup> under roof; 881 Ft<sup>2</sup> of this area will be livable area. Each unit will measure approximately 28-feet in depth by 25-feet in width, and contain a 3½-foot entryway extending into the "front yard." Each unit will contain one bedroom, a living room, a bathroom, and a kitchen on the "main" level, and a laundry room, 2-car enclosed garage, a small storage area and a closet containing mechanical equipment and entry area on the ground level. The overall height of the "A" units will be approximately 29½ feet above grade.

Each "B" unit will be three stories in height, and will contain 2,067 Ft<sup>2</sup> under roof, 1,350 Ft<sup>2</sup> of this area will be livable area. Each unit will measure approximately 29-feet in depth by 37-feet in width, and contain a tiled entryway extending 3½ feet into the "front yard." Each unit will contain a living room, kitchen, dining room, study and bathroom on the second level, and two bedrooms and two bathrooms on the third floor. The ground level floor will contain the 2-car garage and a storage area, as well as a closet for the mechanical equipment. The overall height of these units is illustrated as 37½ feet above grade.

Exterior treatment includes stucco, hardi-panel siding, stone veneer, aluminum clad window treatments and 3-tab architectural asphalt roof shingles. This exterior treatment is similar to other developments within the Quemazon Communities Subdivision.

The property slopes generally from the southwest to the northeast. There is a 20-foot wide drainage easement running along the northern property line. An intermittent creek is contained within this drainage easement. Two storm drain inlets are located within Quemazon Avenue, which will remain after development is complete. The petitioner has identified on-site storm drainage conveyances located at the eastern development line and along the western development line. Storm drainage from both of these conveyances as well as the impervious (paved) surfaces will drain into the drainage easement located at the northern property line.

Each unit is proposed to contain a two-car garage. This is sufficient off-street parking to accommodate two vehicles, which is the minimum required by the Development Code.

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No waivers, per §16-572 and §16-157, are being requested for development of this project.

No public comments have been received by the Community Development Department as of Friday September 23, 2016.

## **SITE PLAN REQUIRED**

Sec. 16-152. - Site plan required.

(a) An approved or conditionally approved site plan shall be required for all development(s) of property or alteration or addition to existing structures.

## **SITE PLAN REVIEW CRITERIA**

### **Sec. 16-152A. - Site plan review criteria.**

During the course of their review of any site plan, the IDRC shall utilize the following criteria in formulating a recommendation to the community development director or the planning and zoning commission; and the community development director or the planning and zoning commission shall utilize the following criteria in making its determination of approval, conditional approval or denial:

(a) The site plan shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.

Applicant Response: The project contributes greatly to the County's goal to diversify housing in the community. "Expanding the economic diversity of the population will require redeveloped and integrated housing at a variety of price ranges so that firefighters, teacher, police, young people and elders can live comfortably in our community." We believe that this project will provide a form of rental housing that is under-represented in this area of the community.

Staff Comment: The site plan supports the following Vision Statement and Policy Plan Goal adopted as part of the existing Comprehensive Plan:

No. 5: Diversify Housing. "Expanding the economic diversity of the population will require redeveloped and integrated housing at a variety of price ranges so that firefighters, teachers, police, young people and elders can live comfortably in our community."

The proposed single-family residential development is in conformance with the "Vision Statement and Policy Plan Goal" of the Comprehensive Plan.

(b) Ingress, egress, traffic circulation and parking on the site shall be accomplished with safety for motorists, bicyclists and pedestrians. Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians.

Applicant Response: The design of the project separates the circulation paths of pedestrians from that of vehicles in order to facilitate safe ingress and egress for both. The dwelling units either face directly toward the street or to an access way that leads directly to it. Quemazon and Esperanza both have pedestrian sidewalks which will tie into sidewalks for the project and lead directly to the unit entries. Vehicles follow a different path, driving in from Quemazon and out to Esperanza with garages and off-street parking located in between.

Staff Comment: After further review, the site has sufficient parking and maneuvering areas as determined by the County Fire Marshal and Building Official. The applicant worked closely with the Fire Marshal on design parameters addressing the width of the internal access way for fire and emergency vehicular ingress and egress.

(c) The necessary provisions shall be made for controlling stormwater drainage on-site and off-site as required by the county engineer in accordance with the county's storm drainage construction standards or such other ordinances or storm water management plans as may exist.

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Applicant Response: The off-site drainage for the Quemazon subdivision has been master-planned to meet Los Alamos County drainage standards, while the approved and installed system has been designed to accept and direct the storm drainage for all of the individual lots. There is an existing drainage easement and landscape area at the north side of the property that will accept all of the storm water from the project.

Staff Comment: Staff concurs with the applicant's response. Final engineering review and approval will occur at the time of building permit.

(d) The necessary easements shall be provided for both existing and proposed utilities, on-site and off-site. No existing easement shall be terminated without provision of alternate service, and all new services shall be provided.

Applicant Response: All necessary easements for the provision of utilities are already in place. The plans for the project will not require any existing easements to be terminated.

Staff Comment: The proposal is not anticipated to have a negative impact on the existing utilities. The applicants will coordinate all required utility locates with the County Utilities Department, as well as with the County Engineer.

(e) The site plan shall include a conceptual landscape plan that will enhance the site and immediate vicinity and provide adequate screening and buffering, if appropriate, between properties. The final landscape plan shall conform to the requirements set forth in sections 16-574 and 16-575.

Applicant Response: Please see the attached conceptual Landscape Plan for this project. Only two sides of this property adjoin other properties, as the other two sides front on existing Los Alamos County streets. The north side contains existing natural vegetative screening and a 32 foot wide easement as a buffer. The west side of the property is screened by a grade change and landscaping as is shown on the submitted Landscape Plan.

Staff Comment: The submitted Landscape Plan appears to meet the minimum five percent requirement for landscaping material, as required by Section 16-574 and Section 16-575. However, the location, type and kind of plant material to be planted on the site upon its development is not specified. Additionally, there is no information on the Landscape Plan submitted that identifies the location of all trees to be preserved on the site. Therefore, a revised Landscape Plan shall be submitted for review and Staff approval prior to the submission of construction plans in support of a building permit. Additionally, an irrigation plan shall be prepared and submitted for review, concurrent with submittal of the revised Landscape Plans.

(f) Parking lots, outside storage areas, outside mechanical equipment and outdoor lighting shall be designed to serve the intended use of the development while minimizing adverse impacts on adjacent properties or public rights-of-way.

Applicant Response: The parking areas are located internally and are separated from the streets by the buildings and landscaped areas. Mechanical equipment and storage areas will be located inside the dwelling unit structures. Outside lighting will be limited to small wattage fixtures located only at entry doorways and will meet Los Alamos County requirements for outside lighting.

Staff Comment: All exterior lighting shall be compliant with the New Mexico Night Sky Protection Act (Chapter 74 Article 12 NMSA 1978, Night Sky Protection).

(g) Structures, site grading, and all other aspects of the development shall meet all applicable design standards or guidelines, as may be adopted and made a part of this code, and shall preserve, to the extent practical, outstanding topographical features and natural amenities on the site.

Applicant Response: The capacity of all public services required to serve the project has already been designed, constructed, and approved as a part of the Quemazon Subdivision.

Staff Comment: N/A.

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(h) The capacity of those public services and facilities required to serve the proposed development (including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc.) shall conform with, or if improvements are required, shall be made to conform with the requirements of the county's construction standards.

Applicant Response: All new development on the site will meet all applicable codes, as well as the Los Alamos County Development Code. Most of the site was graded and used as a staging point for the construction of the subdivision itself. The drainage easement at the north end of the property contains existing trees and natural landscaping that will remain in place and be protected from damage during construction of the project. This area will remain as open space and landscaped area.

Staff Comment: This information shall be illustrated and submitted on a revised Landscape Plan, prior to construction plans being submitted for review and issuance of a building permit.

(i) Provisions shall be made to serve the development with tot lots and/or neighborhood parks in accordance with the adopted comprehensive plan. A fee may be paid as approved by county council to accomplish the purpose of a comprehensive plan in lieu of the development of tot lots or neighborhood parks.

Applicant Response: This criteria does not apply to this property that is a part of the Quemazon Subdivision.

Staff Comment: This criterion pertains primarily to residential development, and were provided during the master planning of the Quemazon Subdivision. Although additional provisions are not required, if the applicant wishes to provide a public amenity as a part of this project to enhance the site, they could do so.

## **FINDINGS OF FACT**

- The petition is for Site Plan approval of a proposed single-family residential development, located on vacant land within the Quemazon Communities Phase 1 subdivision. The subdivision has previously been platted and recorded.
- The subject property is located at 4725 Quemazon Avenue.
- The subject property is currently undeveloped.
- The subject property contains approximately 22,590 Ft<sup>2</sup> of land area (0.519± acres).
- The subject property is zoned PD-3.5/SP, as described in §16-533 and §16-534 of the Los Alamos County Development Code.
- Attached single-family residential land uses are permitted uses in the PD-3.5/SP district, per the Use Index Table contained in §16-287.
- Public notification for this case has been completed in accordance with §16-192 of the Los Alamos County Development Code.
- Issues brought forward at the IDRC meeting conducted on September 2, 2016 concerning the Fire Department's ability to deploy apparatus onto or adjacent to the site appear to have been adequately addressed by the applicant.

## **STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE RECOMMENDATION**

Staff review has determined that the application meets the criteria for approval of a Site Plan. IDRC review of the SIT application took place on September 2, 2015. There were a number of significant issues that were discussed at the IDRC meeting, notably an issue concerning driveway width and the need for access by fire suppression apparatus. Comments from each reviewing Department are listed below, with staff comments in resolution of the issues identified:

**1. Fire Department:** The interior roadway is not wide enough. The minimum road width for

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emergency access is 20 feet. This is achieved in the turn-in on the northeast corner (must be a fire lane as it only provides the minimum 20 feet) but not on the north/south road (only 16 feet). The plan will have to be amended to meet the access considerations.

Applicant Response: The code section referenced for this requirement is Section 18.2 of the 2015 edition of NFPA 1. Section 18.2.3.2.1 states: "A fire department access road shall extend to within 50 ft. of at least one exterior door that can be opened from the outside and that provides access to the interior of the building." Each townhouse has an exterior door that is within 50 feet of a 20 foot wide access road. Unit #3B is the farthest of any unit from a fire access road and the center of its front door is 50 feet from the curb face on Esperanza Street. We believe that the current site plan meets the requirements of this code section.

Staff Response: After talking with Mr. Misfud and reviewing his code analysis, staff agrees (Fire Marshal) to approve this site plan based on the notion that at least one exterior door with access to the inside of each residence will be within 50 feet of an access road.

**2. Fire Department:** There is no hydrant that I can find on the plans, I have an idea of where I'd like to see one [there is an existing fire hydrant south of Esperanza Road].

Applicant Response: There are actually two fire hydrants adjacent to this property. One is on the north side of Esperanza Street about 10 feet west of the southwest property corner. The other is directly across the street to the east, on the northeast corner of the intersection of Esperanza and Quemazon. We have added these to our Site Plan which we have attached to this message.

Staff Response: A field inspection verified the location of both fire hydrants. The staff photos illustrate the location of the fire hydrants.

**3. Fire Department:** Minimum driveway width is controlled by Chapter 13 NFPA Section 1.18 and 18.2.3.4.11. In lieu of widening interior access road, either request a code-wide analysis to justify 16-foot driveway width, or sprinkler each building.

Applicant Response: See the response to the first comment above. We believe that the current site plan meets the requirements of this code section. There are no plans to provide sprinkler systems in these homes.

Staff Response: N/A

**4. Environmental Services:** Please contact Environmental Services when applicable to set up trash and recycle roll cart service.

Applicant Response: Yes, the department will be notified at the appropriate time.

Staff Response: N/A

**5. PW/Engineering:** Install ADA ramps where driveway meets sidewalk. Interior drainage issues need to be addressed [an interior drainage easement width was reduced some time ago].

Applicant Response: Yes, sidewalk ramps have been added to the site plan where the new interior road meets the existing sidewalks. Interior drainage is shown on the site plan at a level appropriate for this submittal. Engineering will be provided when the project advances to the design development and construction document stage. Yes, the drainage easement width was reduced with the approval of Los Alamos County and their Public Works Department.

Staff Response: This issue will be re-reviewed upon the submission of construction plans.

**6. PW/Traffic & Streets:** Make sure ample off-street parking is provided by developer and that proper sight distance is maintained at the private drive.

Applicant Response: Off street parking provided meets the requirements of the County Development Code. When a detailed landscape plan is produced at a later date we will ensure that the proper sight distances are maintained.

Staff Response: This issue will be re-reviewed upon the submission of construction plans.

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**7. Utilities Department:** Submit a more detailed Utilities Plan.

Applicant Response: A more detailed Site Utilities Plan will be submitted as part of the building permit submittal. We believe this Utilities Plan is more detailed than what is historically required for this level of submittal. Also, this Utilities Plan was produced with the direction of the Los Alamos County Utilities Department and was approved at the two previous I.D.R.C. meetings for this project.

Staff Response: The previous site plan submitted in 2012 was never processed. There have been some minor amendments made to the Development Codes since 2012. This issue will be re-reviewed upon the submission of construction plans.

Initially, the IDRC's recommendation was to disapprove this Site Plan, based on the County's Fire Code which requires a 20-foot internal driveway width, which is needed to accommodate fire and emergency apparatus. However, after a re-review of the two Fire Codes (Los Alamos County and a National Fire Code), the Fire Marshal agreed to use the National Fire Protection Code to review this Site Plan petition. As a result, the IDRC supports approval of the project incorporating the IDRC Comments, and has forwarded a favorable recommendation to the Planning and Zoning Commission, subject to the conditions outlined at the beginning of this report and listed below.

**ALTERNATE MOTION**

**I move to deny Case No. SIT-2016-0004, request for Site Plan review for a 8 new attached single family residential units contained within 3 buildings, with associated on-site parking and traffic circulation, located at 4725 Quemazon, due the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 - Development Code review criteria in §16-152A, for the following reasons:**

**1. ...**

**EXHIBITS**

Exhibit A: Application/Vicinity Map/Aerial Photo; Photographs of the Existing Site (8)

Exhibit B: Site Plan, landscape plan, elevations, renderings

Exhibit C: Petitioner's response to issues raised at IDRC meeting

Exhibit D: Map and List of Property Owners within 100 Yards (300 Feet)