

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

Case #2016-50

Presbyterian Healthcare Services Hospital Development Plan  
and Terrain Management Variance

Owner's Name – Presbyterian Healthcare Services

Agent's Name – James W. Siebert & Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on June 2, 2016 upon the application (Application) of James W. Siebert & Associates, Inc., as agent for Presbyterian Healthcare Services (Applicant).

The Applicant seeks development plan approval for the construction in two phases of approximately 473,800 square feet of hospital, medical clinic, and office space and approximately 147,083 square of parking garage space, together with related improvements (collectively, the Project) on 39.03± acres identified as Tract 8 within the Las Soleras Master Plan area located at 4981 Beckner Road (Property). The Property is zoned HZ (Hospital Zone). The Applicant is also seeking a variance to Santa Fe City Code (Code) §14-8.2(D)(2)(b) to permit the disturbance of natural slopes thirty percent (30%) or greater (the Variance).

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. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
3. Code §14-3.8(C)(2)(b) provides for variance requests associated with a development plan to be reviewed concurrently and approved or denied by the land use board that reviews the development plan.
4. Code §14-2.3(C)(3) provides for the Commission to hear and decide requests for variances pursuant to Code §14-3.16 when the request is part of a development plan request requiring Commission review.
5. 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).

6. 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)( vii)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
7. 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)].
8. An ENN meeting was held on the Application at 5:30 p.m. on March 28, 2016 at the Southside Library.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 20 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
11. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and the Variance and recommending approval by the Commission, subject to certain conditions set out in said report (the Conditions).

#### The Development Plan

12. Pursuant to Code §14-3.8(B)(3)(a), approval of a development plan by the Commission is required prior to new development with a gross floor area of thirty thousand square feet or more located within any zoning district within the City.
13. The Project includes new development in two phases with a total gross floor area of approximately 473,800 square feet of hospital, medical clinic, and office space and approximately 147, 083 square of parking garage space.
14. Code §14-6.2(B)(3)(b)(i), relating to the Las Soleras Hospital Zone District where the Project is located, requires a development plan for the Project.
15. A development plan is required for the Project.
16. Code §14-3.8(B)(4) requires that development plans described in §14-3.8(B)(3) must be reviewed by the Commission.
17. The development plan for the Project is required to be reviewed by the Commission.
18. Code §14-6.2(B)(3)(b)(ii), relating to the Las Soleras Hospital Zone District where the Project is located, requires the Applicant prior to submitting for development plan approval to conduct and submit a market analysis and fiscal impact analysis that analyzes the need for the proposed hospital (the Market and Fiscal Analysis).
19. The Applicant conducted and submitted the Market and Fiscal Analysis as required.
20. 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).
21. The Applicant has complied with the Submittal Requirements.
22. Code §14-6.2(B)(3)(b)(ii), relating to the Las Soleras Hospital Zone District where the Project is located, requires the Applicant as a condition for and prior to the granting of development plan approval, to participate in meetings to which the Santa Fe County health policy planning commission, Christus St. Vincent Hospital and

interested local and regional health care providers have been invited to address impacts of dual hospitals in the community (the Community Impact Meeting Requirement).

23. The Applicant has complied with the Community Impact Meeting Requirement.
24. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan.
25. The Commission finds, subject to the Conditions, the following facts:
  - (a) *That it is empowered to approve the development plan for the Project under the section of Chapter 14 described in the Application [Code §14-3.8(D)(1)(a)].*

The Commission has the authority to grant development plan approval for the Project in accordance with Code § 14-6.2(B)(3)(b)(i); § 14-2.3(C)(1); and § 14-3.8(B)(2), (3) and (4).
  - (b) *That approving the development plan for the Project does not adversely affect the public interest [Code §14-3.8(D)(1)(b)].*

Approving the development plan for the Project will not adversely affect the public interest in that the Property is currently zoned HZ, which pursuant to Code §14-4.3(D)(b) specifically applicable to the Las Soleras HZ District is intended "...to accommodate a hospital and business and professional office uses in the Las Soleras Development"; the Project is a less intense development than that approved for the Property, which allows for a floor area ration (FAR) of 1.8:1 or a possible 3,059,300 square feet of floor area on the Property; will provide more immediate access to hospital and related medical services to south-side City residents via Cerrillos Road and Route 25 and to residential development within the Las Soleras Master Plan (Master Plan) area.
  - (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 [Code §14-3.8(D)(1)(c)].*

The Project is compatible with and adaptable to buildings and uses of abutting property and other properties in the vicinity in that it is being developed as part of a master-planned area subject to the same general standards and requirements and to standards and requirements specifically applicable to the Property via the Master Plan and applicable code; and the Project building will be required to comply with applicable design standards and requirements.
26. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan.

#### The Terrain Management Variance

27. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Variances that (a) unusual physical characteristics exist that distinguish the Property from others in the vicinity that are subject to the same regulations, in that the Property slopes down from Beckner Road toward the Arroyo de los Chamisos with natural slopes between 5% and 15%, except where minor side channels to the arroyo create narrow bands of 30+% slopes that encroach upon the buildable areas; (b) special circumstances make it

infeasible, for reasons other than financial cost, to develop the Property in compliance with applicable standards in that the encroachments of the channels make it infeasible to construct the hospital and other medical service areas and related improvements as designed, with the design optimized for efficient service delivery; (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 the Property is the only HZ District in the vicinity and the Project is a less intense development than that approved for the Property, which allows for a FAR of 1.8:1 or a possible 3,059,300 square feet of floor area on the Property; (d) the Variance is the minimum variance that will make possible the reasonable use of the Property, in that the Variance will apply to only 1.3% of the total square footage of the Property and while the Property could be developed for another use without a variance, the use of the Property as a hospital is called for by Chapter 14 and the Master Plan; and (e) the Variance is not contrary to the public interest, in that it serves a public purpose in assuring access to essential medical services to residents on the south side of the City.

#### CONCLUSIONS OF LAW

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

##### General

1. The proposed development plan and the Variance was 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.

##### The Development Plan

3. The Commission has the power and authority under the Code to review and approve the Applicant's development plan.
4. The Applicant has complied with all applicable requirements of the Code and the Master Plan with respect to the development plan, including the Submittal Requirements, the Market and Fiscal Analysis Requirement and the Community Impact Meeting Requirement.

##### The Variance

5. The Commission has the power and authority at law and under the SFCC to hear and decide the Variance.
6. The Variance meets the approval criteria set forth in SFCC §14-3.16(C).

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF JULY 2016 BY THE  
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the development plan, subject to the Conditions and with the following recommendations:
  - (a) That a traffic study be performed prior to the commencement of Phase 2 development at the Property if the Beckner Road – Richards Avenue connection has not been made.
  - (b) That the Applicant cooperate with Santa Fe Community College (SFCC) and other educational facilities as soon as reasonably possible prior to opening in order to provide workforce training to alleviate negative impacts of the Project on other local facilities; and
  - (c) That the Applicant work with local workforce development agencies and educational institutions, including SFCC to reduce workforce leakage.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the Variance.

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Vince Kadlubek  
Chair

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Date:

FILED:

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Yolanda Y. Vigil  
City Clerk

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Date:

APPROVED AS TO FORM:

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

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Date: