



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

Case No. 2015-47

Christus St. Vincent Regional Medical Center Master Plan Amendment

Owner's Name – Christus St. Vincent Regional Medical Center

Applicant's Name – WHR Architects, Inc.

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on October 28, 2015 upon the application (Application) of WHR Architects, Inc. as agent for Christus St. Vincent Regional Medical Center (Applicant).

On August 6, 2015 the Planning Commission (Commission) voted to recommend, subject to certain conditions (the Conditions), that the Governing Body approve certain amendments to the Christus St. Vincent Regional Medical Center Master Plan (Master Plan) for approximately 47.8 acres of land located at the northeast corner of Hospital Drive and St. Michael's Drive comprised of Tract A-1, Tract A-2, Tract B-1, Tract B-2-A, Tract B-2-B, Tract C and Tract D (collectively, the Property). Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote recommending that the Governing Body approve the amendments to the Master Plan, subject to the Conditions, and the Commission's Order (Commission Order), were adopted by the Commission on September 3, 2015 and were filed with the City Clerk as Item #15-0893. The Commission also approved the Applicant's request for two variances, a special use permit and a development plan (Development Plan) with respect to the expansion of its hospital facility and related improvements (Project), which are also addressed in the Commission Findings and Conclusions. A copy of the Commission Findings and Conclusions is attached as **Exhibit A**.

In accordance with the foregoing, and after conducting a public hearing (the Hearing), and having heard from staff, the Owner and its representatives, residents of the neighborhood in which the Property is located, and certain interested others, the Governing Body hereby FINDS as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Section 14-3.9(C)(5) to approve or amend a master plan at a public hearing with notice provided as required by Code Section 14-3.1(H)(2) and applying the criteria set forth in Code Section 14-3.9(D).
2. Code Section 14-3.1(H)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that, in addition, the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
3. The Notice Requirements have been met.
4. Code Section 14-3.9(D)(1) requires the Governing Body to make the following findings in approving or amending a master plan (the Required Findings): (a) the master plan is

consistent with the general plan; (b) the master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards in those districts; (c) development of the master plan area will contribute to the coordinated and efficient development of the community; and (d) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development.

5. The Governing Body reviewed the report dated October 19, 2015 for the October 28, 2015 prepared by City staff (Staff Report) summarizing the Application and the Commission vote recommending that the Governing Body approve the Application, subject to the Conditions; the Commission Findings and Conclusions embodying said vote and the Commission's Order; and the evidence introduced at the Hearing.
6. The Governing Body heard direct testimony from City staff, the Applicant's representatives, residents of the neighborhood in which the Property is located, and certain interested others.
7. Commission Findings Fact 1, 2, 5, 6 through 39 accurately reflect the facts in this matter as presented at the Hearing.
8. Commission Conclusions of Law 1 through 5 are within the authority of the Commission and are reasonably based upon the Commission Findings of Fact.
9. The Commission's Order recommending approval of the amendments to the Master Plan, subject to the Conditions, as amended within said Order, is within the authority of the Commission.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Governing Body hereby CONCLUDES as follows:

1. The Commission Findings and Conclusions are adopted in part by the Governing Body as follows: Commission Findings 1, 2, 5, 6 through 39 and Conclusions of Law 1 through 5. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. Consistent with Commission Findings of Fact 14 through 17, adopted by the Governing Body herewith, the proposed amendments to the Master Plan, subject to the Conditions, meet the approval criteria established by Code Section 14-3.9(C).

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF NOVEMBER 2015 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

That the Application is approved, subject to the Conditions, together with the following additional conditions to be placed on the Master Plan, unless noted otherwise:

1. That construction hours for outside improvements for the Project shall not be noted on the Master Plan, but shall be noted on the Development Plan as follows: Monday through Friday, 7 a.m. to 7 p.m.; Saturday, 8 a.m. to 5 p.m.; with no outside work on Sunday.

2. The proposed future addition to the Medical Dental Building is subject to development plan approval by the Commission in compliance with applicable height limits pursuant to Code Sections 14-7.3(A), Table 14-7.3-1 and 14-5.5(A)(4), unless a height variance is granted by the Commission.
3. The barrier fence, landscape barrier and generator enclosure noted on the Development Plan as approved by the Commission, shall be completed as soon as possible as construction begins.
4. The Certificate of Occupancy will not be issued until the conditions established by the Commission with respect to the Development Plan are fulfilled.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date:

FILED WITH THE CITY CLERK:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kelley Brennan  
City Attorney

  
\_\_\_\_\_  
Date:

City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law

Case #2015-47

455 St. Michaels Drive Christus St. Vincent Regional Medical Center Master Plan Amendment

Case #2015-74

455 St. Michaels Drive Christus St. Vincent Regional Medical Center Development Plan & Variances

Case #2015-75

455 St. Michaels Drive Christus St. Vincent Regional Medical Center Special Use Permit

Owner's Name – Christus St. Vincent Regional Medical Center

Applicant's Name – WHR Architects, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on July 2, 2015 and August 6, 2015 upon the application (Application) of WHR Architects, Inc., as agent for Christus St. Vincent Regional Medical Center (Applicant).

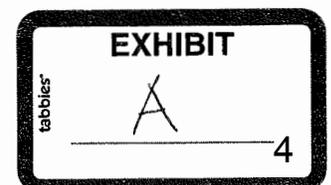
The property is located within the St. Vincent Hospital Campus Master Plan. The original master plan was approved in 1985 and was amended in 2006. The Applicant now: (1) requests recommendation for approval of amendments to the St. Vincent Hospital Campus Master Plan; (2) requests approval of a Development Plan, which includes the construction of a 65,500 square foot addition on Tract A-I-3 containing 20.65± acres and Tract A-2 containing 9.29± acres and two variances (a) under Table 14-7.3-1 to allow 41 feet where 36 feet is the maximum structure height in a C-1 district; (b) under Code Section 14-5.5(A)(4) to allow 41 feet where 25 feet is the maximum structure height in the South Central Highway Corridor Protection District and (3) requests approval of a special use permit, which includes construction of a 65,500 square foot addition of a hospital facility in a C-1 District.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Code § 14-3.9 (C) sets out certain procedures for amendments to master plans including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.9(D).
3. Code §14-3.6(C) sets out certain procedures for special use permit approval, including, without limitation, a public hearing by the Commission and approval based upon the criteria set out in Code §14-3.6(D).



4. Code § 14-3.8(C) sets out certain procedures for development plan approval, including, without limitation, a public hearing by the Commission and approval based upon the criteria set out in Code § 14-3.8(D).
5. Code § 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§ 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§ 14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. Code § 14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code § 14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code § 14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§ 14-3.1(F)(6)].
7. A pre-application conference was held on October 30, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
8. An ENN meeting was held on the Application on March 17, 2015 at the Santa Fe University of Art and Design Forum Lecture Theater.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant and City staff; there were 17 members of the public in attendance and concerns were raised.
11. Commission staff provided the Commission with June 25, 2015 and July 29, 2015 reports (Staff Report) evaluating the factors relevant to the Application.
12. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings in the Staff Report, subject to certain conditions (the Conditions) set out in such report.

#### Master Plan Amendment

13. Under Code Section 14-3.9, an amendment to the Master Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
14. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(a) and finds the following facts: *The master plan is consistent with the general plan.* The St. Vincent Hospital Campus Master Plan complies with the existing density and land use proposed by the City General Plan.
15. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(b) and finds the following facts: *The master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts.* Consistent with General Plan policies, the Master Plan amendment includes construction at an institutional facility.
16. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(c) and finds the following facts: *Development of the master plan area will contribute to the coordinated and efficient development of the community.* Consistent with General Plan policies, the amendments to the Master Plan will enhance the provision of medical care and ensure provision of community services for residents.

17. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(d) and finds the following facts: *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development.* Necessary infrastructure and road alignments were previously determined and approved as part of the master plan. The 2006 Master Plan included fifteen conditions, some of which were to be met for all phases subsequent to the Emergency Room Expansion. The subsequent Outpatient Services project was permitted and built without addressing some of the requirements of the 2006 Master Plan.
18. The Applicant requests to modify or delete conditions #1, 4, 5, 6, 7, 8, 11, 12, 13, 14 as found in Sheet MP-1.
19. The Staff Report supported the modification or deletion of these conditions, provided they are replaced with a series of new conditions found in Staff's Exhibit A and the MPO's written submittal (collectively hereinafter as "Exhibit A").
20. Based on the Staff Report and public testimony, the Commission adopted Exhibit A, contingent on the adoption of several modifications to Exhibit A.
21. There was testimony from the City's Traffic Engineering Division and from the public regarding unresolved traffic issues and the 2006 Master Plan.
22. The Traffic Engineering Division's Condition #2, which relates to the 2006 Master Plan Condition #4, shall be amended to read: "The developer shall limit access at their southernmost access point onto Hospital Drive to an entrance only, right-in/left-in right-in/right-out only. This shall be accomplished by signage constructing a raised median." The third and fourth sentences of the Division's condition shall still apply.
23. The Traffic Engineering Division's Condition #4a, which relates to the 2006 Master Plan Condition #6b, shall be amended to add: "Funds equal to the developer's contribution will be placed and held in an escrow account to be maintained by the City. The developer's contribution shall be used solely for the costs that are necessarily incurred for the design, construction or right-of-way acquisition, with either a traffic signal or a roundabout at the Galisteo/San Mateo intersection ("Improvements") and for no other purpose. Any remaining escrow funds not used for the design, construction or right-of-way acquisition of the Improvements within five years of the recordation of the Development Plan shall be returned to the Developer upon request of the Developer."
24. Traffic Engineering Division's Condition #4b, which relates to the 2006 Master Plan Condition #6d, shall be amended to read: "The TIA projects that during this phase of development, the Hospital's northern most access onto Hospital Drive (across from Harkle Road) will fail. At the time of development, the developer shall evaluate all options, including but not limited to implementation of a roundabout, ~~limit access at this location to right in/right out/left in only~~, unless a revised TIA with more recent traffic data shows that the access operates at adequate levels of service under its current configuration."
25. The 2006 Master Plan Condition #6d called for traffic improvements/mitigation on Hospital Drive.
26. There shall be an additional condition to the Traffic Engineering Division's conditions which shall read: "Applicant shall provide pro rata participation in traffic calming along

- Hospital Drive if and to the extent such traffic calming is determined to be necessary by the Public Works Department.”
27. The 2006 Master Plan Condition #6c called for a review of access points to the property and Condition #7 called for a review of the entrance on St. Michael’s Drive.
  28. The Applicant’s testimony provided that its goal is to have St. Michael’s Drive as the primary access point to the property.
  29. The City Transit Division’s testimony provided that it could re-route all of its buses to have St. Michael’s Drive as the primary access point to the property (and thus avoid an access point on Hospital Drive) provided the grade of the primary access point was corrected to eliminate damage to the back side of the buses.
  30. There shall be an additional condition to the Traffic Engineering Division’s conditions which shall read: “Applicant shall make improvements to provide that St. Michael’s Drive is the primary access point to the property, based on review by the Transit Division and review and approval of the Public Works Department.”
  31. There was testimony from Staff and from the public regarding unresolved landscaping issues from the 2006 Master Plan.
  32. The Land Use Department Landscaping conditions, which relate to the 2006 Master Plan Condition #1, shall include an additional condition, which shall read: “Landscape improvements associated with Sheet LP-104, LP-105, and L-106 shall be installed in Spring 2016.”
  33. There was testimony from the public regarding unresolved internal circulation issues from the 2006 Master Plan Condition #12.
  34. The Land Use Department Current Planning conditions shall include an additional condition: “The Applicant shall expand its Internal Site Traffic Circulation Plan to study an Internal Pedestrian Circulation Plan.”
  35. There was testimony from the public regarding unresolved completion of the 1985 and 2006 Master Plan conditions.
  36. The Land Use Department Current Planning conditions shall include an additional condition: “The Applicant shall return to the Planning Commission within one year to provide a review of progress and compliance with all Master Plan conditions.”
  37. The City Engineering Division and the State Department of Transportation did not support a new curb cut on the eastern part of St. Michael’s Drive for a future access driveway for maintenance vehicles.
  38. Based on the above, the Commission did not adopt this new curb cut as part of its approval of the Master Plan.
  39. The Applicant provided testimony that the structural systems of the two-story 65,500 square foot addition will be designed and constructed in order to accommodate the cost effective construction of two additional stories. The Commission did not address this further addition as part of its approval of the Master Plan.

#### The Special Use Permit

40. Under Code Section 14-3.6(C), a special use permit requires a submittal of an application for review and approval by the Planning Commission.

41. Code Section 14-3.6(C) requires: (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [§14-3.6(C)(1)]; (b) submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [§14-3.6(C)(2)]; and (c) that a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [§14-3.6(C)(3)].
42. The Commission has considered the criteria established by Code Section 14-3.6(D)(1)(a) and finds the following facts: *that the Commission has the authority to grant a special use permit for the Project.* The Planning Commission under Code Section 14-2.3(C)(3) is granted the authority to take action on a special use permit if it is part of a development plan.
43. The Commission has considered the criteria established by Code Section 14-3.6(D)(1)(b) and finds the following facts: *That granting a special use permit for the Project does not adversely affect the public interest.* The special use permit does not adversely affect the public interest in that the building addition will provide a benefit to the health, safety and privacy of the hospital's patients.
44. The Commission has considered the criteria established by Code Section 14-3.6(D)(1)(c) and finds the following facts: *That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project.* City Code establishes a hospital as an Institutional use, which is permissible within a C-1 District with a special use permit. The building addition is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project in that the building addition has been sited on the south side of the property to minimize adverse visual, traffic and noise and other impacts to the neighborhood on the north side of the property.
45. Pursuant to Code Section 14-3.9(B)(3), the special use permit is consistent with the Master Plan.

#### Development Plan

46. Under Code Section 14-3.8(B)(3), a development plan requires a submittal of an application for review and approval by the Planning Commission.
47. Code Section 14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of the Code (the Submittal Requirements).
48. The Applicant has complied with the development plan Submittal Requirements.
49. The Commission has considered the criteria established by Code Section 14-3.8(D)(1)(a) and finds the following facts: *that the Commission has the authority to approve the development plan for the Project.* Pursuant to Code Section 14-3.8(B)(3)(a), approval of a development plan by the Commission is required prior to new development with a likely gross floor area of thirty thousand square feet or more located within any residential district in the City. The building addition will be a 65,500 square foot addition.
50. The Commission has considered the criteria established by Code Section 14-3.8(D)(1)(b) and finds the following facts: *That approving the development plan for the Project does not adversely affect the public interest.* Based upon the analysis contained in the Staff

- Report, the evidence presented at the public hearing and the facts set forth in paragraph 42 above, approving the development plan will not adversely affect the public interest.
51. The Commission has considered the criteria established by Code Section 14-3.8(D)(1)(c) and finds the following facts: *That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project.* Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraph 43 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
  52. Pursuant to Code Section 14-3.9(B)(3), the development plan is consistent with the Master Plan.
  53. Code Section 14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
  54. The Staff Report provided a set of conditions as found in Exhibit A.
  55. The Applicant stated it will enclose the generator on the northeast side of the property with a manufactured enclosure during the early phases of the upcoming construction project. The generator in the central part of the property is already enclosed. The Applicant presented a letter from the current owner of the Physicians Plaza Building stating that the generator would be removed.
  56. The Applicant stated it could limit the noise levels to 50dBA throughout the day and night.
  57. The Land Use Department Current Planning's Condition #2 shall be amended to read: "Noise from generators and or mechanical equipment within the Hospital Master Plan campus at the residential property shall not exceed 50 dBA twenty-four hours a day ~~from the hours between 9:00pm to 7:00am and 55dBA from the hours between 7:00am to 9:00pm.~~"
  58. The Land Use Department Current Planning conditions shall include an additional condition: "The construction hours for outside Project improvements shall be: Monday through Friday, 7 a.m. to 7 p.m.; Saturday, 8 a.m. to 5 p.m., with no work on Sunday."
  59. The Applicant provided a sustainability plan, which included such items as low flow toilets and lighting fixtures, within its Application.
  60. The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall follow its own sustainability plan as provided in its Application."
  61. The Applicant, at the hearing, stated they would not use stucco stone on the outside of the addition.
  62. The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall use true stone and not stucco stone on the outside of the addition."
  63. The 1985 Master Plan had a section titled: "Signing" and states a "separate study should be conducted on the sign treatment for the Hospital."
  64. The Land Use Department, at the hearing, stated it would evaluate the entire campus under a sign plan, including all existing and proposed signs, to ensure the signs meet the goals of the 1985 Master Plan.

65. The Land Use Department Current Planning conditions shall include an additional condition: “The Land Use Department shall have the authority to administratively approve such signage as is consistent with the goals of the 1985 Master Plan and may do so without the need for a variance if such signage exceeds the standards in the Land Development Code.”

Variance

66. Under Code Section 14-2.3(C)(3) a variance request that is part of a development plan requires submittal of the variance request for review and approval by the Planning Commission.
67. The Applicant has applied for development plan and variance requests.
68. Pursuant to Code Section 14-3.1(F)(2)(a)(vii) an separate Early Neighborhood Notification meeting is not required for variances.
69. Code Section 14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variances based on the Application, input received at the public hearing and the approval criteria set forth in Section 14-3.16(C).
70. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation to the Commission that the approval criteria for variances had been met for the building heights.
71. Under Table 14-7.3-1, the maximum structure height in a C-1 district is 36 feet and the Applicant is requesting to build to 41 feet.
72. Under Section 14-5.5(A)(4), the maximum structure height in a South Central Highway Corridor Protection District is 25 feet and the Applicant is requesting to build to 41 feet.
73. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant’s request for variances from the requirements are met in that (a) unusual physical characteristics exist that distinguish the Building from others in the vicinity that are subject to the same regulations, in that the existing structure has unusual existing characteristics in its design and configuration, including the existing triangular medical surgical bed units and their relationship and proximity to existing support services within the existing structure; (b) special circumstances exist as the location of the Building on the Property, including the connection height of the new addition is necessary to provide for a level floor-to-floor connection to the existing floors of the hospital and the hospital is subject to state and federal regulations that require a ducted return air system that adds to the structural height of the facility; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same regulations, in that as result of the renovation only six new medical surgical beds will be added; (d) the variance is the minimum variance that will make possible the reasonable use of the structure, in that the request is the minimum height that would make it possible to construct the new addition; (e) the variance is not contrary to the public interest, in that the benefits associated with more private hospital rooms, include reduced infection rates, reduced patient stress,

increased patient safety and increased possibility of overnight stays by a patient's family member.

74. Under Code Section 14-8.10(G)(2), the maximum sign size in a C-1 District is 32 square feet and the Applicant had initially requested a variance and under Section 14-8.10(G)(4) the maximum sign height in a C-1 District is 15 feet and the Applicant had initially requested a variance, but Applicant withdrew these variance requests, pursuant to Findings of Fact #63-65.

### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

#### General

1. The proposals were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.
3. The Commission adopts the written report of its findings Staff Report, subject to certain conditions as set out in such report unless as itemized below.

#### The Master Plan Amendment

4. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Master Plan and to make recommendations to the Governing Body regarding such amendment.
5. The Applicable Requirements have been met.

#### Special Use Permit

6. The Commission has the authority to review and approve the special use permit.
7. The Applicable Requirements have been met.

#### Development Plan & Variances

8. The Commission has the authority to review and approve the development plan.
9. The Commission has the authority to review and approve the variance requests.
10. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE 3rd DAY OF SEPTEMBER, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the master plan amendments to the Governing Body, subject to Staff Conditions and with the conditions:

- a) The Traffic Engineering Division's Condition #2, which relates to the 2006 Master Plan Condition #4, shall be amended to read: "The developer shall limit access at their southernmost access point onto Hospital Drive to an entrance only, right-in/left-in right-in/right-out only. This shall be accomplished by signage constructing a raised median."
- b) The Traffic Engineering Division's Condition #4a, which relates to the 2006 Master Plan Condition #6b, shall be amended to add: "Funds equal to the developer's contribution will be placed and held in an escrow account to be maintained by the City. The developer's contribution shall be used solely for the costs that are necessarily incurred for the design, construction or right-of-way acquisition, with either a traffic signal or a roundabout at the Galisteo/San Mateo intersection ("Improvements") and for no other purpose. Any remaining escrow funds not used for the design, construction or right-of-way acquisition of the Improvements within five years of the recordation of the Development Plan shall be returned to the Developer upon request of the Developer."
- c) Traffic Engineering Division's Condition #4b, which relates to the 2006 Master Plan Condition #6d, shall be amended to read: "The TIA projects that during this phase of development, the Hospital's northern most access onto Hospital Drive (across from Harkle Road) will fail. At the time of development, the developer shall evaluate all options, including but not limited to implementation of a roundabout, limit access at this location to right-in/right-out/left-in only, unless a revised TIA with more recent traffic data shows that the access operates at adequate levels of service under its current configuration."
- d) There shall be an additional condition to the Traffic Engineering Division's conditions which shall read: "Applicant shall provide pro rata participation in traffic calming along Hospital Drive if and to the extent such traffic calming is determined to be necessary by the Public Works Department."
- e) There shall be an additional condition to the Traffic Engineering Division's conditions which shall read: "Applicant shall make improvements to provide that St. Michael's Drive is the primary access point to the property, based on review by the Transit Division and review and approval of the Public Works Department."
- f) The Land Use Department Landscaping conditions, which relate to the 2006 Master Plan Condition #1, shall include an additional condition, which shall read: "Landscape improvements associated with Sheet LP-104, LP-105, and L-106 shall be installed in Spring 2016."
- g) The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall expand its Internal Site Traffic Circulation Plan to study an Internal Pedestrian Circulation Plan."
- h) The Land Use Department Current Planning conditions shall include another condition: "The Applicant shall return to the Planning Commission within one year to provide a review of progress and compliance with all Master Plan conditions."

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Applicant's request for special use permit and development plan is approved, subject to Staff conditions and **with the conditions:**

- i) The Land Use Department Current Planning's Condition #2 shall be amended to read:  
"Noise from generators and or mechanical equipment within the Hospital Master Plan campus at the residential property shall not exceed 50 dBA twenty-four hours a day ~~from the hours between 9:00pm to 7:00am and 55dBA from the hours between 7:00am to 9:00pm.~~
- j) The Land Use Department Current Planning conditions shall include an additional condition: "The construction hours for outside Project improvements shall be: Monday through Friday, 7 a.m. to 7 p.m.; Saturday, 8 a.m. to 5 p.m., with no work on Sunday."
- k) The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall follow its own sustainability plan as provided in its Application."
- l) The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall use true stone and not stucco stone on the outside of the addition."
- m) The Land Use Department Current Planning conditions shall include an additional condition: "The Land Use Department shall have the authority to administratively approve such signage as is consistent with the goals of the 1985 Master Plan and may do so without the need for a variance if such signage exceeds the standards in the Land Development Code."

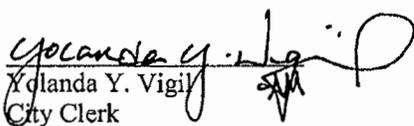


Michael Harris, Chair

Date:

9/3/15

FILED:

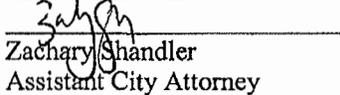


Yolanda Y. Vigil  
City Clerk

Date:

9/8/15

APPROVED AS TO FORM:



Zachary Shandler  
Assistant City Attorney

Date:

9/3/15

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

Case No. 2015-89

Case No. 2015-96

Appellant – Bob Walsh

Applicant/Appellee – Christus St. Vincent Regional Medical Center

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on October 28, 2015 (the Hearing) upon the appeal (Appeal) of Bob Walsh (Appellant) from the September 3, 2015 decisions of the Planning Commission (Commission) approving the requests of Christus St. Vincent Regional Medical Center (CSV) for (1) a special use permit (the SUP) to permit CSV to operate a hospital on its property at 455 St. Michael's Drive (Property) and (2) approval of a development plan (Development Plan) to permit the expansion of CSV's hospital facility (Project) on the Property. Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's votes approving the SUP and the Development Plan, and the Commission's Order (Commission Order), were adopted by the Commission on September 3, 2015 and were filed with the City Clerk as Item #15-0893. In conjunction with its approval of the Development Plan, the Commission also approved the Applicant's request for two variances from applicable building height requirements (collectively, the Height Variance), which are also addressed in the Commission Findings and Conclusions. A copy of the Commission Findings and Conclusions and Commission Order is attached as **Exhibit A**.

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

1. Memorandum dated October 21, 2015 for the October 28, 2015 Meeting of the Governing Body to the Members of the Governing Body from Zachary Shandler, Assistant City Attorney, regarding Case Nos. 2015-89 and 2015-96, appealing, respectively, the decisions of the Commission granting the SUP and approving the Development Plan, with Exhibits A-C (the Background Memo).
2. The Verified Appeal Petition in Case No. 2015-89, filed on September 15, 2015 (Exhibit A to the Background Memo) (the September Petition);
3. The Verified Appeal Petition in Case No. 2015-96, filed on October 5, 2015 (Exhibit B to the Background Memo) (the October Petition);
4. The relevant portion of the minutes of the July 2, 2015, August 6, 2015 and September 3, 2015 Commission Meetings;
5. Commission Findings and Conclusions and Commission Order in Case Nos. 2015-47, 2015-89 and 2015-96, adopted by the Commission at its September 3, 2015 meeting and identified in the records of the City as Item #15-0893 (Exhibit C to the Background Memo);

6. Appellant's submittals to the Governing Body at the Hearing, as noted in the minutes of the Hearing and incorporated into said minutes as exhibits;
7. CSV's submittals to the Governing Body at the Hearing, as noted in the minutes of the Hearing and incorporated into said minutes as exhibits; and
8. Materials submitted to the Governing Body by members of the public at the Hearing, as noted in the minutes of the Hearing and incorporated into said minutes as exhibits .

After conducting the Hearing and having reviewed the Record and heard from the City staff, the Appellant, CSV, residents of the neighborhood in which the Property is located and certain interested others, 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 Appellant and CSV and their representatives and witnesses and from members of the public interested in the matter.
2. Pursuant to Code §14-2.2(F), the Governing Body hears and decides appeals of final actions of any Land Use Board *de novo* after giving notice in accordance with the notice provisions of Code §14-3.1(H)(4).
3. Pursuant to Code §14-3.17(A)(1)(b), final actions of a Land Use Board include a decision made after a public hearing.
4. The decisions of the Commission approving the SUP and the Development Plan, including, without limitation, the Height Variance, constitute final actions subject to appeal to the Governing Body to hear and decide the matter.
5. Notice of the Appeal was properly given in accordance with the notice provisions of Code §14-3.1(H)(4).
6. The Appellant claimed in the September Petition (a) that CSV did not meet the criteria for a special use permit under Code §14-3.6(D) because the Project would adversely affect the public interest and was not compatible with the residential uses of the abutting neighborhood properties and (b) that Land Use Department (LUD) staff is not authorized under Code to vary signage requirements without a public hearing.
7. Based upon the information relating to the benefits, costs and funding sources for the Project and to the opportunities to mitigate generator and construction noise through enclosure and other controls, provided to the Commission by CSV and others at its July 2, 2015 and August 6, 2015 meetings, the Commission's decision to grant the SUP was in accordance with law and supported by substantial evidence in the record.
8. While CSV originally sought a variance of Code sign requirements, it subsequently withdrew its request and, therefore, no variance was sought or final action taken from which an appeal could be made.
9. LUD staff has taken no action with respect to signs at the Property and there is, therefore, no final action from which an appeal could be made.
10. The Appellant claimed in the October Petition that (a) the design of the proposed two-story addition (the Addition) to the hospital is inconsistent with the original master plan approved by the Governing Body in 1985 and (b) that the Height Variance does not comply with the variance criteria of Code §14-3.16(C).

11. Based upon the information provided to the Commission by LUD staff at its August 6, 2015 meeting and the meaning of the words “consistent” and “compatible” as construed in the Background Memo, the Commission’s decision to approve the design of the Addition was in accordance with law and based upon substantial evidence in the record.
12. Pursuant to Code §14-3.16(C)(1)(b), appeals from the grant or denial of variances must be filed within fifteen (15) calendar days of the date final action is taken.
13. Final action on the Height Variance was taken on September 3, 2015 with the adoption of the Commission Findings and Conclusion and the Commission Order.
14. The time for appeal from the grant of the Height Variance ended on September 18, 2015.
15. The appeal from the Height Variance was filed on October 5, 2015 and was therefore not timely.
16. Commission Findings of Fact 1, 3, 4 through 12, and 40 through 74 accurately reflect the facts in this matter as presented at the Hearing.
17. Commission Conclusions of Law 1, 2 and 6 through 10 are within the authority of the Commission and are reasonably based upon the Commission Findings of Fact.
18. The Commission’s Order is within the authority of the Commission.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the Hearing, the Governing Body hereby CONCLUDES:

Commission Findings of Fact 1, 3, 4 through 12, and 40 through 74 and Conclusions of Law 1, 2 and 6 through 10 are herewith adopted by the Governing Body in their entirety.

In granting the SUP and the Height Variance and approving the Development Plan, the Commission acted in accordance with law and in reliance on substantial evidence in the record before it.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF NOVEMBER 2015 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

The Appeal from the Commission’s grant of the SUP and of the Height Variance and from its approval of the Development Plan is DENIED. The Commission’s Order granting the SUP and Height Variance and approving the Development Plan is herewith adopted in its entirety.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date:

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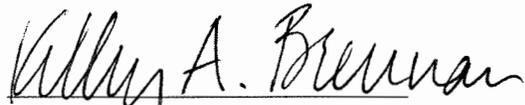
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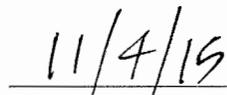
FILED WITH THE CITY CLERK:

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Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

  
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Kelley A. Brennan  
City Attorney

  
\_\_\_\_\_  
Date:

City of Santa Fe  
Planning Commission  
Findings of Fact and Conclusions of Law

Case #2015-47

455 St. Michaels Drive Christus St. Vincent Regional Medical Center Master Plan Amendment

Case #2015-74

455 St. Michaels Drive Christus St. Vincent Regional Medical Center Development Plan & Variances

Case #2015-75

455 St. Michaels Drive Christus St. Vincent Regional Medical Center Special Use Permit

Owner's Name – Christus St. Vincent Regional Medical Center

Applicant's Name – WHR Architects, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on July 2, 2015 and August 6, 2015 upon the application (Application) of WHR Architects, Inc., as agent for Christus St. Vincent Regional Medical Center (Applicant).

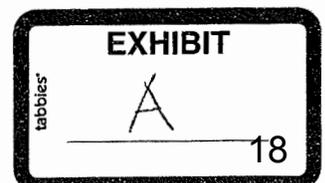
The property is located within the St. Vincent Hospital Campus Master Plan. The original master plan was approved in 1985 and was amended in 2006. The Applicant now: (1) requests recommendation for approval of amendments to the St. Vincent Hospital Campus Master Plan; (2) requests approval of a Development Plan, which includes the construction of a 65,500 square foot addition on Tract A-I-3 containing 20.65± acres and Tract A-2 containing 9.29± acres and two variances (a) under Table 14-7.3-1 to allow 41 feet where 36 feet is the maximum structure height in a C-1 district; (b) under Code Section 14-5.5(A)(4) to allow 41 feet where 25 feet is the maximum structure height in the South Central Highway Corridor Protection District and (3) requests approval of a special use permit, which includes construction of a 65,500 square foot addition of a hospital facility in a C-1 District.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Code § 14-3.9 (C) sets out certain procedures for amendments to master plans including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.9(D).
3. Code §14-3.6(C) sets out certain procedures for special use permit approval, including, without limitation, a public hearing by the Commission and approval based upon the criteria set out in Code §14-3.6(D).



4. Code § 14-3.8(C) sets out certain procedures for development plan approval, including, without limitation, a public hearing by the Commission and approval based upon the criteria set out in Code §14-3.8(D).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. A pre-application conference was held on October 30, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
8. An ENN meeting was held on the Application on March 17, 2015 at the Santa Fe University of Art and Design Forum Lecture Theater.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant and City staff; there were 17 members of the public in attendance and concerns were raised.
11. Commission staff provided the Commission with June 25, 2015 and July 29, 2015 reports (Staff Report) evaluating the factors relevant to the Application.
12. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings in the Staff Report, subject to certain conditions (the Conditions) set out in such report.

#### Master Plan Amendment

13. Under Code Section 14-3.9, an amendment to the Master Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
14. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(a) and finds the following facts: *The master plan is consistent with the general plan.* The St. Vincent Hospital Campus Master Plan complies with the existing density and land use proposed by the City General Plan.
15. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(b) and finds the following facts: *The master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts.* Consistent with General Plan policies, the Master Plan amendment includes construction at an institutional facility.
16. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(c) and finds the following facts: *Development of the master plan area will contribute to the coordinated and efficient development of the community.* Consistent with General Plan policies, the amendments to the Master Plan will enhance the provision of medical care and ensure provision of community services for residents.

17. The Commission has considered the criteria established by Code Section 14-3.9(D)(1)(d) and finds the following facts: *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development.* Necessary infrastructure and road alignments were previously determined and approved as part of the master plan. The 2006 Master Plan included fifteen conditions, some of which were to be met for all phases subsequent to the Emergency Room Expansion. The subsequent Outpatient Services project was permitted and built without addressing some of the requirements of the 2006 Master Plan.
18. The Applicant requests to modify or delete conditions #1, 4, 5, 6, 7, 8, 11, 12, 13, 14 as found in Sheet MP-1.
19. The Staff Report supported the modification or deletion of these conditions, provided they are replaced with a series of new conditions found in Staff's Exhibit A and the MPO's written submittal (collectively hereinafter as "Exhibit A").
20. Based on the Staff Report and public testimony, the Commission adopted Exhibit A, contingent on the adoption of several modifications to Exhibit A.
21. There was testimony from the City's Traffic Engineering Division and from the public regarding unresolved traffic issues and the 2006 Master Plan.
22. The Traffic Engineering Division's Condition #2, which relates to the 2006 Master Plan Condition #4, shall be amended to read: "The developer shall limit access at their southernmost access point onto Hospital Drive to an entrance only, right-in/left-in right-in/right-out only. This shall be accomplished by signage constructing a raised median." The third and fourth sentences of the Division's condition shall still apply.
23. The Traffic Engineering Division's Condition #4a, which relates to the 2006 Master Plan Condition #6b, shall be amended to add: "Funds equal to the developer's contribution will be placed and held in an escrow account to be maintained by the City. The developer's contribution shall be used solely for the costs that are necessarily incurred for the design, construction or right-of-way acquisition, with either a traffic signal or a roundabout at the Galisteo/San Mateo intersection ("Improvements") and for no other purpose. Any remaining escrow funds not used for the design, construction or right-of-way acquisition of the Improvements within five years of the recordation of the Development Plan shall be returned to the Developer upon request of the Developer."
24. Traffic Engineering Division's Condition #4b, which relates to the 2006 Master Plan Condition #6d, shall be amended to read: "The TIA projects that during this phase of development, the Hospital's northern most access onto Hospital Drive (across from Harkle Road) will fail. At the time of development, the developer shall evaluate all options, including but not limited to implementation of a roundabout, limit access at this location to right-in/right-out/left-in only, unless a revised TIA with more recent traffic data shows that the access operates at adequate levels of service under its current configuration."
25. The 2006 Master Plan Condition #6d called for traffic improvements/mitigation on Hospital Drive.
26. There shall be an additional condition to the Traffic Engineering Division's conditions which shall read: "Applicant shall provide pro rata participation in traffic calming along

- Hospital Drive if and to the extent such traffic calming is determined to be necessary by the Public Works Department.”
27. The 2006 Master Plan Condition #6c called for a review of access points to the property and Condition #7 called for a review of the entrance on St. Michael’s Drive.
  28. The Applicant’s testimony provided that its goal is to have St. Michael’s Drive as the primary access point to the property.
  29. The City Transit Division’s testimony provided that it could re-route all of its buses to have St. Michael’s Drive as the primary access point to the property (and thus avoid an access point on Hospital Drive) provided the grade of the primary access point was corrected to eliminate damage to the back side of the buses.
  30. There shall be an additional condition to the Traffic Engineering Division’s conditions which shall read: “Applicant shall make improvements to provide that St. Michael’s Drive is the primary access point to the property, based on review by the Transit Division and review and approval of the Public Works Department.”
  31. There was testimony from Staff and from the public regarding unresolved landscaping issues from the 2006 Master Plan.
  32. The Land Use Department Landscaping conditions, which relate to the 2006 Master Plan Condition #1, shall include an additional condition, which shall read: “Landscape improvements associated with Sheet LP-104, LP-105, and L-106 shall be installed in Spring 2016.”
  33. There was testimony from the public regarding unresolved internal circulation issues from the 2006 Master Plan Condition #12.
  34. The Land Use Department Current Planning conditions shall include an additional condition: “The Applicant shall expand its Internal Site Traffic Circulation Plan to study an Internal Pedestrian Circulation Plan.”
  35. There was testimony from the public regarding unresolved completion of the 1985 and 2006 Master Plan conditions.
  36. The Land Use Department Current Planning conditions shall include an additional condition: “The Applicant shall return to the Planning Commission within one year to provide a review of progress and compliance with all Master Plan conditions.”
  37. The City Engineering Division and the State Department of Transportation did not support a new curb cut on the eastern part of St. Michael’s Drive for a future access driveway for maintenance vehicles.
  38. Based on the above, the Commission did not adopt this new curb cut as part of its approval of the Master Plan.
  39. The Applicant provided testimony that the structural systems of the two-story 65,500 square foot addition will be designed and constructed in order to accommodate the cost effective construction of two additional stories. The Commission did not address this further addition as part of its approval of the Master Plan.

#### The Special Use Permit

40. Under Code Section 14-3.6(C), a special use permit requires a submittal of an application for review and approval by the Planning Commission.

41. Code Section 14-3.6(C) requires: (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [§14-3.6(C)(1)]; (b) submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [§14-3.6(C)(2)]; and (c) that a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [§14-3.6(C)(3)].
42. The Commission has considered the criteria established by Code Section 14-3.6(D)(1)(a) and finds the following facts: *that the Commission has the authority to grant a special use permit for the Project.* The Planning Commission under Code Section 14-2.3(C)(3) is granted the authority to take action on a special use permit if it is part of a development plan.
43. The Commission has considered the criteria established by Code Section 14-3.6(D)(1)(b) and finds the following facts: *That granting a special use permit for the Project does not adversely affect the public interest.* The special use permit does not adversely affect the public interest in that the building addition will provide a benefit to the health, safety and privacy of the hospital's patients.
44. The Commission has considered the criteria established by Code Section 14-3.6(D)(1)(c) and finds the following facts: *That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project.* City Code establishes a hospital as an Institutional use, which is permissible within a C-1 District with a special use permit. The building addition is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project in that the building addition has been sited on the south side of the property to minimize adverse visual, traffic and noise and other impacts to the neighborhood on the north side of the property.
45. Pursuant to Code Section 14-3.9(B)(3), the special use permit is consistent with the Master Plan.

#### Development Plan

46. Under Code Section 14-3.8(B)(3), a development plan requires a submittal of an application for review and approval by the Planning Commission.
47. Code Section 14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of the Code (the Submittal Requirements).
48. The Applicant has complied with the development plan Submittal Requirements.
49. The Commission has considered the criteria established by Code Section 14-3.8(D)(1)(a) and finds the following facts: *that the Commission has the authority to approve the development plan for the Project.* Pursuant to Code Section 14-3.8(B)(3)(a), approval of a development plan by the Commission is required prior to new development with a likely gross floor area of thirty thousand square feet or more located within any residential district in the City. The building addition will be a 65,500 square foot addition.
50. The Commission has considered the criteria established by Code Section 14-3.8(D)(1)(b) and finds the following facts: *That approving the development plan for the Project does not adversely affect the public interest.* Based upon the analysis contained in the Staff

- Report, the evidence presented at the public hearing and the facts set forth in paragraph 42 above, approving the development plan will not adversely affect the public interest.
51. The Commission has considered the criteria established by Code Section 14-3.8(D)(1)(c) and finds the following facts: *That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project.* Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraph 43 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
  52. Pursuant to Code Section 14-3.9(B)(3), the development plan is consistent with the Master Plan.
  53. Code Section 14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
  54. The Staff Report provided a set of conditions as found in Exhibit A.
  55. The Applicant stated it will enclose the generator on the northeast side of the property with a manufactured enclosure during the early phases of the upcoming construction project. The generator in the central part of the property is already enclosed. The Applicant presented a letter from the current owner of the Physicians Plaza Building stating that the generator would be removed.
  56. The Applicant stated it could limit the noise levels to 50dBA throughout the day and night.
  57. The Land Use Department Current Planning's Condition #2 shall be amended to read: "Noise from generators and or mechanical equipment within the Hospital Master Plan campus at the residential property shall not exceed 50 dBA twenty-four hours a day ~~from the hours between 9:00pm to 7:00am and 55dBA from the hours between 7:00am to 9:00pm.~~"
  58. The Land Use Department Current Planning conditions shall include an additional condition: "The construction hours for outside Project improvements shall be: Monday through Friday, 7 a.m. to 7 p.m.; Saturday, 8 a.m. to 5 p.m., with no work on Sunday."
  59. The Applicant provided a sustainability plan, which included such items as low flow toilets and lighting fixtures, within its Application.
  60. The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall follow its own sustainability plan as provided in its Application."
  61. The Applicant, at the hearing, stated they would not use stucco stone on the outside of the addition.
  62. The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall use true stone and not stucco stone on the outside of the addition."
  63. The 1985 Master Plan had a section titled: "Signing" and states a "separate study should be conducted on the sign treatment for the Hospital."
  64. The Land Use Department, at the hearing, stated it would evaluate the entire campus under a sign plan, including all existing and proposed signs, to ensure the signs meet the goals of the 1985 Master Plan.

65. The Land Use Department Current Planning conditions shall include an additional condition: “The Land Use Department shall have the authority to administratively approve such signage as is consistent with the goals of the 1985 Master Plan and may do so without the need for a variance if such signage exceeds the standards in the Land Development Code.”

Variance

66. Under Code Section 14-2.3(C)(3) a variance request that is part of a development plan requires submittal of the variance request for review and approval by the Planning Commission.
67. The Applicant has applied for development plan and variance requests.
68. Pursuant to Code Section 14-3.1(F)(2)(a)(vii) an separate Early Neighborhood Notification meeting is not required for variances.
69. Code Section 14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variances based on the Application, input received at the public hearing and the approval criteria set forth in Section 14-3.16(C).
70. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation to the Commission that the approval criteria for variances had been met for the building heights.
71. Under Table 14-7.3-1, the maximum structure height in a C-1 district is 36 feet and the Applicant is requesting to build to 41 feet.
72. Under Section 14-5.5(A)(4), the maximum structure height in a South Central Highway Corridor Protection District is 25 feet and the Applicant is requesting to build to 41 feet.
73. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for variances from the requirements are met in that (a) unusual physical characteristics exist that distinguish the Building from others in the vicinity that are subject to the same regulations, in that the existing structure has unusual existing characteristics in its design and configuration, including the existing triangular medical surgical bed units and their relationship and proximity to existing support services within the existing structure; (b) special circumstances exist as the location of the Building on the Property, including the connection height of the new addition is necessary to provide for a level floor-to-floor connection to the existing floors of the hospital and the hospital is subject to state and federal regulations that require a ducted return air system that adds to the structural height of the facility; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same regulations, in that as result of the renovation only six new medical surgical beds will be added; (d) the variance is the minimum variance that will make possible the reasonable use of the structure, in that the request is the minimum height that would make it possible to construct the new addition; (e) the variance is not contrary to the public interest, in that the benefits associated with more private hospital rooms, include reduced infection rates, reduced patient stress,

increased patient safety and increased possibility of overnight stays by a patient's family member.

74. Under Code Section 14-8.10(G)(2), the maximum sign size in a C-1 District is 32 square feet and the Applicant had initially requested a variance and under Section 14-8.10(G)(4) the maximum sign height in a C-1 District is 15 feet and the Applicant had initially requested a variance, but Applicant withdrew these variance requests, pursuant to Findings of Fact #63-65.

### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission **CONCLUDES** as follows:

#### General

1. The proposals were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.
3. The Commission adopts the written report of its findings Staff Report, subject to certain conditions as set out in such report unless as itemized below.

#### The Master Plan Amendment

4. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Master Plan and to make recommendations to the Governing Body regarding such amendment.
5. The Applicable Requirements have been met.

#### Special Use Permit

6. The Commission has the authority to review and approve the special use permit.
7. The Applicable Requirements have been met.

#### Development Plan & Variances

8. The Commission has the authority to review and approve the development plan.
9. The Commission has the authority to review and approve the variance requests.
10. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE 3rd DAY OF SEPTEMBER, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the master plan amendments to the Governing Body, subject to Staff Conditions and with the conditions:

- a) The Traffic Engineering Division's Condition #2, which relates to the 2006 Master Plan Condition #4, shall be amended to read: "The developer shall limit access at their southernmost access point onto Hospital Drive to an entrance only, right-in/left-in right-in/right-out only. This shall be accomplished by signage constructing a raised median."
- b) The Traffic Engineering Division's Condition #4a, which relates to the 2006 Master Plan Condition #6b, shall be amended to add: "Funds equal to the developer's contribution will be placed and held in an escrow account to be maintained by the City. The developer's contribution shall be used solely for the costs that are necessarily incurred for the design, construction or right-of-way acquisition, with either a traffic signal or a roundabout at the Galisteo/San Mateo intersection ("Improvements") and for no other purpose. Any remaining escrow funds not used for the design, construction or right-of-way acquisition of the Improvements within five years of the recordation of the Development Plan shall be returned to the Developer upon request of the Developer."
- c) Traffic Engineering Division's Condition #4b, which relates to the 2006 Master Plan Condition #6d, shall be amended to read: "The TIA projects that during this phase of development, the Hospital's northern most access onto Hospital Drive (across from Harkle Road) will fail. At the time of development, the developer shall evaluate all options, including but not limited to implementation of a roundabout, limit access at this location to right-in/right-out/left-in only, unless a revised TIA with more recent traffic data shows that the access operates at adequate levels of service under its current configuration."
- d) There shall be an additional condition to the Traffic Engineering Division's conditions which shall read: "Applicant shall provide pro rata participation in traffic calming along Hospital Drive if and to the extent such traffic calming is determined to be necessary by the Public Works Department."
- e) There shall be an additional condition to the Traffic Engineering Division's conditions which shall read: "Applicant shall make improvements to provide that St. Michael's Drive is the primary access point to the property, based on review by the Transit Division and review and approval of the Public Works Department."
- f) The Land Use Department Landscaping conditions, which relate to the 2006 Master Plan Condition #1, shall include an additional condition, which shall read: "Landscape improvements associated with Sheet LP-104, LP-105, and L-106 shall be installed in Spring 2016."
- g) The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall expand its Internal Site Traffic Circulation Plan to study an Internal Pedestrian Circulation Plan."
- h) The Land Use Department Current Planning conditions shall include another condition: "The Applicant shall return to the Planning Commission within one year to provide a review of progress and compliance with all Master Plan conditions."

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Applicant's request for special use permit and development plan is approved, subject to Staff conditions and **with the conditions:**

- i) The Land Use Department Current Planning's Condition #2 shall be amended to read: "Noise from generators and or mechanical equipment within the Hospital Master Plan campus at the residential property shall not exceed 50 dBA twenty-four hours a day ~~from the hours between 9:00pm to 7:00am and 55dBA from the hours between 7:00am to 9:00pm.~~
- j) The Land Use Department Current Planning conditions shall include an additional condition: "The construction hours for outside Project improvements shall be: Monday through Friday, 7 a.m. to 7 p.m.; Saturday, 8 a.m. to 5 p.m., with no work on Sunday."
- k) The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall follow its own sustainability plan as provided in its Application."
- l) The Land Use Department Current Planning conditions shall include an additional condition: "The Applicant shall use true stone and not stucco stone on the outside of the addition."
- m) The Land Use Department Current Planning conditions shall include an additional condition: "The Land Use Department shall have the authority to administratively approve such signage as is consistent with the goals of the 1985 Master Plan and may do so without the need for a variance if such signage exceeds the standards in the Land Development Code."

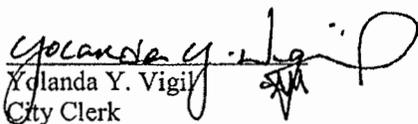


Michael Harris, Chair

Date:

9/3/15

FILED:

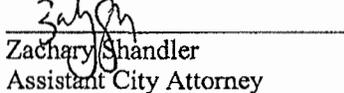


Yolanda Y. Vigil  
City Clerk

Date:

9/8/15

APPROVED AS TO FORM:



Zachary Shandler  
Assistant City Attorney

Date:

9/3/15