

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 plan includes a mix of residential densities in close proximity to commercial zoning and planned employment centers and community services.

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 take traffic calming measures along the length of Hospital Drive, based on review and approval of 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 angle 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 may expand its Internal Site Traffic Circulation Plan to create 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 generator at the Physicians Plaza Building will 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 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.”

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 #62-64.

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 ___ 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 take traffic calming measures along the length of Hospital Drive, based on review and approval of 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 may expand its Internal Site Traffic Circulation Plan to create an Internal Pedestrian Circulation Plan." 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:**

- h) 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.~~

- i) 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.”
- j) 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.”
- k) 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.”
- l) The Land Use Department Current Planning conditions shall include an additional condition: “The Land Use Department shall 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.”

Michael Harris, Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: