

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

Case #2016-94

2041 Pacheco Street Development Plan

Applicant's Name- Confluent Development LLC

Agent's Name-JenkinsGavin Land Use Project Management

THIS MATTER came before the Planning Commission (Commission) for hearing on October 6, 2016 upon the application (Application) of JenkinsGavin Land Use Project Management, agent for Confluent Development LLC (Applicant).

The Applicant requests approval of a development plan to construct a 76,500 square foot building for an 85 unit group residential care facility on 4.0+/- acres. The property is zoned C-1 (General Office) and is within the South Central Highway Corridor overlay district.

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 June 28, 2016 at the La Farge Library at 1730 Llano Street, Santa Fe, NM 87505.
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 fourteen interested persons present and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. A second ENN meeting was held on the Application on August 2, 2016 at the La Farge Library at 1730 Llano Street, Santa Fe, NM 87505.

10. The ENN meeting was attended by representatives of the Applicant, City staff and there were nineteen persons present and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
11. Pursuant to Code §14-3.8(B)(3)(a), approval of a development plan by the Commission is required for a new development with a gross floor area of thirty thousand square feet in any zoning district.
12. 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).
13. The Applicant has complied with the Submittal Requirements.
14. 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.*
  - 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) *A group residential care facility is a permitted use in a C-1 District.*
    - 2) *The type and scale of the proposed building are consistent with the streetscape of this portion of Pacheco Street.*
    - 3) *Pacheco Street is a secondary arterial street designed for 5,000 to 15,000 vehicles (average daily traffic) under Table 14-9.2-1; the traffic research showed there are currently 10,449 vehicles average daily traffic. The Applicant is estimated to add no more than 260 vehicles to the average daily traffic.*
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) 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 \_\_\_\_ OF NOVEMBER 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: \_\_\_\_\_