



Los Alamos County
Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: March 12, 2025
Subject: Case No. VAR-2025-0006, Variance
Applicant/Owner: Will Gleason, Dekker Designs, on behalf of Ocean Rock Capital Partners and Grand Mesa Partners, LLC.
Case Manager: Desirae J. Lujan, Senior Planner

Professional Background:

Associates Architectural & Civil Drafting; 16 years in Planning and Land Use, Local Government, with five years in Case Management of Development Applications.

Case No. VAR-2025-0006: Will Gleason of Dekker Designs, Agent on behalf of Ocean Rock Capital Partners and Grand Mesa Partners, LLC, property owner, requests a variance from the Downtown Los Alamos Streetscape Standards along Central Avenue. This variance pertains to an approved hotel development located at 400 Trinity Drive, Los Alamos, NM. The property, designated as EA2 S, is situated within the Eastern Area 2 Subdivision and the Downtown Los Alamos (DTLA) Zone District.

See Attachment A: Application Submittal

Figure 1: Vicinity Map, Google Earth Airbus, May 2023



BACKGROUND

The Guesthouse Hotel development, 400 Trinity Drive, Los Alamos, NM, is located west of the NM502 roundabout, and divides the arterial roads of Central Avenue (north), and Trinity Drive (south). It is accessed by either of these two main roads and sits east, approximately 2-ft lower

than the abutting property known as Mari-Mac Village. The lot is within the Eastern Area 2 Subdivision and is also within the Downtown Los Alamos Zone District (DTLA), which provides convenient access to local businesses, restaurants, and government offices.

On January 8, 2025, the Planning and Zoning Commission reviewed and approved a Site Plan application that would develop the vacant lot by constructing a three-story hotel designed for both short- and extended stays. The 40,786 Sq. Ft. building will feature 60 units, and two 966 Sq. Ft. conference rooms.

Figure 2: Location Area Map (Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates...)

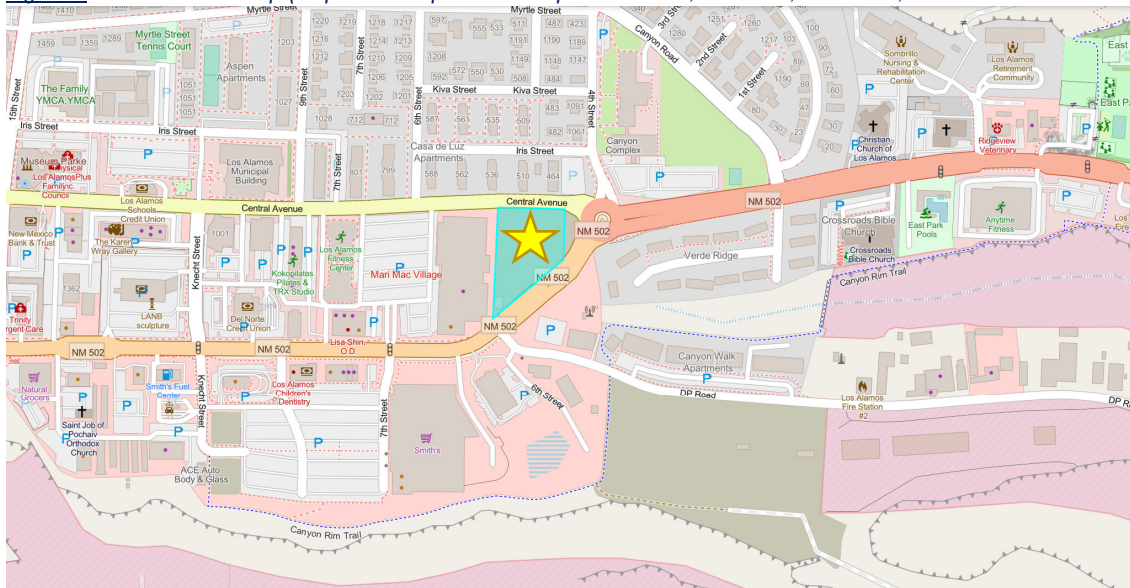


Image 1: Rendering of Proposed Development



NOTE: IMAGE IS CONCEPTUAL IN NATURE AND MAY NOT REFLECT THE REQUIREMENTS OF THESE PLANS

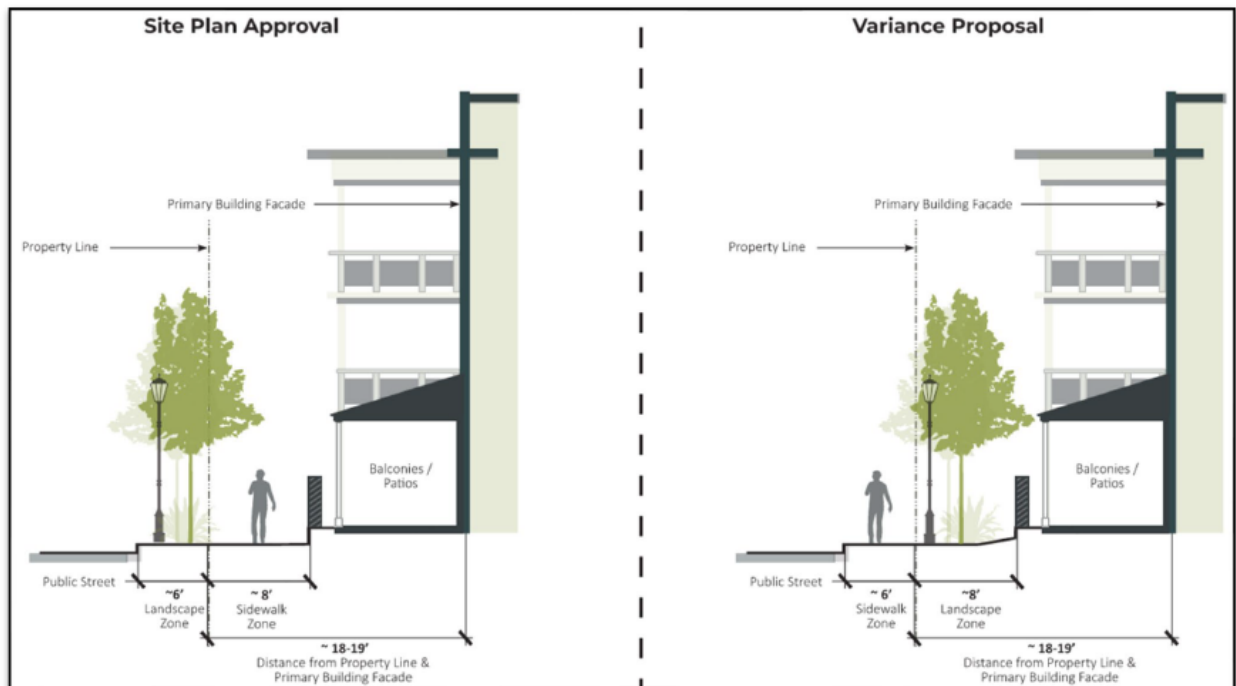
SUMMARY

The Site Plan approved under Case No. SIT-2024-0070 aligns with the Development Code's Figure 7: Alternative Downtown Los Alamos standards. However, due to site constraints, the original streetscape design incorporated an 8-foot sidewalk within the property boundary and a 6-foot landscape strip in the public right-of-way, aligning with adjacent NMDOT sidewalk improvements. As a condition of approval, the County Engineer recommended dedicating the sidewalk to the County as public right-of-way, a requirement upheld by the Planning and Zoning Commission.

Following approval, the property owners, Ocean Rock Capital Partners and Grand Mesa Partners, LLC., re-evaluated the streetscape design. To provide privacy for hotel guests and avoid dedicating approximately 1,683 Sq. Ft. of private property, they now seek a variance from DTLA streetscape standards, proposing to revise the approved layout. The new design would place a 6-foot sidewalk along Central Avenue, adjacent to the curb, and relocate the 8-foot landscape strip within the property boundary, creating a buffer between pedestrian traffic and hotel guest patios. The applicant has cited that the adjustment accommodates site constraints such as a 4-foot grade change, improves privacy for guests, and integrates more seamlessly with existing streetscape elements near the roundabout.

This alternative approach continues to support the vision for Downtown Los Alamos by ensuring an accessible downtown streetscape while addressing the challenges posed by the corner lot's irregular shape, and proximity to the NM502 roundabout. Lastly, if approved, a subsequent administrative application must be submitted for a Minor Site Plan Amendment.

Figure 3: Design comparison provided by Dekker Designs



INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The Interdepartmental Review Committee (IDRC) independently reviewed the Variance application and provided their recommendation by email. Eric Ulibarri, County Engineer, submitted a formal Memorandum which outlines recommended conditions for approval. All other IDRC members communicated no issues or concerns with the changes proposed with the variance application.

See Attachment B: Engineering, Public Works, Memorandum, dated February 21, 2025

PUBLIC NOTICE: The *Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-72(c) Notifications*, sets forth the requirements for proper notice to the public for a public hearing:

- **Published and Posted Notice [16-72(c)(4)]:**
 - Notice published in a newspaper of general circulation within the County at least 14-calendar days before the meeting or hearing. **Published February 20, 2025**
 - The posting of at least one sign on a street abutting the property that is the subject of the application – visible from the street – for at least 14-calendar days before the public meeting or hearing. **Posted February 25, 2025**
- **Mailed Notice [16-72-(c)(5)]:**
 - Mailed notice 14 days prior to the public hearing to all owners of record as identified in the records of the County Tax Assessor or occupants of properties within 300 ft., excluding public rights-of-way, of exterior lot lines of the subject property. **Mailed February 19, 2025**

See Attachment C: Public Notices

VARIANCE DECISION CRITERIA: Section 16-74(g) of the Los Alamos County Development Code states that a Variance shall be approved if it meets all of the following criteria:

a. The variance will not be contrary to the public safety, health, or welfare.

Applicant Response: The proposed development does not compromise public safety, health, or welfare. The adjustments to the street frontage design maintain a safe and accessible pedestrian environment while accommodating the unique needs of The Guest House Hotel. The revised design preserves clear and unobstructed pedestrian pathways and ensures emergency access to and from the property. Additionally, the new design eliminates the need for a harsh line of a retaining wall, allowing a sloped grade with aesthetically pleasing landscaping. The revised landscaping improvements within the landscape buffer zone adjacent to the sidewalk will further enhance the area by creating a more pleasant and shaded condition than currently exists, contributing to a more comfortable and welcoming pedestrian experience. Moreover, by addressing privacy concerns for hotel guests, the variance enhances the overall well-being of residents and visitors without introducing risks or hazards to the public realm. These adjustments strike a balance between maintaining pedestrian functionality and meeting the operational needs of a hospitality-focused development, ensuring that both safety and aesthetic improvements are prioritized.

Staff Response: In the staff's expert opinion, this criterion has been met because the proposed alternative streetscape does not negatively impact public safety, health, or welfare. Due to the slow posted speed limit on this segment of Central Avenue, as well as the slow approach to the roundabout, the requested variance poses no risk to traffic safety, as it does not create

dangerous conditions, obstruct sightlines, increase congestion, or raise the likelihood of accidents. While it differs from the approved Site Plan and the preferred and alternative DTLA design within the Development Code, it aligns with the intent of the Los Alamos Downtown Master Plan and standards by addressing pedestrian needs and creating a welcoming and visually appealing downtown gateway. Additionally, the streetscape proposed by this variance is consistent with recent improvements that were built to the east by NMDOT leading to improved user expectations and a smooth transition from the existing 6-foot sidewalk to the wider, preferred downtown standards. Lastly, future County maintenance of this segment will be improved due to better sun exposure reducing snow and ice issues, and improved sight distance by moving landscaping behind the sidewalk.

b. The variance will not undermine the intent of this Code, the applicable zone district, other county adopted policies or plans or violate the building code.

Applicant Response: The variance request will not undermine the intent of the Development Code, the DTLA zone district, or other County adopted policies or plans, and does not violate the Building Code. The DTLA district streetscape requirements are designed to create a pedestrian oriented experience that enhances the urban environment. The proposed development, while incorporating adjustments, continues to meet the primary intent of these streetscape standards by maintaining a functional and inviting pedestrian realm. The requested variance accommodates the unique constraints of the site, including its proximity to the roundabout, which limits the ability to fully comply with the street frontage requirements. Despite these challenges, the variance ensures that the streetscape will still provide a safe, accessible, and pleasant environment for pedestrians, aligning with the overarching goal of the DTLA district to create vibrant, walkable, urban spaces. Furthermore, the proposed landscaping buffer adjacent to the sidewalk will enhance the pedestrian experience by providing shaded areas and a visually appealing environment, thus continuing to support the intent of the streetscape standards. Additionally, the project complies with the County Public Works Design and Construction Standards Code §3.9, which requires 6-foot-wide sidewalks, ensuring that the proposal adheres to the required sidewalk width while accommodating the necessary design adjustments. This approach strikes a balance between the regulatory standards and the unique circumstances of the site, ensuring that public safety, comfort, and aesthetic quality are preserved.

Staff Response: In the staff's expert opinion, this criterion has been met because varying from the DTLA streetscape standards does not undermine the intent of the Development Code, Zone District, or other adopted policies or plans.

The Development Code, Exhibit 1, Article I, Divisions 4 aims to:

- Promote orderly growth while preserving community character
- Encourage economic development with a balanced mix of uses
- Ensure public safety through building and infrastructure regulations
- Enhance quality of life by supporting walkability, open space, and sustainability

Approving the variance aligns with these goals and does not contradict the Code's intent.

The Downtown Los Alamos Zone District, Exhibit 1, Section 16-6(c), seeks to create a vibrant, walkable, and economically thriving downtown by:

- Encouraging mixed-use development
- Creating a pedestrian-friendly environment
- Supporting diverse commercial activities

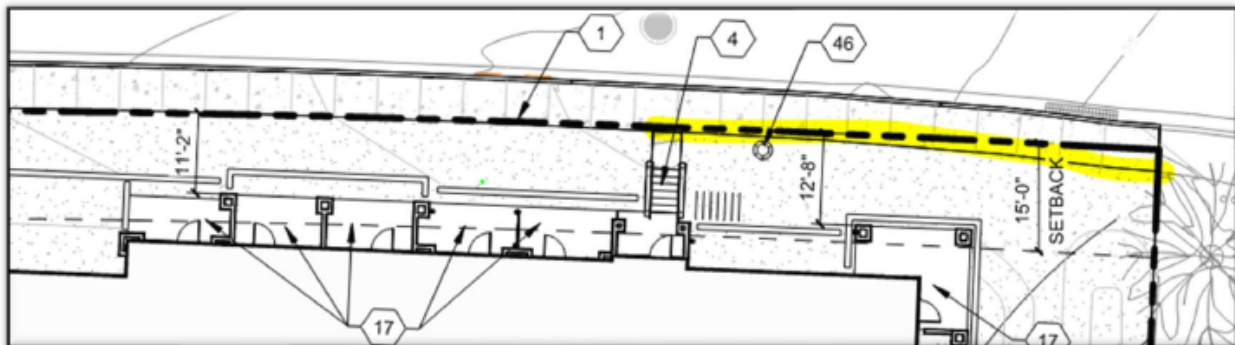
- Maintaining cohesive aesthetics
- Increasing livability to reduce commuting

While the proposed streetscape design differs from preferred DTLA standards, it still meets pedestrian needs and supports walkability, preserving the district's intent.

Additionally, the building code—where applicable—will be applied and enforced during permitting, ensuring compliance and public safety.

c. Granting of the variance will not cause an intrusion into any utility or other easement unless approved by the owner of the easement.

Applicant Response: Granting of the variance will not cause an intrusion into any utility or other easements. The approved Site Plan required a Condition of Approval that any portions of the sidewalk located on private property be dedicated to the County. The proposed variance, which moves the sidewalk closer to the street, significantly reduces the need for a county dedication or easement. The only exception is a small portion on the northeastern side of the sidewalk, where the property line intersects with newly constructed curb and sidewalk built as part of the roundabout project. For this small area, the property owner would establish an easement, ensuring compliance with all relevant easement and utility regulations. This adjustment has been carefully designed to avoid any adverse impacts on existing easements, and no encroachment into utility or other easement areas will occur without the necessary approvals from the easement owner. The proposed changes ensure that utility access, pedestrian flow, and public infrastructure will remain unaffected, while also complying with all necessary easement requirements. Please see the graphic below of Figure 3 for a detailed view of the location.



Staff Response: In the staff's expert opinion, this criterion has been met because the proposed streetscape would not intrude onto any easement confirmed by the Department of Public Utilities and Public Works. At the northeast corner of the property, the boundary includes a small portion, approximately 80 Sq. Ft., of the proposed sidewalk. The County Engineer prefers this area to be dedicated as public right-of-way through a re-plat process, ensuring that pedestrian traffic remains outside of private property. His official recommendation is documented in Attachment B as a condition of approval required prior to building permit.

d. The variance request is caused by unusual physical characteristic or a hardship inherent in the lot or lot improvements and the peculiarity or hardship has not been self-imposed.

Applicant Response: The variance request arises from the unique challenges posed by the subject parcel's small size, irregular shape, location near a roundabout and significant grade

changes, which create inherent difficulties in meeting the strict requirements of the DTLA zone district. The property is only 1.8 acres, which places limitations on how the site can be developed while meeting the full range of zoning requirements, including sidewalk, landscaping, and parking standards. The property's location at the intersection of Central Avenue and Trinity Drive further exacerbates these constraints, as its corner placement creates additional spatial challenges that limit design flexibility.

Additionally, the site is impacted by grade changes that complicate the placement of infrastructure such as sidewalks and landscaping that meet typical streetscape standards, which do not account for parcels with varying grade levels. The combination of a small parcel size, irregular shape, and challenging topography leaves little room for flexibility in meeting the required setbacks and streetscape frontage conditions without compromising the functionality of the site or the quality of the development.

The property is further constrained when landscape coverage and parking requirements are factored in, while also providing guests with on-site amenities to the maximum extent feasible, as described in §16-6(c)(3)(b), Site Design. The requested variance ensures that these operational needs are met without compromising the intent of the Development Code or the overall quality of the urban environment. The hardship is not self-imposed but is rather a consequence of the site's unique configuration and location within the DTLA zone.

Staff Response: In the staff's expert opinion, this criterion has been met because the 1.8-acre corner lot has unique inherent physical constraints that make it challenging to comply with DTLA streetscape standards. These hardships are not self-imposed but result from the site's location, shape, and topography. The variance request is necessary to address these pre-existing constraints, ensuring a functional and visually appealing streetscape that prioritizes pedestrian safety, accommodates the site's unique conditions, offers privacy to hotel guests, and minimizes the land dedicated as public right-of-way.

e. The variance will not create any significant adverse impacts on properties within the vicinity.

Applicant Response: The variance will not create any significant adverse impacts on properties within the vicinity. The proposed alignment makes a better connection of the streetscape to the east associated with the roundabout improvements. The proposed streetscape will also transition on the west side to coordinate with proposed streetscape improvements on the approved Mari Mac site. There are no anticipated adverse effects on pedestrian safety, property access, or the overall functionality of the surrounding area. Additionally, the variance aligns with the broader goals of the area's development framework, ensuring harmony with adjacent properties.

Staff Response: In the staff's expert opinion, this criterion has been met because the proposed variance to streetscape standards maintains pedestrian accessibility and aligns with existing NMDOT roundabout improvements. The variance does not create any obstruction to access or visibility, nor does it result in any significant adverse impacts on surrounding properties. While the design differs from the DTLA streetscape standards, it still ensures safe and adequate pedestrian passage. Additionally, clear sight triangles must be demonstrated and maintained. Given these factors, the variance is not expected to negatively affect properties within the vicinity.

f. Granting of the approved variance is the minimum necessary easing of the Code requirements making possible the reasonable use of the land, structure, or building.

Applicant Response: Granting the requested variance is the minimum necessary adjustment to ease the Development Code requirements and allow for the reasonable use of the land, structure, or building. Specifically, the variance would address the owner's constraints tied to the Site Plan Condition of Approval, which currently requires a sidewalk dedication prior to obtaining a building permit. Eliminating this requirement will streamline the construction timeline for The Guest House Hotel, enabling the project to move forward efficiently.

The variance is a necessary tool to address the unique challenges of this smaller corner lot which is oddly shaped and in close proximity to the roundabout between Central Avenue and Trinity Drive. Despite these constraints, the project has been designed to meet the DTLA zone district standards to the greatest extent feasible. Additionally, as a corner lot infill development with two access points, the property requires thoughtful design solutions to balance functionality with the goal of creating a welcoming gateway feature for downtown Los Alamos. This variance provides the flexibility needed to achieve those objectives while adhering to the broader intent of the Development Code.

Staff Response: In the staff's expert opinion, this criterion has been met because the requested variance provides a reasonable and balanced solution that upholds the intent of the Development Code while addressing the practical limitations of the site and reduces the area required to be dedicated as public right-of-way. For clarity, any area within private property, designed for public use, would be required to be dedicated as public right-of-way. This is an administrative process that must be completed prior to building permit.

DRAFT MOTION

Motion Option 1, Approve:

I move to **approve** Case No. VAR-2025-0006, a request for variance from the Downtown Los Alamos (DTLA) Streetscape Standards along Central Avenue. This variance pertains to an approved hotel development located at 400 Trinity Drive, Los Alamos, NM, known as the "Guesthouse Hotel". Approval allows deviation to make improvements along Central Avenue with a 6-foot sidewalk and 8-foot of landscaping, outside public right-of-way.

Approval is based on the Findings of Fact established at the hearing and the determination that the Applicant has met the decision criteria for Variance per Section 16-74(g)(3) of the Los Alamos County Development Code. The Commission acts under the authority of Section 16-72(f)(2)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, as well as the Findings of Fact and Conclusions of Law for this case. This document will be prepared by county staff based on this decision.

Motion Option 2, Approve with Conditions:

I move to **approve** Case No. VAR-2025-0006, a request for a variance from the Downtown Los Alamos (DTLA) Streetscape Standards along Central Avenue, with the following conditions recommended by the Los Alamos County Engineer, to be completed prior to the building permit:

- 1. The property owner is responsible for maintaining all landscaping, lighting and other infrastructure outside of Los Alamos County right-of-way. Installation of landscaping and future maintenance shall be conducted in such a manner to ensure adequate sight triangles for vehicle and bicycle ingress/egress are maintained and to prevent obstacles within pedestrian travel and infrastructure.***

- 2. For all landscaping within the County right-of-way, including the storm water quality ponds, a maintenance agreement shall be executed by the owner and Los Alamos County defining the owner's responsibility to properly maintains such areas.**
- 3. All public pedestrian infrastructure from the roadway to the back of sidewalk within the 6' sidewalk zone shall be constructed within the Los Alamos County. Land shall be formally dedicated to the county through a re-plat of the site to accomplish this in any area where public sidewalk infrastructure crosses into private property.**
- 4. All previous conditions of approval associated with the Site Plan Application shall apply.**

This variance applies to the approved Guesthouse Hotel development at 400 Trinity Drive, Los Alamos, NM, allowing a 6-foot sidewalk and 8-foot landscaping outside the public right-of-way along Central Avenue.

Approval is based on the Findings of Fact established at the hearing and the determination that the Applicant has met the decision criteria for Variance per Section 16-74(g)(3) of the Los Alamos County Development Code. The Commission acts under the authority of Section 16-72(f)(2)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, along with the Findings of Fact and Conclusions of Law, as prepared by county staff based on this decision.

Motion Option 3, Deny:

I move to **deny** Case No. VAR-2025-0006, a request for variance from the Downtown Los Alamos (DTLA) Streetscape Standards along Central Avenue. This variance pertains to an approved hotel development located at 400 Trinity Drive, Los Alamos, NM, known as the "Guesthouse Hotel".

Denial is based on the Findings of Fact established at the hearing and the determination that the Applicant has failed to meet the decision criteria for Variance per Section 16-74(g)(3) of the Los Alamos County Development Code. The Commission acts under the authority of Section 16-72(f)(2)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, along with the Findings of Fact and Conclusions of Law, as prepared by county staff based on this decision.

EXHIBITS:

- 1 – Los Alamos County, Chapter 16, Development Code: <https://lacnm.com/MunicipalCode>
- 2 – Los Alamos Downtown Master Plan: <https://lacnm.com/DowntownMasterPlan>