



# County of Los Alamos

1000 Central Avenue  
Los Alamos, NM 87544

## Agenda - Final Planning and Zoning Commission

*Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Jean Dewart; Michelle Griffin; Stephanie Nakhleh; Neal Martin; Rodney Roberson, and April Wade, Commissioners*

---

Wednesday, June 9, 2021

5:30 PM

Due to COVID-19 concerns, meeting will be  
conducted remotely.

<https://zoom.us/j/98946018625>

---

*Members of the Public can, also, join this meeting session to make public comment via Zoom by pasting into their browser the following:*

<https://zoom.us/j/98946018625>

*Or Telephone:*

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929  
205 6099 or +1 301 715 8592 or +1 312 626 6799

*Webinar ID: 989 4601 8625*

**1. CALL TO ORDER/ROLL CALL**

**2. PUBLIC COMMENT**

*This section of the Agenda is reserved for comments from the public on items that are not otherwise included in this Agenda.*

**3. APPROVAL OF AGENDA**

**4. PLANNING AND ZONING COMMISSION BUSINESS**

**A. [14325-21](#) Planning and Zoning Commission Minutes, May 12, 2021**

**Presenters:** Desirae Lujan

**Attachments:** [Planning and Zoning Commission Minutes, May 12, 2021](#)

**B. [14402-21](#) Planning and Zoning Commission Minutes, May 26, 2021**

**Presenters:** Anita Barela

**Attachments:** [Planning and Zoning Commission Minutes, May 26, 2021](#)

**5. PUBLIC HEARING (S)**

- A.**     [14401-21](#)     Case No. ZCA-2021-0007, Ordinance No. 02-317, an Ordinance amending the text of Chapter 16, Articles XIII and XIV, to add a new section 16-543 to create a new downtown overlay zone.

**Presenters:**     Bryce Ternet, Planning Manager

**Attachments:**   [ZCA 2021 0007 Staff Report](#)

- B.**     [14403-21](#)     Case No. SIT-2021-0054, Steven Maestas, dba Maestas Development Group, is requesting a Site Plan approval for a new commercial building with a drive-through at 1247 Trinity Drive. The property is located within the Downtown-Neighborhood Center

**Presenters:**     Sobia Sayeda, Senior Planner

**Attachments:**   [StaffReport SIT-2021-0054 1247 Trinity BT](#)

**6. COMMISSION/DIRECTOR COMMUNICATIONS**

**A.**     *Department Report*

**B.**     *Chair's Report*

**C.**     *Council Liaison's Report*

**D.**     *Commissioners' Comments*

**7. PUBLIC COMMENT****8. ADJOURNMENT**

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.

# MINUTES

## Planning and Zoning Commission

**May 12, 2021 – 5:30 P.M.**

*In accordance with New Mexico Department of Health's public emergency order governing mass gatherings due to COVID-19, this meeting was held remotely via Zoom.  
The proceeding can be viewed at <http://losalamos.legistar.com/Calendar.aspx>*

**Members Present:** Terry Priestley, Chair  
Jean M. Dewart, Commissioner  
Michelle Griffin, Commissioner  
Stephanie Nakhleh, Commissioner  
Craig Martin, Commissioner

**Members Absent:** Beverly Neal-Clinton, Vice Chair  
April Wade, Commissioner  
Rodney Roberson, Commissioner  
Neal D. Martin, Commissioner

**Council Liaison:** Sara Scott

**Staff Present:** Bryce Ternet, Planning Manager  
Sobia Sayeda, Senior Planner  
Paul Andrus, Community Development Director  
Desirae J. Lujan, Associate Planner  
Anita Barela, Associate Planner

### **1. CALL TO ORDER / ROLL CALL**

Chairman Priestley called the meeting to order at 5:30 PM. Roll call was administered. A quorum was present.

### **2. PUBLIC COMMENT**

None.

### **3. APPROVAL OF AGENDA**

**Commissioner Dewart motioned to approve the Agenda; seconded by Commissioner Nakhleh. Motion carried 5-0 vote.**

### **4. PUBLIC HEARING(S)**

Bryce Ternet, Planning Manager, communicated that Case No. REZ-2021-0015, a request to rezone 120 35<sup>th</sup> Street, was withdrawn from the Agenda and will be heard at later date to be determined.

*--- Withdrawn ---*

- A. Case No. REZ-2021-0015, Rezoning 120 35<sup>th</sup> St. A request to rezone one (1) parcel, Subdivision Eastern Area 3, Tract A-13-1 containing approximately 01.30 ± acres, previously Federal-Land (F-L) to Public-Land (P-L) in Los Alamos County, New Mexico.**

## **5. PLANNING AND ZONING COMMISSION BUSINESS**

### **A. Planning and Zoning Commission Minutes, April 28, 2021**

Chair Priestley noted that Commissioner Roberson's name needed to be corrected.

**Commissioner Nakhleh motioned to approve the Minutes as amended; Commissioner Griffin seconded. Motion carried 5-0 vote.**

### **B. Work Plan FY2022**

The Work Plan was discussed, and changes were communicated.

**Commissioner Griffin motioned to approve the Work Plan FY2022 as amended. Commissioner Dewart seconded. Motion carried 5-0 vote.**

## **6. COMMISSION/DIRECTOR COMMUNICATIONS**

### **A. Department Report**

### **B. Chair's Report**

### **C. Council Liaison's Report**

### **D. Commissioners' Comments**

## **7. PUBLIC COMMENT**

None.

## **8. ADJOURNMENT**

6:22 PM

---

Terry Priestley, Chair

---

Paul Andrus, CDD Director





# County of Los Alamos

## Minutes

### Planning and Zoning Commission

1000 Central Avenue  
Los Alamos, NM 87544

*Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Jean Dewart; Michelle Griffin;  
Stephanie Nakhleh; Neal Martin; Rodney Roberson, and April Wade, Commissioners*

Wednesday, May 26, 2021

5:30 PM

Due to COVID-19 concerns, meeting will  
be conducted remotely.  
<https://zoom.us/j/98473821472>

**1. CALL TO ORDER/ROLL CALL**

Present -Commissioner Griffin, Chair Priestley, Commissioner Neal-Clinton, Commissioner Dewart, and  
Commissioner Neal Martin Absent - Commissioner Nakhleh, Commissioner Wade and Commissioner Roberson

**2. PUBLIC COMMENT**

**3. APPROVAL OF AGENDA**

A motion was made by Commissioner Neal-Clinton that  
this item be approved as presented and seconded by  
Commissioner Dewart. The motion passed unanimously.

**4. PLANNING AND ZONING COMMISSION BUSINESS**

**A. Planning and Zoning Commission Minutes, May 12, 2021**

The minutes were tabled until the next meeting. A quorum was not present for  
the vote.

**5. PUBLIC HEARING (S)**

**A. Case No. REZ-2021-0016: A request to amend the Los Alamos County Official  
Zoning Map to assign Tract RM, within Eastern Area 3 Subdivision, with a  
Professional-Office zone. The property, commonly known as 3292 Trinity Drive,  
is 0.28± acres and was previously designated as public right-of-way.**

Commissioner Neal-Clinton moved and Commissioner Griffin seconded the  
motion to recommend approval of Case No. REZ-2021-0016 to County Council for  
amendment to the Official Los Alamos County Zoning Map to designate Tract RM,  
Eastern Area 3, commonly referred to as 3292 Trinity Drive, as Professional-Office.  
Recommendation is based on the Findings of Facts established at the hearing  
and conclusion that the Applicant has met each applicable review criteria  
contained in §16-155 of the Los Alamos County Development Code and that the  
Commission is acting under the authority granted by §16-452(b)(1)(a) of the  
Development Code.

Yes: 5 - Commissioner Griffin, Chair Priestley, Commissioner Neal-  
Clinton, Commissioner Dewart, and Commissioner Neal  
Martin

Absent: 3 - Commissioner Nakhleh, Commissioner Wade and Commissioner Roberson

**6. COMMISSION/DIRECTOR COMMUNICATIONS**

- A. Department Report**
- B. Chair's Report**
- C. Council Liaison's Report**
- D. Commissioners' Comments**

**7. PUBLIC COMMENT****8. ADJOURNMENT**

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.



## Los Alamos County

### Community Development Department

### PLANNING & ZONING COMMISSION STAFF REPORT

**Public Hearing Date:** June 9, 2021  
**Subject:** Case No. ZCA-2021-0007, Ordinance No. 02-317, an ordinance amending the text of Chapter 16, Articles XIII and XIV, to add a new section 16-543 to create a new downtown overlay zone  
**Applicant:** Los Alamos County, County Manager's Office  
**Case Manager:** Bryce Ternet, Planning Manager

---

**Case No. ZCA-2021-0007:** A request for approval of draft Ordinance No. 02-317, Text Amendments to Los Alamos County Code of Ordinances, Chapter 16, Articles XIII and XIV, to add a new section 16-543 to create a new downtown overlay zone.

#### SUMMARY

The proposed text amendment and associated draft ordinance would create a new downtown retail overlay zone (retail overlay) within Los Alamos County (the County). The proposed new overlay district has been labeled by the application as the Downtown Pedestrian Retail Overlay Zone (DT-PRO). Although the text amendment application and draft ordinance do not define a proposed geographical boundary for the proposed new overlay zone, it can reasonably be anticipated that the new zone would apply to the County's two defined downtown boundary areas (downtown areas) as delineated in the 2016 Los Alamos County Comprehensive Plan (Comprehensive Plan, Page 83).

According to the text amendment application, the proposed code text amendment is intended "to create a new downtown overlay that promotes a walkable, vibrant downtown district that is attractive to new retail and restaurant opportunities which the community is seeking."

On May 4, 2021, the County Council voted five votes to two votes to "direct the County Manager to forward the proposed changes to Chapter 16 to the Planning and Zoning Commission for their review."

#### STAFF TEXT INTERPRETATION

It is staff's interpretation that the proposed text amendment language would essentially disallow any future use of ground floor area of a building within the downtown areas for any other use aside from retail (including restaurant) use. The proposed text amendment would restrict a variety of residential, professional office, and accessory uses so that these uses would only be allowed on upper-level floors of buildings. Therefore, all future proposed development in the form of new buildings or proposed use of existing vacant buildings would be required to have ground floor space reserved for solely retail use.

It is further staff's interpretation of proposed text amendment language that existing non-retail use in buildings within the downtown areas would continue to be allowed as non-conforming uses. However, substantial remodeling of any of existing building would prompt ground floor restrictions to apply.

The proposed updates would be accomplished through changes to the Use Index Matrix within section 16-287, incorporating a new permitted use category of P/U (Permitted Use Upper Floors Only).

#### **INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW**

At a special IDRC review meeting on May 20, 2021, the IDRC unanimously approved to move the application forward as was submitted to public hearing and review by the Planning and Zoning Commission.

#### **PUBLIC NOTICE**

Notice was provided at least 15 days prior to the public hearing within accordance to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192 (a), which includes:

- (1) Publication within the Los Alamos Daily Post, the County's official newspaper of record (published 5/20/2021); and
- (2) Posting at the Los Alamos County Municipal Building (5/17/2021)

#### **TEXT AMENDMENT REVIEW CRITERIA**

*Sec. 16-158. - Amendment to text. During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, 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 recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:*

- 1. The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;*

**Application Response:** The request is intended to support the Comprehensive Plan's stated goal on page 84 to: "create a vibrant, pedestrian-friendly downtown that includes a central gathering place, nighttime entertainment, and more retail stores and restaurants."

**Staff Response:** Staff agrees that proposed text amendments for the retail overlay could support the Comprehensive Plan's goal of creating more pedestrian-friendly downtown areas and more retail stores and restaurants. However, without having supporting analysis provided, staff is not able to determine that the proposed retail overlay would be beneficial to the economic welfare, therefore general welfare, of the County.

The proposed retail overlay could have an unintended adverse impact of essentially "downzoning" existing properties within the downtown areas and/or reducing the market potential for vacant locations and/or potential redevelopment locations within the downtown areas as the proposed retail overlay would restrict potential uses allowed for a building. Downzoning is defined as a change in zoning where permitted uses are reduced. As a downzoning action would essentially restrict property owners of existing entitled uses; this could lead to legal challenges by property owners.

Furthermore, prohibiting certain uses on the ground floor of buildings within the County's downtown areas may have an unintended impact of hindering future residential development within the downtown areas.

- 2. A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.***

**Application Response:** N/A

**Staff Response:** Staff agrees with the application that a request for amendment to the Comprehensive Plan is not necessary to be submitted concurrently with the request for the text amendment.

- 3. The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.***

**Application Response:** The request would not add any uses that are not currently allowed within the district.

**Staff Response:** Staff agrees with the application that the retail overlay would not add any uses that are not currently allowed within the downtown areas. However, the retail overlay would restrict currently allowed uses in the downtown areas of the County. This restriction of ground floor use for existing and future buildings within the downtown areas may be challenged by property owners as a "taking" action by the County. Taking is defined as a seizure of private property or a substantial deprivation of the right to its free use that is caused by government action.

- 4. The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.***

**Application Response:** The request clearly states the types of allowable uses for the district to which it may be applied.

**Staff Response:** Staff agrees that the language included within the draft ordinance submitted as part of the text amendment application does clearly identify types of allowable uses and disallowed uses for the proposed retail overlay.

However, it is the opinion of staff that the use of overlay districts should be carefully considered. Overlay districts tend to be difficult for the general public and/or property owners to understand as an overlay district by nature creates a new layer of development standards on top of an existing base layer with its own development standards.

Additionally, it is staff's opinion that the existing County zoning map includes an over-abundance of zoning districts and that the general public, County staff, and County decision-makers would benefit from a consolidation of existing zoning districts rather than adding new districts or overlays. The consolidation of County zoning districts is currently being contemplated by the ongoing Chapter 16 update process, as previously approved and directed by the County Council. The County has contracted with a private

consulting firm to conduct this process. A goal of the code update process is to simplify the existing County Code structure. The proposal to establish a new overlay may be perceived as negating this simplification goal.

#### **FINDINGS OF FACT**

1. The application ZCA-2021-0007 is a request for approval of draft Ordinance No. 02-317, Text Amendments to Los Alamos County Code of Ordinances, Chapter 16, Articles XIII and XIV, to add a new section 16-543 to create a new downtown overlay zone.
2. On May 4, 2021, the Los Alamos County Council voted five votes to two votes to “direct the County Manager to forward the proposed changes to Chapter 16 to the Planning and Zoning Commission for their review.”
3. The code amendments comply with all criteria for text amendments as stated in the Los Alamos County Code of Ordinances, Chapter 16, Land Development, Section 16-158, Amendment to Text.<sup>1</sup>
4. Notice of this public hearing, setting forth the nature of the request, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; all in accordance with the requirements of §16-192 of the Los Alamos County Development Code.
5. The proposed application, ZCA-2021-0007, including attached draft Ordinance No. 02-317, were presented to the Planning & Zoning Commission for consideration of recommending approval of the application to the County Council on June 9, 2021.

#### **CONCLUSIONS OF LAW**

After full hearing and consideration, the Planning and Zoning Commission finds that the application has met each applicable County Code text amendment criteria contained in §16-158 of the Los Alamos County Development Code and is acting under the authority granted it by §16-452(b)(1)(a) of the Development Code.

#### **MOTION**

##### **Motion Option 1:**

I move to **recommend approval** of Case No. ZCA-2021-0016 to County Council for text amendments to Los Alamos County Code, Chapter 16-543 as presented in the application. Recommendation is based on the Findings of Facts established at the hearing and conclusion that the application has met each applicable review criteria contained in §16-158 of the Los Alamos County Development Code and that the Commission is acting under the authority granted by §16-452(b)(1)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order recommending approval of the application to County Council and Findings of Fact and Conclusions of Law for this case, based on this decision and to be subsequently prepared by County staff.

##### **Motion Option 2:**

I move to **recommend denial** of application number ZCA-2021-0007, text amendments to Los Alamos County Code, Chapter 16 to County Council as the proposed text amendments do not conform to the review criteria within §16-158 of the Los Alamos County Development Code.

I further move to authorize the Chair to sign a Final Order recommending denial of the application to County Council, based on this decision and to be subsequently prepared by County staff.

---

<sup>1</sup> Staff does not believe there is sufficient evidence available at this time to determine that the proposed code amendments of the application comply with all criteria for text amendments as stated in County Code. However, the Planning & Zoning Commission may disagree with Staff's opinion and determine Finding #3 is accurately stated.

## **EXHIBITS**

Exhibit 1: Text Amendment Application (ZCA-2021-0007)

Exhibit 2: Proposed Code Amendments in Draft Ordinance Format (Ordinance No. 02-317)



## TEXT AMENDMENT APPLICATION

**Los Alamos County Community Development Department**  
1000 Central Ave, Suite 150, Los Alamos NM 87544  
(505) 662-8120

*Note: The Planning & Zoning Commission considers Applications for Text Amendments at a public hearing and recommends approval or denial to the County Council. Council has final authority to approve or deny.*

**Describe the purpose of the proposed amendment:**

The proposed amendment is intended to create a new downtown overlay that promotes a walkable, vibrant downtown district that is attractive to new retail/restaurant opportunities which the community is seeking.

On May 5, 2021, the County Council voted 5-2 to: "...direct the County Manager to forward the proposed changes to Chapter 16 to the Planning and Zoning Commission for their review."

**Provide the existing (if applicable) and proposed text. (Use strikeouts for any text to be removed and underline any new language proposed.) Use this space or attach additional sheet(s):**

Please see the attached draft ordinance.

**APPLICANT** (Unless otherwise specified, all communication regarding this application shall be to Applicant):



**Check here if Applicant is County Staff.** Indicate Department and Title:

County Manager's Office  
Department

County Manager  
Title

Name: Harry Burgess  
Please Print

Phone: 505-663-1750

Cell #: 505-695-6521

Address: 1000 Central Avenue, Ste. 350 Los Alamos, NM 87544 Email: harry.burgess@lacnm.us



SIGNATURE

Harry Burgess

DATE

5/13/2021

## TEXT AMENDMENT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-158:

*During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:*

Please provide your response to each of the following criteria. (Attach additional sheets if needed.)

- (1) *The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;*

This request is intended to support the comprehensive plan's stated goal of: "Create(-ing) a vibrant, pedestrian-friendly downtown that includes a central gathering place, nighttime entertainment, and more retail stores and restaurants" (p. 84).

- (2) *A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.*

N/A

- (3) *The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.*

The request would not add any uses that are not currently allowed within the district.

- (4) *The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.*

This request clearly states the types of allowable uses for the district to which it may be applied.

## THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 5/13/2021

Staff Initial: DB

CDD Application Number: ZCA-2021-0007

Fees Paid: No fee

**INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-317**  
**AN ORDINANCE AMENDING THE TEXT OF CHAPTER 16, ARTICLE XIII AND**  
**XIV, TO ADD A NEW SECTION 16-543 TO CREATE A NEW DOWNTOWN**  
**OVERLAY ZONE AND TO AMEND XXXXXX TO ADD THE NEW DOWNTOWN**  
**OVERLAY ZONE TO XXXXX**

**WHEREAS**, the Incorporated County of Los Alamos ("County") is an incorporated county of the State of New Mexico as provided in Section 5, Article 10 of the New Mexico Constitution; and

**WHEREAS**, the County, pursuant to Section 5, Article 10 of the State Constitution, is also granted all powers of a municipality; and

**WHEREAS**, the New Mexico Legislature, pursuant to Chapters 3, 4, and 5 of the New Mexico Statutes Annotated (see *generally* NMSA 1978, § 3-18-1 *et seq.*) has given municipalities and counties the power to regulate land use within their territorial limits; and

**WHEREAS**, such authority, NMSA 1978, Section 3-18-17, includes the power to regulate private and public property and nuisances; and

**WHEREAS**, the County, in Chapter 16 of the Los Alamos County Code of Ordinances ("Code") has enacted ordinances regulating the zoning, planning, and use of land within its borders; and

**WHEREAS**, the County Council, in Article XIII of Chapter 16 of the Code, has enacted ordinances to provide for the various zoning of land within the County; and

**WHEREAS**, additional legislative zoning measures are required to be enacted to enable orderly growth and future economic development, the County desires to allow for increased concentrated publicly accessible retail sales and services in the County's two downtown zoned districts; and

**WHEREAS**, creating a new downtown commercial overlay zone will encourage the optimum use of the real estate within the zone, attract new business, enhance the tax base of real estate and the taxable value of businesses within the zone, encourage employment and commercial growth, and in general benefit the health, safety and welfare of the community as a whole; and

**WHEREAS**, the County has expended significant public funds and resources to create, enhance, and maintain a viable retail commercial area in its two downtown districts including public roads, streets, utilities, sidewalks, parking, artwork, internet, and other infrastructure to promote publicly accessible retail spaces; and

**WHEREAS**, the County believes that by enactment of the proposed overlay zone will create a more orderly and consistent development of the County's downtown districts; and

**WHEREAS**, the Planning and Zoning Commission, on XXX DATE held a public hearing

on the proposed amendment to text of Chapter 16 by the addition of the new Downtown Pedestrian Retail Overlay Zone (DT-PRO); and

**WHEREAS**, the County Council, after a properly noticed public hearing on XXX DATE and due consideration and recommendation by the Planning and Zoning Commission, hereby finds that the new overlay zone, DT-PRO, is in the best interest of the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:**

**SECTION 1.** Article XIII, of Chapter 10 of the County Code of Ordinances of the Incorporated County of Los Alamos, is hereby amended to add a new section, Section 16-543, as follows:

**Sec. 16-543. - Downtown district: Pedestrian Retail Overlay Zone (DT-PRO).**

(a) The Pedestrian Retail Overlay Zone (DT-PRO) in the downtown district is limited to pedestrian-oriented ground floor mixed use retail sales, entertainment, restaurants, including food and beverage, and personal and medical services with upper floor residential and professional offices.

**SECTION 2.** Section 16-578 of Chapter 16, ARTICLE XIV of the County Code of Ordinances of the Incorporated County of Los Alamos is hereby amended as follows:

**Sec. 16-578. - Downtown and mixed-use districts development standards.**

(a) Applicability. Unless exempted pursuant to section 16-578(c), downtown and mixed use district development standards set out in section 16-578(d) through 16-578(h) and the Use Index, as applicable to the overlay zones in the downtown and the mixed-use districts, shall apply to every development or change in use on any property in the downtown or mixed-use district. Downtown and mixed-use district development standards shall control in the event of any conflict with other provisions of the County of Los Alamos Development Code.

(b) Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this section 16-578 is for any reason held to be invalid, unconstitutional or unenforceable, the decision shall not affect the validity of the remaining portions of this section. The council hereby declares that this section, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this section may be declared invalid, unconstitutional or unenforceable.

(c) Exemptions.

(1) Legally existing nonconforming structure. Any building or structure legally existing at the time of the rezoning of the underlying property to a downtown or mixed-use district, although such building or structure does not conform to the downtown and mixed-use

district development standards, may continue as a legal nonconforming building or structure.

(2) Legally existing nonconforming uses. Any use which was lawfully established prior to the rezoning of the underlying property to a downtown or mixed-use district, may continue its operation. If a legally existing nonconforming use is discontinued for a period of 12 months, the nonconformity shall not be re-established. No nonconforming use may be altered or expanded in any manner. Routine maintenance may be permitted only to the extent that it preserves existing nonconforming uses.

(3) Repair of legally existing nonconforming structures. A legally existing nonconforming structure may be repaired to its existing nonconforming status provided such damage is less than 25 percent of the assessed value of the structure as determined by county tax assessment for the then current year. If such a repair is to occur, a building permit shall be obtained within 90 days of the date of the peril or casualty and repair construction commenced within 180 days after the casualty occurred. Construction shall be completed and a certificate of occupancy issued within 18 months of the issuance of the building permit. The structure shall be replaced on the same footprint, with the same facade and other exterior features, and with the same square footage, except as may otherwise be authorized by this section. The repair shall not result in any greater deviation from the development standards for the downtown or mixed-use district and the applicable downtown overlay district than existed before the casualty. If repairs are not completed within the allotted time or the casualty creates damage equal to or greater than 25 percent of the assessed value, the structure shall be reconstructed in conformance with this Code.

(4) Prevention of blight and prevention of demolition by neglect. A legally existing nonconforming structure shall be kept in good repair, maintenance, and upkeep to prevent deterioration. Should a nonconformity fall into a state of blight, the county may require the landowner to repair or otherwise remodel the building in conformance with this section.

(5) Interior remodeling. Exclusive interior remodeling that does not change the building footprint or expand an existing nonconforming use is exempt from the provisions of this section.

(d) Allowed uses. Uses allowed in the downtown and mixed-use district and applicable overlay zones are described in the development code Use Index.

(e) Definitions. The following words, terms and phrases, when used in sections 16-578, 16-579 and 16-580 of the development code shall have the meaning ascribed to them in this subsection except where the context clearly indicates a different meaning. The meaning ascribed in this subsection 16-578 (d) shall apply to those terms as used in the indicated sections, even if a different meaning is ascribed to that term, word or phrase in section 16-9 of the development code.

(1) General terms.

a. Arcade means a covered continuous passageway at least eight feet wide and eight feet high designated for public use between the building front and the column or post supporting the cover.

- b. Building envelope means the area within which the building footprint must be located.
  - c. Building frontage means the wall or walls of a building that are parallel to the property line adjoining a public right-of-way or a pedestrian-way established for public use by the approved site plan.
  - d. Downtown streetwall element means a wall, fence, hedge, earth berm or other feature that is at least 50 percent opaque.
  - e. Exempt structure means a structure that is exempt from the provisions of section 16-578(c) through section 16-578(g) pursuant to section 16-578(c).
  - f. Footprint means the area of a building foundation, not including the facade.
  - g. Front property line means any property line adjoining a roadway or public pedestrian way.
  - h. Street frontage means the property line along 15th Street, Diamond Drive, or Central Avenue within the downtown or mixed-use district.
  - i. Glazing means clear, non-reflective, non-tinted window glass.
  - j. Ground floor frontage means the building frontage on the ground floor of a building.
- (2) Allowed facade types.
- a. Dooryard and lightcourt is a type of facade where an elevated garden or terrace, or sunken light court separates the building from the front property line.
  - b. Forecourt is a type of facade where the building is generally aligned close to the front property line with a specified portion of the building setback from the front property line creating a forecourt. A wall at least three feet in height must separate the forecourt from the public right-of-way.
  - c. Gallery and arcade is a type of facade that requires a special use permit to allow an encroachment into the public right-of-way. The sidewalk must be located fully within the arcade and any supporting column or post must be at least two feet distant from the curb face.
  - d. Porch is a type of facade that is setback from the front property line where a porch feature no larger than eight feet in depth and 12 feet in width is attached to the front of the building and extends to a distance of five to 12 feet from the sidewalk.
  - e. Portal is a type of facade that is a long covered entrance supported by a series of columns.
  - f. Shopfront and awning is a type of facade that is placed at or close to the front property line, with the entrance at sidewalk grade. A shopfront is a conventional facade for retail ground floor frontage. It is commonly equipped with cantilevered shed roof or awning.
  - g. Stoop is a type of facade that is placed close to the front property line with the ground story elevated from the sidewalk.

(3) Uses.

- a. Lodging means use of a building for temporary quarters for sleeping.
- b. Office use means use of space within a building for any office, retail or commercial purpose, excluding retail sales, personal or medical services, and manufacturing.
- c. Personal services use means use of a building for the purpose of providing non-medical services to individuals.
- d. Residential use means use of a building as a residence, except that lodging and short-term letting of a residence for less than one month's duration is not a residential use.
- e. Medical services use means use of a building for the purpose of providing physical or mental health services to individuals.

(f) Applicable standards. Development in the downtown or mixed-use district shall conform to the standards and requirements set out in table 16-578-t1.

(g) Building placement.

(1) The building shall be located within the building envelope as specified for the applicable downtown district overlay zone or mixed-use standards shown in figure 16-578-f1.

(2) The downtown streetwall element requirements set out in table 16-578-t1 shall apply to that portion of any property with street frontage where parking adjoins, or separated by less than 20 feet from, Central Ave., Diamond Drive, or 15th Ave., except that a streetwall element is not required for dwellings, single family in the DT-NCO overlay district or to any development in the DT-CPO overlay district.

(3) The only facade types allowed in the downtown or mixed-use districts are the allowed facades described in section 16-578(e)(2).

(h) Encroachments on public right-of-way. Facades described in section 16-578(d), other than a porch, may encroach up to 12 feet into the public right-of-way with a special use permit. The criteria for consideration and approval of such a special use permit shall be the assurance of adequate and safe pedestrian passageway, consistency in appearance and use with adjoining properties, encroachment only on portions of the right-of-way used for sidewalks or landscaping, site plan features that demonstrate that the encroaching facade will be compatible with adjoining areas; not create any public health, safety or welfare concerns; and conform to the site development standards of the downtown district and applicable overlay district. Any special use permit for an encroachment on the public right-of-way shall be subject to a maintenance agreement in a form adopted by the county and shall be terminable upon 180 days' prior written notice from the county to the holder of the special use permit if the county requires the property encroached upon, or a part thereof, for a governmental purpose.

(i) Street sections.

(1) Within the downtown or mixed-use district, the construction of new public and private, roadways and informal service passages intended to allow public and private vehicular access to the rear of one or more properties, and dimensional changes to existing streets shall conform to the street section standards shown in figure 16-578-f2, and shall include measures for pedestrian safety and convenience, such as crosswalks, small curb radii, curb extensions, refuge islands, raised crosswalks, speed humps, and frequent (including midblock) crossings.

(2) Each new development in the downtown or mixed-use district shall provide pedestrian connections to the roadway network necessary to assure pedestrian convenience and safety.

**SECTION 4.** Section 16-287 of Article XIV of Chapter 16 of the County Code of Ordinances of the Incorporated County of Los Alamos, is hereby amended to add a new column and use titled DT-PRO as follows:

	R- A	R -E	R- 1	R- M	R- 3- L	R - 3- H	R- 3- H- 40	R- 4	R- 5	R -6	*P- D	C- 1	C- 2	C- 3	R& D	M- 1	M- 2	W -1	W- 2	P- O	DT - CP O	DT- TCO	DT- NC O	DT- NGO	MU	DT- PRO
<b>Agriculture</b>																										-
Fish hatcheries																		S								-
Hay or feed storage	A												A	P												-
Livestock breeding	A																									-
<b>Residential</b>																										-
Accessory apartment	S	S	S	S							S															<u>P/U</u>
Dwelling, loft																						P	P	P	P	<u>P/U</u>
Dwelling, multiple-family					P	P	P	P			P											P	P	P	P	<u>P/U</u>
Dwellings, single-family, attached				P	P	P	P	P			P									A		P	P	P	P	-
Dwellings, single-family, detached	P	P	P	P	P	P	P	P	P	P	P												P	P		-
Dwellings, two-family				P	P	P	P	P															P	P		-
Guesthouses	A	A																					P	P		-
Mobile homes								P	P	P																-
Boardinghouses	S	S	S	S	S	S	S				S												P	P	P	-
Dormitories						S	S				S	S	S	S									P	P	P	-
Bed and breakfast	A	A	A	A	A	A	A	A	A		A											P	P	P	P	<u>P</u>
Inn					S	S	S					P	P	P								P	P	S	P	<u>P</u>
Servant quarters, guestroom	A	A	A	A	A	A	A	A	A	A	A											P	P	P	P	<u>P/U</u>



Home occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A						P	P	P	P	P/U
Home business	S	S	S	S	S	S	S	S	S	S	S	S	S						P	P	P	P	P/U	
Institutional																							-	
Churches, worship places	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	
Cemeteries															P	P							-	
Clubs; social, fraternal and recreational	S	S	S	S	S	S	S	S	S	S	S	S	S	S					P	P	S	S	P	
Funeral homes, mortuaries														P	P	P			P	P	S	P	P	
Crematories														S	S	S							-	
Group homes	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P	P	P	P/U	
Hospitals; institutions															S	S							-	
Heliports, public or hospitals															S	S	S						-	
Museums															S	P			P	P	P	S	P	
Nursing or rest homes														S	S	S					P	S	-	
Public buildings														P	P	P	P	P	P	P	P	P	P	
Schools; business or vocational														S	S	P					P	S	S	
Schools, private or parochial	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	S	P	S	
Commercial																							-	
Amusement centers, indoor														S	P	P			S	P	P		P	
Amusement parks															S	S							-	
Firewood, sales and storage													A	A	P	P	P						-	

Firewood, sales																		A			-
Automobile, boat, rec. vehicles, motorcycle; sales, rental and services						S	S	S										P			P
Building materials, retail								P		P	P							P	P		P
Building materials, wholesale								P		P	P										-
Gift and souvenir shops																A	A	P	P	P	P
Greenhouses						A	A	P		P	P					A				P	S
Hardware store						P	P	P		A	A							P	P	P	P
Laundries						P	P	P		P	P							P	P	P	P
Liquor stores						S	S	P										P	P		P
Lounges, bars, tap or tasting room						S	S	P							S	S	S	P	P	P	P
Mobile home sales								P		P	P										-
Parking facility						P	P	P	P	P	P						P	S	P	P	P
Recreation equipment retail and rentals															A	A	P	P	P	P	P
Restaurants, drive-in or takeout or walkup						S	S	P	S	S	S					S	S	P	P	S	P
Restaurants (indoor)						P	P	P	P	P	P					P	S	P	P	P	P





[illegible]

Acid mfg. and storage																			S	S					-
Asphalt and concrete batch plants																				S					-
Assembly, miscellaneous															S	S	S	P	P		S				-
Food processing facilities																		P	P		S				-
Automobile and motorcycle, repairing, body work and painting																	S	P	P						-
Blacksmith shop and harness repair																	P	P	P						-
Borrow pits																		S	S						-
Brick, tile cement or block, products and mfg.																		S	S						-
Cabinet and carpenter shops																	P	P	P		S				-
Cesspool services																	A	P	P						-
Cold storage																A	A	P	P	A					-
Contractor's yards																		S	P						-
Dry cleaning plants																S		S							-
Electrical appliances and equipment repair																	P	P	P						-

Electrical appliances and equipment assembly and/or mfg.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--





**Section 5. Effective Date.** This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

**Section 6. Severability.** Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

**Section 7. Repealer.** All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**COUNCIL OF THE INCORPORATED COUNTY  
OF LOS ALAMOS**

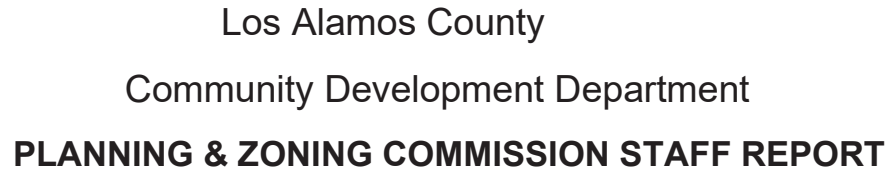
---

**RANDALL RYTI**  
**Council Chair**

**ATTEST: (Seal)**

---

**Naomi D. Maestas**  
**Los Alamos County Clerk**



**Case Manager:** Sobia Sayeda, Senior Planner

Page 1 of 15



VICINITY MAP - EXHIBIT B

**BACKGROUND:** Currently, the property consists of a vacant building and an associated parking lot. Additional structures on the property include a dumpster enclosure and a retaining wall along the eastern property line.

The subject property has been vacant for a few years. In May 2019, the Planning & Zoning Commission approved a Site Plan request for a drive-through restaurant at the subject property.

The applicant of this previous request did not commence the use as approved within 18 months after the filing of the certificate of approval and therefore the approval became void per § 16-455b of the Los Alamos County Development Code.

**SITE PLAN DESCRIPTION:** The applicant requests review and approval of a Site Plan for a new commercial building with a drive-through, associated parking and landscaping, and other traffic circulation elements at 1247 Trinity Drive on a property within the Downtown-Neighborhood Center Overlay (DT-NCO). The existing building and dumpster enclosure will be demolished to construct the new building.

The applicant plans on operating a commercial facility with a drive-up service. The request is consistent with the definition of a **commercial use** as described within the Development Code, Article VII. - Use Regulations §16-287. - Use Index Table.

The subject property consists of approximately 44,383 Sq. Ft. of land area (1.02 ± acres). The subject property is zoned DT-NCO (Downtown District, Neighborhood Center Overlay), as described in §16-533 and §16-582 of the Los Alamos County Development Code.

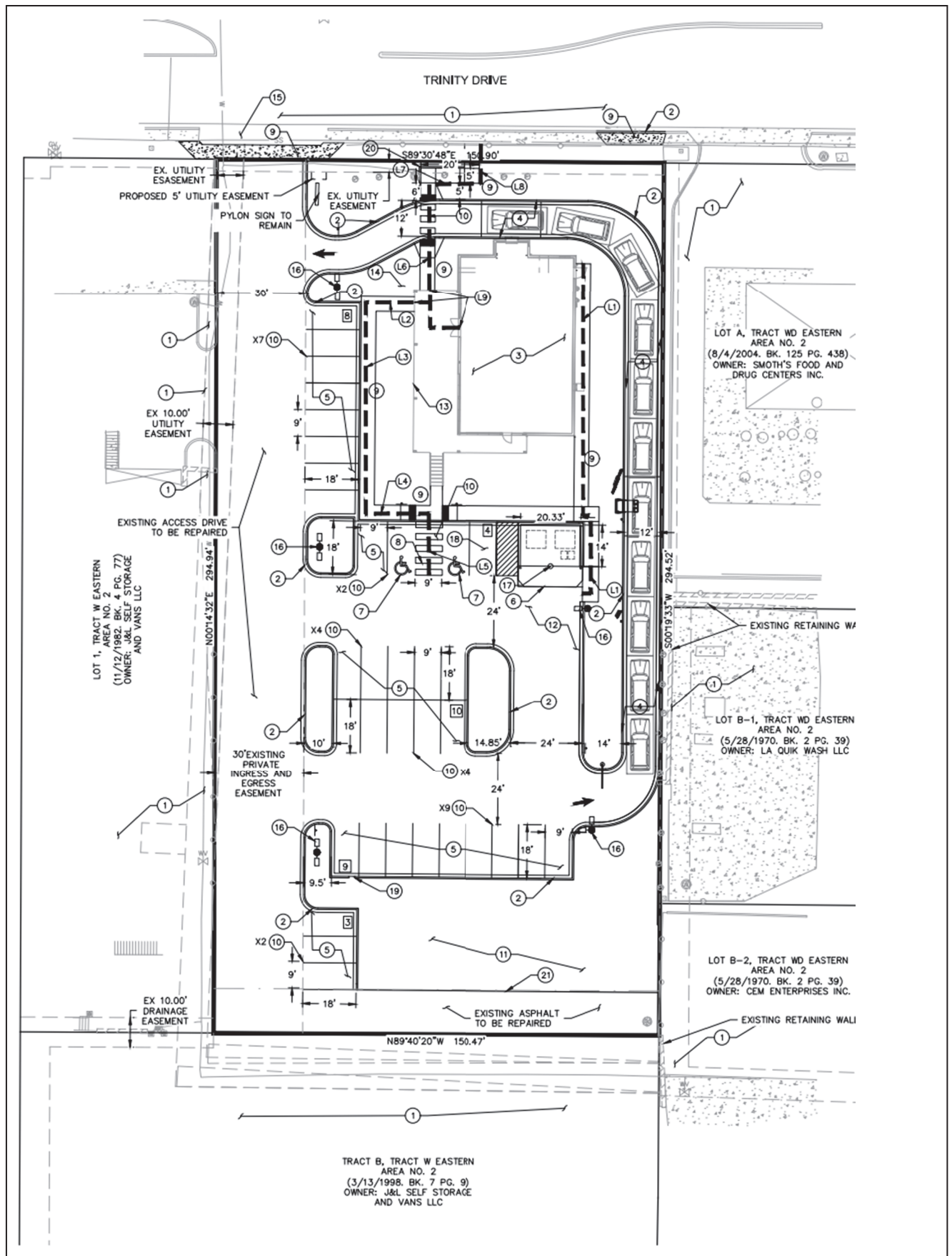
Proposed design meets design standards as described in § 16-578. – Downtown and Mixed-Use District Development Standards and parking requirements as described in § 16-579-t1.

Proposed street view elevation, site plan, and grading plan are provided in Exhibit C, D and E receptively.



**A3** NORTH ELEVATION  
3/16" = 1'-0"

STREET VIEW ELEVATION – EXHIBIT C



SITE PLAN - EXHIBIT D





**IDRC REVIEW:** The Interdepartmental Review Committee (IDRC) independently reviewed the requests on May 13, 2021. Below are the responses received:

**MEMBER RESPONSES:**

Wendy Servey, Fire Chief, LAC Fire Department reviewed the application and has the following comments/conditions:

- 1) Identify means to address exit discharge egress emergency illumination for the (main) exit doorway onto the exterior landing under the porch covering.
- 2) Identify proposed location of hydrant on plan (hydrant moved from Trinity) - new location not indicated or clear on plan as drawn.

David Martinez, Senior Building Inspector, Code Enforcement, reported that a demo permit will be required prior to submitting a building permit.

Eric Ulibarri, County Engineer, Public Works, did not require a traffic study and requested to review site threshold report and submitted following comments:

- 1) Sheet C4.0: The drainage analysis indicates analysis on Basis 1 and Basis 2, but the grading and drainage plans only shows Basin 1 delineated. Please provide additional details and delineation for Basis 2 on the plans when submitting your application for permit.
- 2) Please submit the Site Threshold Assessment (STH) along with NMDOT approvals for County review as soon as possible. The Site Plan Application indicates that the STH was submitted, but it was not found in the documents.

Angelica Gurule, Environmental Services Manager, Public Works, reviewed proposed refuse and recycling service, and has no conditions.

Bryce Ternet, Planning Manager, Community Development Department, IDRC Chair, made a motion to move forward with the Site Plan application for a commercial building with drive-through to be heard on June 9, 2021.

Motion passed unanimously.

**PUBLIC NOTICE:** Notice of this virtual public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, §16-192 (a), which includes:

1. Notice of the request and meeting information published within the Los Alamos Daily Post on May 17, 2021, the County's official newspaper of record.
2. U.S. mail sent on May 21, 2021, to owners of real property within 100 yards (300') of the subject property, with Live Stream access and contact information to obtain a participation link. This format complies with the New Mexico Department of Health's public emergency order governing mass gathering due to the COVID-19 pandemic; and
3. Notice of the request and meeting information posted at the Los Alamos County Municipal Building.

PZC: Case No. SIT-2021-0054, June 9, 2021





## **SITE PLAN APPLICATION CRITERIA:**

***(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:**

Utmost care has been taken to substantially conform to the comprehensive plan. We understand the focus of the comprehensive plan include the goals and associated policies that relate to the growth, appearance and land uses within Los Alamos County. The most recent iteration of the Los Alamos County Comprehensive Plan (LACCP) was introduced in 2016, a year consequential to our proposed project, because it is the same year the previous site tenant was closing operations and moving to a new location; leaving a shell from a bygone era. These are the areas in which our proposed project conforms with the 2016 LACCP (italicized text are direct statements within the 2016 LACCP): Economic Vitality: Promote a strong and diverse economic base by encouraging new business growth. [pg 34] Financial Sustainability: Encourage the retention of existing businesses and assist in their opportunities for growth. [pg 34] This project exemplifies the growth of an existing business. Financial Sustainability: Significantly improve the quantity and quality of retail business. [pg 34] Our project revitalizes an otherwise blighted site. Financial Sustainability: Revitalize and eliminate blight in the downtown areas of Los Alamos... [pg 34]. Our project is a direct response to this goal of the 2016 LACCP. Our aim to deliver an attractive project that replaces an otherwise unattractive property in downtown Los Alamos. Core Themes: Development, Potential Strategies: Improve the appearance of the commercial areas. [pg 76] As stated above, this project directly answers the call for improved appearance. Core Themes: Redevelopment, Exhibit 35 – Downtown Los Alamos Redevelopment Opportunities. [pg 78] Per the referenced exhibit, our site has been explicitly delineated as an “Aged Storefront.” The 2009 Downtown Plan identified Redevelopment of Trinity Dr. as an area for “work to be done,” and the 2016 LACCP further identifies our site as an area “still in need of... reconstruction.”

A quote from the 2016 LACCP [pg. 89]: “Going forward, another focus of redevelopment will be the elimination of blighted and vacant properties, both commercial and residential. The County is investigating various strategies to address both the issues of blight and vacancy, which are neither mutually exclusive nor entirely coincident. These strategies could include incentives for development and redevelopment, as well as possible disincentives for continued blight. There continues to be general agreement on where further improvement is needed: more and better local shopping opportunities; Trinity Drive...” Core Themes: Mobility, Pedestrians: The Comprehensive Plan anticipates improved walkability ... supporting improved pedestrian and bicycling facilities on new and redeveloped streets. [pg.106] Although it is vastly beyond the scope of our project to meet the macro needs of arterial street improvements, we’ve designed our project to enhance the pedestrian experience along Trinity Dr. with landscaping and ADA compliant access, the removal of a driveway curb cut, as well as creating a desirable “Third Place” with a patio that has visibility to the sidewalk and road; an asset of a Complete Street. As evidenced by excerpts and statements above, we understand the goals outlined in the 2016 LACCP and have endeavored to be a touchstone in its implementation. In no way is our project expected to be detrimental to the health, safety, and general welfare of the county. We believe our impact will have a positive effect.

### **Staff Response:**

Staff supports this position since adjacent land use on Trinity Drive in Downtown- Neighborhood Center Overlay (DT-NCO) is consistent with proposed development of the subject property and

conforms to the comprehensive plan. The proposed design including architectural, parking, and landscaping elements will be in conformance with Los Alamos County Development Code.

***(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:**

As an extension of criteria “a,” the site has been designed to be safe for motorists, bicyclists and pedestrians. We have designed the site to provide motorists and pedestrians separate, dedicated entry points onto the site. Further, per ADA requirements, accessible routes are extended from the proposed building to the public sidewalk and from on-site parking into the building. Adequate vehicle queueing is provided in order to additionally separate drive-through activity from other site activities, providing an additional layer of safety; containing the queue on site and reducing the potential for customers to filter through queueing vehicles after parking for café use.

**Staff Response:**

Staff supports this position since ingress/egress and traffic circulation will conform to all safety provisions for motorists, bicyclists, and pedestrians.

***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***

**Applicant Response:**

Hydrologic analysis was performed for the site in accordance with the County of Los Alamos Public Works Design and Construction Standards, revised September 2008, Chapter 4 - Hydrology and Storm Water Management. Design utilized AHYMO-S4 (April 2018) to develop peak flow rates for the 100-year 24-hour design storm in accordance with sections 4.6.2 and 4.7 of the design standards.

**Staff Response:**

Staff supports this position since grading and drainage plan indicates storm water management plan is conforming to the Los Alamos County Development standards.

***(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:**

Necessary easements are maintained for existing utilities. A new easement may be required due to fire hydrant relocation.

**Staff Response:**

Staff supports this position since the site plan indicates protecting and maintaining existing easements per existing subdivision plat. Ingress and egress to Lot-1-Tract W on the West of subject property is maintained.

***(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:**

The landscape plan adheres to the Los Alamos County design standards and enhances the site and immediate vicinity. No screening or buffering, other than at frontage, has been identified.

**Staff Response:**

Staff supports this position since proposed landscape plan enhances the site and improves the current relationship to adjacent properties.

***(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:**

Site has been designed to minimize adverse impacts on adjacent properties and public right-of-way by parking lots, mechanical equipment and site lighting. We've adhered to the design standards by providing mechanical equipment screening for roof-top mounted equipment. In an effort to meet desired Complete Street design efforts as outlined in the Los Alamos County Comprehensive Plan, we've attempted to move the majority of parking to the rear of the site; providing a more pedestrian friendly street frontage.

**Staff Response:**

Staff supports this position since all parking lot elements are conforming to the Los Alamos Development Code and minimize adverse impacts on adjacent properties and public rights-of-way.

***(g) 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:**

Utility capacity is adequate and connection improvements will conform with the requirements of the county's construction standards.

**Staff Response:**

Staff supports this position since all utilities existing and proposed improvements to utilities are conforming to the Los Alamos Development Code requirements.

***(h) 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:**

To the best of our knowledge, structures, site grading, and all other aspects of the development meet all applicable design standards and guidelines available for incorporation. No outstanding topographical features or natural amenities were identified for preservation on the site.

### **Staff Response:**

Staff supports this position since all proposed structures, grading and drainage, and other site design elements are conforming to the Los Alamos Development Code requirements.

### **FINDINGS OF FACT**

- The Site Plan application #2021-0054 is for a Site Plan for a new commercial building with a drive through, associated parking and landscaping, and other traffic circulation elements at 1247 Trinity Drive on a property within the Downtown-Neighborhood Center Overlay (DT-NCO).
- The Site Plan Review Criteria, Section 16-156, has been applied. See criteria and responses listed below:

***(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:**

Utmost care has been taken to substantially conform to the comprehensive plan. We understand the focus of the comprehensive plan include the goals and associated policies that relate to the growth, appearance and land uses within Los Alamos County. The Comprehensive Plan anticipates improved walkability ... supporting improved pedestrian and bicycling facilities on new and redeveloped streets. [pg.106] Although it is vastly beyond the scope of our project to meet the macro needs of arterial street improvements, we've designed our project to enhance the pedestrian experience along Trinity Dr. with landscaping and ADA compliant access, the removal of a driveway curb cut, as well as creating a desirable "Third Place" with a patio that has visibility to the sidewalk and road; an asset of a Complete Street. As evidenced by excerpts and statements above, we understand the goals outlined in the 2016 LACCP and have endeavored to be a touchstone in its implementation. In no way is our project expected to be detrimental to the health, safety, and general welfare of the county. We believe our impact will have a positive effect.

### **Staff Response:**

Staff supports this position since adjacent land use on Trinity Drive in Downtown- Neighborhood Center Overlay (DT-NCO) is consistent with proposed development of the subject property and conforms to the comprehensive plan. The proposed design including architectural, parking, and landscaping elements will be in conformance with Los Alamos County Development Code.

***(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:**

As an extension of criteria "a," the site has been designed to provide motorists and pedestrians separate, dedicated entry points onto the site. Further, per ADA requirements, accessible routes are extended from the proposed building to the public sidewalk and from on-site parking into the

building. Adequate vehicle queueing is provided in order to additionally separate drive-through activity from other site activities, providing an additional layer of safety; containing the queue on site and reducing the potential for customers to filter through queueing vehicles after parking for café use.

**Staff Response:**

Staff supports this position since ingress/egress and traffic circulation will conform to all safety provisions for motorists, bicyclists, and pedestrians.

***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***

**Applicant Response:**

Hydrologic analysis was performed for the site in accordance with the County of Los Alamos Public Works Design and Construction Standards, revised September 2008, Chapter 4 - Hydrology and Storm Water Management. Design utilized AHYMO-S4 (April 2018) to develop peak flow rates for the 100-year 24-hour design storm in accordance with sections 4.6.2 and 4.7 of the design standards.

**Staff Response:**

Staff supports this position since grading and drainage plan indicates storm water management plan is conforming to the Los Alamos County Development standards.

***(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:**

Necessary easements are maintained for existing utilities. A new easement may be required due to fire hydrant relocation.

**Staff Response:**

Staff supports this position since the site plan indicates protecting and maintaining existing easements per existing subdivision plat. Ingress and egress to Lot-1-Tract W on the West of subject property is maintained.

***(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:**

The landscape plan adheres to the Los Alamos County design standards and enhances the site and immediate vicinity. No screening or buffering, other than at frontage, has been identified.

**Staff Response:**

Staff supports this position since proposed landscape plan enhances the site and improves the current relationship to adjacent properties.

***(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:**

Site has been designed to minimize adverse impacts on adjacent properties and public right-of-way by parking lots, mechanical equipment and site lighting. We've adhered to the design standards by providing mechanical equipment screening for roof-top mounted equipment. In an effort to meet desired Complete Street design efforts as outlined in the Los Alamos County Comprehensive Plan, we've attempted to move the majority of parking to the rear of the site; providing a more pedestrian friendly street frontage.

**Staff Response:**

Staff supports this position since all parking lot elements are conforming to the Los Alamos Development Code and minimize adverse impacts on adjacent properties and public rights-of-way.

***(g) 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:**

Utility capacity is adequate and connection improvements will conform with the requirements of the county's construction standards.

**Staff Response:**

Staff supports this position since all utilities existing and proposed improvements to utilities are conforming to the Los Alamos Development Code requirements.

***(h) 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:**

To the best of our knowledge, structures, site grading, and all other aspects of the development meet all applicable design standards and guidelines available for incorporation. No outstanding topographical features or natural amenities were identified for preservation on the site.

**Staff Response:**

Staff supports this position since all proposed structures, grading and drainage, and other site design elements are conforming to the Los Alamos Development Code requirements.



- Commercial use, listed within Section 16-287, Use Index, is allowed in Downtown-Neighborhood Center Overlay (DT-NCO).
- The public hearing was held in a virtual format to comply with the New Mexico Department of Health's public emergency order governing mass gatherings because of the COVID-19 pandemic.
- 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 Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing by U.S. mail, all in accordance with the requirements of §16-192 of the Los Alamos County Development Code and as the format complies with the New Mexico Department of Health's public emergency order governing mass gathering due to the COVID-19 pandemic.

### **CONCLUSIONS OF LAW**

After full hearing and consideration, the Planning and Zoning Commission finds that the application has met each applicable Site Plan review criteria contained in §16-152A of the Los Alamos County Development Code and is acting under the authority granted it by §16-452(c)(1)(a) of the Development Code.

### **MOTION:**

#### **Motion Option 1:**

I move to recommend approval of Case No. SIT-2021-0054 a request for a Site Plan approval for a new commercial building with a drive through at 1247 Trinity Drive on a property within the Downtown-Neighborhood Center Overlay (DT-NCO) as presented in the application. Recommendation is based on the Findings of Fact established at the hearing and conclusion that the Applicant has met each applicable review criteria contained in § 16-152A of the Los Alamos County Development Code and that the Commission is acting under the authority granted by §16-452(b)(1)(a) of the Development Code.

Approval is based on analysis within the staff report and per additional testimony entered at the public hearing.

#### **Motion Option 2:**

I move to recommend denial of Case No. SIT-2021-0054 a request for a Site Plan approval for a new commercial building with a drive through at 1247 Trinity Drive on a property within the Downtown-Neighborhood Center Overlay (DT-NCO) as presented in the application.

Denial is based on per additional testimony entered at the public hearing.

I further move to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusion of Law for this case, based on this decision and to be subsequently prepared by County staff.

## **ATTACHMENTS**

ATTACHMENT 1: Permit Application and Criteria Responses  
ATTACHMENT 2: Ownership Affidavit  
ATTACHMENT 3: Site Plan Package  
ATTACHMENT 4: Site Threshold Assessment  
ATTACHMENT 5: Subdivision Plat



# SITE PLAN APPLICATION

Los Alamos County Community Development Department

1000 Central Ave, Suite 150, Los Alamos NM 87544

(505) 662-8120

## Address and Use of Property to which the application applies:

1247 Trinity Drive, Los Alamos, NM 87544

Current Use: ☒ Vacant Other: Quick-Serve Restaurant (McDonald's no longer in operation)

Zoning District: DT-NCO Acreage: 1.0196 Lot Coverage: Related Applications (if any):

## APPLICANT (Unless otherwise specified, all communication regarding this application shall be to Applicant):

Name: Steve Maestas Phone: 505.338.9885 Cell #: 505.850.5309

Please Print

Company Name: Maestas Development Group

Address: 7620 Jefferson St NE, Albuquerque, NM 87109 Email: ryan@mdgrealestate.com

SIGNATURE

DATE

## PROPERTY OWNER

☐ Check here if same as above

Name: Thomas Reinhard Phone: 719.573.8557 Cell #:

Please Print

Address: 1515 North Academy Boulevard, Colorado Springs, CO 80909 t.reinhard@wendyscos.com

Owner's Address

My signature below indicates that I authorize the Applicant to make this Amendment application on my behalf.

Thomas Reinhard

4/23/2021

SIGNATURE

DATE

Pre-Application Meeting Date(s):

IDRC Date:

9.24.20 & 1.5.21

4.29.21

## THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

Date of Submittal:

Staff Initial:

CDD Application Number:

Fees Paid:



## SITE PLAN REVIEW CRITERIA

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-152A establishes the following criteria for recommendation by IDRC, or for determination by the CDD Director or P&Z, of approval, conditional approval or denial of the application. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. (Attach additional sheets if needed.)

- (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.*

See attached Appendix A.

- (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.*

See attached Appendix A.

- (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.*

Hydrologic analysis was performed for the site in accordance with the County of Los Alamos Public Works Design and Construction Standards, revised September 2008, Chapter 4 - Hydrology and Storm Water Management. Design utilized AHYMO-S4 (April 2018) to develop peak flow rates for the 100-year 24-hour design storm in accordance with sections 4.6.2 and 4.7 of the design standards.

- (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.*

Necessary easements are maintained for existing utilities. A new easement may be required due to fire hydrant relocation.

- (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](#).*

The landscape plan adheres to the Los Alamos County design standards and enhances the site and immediate vicinity. No screening or buffering, other than at frontage, has been identified.

- (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.*

Site has been designed to minimize adverse impacts on adjacent properties and public right-of-ways by parking lots, mechanical equipment and site lighting. We've adhered to the design standards by providing mechanical equipment screening for roof-top mounted equipment. In an effort to meet desired Complete Street design efforts as outlined in the Los Alamos County Comprehensive Plan, we've attempted to move the majority of parking to the rear of the site; providing a more pedestrian friendly street frontage.

- (g) *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.*

Utility capacity is adequate and connection improvements will conform with the requirements of the county's construction standards.

- (h) *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.*

To the best of our knowledge, structures, site grading, and all other aspects of the development meet all applicable design standards and guidelines available for incorporation. No outstanding topographical features or natural amenities were identified for preservation on the site.

- (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.*

This requirement is not applicable to this specific commercial development.

**SUBMITTALS:**

Provide all information necessary for a complete review of the Site Plan request. Check each of the boxes to indicate which information you have provided. Provide two hard copies of all plans and also provide one complete copy of all materials on disk:

- ☒ Agent Authorization, if applicable.
- ☒ Proof of property ownership (Warranty deed, recorded Plat, etc.).
- ☒ Scaleable copies of Site Plan drawings including:
  - ☒ Footprint and square footage of all buildings and structures on the site.
  - ☒ Building/structure elevations.
  - ☒ Existing and proposed lot coverage.
  - ☒ All existing and proposed easements.
  - ☒ All existing and proposed setbacks.
  - ☒ Existing and proposed trails.
- ☒ Preliminary Landscape Plan.
- ☒ Preliminary Grading and Drainage Plan.
- ☒ Preliminary Utilities Plan.

**Note:** Final construction plan set will be required at Building Permit.

Additionally, per Sec. 16-571, at or before the first IDRC meeting, the County Engineer may require the following Impact Studies:

- ☐ Traffic impact analysis (TIA).
- ☒ Stormwater drainage report.
- ☐ Utility capacity analysis.
- ☒ Soils report.
- ☒ Other. Describe: Site Threshold Assessment (STH)

You are advised to meet with the County Engineer early in the planning process to determine which studies will be required.

**Please provide any other information that you believe is relevant to or supports this application.**

Per discussion with Los Alamos Public Works, we have provided all stormwater drainage information on the Grading and Drainage sheet in lieu of a separate document.



**MAESTAS DEVELOPMENT GROUP**  
7620 JEFFERSON NE . ALBUQUERQUE, NEW MEXICO 87109

April 30, 2021

Ms. Sobia Sayeda  
Senior Planner  
Los Alamos County, Community Development Department  
1000 Central Avenue, Suite 150  
Los Alamos, New Mexico 87544

***Re: Site Plan Application Appendix A***

Dear Ms. Sayeda:

Please accept this Appendix A in addition to our amended Site Plan Application. I was unable to fit our responses on the Site Plan Application Review Criteria pages; below are answers to each respective criteria:

***(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.***

Utmost care has been taken to substantially conform to the comprehensive plan. We understand the focus of the comprehensive plan include the goals and associated policies that relate to the growth, appearance and land uses within Los Alamos County. The most recent iteration of the Los Alamos County Comprehensive Plan (LACCP) was introduced in 2016, a year consequential to our proposed project, because it is the same year the previous site tenant was closing operations and moving to a new location; leaving a shell from a bygone era. These are the areas in which our proposed project conforms with the 2016 LACCP (*italicized text are direct statements within the 2016 LACCP*):

*Economic Vitality: Promote a strong and diverse economic base by encouraging new business growth. [pg 34]*

*Financial Sustainability: Encourage the retention of existing businesses and assist in their opportunities for growth. [pg 34]* This project exemplifies the growth of an existing business.

*Financial Sustainability: Significantly improve the quantity and quality of retail business. [pg 34]* Our project revitalizes an otherwise blighted site.

*Financial Sustainability: Revitalize and eliminate blight in the downtown areas of Los Alamos... [pg 34].* Our project is a direct response to this goal of the 2016 LACCP. Our aim to deliver an attractive project that replaces an otherwise unattractive property in downtown Los Alamos.

*Core Themes: Development, Potential Strategies: Improve the appearance of the commercial areas. [pg 76]* As stated above, this project directly answers the call for improved appearance.

*Core Themes: Redevelopment, Exhibit 35 – Downtown Los Alamos Redevelopment Opportunities. [pg 78]* Per the referenced exhibit, our site has been explicitly delineated as an “Aged Storefront.” The 2009 Downtown Plan identified Redevelopment of Trinity Dr. as an area for “work to be done,” and the 2016 LACCP further identifies our site as an area “still in need of... reconstruction.”

**MAESTAS DEVELOPMENT GROUP**  
7620 JEFFERSON NE . ALBUQUERQUE, NEW MEXICO 87109

A quote from the 2016 LACCP [pg. 89]: *“Going forward, another focus of redevelopment will be the elimination of blighted and vacant properties, both commercial and residential. The County is investigating various strategies to address both the issues of blight and vacancy, which are neither mutually exclusive nor entirely coincident. These strategies could include incentives for development and redevelopment, as well as possible disincentives for continued blight. There continues to be general agreement on where further improvement is needed: more and better local shopping opportunities; Trinity Drive...”*

*Core Themes: Mobility, Pedestrians: The Comprehensive Plan anticipates improved walkability ... supporting improved pedestrian and bicycling facilities on new and redeveloped streets. [pg.106]* Although it is vastly beyond the scope of our project to meet the macro needs of arterial street improvements, we’ve designed our project to enhance the pedestrian experience along Trinity Dr. with landscaping and ADA compliant access, the removal of a driveway curb cut, as well as creating a desirable “Third Place” with a patio that has visibility to the sidewalk and road; an asset of a Complete Street.

As evidenced by excerpts and statements above, we understand the goals outlined in the 2016 LACCP and have endeavored to be a touchstone in its implementation. In no way is our project expected to be detrimental to the health, safety, and general welfare of the county. We believe our impact will have a positive effect.

***(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.***

As an extension of criteria “a,” the site has been designed to be safe for motorists, bicyclists and pedestrians. We have designed the site to provide motorists and pedestrians separate, dedicated entry points onto the site. Further, per ADA requirements, accessible routes are extended from the proposed building to the public sidewalk and from on-site parking into the building. Adequate vehicle queueing is provided in order to additionally separate drive-through activity from other site activities, providing an additional layer of safety; containing the queue on site and reducing the potential for customers to filter through queueing vehicles after parking for café use.

Sincerely,

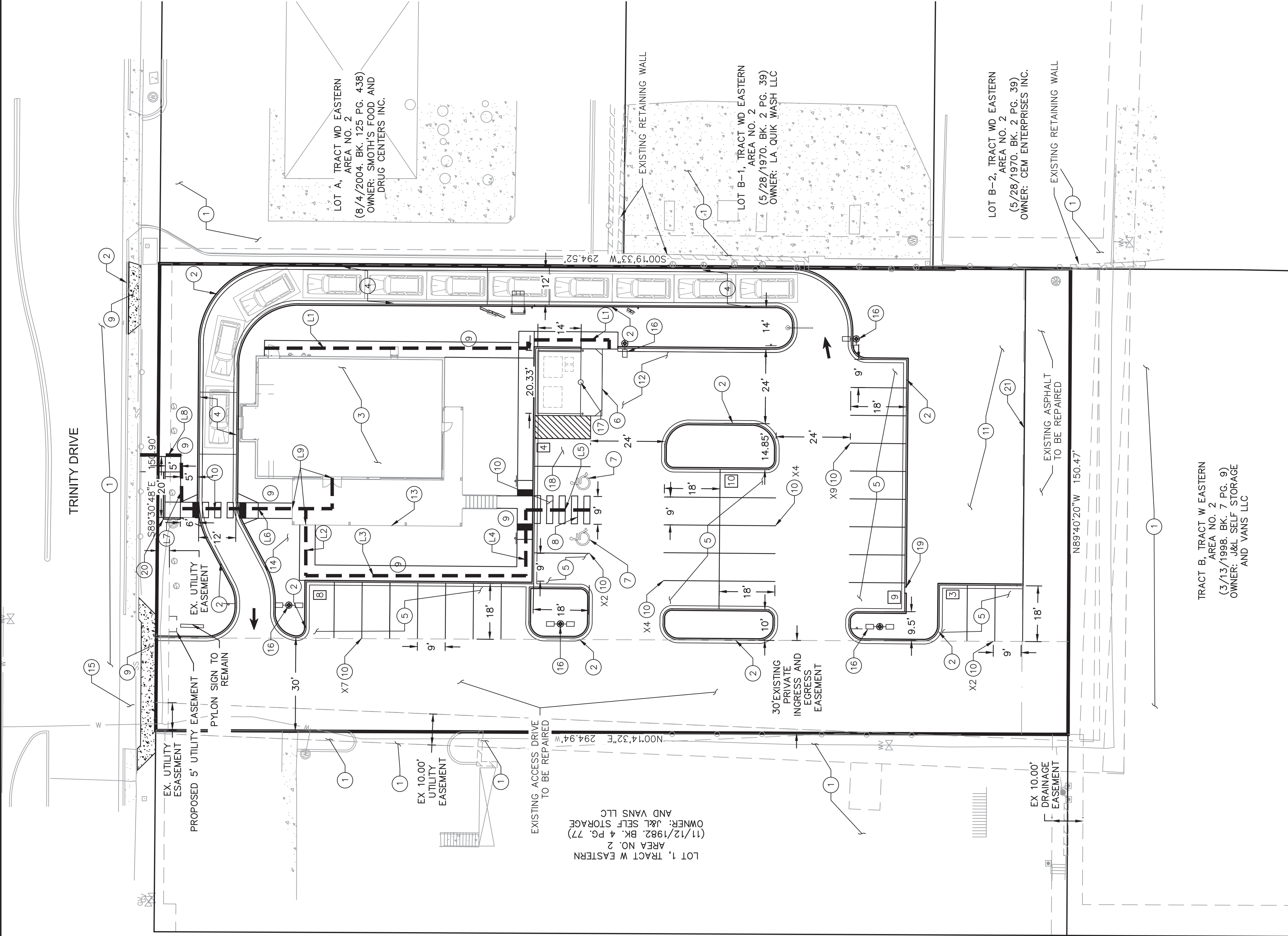


Ryan A. Hébert  
Project Manager  
Maestas Development Group

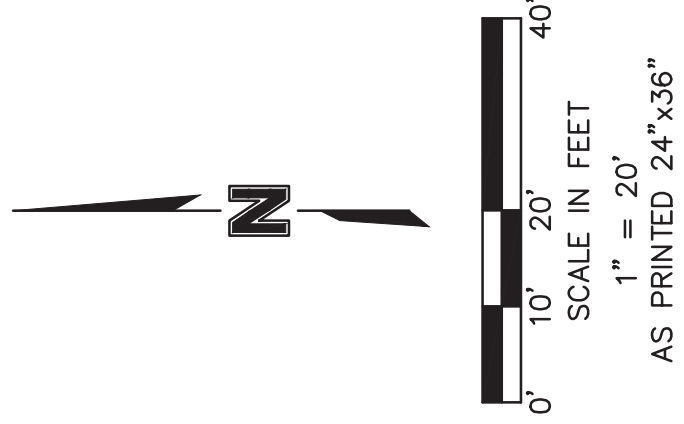
STATE OF NEW MEXICO                    )  
  )  
COUNTY OF LOS ALAMOS                )                SS.

My Commission Expires: 07-26-2024





BENCHMARK-NAVD 88:  
LACS MONUMENT "LACS-10" HAVING AN ELEVATION  
OF 7327.67'



SITE DATA TABLE	
ZONING	DOWNTOWN DISTRICT
TOTAL SITE ACREAGE	44.412 SQ. FT 1.0196 AC
BUILDING AREA (SQ. FT)	2,320
PARKING  (LOS ALAMOS MUNICIPAL CODE SEC. 16-579-T1)	1 STALL PER 625SF OF USABLE FLOOR AREA; REQUIRED: 2,320SF/625SF = 4 STALLS PROVIDED: 9'X18' STALLS: 32 STALLS HANDICAP: 2 STALLS TOTAL: 34 STALLS
SETBACKS	FRONT: 0' SIDE: 0' REAR: 0'

SITE COVERAGE TABLE	
BUILDING ROOF AREA	2,491 SQ. FT
PATIO ROOF AREA	957 SQ. FT
TOTAL ROOF AREA	3,448 SQ. FT
TOTAL SITE IMPERVIOUS AREA	40,098 SQ. FT
TOTAL SITE PERVIOUS AREA	12,175 SQ. FT

ACCESSIBLE ROUTE:

2% MAX CROSS SLOPE, 5% MAX LONGITUDINAL SLOPE, 2% COMPOSITE SLOPE AT LANDINGS AND ADA PARKING AREA. SPECIFIC LENGTH AND LONGITUDINAL SLOPE NOTED BELOW.

- ① LENGTH: 117'  
SLOPE: VARIES WITH RAMP. REFER  
TO GRADING PLAN FOR DETAILS.
- ② LENGTH: 16'  
SLOPE: 3.1%
- ③ LENGTH: 71'  
SLOPE: 4.8%
- ④ LENGTH: 24'  
SLOPE: VARIES WITH RAMP. REFER  
TO GRADING PLAN FOR DETAILS.
- ⑤ LENGTH: 21'  
SLOPE: 1.4%
- ⑥ LENGTH: 36'  
SLOPE: VARIES WITH RAMPS. REFER  
TO GRADING PLAN FOR DETAILS.
- ⑦ LENGTH: 17'  
SLOPE: 4.2%
- ⑧ LENGTH: 13'  
SLOPE: 4.3%
- ⑨ LENGTH: 10'  
SLOPE: VARIES , REFER  
TO GRADING PLAN FOR DETAILS.

**LEGEND:**

PROPOSED CURB & GUTTER	
PROPERTY BOUNDARY	
EXISTING EASEMENTS	
EXISTING ROW	
PROPOSED SIDEWALK	
PROPOSED CONCRETE	
PROPOSED ADA ACCESSIBLE AISLE	
PROPOSED ADA ACCESSIBLE ROUTE	

NOTES:

- ① PROTECT EXISTING IN PLACE.
- ② PROPOSED CURB AND GUTTER PER COUNTY STANDARDS.
- ③ PROPOSED BUILDING
- ④ PROPOSED DRIVE THRU AISLE
- ⑤ PROPOSED PARKING SPACES PER COUNTY STANDARDS.
- ⑥ PROPOSED TRASH ENCLOSURE WITH CONCRETE APRON
- ⑦ PROPOSED HANDICAP PARKING STALLS
- ⑧ PROPOSED HANDICAP ACCESSIBLE AISLE.
- ⑨ PROPOSED ADA ACCESSIBLE SIDEWALK PER COUNTY AND ADA STANDARDS.
- ⑩ PROPOSED PAVEMENT STRIPING.
- ⑪ PROPOSED WATER QUALITY POND.
- ⑫ PROPOSED CONCRETE APRON.
- ⑬ PROPOSED PATIO AREA WITH CONCRETE.
- ⑭ PROPOSED BIKE PARKING AREA.
- ⑮ PROPOSED DRIVEWAY REALIGNMENT PER NMDOT DETAIL 608-001+9 TYPE 2C.
- ⑯ PROPOSED LIGHTS. REFER TO ARCHITECTURAL SHEETS FOR DETAILS.
- ⑰ PROPOSED REFUSE ENCLOSURE GATE. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
- ⑱ PROPOSED DELIVERY VEHICLE AREA.
- ⑲ PROPOSED CURB CUT. REFER TO GRADING PLAN FOR DETAILS.
- ⑳ PROPOSED WALL. REFER TO GRADING PLAN FOR DETAILS.
- ㉑ PROPOSED POND OUTLET.

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: right;"> <p><b>NOTE</b></p> <p>THIS DOCUMENT HAS BEEN RELEASED BY OLSSON FOR THE EXCLUSIVE USE OF REVIEW BY REGULATORY AGENCIES AND OTHER PROFESSIONALS, AND IS NOT TO BE REPRODUCED OR USED FOR CONSTRUCTION.</p> </div> <div style="text-align: center;"> </div> <div style="text-align: left;"> <p>OLSSON UTILITIES RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL OR VERTICAL). THE EXISTING LOCATIONS SHOWN ON THESE DRAWINGS HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS HOWEVER THE USER'S RESPONSIBILITY TO CONDUCT A FIELD VERIFICATION OF THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.</p> </div> </div>		<p><b>811</b></p> <p><b>Know what's below. Call before you dig.</b></p> <p><small>CALL BEFORE YOU DIG. CALL 811 PRIOR TO DIGGING, GRADING OR EXCAVATING FOR THE MARKING OF UNDERGROUND UTILITIES.</small></p>	
		<p><b>LOS ALAMOS STARBUCKS CONSTRUCTION DOCUMENTS</b></p>	
<p><b>SITE PLAN</b></p>		<p><b>LOS ALAMOS, NEW MEXICO</b></p>	
<p><b>2021</b></p>		<p><b>2021</b></p>	
<p><b>REVISIONS</b></p>		<p><b>REVISIONS</b></p>	
<p><b>REV. NO.</b></p>		<p><b>REV. NO.</b></p>	
<p><b>DATE</b></p>		<p><b>DATE</b></p>	
<p><b>REVISIONS DESCRIPTION</b></p>		<p><b>REVISIONS DESCRIPTION</b></p>	







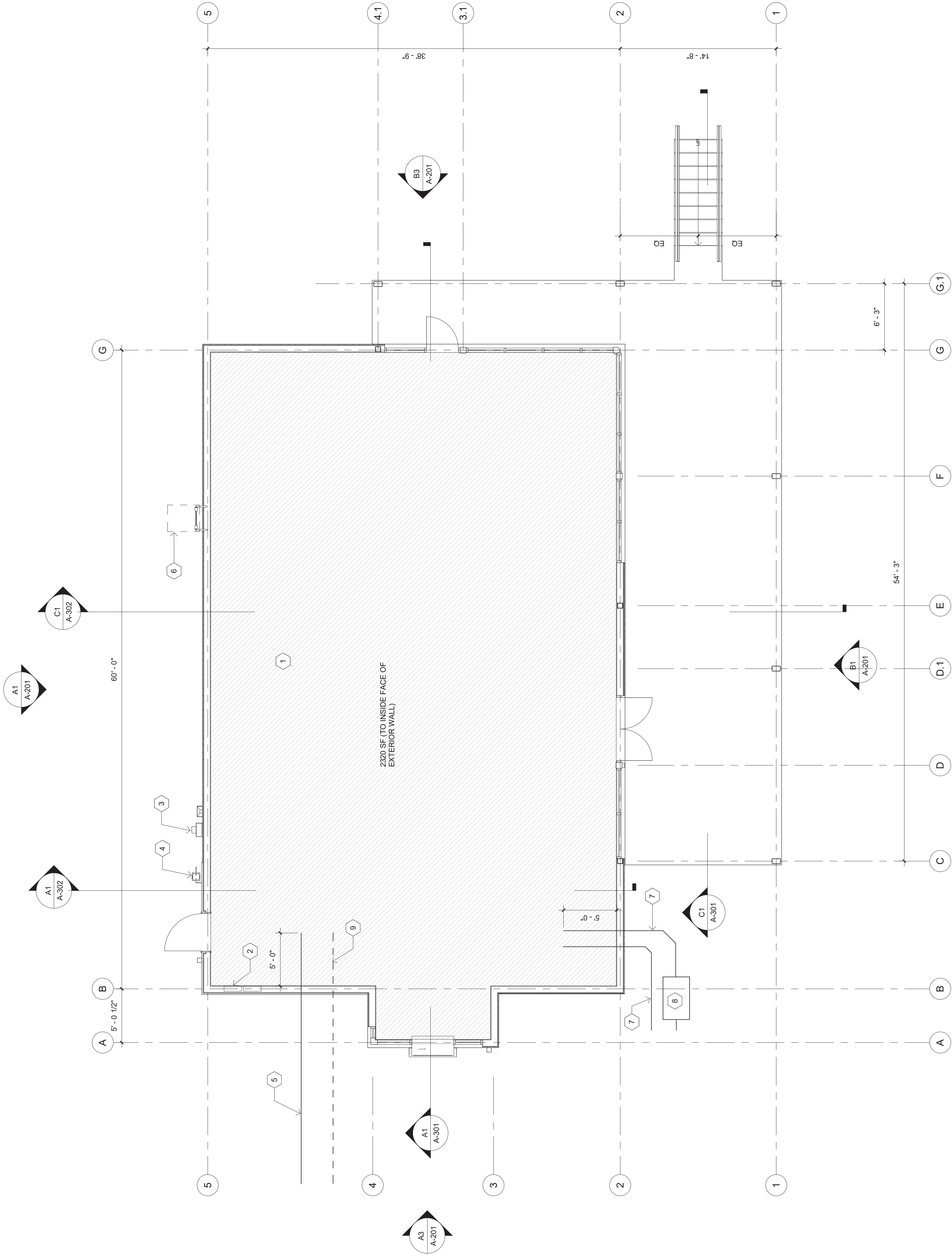


GENERAL NOTES

- A. FIELD VERIFY ALL DIMENSIONS.  
B. DO NOT SCALE DRAWINGS. IF DIMENSIONS ARE IN QUESTION, REQUEST CLARIFICATION FROM ARCHITECT BEFORE PROCEEDING.

KEYED NOTES

1. PROVIDE BACKFLOW PREVENTER AT APPROXIMATE LOCATION OF FUTURE WATER FILTRATION SYSTEM.  
2. ELECTRICAL PANELS.  
3. ELECTRICAL METER AND CT CABINET LOCATION.  
4. GAS METER.  
5. 1/2" DUCTILE CAST IRON WATER SUPPLY.  
6. 1/2" DUCTILE CAST IRON SEWER.  
7. ROOF LADDER ACCESS, 30" X 36" CLEAR.  
8. 4 INCH SANITARY SEWER LINE.  
9. GREASE INTERCEPTOR IN LANDSCAPING.  
2" CONDUIT FOR DATA.





GENERAL NOTES

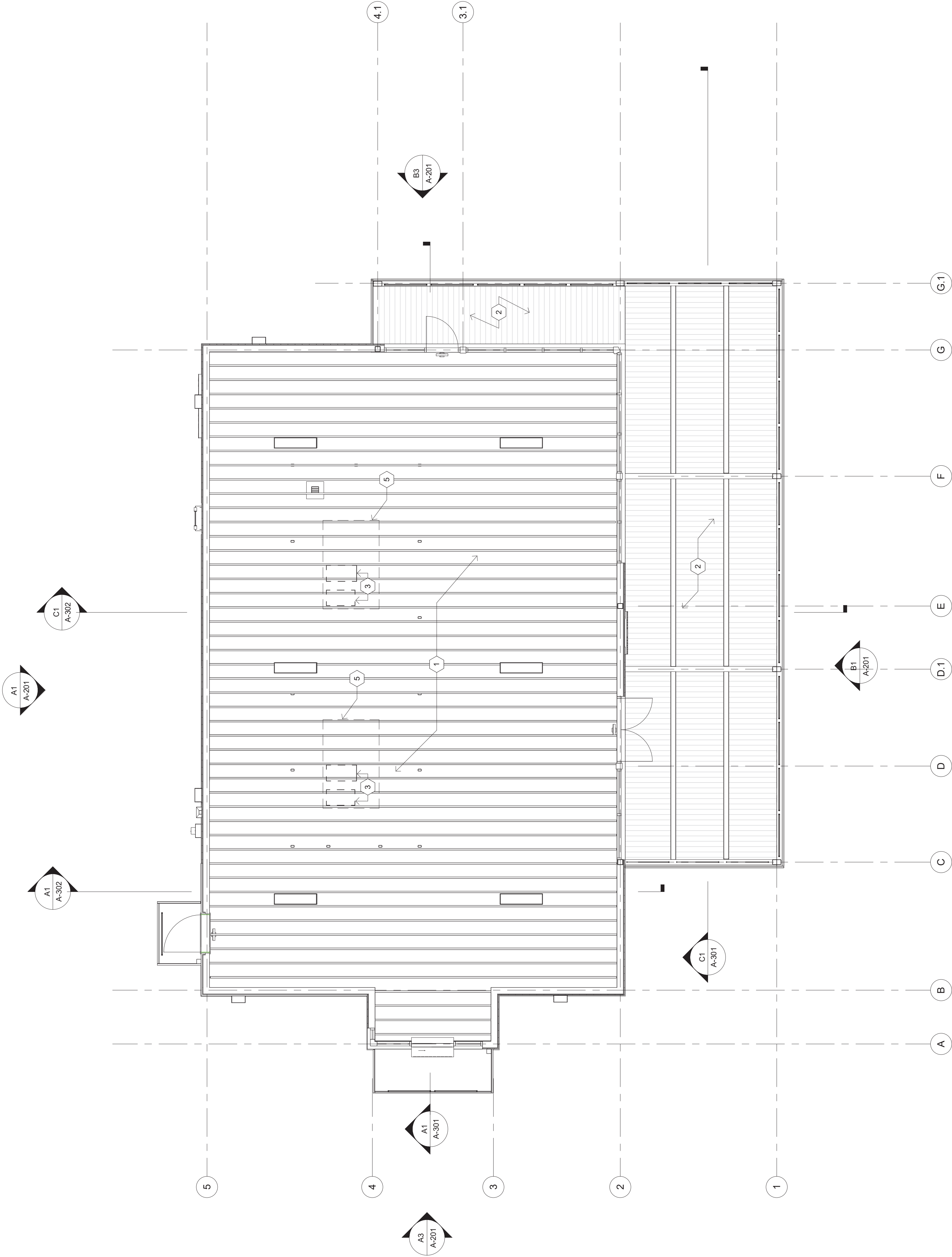
- A. ALL DIMENSIONS ARE FACE OF STUD UNLESS OTHERWISE NOTED.  
B. FIELD VERIFY ALL DIMENSIONS.  
C. DO NOT SCALE DRAWINGS. IF DIMENSIONS ARE IN QUESTION, REQUEST CLARIFICATION FROM ARCHITECT BEFORE PROCEEDING.

KEYED NOTES

1. OPEN TO STRUCTURE.  
2. EXPOSED PAINTED METAL DECK.  
3. MECHANICAL COORDINATE WITH STRUCTURAL.  
4. MECHANICAL UNIT ABOVE.

LEGEND

- LINEAR EXTERIOR DOWNLIGHT  
EXIT LIGHT  
1 X 4 LIGHT FIXTURE  
WALL PACK





GENERAL SHEET NOTES

- A. ALL STUCCO SYSTEMS TO BE LIGHT SAND FINISH. ARCHITECT TO APPROVE COLORS.  
B. ALL FINISHES TO FACE OF STUD, UNLESS OTHERWISE NOTED.  
C. REFER TO ELECTRICAL FOR LIGHT FIXTURES - LOCATE PER ELEVATIONS

KEYED NOTES

1. KNOX BOX.

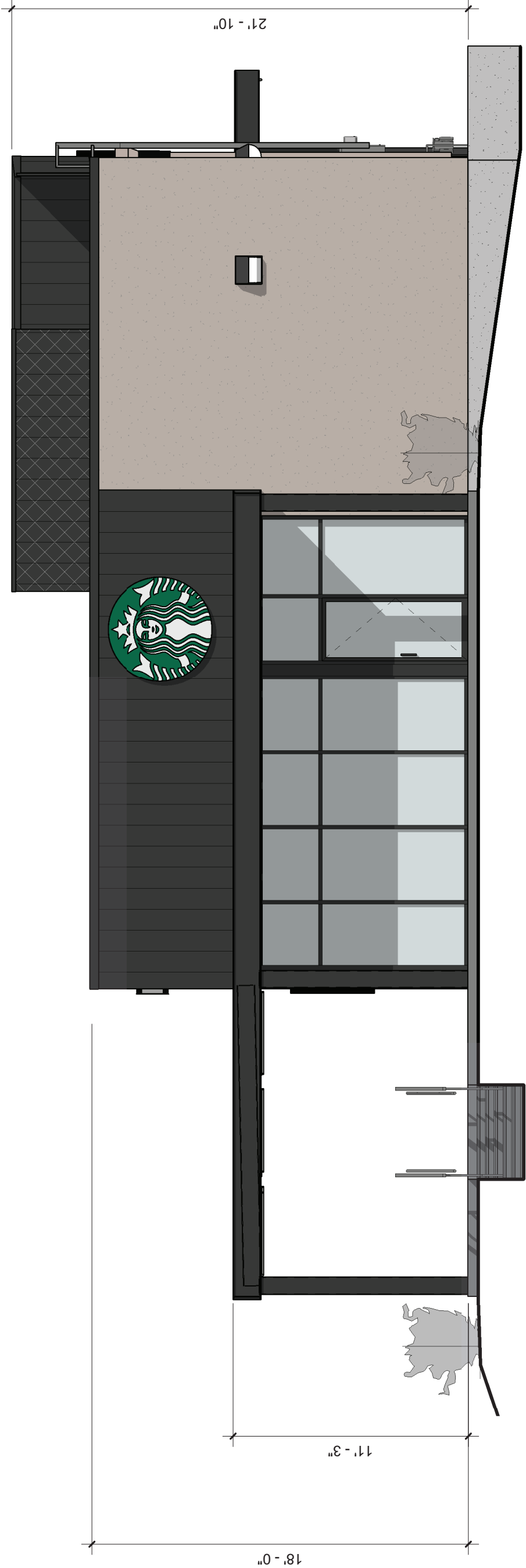
MATERIAL CALCULATION

PREDOMINANT EXTERIOR BUILDING MATERIALS - STUCCO AND WOOD 64.5%  
NON PREDOMINANT EXTERIOR BUILDING MATERIALS - METAL PANEL  
PREDOMINANT EXTERIOR BUILDING WALL COLORS: METAL PANEL AND STUCCO  
ACCENT COLOR: WOOD

LEGEND

- STUCCO CEMENT PLASTER FINISH, COLOR TO BE SELECTED BY ARCHITECT
- METAL PANEL, BASIS OF DESIGN MBCE FW-120-0 12" NO BEADS, SMOOTH FINISH.
- METAL PANEL, BASIS OF DESIGN MBCE FW-120-0 12" NO BEADS, SMOOTH FINISH, PERFORATED AS REQUIRED FOR MECHANICAL EQUIPMENT VENTILATION
- VERTICAL WOOD PANELING, CEDAR, NEAR CLEAR, PRE-STAINED, SMOOTH FINISH, 1 X 8 NICKEL GAP WITH SHADOW LINE

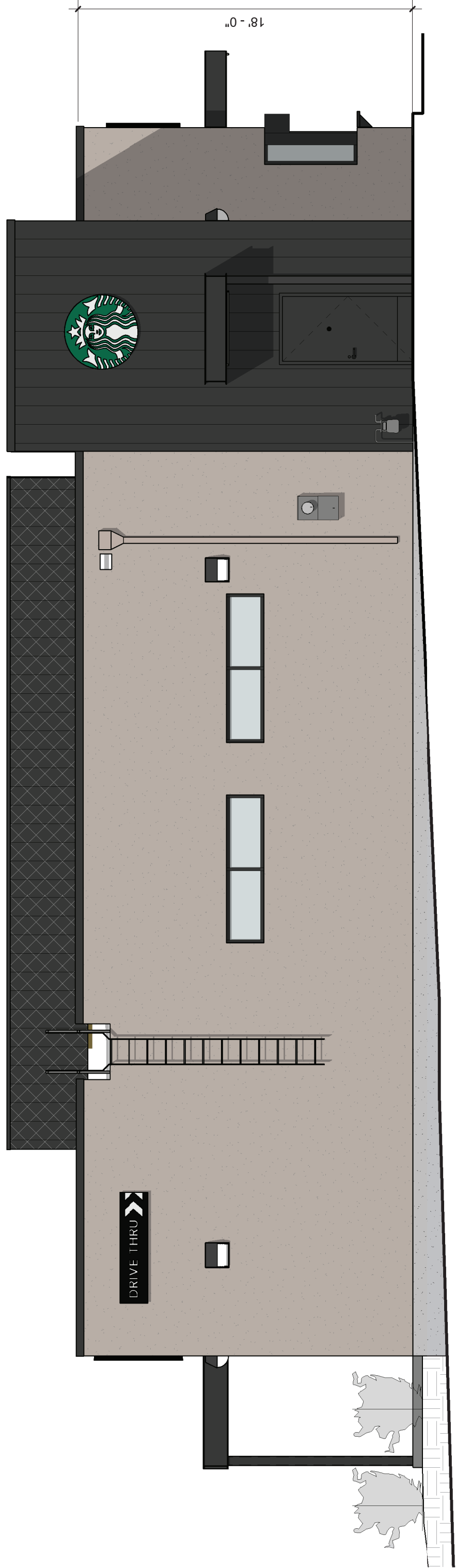
STARBUCKS SHELL  
1247 TRINITY DRIVE  
LOS ALAMOS, NM 87544



B3 SOUTH ELEVATION



B1 WEST ELEVATION



A1 EAST ELEVATION



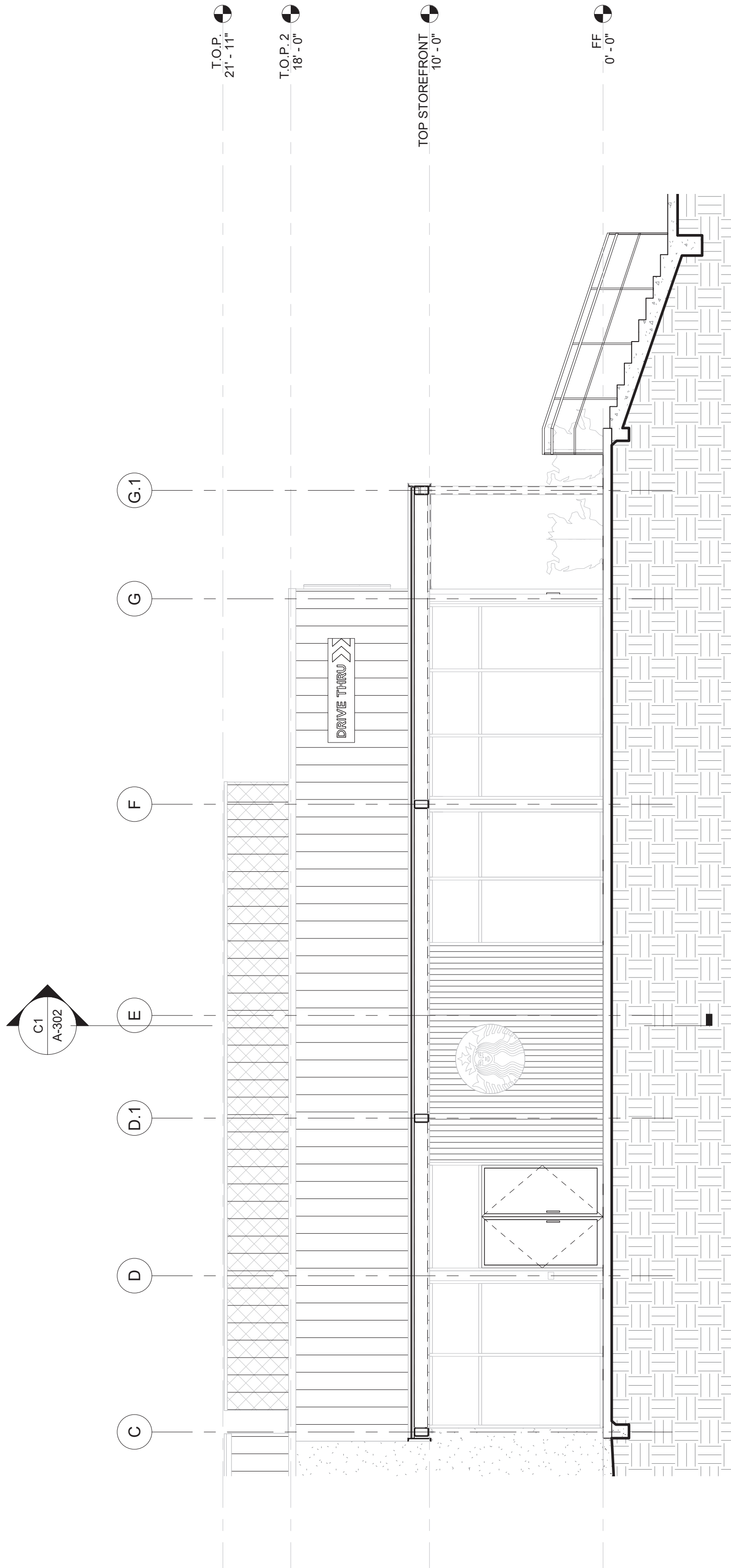
A3 NORTH ELEVATION

GENERAL SHEET NOTES

- A. ALL STUCCO SYSTEMS TO BE LIGHT SAND FINISH. ARCHITECT TO APPROVE COLORS.
- B. ALL STUCCO SYSTEMS TO BE 1/2" THICK. ARCHITECT TO APPROVE FACE OF STUD. UNLESS OTHERWISE NOTED.
- C. ALL STUCCO SYSTEMS TO BE 1/2" THICK. ARCHITECT TO APPROVE EXTEND TO ROOFING MEMBRANE UP 8" MINIMUM.
- D. MAINTAIN 3/4" MIN BETWEEN TOP OF ADJACENT PAVING TO BOTTOM OF STUCCO OR AS OTHERWISE INDICATED IN THE DRAWINGS.
- E. EXPOSED STEM WALLS AND FINISH TO BE COORDINATED WITH ARCHITECT.

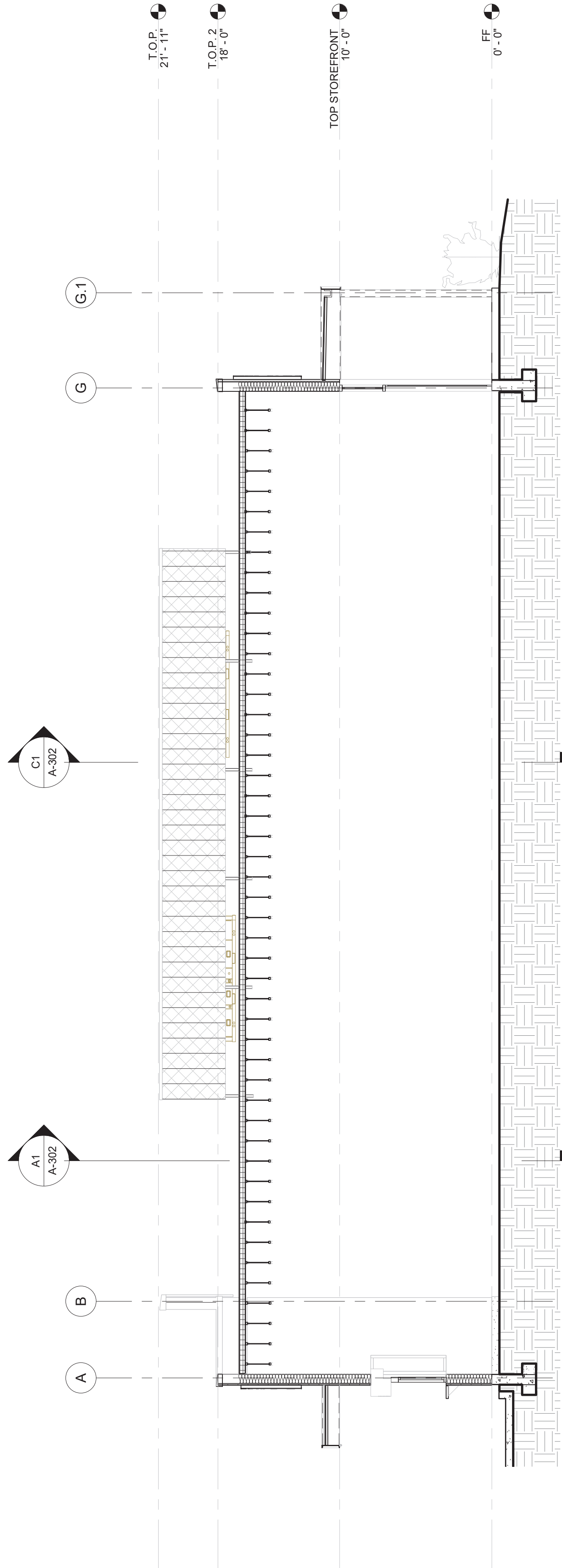
KEYNOTES

1. XXX



C1 NORTH SOUTH PATIO SECTION

3/16" = 1'-0"



A1 NORTH SOUTH BUILDING SECTION

3/16" = 1'-0"

REVISION	DATE
----------	------

DATE	04.20.21
PROJECT NO	2017

BUILDING SECTIONS

SHEET NO.

A-301

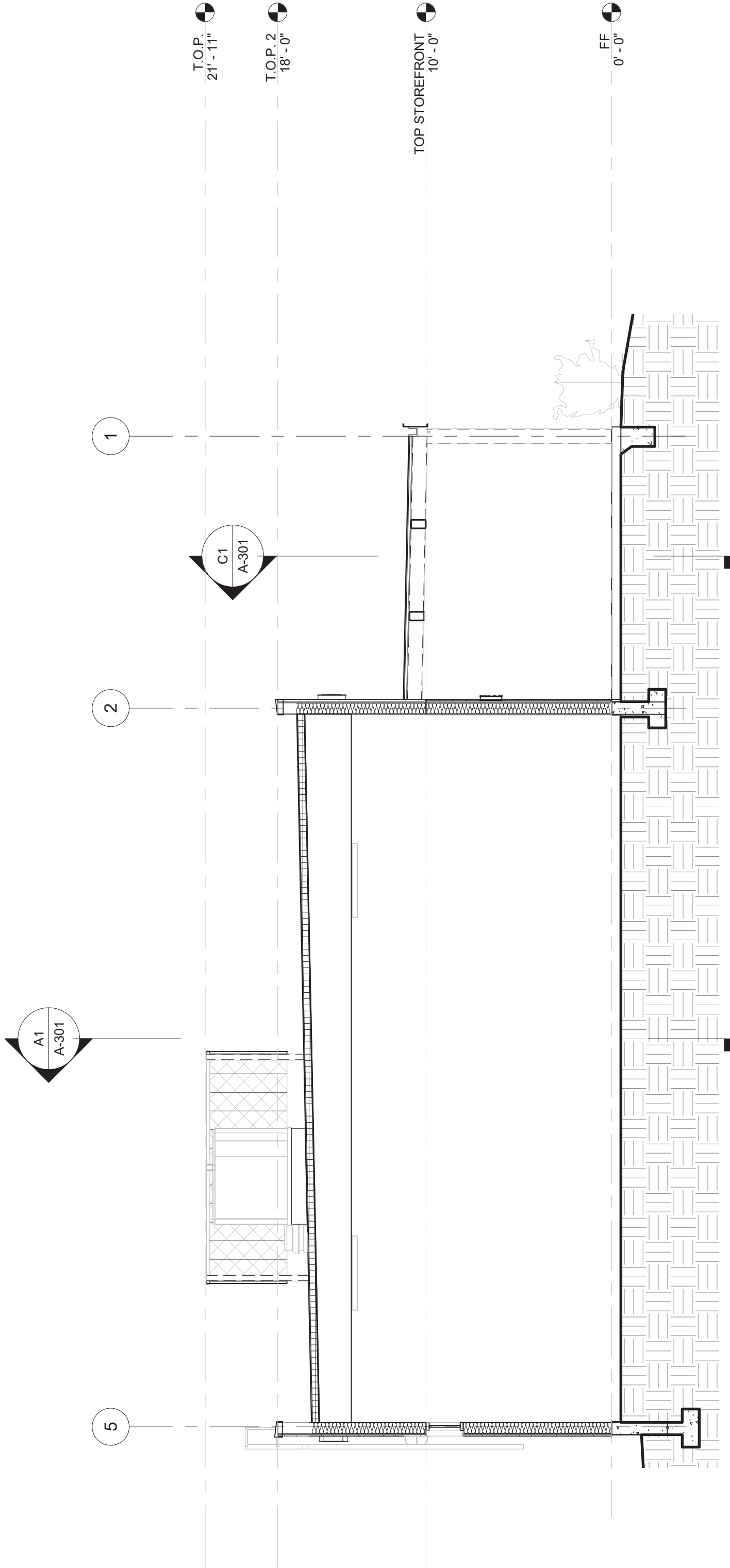


GENERAL SHEET NOTES

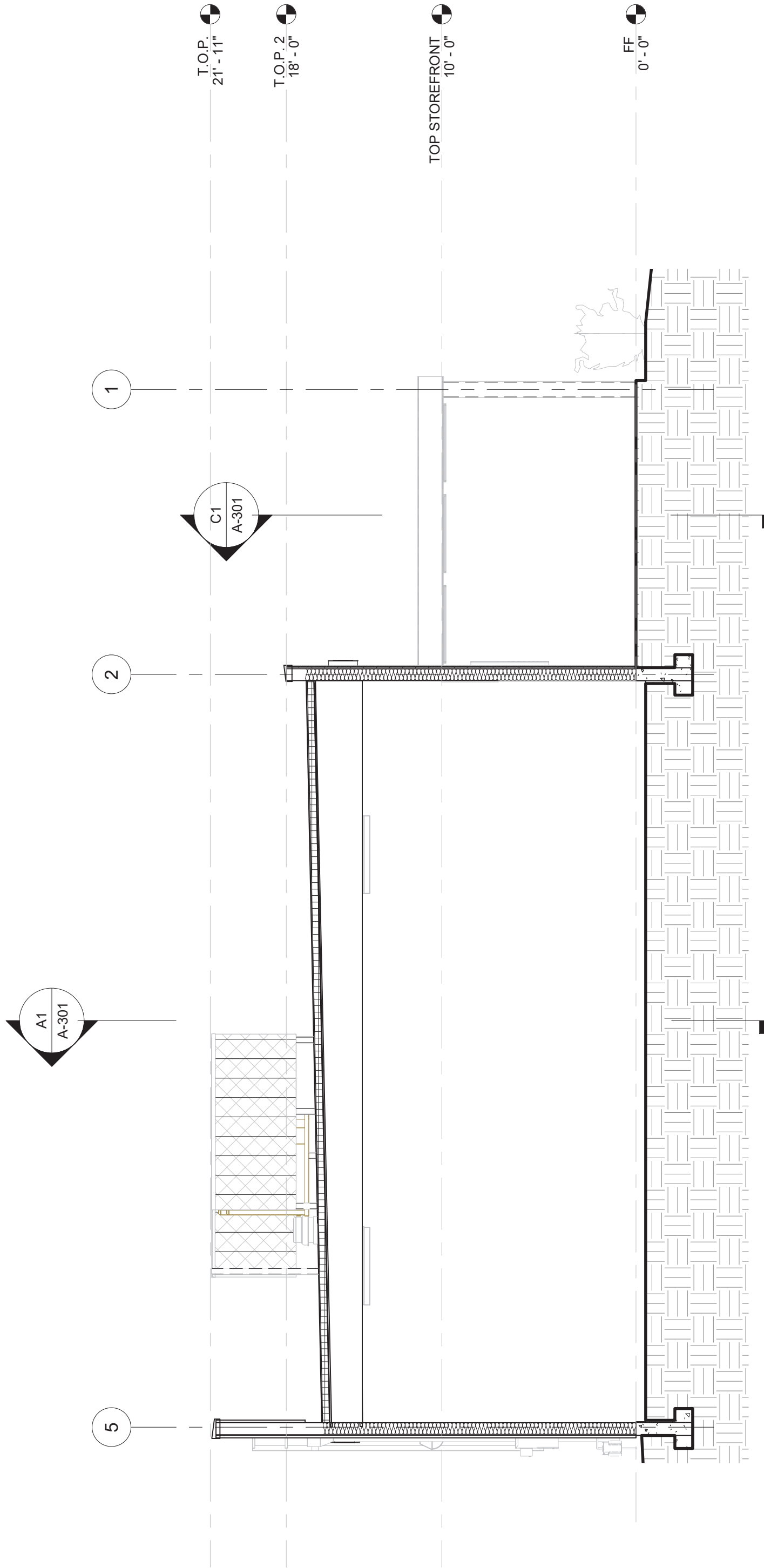
- A. ALL STUCCO SYSTEMS TO BE LIGHT SAND FINISH. ARCHITECT TO APPROVE COLORS.  
B. EXPOSED STUCCO FACE OF STUD. UNLESS OTHERWISE NOTED, EXPOSED STUCCO SHALL BE 1/2" MINIMUM.  
C. EXTEND TPO ROOFING MEMBRANE UP 8" MINIMUM.  
D. MAINTAIN 3/4" MIN BETWEEN TOP OF ADJACENT PAVING TO BOTTOM OF STUCCO OR AS OTHERWISE INDICATED IN THE DRAWINGS.  
E. EXPOSED STEM WALLS AND FINISH TO BE COORDINATED WITH ARCHITECT.

KEYNOTES

1. XXX



C1 BUILDING AND PATIO SECTION  
3/16" = 1'-0"



A1 BUILDING SECTION  
3/16" = 1'-0"

REVISION	DATE
----------	------

DATE	04.20.21
PROJECT NO	2017

BUILDING  
SECTIONS



GENERAL NOTES:

A. REFER TO CIVIL SITE PLAN FOR ADDITIONAL SITE UTILITY INFORMATION.

ELECTRICAL KEYED NOTES: ○

1. UTILITY COMPANY-OWNED 12,470,6200V PRIMARY FEEDER, REFER TO POWER RISER DIAGRAM.

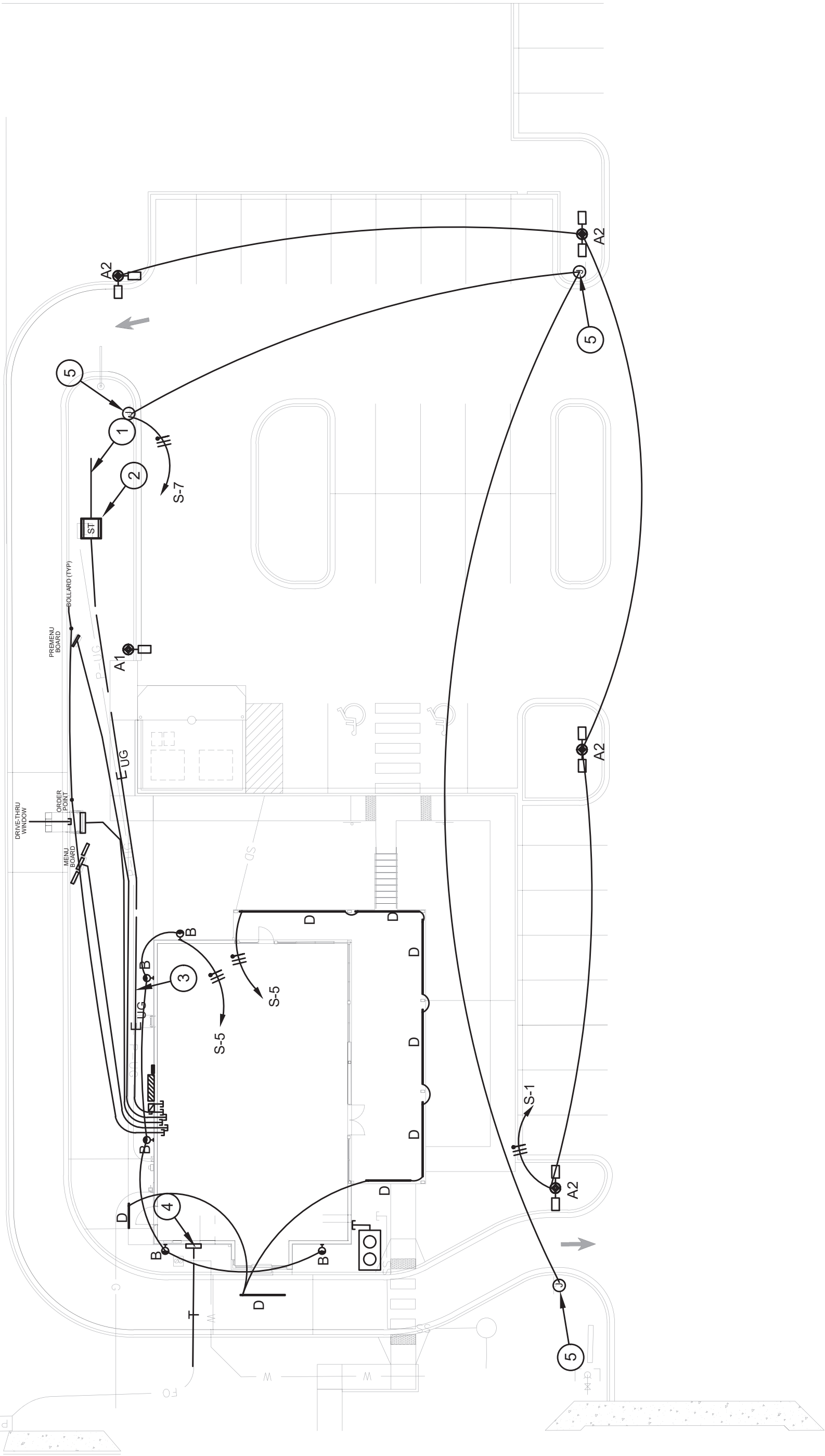
2. UTILITY COMPANY-OWNED SERVICE TRANSFORMER WITH 208/120V, 3-PHASE SECONDARY, REFER TO POWER RISER DIAGRAM.

3. 3-PHASE SERVICE FEEDER, REFER TO POWER RISER DIAGRAM.

4. COMMUNICATIONS ENTRANCE.

5. DIRECTIONAL SIGN.

1247 TRINITY DRIVE



1 ELECTRICAL SITE PLAN

SCALE: 1"= 20'-0"

0 10' 20' 40'



STARBUCKS SHELL

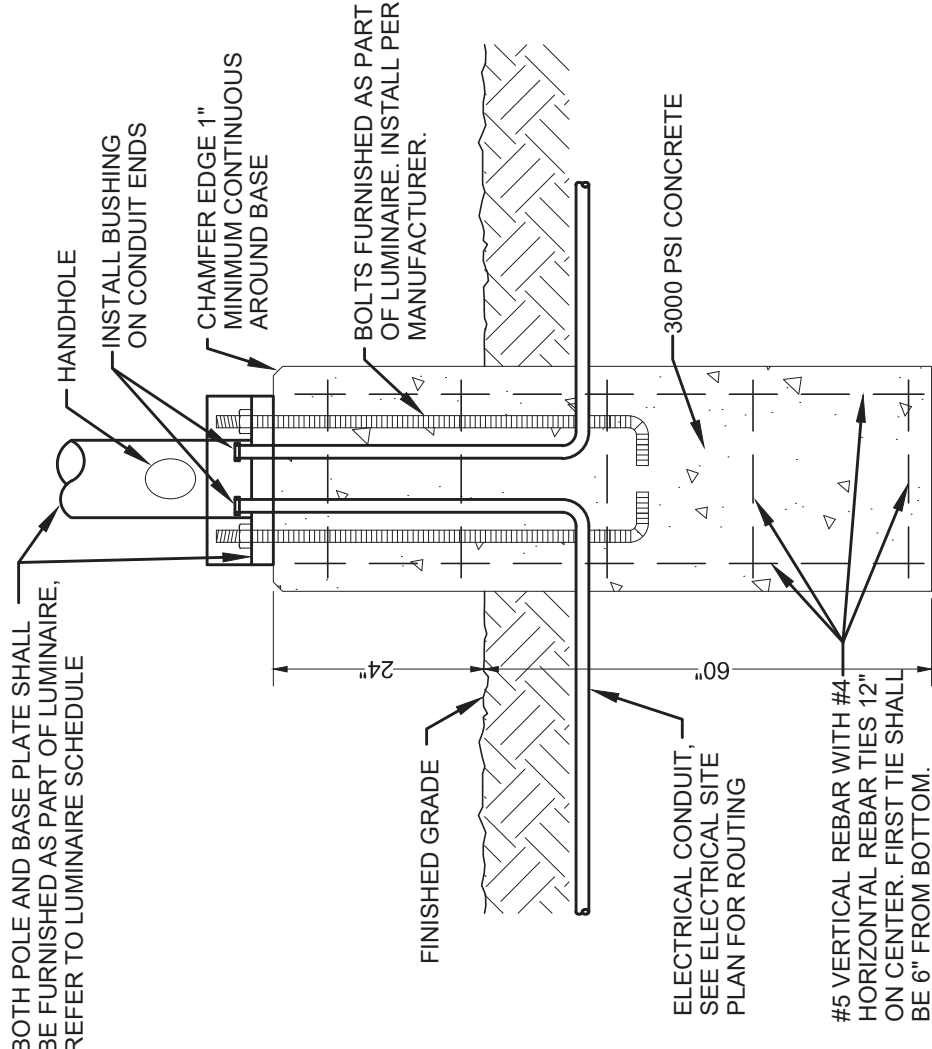
1247 Trinity Drive  
Los Alamos, NM 87544

POLE BASE NOTES:

A. ALL LIGHT POLE CONCRETE BASES SHOULD BE VERIFIED WITH THE CONCRETE SUPPLIER TO BE COMPATIBLE WITH THE SOIL AND WIND CONDITIONS OF THIS PROJECT.

B. G.C. TO PROVIDE AND INSTALL ENTIRE POLE BASE.

C. LIGHTING FIXTURES SHALL BE OF TYPE INDICATED ON DRAWINGS.



POLE BASE MOUNTING DETAIL

SCALE: NONE

ELECTRICAL & PLUMBING SITE PLAN

SHEET TITLE

LUMINAIRE SCHEDULE							
Starbucks (Shell Building), LOS ALAMOS, NM							
TYPE / MARK	MANUFACTURER	CATALOG NUMBER	LAMP(S)		DESCRIPTION	VOLT.	LUM. WATT.
			QTY	WATTS			
A1	HUBBELL	RART-80L-50-4K7-3-UNV-ASQ-DB (HEAD)	1	50	L.E.D. PARKING / AREA LIGHTING	208	50
A2	HUBBELL	RARS-H-14-40-A-1-S2-DB (POLE)	1	100	L.E.D. PARKING / AREA LIGHTING, DUAL-HEAD (D180)	208	100
B	BARRON	SSS-H-14-40-A-1-S2-DB (POLE)	1	25	L.E.D. EXTERIOR WALL PACK	120	-
Be	BARRON	WLZ-3-4K-BR-BB	1	25	L.E.D. SECURITY LIGHT, BUILDING MOUNT	120	25
D	COLUMBIA	CSL4-4040-GLH5	1	40	L.E.D. 4' LED STRIP	120	40
X	COMPASS LIGHTING	CCR	1	24	L.E.D. COMBO, RED LETTERS, WHITE	120	24
GENERAL LIGHTING NOTES: A. ANY EMERGENCY BALLASTS SPECIFIED FOR LIGHTING FIXTURES SHALL BE FACTORY INSTALLED.							
B. ALL EXTERIOR LIGHTING FIXTURES SHALL CONFORM TO APPLICABLE SANTA FE LIGHTING ORDINANCES AND THE NIGHT SKY ACT.							
04/13/2021							

2021.07

SITE UTILITIES  
COORDINATION

DATE 04.07.2021

PROJECT NO 4/22/2021 4:35 PM

SHEET NO.

S-100



