

Minutes
County Council – Special Session

**Randall Ryti, Council Chair, Denise Derkacs, Council Vice-Chair,
Melanee Hand, David Izraelevitz, Keith Lepsch, David Reagor, and Sara Scott,
Councilors**

August 2nd & 5th, 2022

1:00 PM

Council Chambers – 1000 Central Avenue

1. OPENING/ROLL CALL

The Council Chair, Randall Ryti, called the meeting to order at 1:02 p.m.

Councilor Lepsch had technical problems with audio and did not vote on approval of the agenda.

The following Councilors were in attendance:

Present: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, and Councilor Scott

Remote: 2 - Councilor Lepsch and Councilor Reagor

Absent: 1 – Councilor Izraelevitz

2. APPROVAL OF AGENDA

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the agenda be approved as presented.

The motion passed with the following vote:

Yes: 5 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Reagor, and Councilor Scott

Absent: 2 - Councilor Izraelevitz and Councilor Lepsch

3. PUBLIC HEARING(S) (*Item heard out of order*)

- A.** Incorporated County of Los Alamos Code Ordinance No. 02-327; Revision No. 2022-01 in Textual Form to the Official Zoning Map of Los Alamos County by rezoning two (2) parcels consisting of approximately 4.75 acres of land combined: 1) Tract EA3 Q1, and 2) Tract EA3 Q2, from Multiple-Family Residential, very high density, district (R-3-H-40) to Mixed-Use (MU)

Councilor Ryti outlined the procedures for the hearing.

Councilor Ryti instructed the parties who were offering testimony to identify themselves: Will Gleason, Philip Gruskey, Desiree Lujan, Paul Andrus, and Adam Thornton identified themselves for the record.

Mr. Alvin Lephart, County Attorney, swore in all the parties who were offering testimony in this hearing.

Councilor Ryti called for Council Disclosure:

1. Does any councilor have a potential conflict of interest in this case?

None.

2. Has any Councilor received any *ex parte* communication regarding this case?

Councilor Scott disclosed communication with Mr. Paul Andrus.

3. Has any Councilor reached a decision on the merits of this case as a result of *ex parte* communication?

None.

Councilor Ryti provided an overview of the Order of the Hearing.

Councilor Ryti called for the Presentation of the Applicants.

Mr. Will Gleason presented.

Mr. Adam Thornton spoke.

Mr. Phillip Gursky spoke.

Councilor Ryti called for cross-examination of the Applicants by staff and any other parties.

None.

Councilor Ryti called for Council Questions.

Councilor Scott, Derkacs, Hand, Reagor, and Ryti questioned the Applicants.

Mr. Alvin Lephart, County Attorney, questioned Applicants.

Councilor Ryti called for Staff Presentation.

Ms. Desirae Lujan presented.

Mr. Paul Andrus spoke.

Councilor Ryti requested that staff presentation be added to the record.

Mr. Alvin Lephart, County Attorney, advised Council to add all presentation to the record.

Councilor Ryti called for cross-examination by parties.

None.

Councilor Ryti called for Council Questions.

Councilor Derkacs, Scott, and Ryti questioned the staff.

Councilor Ryti called for cross-examination by staff or other parties.

None.

Councilor Ryti called for further Council questions.

Councilor Scott, Derkacs, and Ryti asked questions.

Mr. Alvin Leaphart, County Attorney asked Mr. Phillip Gursky clarifying questions.

Councilor Ryti called for Appellee to present a three-minute statement.

- C. Possible Closed Session for Deliberations of a Public Body in Connection with an Administrative Adjudicator Proceeding Pursuant to NMSA § 10-51-1 (H) (3)

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the County Council enter into closed session pursuant to NMSA 1978 10-15-1(H)(3) for deliberations in connection with this administrative adjudicatory proceeding.

The motion passed with the following vote:

Yes: 6 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Lepsch, Councilor Reagor, and Councilor Scott

Absent: 1 - Councilor Izraelevitz

RECESS

Council recessed into closed session at 3:08 p.m. Council returned from closed session at 5:14 p.m.

A motion was made by Councilor Hand, seconded by Councilor Derkacs, that the County Council exit its closed session, she further moved that the following statement be entered into the record: the matters discussed in the closed session were limited to those specified in the motion for closure.

The motion passed by acclamation with the following vote:

Yes: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Scott

Absent: 3 - Councilor Izraelevitz, Councilor Lepsch, and Councilor Reagor

Councilor Ryti noted that Councilor Lepsch and Councilor Reagor did not return via zoom.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the August 2, 2022, County Council Special Session including public hearing on Ordinance No. 02-327; Comprehensive plan amendment application CPA-2022-0008 be recessed until Friday August 5th at 9:00 a.m.

The motion passed by acclamation with the following vote:

Yes: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, and Councilor Scott

Absent: 3 - Councilor Izraelevitz, Councilor Lepsch, and Councilor Reagor

RECESS

Councilor Scott called for a recess at 5:15 p.m. to be reconvened at 9:00 p.m. Friday, August 5, 2022.

Friday, August 5, 2022

1. OPENING/ROLL CALL

The Council Chair, Randall Ryti, called the meeting to order at 9:01 a.m.

The following Councilors were in attendance:

Present: 5 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Lepsch, and Councilor Scott

Absent: 2 - Councilor Izraelevitz and Councilor Reagor

3. PUBLIC HEARING(S)

- C. Possible Closed Session for Deliberations of a Public Body in Connection with an Administrative Adjudicatory Proceeding Pursuant to NMSA § 10-51-1 (H) (3)

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the County Council enter into closed session pursuant to NMSA 1978 10-15-1(H)(3) for deliberations in connection with this administrative adjudicatory proceeding.

The motion passed by acclamation with the following vote:

Yes: 5 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Lepsch, and Councilor Scott

Absent: 2 - Councilor Izraelevitz and Councilor Reagor

RECESS

Council recessed into closed session at 9:02 a.m. Council returned from closed session at 10:23 p.m.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the County Council exit its closed session, she further moved that the following statement be entered into the record: the matters discussed in the closed session were limited to those specified in the motion for closure.

The motion passed by acclamation with the following vote:

Yes: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, and Councilor Scott

Absent: 3 - Councilor Izraelevitz, Councilor Lepsch, and Councilor Reagor

Councilor Derkacs noted for the record that Councilor Lepsch was present during the closed session.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the August 2, 2022 County Council Special Session which includes the public hearing on Ordinance No. 02-327; Comprehensive plan amendment application CPA-2022-0008 be recessed until Friday August 5th at 10:45 a.m.

The motion passed by acclamation with the following vote:

Yes: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, and Councilor Scott

Absent: 3 - Councilor Izraelevitz, Councilor Lepsch, and Councilor Reagor

RECESS

Councilor Scott called for a recess at 10:26 a.m. to be reconvened at 10:45 a.m. Friday, August 5, 2022.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the County Council enter into closed session pursuant to NMSA 1978 10-15-1(H)(3) for deliberations in connection with this administrative adjudicatory proceeding.

The motion passed by acclamation with the following vote:

Yes: 5 - Councilor Ryti, Councilor Derkacs, Councilor Hand, Councilor Lepsch, and Councilor Scott

Absent: 2 - Councilor Izraelevitz and Councilor Reagor

Councilor Ryti noted for the record that Councilor Izraelevitz and Councilor Reagor were absent.

RECESS

Council recessed into closed session at 10:47 a.m. Council returned from closed session at 1:50 p.m.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the County Council exit its closed session, she further moved that the following statement be entered into the record: the matters discussed in the closed session were limited to those specified in the motion for closure.

The motion passed by acclamation with the following vote:

Yes: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, and Councilor Scott

Absent: 3 - Councilor Izraelevitz, Councilor Lepsch, and Councilor Reagor

Councilor Derkacs noted for the record that Councilor Lepsch was present during the closed session.

A motion was made by Councilor Scott, seconded by Councilor Derkacs, that the August 2, 2022 County Council Special Session including public hearing on Ordinance No. 02-327; Comprehensive plan amendment and application CPA-2022-0008 be recessed until 3:00 p.m. Friday August 5th.

The motion passed by acclamation with the following vote:

Yes: 4 - Councilor Ryti, Councilor Derkacs, Councilor Hand, and Councilor Scott

Absent: 3 - Councilor Izraelevitz, Councilor Lepsch, and Councilor Reagor

RECESS

Councilor Scott called for a recess at 1:52 p.m. to be reconvened at 3:00 p.m. Friday, August 5, 2022.

D. Possible Final Action on this Proceeding

A motion was made by Councilor Scott, seconded by Councilor Hand, Pursuant to Section 16-452(b)(2), she moved that the County Council approve Application REZ-2022-0017, a request by Transcor Development Corporation for the rezoning two parcels to Mixed-Use; and she further moved to authorize the Chair to sign the final order consistent with this Conclusions of Law consistent with this Decision, prepared with the assistance of the County Attorney, that the Findings of Fact and Conclusions of Law be included in the record of this proceeding; and she further moved to approve Ordinance No. 02-327 which shall supported by the Council's Findings of Fact and Conclusions of Law that will be entered into the record in this matter.

The motion passed with the following vote:

Yes: 4 - Councilor Ryti, Councilor Hand, Councilor Lepsch, and Councilor Scott

No: 1 - Councilor Derkacs

Absent: 2 - Councilor Izraelevitz and Councilor Reagor

Councilor Ryti noted for the record that Councilor Lepsch was remote.

A motion was made by Councilor Scott, seconded by Councilor Hand, that Council approve Application CPA-2022-0008 to amend the Comprehensive Plan and Future Land Use Map to reflect the rezoning of the two parcels rezoned under Application REZ-2022-0017 from "High Density Residential", to "Mixed Use"; she further moved to authorize the Chair to sign the final order consistent with this Decision, prepared with the assistance of the County Attorney, and that the final order be entered in the record of this proceeding; and she further moved to approve Resolution No. 22-05 which is supported by the Council's order that will be entered into the record of this proceeding.

The motion passed with the following vote:

Yes: 4 - Councilor Ryti, Councilor Hand, Councilor Lepsch, and Councilor Scott

No: 1 - Councilor Derkacs

Absent: 2 - Councilor Izraelevitz and Councilor Reagor

4. ADJOURNMENT

The meeting adjourned at 3:20 p.m.

INCORPORATED COUNTY OF LOS ALAMOS

Randall T. Ryti, Council Chair

Attest:

Naomi D. Maestas, County Clerk

Meeting Transcribed By: Victoria N. Montoya, Senior Deputy Clerk



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: April 13, 2022
Subject: Case No. REZ-2022-0017; CPA-2022-0008
Owners/Applicants: Adam Thornton, dba Transcor Development Corporation, Applicant/Owner
Kate Maliskas, Dekker/Perich/Sabatini, Agent; Los Alamos County
Case Manager: Desirae J. Lujan, Associate Planner

1. **Case No. REZ-2022-0017:** A request by Transcor Development Corporation to amend the Los Alamos County Official Zoning Map to rezone two (2) parcels as Mixed-Use (MU). The properties, Eastern Area 3 Q1 and Q2, and commonly known as 2100 and 2202 Canyon Road, respectively, are currently zoned as Multiple-Family Residential, very high-density (R-3-H-40). Combined they total approximately 4.75-acres.
2. **Case No. CPA-2022-0008:** A request by Los Alamos County Community Development, to amend the Comprehensive Plan – Future Land Use Map (FLUM), changing a designation from High-Density Residential to Mixed Use.

Attachment 1: Application and Submittals

SUMMARY

The properties are accessed from Canyon Road between its intersection with 15th street (east) and Central Ave (southwest). Lot Q1 is vacant, whereas Lot Q2 contains a vacant structure, approximately 2,642 ft². The combined 4.75-acres was purchased from the Los Alamos Visiting Nurse Services, Inc., in 2019, for construction of an anticipated development to include a multi-family apartment community with retail spaces. To achieve a development that would provide both residential and commercial uses on a single lot, or within the same structure, the site[s] will need to be appropriately zoned. Therefore, the applicant is seeking an amendment to the Los Alamos County's Official Zoning Map to obtain a Mixed-Use designation.

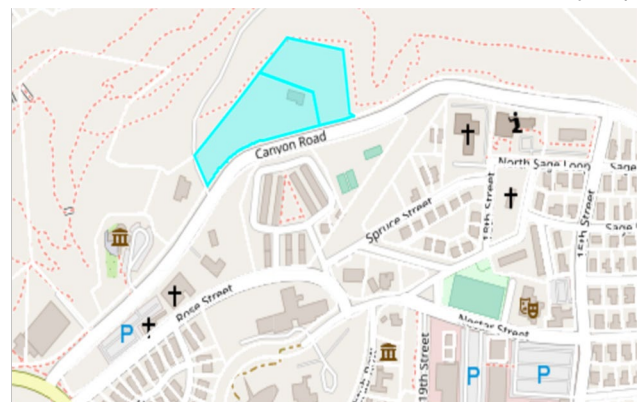


Exhibit A: Vicinity Map

The applicant has provided a conceptual site plan to provide insight into the potential development. However, it should be emphasized that at this time, the request is solely for a zoning amendment; a detailed site plan will be provided later with a Site Plan application. Additionally, as the project location consists of two lots - after rezone approval and prior to a Site Plan application - a Summary Plat application will be submitted for consolidation, an administrative process.

ZONING

In 2017, the Mixed-Use zoning designation was created, introduced, and adopted as an amendment to the Development Code. County Council determined that the addition of a mixed-use zoning district was in the best interest of the citizens. The new district was considered a step toward accomplishing the county's goals and policies of the Comprehensive Plan, with a focus to help guide the physical development of the County, encourage the construction of new housing, increase residential population, and promote economic development in and near downtown. The Development Code describes the district as:

"...intended to provide flexibility in the development or redevelopment of parcels, while promoting good design and encouraging economic development. The district allows office, residential and commercial uses, individually or in any combination, on the same lot or within the same structure. The mixed-use district corresponds closely, in uses and design and development standards of the DT-NCO."

Today the properties are zoned Multiple-Family Residential, very high-density (R-3-H-40), described as:

"...intended to accommodate multiple-family residential developments (primarily apartments or condominiums) at higher than normal densities, and further intended primarily to maintain and protect a residential character of development, but permitting auxiliary commercial or professional uses which are related to the primary use."

The current zone (R-3-H-40) allows for very high residential density, 43.6 d.u. per acre of lot area, max., and although residential, the district allows for retail businesses and professional offices as accessory and are secondary to the permitted primary use. Similarly, the MU zoning is also intended for residential developments to be at the highest density allowed by zoning but permits more use of the land by allowing a greater lot coverage, reduced setbacks and expands commercial possibilities.

The properties are adjacent to one another and bounded by Canyon Road, a county-owned collector street; the Jewish Center (R-3-H), an institutional use; and Pueblo Canyon, Public-Land (P-L) with a Scenic Open Lands District (W-1) overlay.

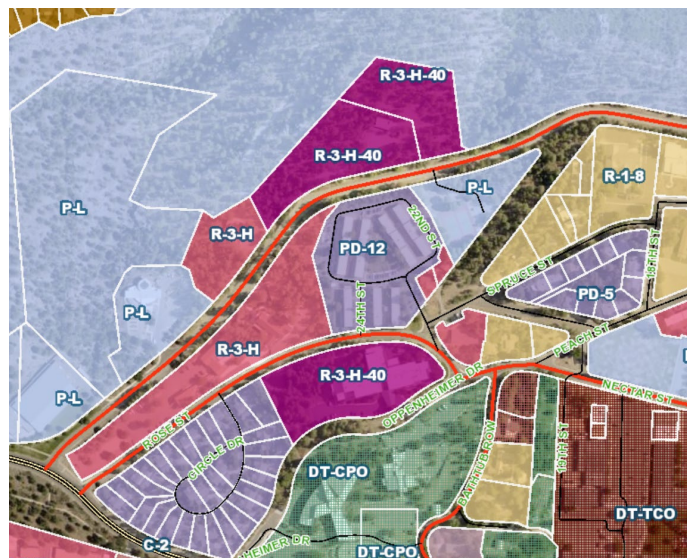


Exhibit B: Existing Zoning. Vicinity

[Attachment 2: Use Index and Site Development Table](#)

BACKGROUND

- Kit Carson Council of Boy Scouts of America sold the property in April 1968.
- Prior to 1968 the Boy Scouts of America used the structure on site as a meeting facility.
- Nida Russ' family purchased the property, which she used as a single-family residence.

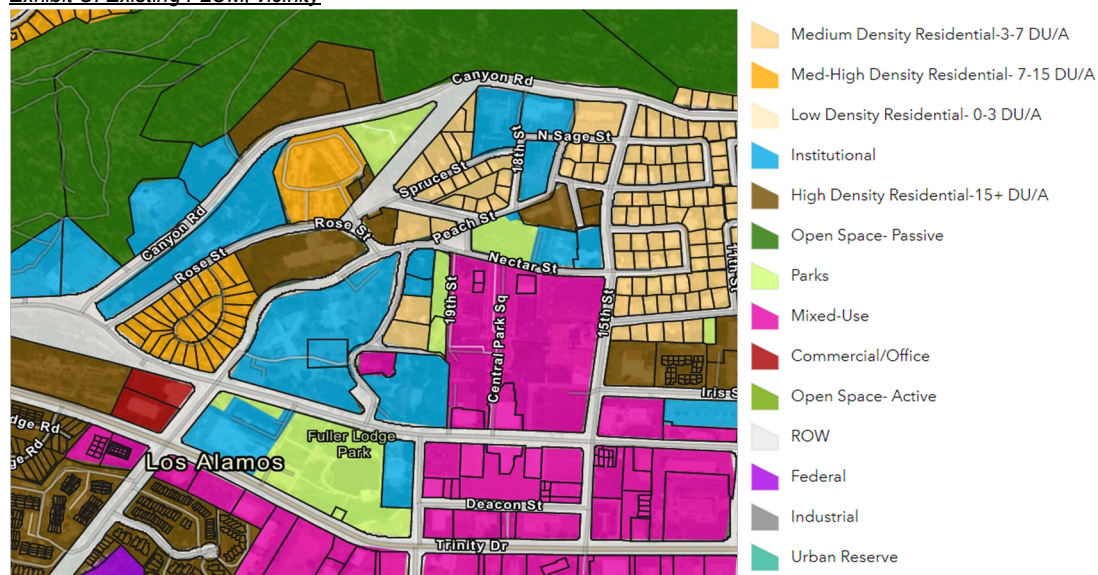
- October 11, 2011, the property was rezoned from R-3-H Multiple-Family Residential (high density) to R-3-H-40 Multiple-Family Residential (very high density) to gain height allowance for an anticipated development proposed by Roger Waterman.
- August 2012 Los Alamos Visiting Nurse Service, Inc. purchased the property.
- November 2012 Los Alamos Visiting Nurses received Site Plan approval for a home care and hospice service campus.
- February 2017 Los Alamos Visiting Nurses divided Lot Q into two: Q1 and Q2.
- April 2019 Transcor Development Corporation purchased the properties.

COMPREHENSIVE PLAN AMENDMENT, FLUM

The Future Land Use Map (FLUM), adopted within the Comprehensive Plan, directs new development to appropriate areas, while providing flexibility in the type and intensity of potential uses through the creation of mixed-use areas that are open and adaptable to various uses. Although the FLUM is an expression of the goals and policies of the Comprehensive Plan, the Plan anticipates changes to the map. Such changes are noted of being those from specific development proposals that are in line with and promote the Plan's goals.

Should the application for rezone be approved, an amendment to the Comprehensive Plan, specifically the FLUM, is necessary to keep FLUM updated. County Code Section 16-155(1) allows for such applications to be submitted, processed, heard and decided upon concurrently with a request for rezone.

Exhibit C: Existing FLUM, vicinity



Therefore, the cases mentioned herein, have been combined for discussion and clarity. Yet, each request has its own review criteria and will be acted upon separately.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

On Thursday, March 17, 2022, the IDRC met to review this application and did not communicate any conditions or concerns with a rezone. They did, however, provide information to be relayed to the applicant for their preparation of a Site Plan application.

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 requests and meeting information published within the Los Alamos Daily Post on March 24, 2022, the County's official newspaper of record.
2. U.S. mail sent on March 25, 2022, 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.
3. Notice of the requests and meeting information was posted at the Los Alamos County Municipal Building on March 28, 2022.

Also, notice of these requests was posted at the project site(s), 2202 Canyon Road, along Canyon Road right-of-way, on March 25, 2022. As of April 1, 2022, staff has received one inquiry.

Attachment 3: Public Notification

AMENDMENT TO THE OFFICIAL ZONING MAP REVIEW CRITERIA

Section 16-155 of the Los Alamos County Development Code states that during the course of the review of any request for an amendment to the official zoning map, the Planning and Zoning Commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to County Council:

- (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. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map.***

Applicant Response: This request substantially conforms to the comprehensive plan and is not materially detrimental to the health, safety, and general welfare of the County. The zoning map amendment request meets several Comprehensive Plan Goals that are listed in more detail below.

❖ Applicable Housing Goals

- Protect the character of existing residential neighborhoods
- Provide a variety of housing types, sizes, and densities
- Promote development of housing stock that would accommodate downsizing households.

This request facilitates expanding the housing supply to meet the demand from employment growth by providing rental units for seniors, students, and the workforce at market rate and a variety of sizes and price points. By placing more dense multi-family apartments on this more urban infill site away from established residential neighborhoods, it also protects the character of these existing residential neighborhoods. This request also helps promote economic development by providing more commercial opportunities in close proximity to new housing development and near Downtown.

❖ Applicable Neighborhood Goals

- Protect existing residential neighborhoods

- Promote the creation of a variety of housing options for all segments of the Los Alamos community.

This request supports Neighborhood goals as it locates denser mixed-use development away from existing residential neighborhoods, near the Downtown, thereby protecting the established character from out of context development while also creating more options for housing within Los Alamos County. The Comprehensive Plan indicates on Page 65 that new neighborhoods may emerge around new mixed-use areas and the downtowns. This zoning map amendment would facilitate the development of a mixed-use neighborhood near Downtown.

❖ Applicable Growth Goals

- Plan for modest growth of an additional 2,000 residents in the next 5 to 10 years.
- Significantly improve the quantity and quality of retail business.
- Strive to make housing available to those who work in the County and want to live in the County.

This request provides for the facilitation of development that will increase growth in Los Alamos County – both in housing units and retail businesses. New on-site retail locations will be set up for success as they have a direct customer base from the multi-family apartments also on-site, as well as provide neighborhood-serving commercial locations for the surrounding residential areas. Retail spaces are anticipated to cater to local businesses in small storefronts. This request also promotes infill development as this site is surrounded by existing development and public facilities.

❖ Applicable Development Goals

- Keep the focus of development primarily within current development boundaries
- Improve the quantity and quality of retail business
- Maintain and protect designated open space
- Focus increased residential densities on new development in or near Downtown

This request facilitates higher residential density and retail development that is within a developed part of the Townsite near Downtown. This vacant parcel is called out within the Comprehensive Plan in Exhibit 33 as a parcel that could accommodate high-density housing. The proposed mixed-use development would bring the highest and best use to this urban infill site. By developing this parcel, the County is encouraging more sustainable development patterns within the urban boundary thereby reducing sprawl and ensuring the protection of natural open space areas from development pressure.

❖ Applicable Redevelopment Goals

- Redevelop vacant blighted areas and underutilized properties
- Encourage infill development on underused or blighted sites

Staff Response: Staff agrees the request considerably conforms to the Comprehensive Plan as outlined by the applicant. The MU designation would allow the lands to better assist with the Goals, Policies and Strategies of the Comprehensive Plan - particularly *Economic Development* (2.5) and *Housing, Neighborhoods & Growth* (3.1) by being granted the ability to expand the housing supply while also producing commercial spaces to promote economic vitality and encourage business growth, and the quantity of retail business. Furthermore, any future development would be an infill project, which the Plan supports over expansion of current developed areas and permitted uses would not adversely affect the health, or general welfare of the county. Traffic safety will be evaluated and mitigated, as necessary, during a Site Plan application for development (See Criterion 2).

As mentioned, approval of REZ-2022-0017 would require an amendment to the Comprehensive Plan – Future Land Use Map, updating the site(s) designation from High-Density Residential to Mixed-Use via Case CPA-2022-0008, and by Resolution, as addressed herein.

- (2) Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.**

Applicant Response: Consideration has been given to the existing and programmed capacity of on-site and off-site public services and facilities to adequately serve the property. The site is an infill property, with development occurring to the east, west, and south of the property. Adequate water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire, and police are already in place to meet the negligible increase in demand of a Mixed-Use zone district as opposed to a High-Density Residential zone district, with special exceptions detailed below for water and sanitary sewer systems.

- Water system - development of this site will require a looped 8" water line from the existing waterline in Canyon Rd at the west end of the site. The new waterline will traverse the site to provide connections for fire hydrants and water services. The waterline will extend from the northeast corner on the south side of Canyon Rd and connect to the existing waterline on-site.
- Sanitary sewer system - all on-site sanitary sewer service lines will be routed to the low point of the north property line and connect to a single outfall line to the north. The off-site line is planned to be installed using a direction drilled 6" diameter line that will connect to the existing riser on the sanitary sewer pressure line located approximately 150 feet to the north-northwest. These utility schemes were coordinated with the engineering staff of Los Alamos County. The SAS riser was field located by a survey.
- Electricity/gas – Existing lines will be accessed from Canyon Rd.
- Sidewalks – No existing sidewalks are in place on Canyon Rd. There is, however, a multi-use path, the Urban Trail, that is anticipated to be constructed on the north side of Canyon Rd adjacent to the site that will provide multi-modal access south to Downtown.
- Streets/Traffic control/storm sewer – Since this is an infill site and already zoned for a high intensity use, there is a negligible increase in intensity of use with a zone change to Mixed Use that would potentially impact streets, traffic control, and storm sewer.
- Parks/fire/police – Since this is an infill site, it is anticipated that the existing public services will accommodate the increased demand of this zoning map amendment request.

Staff Response: The applicant has taken into consideration existing and programmed capacity of on-site and off-site public services and facilities as listed within their response to Criterion 2.

- Water/Sanitary Sewer/Electricity/Gas: Department of Utilities has reviewed this request and did not voice any concerns at this time.
- Storm Water/Streets/Sidewalks/Traffic Control: The County Engineer has noted that upon a Site Plan application and review, a Traffic Assessment will be required to evaluate and mitigate any traffic safety impacts, including location of proposed

driveways for proper site lines. As the sketch drawings illustrate three proposed driveway locations - Engineering will require reduction to two locations to reduce impacts to Canyon Road and conflicts with construction of the programmed Urban Multi-use Trail Project. Additionally, a Drainage Report will be required at Site Plan application and review to calculate and quantify additional storm water runoff, propose storm water management measures, and evaluate and mitigate any impacts to adjacent Solid Waste Management Units or Areas of Concerns identified by DOE (EM-LA M3B).

- Parks: The project site is located directly across an existing public park and adjacent to a multi-trail system within the Acid and Pueblo Canyon. Los Alamos County Community Services Director has reviewed the application and communicates that local facilities will support the proposed rezone.
- Fire/Police: The Fire Marshal did not provide concerns with the proposed rezone. However, when appropriate in the process, the development will be required to meet the applicable fire code requirements, as per the IFC, and adopted appendices to include but not limited to: fire protection, fire apparatus access, water supply and fire flow for density proposed and occupancy classification as reviewed and permitted by the Fire Marshal's Office. Staff agrees that existing public safety services will accommodate the development of this infill site.

(3) *The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.*

Applicant Response: The addition of other uses permitted by a MU zone change from a R-3-H-40 zone will not be detrimental to the health, safety, or general welfare of persons residing or working adjacent to or within the proximity of the subject property, as uses are anticipated to be complementary to the residential component of the anticipated development and encourage a harmonious blend of live-work-shop opportunities. Future mixed-use development would also serve to protect established neighborhoods from out-of-character development.

Staff Response: Permitted uses for the MU district are not detrimental to the health or general welfare of persons residing or working adjacent to or within proximity of the site (See Attachment 2). As outlined within Criterion 2, a Traffic Assessment will be required by the County Engineer prior to a Site Plan application to evaluate and mitigate traffic safety impacts. The Fire Marshal has also responded that their Office does not have any immediate conflicts or concerns with the proposed request.

(4) *The existing zoning must be shown to be inappropriate for one or more of the following reasons:*

(a) It was established in error; (b) Changed conditions warrant the rezoning; or (c) A different zone is more likely to meet goals contained in the comprehensive plan.

Applicant Response: The existing zoning is inappropriate as a different zone is more likely to meet goals contained in the comprehensive plan. As demonstrated in Criterion 1 of this letter, a mixed-use district would both improve the variety of housing options available in Los Alamos County and provide opportunities to improve the quantity and quality of retail business. This aspect of a Mixed-Use district – retail and services in close proximity to housing developments – is a nationwide land development trend that has been shown to promote a higher standard of living for residents.

Staff Response: The current zone (R-3-H-40) allows for very high residential density, 43.6 d.u. per acre of lot area, max. The Mixed-Use zoning is also intended for residential developments to be at the highest density allowed by zoning but provides flexibility in the development by promoting good design and encouraging economic development by allowing a combination – on the same lot or within the same structure – office, residential and commercial uses. These use opportunities, along with the site development requirements of the MU district, are more likely to meet the goals contained in the Comprehensive Plan, such as: promoting a strong and diverse economic base by encouraging new business growth, and improving the quantity of retail businesses

(5) *The proposed zoning will not result in spot zoning or strip zoning as defined in Article I of this chapter unless one or more of the following criteria are met:*

(a) Granting such zoning accomplishes the policy and intent of the comprehensive plan; (b) Unique characteristics specific to the site exist; (c) the zoning serves as an appropriate transition between land uses of higher and lower intensity.

Applicant Response: Granting a zoning map amendment from R-3-H-40 to MU zoning accomplishes the policy and intent of the comprehensive plan, as demonstrated in Criterion 1 of this letter. This request facilitates the development of both housing and retail uses. Retail uses would be complementary to the residential component and spur economic development for the County by creating new storefronts that have a direct customer base. This development would provide diversity in the housing supply for those seeking a more urban way of living while at a small-town scale. This request would facilitate the development of an infill parcel that is near Downtown and promote similar developments within the Downtown area, where higher densities are needed and desired in order to accommodate an increase in residents, according to the Comprehensive Plan.

Staff Response: Los Alamos County Code, §16-9, defines spot zoning as: “*the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.*” Surrounding uses mostly consist of Open Space, Passive (north) and Parks (south), with Institutional (West/Southwest). While travelling south, less than a quarter mile to the downtown area, uses disperse more parks and institutions, and varied residential densities (See Exhibit C). The downtown area is categorized as mixed-use providing a synergy between residential and commercial uses. The MU district was based closely on the downtown districts. Staff agrees that the MU designation would best accomplish the policy and intent of the comprehensive plan by allowing business opportunities, which would promote a diverse economic base by encouraging new business growth and supporting economic vitality - maximizing uses, where appropriate, in infill areas. Furthermore, the County has approved the rezoning of other sites to the MU zoning district which are not located within the downtown core of Los Alamos, including the site of the future Hill Apartments, the site of the former Black Hole, areas of DP Road and East Gate.

(6) *If the proposed zoning map amendment is for the designation of a Special Plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the Special Plan (SP) district review criteria stated in section 16-159.*

Applicant Response: This proposed zoning map amendment is not for the designation of a special plan (SP) district.

Staff Response: Not Applicable

DRAFT MOTIONS – REZ-2022-0017

Motion Option 1: I move to **recommend approval**¹ of Case No. REZ-2022-0017 to County Council for amendment to the Official Los Alamos County Zoning Map and designate Eastern Area 3, Lots Q1 and Q2 as Mixed-Use.

The decision is based on the Findings of Facts established at the hearing and conclusion that the applications are in conformity with the review criteria within §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.

I further move to authorize the Chair to sign a Final Order recommending approval of the applications 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 Case No. REZ-2022-0017 to County Council for amendment to the Official Los Alamos County Zoning Map, which would designate Eastern Area 3, Lots Q1 and Q2 as Mixed-Use.

The Planning and Zoning Commission, acting under the authority granted by §16-452 (b)(1)(b) basis denial on the finding that the proposal does not conform to the review criteria for Amendment to the Official Zoning Map within Los Alamos County Code of Ordinances, Development Code, §16-155.

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

DRAFT FINDINGS OF FACT²

1. The Application is for Planning and Zoning Commission (“Commission”) consideration for recommendation to County Council to approve, conditionally approve, or deny an amendment to the Los Alamos County Official Zoning Map.
2. The amendment rezones Lots EA3 Q1 and Q2 (“Properties”) from Multiple-Family Residential, very high-density (R-3-H-40) to Mixed-Use (MU).
 - a. The lots are legally addressed as 2100 Canyon Road and 2202 Canyon Road.
 - b. Transcor Development (“Applicant”) is the legal owner of the Properties.
 - c. The lots combined total 4.75 acres.
3. A zoning amendment to these Properties requires an associated amendment to the Comprehensive Plan, specifically the Future Land Use Map (“Map”), keeping the Map updated.
4. Notice of the request was appropriately noticed in accordance with County Code:

¹ The Commission may recommend conditional approval as determined during the hearing.

² The Findings and Conclusion of Law provided are draft and may be amended after public hearing to represent the facts presented, the Commission’s decision, and the basis for their action.

- a. Pursuant to Section 16-192(a)(1), the public hearing, setting forth the nature of the request, specific parcel of the properties affected, and the date, time, and place of the public hearing was announced and published in the *Los Alamos Daily Post*, a newspaper of general circulation in the County, on March 24, 2022.
 - b. Pursuant to Section 16-192 (a)(2) the public hearing on the matter was noticed by U.S. mail on March 25, 2022, to property owners of real property within 100 yards of the exterior lot lines of the property, at least 15 days prior to the hearing.
 - c. Pursuant to Section 16-192 (a)(3) a notice of the hearing was posted at least 15-days prior to the hearing at the county municipal building.
5. A quorum of the Commission was present and appropriately noticed on April 8, 2021, in accordance with the State's Open Meeting Act.
 6. The meeting was held virtually and adhered to the County's annual public meeting resolution as required by the State's Open Meeting Act as adopted in County Resolution 22-01.
 7. A public hearing was opened to receipt and cross-examination of testimony.
 8. The Commission finds the request to conform with the Comprehensive Plan in the following areas:
 - a. Housing Goals are met by facilitating the expansion of the housing supply to meet the demand of employment growth by providing rental units for seniors, students, and the workforce at market rate and a variety of sizes and price points, and by placing more dense multi-family apartments on an infill site away from established residential neighborhoods, it also protects the character of these existing residential neighborhoods.
 - b. Locating a denser mixed-use development away from existing residential neighborhoods and creating more housing options within the county supports Neighborhood Goals.
 - c. Growth Goals will be achieved by the facilitation of development that will increase growth in Los Alamos County – housing and retail. It promotes infill development surrounded by existing development and public facilities.
 - d. Development Goals will be attained with the assistance of a higher residential and retail development located near Downtown, on a vacant parcel identified within the Comprehensive Plan.
 - e. Redevelopment Goals are supported with the direct redevelopment of an underutilized properties.

9. The Commission finds the consideration has been given to the existing and programmed capacity of onsite and off-site public services and facilities to adequately serve the property.
10. The Commission determined that complementary uses would encourage a blend of live-work-shop opportunities, and permitted uses within the MU would not be detrimental to the health or general welfare of persons residing or working adjacent to or within the proximity. A Traffic Assessment at Site Plan will evaluate and mitigate traffic safety impacts, if any.
11. The Commission finds that the proposed zoning will not result in spot or strip zoning, as it accomplishes the policy and intent of the Comprehensive Plan by facilitating development of both housing and retail uses on an infill site, near proximity to the Downtown where uses are mixed.

DRAFT CONCLUSIONS OF LAW

1. The Commission, acting under the authority granted it by Chapter 8, Article IX, Section 8-203(2)(b) of the County Code, has the responsibility and duty to hold a public hearing and make recommendations to County Council, proposals for amendments to the Official Zoning Map.
2. The review criteria to be used by the Commission in evaluation the Applicant's Zoning Amendment application is Section 16-155 of the County Code.
3. Public Notice of the hearing on the applications is governed by Section 16-192 (a) of the County Code.
4. Pursuant to Section 16-452(b) of the County code, the Commission finds, after hearing and deliberation, permit REZ-2022-0017, is in conformity with the review criteria of Section 16-155 and makes a recommendation to County Council for approval.

COMPREHENSIVE PLAN AMENDMENT REVIEW CRITERIA

Section 16-161 of the Los Alamos County Development Code states that during the course of the review of any request for an amendment to the Comprehensive Plan, the Planning and Zoning Commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to County Council:

- (1) The amendment shall conform to the vision statement and policy plan of the comprehensive plan and to the Strategic Leadership Plan of the county council;***

Applicant Response: The FLUM is an expression of the goals and policies of the Comprehensive Plan, and it anticipates changes to the map, such as those from specific development proposals that are in line with and promote the Plan's goals. The proposed change conforms with the vision statement of the Plan and promotes Plan goals as the proposed rezone to MU would allow the lands to better assist the Goals, Policies and Strategies of the Comprehensive Plan - particularly Economic Development and Housing, Neighborhoods & Growth.

- (2) ***The amendment replaces outdated information in the comprehensive plan, responds to changed conditions or provides new information which is not included in the comprehensive plan;***

Applicant Response: Should Lots EA3 Q1 & Q2 be approved for a rezone, the FLUM would be outdated. As a result, a map change is necessary to reflect a change in condition of the specific parcels and provide current information.

- (3) ***The amendment does not conflict with other parts of the comprehensive plan.***

Applicant Response: Amending the FLUM would not conflict with other parts of the Comprehensive Plan, as it would not be contrary to the goals and policies. The rezone would instead help in reaching the goals and policies: Economic Vitality, Growth, Development, Redevelopment, Housing and Neighborhood.

DRAFT MOTIONS – CPA-2022-0008

Motion Option 1: I move to **recommend approval**³ of Case No. CPA-2022-0008 to County Council for amendment to the Comprehensive Plan, specifically the Future Land Use Map, by changing Eastern Area 3, Lots Q1 and Q2 from very high density to mixed-use.

The decision is based on the Findings of Facts established at the hearing and conclusion that the applications are in conformity with the review criteria within §16-161 of the Los Alamos County Development Code and that the Commission is acting under the authority granted by §16-452(j)(1)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order recommending approval of the applications 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 Case No. CPA-2022-008 to County Council for amendment to the Comprehensive Plan, specifically the Future Land Use Map.

The Planning and Zoning Commission, acting under the authority granted by §16-452 (j)(1)(b) basis denial on the finding that the proposal does not conform to the review criteria for Amendment to the Comprehensive Plan within Los Alamos County Code of Ordinances, Development Code, §16-161.

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

DRAFT FINDINGS OF FACT⁴

1. The Application is for Planning and Zoning Commission (“Commission”) consideration for recommendation to County Council to approve, conditionally approve, or deny an amendment to the Los Alamos County Comprehensive Plan’s Future Land Use Map (“FLUM”).

³ *The Commission may recommend conditional approval as determined during the hearing.*

⁴ *The Findings and Conclusion of Law provided are draft and may to be amended after public hearing to represent the facts presented, the Commission’s decision, and the basis for their action.*

2. Paul Andrus (“Applicant”) is acting under the authority granted to him as the Los Alamos County Development Director.
3. The rezoning of Eastern Area 3, Lots Q1 and Q2 (“Properties”) to mixed-use results in the need to amend the FLUM.
4. Amendment to the FLUM designates the Properties as mixed-use.
5. Notice of the request was appropriately noticed in accordance with County Code:
 - a. Pursuant to Section 16-192(a)(1), the public hearing, setting forth the nature of the request, specific parcel of the properties affected, and the date, time, and place of the public hearing was announced and published in the *Los Alamos Daily Post*, a newspaper of general circulation in the County, on March 24, 2022.
 - b. Pursuant to Section 16-192 (a)(2) the public hearing on the matter was noticed by U.S. mail on March 25, 2022, to property owners of real property within 100 yards of the exterior lot lines of the property, at least 15 days prior to the hearing.
 - c. Pursuant to Section 16-192 (a)(3) a notice of the hearing was posted at least 15-days prior to the hearing at the county municipal building.
6. A quorum of the Commission was present and appropriately noticed on April 8, 2021, in accordance with the State’s Open Meeting Act.
7. The meeting was held virtually and adhered to the County’s annual public meeting resolution as required by the State’s Open Meeting Act as adopted in County Resolution 22-01.
8. A public hearing was opened to receipt and cross-examination of testimony.
9. The Commission finds the review criteria within Chapter 16, Article IV, Section 16-161 has been met:
 - a. The proposed change conforms with the vision statement of the Comprehensive Plan and promotes Plan goals, such as: Economic Development, Housing, Neighborhoods, Development and Redevelopment.
 - b. Rezone of the Properties results in outdated information, requiring amendment to the FLUM.
 - c. Amending the FLUM does not conflict with other parts of the Comprehensive Plan and will not be contrary to the goals and policies.

DRAFT CONCLUSIONS OF LAW

1. The Commission, acting under the authority granted it by Chapter 8, Article IX, Section 8-203(2)(c) of the County Code, has the responsibility and duty to hold a public hearing and

make recommendations to County Council, proposals for amendments to the Comprehensive Plan.

2. The Community Development Director, applicant, is acting under the authority granted to him by Chapter 16, Article III, Section 16-122 (d)(1).
3. The review criteria to be used by the Commission in evaluation of the request for amendment to the Comprehensive Plan is Section 16-161 of the County Code.
4. Public Notice of the hearing on the applications is governed by Section 16-192 (a) of the County Code.
5. Pursuant to Section 16-452(j) of the County code, the Commission finds, after hearing and deliberation, permit CPA-2022-0008, is in conformity with the review criteria of Section 16-161 and makes a recommendation to County Council for approval.

ATTACHMENTS

1. Application and submittals
2. Use Index and Site Development Comparison
3. Public Notification
4. Draft Ordinance & Resolution

REZONING APPLICATION

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

Property to be Rezoned: 2202 Canyon Rd, Los Alamos, NM 87544 (EA3 Q2)
2100 Canyon Rd, Los Alamos, NM 87544 (EA3 Q1)
Address

From: R-3-H-40 To: MU 4.75
Current Zoning District Proposed Zoning District Area (Acres)

Vacant Multi-family / Retail Use
Current Use Proposed Use/Reason for Rezoning

Related Applications:

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

Transcor Development Corporation,

Name: C. Adam Thornton Phone: 505-338-1438 Cell #: 505-695-2326

Please Print

Address: PO Box 1443, Corrales, NM 87048 Email: Athornton@rayleehomes.com

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

☒ Check here if same as above

Name: _____ Phone: _____ Cell #: _____

Please Print

Address: _____ Email: _____

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

SIGNATURE

DATE

REZONING CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-155 establishes six (6) criteria for the Planning and Zoning Commission to use when reviewing an application for rezoning approval. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. You will also be asked to discuss the criteria at your public hearings.

- (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. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map.*

See attached Justification Letter.

- (2) *Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.*

See attached Justification Letter.

- (3) *The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.*

See attached Justification Letter.

- (4) *The existing zoning must be shown to be inappropriate for one or more of the following reasons:*
a. It was established in error;

b. Changed conditions warrant the rezoning; or

c. A different zone is more likely to meet goals contained in the comprehensive plan.

See attached Justification Letter.

(5) *The proposed zoning will not result in spot zoning or strip zoning as defined in article I of this chapter unless one or more of the following criteria are met:*

a. *Granting such zoning accomplishes the policy and intent of the comprehensive plan;*

See attached Justification Letter.

b. *Unique characteristics specific to the site exist; or*

c. *The zoning serves as an appropriate transition between land uses of higher and lower intensity.*

(6) *If the proposed zoning map amendment is for the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the special plan (SP) district review criteria stated in section 16-159.*

See attached Justification Letter.

REQUIRED SUBMITTALS:

Check each of the boxes to indicate that you have attached two (2) paper copies of each of the following, and one complete copy of all materials on disk:

☒ Proof of property ownership.

☒ A Vicinity map, 8 ½ by 11 inch or 8 ½ by 14 inch format, showing the boundaries of the property to be rezoned and all adjacent lots within 300 feet.

☒ A scaled Plat or survey including all the following information: (Note: For smaller properties, a legal description with metes and bounds, may be acceptable. Check with CDD staff.)

☒ Locate and label all existing utility lines on the site. (Existing gas and electric service lines must be located by the Los Alamos County Utilities Department prior to submittal of this application.)

☒ Show and label the footprint of all existing buildings and structure on the site.

☒ Show the footprint of all buildings and public rights-of-way within 20 feet of all boundary of the site.

☒ Show, dimension and label all existing and proposed easements.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: _____

Staff Initial: djl

CDD Application Number: REZ-2022-0017

Fees Paid: \$600.00

March 8, 2022

Planning and Zoning Commission
1000 Central Ave
Los Alamos, NM 87544

Re: Cañada Bonita – Request for Zoning Map Amendment
2202 Canyon Rd
Los Alamos, NM 87544

Dear Chairperson,

Dekker/Perich/Sabatini, agent for the property owner, is requesting approval of a Zoning Map Amendment (Zone Change) for the above referenced site from Multiple-family Residential (Very High-density) District (R-3-H-40) to Mixed-Use (MU). If approved, the property owner plans to construct a mixed-use development anticipated to include multi-family apartment community with retail spaces on the subject property site.

The site is located on the north side of Canyon Rd along the canyon edge and spans approximately 4.75 acres. The functional street classification of Canyon Rd is a collector, as this road feeds residential areas into Central Ave and Trinity Dr. The Los Alamos County Comprehensive Plan specifically points out the subject site as undeveloped in Exhibit 33 – Undeveloped Lots in Los Alamos Townsite. The site is in close proximity to Downtown and surrounded by existing development and can therefore be identified as an infill site prime for development. Adjacent uses include the Los Alamos Jewish Center to the southwest and multi-family apartments and tennis courts to the south. The Urban Trail is planned along the north side of Canyon Rd adjacent to the site and will follow Canyon Rd to connect with Central Ave to the southwest and Downtown to the south. After it passes south through Downtown, it will link to the existing Canyon Rim Trail along the southern edge of the canyon, representing an important multi-modal connection within the County.

The project site is currently zoned R-3-H-40, a zoning designation which does not permit commercial uses, hence the request for a Zoning Map Amendment to allow for a true mixed-use development to occur on-site. The request for approval of a Zoning Map Amendment from R-3-H-40 to MU will locate housing next to commercial services and both aid in easing the housing shortage and promote economic development. Further, it will direct growth to an infill site to leverage existing County infrastructure and preserve open space. It will provide additional mixed-use housing and retail options within Los Alamos County while reducing the need to commute from other communities to employment in Los Alamos County while preserving the character of existing neighborhoods.

A change to a mixed-use zoning district would allow for amenities, retail opportunities, and services to be close at hand for residents of this development and surrounding residential developments and decrease the vehicle miles traveled to reach retail and services off-site. Lack of housing supply has been a recurrent and pressing issue in recent years in Los Alamos County, as developable land is very limited and total employment at the Los Alamos National Laboratory has risen. The Housing Market Needs

Analysis, conducted in 2019, identified an immediate need for 1,310 units of rental housing distributed among all income ranges. This zoning map amendment will facilitate the addition of new market rate rental housing units offered in a modern, mixed-use development that provides new, small retail spaces that cater to local businesses and spur economic development within the County.

The proposed Zoning Map Amendment conforms to the requirements of Sec. 16-155. of the Los Alamos County Development Code and will further the health, safety, and general welfare of the County. The next section of this letter lays out the justification for the Zoning Map Amendment and conformance with the requirements of Sec. 16-155 and other applicable City plans and policies, such as the Los Alamos County Comprehensive Plan.

REZONING CRITERIA:

- 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. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map.**

Response: This request substantially conforms to the comprehensive plan and is not materially detrimental to the health, safety, and general welfare of the County. The zoning map amendment request meets several Comprehensive Plan Goals that are listed in more detail below.

- **Applicable Housing Goals**

- **Protect the character of existing residential neighborhoods**
- **Provide a variety of housing types, sizes, and densities**
- **Promote development of housing stock that would accommodate downsizing households**

This request facilitates expanding the housing supply to meet the demand from employment growth by providing rental units for seniors, students, and the workforce at market rate and a variety of sizes and price points. By placing more dense multi-family apartments on this more urban infill site away from established residential neighborhoods, it also protects the character of these existing residential neighborhoods. This request also helps promote economic development by providing more commercial opportunities in close proximity to new housing development and near Downtown.

- **Applicable Neighborhoods Goals**

- **Protect existing residential neighborhoods**
- **Promote the creation of a variety of housing options for all segments of the Los Alamos community**

This request supports Neighborhood goals as it locates denser mixed-use development away from existing residential neighborhoods, near the Downtown, thereby protecting the established character from out of context development while also creating more options for housing within Los Alamos County. The Comprehensive Plan indicates on Page 65 that new neighborhoods may emerge around new mixed-use areas and the downtowns. This zoning map amendment would facilitate the development of a mixed-use neighborhood near Downtown.

○ **Applicable Growth Goals**

- **Plan for modest growth of an additional 2,000 residents in the next 5 to 10 years**
- **Significantly improve the quantity and quality of retail business**
- **Strive to make housing available to those who work in the County and want to live in the County**

This request provides for the facilitation of development that will increase growth in Los Alamos County – both in housing units and retail businesses. New on-site retail locations will be set up for success as they have a direct customer base from the multi-family apartments also on-site, as well as provide neighborhood-serving commercial locations for the surrounding residential areas. Retail spaces are anticipated to cater to local businesses in small storefronts. This request also promotes infill development as this site is surrounded by existing development and public facilities.

○ **Applicable Development Goals**

- **Keep the focus of development primarily within current development boundaries**
- **Improve the quantity and quality of retail business**
- **Maintain and protect designated open space**
- **Focus increased residential densities on new development in or near Downtown**

This request facilitates higher residential density and retail development that is within a developed part of the Townsite near Downtown. This vacant parcel is called out within the Comprehensive Plan in Exhibit 33 as a parcel that could accommodate high-density housing. The proposed mixed-use development would bring the highest and best use to this urban infill site. By developing this parcel, the County is encouraging more sustainable development patterns within the urban boundary thereby reducing sprawl and ensuring the protection of natural open space areas from development pressure.

○ **Applicable Redevelopment Goals**

- **Redevelop vacant blighted areas and underutilized properties**
- **Encourage infill development on underused or blighted sites**

This request supports the Redevelopment goals that direct redevelopment to underutilized properties. Since this infill parcel is strategically located near Downtown along a collector road and also connected to Downtown via a multi-use trail, it serves as an ideal location for increased housing density and new retail opportunities that can serve surrounding residents.

2. **Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.**

Response: *Consideration has been given to the existing and programmed capacity of on-site and off-site public services and facilities to adequately serve the property. The site is an infill property, with development occurring to the east, west, and south of the property. Adequate water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire,*

and police are already in place to meet the negligible increase in demand of a Mixed-Use zone district as opposed to a High-Density Residential zone district, with special exceptions detailed below for water and sanitary sewer systems.

- *Water system - development of this site will require a looped 8" water line from the existing waterline in Canyon Rd at the west end of the site. The new waterline will traverse the site to provide connections for fire hydrants and water services. The waterline will extend from the northeast corner on the south side of Canyon Rd and connect to the existing waterline on-site.*
- *Sanitary sewer system - all on-site sanitary sewer service lines will be routed to the low point of the north property line and connect to a single outfall line to the north. The off-site line is planned to be installed using a direction drilled 6" diameter line that will connect to the existing riser on the sanitary sewer pressure line located approximately 150 feet to the north-northwest. These utility schemes were coordinated with the engineering staff of Los Alamos County. The SAS riser was field located by a survey.*
- *Electricity/gas – Existing lines will be accessed from Canyon Rd.*
- *Sidewalks – No existing sidewalks are in place on Canyon Rd. There is, however, a multi-use path, the Urban Trail, that is anticipated to be constructed on the north side of Canyon Rd adjacent to the site that will provide multi-modal access south to Downtown.*
- *Streets/Traffic control/storm sewer – Since this is an infill site and already zoned for a high intensity use, there is a negligible increase in intensity of use with a zone change to Mixed Use that would potentially impact streets, traffic control, and storm sewer.*
- *Parks/fire/police – Since this is an infill site, it is anticipated that the existing public services will accommodate the increased demand of this zoning map amendment request.*

3. The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.

Response: The addition of other uses permitted by a MU zone change from a R-3-H-40 zone will not be detrimental to the health, safety, or general welfare of persons residing or working adjacent to or within the proximity of the subject property, as uses are anticipated to be complementary to the residential component of the anticipated development and encourage a harmonious blend of live-work-shop opportunities. Future mixed-use development would also serve to protect established neighborhoods from out-of-character development.

4. The existing zoning must be shown to be inappropriate for one or more of the following reasons: (a) It was established in error; (b) Changed conditions warrant the rezoning; or (c) A different zone is more likely to meet goals contained in the comprehensive plan.

Response: The existing zoning is inappropriate as a different zone is more likely to meet goals contained in the comprehensive plan. As demonstrated in Criterion 1 of this letter, a mixed-use district would both improve the variety of housing options available in Los Alamos County and provide opportunities to improve the quantity and quality of retail business. This aspect of a Mixed-Use district – retail and services in close proximity to housing developments – is a nationwide land development trend that has been shown to promote a higher standard of living for residents.

5. The proposed zoning will not result in spot zoning or strip zoning as defined in article I of this chapter unless one or more of the following criteria are met: (a) Granting such zoning accomplishes the policy and intent of the comprehensive plan; (b) Unique characteristics specific to the site exist; or (c) The zoning serves as an appropriate transition between land uses of higher and lower intensity.

Response: Granting a zoning map amendment from R-3-H-40 to MU zoning accomplishes the policy and intent of the comprehensive plan, as demonstrated in Criterion 1 of this letter. This request facilitates the development of both housing and retail uses. Retail uses would be complementary to the residential component and spur economic development for the County by creating new storefronts that have a direct customer base. This development would provide diversity in the housing supply for those seeking a more urban way of living while at a small-town scale. This request would facilitate the development of an infill parcel that is near Downtown and promote similar developments within the Downtown area, where higher densities are needed and desired in order to accommodate an increase in residents, according to the Comprehensive Plan.

6. If the proposed zoning map amendment is for the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the special plan (SP) district review criteria stated in section 16-159.

Response: This proposed zoning map amendment is not for the designation of a special plan (SP) district.

Based upon the rationale presented in this letter, we respectfully request approval of a Zoning Map Amendment to the parcel located at 2202 Canyon Rd. This zone change will help further many of the goals in the Comprehensive Plan as detailed above that encourage more housing and retail opportunities within the County and promote the health, safety, and general welfare of residents of Los Alamos County. If you have any questions or need clarification of anything contained herein, please contact me at (505)761-9700.

Sincerely,



Kate Maliskas, AICP
Urban Planner
Dekker/Perich/Sabatini



Title Guaranty, LLC

September 27, 2019

Transcor Development Corporation, a New Mexico corporation and/or assigns
4131 Barbara Loop SE
Rio Rancho, NM 87124

Re: Property Address: 2100 Canyon Road, Los Alamos, NM 87544
TG, LLC # LA19-0161

On behalf of everyone at Title Guaranty, LLC, we thank you for the opportunity to serve you. We value you as a customer and appreciate your business.

Please find enclosed the recorded Warranty Deed, for the property address referenced above filed in Book 185, Page 657 and the CHICAGO TITLE INSURANCE COMPANY Owner Policy # 7247331-217397751. These documents should be safeguarded.

We are committed to providing you with the highest level of customer satisfaction. If we can be of further assistance, now or in the future, to answer any of your title questions or requests, please contact us at 505-662-5586.

Again, we sincerely thank you for your business and look forward to working with you in the future.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kay Chinn', is written over the word 'Respectfully'.

Kay Chinn
Title & Escrow Support Specialist

Enc.

WARRANTY DEED

Los Alamos Visiting Nurse Service, Inc., a New Mexico nonprofit corporation, for consideration paid, grants to Transcor Development Corporation, a New Mexico corporation and/or assigns, whose address is 4131 Barbara Loop SE, Rio Rancho, New Mexico 87124, the following described real estate in Los Alamos County, New Mexico, with warranty covenants:

Tract Q1 & Q2, Eastern Area No. 3, as shown on Lot Split for Tract Q1 & Tract Q2
Previously Tract Q of Eastern Area 3, recorded on February 3, 2017 in Book 175,
page 476, records of Los Alamos County, New Mexico.

SUBJECT TO: Restrictions, reservations and easements of record.

ALSO SUBJECT TO: Ad valorem property taxes for the year 2019 and subsequent years.

Executed this 28th day of June, 2019.

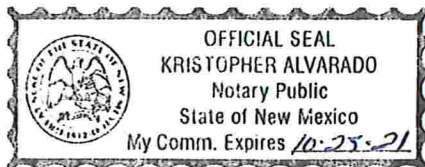
Los Alamos Visiting Nurse Service, Inc., a New Mexico nonprofit corporation

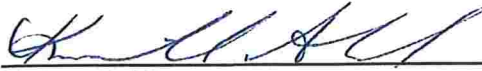
By: 
Rick Reiss, President

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS

This instrument was acknowledged before me on June 28, 2019 by Rick Reiss, President, of Los Alamos Visiting Nurse Service, Inc., a New Mexico nonprofit corporation, on behalf of said nonprofit corporation.



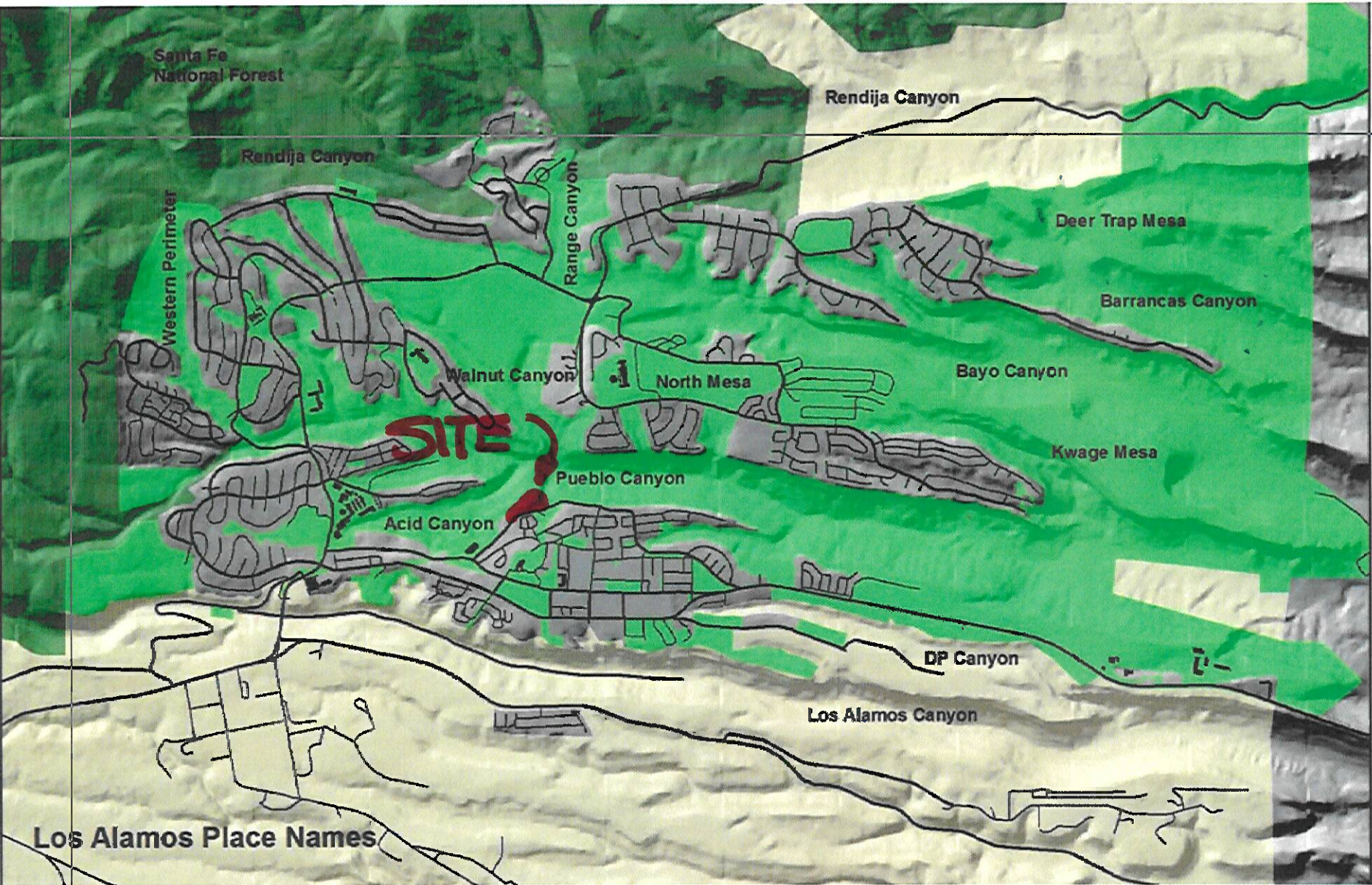

Notary Public

My Commission Expires: 10/25/2021



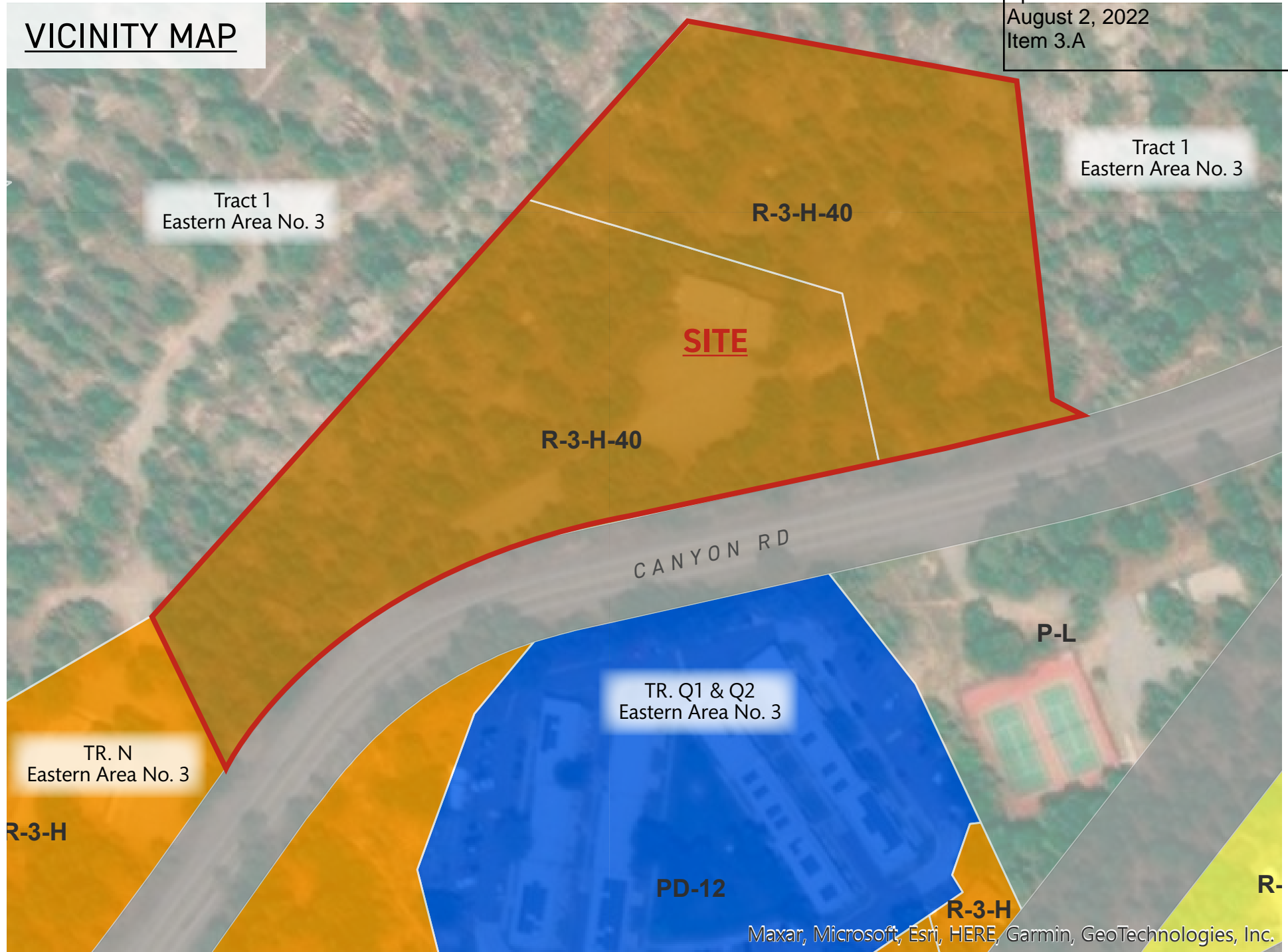
239772 06/28/2019 04:42 PM
Book: 185 Page: 657 Naomi D Maestas - County Clerk
Los Alamos County, NM Anna Sanchez - Deputy
DEED Page(s): 1



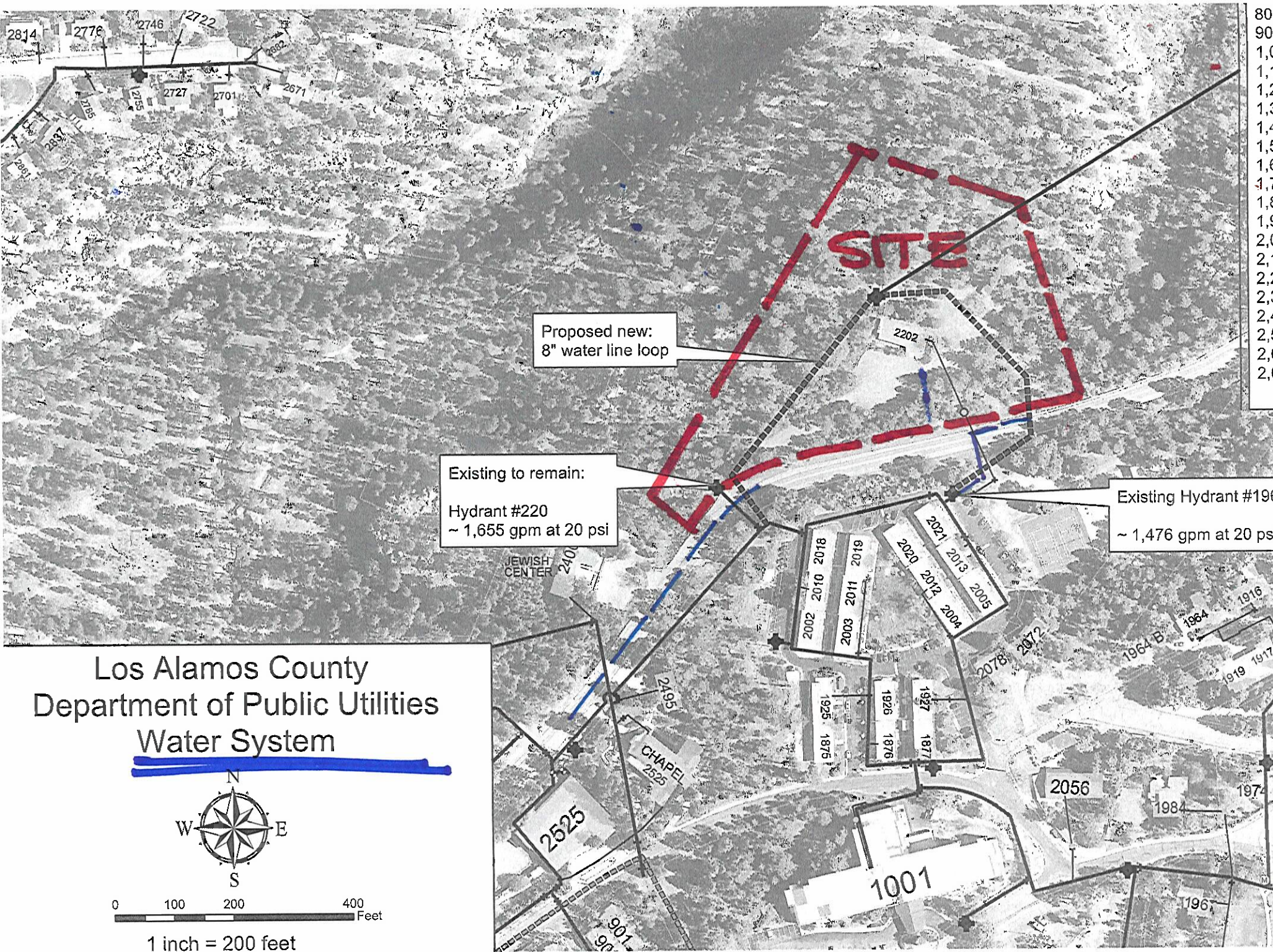


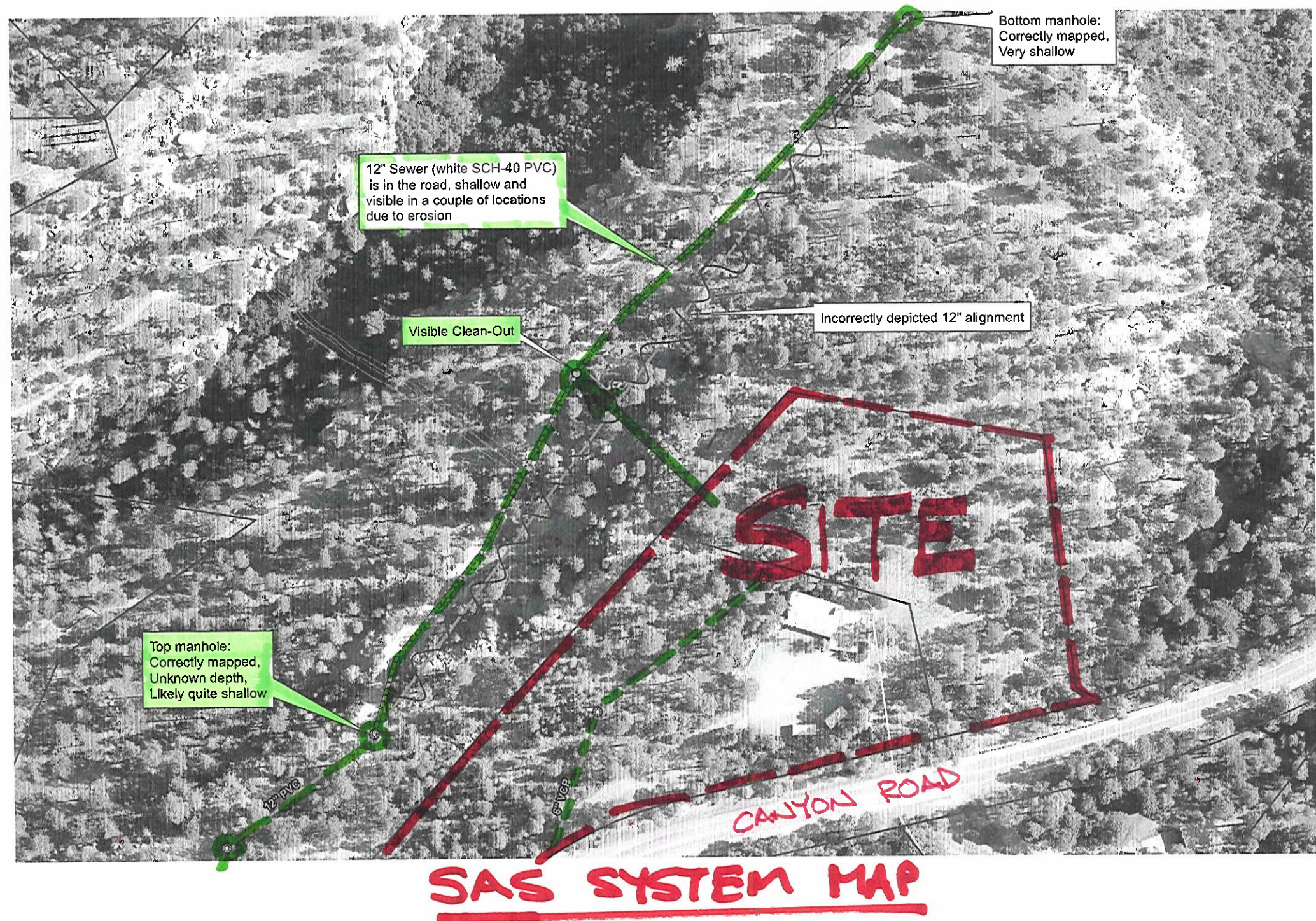
VICINITY MAP

VICINITY MAP



Maxar, Microsoft, Esri, HERE, Garmin, GeoTechnologies, Inc.





TR. 1
EASTERN AREA
NO. 3

TRACT 1
EASTERN AREA NO. 3

TR. 2
EASTERN AREA
NO. 3

Los Alamos County Council
Special Session
August 2, 2022
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VICINITY MAP W/ ADJACENT PARCELS

TR. 01 & Q2
EASTERN AREA NO. 3

ELECT. SERVICE (TO BE REMOVED)

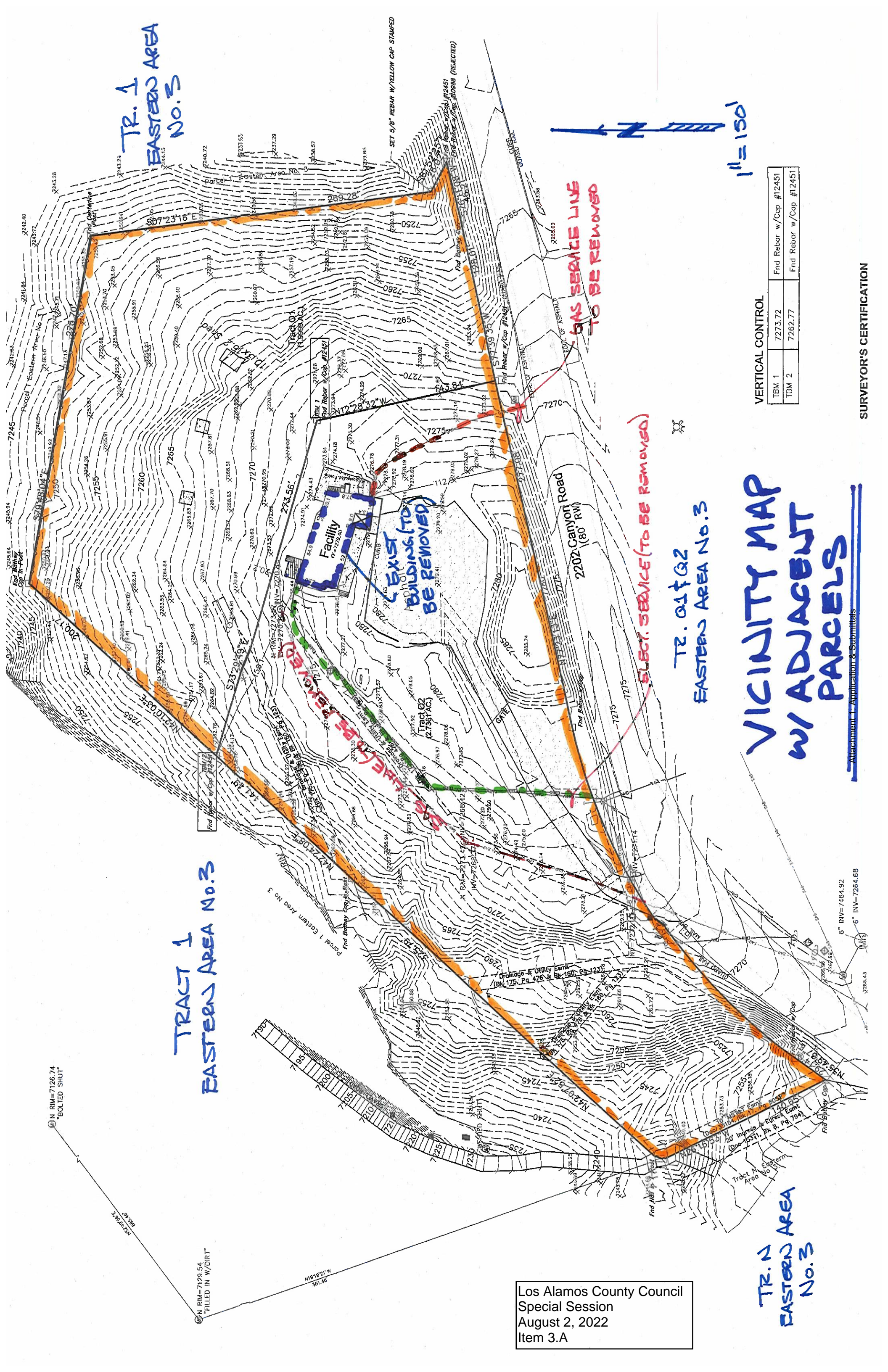
GAS SERVICE LINE
TO BE REMOVED

1" = 150'

VERTICAL CONTROL

TBM 1	7273.72	End Rebar w/Cop #12451
TBM 2	7262.77	End Rebar w/Cop #12451

SURVEYOR'S CERTIFICATION





Attachment 1: Application & Submittals



Los Alamos County Council
Special Session
August 2, 2022
Item 3.A

COMPREHENSIVE PLAN AMENDMENT APPLICATION

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

This Comprehensive Plan Amendment Application is for:

☐ Text Amendment ☒ Future Land Use Map Amendment ☐ Both FEE- \$150

APPLICANT: *[Applications for amendment to the comprehensive plan may be made by the county council, the planning and zoning commission, the county manager or the community development director.]*

Name: Paul Andrus Title: Director Organization: Community Development, LAC
Please Print

Paul Andrus

SIGNATURE

DATE

If this Application is for or includes a Future Land Use Map Amendment, indicate:

High-Density Residential Mixed-Use
FROM (Current Land Use per FLUM) TO (Proposed Land Use on FLUM)

Cite the sections of the comprehensive plan to be amended and explain why the amendment is necessary:

This request is solely for amendment to the Future Land Use Map which would change the designation for

Lots EA3 Q1 and Q2, commonly known as 2100 and 2202 Canyon Road, respectively, from High-Density Residential to Mixed-Use. If concurrent application for rezone, REZ-2022-0017, is approved the change will be needed to keep the FLUM current.

Describe Related Applications, if any: REZ-2022-0017

REQUIRED SUBMITTALS for FUTURE LAND USE MAP AMENDMENTS only:

- ☐ Provide a copy of the Plat or a Legal Description of the affected property
☐ Other

FOR COMMUNITY DEVELOPMENT DEPARTMENT USE:**CDD Application Number:** _____**COMPREHENSIVE PLAN AMENDMENT REVIEW CRITERIA:**

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-161 establishes three (3) criteria to be considered when reviewing an application for Comprehensive Plan Amendment approval. Please review each of the criteria listed and provide short comments on how the application meets the criteria. (Attach additional sheets if needed.)

(1) The amendment shall conform to the vision statement and policy plan of the comprehensive plan and to the Strategic Leadership Plan of the county council;

The FLUM is an expression of the goals and policies of the Comprehensive Plan, and it anticipates changes to the map, such as those from specific development proposals that are in line with and promote the Plan's goals.

The proposed change does conform with the vision statement of the Plan and promotes Plan goals as the proposed rezone to MU would allow the lands to better assist the Goals, Policies and Strategies of the Comprehensive Plan - particularly Economic Development and Housing, Neighborhoods & Growth.

(2) The amendment replaces outdated information in the comprehensive plan, responds to changed conditions or provides new information which is not included in the comprehensive plan;

Should Lots EA3 Q1 & Q2 be approved for a rezone, the FLUM would be outdated. As a result, a map change is necessary to reflect a change in condition of the specific parcels noted to align with an approved Mixed-Use designation.

(3) The amendment does not conflict with other parts of the comprehensive plan.

Amending the FLUM would not conflict with other parts of the Comprehensive Plan, as it would not be contrary to the goals and policies. The rezone would instead help in reaching the goals and policies: Economic Vitality, Growth, Development, Redevelopment, Housing and Neighborhood.

Los Alamos County Council
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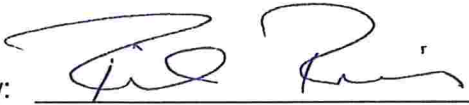
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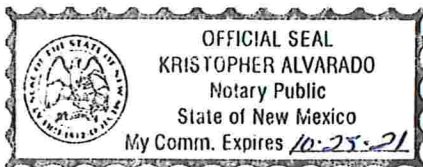
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By: 
Rick Reiss, President

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS

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Notary Public

My Commission Expires: 10/25/2021



239772 06/28/2019 04:42 PM
Book: 185 Page: 657 Naomi D Maestas - County Clerk
Los Alamos County, NM Anna Sanchez - Deputy
DEED Page(s): 1



Sec. 16-288. Use index table.

Name	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-CPO	DT-TCO	DT-NCO	DT-NGO	MU
------	-----	-----	-----	-----	-------	-------	----------	-----	-----	-----	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	--------	--------	--------	--------	----

Agriculture																									
Fish hatcheries																			S						
Hay or feed storage	A												A	P											
Livestock breeding	A																								

Residential																									
Accessory apartment	S	S	S	S							S														
Dwelling, loft																						P	P	P	P
Dwelling, multiple-family					P	P	P				P											P	P	P	P
Dwellings, single-family, attached				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	
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											P	P	P	P
Inn					S	S	S					P	P	P								P	P	S	P
Servant quarters, guestroom	A	A	A	A	A	A	A	A	A	A	A											P	P	P	P
Home occupations	A	A	A	A	A	A	A	A	A	A	A											P	P	P	P
Home business	S	S	S	S	S	S	S	S	S	S	S											P	P	P	P

Institutional																										
Churches, worship places	S	S	S	S	S	S	S					S	S	S	P	S					S	S	P	P	P	P
Cemeteries															P				P	P						
Clubs; social, fraternal and recreational	S	S	S	S	S	S								P	S	S						P	P	P	S	P
Funeral homes, mortuaries													P	P	P								P	P	S	P
Crematories													S	S	S											
Group homes	P	P	P	P	P	P	P	P	P	P	P												P	P	P	P
Hospitals; institutions														S	S								P			
Heliports, public or hospitals														S	S			S					S			
Museums														S	P						P	P	P	P	S	P
Nursing or rest homes						S	P						S	S	S								P	P	S	P
Public buildings													P	P	P	P				P	P	P	P	P	P	P
Schools; business or vocational													S	S	P							S	P	P	S	P
Schools, private or parochial	S	S	S	S	S	S		S	S	S	S	S	S	P	P	P	A				P	S	P	P	S	P

Commercial																								
Amusement centers, indoor											S	P	P							S	P	P		
Amusement parks												S	S											
Firewood, sales and storage											A	A	P		P	P								
Firewood, sales																				A	A			A
Automobile, boat, rec. vehicles, motorcycle; sales, rental and services											S	S	S									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	P
Greenhouses											A	A	P		P	P		A						P
Greenhouses for cannabis cultivation											A		P		P	P								P
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	P	P		P
Mobile home sales									A				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
Restaurants (indoor)											P	P	P	P	P	P			P	S	P	P	P	P
Restaurants, with alcoholic beverages											S	S	P	S	S	S			S	S	P	P	S	P
Retail businesses	A	A	A	A	A	A	A	A	A	A	P	P	P	A	A	A			A	A	P	P	P	P
Tire stores, sales and service											S	P	P									P		
Truck and trailer rental, sales and service											S	P	P		P	P								

Services																										
Ambulance services												S	S	P			P	P					P	P		
Auto, service stations												S	S	S			S	S						P		P
Banquet rooms												A	A	P								S	P	P	P	P

Carwashes												S	P	P									P		
Child care centers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	P	P
Day care facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	P	P
Day care homes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		S	P	P	P
Caretaker's unit														S	A	A	A		S						A
Small electrical appliances and equipment repair											P	P	P		P	P						P	P	S	P
Financial institutions/banks, (drive-in)												S	S	S	A	A	A			A		P	P	P	S
Financial institutions/banks, (walk-in)												P	P	P	A	A	A			A		P	P	P	P
Home and business services	S	S	S	S	S	S	S	S	S	S	S	S	P	P	A	P	P			A		P	P	P	P
Hotels, motels													S	P								P	P	S	P
Laboratory, support											S	S	S	S	S	S	S					S	S	S	P
Newsstands, portable												A	A	A	A	A	A			A	P	P	P	P	P
Offices, professional	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P	A	A			P	S	P	P	P	P
Pet training, or breeding or kennels, commercial	S											S	S	S		S	S					S	S		S
Public utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Radio and TV, Studios/stations												P	P	S					P	P	S	P	P	P	P
Radio and TV, towers/antennas														S		S	S		S	S	S	S	S	S	S
Recycling stations						S						S	S	S		S	S				P	S	S	S	S
Satellite dish antennas	A	A	A	A	A	A	A	A	A	A	A	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Self-service storage facilities												S	S	P		P	P						S		
Terminals, bus													S	P							S	P	P		S
Vehicle storage yards													S	S		S	S								

Veterinary clinics													S	S	P		P	P					P	P		P
Recreational																										
Art galleries													P	P	P	A					A	P	P	P	P	P
Bowling alleys														P	P							S	P	P		P
Campgrounds																				P						S
Health clubs, gymnasiums													P	P	P	S	S	S			S		P	P	P	P
Parks and playgrounds, public and private	P	P	P	P	P	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Riding academies, arenas and/or stables	A														S					S						
Recreation facilities														S	S					S		P	P	P	P	P
Swimming pools, commercial or clubs	S	S	S	S	S	S	S	S	S					S	S					S		P	P	P	P	P
Theaters, (enclosed)													P	P	P							S	P	P	P	P
Theaters, drive-in													P	P	P											

Research																										
Animal experimental research institutes														S	S											
Laboratories, research and support													S	S	P	P	P			S		S	S	S	P	
Research and development, offices and laboratories	A	A	A	A	A	A	A	A	A	A		A	A	P	P	P	P			S		S	S	S	P	
Research or professional offices (no laboratories)	A	A	A	A	A	A	A	A	A	A		A	P	P	P	P	P			P		P	P	P	P	

Industrial																										
Acid mfg. and storage																	S	S								
Asphalt and concrete batch plants																		S								

Resource extraction and distribution, sand and gravel, etc.															S	S								
Fuels; sale, wholesale, manufacturing and storage															S	S								
Furniture and household goods, transfer and storage															P	P								
Furniture, repair										A	A	A			P	P								A
Machine shops												P			P	P								
Manufacturing, light										P	P	P	P		P	P			P					S
Manufacturing, heavy															P	P								
Metallurgical labs											S	S	P		P									
Recreational vehicles, storage											S	S			P	P								S
Salvage yards and junkyards															S	S								
Sheetmetal or welding shops												S			P	P								
Truck repair shops												S			P	P								
Truck terminals															P	P								
Warehousing/storage											A	A	A		P	P								
Waste handling facility													S		S	S								
Wholesale, materials/products											A	P			P	P								

S = Special Use Permit Required

A = Accessory Use

Space = Use Not Permitted

Requirements	R-M*	R-3-L*	R-3-H	R-3-H-40	R-4	R-5	R-6	P-D	SP
<i>Lots</i>									
Area (minimum)	SF: 8,000 sq. ft. (a) 8,000 sq. ft./DU 2F: 10,000 sq. ft. (a) 5,000 sq. ft./DU	SF: 8,000 sq. ft. (a) 8,000 sq. ft./DU 2F: 10,000 sq. ft. (a) 5,000 sq. ft./DU MF: 12,000 sq. ft. (a) 3,000 sq. ft./DU	24,000 sq. ft. (a) 2,000 sq. ft./DU	2 acres (a) 1,000 sq. ft./DU	10 acres (a) Minimum subdivision area 7,000 sq. ft./DU	3 acres (d) Minimum site area 3,000 sq. ft./DU	3 acres (d)	3 acres	3 acres vacant 1 acre developed
Frontage (minimum)	50	65	65	65	None	None	None	None	None
<i>Setbacks (i)</i>									
Main structures									
Front (minimum)	20'	20'	20'	20'	15' (i)	(f)	(f)	(h)	(h)
Rear (minimum)	20'	20'	15'	15'	10'	10'	10'	(h)	(h)
Side (minimum)	(b) (h)	5' & 10'	5' & 10' (b)	5'	(b)	5'	5'	(h)	(h)
Accessory structures	(c) (e)	(c) (e)	(c) (e)	(c) (e)	20'	(f)	(f)	(h)	(h)
<i>Height of Structures</i>									
Main (maximum)	35'	35'	35'	50'	20'	20'	20'	35'	(h)
Accessory (maximum)	12'	12'	15'	15'	12'	12'	12'	12'	(h)
Requirements	R-M*	R-3-L*	R-3-H	R-3-H-40	R-4	R-5	R-6	P-D	SP
<i>Lot Coverage</i>									
Total of all structures (maximum)	40%	40%	40%	40%	40%	40%	40%	40%	(h)
<i>Density</i>									
Maximum no. of DUs per acre of lot area	5.4, 8.7	5.4, 8.7, 14.5	21.8	43.6	6.2	14.5	14.5	PD-2.0 PD-3.5 PD-5.0 PD-7.0 PD-12.0 PD-20.0	(h)

Sec. 16-578-t1. Downtown district and mixed-use district development standards (table).

		CIVIC/PUBLIC OPEN SPACE CPO	TOWN CENTER TCO	NEIGHBORHOOD CENTER NCO	NEIGHBORHOOD GENERAL NGO	MIXED USE
Uses and Design Standards	Maximum impervious cover; maximum lot coverage	80%	No maximum	No maximum	No maximum	70%
	Glazing, minimum ground floor building frontage length	No minimum	40%	No minimum	No minimum	No minimum
	Maximum windowsill height (along ground floor frontage)	N/A	30"	N/A	N/A	N/A
	Lodging, ground floor frontage	Not permitted	No limitation	No limitation	No limitation	No limitation
	Retail and personal services, except restaurants maximum floor area	No maximum	No maximum	No maximum	2500 sf.	No maximum
Architectural interest features	Maximum spacing of features of architectural interest, such as doors, insets, projections, detailing	50'	50'	50'	50'	50'
Building Height	Maximum building height, except within 150' of the property line adjoining Los Alamos Canyon and except within 50' of the boundary of a property in any R zoning district	60'	60' or, if at least 20% of the building floor area is residential OR parking is located in the building, then 75'	45' or, if at least 25% of the building floor area is residential, OR parking is located in the building, then 60'	45'	50'

Created: 2022-01-07 11:17:51 [EST]

(Supp. No. 70)

	Maximum building height within 150' of a property line adjoining Los Alamos Canyon	45'	45'	45'	45'	45'
	Maximum building height on any DT or MU lot adjacent to or abutting any R district, exclusive of right-of-way, within 50' of the DT or MU property line ⁽¹⁾	35'	35'	35'	35'	35'
Setbacks	If a DT or MU zoned lot is adjacent to, exclusive of right of way, or abuts any R district, that portion of the DT or MU property shall mirror the setbacks of the R zoned lot.	0' ⁽²⁾	0' ⁽²⁾	0' ⁽²⁾	0' ⁽²⁾	0' ⁽²⁾
	Canyon Edge: Minimum setback from property line adjoining Los Alamos Canyon, county-owned property	40'	40'	40'	40'	40'
Parking	Park once	Permitted	Permitted	Permitted	Permitted	Permitted
	Shared parking, on-site and off-site	Permitted	Permitted	Permitted	Permitted	Permitted

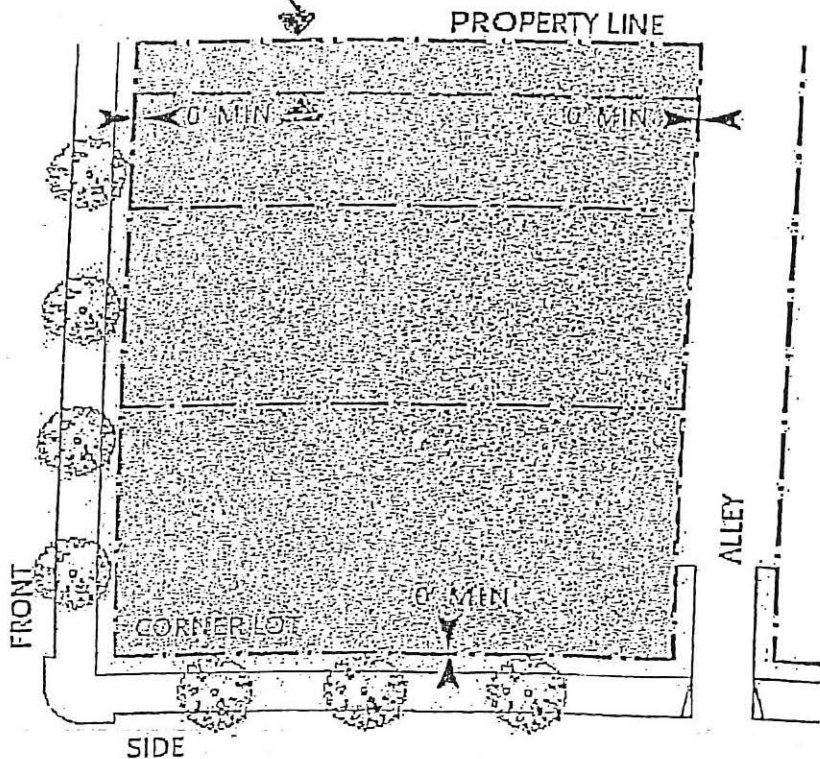
⁽¹⁾ Where both residential and non-residential zoning districts are adjacent, exclusive of right of way, or abut a DT or MU district, the 35' height restriction only applies to that portion of the DT or MU property directly adjacent to or abutting the residential zoning district.

⁽²⁾ See FIGURE 16-578-F1.

FIGURE 16-578-F1

MINIMUM SETBACK FOR
PROPERTY ADJOINING PROPERTY
IN ANY R ZONING DISTRICT*

BUILDING PLACEMENT

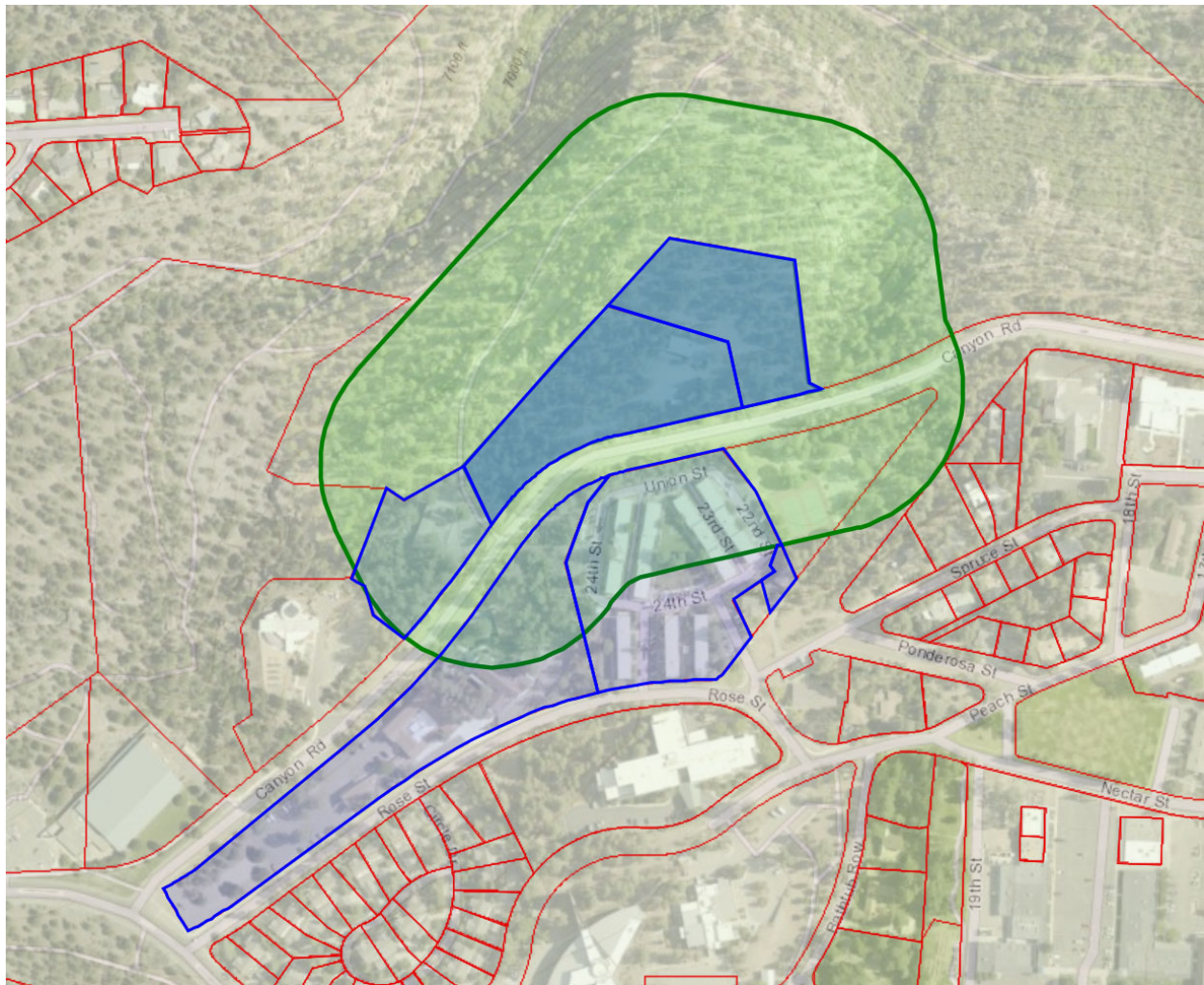


Los Alamos County Council
Special Session
August 2, 2022
Item 3.A

APPLIES TO ALL DOWNTOWN DISTRICT OVERLAY ZONES
AND TO THE MIXED-USE DISTRICT

*IF THE LOT ADJOINS PROPERTY
IN AN R ZONING DISTRICT,
THE MINIMUM SETBACK WILL
MIRROR THE SETBACK ON THE
ADJOINING R ZONED
PROPERTY AND IS EQUAL TO
THE MINIMUM SETBACK ON
THE ADJOINING PROPERTY IN
R DISTRICT

Owner Name		Mailing Address	Mailing Address City	Mailing Address State	Mailing Address Zip
THE UNITED CHURCH OF LA	OR CURRENT OWNER	PO BOX 1286	LOS ALAMOS, NM,	87544	
LOS ALAMOS JEWISH CENTER	OR CURRENT OWNER	2400 CANYON RD	LOS ALAMOS, NM,	87544	
CAP INVESTORS A NEW MEXICO LIMITED PARTNERSHIP	OR CURRENT OWNER	3000 TRINITY DR #62	LOS ALAMOS, NM,	87544	
GREEN ANDREW & EILEEN	OR CURRENT OWNER	2072 SPRUCE ST	LOS ALAMOS, NM,	87544	
TRANSCOR DEVELOPMENT CORP	OR CURRENT OWNER	4131 BARBARA LOOP SE	RIO RANCHO, NM,	87124	
TRANSCOR DEVELOPMENT CORP	OR CURRENT OWNER	4131 BARBARA LOOP SE	RIO RANCHO, NM,	87124	



PUBLIC NOTICE – 100 YDS

- Properties within 100 yds.
- 100yd Buffer

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-327

REVISION NO. 2022-01 IN TEXTUAL FORM TO THE OFFICIAL ZONING MAP OF LOS ALAMOS COUNTY BY REZONING TWO (2) PARCELS CONSISTING OF APPROXIMATELY 4.75 ACRES OF LAND COMBINED: 1) TRACT EA3 Q1 AND 2) TRACT EA3 Q2 FROM MULTIPLE-FAMILY RESIDENTIAL, VERY HIGH DENSITY, DISTRICT (R-3-H-40) TO MIXED-USE (M-U).

WHEREAS, Transcor Development Corporation owns the real properties known as Tract Q1 and Q2, Eastern Area 3, commonly known as 2100 Canyon Road and 2202 Canyon Road, Los Alamos, New Mexico, respectively (hereafter "Properties") which is the subject of this Code Ordinance; and

WHEREAS, the Properties are currently zoned Multiple-Family Residential, Very High Density (R-3-H-40); and

WHEREAS, Section 16-531 of the Los Alamos County Code of Ordinances ("Development Code") authorizes amendments to the official zoning map of the County by application; and

WHEREAS, C. Adam Thornton, dba Transcor Development Corporation, applied to the Planning and Zoning Commission of the Incorporated County of Los Alamos (the "Commission") to change the Official Zoning Map, specifically to zone Tracts Q1 and Q2, Eastern Area 3 to Mixed-Use (MU); and

WHEREAS, the Commission, at its meeting on April 13, 2022, held a public hearing on the application for the amendment to the Official Zoning Map pursuant to the criteria contained in Section 16-155 of the Development Code; and

WHEREAS, the Community Development Department staff properly issued notice to all required parties pursuant to Chapter 16, Article V, of the Development Code; and

WHEREAS, the Commission, after holding a public hearing on the application recommends to the County Council approval of the amendments to the Official Zoning Map; and

WHEREAS, the Planning and Zoning Commission held a hearing on April 13, 2022, at which the Commission found that the amendments to the Official Zoning Map are in conformity with the provisions of Section 16-155 of the Development Code and made the following findings:

- 1) *[Findings of Fact to be included after developed during the Commission hearing]*

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:

Section 1. The Official Zoning Map of the Incorporated County of Los Alamos is hereby amended by rezoning to Mixed-Use (M-U), those certain tracts of land being ~ 4.75 acres of land, combined, more or less, to wit:

- 1) *Tract EA3 Q1, 2.00 ± acres from Multiple-Family Residential, very high density (R-3-H-40) to Mixed-Use (M-U); and*

2) Tract EA3 Q2 2.75 ± acres from Multiple-Family Residential, very high density (R-3-H-40) to Mixed-Use (M-U).

Section 2. The Official Zoning Map of the Incorporated County of Los Alamos is hereby amended to reflect the rezoning referenced herein, and said change to be made to the Official Zoning Map at its next update.

Section 3. Effective Date. This Ordinance shall be effective thirty (30) days after publication of notice of its adoption.

Section 4. 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 5. 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 24th day of May 2022.

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

**Randall T. Rytz,
Council Chair**

ATTEST: (SEAL)

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

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 22-05

A RESOLUTION AMENDING COMPREHENSIVE PLAN / FUTURE LAND USE MAP CHANGING TWO PARCELS, KNOWN AS TRACTS Q1 AND Q2, WITHIN EASTERN AREA 3, AND CONSISTING OF 4.75 ± ACRES COMBINED, DESIGNATED IN THE 2016 COMPREHENSIVE PLAN FUTURE LAND USE MAP AS “HIGH DENSITY RESIDENTIAL”, TO “MIXED USE”.

WHEREAS, State Statutes and the Los Alamos County Code of Ordinances (“Code”) require that the Incorporated County of Los Alamos (“County”) have and maintain a Comprehensive Plan (“Plan”) and that zoning regulations be in accordance with the Plan; and

WHEREAS, the existence of the Plan is fundamental to any future public or private development of the County; and

WHEREAS, the current Comprehensive Plan Future Land Use Map, approved previously with extensive community involvement, was adopted by Council of the Incorporated County of Los Alamos (“Council”) on December 6, 2016, through Resolution No. 16-25; and

WHEREAS, the request is consistent with the overall goals and policies of the 2016 Los Alamos Comprehensive Plan, as adopted by Council on December 6, 2016, through Resolution No. 16-25; and

WHEREAS, the current Plan is a document that includes many details which shall change and adapt over time as market and physical conditions change; and

WHEREAS, the Plan is an overall vision, fundamental planning and development principles, major land uses, and a general implementation strategy that should continue through the life of the Plan; and

WHEREAS, the parcels under consideration are in total approximately 4.75 ± acres; and

WHEREAS, adequate infrastructure is available to serve the proposal; and

WHEREAS, on April 13, 2022, after a properly noticed public hearing, the Planning and Zoning Commission voted to recommend to Council that Council amend the 2016 Comprehensive Plan Future Land Use Map as part of the plan to allow Mixed Use on the north side of Canyon Road in areas formerly indicated as High-Density Residential Use on the map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos that the Los Alamos County Comprehensive Plan be amended to adopt the amendments to the Future Land Use Map.

PASSED AND ADOPTED this 24th day of May 2022.

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

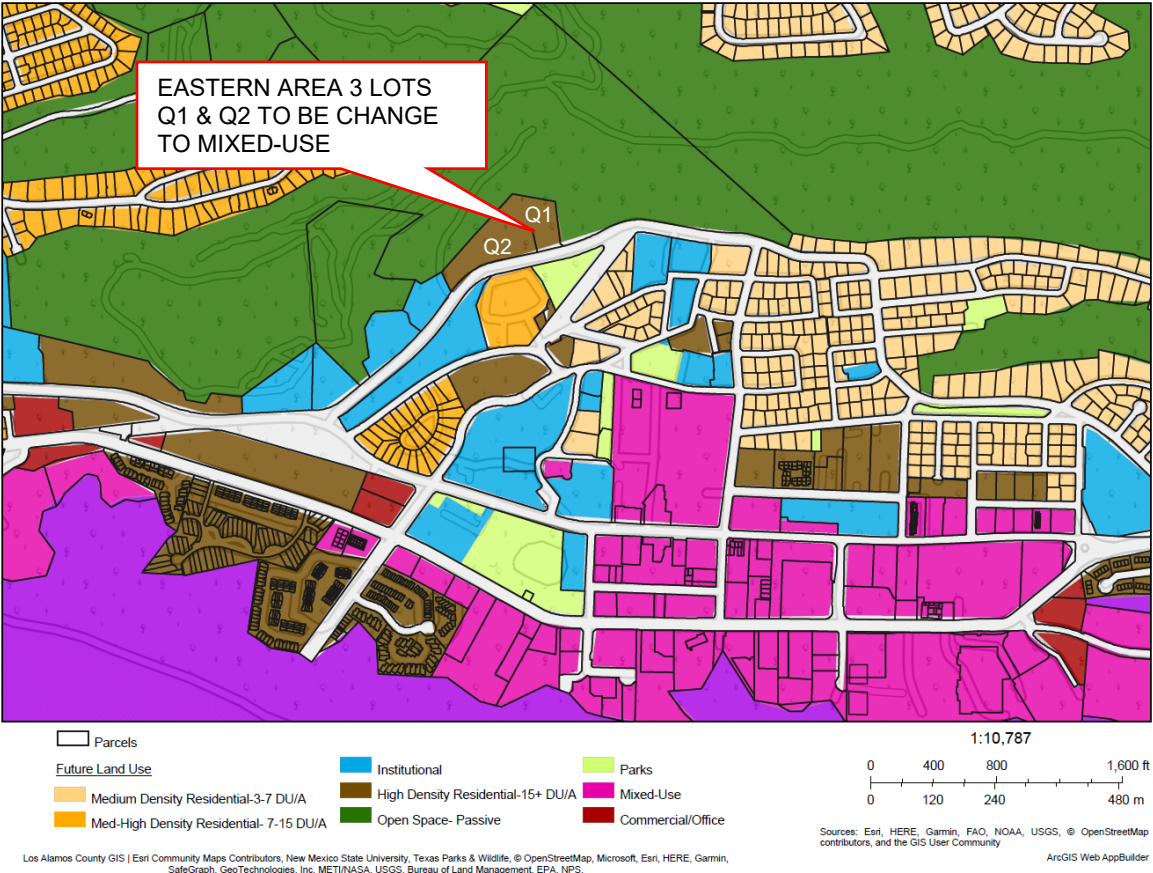
Randall T. Ryti, Council Chair

ATTEST: (SEAL)

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

DRAFT

Future Land Use Map



**BEFORE THE COUNTY COUNCIL
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

Case No. CPA-2022-0008: A request by Los Alamos County Community Development, to amend the Comprehensive Plan – Future Land Use Map (FLUM), changing a designation from High-Density Residential to Mixed Use.

**FINAL ORDER ON
ON APPLICATION CPA-2022-0008**

NOW COMES, the County Council (“Council”) of the Incorporated County of Los Alamos (“County”), and states and finds as follows:

I. FINDINGS OF THE COUNCIL

1. Pursuant to Section 16-161 of the Los Alamos County Code of Ordinances (“County Code”), the Community Development Department (“CDD”) through its Director, Paul Andrus (“Applicant”), submitted an application (“Application”) to amend the County’s adopted Comprehensive Plan (“Plan”) and Future Land Use Map (“FLUM”) to align with application REZ-2022-0017 heard on August 2, 2022, by Council. As provided in the CDD Staff Report and as presented by CDD Staff Desirae Lujan, the application was assigned case number CPA-2022-0008.

2. As provided in the CDD Staff Report, the amendment to the Comprehensive Plan’s FLUM is required by Application REZ-2022-0017 which seeks to rezone the two parcels/properties addressed as 2100 Canyon Road and 2202 Canyon Road (“Properties”) from the R-3-H-40 zoning district to Mixed Use (“MU”) zoning district. In the current FLUM¹, the zoning designation of the

¹ The County’s current Comprehensive Plan is “*Comprehensive Plan, Los Alamos County 2016*.” The Future Land Use Map, or “FLUM” is found in Exhibit 41 of the Comprehensive Plan.



***LOS ALAMOS COUNTY COUNCIL
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two properties are designated “High Density Residential-15+ DU/A.” This application seeks to change these Properties from R-3-H-40 to MU on the FLUM.

3. The Council finds that the required review criteria for the Application is found in Section 16-161 of the Los Alamos County Code of Ordinances (“County Code”). As provided in this section of the County Code, an Applicant must demonstrate the Application: 1) “shall conform to the vision statement and policy plan of the Comprehensive Plan and to the Strategic Leadership Plan of the County Council;” 2) “replaces outdated information in the Comprehensive Plan, responds to changed conditions or provides new information which is not included in the Comprehensive Plan;” and 3) “does not conflict with other parts of the Comprehensive Plan” (County Code, § 16-161).

4. The Council, pursuant to Section 16-161 is required to make findings in regard to the criteria in our approval, conditional approval, or denial.

5. As provided by the CDD Staff Report and testimony of CDD Staff Lujan, notice of the public hearing on August 2, 2022, was provided in accordance with Section 16-192 of the County Code as required by Section 16-195 of the Code.

6. A quorum of the Council was present at the public hearing on August 2, 2022. Testimony for the owner was provided by Adam Thorton and Will Gleason. Testimony on behalf of CDD, (Applicant) was provided by Desirae J. Lujan (Associate Planner), Sobia Sayeda (Senior Planner), and Paul Andrus (Director). Mr. Philip H. Gursky provided testimony on behalf of the Los Alamos Jewish Center, an interested party within 100 yards of the Properties.

7. The Council, having received testimony from CDD Staff (Applicant), Adam Thorton and Will Gleason (owner and owner’s representative), and Mr. Gursky (representing the Jewish Center), finds that the Applicant has met its burden to demonstrate that the Application meets the

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review criteria found in Section 16-161 of the County Code. The Council in support of this finding provides as follows:

a. As to criterion (1) of Section 16-161, the Council finds the proposed Amendment conforms to the Vision Statement of the Comprehensive Plan and the Strategic Leadership Plan of the County Council. The Vision Statement in the Comprehensive Plan states as follows:

The community today has looked ahead to the next ten, even 20 years, and this what it sees: Los Alamos will continue to have a small-town feel, while improving economic vitality will bring significantly more choices for residents in local retail, restaurants, and recreational opportunities. There will be more and varied choices for housing including senior housing and continuing care, smaller units, and affordable housing. Increased tourism will be a benefit to the community through promotion of diversity and growth of the local economy. The community will eliminate blight. It will protect and enhance open space and trails.

(Page ix, *Comprehensive Plan Los Alamos County 2016*)

The 2022 Strategic Leadership plan identifies increasing the amount and types of housing options as a priority area for the Council.

The Application, testimony, and staff reports indicate the proposed amendment to the FLUM will support the provision of increased commercial activity near high-density residential housing, and that these commercial uses will provide needed amenities to those living or working in the vicinity of the Properties. Thus, the proposed amendment conforms to the Vision Statement of the Comprehensive Plan and the Strategic Leadership Plan as both envision an increase in the amount and variety of housing options available to the community as well as providing more choices to residents in regard to retail and other similar amenities. The proposed Amendment also conforms to the policy plan of the Comprehensive Plan by promoting the development of housing stock that would accommodate downsizing households. (id. at 62). The proposed Amendment expands the housing supply to meet the demand from employment growth (Id.)

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The Council also finds the proposed rezone would not alter the character of the neighborhood. Council notes the neighborhood already contains a very high-density residential property with other parcels having non-residential uses such as the Jewish Center, the United Church, and the Nature Center all of which draw some transient traffic to these facilities much like the limited commercial activity that will occur from the proposed development associated with the zoning change to MU. The Council finds that an MU zone supports the provision of increased commercial activity near high-density residential housing that provides needed amenities to those living or working in the vicinity of the Properties exceptionally congruent with the existing character of the neighborhood and, therefore, in conformity with the Comprehensive Plan. Based on the above, the Council finds that criterion (1) is met.

b. As to criterion (2) of Section 16-161, the Council finds the proposed Amendment would replace outdated information in the Comprehensive Plan, responds to changed conditions, or provides new information which is not included in the Comprehensive Plan. Here, Council has approved the application to rezone the Properties from the R-3-H-40 zoning district to Mixed Use ("MU"). Thus, the Future Land Use map now contains outdated information as it currently describes the Properties as High Density Residential when the FLUM should reflect that the Properties are now Mixed-Use. Amendment of the FLUM correctly describes the Properties as MU. Thus, Council finds that criterion (2) is met.

c. As to criterion (3) of Section 16-161, the Council finds the proposed Amendment does not conflict with other parts of the comprehensive plan. As provided in the Order approving the rezone application, Council finds the proposed amendment exceptionally congruent with the existing neighborhood and supportive of many housing and development goals contained in the

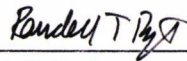
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Comprehensive Plan. Thus, the Council finds that the proposed amendment is not inconsistent with other parts of the Comprehensive Plan.

II. CONCLUSION


Based on the above, the Council finds that the Applicant has demonstrated that the Application is in conformity with the review criteria as found in Section 16-161 of the County Code and APPROVES the Applicant's request for an amendment to the Comprehensive Plan FLUM in this case.

APPROVED this 5th day of August 2022.



Randall T. Rytty,
Chair of the County Council of Los Alamos

ATTEST: (SEAL)



Naomi D. Maestas,
Los Alamos County Clerk



**BEFORE THE COUNTY COUNCIL OF
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

Case No. REZ-2022-0017: A request by Transcor Development Corporation to amend the Los Alamos County Official Zoning Map to rezone two (2) parcels as Mixed-Use (MU). The properties, Eastern Area 3 Q1 and Q2, and commonly known as 2100 and 2202 Canyon Road, respectively, are currently zoned as Multiple-Family Residential, very high density (R-3-H-40). Combined they total approximately 4.75-acres.

**FINAL ORDER ON
ON APPLICATION REZ-2022-0017**

NOW COMES, the County Council of the Incorporated County of Los Alamos (“Council”) who hereby states and finds as follows:

PROCEDURAL POSTURE

This matter comes to the Council pursuant to Section 16-452(b)(2). The Council will determine whether to grant the request made by Transcor Development Corporation (“Transcor” or “Applicant”) in its Rezoning Application (“Application”) to rezone Lots EA3 - Q1 and Q2 (“Properties”) from Multiple-Family Residential, very high-density (R-3-H-40) to Mixed-Use (MU). The Council conducted a public hearing on the Application at a special session of on August 2, 2022, beginning at 1:00 p.m.in Council Chambers (“Hearing”). (See, *Public Notice pursuant to Chapter 16, Sec. 16-195*, Attachment B, Staff Report for August 2, 2022, special session.)

REVIEW CRITERIA FOR APPLICATION

The review criteria the for the Application are provided in Section 16-155 of the Los Alamos County Code of Ordinances (“Code”).



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Page(s): 10 Naomi D Maestas - County Clerk
Los Alamos County, NM Allison Collins - Deputy



PUBLIC HEARING AND THE EVIDENTIARY RECORD

At the Hearing, the Council considered the recommendation of the Planning & Zoning Commission, as well as testimony from the following:

1. Transcor through its representatives Adam Thornton, its chief executive, and Will Gleason of Dekker, Parish, Sabatini;
2. The Los Alamos Jewish center through its agent, Phillip Gursky; and
3. The Community Development Department through Desiree J. Lujan, Associate Planner, Sobia Sayeda, Senior Planner, and Paul Andrus, Director.

In addition to above, the Council considered the documentary evidence entered into the record which includes the Application, the staff report, and the exhibits and attachments from the August 2, 2022, agenda packet. The attachments include the proposed county ordinance that would amend the zoning map, the public notice for the August 2, 2022 hearing, the Community Development Department's staff report provided to the Planning & Zoning Commission as part of the Commission's hearing on the matter, the recommendation of the Planning & Zoning Commission, and a copy of the criteria for reviewing the Application as referenced above. Additionally, the presentations made by Mr. Gleason and Ms. Lujan to the Council were entered into the record as was the *Protective Covenants* agreement entered between the Jewish Center and the Applicant.

I. FINDINGS OF THE COUNCIL

1. On March 9, 2022, Transcor submitted a Rezoning Application. The application requests that the Commission recommend the amendment of the County's Zoning Map pursuant to Section 16-155 of the Code.

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2. As provided in the Application, and as provided in the CDD Staff Report, the Application seeks to rezone the Properties from Multiple-Family Residential, very high-density (R-3-H-40) to Mixed-Use (MU).

3. The Properties are addressed as 2100 Canyon Road and 2202 Canyon Road, and the Applicant, since April 2019, is the legal owner of the Properties. The two lots combined total 4.75 acres.

4. As provided in the CDD Staff Report and testimony of CDD Staff Lujan, the Application was presented to the County's Interdepartmental Review Committee ("IDRC") on March 17, 2022. Per the testimony of Mrs. Lujan, the IDRC did not have any comments, recommendations, or denial of the rezoning action. However, the IDRC did provide comments related to a later application for a site plan application.

5. As provided by the CDD Staff Report and testimony of CDD Staff Lujan, notice of August 2, 2022 hearing was provided in accordance with Section 16-192 of the Code as required by Section 16-195 of the Code.

6. As the Application is for an amendment to County's official zoning map review, the Council finds that the review criteria found in Section 16-155 apply to the Commission's review and decision-making process.

7. The Council, having received and considered testimony of the Applicant, The Jewish Center, staff from the Community Development Departments Planning Division, the recommendation of the Planning & Zoning Commission, and the documentary evidence, the Council finds that the Applicant has met its burden to demonstrate that the Application meets the review criteria in Section 16-155 of the County Code. The Council, in support of this finding, states as follows:

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a. As to criterion (1) of Section 16-155, the Council finds that the request substantially conforms to the Comprehensive Plan and shall not be materially detrimental to the health, safety, and general welfare of the County. The Council notes the Planning & Zoning Commission reached a different finding based on the testimony provided by Mr. Gursky on behalf of the Jewish Center to the Commission at its April 21, 2022 hearing. At the August 2, 2022 hearing before Council, Mr. Gursky admitted that he had obtained additional information and knowledge rendering most or all of his testimony provided to the Commission stale. Further, Mr. Gursky testified the Jewish Center had clarified the extent of the commercial operations on the property through reaching a mutual agreement with the Applicant. Mr. Gursky also testified that the Jewish Center no longer objects to the proposed zoning map amendment.

Based on the evidence presented at the August 2, 2022 hearing and the lack of objection to the proposed rezone, the Council is convinced that the MU zone will not materially alter the character of the existing neighborhood. Council notes the neighborhood already contains a very high-density residential property with other parcels having non-residential uses such as the Jewish Center, the United Church, and the Los Alamos Nature Center all of which draw some transient traffic to these facilities much like the limited commercial activity that will occur from the proposed rezone.

Further, the proposed rezone supports many other goals of the Comprehensive Plan regarding housing. The rezone will provide choices in housing especially in the downtown area. (See Page VIII, Executive Summary, Comprehensive Plan, Los Alamos County 2019). Council does note that the parcels are not in the downtown area of Los Alamos but are less than a mile from the heart of downtown and short walk to the beginning of the downtown area.

Also, the proposed zoning change supports the housing goal of developing housing stock that would accommodate downsizing households.

The Council also takes notice of the fact that Los Alamos County suffers an acute housing shortage, and this proposed rezone will support the development of high-density residential housing to combat the County's acute housing shortage. Therefore, the Council finds that the proposed rezone promotes the health, safety, and general welfare of the county and is therefore not materially detrimental to the health, safety, and general welfare of the county.

Finally, given that the Jewish Center has conceded that its testimony before the Planning & Zoning Commission is stale; that the Jewish Center was the only party presenting testimony in opposition to the proposed rezone before the Planning & Zoning Commission; and that now the Jewish Center supports the Application for the MU rezone, the Council must give little weight to the recommendation provided by the Planning & Zoning Commission.

b. As to the criteria (2) of Section 16-155 the Council finds that the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity or gas, storm sewer, streets and sidewalks, traffic control, parks, fire and police are adequate to serve the property should a rezoning result due to the expected increase of the intensity of use of the property. Here, the Council notes that the Application was presented to the IDRC for technical review. The Application contained a proposed layout of the high-density mixed-use development, and the IDRC voiced no concerns and made no objection to the proposed rezone. Given the lack of concerns or objections from the IDRC, the Council makes the reasonable inference that had there been any issue with the adequacy of public services for this property the IDRC would have voiced those concerns or

made objections. Absent any objection from the IDRC, the Council finds that there is no evidence to support the position that the availability of services to the property are inadequate.

Further, Council rejects the proposition that applications for a mixed-use rezone that do not contain a site plan cannot meet criteria (2) due to the lack of specificity about the proposed use that necessarily comes with a site plan. Applications are reviewed by the IDRC subject matter experts on the adequacy of public services and facilities that serve the Properties. This panel of experts expressed no concern over the adequacy of the public services and facilities to serve the Property. There is simply no evidence before the County Council that suggests the public services and public facilities to serve the Property are inadequate. The Council infers from the lack of concern expressed by the IDRC that the IDRC is satisfied that public services and facilities are adequate for the Properties (see Page 6 and 7 of the Planning & Zoning Commission Staff Report). As such, the Council finds that criterion (2) is met. Further, Council notes that the sufficiency of the infrastructure will be reviewed again by the IDRC through the site plan approval process.

c. As to criterion (3) of Section 16-155, the Council finds that the establishment, maintenance, or operation of the uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working adjacent to the Properties. The Jewish Center was the only interested party to raise any concerns about this criterion with the Planning & Zoning Commission. The Commission did reach a different conclusion on this criterion. However, at the August 2, 2022 hearing, the Jewish Center conceded that its testimony before the Planning & Zoning Commission was stale; the Jewish Center was the only party presenting testimony in opposition to the proposed rezone before the Planning & Zoning Commission, and that Mr. Gursky testified that the

Jewish Center now supports the rezone Application, the Council must give little weight to the recommendation provided by the Planning & Zoning Commission on this criterion.

Further, the Council finds that the proposed rezone supports the provision of increased commercial activity near high density residential housing, and that these commercial uses will provide needed amenities to those living or working in the vicinity of the Properties.

The Council notes that the proposed development of the Properties will go through the site plan review process. This process will require the Applicant to prepare a traffic study in coordination with the County Engineer to ensure basic traffic safety standards for this specific development are met. Further, the site plan review process will require meeting all requirements regarding parking, ingress and egress of emergency vehicles and other life safety standards to obtain approval of the site plan from the Planning & Zoning Commission (see page 7 of the Planning & Zoning Commission Staff Report).

Because there are now no objections to this rezone, and that general safety considerations regarding the proposed development will be addressed through the site plan review process, the Council concludes that criterion 3 has been met.

d. As to criterion (4) of Section 16-155, the Council finds that the proposed zoning is appropriate because (1) the mixed-use zoning was not available when the property was rezoned to high-density housing in 2011 and (2) the proposed zoning map amendment is more likely to meet the goals contained in the Comprehensive Plan. The mixed-use zone was added to the County Development Code in 2017 to address housing and commercial needs cited in the Comprehensive Plan. The Council noted the position of the Applicant that the “aspect of Mixed-Use district-retail and services in close proximity to housing developments—is a

nationwide land development trend that has been shown to promote a higher standard of living for residents.”

Further, as previously stated the proposed rezone promotes many housing goals in the Comprehensive Plan. In addition, the zoning map amendment promotes goals of the Comprehensive Plan by improving the quantity and quality of retail businesses and increasing residential densities in new developments in or near the downtown area.

Also, the proposed rezone promotes the Redevelopment Goals of the Comprehensive Plan by promoting the development of underutilized properties and encouraging infill development (see page 5 of the Planning & Zoning Commission Staff Report). In November of 2012, the Los Alamos Visiting Nurse Service, Inc. obtained site plan approval for a home care and hospice service campus, but that development never occurred. Prior to the efforts of the Los Alamos Visiting Nurse Service, Inc., a local developer had the property rezoned for very high-density residential development. That development never occurred. Prior to the efforts of the local developer, the property was maintained as a single residence with the property being utilized by the Boy Scouts of America as a meeting facility (see page 2 of the Planning & Zoning Commission Staff Report). Based on the above facts, the acute housing crisis in the county, and the location of the property near the downtown area, the Council finds that the proposed rezone supports the goal of developing underutilized property for infill development in the county.

The evidence presented indicates that the proposed rezoning supports the provision of increased commercial activity near high-density residential housing, consistent with numerous goals of the Comprehensive Plan. There is no opposition to the rezone from any interested

party. The Community Development Department supports the Application, and the IDRC has voiced no concerns or objections. Based on the above the Council finds that criterion 4 is met.

e. As to criterion (5) of Section 16-155, the Council finds that the proposed MU rezone does not result in spot zoning or strip zoning. Section 16-9 of the Code defines spot zoning as a rezoning of a lot or parcel to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect furthering the Comprehensive Plan. As provided above, the proposed rezone furthers housing and redevelopment goals in the Comprehensive Plan. Further, this MU rezone is for the purpose of promoting increased commercial amenities near high-density residential housing. Given that the existing zone already provides for very high-density residential development, other high-density developments adjacent to or in the vicinity of the Properties, and that other adjacent and nearby parcels operate as non-residential properties such as the Jewish Center, United Church, and the Pajarito Environmental Education Center convince the Council that this rezone is compatible with the surrounding uses. Further, the term strip zoning is defined as “the rezoning of a parcel of land along a street to allow uses different from those along the same street.” For the same reasons this proposed rezone does not constitute spot zoning the Council finds the proposed rezone does not constitute strip zoning. The Council finds that criterion 5 is met.

f. As provided by CDD Staff Lujan, the Council finds that review criterion (6) of Section 16-155 is not applicable to this Application and review as the proposed rezoning action and zoning map amendment does not include the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval.

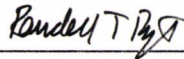
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CONCLUSION

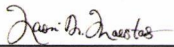
Based on the above, the Council finds that the Applicant has demonstrated that the Application to amend the official zoning is in conformity with the review criteria as found in Section 16-155 of the County Code. Therefore, the Council APPROVES the Applicant's request for an amendment to the official zoning map in case number REZ-2022-0017.

APPROVED this 5th day of August 2022.



Randall T. Ryti,
Chair of the County Council of Los Alamos

ATTEST: (SEAL)



Naomi D. Maestas,
Los Alamos County Clerk

