

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

Case #2016-20

Spectrum Senior Housing at Las Soleras Development Plan  
Applicant's Name- Spectrum Retirement Communities LLC  
Agent's Name-Tierra West LLC

THIS MATTER came before the Planning Commission (Commission) for hearing on April 21, 2016 upon the application (Application) of Tierra West LLC, agent for Spectrum Retirement Communities LLC (Applicant).

The Applicant requests approval of a development plan to construct a 128 unit senior apartments and group residential care facility with a density greater than ten dwelling units per acre. The proposed project is located at 5011 Las Soleras Drive, Lot 10 of the Las Soleras Subdivision. The property is approximately 8.03 acres and is zoned C-1 (Commercial –21 dwelling units per acre).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove development plans.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)( iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. 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)].
6. An ENN meeting was held on the Application on January 5, 2016 at the Southside Branch Library.
7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and there were no other interested persons present and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).

9. Pursuant to Code §14-3.8(B)(8), approval of a development plan by the Commission is required for a new development with a gross floor area of ten thousand square feet or more that is located within two hundred feet of a residential district.
10. Code §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 Code (the Submittal Requirements).
11. The Applicant has complied with the Submittal Requirements.
12. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
  - a. That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)(a)]. *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.*
  - b. That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)(b)].
    - 1) *The Project will not adversely affect the public interest because the development plan is in compliance with the standards required by the Land Development Code.*
    - 2) *The proposed use is identified as a permitted use in Table 14-6.1-1.*
    - 3) *The proposed development complies with applicable provisions of the Land Development Code include Section 14-6 (Permitted Uses and Use Regulations); Section 14-7 (Building Envelope and Open Space Standards) and Section 14-9 (Infrastructure Design Standards).*
    - 4) *The proposed development complies with applicable standards for utility service and traffic impacts, as indicated in the memorandums on file from City staff.*
  - c. 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 [§14-3.8(D)(1)].
    - 1) *The use is compatible and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity and is in compliance with the standards required by the Land Development Code.*
    - 2) *Operation of the proposed senior apartments and group residential care facility in accordance with applicable standards will not result in conflicts with existing or likely future land uses on adjacent or nearby properties.*
13. Code §14-7.2(F)(2) and Table 14-7.2-1 sets out certain factors that must be considered for having a density up to twenty-one dwelling units in R-21 districts.
  - a. If the future use designation shown on the general plan is high density residential. *The General Plan shows the property as C-1, however, the density of residential development in C-1 is 21 units per acre and this is considered high density residential.*
  - b. The need for the increased density, however, financial gain or loss shall not be the sole determining factor. *Proposed use for this type of facility requires the requested density in order to provide the services and amenities necessary for use. Amenities such as the central dining, wellness activities and transportation*

- are key to the commercial viability of the project and differentiate the use from traditional residential uses.*
- c. If the increased density is needed to make the proposed development more affordable, what level of affordability will be provided and how that affordability will be guaranteed long term. *The development is not a traditional residential use, but an all-inclusive service for seniors. The request for approval of a senior/assisted living campus does not require a Santa Fe Homes Program (SFHP) proposal under Code Sections 14-8.11(D)(1) and Section 26-1.8.*
  - d. Densities of existing developments in the vicinity. *Surrounding properties are underdeveloped at this time, but are zoned for similar or higher intensity uses: C-1 to the east, MU (mixed use) to the north, RM-1 (residential high density) to the west and HZ (hospital zone) to the south.*
  - e. Impacts of the increase density upon the neighborhood and the community so that the increased density does not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest. *The single story and three story buildings offer a transition from less density to higher density. The increase on visual impact will be minimal as the transition is from one-story buildings along the roadways to three story buildings against adjacent properties. The tracts within the vicinity have the same residential high density.*
14. Pursuant to Code §14-3.9(B)(3), the proposed development plan complies with the applicable minimum standards of the Las Soleras Master Plan.
  15. 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 that the development plan be approved, subject to certain conditions (the Conditions or Exhibit A) set out in such report.
  16. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

#### CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to approve the Development Plan for the Property.
2. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE 5<sup>th</sup> OF MAY 2016 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 Final Development Plan for the Property is approved, subject to Conditions.

\_\_\_\_\_  
Vince Kadlubek  
Chairperson

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

FILED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

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