

City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law

Case No. 2014-87

Appellant's Name – Columbus Capital, d/b/a 1640 Hospital Drive, LLC

Case No. 2014-89

Appellant's Name – Old Santa Fe Association

THIS MATTER came before the City of Santa Fe Governing Body (Governing Body) for hearing on October 29, 2014 (Appeal Hearing), upon the consolidated appeals (Appeal) of Columbus Capital, d/b/a 1640 Hospital Drive, LLC (Applicant) and the Old Santa Fe Association (OSFA) (collectively, the Appellants) from the August 12, 2014 decision of the City's Historic Districts Review Board (HDRB) in Case #H-13-095 (Decision) approving the demolition of three non-contributing buildings at 321, 325 and 329 West San Francisco Street (collectively, the Buildings) and the construction of new buildings to replace them (the Replacement Buildings), but with conditions requiring the alteration of the Applicant's proposed design (the Proposed Design) for the Replacement Buildings by requiring the elimination of a portal on the W. San Francisco façade and of a two-story bell tower at the intersection of the east and south facades on the corner of W. San Francisco and Guadalupe Street (collectively, the Conditions).

The record on the Appeal (the Record) includes the following documents:

1. The Verified Appeal Petition filed by the Applicant on August 27, 2014;
2. The Verified Appeal Petition filed by OSFA on August 27, 2014;
3. The relevant portion of the minutes of the July 22, 2014 HDRB meeting;
4. Findings of Fact and Conclusions of Law embodying the Decision adopted by the HDRB on August 12, 2014 and filed with the City Clerk with the records of the City as Item #14-0774;
5. Memorandum to the Members of the Governing Body dated October 23, 2014 for the October 29, 2014 meeting of the Governing Body from Zachary Shandler, Assistant City Attorney, regarding the from the Decision, with Exhibits A-F;
6. The Applicant's 2013 and 2014 south and west Building elevations and the Applicant's overhead footprints provided to the Governing Body by Mr. Shandler;
7. A map, an aerial photograph and color photographs provided to the Governing Body by David Rasch, HDRB staff;
8. Drawings of certain building elevations and footprints provided to the Governing Body by Mr. Rasch; and
9. Submittals made by the Applicant at the Appeal Hearing, identified by the Applicant as Exhibits "A" through "E".

A copy of the HDRB Findings of Fact and Conclusions of Law is attached as Exhibit A and incorporated herein by reference.

After conducting a public hearing and having reviewed the Record and heard from the Applicant, OSFA, City staff and members of the public, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The Governing Body reviewed the Record and heard the report of City staff and received testimony and evidence from the Applicant, OSFA and from members of the public interested in the matter.
2. Pursuant to Santa Fe City Code (SFCC) §14-2.2(F), the Governing Body has the power and authority on appeals of final actions of any Land Use Board to hear *de novo* and decide the matter that is the subject of appeal after giving notice in accordance with the notice provisions of SFCC §14-3.1(H)(4).
3. Pursuant to SFCC §14-3.17(A)(1)(b), final actions of a Land Use Board include a decision made after a public hearing.
4. The Decision is a final action subject to appeal to the Governing Body to hear and decide the matter.
5. Notice of the Appeals was properly given in accordance with the notice provisions of SFCC §14-3.1(H)(4).
6. HDRB Findings of Fact 1, 2, 4 through 9 and 11 and 12 accurately reflect the facts in this matter as presented at the Hearing.
7. The Proposed Design does not reestablish the street section/block. The elements if the Proposed Design that fail to reestablish the street section/block include:
 - a. Wider sidewalks;
 - b. Portal on W. San Francisco Street;
 - c. Two-story bell tower; and
 - d. Window and door openings that do not reflect the modest window and door openings currently found in the Buildings and in other buildings on the W. San Francisco Street façade of San Francisco Street Plaza.
8. The Buildings may be demolished only after the Applicant submits to the HDRB a design for the Replacement Buildings that incorporates the elements identified in Finding of Fact 7 above and obtains HDRB approval for such design.

CONCLUSIONS OF LAW

Under the circumstances and based upon the Record and the evidence and testimony submitted at the hearing, the Governing Body CONCLUDES as follows:

1. The Governing Body has the power and authority to hear and decide the matters that are the subject of the Appeal.
2. The Buildings are noncontributing.
3. The design for the Replacement Buildings is required to reestablish the unique street section/block incorporating the design elements identified in Finding of Fact 7 above in accordance with HDRB Conclusion of Law 2.
4. The Proposed Design does not reestablish the street section/block identified by the HDRB.

WHEREFORE, IT IS ORDERED ON THE _____ OF NOVEMBER 2014 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

1. That the Appeals are hereby denied;
2. That the Applicant is required to redesign the Replacement Buildings to incorporate the design elements set out in Finding of Fact 7 above in order to reestablish the street section/block;
3. That the Applicant is required to submit the redesigned Replacement Buildings to the HDRB for its approval prior to obtaining a permit to demolish the Buildings.

Mayor

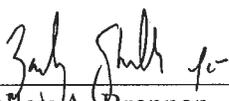
Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:



Kelley A. Brennan
City Attorney



Date: