

Post M3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Neighborhood Protection Standards		1) Is Fuller Lodge (and the historic district) sufficiently protected, for viewing, from 7 story buildings in the downtown zone. I wouldn't think it is appropriate to have 7 story buildings at the location of the Post Office, the LA small business center, or the portion of the Central Park Square that includes the Finishing Touch. I know it is unlikely for someone to build 7 story buildings on these locations - but if it is allowed, it is possible.	Added HP-O to neighborhood protection standards in Section 16-4-5.	The Neighborhood Protection Standards have been updated to include any landmarks or districts within the Historic Preservation Overlay (HP-O).
Zoning Map		2) Did Rocket Park (Pinon Park) in White Rock (just south of the WR library) - get taken out of the White Rock downtown area? It should be left a park and not developed for business or housing.	No revisions	Per the conversion rules this process is operating under, Pinon Park was converted to WRTC. We have received numerous public comment that this should be public park designation. The project team in keeping a running list of parcels that need to be considered for a sponsored zone map amendment post adoption of the updated Development Code and Pinon Park is on that list.
Zoning Map		3) And I suppose this is for the County Council - the zoning of County canyon- lands is not consistent - I know the Development Code update is not a zoning process - but the canyons (passive open space) should be zoned in a consistent manner, following this work.	No revisions	The open space conversions had to utilize guidance from adopted County policy and therefore utilized the Future Land Use map of the Comp Plan. If the community feels that the canyon designations per the future open space map were not appropriate, those parcels can submit a proposed change during the recommended sponsored zone map amendment post adoption that is intended to revise zoning parcels outside of this process. The project team in keeping a running list of parcels that need to be considered for a sponsored zone map amendment post adoption of the updated Development Code and can add the canyons to that list.
Use Regulations / Development Standards		I would like to ask for some discussion of these proposed Regulations as they pertain to the Stable area. We are required by our Stable Rules and Regulations to comply with all applicable County Codes, Rules, Regulations and Laws. Failure to do so can result in the termination of our license. The detailed level of maintenance required in these proposals seems to be above and beyond what is necessary for a lean to or barn on land which we hold license (not lease or rent). While a level of safety and maintenance is appropriate, the level required in the regulation is not necessary for a lean to or barn housing animals, and will place an undue burden on many stable licensees. There appears to be a section where the county will deal with "Personal Auto and Hobby Repair", and one for "Outdoor Storage". I would respectfully request that the Stables have a section or be specifically covered in a section.		The project team reviewed stable leases and the zoning and didn't find any items of concern in the Development Code update.
MHC Dimensional Standards		1. Minimum Lot Size in Manufactured Home Communities (MHC) Section16-5(H). In the Joint P&Z and Council work sessions on Oct 12.13,14, I pointed out that the minimum lot width for a space in an MHC Zoning District is 15 feet, yet the minimum square footage for a space is 2500 feet. This means that a minimum lot width space will need to be 166.66 feet deep. It may be that the number was derived from past density limits, however, this makes no sense. In the current housing environment in the County, placing an arbitrary 2500 size minimum on manufactured unit spaces results inefficient use of land where densities could be among the highest and most affordable. I suggest in Table 13, MHC Dimensional Standards, that the minimum width be increased to 20 feet and space per unit be lowered to 1600 ft creating a minimum space or lot size of 1200 sq. ft (20x80). Maximum lot coverage should also be raised to 60% to allow for standard double wide manufactured units to fit in spaces. At	Revise the dimensional standards changes for Sec. 16-5(H) Manufactured Home Communities to increase min lot width to 20 ft, lower the min lot area to 1,600 sf/space, and raise max lot coverage to 60%	The P/Z made a recommendation at their hearing on 10.26.2022 to carry this change forward. Council feedback is needed on this issue.

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		maximum density would be 16.3, a small but useful increase in density from prior zoning districts.		
16(43)		<p>2. Landscape Buffers, Section 16(43). The institution of clear Neighborhood Protection Standards is a good idea. However, given the basis for imposition of landscape buffers is that one use is incompatibly more dense or unsuitable next to lower density residential zoning districts. However, in a district like the Mixed-Use (MU) or either of the Downtown Zones (WRTC, DTLA) developments can be of a character identical to the adjacent residential use and use of the buffer standards could and would result in inequitable results.</p> <p>For example, a mixed-use development comprised of entirely townhouses adjacent to a townhouse zone (SFR-6) or an RM zone. The densities could be identical to each other yet trigger a landscape buffer of twenty feet with expensive features. If two townhouse projects zoned MFR-6 are adjacent to each other only the required setbacks would apply. Under MU, WRTC and DTLA already require setbacks matching the residential zone and required a height step down within 35 feet.</p> <p>If a MU, WRTC and DTLA site plan application or subdivision plat provides for a use that would be allowed under one or more of the adjacent land use districts, there should be no imposition of a landscape buffer. The standard setbacks should be sufficient.</p>	Add new number 4 to Section 16(43) to read “The Community Development Director may waive the required buffer requirements of Table 37, provided the uses triggering the buffering requirement are of similar character and scale.”	At the P/Z hearing October 26 <sup>th</sup> , P/Z recommended the addition of language to provide an exception to the Neighborhood Protection Standards for developments that provide natural transitions, i.e add “The Community Development Director may waive the required buffer requirements of Table 37, provided the uses triggering the buffering requirement are of similar character and scale.” Council feedback is needed on this issue.
Downtown Districts		<p>3. Allowable Administrative Deviations, Section 16-73-(A)(2). In order to facilitate the effective use of MRA District tools and allowances, the percentage limitations in Table 52, Allowable Administrative Deviations, should not apply to a project submission in an MRA District, provided that the project is consistent with the Comprehensive Plan and any applicable Master Plan. In this way the Development Code does not, and should not, act as a limitation or barrier in an area already determined to be blighted and in need of extraordinary provisions to support redevelopment.</p> <p>This is something that will be available, if at all, in a small area of town at any given town. As long as the approved development furthers the goal of the applicable Master Plan, County policies and objectives are being furthered.</p>		Council made a motion during the October 2022 work sessions to remove the recommendation that allowed administrative amendments for developments under a certain threshold within the Downtown Districts.
Permitted Uses	Sec. 16-14 Permitted Use Table	<p>I am president of the Pajarito Riding Club (PRC), based in Pajarito Acres and La Senda, and I would like to check into the proper procedure for us to air (and resolve) a concern about the Chapter 16, County of Los Alamos Development Code, particularly with regard to the Permitted Use Table 2-1(D) on page 34.</p> <p>It appears that under the Recreation and Entertainment section, our community riding arena at the intersection of Piedra Drive and Piedra Loop is an Outdoor Recreation facility and does not appear to be permitted under the new code. If an application for a special use permit or other permission is required for its continued use, the members of PRC would be extremely interested in that, or perhaps it can be grandfathered in?</p>	Revised Permitted Use Table to add “Riding academies, arenas, and/or stables” as an allowed Accessory Use in the RA Zone District and Conditional in GC and OS-A.	At the P/Z hearing October 26 <sup>th</sup> , P/Z recommended this use be reflected in the Permitted Use Table. Council feedback is needed on this issue.

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		That arena was built in the 1960s when Pajarito Acres was first established, built by community members for their personal use, given that the only other equestrian facilities in the county were on North Mesa. Many of us over the past decades have moved to that part of White Rock specifically because of the arena's existence, and we use it every day. We would be extremely interested in coordinating in any way possible to ensure its continuing usability in our neighborhood.		
Zone District Table	Article II, Division 1, Table 1	<b>p. 16</b> Residential District SFR 1-6 Definition? (above RM-1): Eliminated What is eliminated? Residential Mixed (RM-1) Residential Mixed (RM-2) Multi-family Residential-Low (MFR-L) Multi-family Residential-Medium (MFR-M) Multi-family Residential-High (MFR-H) Bottom of the page, non-residential zone districts: Eliminated (federal land?)	Revised Table 1 to removed “Eliminated” rows.	The eliminated rows within this table were in reference to the Planned Development Residential District (PD-20) and the Federal Lands (F-L) Zone District.
General		Throughout the document there is inconsistency in the references. Frequently the letters are lower case, e.g., <i>Section 16-18(b)</i> . In the headings, they are always upper case, e.g., Section 16-18(B).	Revised numbering and headers to reflect the numbering convention of the existing Los Alamos Chapter 16 and entire Los Alamos Code, including using lowercase letters.	The numbering is the result of a system that is established by Municode. The headers have been changed to reflect this system for easy incorporation post adoption.
SFR-5 Zone District	<b>p. 22</b> 16-5(c)(1)b.	16-5-(C)(1)B. SFR-5 ZONE DISTRICT Why is this district singled out?  1. Covered patios, porches, or decks attached to the main structures may extend to a maximum of 40 percent of the distance into the required rear setback area provided they meet the following standards: i. The space under the cover is open on at least 3 sides, ii. The structure shall not encroach more than 5 feet into the required front setback area, and iii. The eave of the structure shall not project more than 2 feet into any required setback area.		This language is included to carry forward the existing regulations for this zone district.
Grammatical change	16-7(e)(1)c.	<b>p. 52</b> The Active Open Space sub-zone is intended to protect the natural character of the County’s wilderness areas designated for <del>use of</del> active public recreation, <del>use, and enjoyment</del> with limited development such as campgrounds, athletic fields, and stables.	Revise language to read “The Active Open Space sub-zone is intended to protect the natural character of the County’s wilderness areas designated for <del>use of</del> active <u>public recreation and public recreation</u> , use, and enjoyment with limited development such as campgrounds, athletic fields, and stables.”	
Grammatical change	16-7(e)(1)d.	<b>p. 53</b> The Passive Open Space sub-zone is intended to protect the natural and scenic character of the County’s wilderness areas for <del>use of</del> passive public recreation, <del>use, and enjoyment</del> other uses that have minimal effect on the land.	Revise language to read “The Passive Open Space sub-zone is intended to protect the natural and scenic character of the County’s wilderness areas for <del>use of</del> passive public recreation, <u>and public use</u> , and enjoyment that have minimal effect on the land.”	

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Grammatical change	16-7 (e)(2)	<p><b>16-7-(E)(2) OS ZONE DISTRICTS STANDARDS(OS-PP,OS-RO,OS-AO,OS-PO)</b></p> <ol style="list-style-type: none"> <li>Motor vehicle use shall be restricted to movement through the zone district on designated roads or to movement on designated roads to uses allowed in the zone district.</li> <li>Within the OS-PP and OS-RO subdistricts, one Caretaker Unit shall be permitted for lots 30 acres to less than 400 acres in area; lots greater than or equal to 400 acres in area shall be permitted 1 such Accessory Dwelling for every 200 acres in total area.</li> </ol> <p>The way it's written, if the lot is 399 acres, one Caretaker unit is permitted. If it's 400 acres, 2 are permitted. I suggest, "Within the OS-PP and OS-RO subdistricts, one Caretaker Unit shall be permitted for lots 30 acres to less than 400 acres in area. For every additional 200 acres, another Caretaker Unit shall be permitted."</p>	<p>Revise language to read "Within the OS-PP and OS-RO subdistricts, one Caretaker Unit shall be permitted for lots 30 acres to less than 400 acres in area; <del>lots greater than or equal to 400 acres in area shall be permitted 1 such Accessory Dwelling for every 200 acres in total area.</del> <u>For every additional 200 acres over 400 acres, an additional caretaker unit shall be permitted.</u>"</p>	
Grammatical change	PD-O 16-8(b) Applicability /Rezoning Eligibility	<p><b>p. 57</b> 16-8(B) APPLICABILITY/REZONINGELIGIBILITY</p> <p>A PD-O zone district must contain at least 1 contiguous <del>acres</del> acre of land.</p>	<p>Revise language to read "(1) A PD-O zone district must contain at least 1 contiguous acres-of land."</p>	
Grammatical change	16-8(c) PD-O Zone District Standard	<p><b>p. 58</b> (2) The development plan or site plan may deviate <del>from</del> the minimum standards of the underlying base zone district, provided the development plan or site plan clearly indicates those deviations and those deviations do not create significant adverse impacts on adjacent sites or neighborhoods. Limitations to allowable deviations of a development plan or site plan include:</p>	<p>Revise language to read "The development plan or site plan may deviate <u>from</u> the minimum standards of the underlying base zone district, provided the development plan or site plan clearly indicates those deviations and those deviations do not create significant adverse impacts on adjacent sites or neighborhoods. Limitations to allowable deviations of a development plan or site plan include:"</p>	
Grammatical change	16-8(c) PD-O Zone District Standard	<p><b>p. 58</b> (2) b In any Mixed-use or Non-Residential district, the minimum off-street parking requirements for all uses, except mixed use development with residential development in excess of 80% of their gross floor area, may be <del>modify</del> modified by 25 percent.</p>	<p>Revise language to read "In any Mixed-use or Non-Residential district, the minimum off-street parking requirements for all uses, except mixed use development with residential development in excess of 80% of their gross floor area, may be <del>modify</del> modified by 25 percent."</p>	
Grammatical change	16-8(c) PD-O Zone District Standard	<p>c In any Non-Residential districts, any Residential site development requirements for single family detached and attached dwellings and two-family dwellings shall be as prescribed in the SFR-5 zone district to the maximum extent feasible, except that minimum side yard setbacks of zero feet are allowed. Residential development requirements for multiple-family dwellings shall be as prescribed in the MFR-M zone</p>	<p>Revised language to add period after feasible.</p>	

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		district to the maximum extent feasible. (Add period.) In no case shall more than 50 percent of the		
Grammatical change	16-8(c) PD-O Zone District Standard	(3) The development plan or site plan shall comply with the Development Standard of <i>ARTICLE 16-4</i> to the maximum extent feasible. Any deviations from these standards shall be clearly indicated in the development plan or site plan and those deviations <del>do</del> may (or shall) not create significant adverse impacts on adjacent sites or neighborhoods.	Revise language to read “The development plan or site plan shall comply with the Development Standard of <i>ARTICLE 16-4</i> to the maximum extent feasible. Any deviations from these standards shall be clearly indicated in the development plan or site plan and those deviations <del>do</del> <u>shall not</u> create significant adverse impacts on adjacent sites or neighborhoods.”	
Use regulations	Use Table	<b>p. 64</b> Why C for RA, RE, SFR but P for RM where the lots are less than 1 acre? Why is co-housing not permitted on RA, RE, SFR but is permitted on RM, etc?		Our assumption is that the first portion of this comment is referring to Cottage development, which was indicated as conditional in the low-density to allow for a public meeting where adjacent neighborhoods could weigh in on future proposals. Co-housing is treated similar to a multi-family use, so the original recommendation was to permissively allow it in the multi-family and mixed-use. This use could be expanded to lower-density districts if the community so desires.
Use regulations	Use Table	<b>p. 65</b> Public school in a residential zone? Isn't that INS?		Zoning generally allows schools to occur in both residential and institutional zone districts.
Cottage Development	16-15(A)	<b>p. 70 16-15(A) Dwelling, Cottage Development</b>  (1) The minimum lot size for co-housing development is 1 acre. This is in the wrong section Min. lot size for cottage dev't? (2) Underlying zone district lot and setback requirements shall apply to the project site boundaries as a whole, but not to individual co-housing dwellings. (3) A minimum common open space of 10 percent of the total site area shall be designated and permanently reserved as usable common open space. This conflicts with (2) except for cottage dev't in RA or RE. The max lot coverage in the other residential categories is 30-40%.	Revised language to read “The minimum lot size for <del>co-housing</del> <u>cottage</u> development is 1 acre.”	Minimum common open space standards are intended to provide accessible open space amenities for residents of denser residential developments including but not limited to active or passive recreational area, lawns, community gardens, swimming pools or similar areas for residents to enjoy.  The maximum lot coverage is the area of the lot that is permitted to be covered by imperious surfaces.
Townhouses	16-15(B)	16-15(B) Dwelling, Townhouse (1) A minimum common open space of 10 percent of the total site area shall be designated and permanently reserved as usable common open space. What about the max lot coverage of 40% for RM?		See response above.
Co-Housing	16-15(D)	16-15(D) DWELLING, CO-HOUSING DEVELOPMENT (1) This use may provide a shared kitchen if kitchens are not provided in each dwelling unit. (2) This use may contain shared indoor community space for all residents to use. The minimum lot size is not mentioned here.		Co-housing is treated similarly to multi-family development. Our recommendation is not to define a minimum lot size for this use.



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ADUs	16-18(A)	<p><b>p. 80</b>  16-18(A) ACCESSORY DWELLING UNIT  If no more than one ADU can be built on a lot, why does #6 mention 1 space per unit for parking?  (2) No more than 1 Accessory Dwelling Unit either attached or detached is permitted per lot.  (6) Off-street parking shall be provided in the amount of 1 space per unit with no more than 1 tandem parking space allowed.</p>	Revise standard six to read “ <u>This accessory use shall provide 1</u> off-street parking shall be provided in the amount of 1 space <del>per unit</del> , with no more than 1 tandem parking space allowed.”	The language has been clarified. Ensuring adequate parking provisions for ADUs was a concern that was raised by the Steering Committee. The provision for 1 parking space per ADUs is not uncommon.
Accessory Structure	16-18(B)	<p>16-18(B) ACCESSORY STRUCTURES  The erection of any Accessory Structure requires an <del>Accessory Structure</del> Building Permit pursuant to <i>Section 16-73(c)</i> prior to commencing construction.</p>	Revise language per suggestion to read “The erection of any Accessory Structure requires <del>an Accessory Structure</del> Building Permit pursuant to <i>Section 16-73(c)</i> prior to commencing construction.”	
Access and Connectivity	Sidewalks	<p><b>p.99</b>  16-25-(F)(1) SIDEWALKS  1. Unless exempted in this section, sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, including cul-de-sacs, and within and along the frontage of all new development or redevelopment.  2. Unless otherwise stated in this Chapter, sidewalks shall be constructed per the County’s Public Works Design and Construction Standards.  3. Sidewalks are not required on local streets in zone districts where the minimum lot size is 1 acre or greater or in steep-slope areas where sidewalks on 1 side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems according to the County Engineer.  Why require sidewalks on both sides of a narrow residential street and not at all where the lots are more than 1 acre? I think there should be a sidewalk on at least one side of the street in all residential zones.</p>	Language revised to strike items 3 “ <del>3. ——— Sidewalks are not required on local streets in zone districts where the minimum lot size is 1 acre or greater or in steep-slope areas where sidewalks on 1 side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems according to the County Engineer.</del> ”	Staff reevaluated this requirement and it goes against current public works standards. The recommendation is to strike the exemption for more rural districts to only provide facilities on one side of the roadway.
Landscaping and screening		<p><b>p. 114-115</b>  Division4 LANDSCAPING AND SCREENING  Only drought-tolerant grass should be planted in any new development in Los Alamos.</p>	No revision	
Grammatical change		<p><b>p. 116</b>  16-39 (D)  (3) Any plant <del>materials</del> not surviving shall be replaced within 30 days of its demise or in the next appropriate season.</p>	Revise 16-39 (D) item 3) to read “Any plant <del>materials</del> not surviving shall be replaced within 30 days of its demise or in the next appropriate season.”	
Grammatical change	16-73-(A)(3)	<p><b>p. 170</b> 16-73-(A)(3) PROCEDURES  a. Applications for <del>a</del> an Administrative Deviation request may be made by the owner or agent of any parcel or property to be affected.</p>	Revise 16-73-(A)(3) PROCEDURES item a to read as follows “Applications for <del>a</del> an Administrative Deviation request may be made by the owner or agent of any parcel or property to be affected.”	
Grammatical change	16-73(L)	<p><b>p. 185</b> 16-73(L) SMALL WIRELESS FACILITIES PERMIT  a. <del>A</del> A Small Wireless Facilities Permit application is not required for:</p>	Revise16-73(L)a to read “ <del>An</del> A Small Wireless Facilities Permit application is not required for:”	

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Definitions		<p><b>p.231</b></p> <p><b>Dwelling, Cottage Development.</b> A low-density residential development in which multiple attached or detached single-family dwellings share access, parking, and common spaces, and sometimes community buildings including a larger community kitchen and dining room. Cottage development can include homes on individual lots, homes owned as condominiums, or leased homes.</p> <p>I disagree that a Cottage Development is low-density.</p>	No revision	
Definitions		<p><b>A) Definitions</b></p> <p><b>Existing Code</b></p> <p><i>Family</i> means an individual <b>living</b> alone; two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, occupying the same dwelling unit; or a group of not more than five unrelated persons, excluding servants, occupying the same dwelling unit.</p> <p><b>Proposed Code Revision</b></p> <p>Family is not defined in definitions. It is referenced in many locations but a definition is not provided.</p> <p><b>Comparison</b></p> <p>Absent the existing definition of “family”, the code is vague and may prohibit several living arrangements which are common in Los Alamos. Specifically, small groups of students or young adults renting a residence and splitting the cost between themselves. In addition, it may also prohibit the common practice of renting out rooms to LANL interns during the summer. LANL hires more than 2,000 college interns each summer and there is always a shortage of housing for them.</p> <p><b>Recommendation</b></p> <p>Revise the Proposed code to address the definition of “family” in a manner similar to the Existing Code. Also, specifically address the renting of rooms for LANL college interns.</p>	<p>Add new definition for Family to read “see Household”.</p> <p>Add new definition of Household to read “One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel, Assisted Care Facility, Dormitory, Group Care Facility or Group Residential Facility house.”</p>	
Definitions		<p><b>Existing Code</b></p> <p><b>Guestroom</b> means a room, having no kitchen facilities, for the occupation by one or more guests.</p> <p><i>Guest</i> means a social visitor or any person hiring or occupying a room for living or sleeping purposes.</p> <p><b>Proposed Code Revision</b></p> <p>Guestroom is not defined.</p> <p><b>Recommendation</b></p>	<p>Add new definition of Guest House to read “A separate, independent accessory structure located on the same lot as a primary single-family residential dwelling that does not contain a kitchen as defined by this code.”</p> <p>Add new definition of Guestroom to read “A room in a residential dwelling, having no kitchen, for the occupation by one or more guests”.</p>	

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		The Proposed Code should address Guestrooms in both the definition and within the Permitted Use Table.	Add new definition of Guest to read “A social visitor or any person hiring or occupying a room for living or sleeping purposes.”	
Use Regulations - Bed and Breakfasts	16-16(b)	<p><b>Existing Code</b></p> <p>16-9 Definition and Rules <b>Bed and breakfast</b> means an owner-occupied dwelling unit that contains no more than five guestrooms where lodging, with or without meals, is provided for compensation.</p> <p>16-370 Off Street Parking Requirements 1 space per sleeping room, plus 2 spaces for owner/ manager, if applicable</p> <p><b>Proposed Code Revision</b></p> <p>SECTION 16-5-2 DEFINED TERMS <b>Bed and breakfast.</b> A house with a permanent resident and up to five (5) guestrooms which may be rented for short term overnight lodging with breakfast served to overnight guests only. See also Hotel or Motel.</p> <p>SECTION 16-2-2 USE SPECIFIC STANDARDS 2-2(B)(2) Bed and Breakfast i. This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood, with no evidence of a business use other than allowed signs. ii. The establishment shall be owner-occupied or shall be occupied by a resident manager. iii. <i>The total number of persons that may occupy the Bed and Breakfast is twice the number of bedrooms for the dwelling units as a whole.</i> iv. This use is limited to a maximum of eight (8) guestrooms. v. <i>Lodging accommodation for each guest is limited to a maximum of 30 consecutive days.</i> vi. Off-street parking shall be provided in the amount of one (1) space per bedroom. vii. <i>All required parking shall occur in designated parking areas, such as parking lots, driveways and/or garages. No parking shall occur on lawns or sidewalks. On-street parking is prohibited.</i> viii. <i>One (1) non-illuminated sign, not exceeding two (2) square feet in sign display area shall be permitted. Signs shall be mounted flat against the wall of the dwelling. Also see Section 16-40480 for sign requirements.</i></p> <p><b>Comparison</b> Conflict in Proposed Code between definition and Use Specific Standards; Definition provides for five (5) guest rooms. Use Specific Standard provides for eight (8) guestrooms.</p>	Revise Section 16-16(b) BED AND BREAKFAST standard number 4 to read “This use is limited to a maximum of <u>five</u> <del>eight</del> (8 <u>5</u> ) guestrooms”.	



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		<p>Several new requirements which are shown in italicized blue text. The requirement v. which limits guests to a maximum of 30 days doesn't limit the impact on the community and seems overly burdensome.</p> <p><b>Recommendation</b> The Proposed Code should be revised to be consistent on the number of guestrooms permitted. Eliminate requirement of a maximum of 30 consecutive days.</p>		
Use Regulations – Congregate living uses		<p>A) Use Assisted Living</p> <p><b>Existing Code</b> The existing code addresses assisted living facilities under the Group Home definition as shown below. <i>Group home</i> means any congregate residence, maternity shelter, or building for persons which provides and whose primary purpose is to provide room and board to the residents within the facility, and to provide either directly or through contract services at least one of the following: programmatic services, <b>assistance</b> with the activities of daily <b>living</b> in accordance with the program directive, or general supervision of up to eight individuals who have difficulty <b>living</b> independently or managing their own affairs, or who are handicapped within the meaning of 42 U.S.C. § 3602 (h)(1) of the Fair Housing Amendments Act (1988).</p> <p><b>Sec. 16-286. - <b>Group homes</b>.</b> To promote noninstitutional living arrangements for handicapped persons while preserving the residential character of the neighborhood and minimizing the effect of the <b>group home</b> on traffic congestion in the neighborhood, a <i>group home</i> shall be permitted in any residential zoning district upon a showing of the following to the director:</p> <p><b>Sec. 16-289. - Use index table.</b> This table indicates that Group Homes are permitted in all residential zoning districts.</p> <p><b>Proposed Code Revision</b> The Proposed Code Revision addresses the issue with two new use definitions as shown below. SECTION 16-5-2 DEFINED TERMS <b>Assisted Care Facility.</b> A facility that provides living and sleeping facilities and care to five (5) or more individuals unrelated by marriage, birth, or legal adoption who, because of advanced age or physical or mental disability, require intermittent assistance in performing the activities of daily living, which may include the supervision and/or administration of medication, in a protective environment. Such care includes, but is not be limited to, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or non-clinical counseling. The use does not include a "Hospital" or a "Group Residential Facility".</p>	<p>Revise Group Care Facility definition to read “Group Care Facility. Any congregate residence or facility which provides room and board, programmatic services, care or assistance for <del>up to eight (8)</del> persons that meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended).”</p> <p>Revise Assisted Care Facility to read “A facility that provides a combination of housing, supportive services, personalized assistance, and health care services designed to respond to the individual needs of those who need help with activities of daily living. Such facilities may include separate bedrooms or living quarters, a central or private kitchen, dining, recreational, and other residential accessory uses. The use does not include a "Hospital" or a "Group Residential Facility".</p>	<p>The existing code allows ‘Nursing or rest homes” through a Special Use approval in R-3 -H, C-1, C-2, C-3, and DT- NGO and permissively in R-3- H-40, MU, DT-TCO, DT-NCO. The update allows Assisted Care Facility, the equivalent use, carries over existing entitlements by Conditionally allowing this use in MFR-L (expanded permissions), MFR-M, GC and permissive in MFR-H, MU, WRTC and DTLA. The project team has recommended revisions to several of the congregate living definitions to address concerns raised. Council will need to evaluate and approve these changes.</p>

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		<p>2-1-D Permitted Use Table indicates that in R-3L, R-3I-NC, and R-3-H that a Special Use permit is required. Assisted Care Facilities are not permitted in other residential zoning districts.</p> <p><b>Group Care Facility.</b> Any congregate residence or facility which provides room and board, programmatic services, care or assistance for up to eight (8) persons that meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended).</p> <p>2-1-D Permitted Use Table indicates that Group Care Facilities are permitted in all residential zoning districts.</p> <p><b>Comparison</b> The new code has significantly reduced the number of locations in which a facility for the care of elderly or partially disabled persons can be located. It also does not address those facilities which care for elderly individuals with less than five (5) individuals. These smaller facilities are permitted under the State of New Mexico regulations and provide an alternative to large industrial facilities. Why are we limiting the locations of these type of facilities?? Why are we treating Assisted Care facilities differently from Group Care Facilities? The difference appears to be that it is believed that Assisted Living Facilities are by their nature much larger than the Group Care Facilities. This is not the case. Small Assisted Living Facilities are currently being operated in Albuquerque and look no different than other homes in the neighborhood. The impact upon the neighborhood is similar to Group Care Facilities.</p> <p><b>Recommendation</b> Revise the Proposed Code to address Assisted Living facilities in a manner similar to Group Care Facilities. It should also allow their placement in all residential zones as the existing code does.</p> <p>The existing code allows ‘Nursing or rest homes” through a Special Use approval in R-3 -H, C-1, C-2, C-3, and DT- NGO and permissively in R-3- H-40, MU, DT-TCO, DT-NCO. The update allows Assisted Care Facility, the equivalent use, carries over existing entitlements by Conditionally allowing this use in MFR-L (expanded permissions), MFR-M, GC and permissive in MFR-H, MU, WRTC and DTLA.</p>		
Use Regulations- ADUs		<p><b>Existing Code</b> Accessory Apartment <b>Sec. 16-9. - Definitions and rules.</b> <b>Accessory apartment</b> means separate living quarters on the same lot as, and used in conjunction with, a main dwelling, and rented as a separate dwelling.</p> <p><b>Apartment</b>, <i>hotel</i> or <i>motel</i> means a building or group of buildings operated as one enterprise, containing rooms or suites of rooms (with or without a kitchen) to be occupied by transient or permanent tenants.</p>	No revision	<p>Sec. 16-273. - Accessory buildings and structures, specifically 16-273.d., of the existing Development Code does limit accessory structure. These limits are carried over in the district standards for each zone district in Division 2 Base Districts. The standards for the development of Accessory structures are located in Section 16-18(b)</p> <p>Accessory apartments are replaced with Accessory Dwelling Units in the code update as this what the contemporary terminology for this use. The proposed provisions for Accessory Dwelling Units would allow one of the Accessory</p>

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		<p><b>Sec. 16-533. - Official zoning districts.</b>  <i>Single-family residential districts (R-1-5, R-1-8, R-1-10, R-1-12).</i> The R-1-5, R-1-8, R-1-10 and R-1-12 single-family residential districts are intended to accommodate single-family dwellings and <b>accessory</b> structures and uses and are further intended to maintain and protect a residential character of development.</p> <p>Allowed in R-A, R-E, R-1 and R-M with a Special Use Permit</p> <p><b>Proposed Code</b>  <b>Accessory Dwelling</b>  <b>SECTION 16-5-2 DEFINED TERMS</b>  <b>Accessory dwelling.</b> A dwelling unit that is accessory to a primary single-family or two-family detached dwelling. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached building and contain a separate kitchen.</p> <p>2-2(D) ACCESSORY USES</p> <p>2-2(D)(1) Accessory Dwelling</p> <p>i. The erection of any Accessory dwelling unit requires a permit pursuant to Section 16-51(3)b91 prior to commencing construction.</p> <p>ii. No more than one (1) Accessory dwelling unit either attached or detached is permitted per lot.</p> <p>iii. The underlying zoning district requirements including lot, setback and coverage standards shall apply to an Accessory Dwelling unit.</p> <p>iv. The lot coverage of accessory dwelling units located in the required rear yard shall not exceed 25 percent of the required rear yard area.</p> <p>v. The square footage of the accessory dwelling unit shall not be more than 75 percent of the total living area of the house or 800 square feet, whichever is less. The lot coverage of the detached accessory dwelling unit cannot exceed the lot coverage of the primary dwelling.</p> <p>vi. The Accessory dwelling unit shall not be located in the required front or side setback areas.</p> <p>vii. The Accessory dwelling units shall be at least ten (10) feet from the primary dwelling on the lot.</p> <p>viii. The Accessory dwelling unit shall outwardly be compatible with the primary dwelling unit on the lot in terms of color, material, and architectural design.</p> <p>ix. Off-street parking shall be provided in the amount of one (1) space per unit or per bedroom.</p> <p>x. All required parking shall occur in designated parking areas, such as driveways and/or garages. No parking shall occur on lawns or sidewalks.</p> <p>2-1-D Permitted Use Table indicates it is allowed in RA, RE and SFR with Special Use Permit</p>		<p>Dwelling Unit on sites within permissive districts (RA,RE, SFR1-3, RM, and MFR-L) to be utilized as an accessory residence with a kitchen.</p>

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		<p><b>Comparison</b></p> <p>The existing code does not limit the number of accessory buildings upon a single lot. It does require compliance with all other aspects of the code including set back requirements. The Proposed Code limits the number to a single (1) unit. It also includes several other requirements governing the construction of an accessory building. Development requirements i, iii, iv, v, vi, vii, viii, ix, listed in the new code are sufficient to ensure that the accessory building is compatible with the neighborhood. Requirement ii limiting accessory building to a single unit is unnecessary and will be a cause of conflict.</p> <p>The Proposed Code Revision does not adequately address the incorporation of an accessory dwelling unit within the existing structure.</p> <p><b>Recommendation</b></p> <p>The Proposed Code should be revised to remove the arbitrary limit of one (1) unit per lot. It should also be revised to clearly address Accessory Dwellings within the primary residence.</p>		
Residential Mixed	Table 5 and Table 23	<p>Thanks you for engaging the difficult task of updating Chapter 16. We have lived in Western Area since 1996 and consider it unique in its design and reputation for its attractiveness. After reviewing proposed changes to Chapter 16, we would like all parties to consider and incorporate our feedback as this proposal moves forward. Our objective is that LAC recognizes Western Areas’ original design and the updated document preserves the character of our neighborhood.</p> <p>Please consider our suggestions:  1) The front yard setback in Western Area, by design, almost all exceed 20 feet. Please insist existing setbacks reflect the original, existing design and maintain the integrity of our neighborhood.</p>	Revised the required minimum front setback for RM-1 to 15’	The Western Area proposed zoning is RM-1, which currently have 20’ front setbacks. The project team evaluated a sampling of existing setbacks and believes a reduced front setback of 15’ would reduce some existing non-conformities. Council direction is needed on this proposed change.
Use Regulations – Bed and Breakfast		2) Regarding B and B’s, we support the parking requirements mentioned in the revision, although the multiplier could result in 6 nightly rentals, as many of our neighborhood homes were built with 3 bedrooms. Also we recommend that the owner live on premise, otherwise it introduces a blatantly commercial operation in a residential neighborhood.		The parking requirement was the result of continued discussion with the steering committee. Some steering committee members were very concerned about ensuring adequate parking for B and B’s. While some codes do require the owner of B and B’s to live on the premises, it is difficult to verify and therefore enforce. The current recommendation is not to codify such a requirement.
Use Regulations – RV storage		3) We strongly support the RV storage aspects of the revision. These are critical changes.		No revision necessary
Access and Connectivity	Sidewalks	4) Western Area has an unconventional sidewalk system which is ignored in the draft. Prior contact with LAC indicates that the majority of the residents support this integral aspect of its original design rather than a conventional sidewalk system as mentioned in Section 4-2(c)(VI)(1). The “walk throughs” connect streets and pass next to residents backyards. The original designs see through chain link fences have now been replaced with 6 foot solid fencing for privacy. Both the original fences and current uses both about the walk through. Please recognize and respect the original		The project team recognizes the unique conditions of the Western Area. These types of deviations are generally entitled through a planned development, but the project team is unable to locate a PD for the Western Area. All existing development will be grandfathered into under the updated and requirements for sidewalks in this area would only come into play if redevelopment occurred.

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		design and current usages which are not an issue for residents. Please create an exemption for Western Area that acknowledges this and preserves its design.		If exemptions for the area were desired they would have either have to be applied to the RM-1 subdistrict, as that is what the Western Area is zoned, which means any other areas zoned RM-1 would receive those same exemption or through a character protection overlay that would be applied only to the Western Area. The framework for character protection overlay's are currently not included in the structure of the Development Code. Guidance from Council is needed on this issue.
Fences, walls and gates		5) Western Area's original design and history of use has not allowed fences in the front yards (setback). Please recognize the design of our neighborhood by recognizing this and creating an exemption for Western Area in order to preserve its design.		This are exemptions to a very particular neighborhood that are not easily handled within zoning and should likely be reflected within CCRs.