

# City of Santa Fe, New Mexico

# memo

**DATE:** May 23, 2016 for the June 2, 2016 Meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Greg Smith, AICP, Director, Current Planning Division 

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division 

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**Case #2016-42. The Pavilion Office Complex Development Plan and Final Subdivision Plat Time Extension and Amendment to the Phasing Plan.** Santa Fe Planning Group Inc., agent for Commercial Center at 599, requests development plan and final subdivision plat time extension and amendment to the phasing plan for 32 lots on 371.2± acres located west of NM 599, between Airport Road and I-25, and east of the Santa Fe Municipal Airport. The site is zoned BIP (Business Industrial Park) and C-2 (General Commercial). The time extension would extend approvals to 2031. The applicant is also requesting the phasing plan be increased from the original 4 phases of development to 7 phases to allow smaller increments of development to occur at one time. Scott Hoeft, agent for Commercial Center at NM 599. (Donna Wynant, Case Manager)

## I. RECOMMENDATION

Staff recommends the Planning Commission approve the amendments to the final development plan and the final subdivision plat, to extend the time allowed for filing and approving seven phases rather than four. Staff further recommends that the conditions of approval adopted by the Commission on April 7, 2011 continue to apply, with two additional conditions:

1. Phase 1 of the subdivision plat and Phase 1 of the development plan shall be recorded within 5 years (by April 7, 2021) or they will expire.
2. Phasing of roads and utilities shall comply with all requirements of the municipal code in effect at the time each phase is recorded.

## II. EXECUTIVE SUMMARY

The applicant is requesting a longer time limit for a phased development project than the requirements specified in Chapter 14 per Section 14-3.19(A)(2) to increase the original 4

phases of development to 7 phases to allow smaller increments of development to occur at one time.

The applicant is requesting an 1) extension of the Final Plat; 2) an amendment to the Phasing Plan to increase the number of phases; and 3) an expiration date that correlates to the build out of the Phasing Plan to April 7, 2031. (See Exhibit D: Letter of Application)

The original approvals consisted of 34 lots on 371.2± acres and approval of a Development Plan for 35 buildings. Eight lots (86 acres) are zoned C-2 (General Commercial) and 26 lots (285 acres) are zoned BIP (Business/Industrial Park) (See Exhibit A: Findings of Fact and Conclusions of Law)

Since this request includes a change in the conditions of approval by amending the phasing plan, the applicant is required to hold an Early Neighborhood Notification (ENN) meeting and a public hearing before the Planning Commission. Eight individuals attended the ENN on March 21, 2016 and a second ENN was held on April 19, 2016 at the request of neighbors where one individual was in attendance. (See Exhibit C: ENN Materials)

### **III. DISCUSSION AND ANALYSIS**

The Pavilion Office Complex Development Plan and Final Subdivision Plat were approved by the Planning Commission based on the Findings of Fact and Conclusions of Law adopted on April 7, 2011. The expiration date for the initial approvals was April 7, 2014, and administrative time extensions were granted to April 7, 2016.

The administrative extensions were based on determinations that “no substantive changes have occurred to the regulations or policies that apply to the *development* or to the circumstances affecting the site and its vicinity.” [Subsection 14-3.19(C)(2)] Extensions beyond the administrative approvals require approval of an amendment to the original approvals by the Commission.

Although it would be difficult to proceed with the development plan independently from the final plat, they technically have different expiration dates and procedural rules:

- Final subdivision plats expire if they are not recorded within three years after approval by the Commission, If the Commission does not approve the time extension amendment for the final plat, the applicant would have to start over with a preliminary subdivision plat application.
- Final development plans expire if they are not recorded or if actual development does not begin within three years after approval. Because the applicant’s work on the Highway 599 overpass would meet the code requirement for “actual development,” the applicant would have approximately two and one-half years to record the development plan and begin work on the first phase if the Commission does not approve the time extension amendment for the development plan. The development plan has been included in the time extension requests for the sake of keeping the expiration dates consistent.

As amendments to the original approvals, the current request must be reviewed by the Commission at a public hearing with notice provided to owners of nearby properties, and the

Commission must determine that the projects meet all current code requirements and approval criteria.

Once the final plat and development plan are recorded, the projects can be built out in phases, as long as development activity proceeds without any interruption of three years between phases.

#### IV. APPROVAL CRITERIA

Review by city staff has determined that the amendments to the final subdivision plat and final development plan comply with applicable code requirements and meet the approval criteria for each type of application. Review by staff has also determined that the original final plat and development plan approvals remain in compliance with applicable development standards and approval criteria.

Subsection 14-3.19(D)(1) states that: “procedures for substantive amendment or revisions to final actions to approve development shall be the same as those that apply to a new application for the type of approval proposed for amendment.” The approval criteria for the final subdivision plat are provided in Subsection 14-3.7(C), and the approval criteria for the final development plan are provided in Subsection 14-3.8(D). (See Exhibit B: DRT Comments & Review Criteria for Dev. Plans & Sub. Plats). A detailed review is provided in the attached report and attachments from the original hearing on the projects in 2011. There have been no substantive amendments to the applicable code sections since the original approvals.

Staff is recommending two new conditions of approval. The first would require that the plat and development plan for the first phase be recorded within five years from the current expiration date (no later than April 7, 2021), to provide some assurance that development on the individual lots will commence within a reasonable time.

The second condition notes that phasing of roads and utility infrastructure will have to comply with code requirements that are in effect at the time the various phases are recorded and built out.

Section 14-3.19(A)(2) provides authority for the Commission to approve a phasing plan with extended time limits:

##### (A) **Applicability**

##### (2) **Specific Provisions Pursuant to Conditions of Approval**

A final action may incorporate conditions of approval that establish shorter time limits than those specified in Chapter 14. **Final action to approve a phased development project may incorporate a phasing plan with longer time limits than those specified in Chapter 14.**

**IV. ATTACHMENTS:**

EXHIBIT A: Findings, Minutes and Original PC report

EXHIBIT B: DRT Comments &  
Review Criteria for Development Plans & Subdivision Plats

EXHIBIT C: ENN Materials

EXHIBIT D: Letter of Application and Other Applicant Submittals

**City of Santa Fe, New Mexico**

# **Planning Commission**

## **Exhibit A**

**Findings: 4-7-11**

**PC Minutes 3/3/11 & 3/17/11**

**Original PC Report**

ITEM # 11-0471

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

Case #2010-163 – The Pavilion Office Complex Development Plan  
Case #2011-05 – The Pavilion Final Subdivision Plat  
Applicant's Name – Santa Fe Planning Group, Inc.  
Owner's Name – Richard Cook

THIS MATTER came before the Planning Commission (Commission) for hearing on March 17, 2011 upon the application (Application) of Santa Fe Planning Group, Inc. as agent for Richard Cook (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat and development plan for 34 lots on 371.20+/- acres of land west of New Mexico Route 599 (NM 599) and southeast of and adjacent to the Santa Fe Airport (Property). The Property includes two zoning districts, one containing 296+/- acres of land zoned BIP (Business and Industrial Park), containing 26 lots and the second containing 76.13+/- acres of land zoned C-2 (General Commercial), containing 8 lots. The preliminary development plan approved by the Commission on January 20, 2011 included 32 lots; the additional two lots were created for sewer lift stations, one serving each zoning district. The development plan includes four phases, with the first phase comprised primarily of 7 lots zoned C-2 and 1 lot zoned BIP, identified as Lots 1-8; the second comprised of lots on the western portion of the Property identified as Lots 9, 13, 18, 25-30; the third comprised of lots along the southern edge of Pavilion Loop Road identified as Lots 19-23; and the fourth comprised of lots located along the eastern portion of the Property adjacent to NM 599. Other improvements required prior to any development on the Property, are the extension of Jaguar Drive and the construction of an overpass over NM 599 serving vehicles and pedestrians. The development plan also includes 5 bus stops along Pavilion Loop Road and the creation of a trail network connecting to the Arroyo Chamiso and Arroyo Hondo trail systems, as well as a multi-use trail connecting to the NM 599 Rail Runner station.

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 and members of the public interested in the matter.
2. Pursuant to Code Section 14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. Code Section 14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code Section 14-3.7(B)(5) and (6)] and criteria for the Commission's approval [Code Section 14-3.7(C)] (collectively, the Applicable Requirements).
4. Code Section 14-9 sets out subdivision design, improvement, and dedication standards and requirements.

EXHIBIT BI

6. Code Sections 14-3.7(B)(2) and 14-3.1(F)(2)(a)(vii) require compliance with the early neighborhood notification (ENN) requirements of Code Section 14-3.1(F) for final subdivision plats where a preliminary plat has not previously been approved.
7. A preliminary subdivision plat was approved by the Commission on January 20, 2011; therefore no ENN is required in this case.
8. Pursuant to Code Section 14-2.3(C)(1) the Commission is authorized to review and approve or disapprove certain development plans in accordance with applicable Code provisions.
9. Code Section 14-3.8(A)(1)(a) requires development plan approval by the Commission for new construction with a gross floor area of 30,000 square feet or more located within any zoning district of the City.
10. Code Section 14-3.8A)(7) sets out certain general submittal requirements (the Required Submittals) for development plans.
11. The Applicant has made the Required Submittals in accordance with Code.
12. Commission staff reviewed the final subdivision plat and development plan for conformity with Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat and development plan be approved, subject to certain conditions set out in such report (the Conditions).

CONCLUSIONS OF LAW AND ORDER

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

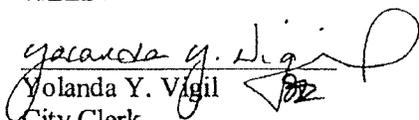
The final subdivision plat and development plan for the Project are approved, subject to the Conditions.

IT IS SO ORDERED ON THE 7<sup>TH</sup> OF APRIL 2011 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

  
Signe Lindell  
Chair

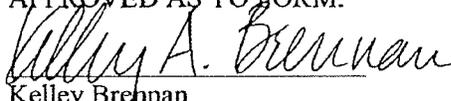
6/2/11  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

6/6/11  
Date:

APPROVED AS TO FORM:

  
Kelley Brennan  
Assistant City Attorney

4/7/11  
Date:

Mr. Sommer: Yes, it will involve bringing more water rights.

Ms. Lamboy: Chair Lindell, that is correct. I have checked with Antonio Trujillo from Sangre de Cristo Water Company and the water rights, they have sufficient waters rights even at 30%.

*Commissioner Hughes moved for approval with staff recommendations, second by Commissioner Spray. Roll Call Vote: Motion carried with a vote of 6-1.*

2. Case #2010-191. Scherer Preliminary Subdivision Plat. JenkinsGavin Design and Development, agent for Sky Scherer, requests Preliminary Subdivision Plat approval for 4 lots on 1.48± acres located at 623½ Garcia Street. The application includes a variance to street design standards. The property is zoned R-3 (Residential, three dwelling units per acre) and is in the Downtown and Eastside Historic Overlay District. (Donna Wynant, Case Manager) **(POSTPONED FROM FEBRUARY 17, 2011) (TO BE POSTPONED TO APRIL 7, 2011)**

3. Case #2010-163. The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 42 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) **(POSTPONED FROM JANUARY 20, 2011 AND FEBRUARY 3, 2011)**

**Case #2011-05. The Pavilion Final Subdivision Plat and Case #2010-163. The Pavilion Office Complex Development Plan will be heard together with an individual vote on each.**

Ms. Lamboy presented the following information for Commission consideration:

- March 2010
  - Annexation
  - General Plan Amendment as well as
  - Rezoning
- January, 2010
  - Preliminary Subdivision Plat
- February 2010
  - City Council approval for Jaguar Road Extension from the overpass to the Pavilion development
  - Pavilion is currently in permitting process with NMDOT for overpass
- Site is located between the Santa Fe Municipal Airport and NM 599
- Site area total 371.20 acres
- 86 acres will be zoned for general and commercial use, C-2
- 285 acres will be zoned for the Business Industrial Park (BIP)
- Entitlements sought with the Development Plan include:
  - 181,442 square feet of commercial uses proposed in the C-2 portion
  - 864,963 square feet of uses proposed in the BIP portion.

Comment: The reason the applicant is providing such a detailed development plan for such a large site is because they would like the site to be permit ready so that when a user comes along they would only need to apply for a building permit.

There are approximately 40 buildings on the site.

- Development Plan is broken into four phases
  - 15-year build out

- Improvements include the extension of Jaguar Drive, construction of Pavilion Loop, and the construction of a trail network
- 3 conservation easements over archaeological sites
- Traffic and Circulation:
  - Developer Responsible for:
    - Construction Jaguar Drive Extension
    - Public access point will be off of NM599 Overpass along Jaguar Drive to Pavilion Loop
    - There will be an emergency access road that will go by way of Cuerno Vaca Road that will connect to CO. Rd. 54
    - Transit stops and pedestrian enhancements, including trails
    - They have received archaeological clearance (in packet)
- Architectural Design Guidelines, the general style will be Northern NM and Territorial revival style
- Landscape Design Guidelines
- Covenants, Conditions, and Restrictions (CCRs)
- Business Owner Association (BOA)
- Maintenance Agreement with the City regarding Wastewater Life Stations
- Issue #1:
  - Pedestrian Circulation – The Metropolitan Transportation Plan for 2010 to 2035 discusses the importance of transportation options that have been acknowledged the Pavilion through the creation of the trail system. As part of the council condition back when this property was annexed into the city they required that there must be a connection to Tierra Contenta.
    - Developer must provide trail connection to Tierra Contenta
      - Staff proposes construction of trail to Pavilion property line
      - Developer provides financial contribution for sub-grade crossing under NM599
      - Developer dedicates trail to the City of Santa Fe upon completion of construction
- Issue #2
  - Emergency Access Road
    - Cuerno de Vaca, connects to County Road 54
    - 50-foot Public Access and Utility Easement
    - Unimproved roadway
    - Currently maintained by property owners
    - Note on plat removes dedication to County
    - Developer proposed improving the roadway to meet fire access standards, maintain roadway
    - Gated entrance with Opticom system, no public or construction access
- Issue #3
  - Technical Review
    - Flood Plain has been updated, prior to construction a Conditional Letter of Map Revision (CLOMR) is required
    - Stormwater Ponds need to be clarified
    - Stormwater should be managed on each lot
  - Additional Task
    - Operation and Maintenance Agreement for Lift Stations must be approved by Finance, Public Works, and City Council prior to recording
    - Applicant working with Stan Holland to begin process

Staff recommends approval with the conditions outlined in the report.

1. Trail Connections – Arroyo Chamiso and NM 599

2. Emergency Road Access
3. Stormwater Management, Floodplain
4. Wastewater Agreement

This concludes Ms. Lamboy's staff presentation

**Applicant: Scott Heff, Santa Fe Planning Group, 109 St. Francis Drive, Santa Fe, New Mexico**

I concur with the presentation by Heather Lamboy; I believe it is accurate and we have been working on the conditions to satisfy the concerns that we have had to deal with in the last several weeks.

- 1) Over the last several weeks we have been working with a variety of agencies such as Solid Waste Management. We met with Randall Marco and essentially had to revise every dumpster location for recycling on the project. The new policy is to have a dumpster plus recycling dumpster next to every single lot. All the 28 lots were revised for recycling dumpsters and I believe Randall was satisfied with the plan.
- 2) Transit, we worked with Santa Fe Trails to determine the number of bus stops on this property. Our first plan only had a few and we beefed it up pursuant to their recommendation, we now have 5. We had a meeting with them last week and we may need to beef it up again pursuant to more things we are working through. They are saying that they may want a clockwise and counter clockwise rotation. The work with transit is evolving and they are working out their routes as well. Before we record the development plan we will know how many bus stops are needed on the project.

This is a fairly complicated project from an engineering standpoint and development standpoint.

Emergency Access: We had a meeting with the neighbors to understand the concerns regarding the emergency access roads and to further discuss our intentions for that road. We provided Ms. Lamboy additional information on this revised condition this afternoon; I'm not sure how many of the neighbors are aware of this information. This afternoon, pursuant to the discussions, this will be used for emergency access only, it will have a gate with opticom which is pursuant to the sounds of siren it will open. The County Fire Marshal said they don't have an opticom, the main point is that the gate will be locked at all times. The Fire Departments will have access to the box at all times to open it. The maintenance was the next concern; once we get it improved how are we going to maintain it. The issue with the county was that they would only take over the maintenance if we would pave it and we don't have any intentions of paving it. The neighbors don't want it paved either. The road is part of our business association and we will have a schedule of maintenance on the road, it will be inspected regularly. It will be part of the dues that our business owners will share in the maintenance of that road. The Fire Marshal for the City has said if they do an inspection we will need to do maintenance within 5 calendar business days which we concur with.

The points I would like to get on the record consistent with the meeting I had with the neighbors and that doesn't necessarily reflect in the conditions, I want to relate our earnestness in tackling this issue is one. Designing in a vacuum to improve the emergency access road; we need to develop a plan an engineering set of drawings. Rather than doing that in a vacuum, once we get the plans to a certain level, we will sit down with the neighbors and show them what we have accomplished and welcome their input mostly related to drainage, and we would be more than happy to do that.

The last component is how are we going to guarantee that we are going to do what we say we are going to do over the life of the project. We have agreed to a lot of the language on the plats and it is in our development plan and CC&R by-laws and we would share those documents with them prior to recording so they can take a look and know that they are consistent with what we have said. That wasn't quite handled in the condition and if we want to revise the condition we can. What I wanted to do this evening was to convey the message that we are earnest in our attempt to make this right. The emergency access

road is to the west. I want to make reference to the subject road, what I want to highlight is the access to I-25, that is something we have placed on the plan pursuant to the MPO study that was completed last year, it was the corridor study. The land between our site and the highway is controlled by the city of Santa Fe; it is a 25 acre parcel that is owned by the city. That was put there pursuant to the comments from the Traffic Engineer. We have a cul-de-sac that essentially dead ends that road for us.

The arroyo crossing we have come to a sense of understanding. It was a bit touchy for a while, but we have sorted it out. We are addressing the arroyo crossing and getting across the box culverts on 599, there are 7 of them. The city has been putting trails through the box culverts. We were concerned about the liability. As we began to explore we feel that we can work with staff and we need city assistance. We can explore the decision with the city. The DOT has control over this issue and we have to go through an access control plan with DOT. We will need to work through their process to come to a resolution. We believe with help from the city we can make that occur. If for some reason we can't make it occur we will need to come back to the city planning committee and the city council to have that condition removed. It might be that not all 7 culverts are necessary but how are we going to convince DOT that their engineering is wrong. The plan is to take one of those box culverts of the 7, leave at least 6 at the flood plain through the 7. They are roughly 10' tall and 10' wide.

*Note: Ms. Lamboy said that they put proposed conditions in the box with the agenda's for the public.*

### **Public Hearing:**

#### **Sworn in: Andrew Villa, 54 Cuerno de Vaca, Santa Fe, NM (Abutting neighbor to the development plan.)**

I met with Mr. Hess last night and tonight I did not hear that those conditions were going to be placed in the by-laws, I didn't hear that. Also, the access road on Cuerno de Vaca will be and shall not be ever a thoroughfare.

Mr. Hess responded that they did get that in the conditions.

Lastly for city staff, the lighting on commercial buildings, I haven't spoken to anyone on the lighting conditions, I believe I spoke to Tamara one time. I don't want to walk out of my home in the middle of the evening and find out that I can see everything on the ground. I have concerns about that.

#### **Sworn In: Vivian Montoya, 50B Tierra Hermosa Court, Santa Fe, NM**

Our residents were not properly notified of this meeting, there are 19 people that we contacted today, and only 2 were officially notified by certified mail. That is not proper. There are 28 residents on this road and only 2 were notified by certified mail. I was not notified of the January 3<sup>rd</sup> meeting nor the February 3<sup>rd</sup> meeting. I do believe this Pavilion would be wonderful, the trails would probably be nice, the buildings would be beautiful; I feel as a property owner adjacent to this area, I should be informed of the changes that are going to affect me. I bought property in the county for a reason, not to become a city resident. One of the areas of concern is that Tierra Hermosa is a privately owned road by the residents who live there. It is not a county road although we access it from County Road 54. We are the road before you get to Cuerno de Vaca. There is one access road on the map that we received today. One of those is identified as a proposed future connection. We do not want any access to the Pavilion from our road. Absolutely not and the reason being is that the city and county do not maintain our roads, and we know that our roads will not be maintained. We do not want anyone going through there as a quick access to businesses or quick access out of there. I have a signed letter from the residents that are opposing that proposal. (Exhibit A) I am asking that because of that improper notification that this be postponed to a later date so residents can review these documents and give their input. We don't want anything passed over us. That is not the proper way to do things.

Why are you choosing emergency access road off of Cuerno de Vaca instead of 599 according to this map that we were provided? It is not logical why you are choosing private residents roads to be an emergency

access. One of these residents on Cuerno Vaca, I spoke with her and she was not notified to do any emergency access. She was not notified and could not be here tonight but wanted to be on record, (reference from Exhibit A, #M). I beg to differ that you contacted everyone. I don't know where you are getting the addresses from but we were not notified. I live across from C. If these access road are going to be approved then we would like to know, are our roads going to be paved, are we going to have city water; not that we want to become city residents but is that factored in? If there is an emergency are we going to use city or county? The gated lock to me, as an example the residents of Agua Fria were sold on gated locks off of Rufina, that no one would go through those private roads. If you drive through Rufina all the gates are knocked down and people are driving through there. Now the crime is up on Agua Fria. There are too many people going through private driveways tearing down gates. I would like to be involved in any decisions that this commission is making or that this planner is doing. I am not opposed to the Pavilion, I want to make sure that my view is not obstructed by these tall buildings, I want to be involved; we don't want to be left out. Thank you.

Chair Lindell: What map are you referring to?

Ms. Montoya: This is a map and a notice that one of our residents, Mr. Gallegos received with notice of this meeting.

Ms. Lamboy clarified that this map is in the commission packet as Plat Sheet 2-2: Lots that she is referring to are south of the Pavilion A-F, immediately south to the easement.

Ms. Montoya: The map shows an easement up to lot 21 & 32 where it says a proposed future connection, what is that? Is that a future connection?

Mr. Hess: That is our road, it is a cul-de-sac. The second one has been removed. The other one is put on by the highway corridor. (Mr. Hess showed the roads on the overhead). At one time there were two roads identified, the Fire Marshal said we only needed one access, so the other one is gone.

Ms. Montoya: Perfect. At no point in time do we want the Tierra Hermosa Road open to 599.

Mr. Hess: Concurred.

Ms. Montoya said that no one from A-J were notified for this meeting. My view is going to be of your buildings and they will probably be beautiful.

The Chair asked if these residents were notified.

Ms. Lamboy stated that the lots that are located within 200 ft. would have been notified. In this particular case the lots are relatively large, they are in the county. I looked at the scale for those particular lots, reference Lot C itself is at least 300 feet in depth. Unfortunately, in this particular case they would not have been given notice. I do know that the notification addresses were updated in January through the County Assessors data.

Ms Montoya said that she has lived there since 1994.

**Sworn In: John D. Romero – 50-A Tierra Hermosa Court, Santa Fe, NM**

My sister just spoke and I too was not informed of this meeting or any other letters that were sent supposedly by certified mail. Although we are not in the 200-foot range but all these houses are. Their house may not be in the 200-foot range, but their property line is. To use the excuse that because the house isn't there within 300 ft. or 200 ft., the property lines do meet up. There are other people that weren't notified. (Mr. Romero asked those in the audience to raise their hands if they were not notified.) One in the audience was notified. If it was a certified letter no one knew about it. If the 599 road is going to meet up to the traffic light then it is going to go over Tierra Hermosa at the back. We are not opposed

to the project; we are opposed to the lack of notification. We would like to have a little more voice. We would like to get this postponed until there is more notification; these 200 feet is not correct when you say the houses are 300 feet away.

**Sworn In: William Mead, 2073 Camino Montoya, Santa Fe, NM**

I am with the United Communities of Santa Fe County and we are a group of Associated Neighborhood and Home Owner Associations, Acequia associations and environmental associations. We have been trying to act as a clearing house for starting new neighborhood associations throughout the county. What I see here, this particular subdivision is on a fast track and there hasn't been adequate notification. It is a new annexed area that is abutting a county area that isn't really organized. It is when the rural areas meet the urban areas, that is when there are going to be difficulties. There seems to be quite a few neighbors here that are affected by not being notified. The county has notification requirements, the city has its own and this has fallen in the grey spot. This should be tabled until the developer can meet and speak to the neighbors to pull it together. They certainly are amenable and they have a stake in this project.

**Sworn In: Fidel Gallegos, Tierra Hermosa Ct., Santa Fe, NM**

My concern is that when you refer to 200 feet, I live across from E. I was one of the two that was notified and I am across the street way over the 200-foot range. When they say that it is not an access road than why is it marked as an access road on this latest one that I received? I am past the 200 mark and we did receive letters.

Mr. Hess: That is an existing access road on Tierra Hermosa, it has nothing to do with us.

**Sworn in: Daniel Notche, #13 Cuerno de Vaca, Santa Fe, NM**

Last night our neighbor down the road, Andy, did receive the notices because his property is adjacent to it. We have a pretty tight neighborhood and there are a few of us that maintain the road to a degree. Our road has been designated as an emergency access and we had a private meeting at my house and we felt that as a neighborhood we should show up to the meeting. Scott and another lady came by the house last night. They contacted us and asked us if we could have some type of meeting to address our concerns and reassure us of what they are want to do. Our concern is that our road not ever get used other than an emergency access. If they are going to update our road to gravel pack to allow for emergency access there would be a maintenance schedule, some type, in place. Scott has already assured us that it will be put in to their by-laws. I am cool with that. They might not have been notified by the developer himself or the city and the city may have neglected those that are not in the city. But in my house my wife made up letters and we posted it at the mailbox and one neighbor did show up. The neighbors at Cuerno de Vaca were notified. So far there are only 3 households that showed up tonight. My concern is the access and the drainage, my property is one of the lowest. The road feeds into to my property and I usually have to deal with it; I get a pond. My concern is how the road is going to be drained once they construct the bar ditches. He has reassured us that we will be informed when there are engineering plans.

Chair Lindell said she had an opportunity to drive on their road today and it has been maintained very well.

Mr. Notchie said that there are a few neighbors that worked together to keep up the road. As a neighborhood we took a collection, \$15 per person, we did our own patchwork on our road. Our biggest concern is how it is going to drain.

Chair Lindell asked Mr. Hess if he was aware of Mr. Notchie's concern on the drainage.

Mr. Hess: Yes, Chair Lindell.

Chair Lindell: That is something that you said will be addressed.

Mr. Hess confirmed that he knows about the drainage concern and that before they get the engineering plans going they will sit down with the neighborhood and discuss drainage.

**Public Hearing Closed:**

Commissioner Hughes: Keith and John can you come up so we can talk about the roads. The Long Range Transition Plan; is it correct that you are requiring this up to 599.

Keith Wilson: No. The corridor study that Scott is referring to was the long term transportation plan that was completed last April. The recommendation of connecting was not one of the recommendations in that plan; we took the recommendations from the NM 599 corridor study. The NM 599 corridor study did not know about this plan.

Commissioner Hughes: When the plan gets updated what will happen with this?

Keith Wilson: The Metropolitan Transportation Plan just got passed last year and we definitely update it every 5 years. If this rises to a level of something that needs to be included in our plan, we would need to do an amendment. The plan is for 5years.

Commissioner Hughes: Who sets the standard for lighting in the city?

Ms. Lamboy: We have an ordinance of light standards in our Land Development Code and it references how many foot candles and different kinds of uses. There is a lighting plan in your packet with reference to the concern raised by Mr. Villa. There is a substantial set back from his property to where there is any development and we will study that further to assure that the glare is minimized.

Commissioner Hughes said that according to the standards they show to be over lit.

Commissioner Villarreal: Did staff look at lighting requirements in the county?

Ms. Lamboy: Basically the large setback which is several hundred feet and city standards would apply. We can check with the county since it is rural out there.

Commissioner Montes: I have a question for Mr. Heff. I am looking at the minutes of our Planning Commission meeting almost a year ago, March 4, 2010 and at the bottom of page 13 you say, "We are not going to put up huge 50,000 square foot buildings and then wait for someone to come this is a build to suit project." Is this still true a year later?

Mr. Heff: Yes Commissioner Montes, it is.

Commissioner Spray: Did the applicant notify the neighbors correctly?

Ms. Lamboy: I reviewed with the applicant the notice process for this meeting and it does meet city code requirements for notification.

Commissioner Spray: I have a couple more questions on financing of the project per commission comments. In the current packet we have from Southwest Planning Marketing a fiscal impact study that details a lot of possibilities on the gross receipts tax. Back at the council meeting on April 28, 2010 Mr. Poster from SW Planning Marketing talked about speaking with realtors about an insurance development needing 125,000 square feet, a packaging plant for 120,000 square feet, and 3 businesses looking for 50,000 to 75,000 sq. ft for executive space. There is no mention of any of these opportunities being current. Do you have any current prospects as of now?

Mr. Heff: Yes, we do Commissioner. That was at a time as Heather mentioned an interesting point which is the strategy on our behalf which is to get the project approved so we can market it as permit ready. One of the detriments of trying to attract a tenant is that they have to go through 8 months of the city of Santa Fe process. Just today a broker called, James Wheeler, and he wanted to know when we would have lots. The broker cannot sell any land until there is a plat. We would create the roads and lots, the broker would sell the lot.

Commissioner Spray: How do you feel about postponing the action tonight according to the neighbors request for a future meeting?

Mr. Heff: This has been a slow process we do feel that we have met our notification process, 200 ft., the city provided me the map, we did notify the neighbors and we do sometimes get a lot of letters returned. We had a packet of someone who had called and three of his letters had come back rejected.

Commissioner Mier: I know the project very well and I am comfortable with it but some of the things that make me uncomfortable tonight is that people who live in this community have been there for a very long time. What is the significance to the developer to delay for a month to allow the neighbors to ask questions, re: lights, setbacks, roads, emergency access, all the things I would like to know if I lived adjacent to this property.

Mr. Heff: I would be extremely resistant to delay it, we have been trying to get this done so we can work interchange to the airport and the Jaguar extension. When we were delayed at the beginning of this year because we were working with staff to get all of our projects cleaned up, all of the issues and conditions cleaned up. Each delay just kills us. I would be willing to meet with the neighbors but if at all possible I would like to get approved this evening. I would be willing to meet with the neighbors and staff and if anything was to come up that is a concern that we haven't belabored in the last year and a half already, between 30 staff people and concerned citizens that we couldn't work in to a condition of approval possibly for a comment, I would be willing to do that. I am seeking approval, this has been a long road for us, Commissioners. We feel that we have met our obligations and I do understand the concerns.

Chair Lindell: What about the concerns with the flights and light safety issue, are we done with the airport?

Mr. Heff: We submitted to the FAA the 80 year air space study which we had to revise it to submit for every single lot, all 20 acres of the Pavilion and we are awaiting results from that. We have met with Mr. Montman on the lighting. As a point of reference our tallest building is 30' and we are about ½ mile from the runway and pilots need to be around 3000 feet at that distance. In terms of the lighting of the project, we have gone several rounds with our lighting engineer as well as the dark sky ordinance and we will meet the requirements. One thing to highlight again is the distance, we have a significant open space buffer on the south side of the project that was put there intentionally.

Chair Lindell: Lighting and the signage are some of the greatest concerns I have with this and it is a rural area. The neighbors are deserving of the developers sensitivity. They live there for a reason. I hope that you will remain sensitive to that. Is this essentially the same usage mix that we have previously seen?

Mr. Heff: Correct

Chair Lindell: Do you have any initial prospective tenants, purchasers?

Mr. Heff: Just today when I spoke to Mr. Wheeler, there is a potential call center interested. We cannot sell anything until we get approval on these lots. As far as the sensitivity to the neighbors needs, they don't want Cuerno Vaca Rd. paved and we were willing to pave it for them.

**Sworn in: Phillip R. Sena – 4540 Calle Contenta, Santa Fe, New Mexico**

(Lives 300 yds. from the property)

I am the developer and the project manager for the Pavilion. Our staff has worked very hard, promoting the project, working on getting the overpass, the extension aviation to the airport, extension to the National Guard Hangar which is a maintenance hangar. We have done that, we have worked with Mr. Montman at the airport, we have worked with the FAA. We can't sell anything until we have approval. I have no problem going back to the neighbors and we will go over the project with them as the owner of this property, no one has been willing to put up this kind of money for an interchange, extension to the airport, water to the city. What we are trying to do and the owner of the property is trying to create jobs. Any delays that we get on this we can't promote the property. I want to enclose the property for safety reasons. It is a beautiful safety measure, there is probably about 1.6 miles, this is something that we ask you, we still have to come before you for issues on the east side, it is so important on our time and financially. In these economic times I ask you to let us go forward, we will meet with the neighbors, we can make it a contingency and come before you, and we have no problem with that.

Commissioner Hughes: Does this go to City Council?

Kelley Brennan: No it does not.

Commissioner Mier: If we tabled this could it come back to the Planning Commission in 2 weeks?

Ms. Baer: There is no time for official notice but official notice has been given to the people who are required by ordinance to receive them. There would not be a 15-day requirement.

Commissioner Mier: If we tabled this tonight and allow the developer to meet with all of the interested parties that are concerned, we could have this come to the Planning Commission in 2 weeks?

Ms. Baer: You would postpone to a day certain which removes the requirement for an official notice. We would not have to have a mailing, it would simply be a postponement.

*Commissioner Mier moved to postpone this action to the next city Planning Commission meeting, (2 weeks from tonight) and give the developer and staff an opportunity to meet with all interested parties, second by Commissioner Villarreal, motion carried by unanimous voice vote.*

Discussion:

Commissioner Spray: I would be willing to vote tonight. And I think we need to do the right thing. I asked the applicant if anything is pending and if there is no financial hardship I intend to support this motion.

Commissioner Villarreal: I second and I understand that this project has been through a lot, if they make a concerted effort to meet with everyone, or have a representative there. There are so many approvals and a lot of staff that has to be involved. I do understand that if you don't understand what is happening around you, it is scary. The map that you were showing us and explained it, I know that helps. As a planner I don't always understand maps, but if we take the time to help them understand. I know 2 weeks is hard for the applicant. It is important for the neighbors to make every effort to go to the next meeting.

Chair Lindell: Is this the third public hearing we have had on this development?

Ms. Lamboy: We have heard it in different forms, it came first as an annexation, you heard it for preliminary plat, it is here for final approval and it is the first for the development plan. The development plan, this is the third time.

Chair Lindell: We have had three public hearings, for each hearing we have had notice by letter. Although we have been told that – was signage put up? Signs were put up where the development is, at

599, and at the end of Cuerno de Vaca for all hearings. And it was put in the newspaper. That is a lot of public notice.

4. **Case #2011-05. The Pavilion Final Subdivision Plat.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager)
5. **Case# 2011-01. Purple Horizon Mobile Home Park General Plan Amendments.** James W. Siebert, agent for Purple Horizon Properties, LLC, requests General Plan Future Land Use map amendments to change the designation of 0.84± acres from Community Commercial to Medium Density Residential; 2.10± acres from Mixed Use Transitional to Medium Density Residential; and 4.68± acres from Low Density Residential to Medium Density Residential. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) *(TO BE POSTPONED TO APRIL 7, 2011)*
6. **Case #2011-02. Purple Horizon Mobile Home Park Rezoning.** James W. Siebert, agent for Purple Horizon Properties, LLC, requests rezoning of 7.62± acres from R-3 (Residential, Single Family) to MHP (Mobile Home Park). The application includes a Development Plan for 44 modular home spaces for senior housing. The property is located north of Cerrillos Road, south of Rufina St. and west of Home Depot. (Dan Esquibel, Case Manager) *(TO BE POSTPONED TO APRIL 7, 2011)*

#### **G. BUSINESS FROM THE FLOOR**

None

#### **H. STAFF COMMUNICATIONS**

Ms. Baer informed the commission that she had followed up on the request to provide more information on parks, and how parks are managed. Fabian Chavez will come to the April 7<sup>th</sup> Commission meeting.

#### **I. MATTERS FROM THE COMMISSION**

Long Range Planning Meeting on March 9<sup>th</sup> at noon.  
March 19, 2011 - 12 - 2 pm - Webinar on Round-Abouts – Keith Wilson

Commissioner Bordegaray – Thank you for the review. I reserved questions and I would like to talk about circulation. There is no other development like this. This is a good time to have connections. I want to hear the rationale and I want to know the understanding. I would urge that you have a representative from the NPO.

Commissioner Mier: I am pleased to hear that city transit is a part of this site. How does one go about getting transportation?

Ms. Baer: When a project comes forward we always look where the bus stops are and depending on how many people we are talking about, sometimes there aren't enough people. Jon Bulthuis, would it be appropriate to see if that was looked at.

Commissioner Bordegaray – Quail Run does not want connectivity.

## Approval of Minutes and Findings/Conclusions

*Commissioner Villarreal moved to approve the minutes of March 11, 2011 as presented, second by Commissioner Hughes, motion carried by unanimous voice vote.*

### Findings/Conclusions:

Case #2011-14. Cielo Azul Annexation Agreement Amendment (To Be Postponed to April 7, 2011)

Case #2010-163. The Pavilion Office Complex Development Plan (To Be Postponed to April 7, 2011)

Case #2011-05. The Pavilion Final Subdivision Plat. (To Be Postponed to April 7, 2011)

## **IV. Old Business**

- a) **Case #2010-163** The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 42 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) (Postponed from January 20, 2011, February 3, 2011 and March 3, 2011).

### Included in Commission Packet related to #2010-163

- Neighborhood Meeting Summary for meeting held on March 10, 2011
- Memorandum dated March 17, 2011 from John Romero, Public Works Department/Traffic Engineering Division
- Revised Conditions of Approval

Ms. Lamboy stated that the entitlements sought with the Development Plan include:

- 181,442 square feet of uses proposed in the C-2 portion
- 864,963 square feet of uses proposed in the BIP portion.

Pavilion:

- Covenants, Conditions and Restrictions (CCRs)
- Business Owner Association (BOA)
- Maintenance Agreement with the City regarding Wastewater Lift Stations

Issue #1 – Pedestrian Circulation

- Developer must provide trail connection to Tierra Contenta
  - o Staff proposes construction of trail to Pavilion property line
  - o Developer dedicates trail to the City of Santa Fe upon completion of construction

Issue #2 – Emergency Access Road

- Cuerno de Vaca, connects to County Road 54

- 50-foot Public Access and Utility Easement
- Unimproved roadway
- Currently maintained by property owners
- Note on plat removes dedication to County
- Developer proposed improving the roadway to meet fire access standards, maintain roadway
- Gated entrance with Opticon System, no public or construction access

Issue #3 -- Technical Review

- Flood Plain has been updated, prior to construction a Conditional Letter of Map Revision (CLOMR) is required
- Storm water should be clarified
  - o Storm water should be managed on each lot

**Neighborhood Meeting – Discussed Potential Impacts**

**Neighbors would like to see:**

- Reduced lighting at edges of development
- Construction of a wall along the edge of development’s southern parking lots and fence along the west side of the 60-foot utility and access easement.
- A note on the plat that the 60-foot access and utility easement will never be used for vehicular access by the Pavilion Development
- Better police protection and involvement in addressing burglaries and other nuisances.

**Staff recommends Approval with the conditions outlined in the report.**

- **Trail connections – Arroyo Chamiso and NM 599**
- **Emergency Road Access**
- **Wastewater Agreement**

*Commissioner Bordegaray moved for approval of Case #2010-163 Development plan with conditions included in packet, second by Commissioner Spray, motion carried by unanimous voice vote.*

Discussion:

Commissioner Spray, on record, stated that he appreciates the work that the applicant did on this as well as staff. Ms. Lamboy did excellent work on the ENN and her transcription and the summation in the 5-pages of notes, this was really great. It was great that we took the extra two weeks; it was not too late, the result was a project with good neighborhood support and communication. The people are going to be there for many years and you want to have that, you have it now.

Commissioner Villarreal concurred with Commissioner Spray. The security and safety was an important point of communication and we now know that the County will need to work on this area with the residents.

- b) **Case #2011-05** The Pavilion Final Subdivision Plat. Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Heather Lamboy, Case Manager) (Postponed from March 3, 2011).

*Commissioner Bordegaray moved for approval of Case #2011-05 for the final subdivision plat of the Pavilion with staff recommendations and conditions, second by Commissioner Montes, motion carried by unanimous voice vote.*

*--5 minute recess--*

## V. New Business

1. **Chapter 14 Rewrite Amendments.** Consideration of amendments to two sections of Chapter 14 Rewrite Subcommittee and by Staff: 1) 14-8.5 Walls and Fences; and 2) 14-9 Subdivision Design, Improvement and Dedication Standards (Greg Smith, Case Manager)

### Sections 14-8.5: Walls and Fences and Sections 14-9

Mr. O'Reilly informed the Commission that Mr. Smith would not be available for the presentation this evening and he would provide the reported recommendations. The City Attorney was also not available and Mr. Brasier was available for questions on the Chapter 14 process.

14-8.5: Walls and Fences, in summary the subcommittee looked at during a number of different meetings and what staff recommended is that the walls be 6' in height, retaining walls would have to be separated by a distance of the height of the wall. Also, the overall height of a fence and retainer wall combination would be 10 feet for residential districts and 12 feet in non-residential districts.

14-9: In regards to the overall section of 14-9, there is a title change proposed for this section to better adjust to what is in the section.

Section 14-9.1b there is an applicability section added. The new language is designed to address references to various types of infrastructure that are required and also any new infrastructure that is needed to handle the projects direct impacts. This is in addition to impact fees which are required by the code which are applied to indirect impacts of the development.

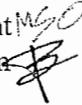
Section 14-9.2(a) - General Plan Compliance: This is designed to recognize the extensive policy guidance that is provided in the general plan which has not been in Chapter 14 before.

# City of Santa Fe, New Mexico

# memo

**DATE:** February 15, 2011 for the March 3, 2011 Planning Commission meeting

**TO:** Planning Commission

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department   
Tamara Baer, Planner Manager, Current Planning Division 

**FROM:** Heather L. Lamboy, AICP, Senior Planner, Current Planning Division 

## THE PAVILION BUSINESS PARK

**Case #2010-163. The Pavilion Office Complex Development Plan.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 35 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport.

**Case #2011-05. The Pavilion Final Subdivision Plat.** Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport.

### I. RECOMMENDATION

For Case #2010-163, the Development Plan, the Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

For Case #2011-05, the Development Plan, the Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

*Cases #2010-163 and #2011-05 are combined for purposes of staff report, public hearing and Planning Commission comment, but each is a separate application and should be voted upon separately.*

### II. THE PAVILION APPLICATION OVERVIEW

#### A. Application Request Summary

In March 2010, the Planning Commission reviewed and approved the Annexation, General Plan Amendments, two rezoning requests and a lot split for the Pavilion Business Park. The City

Council approved these applications on April 28, 2010. On January 6, 2011 the Planning Commission reviewed and approved the Preliminary Subdivision Plat.

The current application is a Development Plan and Final Plat request for the entire site, which is comprised of 371.20± acres. There are 2 zoning districts on the project, including 76 acres of Commercial (C-2) zoning and 296 acres of Business Industrial Park (BIP) zoning. The property is located on the west side of NM599 across from Tierra Contenta Phase 2C and directly southeast of and adjoining the Santa Fe Airport. A mix of uses is proposed for the site, including office, warehouse/manufacturing, hotel, and restaurant uses.

### ***B. Application History***

The Planning Commission reviewed a Preliminary Subdivision Plat on January 6, 2011. As approved, the Pavilion site will be divided into 32 lots. An additional two (2) lots have been created for the sewer lift stations, bringing the total number of lots to 34. Of the total number of lots, 26 lots (one of which is a sewer lift station) are designated for Business Industrial Park uses and 8 lots are designated for Commercial (C-2) uses (one of which is a sewer lift station).

The Development Plan process has been challenging for such a large parcel that does not have identified users. By having an approved Development Plan for the project, the applicant aims to be “permit ready” for potential users for the park with the entitlements in place. It has been stated by the applicant that by having a permit ready development, the Business Park will be attractive for businesses to locate in the park due to shortened city review processes.

The Development Plan is broken into four phases. The first phase includes primarily the Commercial component of the project and one BIP lot (Lots 1-8 on the Phasing Plan). Phase 2 is the western portion of the site (Lots 9, 13, 18, 25-30), Phase 3 is along the southern edge of Pavilion Loop Road (Lots 19-23), and the final phase, Phase 4, is located along the eastern portion of the site adjacent to the Veteran’s Expressway (Lots 10-16). Other improvements anticipated with this development, which are required to occur prior to any development on the Pavilion site, are the extension of Jaguar Drive and the construction of an overpass over NM599 that will serve both vehicles and pedestrians. The project will provide multimodal options with the inclusion of 5 bus stops along Pavilion Loop Road and the creation of a trail network that will connect to the Arroyo Chamiso and Arroyo Hondo trail systems. An additional multi-use trail will be constructed to connect to the NM599 Railrunner station.

In order to provide for architectural and landscape design consistency, the applicant has submitted an Architectural and Landscape Design Guideline document for the business park in addition to the Declaration of Covenants, Conditions and Restrictions (CCRs) and the Business Owner Association (BOA) documents. The intent of the design standards is to complement the Northern New Mexico and Santa Fe architectural traditions through consistent use of materials, architectural design, and landscape design. The Landscape Design is based on utilizing sustainable plant materials that are drought-hardy and suitable to our Northern New Mexico landscape. Additionally, the standards call for water conservation and water catchment off the parking lots for reuse with the landscaping. The maximum height in the project will be 40 feet in the commercial area, and most of the business park buildings will vary between 24 and 35 feet. A lighting plan has been provided to illustrate that the project will comply with the outdoor lighting provisions of the

Land Development Code, and the design guidelines also address lighting to provide for consistent lighting throughout the development.

An Early Neighborhood Notification (ENN) meeting was held for the Applications on September 27, 2010. No members of the public attended the meeting. Staff held a short discussion with the project team regarding staff review of the project and potential concerns regarding the site design and proposed changes to the Pavilion Master Plan.

On a related matter, on February 9, 2011, the City Council approved a proposed Right-of-Way Dedication Plat for the west extension of Jaguar Road within Santa Fe Municipal Airport lands and an agreement to construct and dedicate the required development improvements, including a NM599 overpass and Jaguar Road extension. The applicant is currently working with the New Mexico Department of Transportation (NMDOT) to secure all necessary permits for the construction of the overpass.

This report includes a separate section for each of the above applications with overall staff recommended conditions for approval included in EXHIBIT A.

### **III. RECOMMENDATION & CONDITIONS OF APPROVAL**

The Development Plan has been reviewed by the Land Use Department and other City Departments through the DRT process. Staff recommends approval of the Development Plan application with the Conditions of Approval as stated in this report and summarized in the Conditions of Approval Table, Exhibit A.

A number of issues have been identified and are incorporated in the list of conditions. These items will have to be addressed by the Applicant prior to recordation of the Development Plan and Final Plat.

1. **WASTEWATER.** The applicant will commit, through the Pavilion Business Owners Association Bylaws and the Covenants, Conditions, and Restrictions (CCRs), to pay for the operation and maintenance of the two (2) proposed sewer lift stations on the site. Furthermore, the lift stations and their sites (complete with appropriate access) will be dedicated to the City. An *Operation and Maintenance Agreement for Sewer Lift Station(s) and Appurtenances* is required between the City and the Developer prior to the recordation of the Final Subdivision Plat, and requires a separate approval process through the Finance Committee and City Council. This condition reflects earlier review and conditions in the Annexation Agreement.
2. **TECHNICAL REVIEW.** It should be clarified whether the stormwater ponds will accept stormwater from all proposed impervious surfaces within the entire project, or whether the calculations were made assuming some on-lot ponding or stormwater management for each lot. Schematic irrigation and water harvesting plans illustrate “potential cistern locations”, curb cuts to planting islands, recessed planting beds to accept rain runoff, and additional water harvesting concepts. Minimize the volume of regional ponds and maximize the requirements for on-lot water harvesting and innovative site-specific stormwater conserving features.

Previous review comments have asked that documentation be provided showing that arroyo crossings meet all federal, state, and local laws. To date, that information has not been provided and it needs to be prior to recordation of the final mylars. The floodplain requirements for this site have changed due to the fact that the Federal Emergency Management Agency (FEMA) has updated the floodplain map for this area. Engineering documentation must be supplied showing that proposed construction will not increase the base flood elevation of more than 1.0 foot. In the Arroyo Chamiso floodway area, documentation must be submitted showing that the construction will cause NO RISE in the base flood elevation anywhere upstream or downstream.

The integrity of the private effluent line must be maintained. The Developer, prior to any excavation in the area of the private effluent line, must conduct testing to accurately determine the location of the line. If there is any deviation of the location of the line from the easement indicated on the Plat, the Developer must coordinate with the owner of the effluent line for any necessary relocation of the line.

3. **TRAFFIC and CIRCULATION.** A proposed interchange at NM 599 is an integral part of this development. Per comments and conditions of approval from the City's Traffic Engineer and as a part of his review of the Traffic Impact Analysis, the developer shall be responsible for all costs associated with construction of the interchange, the connection to Jaguar Drive, the roadway from the interchange to the Santa Fe Airport, and a stub-out for a future connection to the I-25 frontage road. Furthermore, the applicant is responsible for obtaining all approvals from the New Mexico Department of Transportation (NMDOT) for the design and construction of the NM599/Jaguar Drive overpass and improvements prior to the release of any building permit for the Pavilion development. Additional requirements, including procedures for review and approvals are described in the staff memorandum, and are listed in the Conditions table. Final refinements to the infrastructure engineering will be required prior to the production of the final mylar.
4. **TRAILS.** The site plan illustrates trails connecting the site internally. There are two connection points to regional trail networks as well: the Arroyo Chamiso Trail and the Arroyo Hondo Trail. The MPO and Current Planning staff have stressed the importance of good alternative transportation networks, including the important connections to Tierra Contenta and the NM599 Railrunner stop. At the City Council hearing when the Pavilion was being considered for Annexation, a condition of approval included providing trail connections to Tierra Contenta. MPO and Current Planning staff has directed the applicant to construct a trail beneath NM599 that connects to Tierra Contenta's trail network, in addition to the overpass connection on Jaguar Drive. Furthermore, a multi-purpose trail should be constructed to the I-25 frontage road for connectivity with the NM599 Railrunner stop. The transit stops were added on the most recent submittal – and there is a need to have a trail connection from the bus stop to the restaurant on Tract 2 and the trail that connects Tract 4 and Tract 5.
5. **TRANSIT.** The applicant met with Santa Fe Trails and now the site plan incorporates 5 transit stops in the Pavilion Business Park. These are planned stops for the time bus service is warranted in this area. The plan does not indicate whether the stops include shelters, benches, a concrete pad, and pedestrian enhancements, which are required by Santa Fe

Trails. Staff recommends the shelters and enhancements be constructed with the phase of construction each stop is located in. Additionally, as the final engineering for the roadway is determined, the shelter locations may shift slightly in order to ensure pedestrian safety and efficient bus service. The applicant has agreed to the installation of shelters and pedestrian enhancements.

6. EMERGENCY ROAD ACCESS. The emergency access road to the south of the Pavilion development has been identified as Cuerno de Vaca Road. This is a private road and is maintained by the property owners along that roadway. The applicant is proposing the use of this roadway, which is a platted 50-foot public access and utility easement, as a second access point for emergency vehicles. As proposed, the applicant will improve the road by grading and applying a base course. As noted in the attached comment from Mr. Robert Martinez of the County Public Works Department, this type of roadway will not be considered for dedication; only paved roadways may be dedicated to the County for maintenance. The applicant must revise that condition to be clear as to the type of improvement that is proposed. Staff recommends that the road be paved to County Road 54 in order to ensure good quality access for emergency vehicles. Comments from Robert Martinez of the Santa Fe County Public Works Department have been provided for your information.

All of the issues discussed above were raised as part of the earlier General Plan Amendment, Annexation, Annexation Master Plan and Rezoning application reviews and approvals. The conditions stipulated at this time are refinements and further clarifications of these conditions. Additionally, due to fact that this plan has a 10-15 year buildout, it is likely that many of the building and site details may be changed. If a significant change is proposed, including but not limited to reorientation of uses on any given lot, increase in approved square footage, increase in height, or decrease in setbacks, such a change shall require either a Development Plan Amendment or a new Development Plan for that individual lot.

## VIII. ATTACHMENTS:

### EXHIBIT A:

1. Pavilion Conditions Summary Table

### EXHIBIT B: Development Review Team Memoranda:

1. Technical Review Division, City Engineer Memorandum 2-21-11, Risana Zaxus
2. Wastewater Management Division memorandum 2-22-11, Stan Holland
3. Technical Review Division, Landscape Review 2-21-11, Karen Fenoglio & Noah Berke
4. Email Correspondence regarding FAA Airspace Study to Applicant, 10-15-10
5. Metropolitan Planning Organization Comments, February 21, 2011
6. Solid Waste Email Correspondence, February 15, 2011
7. Open Space, Trails, and Recreation, January 31, 2011
8. Santa Fe County Public Works Email regarding Emergency Access Road, Robert Martinez, February 18, 2011

EXHIBIT C: Additional Background Materials

1. Planning Commission Meeting Minutes March 4, 2010
2. City Council Meeting Minutes April 28, 2010
3. Approved Pavilion Annexation Agreement and Master Plan
4. Approved Pavilion Zoning Map

EXHIBIT D: Maps

1. Annexation Plat
2. Zoning Plat
3. Current Zoning
4. Future Land Use Map
5. Aerial

EXHIBIT E: Applicant Submittals

1. Applicant's Transmittal Letter
2. FAA Project Submission Success Confirmation
3. Archaeological Clearance Form
4. Pavilion Business Park Design Standards
5. Covenants, Conditions, and Restrictions (CCRs)
6. Business Park Owners Association Bylaws
7. Agreement for Lift Stations within the Pavilion Business Park
8. Market and Fiscal Impact Study Update
9. Plan Set 11" x 17"

EXHIBIT F: ENN Meeting Summary

1. ENN Meeting Notes 9-27-10
2. ENN Guidelines Document

**EXHIBIT A**

**PAVILION CONDITIONS SUMMARY  
TABLE**

Development Plan and Final Plat-Conditions of Approval  
 Planning Commission  
 Case #2010- 163 Development Plan and Case #201 1-05 The Pavilion Final Plat

	Conditions	Department	Staff
1	<p>The following Conditions of Approval must be addressed before recordation of the mylar for the Development Plan and Final Plat:</p> <ul style="list-style-type: none"> <li>• Under the Annexation Agreement, Article 5. City Services, Item D Storm Water, Wastewater Collection and Sewer Services, it is important to note the a <b>separate Operation and Maintenance Agreement for the Sewer Lift Station(s) and Appurtenances shall be required between the City and the Developer.</b> This maintenance agreement will be in addition to the Annexation Agreement and the Declaration of Covenants, Conditions and Restrictions for the Pavilion Business Park, and requires Public Works, Finance Committee, and City Council approval. These approvals must be obtained prior to recording of final mylars.</li> <li>• A proposed Agreement for Maintenance of Lift Stations within the Pavilion Business Park was submitted by the Applicant for review with this last submittal. The language of the maintenance Agreement is under current review and is subject to the review and approval by the Wastewater Division and the City Attorney.</li> <li>• The Wastewater Division requires that a note be added to the Plat that the Declaration of Charter, Easements, Covenants and Restrictions for the Pavilion Development is recorded in the Office of the Santa Fe County Clerk and recorded in Book ____, Page ____ as Document Number ____.</li> <li>• The engineering plan set for the proposed sewer infrastructure is under current review and is subject to review and approval by the Wastewater Division.</li> </ul>	Wastewater	Stan Holland
2	<p>The following Conditions of Approval must be addressed before the mylars for the Final Subdivision Plat may be recorded:</p> <p><b>Stormwater Management</b></p> <p>Clarify the Terrain Management Report to clearly indicate whether the proposed regional ponds are designed to accept stormwater from all proposed impervious surfaces within the entire project, or whether the calculations were made assuming some on-lot ponding or stormwater management for each lot. Informal discussions with the design engineer indicate that the ponds were designed for all impervious surfaces, to include roads, parking lots, roofs, sidewalks, etc. for the entire 362 acre site. However, and possibly in contradiction to the above information, schematic irrigation and water harvesting plans show “potential cistern locations,” curb cuts to planting islands, recessed planting beds to accept rain runoff, and additional water harvesting ideas which because of their conceptual nature, do not seem to be required features. Make these features specific requirements by way of notes to that effect on the irrigation and water harvesting plan sheets.</p> <p>Provide clarification as to the intent of the regional ponding. Minimize the volume of the regional ponds and maximize the requirements for on-lot water-harvesting and innovative site-specific stormwater conserving features. Provide a note on the Development Plan as to the requirements for on-lot stormwater management.</p>	Technical Review	Risana Zaxus

Development Plan and Final Plat-Conditions of Approval  
 Planning Commission  
 Case #2010-163 Development Plan and Case #2011-05 The Pavilion Final Plat

	Conditions	Department	Staff
3	<p><u>Cover Sheet:</u>                      Add the Stormwater Certification. Identify stormwater ponds.                      Add lines for Building permit numbers: Grading _____, Landscape/Utilities _____.</p> <p>Plat and Development Plan – applies to both:                      Obtain street addresses for all lots (Marisa Struck 955-6661) and add to sheets.</p> <p><u>Development Plan</u>                      Correct General Note # 15 wording (missing a ‘not’) regarding issuance of certificate of occupancy.                      Add a note specifying whether on-lot ponding is required, or if regional ponding accommodates all proposed impervious surfaces.</p> <p><u>Overall Master Utility Plan (sheet 9-1)</u>                      Show easement for effluent line and identify in legend as “easement for existing privately-owned effluent line.”                      Add a note to this sheet: “Prior to the start of any excavation on a lot containing the effluent line easement, perform potholing to verify the location and depth of the effluent line and to ascertain whether the utility lies within the defined easement. Maintain the integrity of this line. Contact owner if relocation is necessary for new construction or if the existing line is not within the defined easement.”</p> <p><u>Grading &amp; Drainage (sheets 10-1 to 10-16)</u>                      Provide overall Grading and Drainage sheet showing all phases.</p> <p>On every applicable sheet, label the FEMA floodplain and reference the FIRM panel and effective date.</p> <p>Clearly identify stormwater ponds.</p> <p>Add cut &amp; fill quantities.</p> <p><u>CC&amp;R’s</u>                      The Covenants and Restrictions of the Owner’s Association must address maintenance of stormwater and drainage facilities.</p> <p><u>Other</u>                      Submit Terrain Management Report sealed by Professional Engineer</p> <p>Traffic Engineering Division: The following conditions of approval prior to the Final Subdivision Plat and/or</p>	Traffic	John Romero

Development Plan and Final Plat-Conditions of Approval  
 Planning Commission  
 Case #2010-163 Development Plan and Case #2011-05 The Pavilion Final Plat

	Conditions	Department	Staff
4	<p>Development Plan approval:</p> <ul style="list-style-type: none"> <li>• As required by the Annexation Agreement, the proposed access and improvements on New Mexico Department of Transportation (NMDOT) Highway Systems (specifically NM599) shall receive approval from NMDOT prior to approval of any building permit associated with the Pavilion development.</li> <li>• No Certificate of Occupancy (CO) will be granted prior to the completion of the Jaguar Drive improvements and Jaguar Drive/NM599 overpass.</li> <li>• The developer shall provide a future roundabout design to the Traffic Engineering Division, for review and approval, so that appropriate roadway right-of-way limits can be established.</li> <li>• The developer shall generate structure sections for all proposed drainage structures, which shall be reviewed and approved by the City's Traffic Engineering Division.</li> <li>• The proposed subdivision plat shall be revised to accommodate the appropriate roadway right-of-way based on the final design approved by the City's Traffic Engineering Division. The subdivision plat shall also include Construction Maintenance Easements (CME) for all cut and fill slopes and all drainage structures. The CMEs shall at a minimum include an additional 10' past the toe of slopes and past the drainage structures.</li> <li>• Since the proposed Pavilion Loop will be classified as an arterial, the developer shall prepare a pavement design, to be reviewed and approved by the City's Traffic Engineering Division. The minimum allowed section is 4" of Superpave over 6" of Untreated Base Course.</li> <li>• The proposed future trail crossing on the north side of intersection #3 shall be directed to the crosswalk at the roundabout at intersection #3.</li> <li>• The developer shall place 1-2' and 1-3 electrical conduit across all legs of the roundabout at intersection #3 and the roundabout at the intersection of Pavilion Loop and Jaguar Drive. All conduits shall terminate into one of four large pullboxes to be placed all four corners of the subject intersection. Each conduit shall have a pull string and a bare #8 copper tracing wire. If it is determined between now and the time of final signoff, by the Traffic Engineering Division, that a pedestrian signal is needed at these multi-lane roundabouts, the developer shall design and place the required pedestrian signal.</li> <li>• The developer shall place the required pole heights and arm lengths on the Luminaire Schedule of the Roadway Lighting Plans.</li> <li>• Signing marking pedestrian and bicycle treatments in and around the proposed roundabouts shall follow current practice and guidelines. The items shall be reviewed and approved by the Traffic Engineering Division prior to final signoff.</li> <li>• In addition to what is mentioned above, the Traffic Engineering Division will perform and additional review of signing, striping roundabout design, and other specific items during the final subdivision plat and development plan approval process and in preparation of final mylars.</li> </ul>	Engineering Division	
4	Fire Marshall Requirements to apply at time of Development Plan/proposed construction:	Fire Department	Angelo Ortega

Development Plan and Final Plat-Conditions of Approval  
 Planning Commission  
 Case #2010- 163 Development Plan and Case #2011-05 The Pavilion Final Plat

	Conditions	Department	Staff
	<ul style="list-style-type: none"> <li>• Comply with IFC 2006 edition.</li> <li>• Provide a water system that complies with Appendix C of IFC 2006 edition.</li> <li>• Provide roadways that comply with Appendix D of IFC 2006 edition.</li> <li>• All roadways to be no greater than 10% grade.</li> <li>• All buildings shall be reviewed for access and water availability as per IFC 2006 edition.</li> <li>• The dedicated emergency access road must be up to City of Santa Fe standards for emergency access roadways despite the fact that the emergency road is located in Santa Fe County, which has different standards than the City of Santa Fe. The Business Owners Association will be required to maintain the off-site access road up to County Road 54.</li> </ul>		February 16, 2010
5	<p>Public Works Department: Trails and Open Space</p> <p>The following conditions of approval must be addressed prior to the Final Subdivision Plat and/or Development Plan approval:</p> <ul style="list-style-type: none"> <li>• Trail easement(s) shall be dedicated to the City of Santa Fe; and,</li> <li>• Provide secure pedestrian access across NM599.</li> </ul>	Public Works	Robert Siquieros
6	<p>The Santa Fe MPO Transportation Policy Board adopted the 2010-2035 Metropolitan Transportation Plan (MTP) in October 2010. The overarching theme of the MTP is “<i>Moving the Santa Fe Region forward with a sustainable, interconnected, multimodal network that aims to provide safe and secure access for all users.</i>” These comments are intended to provide multi-modal transportation opportunities in the Pavilion development.</p> <p><b>Arroyo Chamiso Trail</b></p> <ul style="list-style-type: none"> <li>• The note on the Development Plan offers the Floating Easement along the Arroyo Chamiso on the Pavilion Property, but does not specify a financial contribution. This section of the Multi-use trail shall be constructed as part of Phase 1 of the project, therefore, it is required that the financial contribution be made available as part of Phase 1 of the project.</li> <li>• The Development Plans show 10ft wide trail connections on Lot 5 and Lot 7. The language for the Floating Trail Easement mentioned above should make sure that it allow for connections to these connecting trails from the finalized Arroyo Chamiso Trail alignment.</li> <li>• The section of the Arroyo Chamiso Trail west of the Entry Road shall be constructed at the same time as the roadways are constructed during Phase 2 of the development.</li> </ul> <p><b>Bike Path to Connect to Railrunner Station</b></p> <ul style="list-style-type: none"> <li>• This Trail connection shall be constructed at the same time as the roadways are constructed in Phase 2 of the development.</li> <li>• Santa Fe County has future plans to develop a multi-use trail along the Arroyo Hondo with access to the</li> </ul>	Metropolitan Planning Organization (MPO)	Keith Wilson

	<b>Conditions</b>	<b>Department</b>	<b>Staff</b>
	<p>NM599 Railrunner Station. The Developer shall coordinate the trail development in this area with the County Open Space Staff.</p> <p><b>Pedestrian Connectivity</b></p> <ul style="list-style-type: none"> <li>• It was previously requested that a pedestrian connection from Lot 2 to Lot 4 or 5 should be added. An “Open Space Trail” from Lot 2 to Lot 4 has been added to the plans. No design detail has been provided for the “Open Space Trails” in the plan set. A formalized pedestrian connection is required to allow retail and office employees and patrons on lots 4 and 5 the opportunity to walk to the restaurant rather than drive and allow hotel and restaurant patrons the opportunity to walk to the retail establishments on Lots 4 and 5.</li> <li>• The sidewalk should continue along the front of Lot 30 and Lot 9 on the west side of the roadway.</li> </ul> <p><b>Bicycle Parking Facilities</b></p> <ul style="list-style-type: none"> <li>• This latest plan set provides a “Typical Bicycle Rack Detail” which shows a “Wave” style rack. The City follows the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines. A different rack design should be chosen that provides the following elements:                     <ol style="list-style-type: none"> <li>1. Supports the bicycle upright by its frame in two places</li> <li>2. Prevents the wheel of the bicycle from tipping over</li> <li>3. Enables the frame and one or both wheels to be secured</li> </ol> </li> <li>• No detail of the area where bike racks are to be placed is included in the plan set. Bike racks shall be placed on a concrete pad.</li> </ul>		
7	<p>Current Planning Division:</p> <ul style="list-style-type: none"> <li>• No development plan or Subdivision Plat shall be approved by the Planning Commission unless the Commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure. This note shall be placed on the Amended Master Plan and any Development Plan.</li> <li>• No Development Plan or Subdivision Plat shall be approved by the Planning Commission unless the Commission finds that there exist adequate provisions for coordinating dedication, financing, and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to “stubbying out” trails, roads and utility easements, and/or provisions for pro rata contributions to off-site improvements that may be impacted by the approved Development Plan or Plat. This note shall be placed on the Amended Master Plan and any Development Plan.</li> </ul>	Current Planning	Greg Smith
8	<p>Project appears to be in compliance with Article 14-8.4 SFCC 2001, Landscape and Site Design. Any other issues regarding this project can be addressed at the time of building permit submittal.</p>	Technical Review	Karen Fenoglietto/ Noah Berke

Development Plan and Final Plat-Conditions of Approval  
 Planning Commission  
 Case #2010-163 Development Plan and Case #2011-05 The Pavilion Final Plat

	Conditions	Department	Staff
9	<p>Any plant material required by this Chapter failing to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant.</p> <p>Required new plant material shall be protected from damage by vehicles.</p> <p>The following conditions of approval must be addressed prior to the Final Subdivision Plat approval:</p> <ul style="list-style-type: none"> <li>• Bus stop locations must be refined prior to submittal of Final Mylar. Locations must be determined on the basis of pedestrian safety and Santa Fe Trails operations. Each stop shall include a concrete pad, a bus shelter, and a bench, and pedestrian enhancements as required by Santa Fe Trails. Each stop shall be constructed concurrent with the phase in which it is situated.</li> <li>• The proposed language regarding the Cuerno de Vaca roadway must be modified to exclude any dedication to Santa Fe County. Dedication to the County is under the jurisdiction of the Board of County Commissioners and is a separate process. Subject to approval of the property owners that abut said roadway, it must be paved according to City standard. If, in the future the County considers dedication of this roadway, it must be paved according to the Santa Fe County staff. If negotiations fail with the neighborhood on that point of access, the applicant must construct access via another route, which may require a Development Plan amendment and/or approvals for construction of the roadway over City-owned land adjacent to NM599.</li> <li>• Applicant must obtain approval on an Airspace Study from the Federal Aviation Administration (FAA) prior to approval of any building permit. If any changes are made to increase proposed heights in the Pavilion development, the FAA must be notified and must review and approve proposed changes prior to approval of a building permit.</li> <li>• The applicant must provide two pedestrian access points from Tierra Contenta – the overpass at Jaguar Drive and NM599, and an access point that either utilizes the existing box culvert along the Arroyo Chamiso or some other subgrade option that minimizes conflicts between pedestrians/bicycles and vehicles. Additionally, a multi-use trail must be constructed with Phase 2 that will connect the Pavilion property with the I-25 access road.</li> <li>• It is likely that many of the building and site details may be changed. If a significant change is proposed, including but not limited to reorientation of uses on any given lot, increase in approved square footage, increase in height, or decrease in setbacks, such a change shall require either a Development Plan Amendment or a new Development Plan for that individual lot.</li> <li>• Project must comply with Chapter XIV SFCC 2001.</li> </ul>	Current Planning	Heather Lamboy

**EXHIBIT B**

**DEVELOPMENT REVIEW TEAM  
MEMORANDA**

# City of Santa Fe, New Mexico

# memo

DATE: February 22, 2011

TO: Heather Lamboy, Case Manager

FROM: Risana B "RB" Zaxus, PE   
City Engineer for Land Use Department

RE: Cases # 2010-163 and # 2011-05  
The Pavilion Office Complex Development Plan  
The Pavillion Final Subdivision Plat

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The following review comments are to be regarded as conditions of approval of this project:

#### Stormwater Management

Clarify the Terrain Management Report to clearly indicate whether the proposed regional ponds are designed to accept stormwater from all proposed impervious surfaces within the entire project, or whether the calculations were made assuming some on-lot ponding or stormwater management for each lot.

Informal discussions with the design engineer indicate that the ponds were designed for all impervious surfaces, to include roads, parking lots, roofs, sidewalks, etc. for the entire 362 acre site.

However, and possibly in contradiction to the above information, schematic irrigation and water harvesting plans show "potential cistern locations," curb cuts to planting islands, recessed planting beds to accept rain runoff, and additional water harvesting ideas which because of their conceptual nature, do not seem to be required features. Make these features specific requirements by way of notes to that effect on the irrigation and water harvesting plan sheets.

Provide clarification as to the intent of the regional ponding. Minimize the volume of the regional ponds and maximize the requirements for on-lot water harvesting and innovative site-specific stormwater conserving features.

Provide a note on the Development Plan as to the requirements for on-lot stormwater management.

Cover Sheet:

Add the Stormwater Certification.

Obtain Development/Infrastructure Building Permit Address (Marisa Struck 955-6661) and add to sheet.

Add lines for Building permit numbers: Grading \_\_\_\_\_, Landscape/Utilities \_\_\_\_\_.

Plat and Development Plan - applies to both:

Obtain street addresses for all lots (Marisa Struck 955-6661) and add to sheets.

Identify stormwater ponds.

Development Plan

Correct General Note # 15 wording (missing a 'not') regarding issuance of certificate of occupancy.

Add a note specifying whether on-lot ponding is required, or if regional ponding accommodates all proposed impervious surfaces.

Overall Master Utility Plan (sheet 9-1)

Show easement for effluent line and identify in legend as "easement for existing privately-owned effluent line." Add a note to this sheet: "Prior to the start of any excavation on a lot containing the effluent line easement, perform potholing to verify the location and depth of the effluent line and to ascertain whether the utility lies within the defined easement. Maintain the integrity of this line. Contact owner if relocation is necessary for new construction or if the existing line is not within the defined easement."

Grading & Drainage (sheets 10-1 to 10-16)

Provide overall Grading and Drainage sheet showing all phases.

On every applicable sheet, label the FEMA floodplain and reference the FIRM panel and effective date.

Clearly identify stormwater ponds.

Add cut & fill quantities.

Floodplain and FEMA requirements

Previous review comments have asked that documentation be provided showing that arroyo crossings meet all federal, state, and local laws. This information has not been supplied.

Pavillion Loop, as proposed, will cross the Arroyo de Los Chamisos, a FEMA regulated floodplain.

The current effective FIRM was issued on June 17, 2008. A Preliminary DFIRM has been issued February 18, 2011. When an effective FIRM and a DFIRM both exist, the most restrictive requirement shall apply.

A floodway has been identified by the FIRM and the DFIRM. FEMA requires that for any encroachment in the floodway, documentation must be supplied showing that the proposed encroachment would not result in any rise in the Base Flood Elevation anywhere upstream or downstream.

The requirement for this project, to be considered a condition of approval prior to recordation of the Plat and Development Plan, is that the applicant supply documentation meeting FEMA requirements that construction of Pavillion Loop and associated roadway infrastructure within the Arroyo de Los Chamisos floodplain and floodway, will cause NO RISE in the Base Flood Elevation upstream or downstream of the crossing.

CC&R's

The Covenants and Restrictions of the Owner's Association must address maintenance of stormwater and drainage facilities.

Other

Prior to recordation of the Subdivision Plat and Development Plan, a financial guarantee shall be provided in accordance with Article 14-9.3(A).



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: February 22, 2011

To: Heather Lamboy, Case Manager

From: Stan Holland, P.E.  
Wastewater Management Division

Subject: Case 2010-163 and 2010-164 Pavilion Development Plan and Subdivision Plat

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The plan set dated January 2011 has been reviewed. The Applicant shall address the following comments:

1. A proposed Agreement for Maintenance of Lift Stations within the Pavilion Business Park was submitted by the Applicant for review with this last submittal. The language of the maintenance Agreement is under current review and is subject to the review and approval by the Wastewater Division and the City Attorney.
2. The Wastewater Division requires that a note be added to the Plat that the Declaration of Charter, Easements, Covenants and Restrictions for the Pavilion Development is recorded in the Office of the Santa Fe County Clerk and recorded in Book\_\_\_\_, Page\_\_\_\_ as Document Number \_\_\_\_\_.
3. The engineering plan set for the proposed sewer infrastructure is under current review and is subject to review and approval by the Wastewater Division.

Please contact me at 955-4637 if you have any questions.

cc: File

# City of Santa Fe, New Mexico

# memo

**DATE:** February 21, 2011

**TO:** Heather Lamboy, Land Use Planner Senior  
Current Planning Division

**CC:** R. B. Zaxus, CFM, P.E., City Engineer  
Technical Review Division  
Karen Fenoglietto, ASLA, CFM Technical Review Coordinator  
Technical Review Division

**FROM:** Noah Berke, CFM, Planner Technician Senior  
Technical Review Division *NLB*

**RE:** **Landscaping Comments for Case #2010-163, The Pavilion  
Office Complex Development Plan**

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Below are comments for the Pavilion Office Complex Development Plan request. These comments are based on documentation, Landscape Plans - Sheets 4-1 to 4-17, and Irrigation and Cistern Plans - Sheets 5-1 to 5-5.

**Project appears to be in compliance with Article 14-8.4, Landscape and Site Design. Any other issues regarding this project can be addressed at time of Building Permit submittal.**

**Any plant material required by this chapter failing to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant.**

**Required new plant material shall be protected from damage by vehicles.**

**LAMBOY, HEATHER L.**

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**From:** MONTMAN, JAMES H.  
**Sent:** Friday, October 15, 2010 10:11 AM  
**To:** 'scott hoeft'; LAMBOY, HEATHER L.; al.lilly@comcast.net  
**Cc:** BAER, TAMARA  
**Subject:** RE: Santa Fe Municipal Airport Information

Scott,

The earlier the better. At permit is too late. If the layout changes along the way it is much easier to change if you have a study on file. Also it gives you an idea what might be required in building design especially if a proposed building is too tall to be compatible with the airport airspace. I will not allow any building to affect any of our airspace, nor will the city as the City has signed grant assurances that require us to protect the airspace around the airport. We have talked about this before, as I'm sure you remember. In any case, the initial drawings showing building types and locations I saw didn't look like a problem for any of our runways, but only the FAA can make that determination.

Jim

-----Original Message-----

**From:** scott hoeft [mailto:scotthoeft@hotmail.com]  
**Sent:** Friday, October 15, 2010 9:46 AM  
**To:** LAMBOY, HEATHER L.; al.lilly@comcast.net  
**Cc:** BAER, TAMARA; MONTMAN, JAMES H.  
**Subject:** RE: Santa Fe Municipal Airport Information

Jim. I understand. The question that I have is: At what stage of the project should the airspace study be conducted? During development plan/plat or at the time of building permit? S-

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Subject: Santa Fe Municipal Airport Information  
Date: Fri, 15 Oct 2010 09:06:41 -0600  
From: hllambo@ci.santa-fe.nm.us  
To: scotthoeft@hotmail.com; al.lilly@comcast.net  
CC: tbaer@ci.santa-fe.nm.us; jhmontman@ci.santa-fe.nm.us

Good morning,

I just got off the phone with Jim Montman, Aviation Division Director of the Santa Fe Municipal Airport. He was very helpful in providing additional information regarding any potential concerns the airport may have. He told me that the Federal Aviation Administration (FAA) requires an airspace study to determine whether there will be any impacts on radar or airspace. You should contact the FAA Project Manager to begin this process, and the representative that works with the Santa Fe Airport is Bill Bell. He can be reached at 817-222-5664.

Staff will also request that a note be placed on the Development Plan and Plat that acknowledges proximity to the Airport. I will provide you with more specific language of the note in the near future.

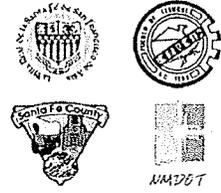
Have a good day, and feel free to contact me if you have any questions.

10/15/2010



## Santa Fe Metropolitan Planning Organization

*"Promoting Interconnected Transportation Options"*



### MEMORANDUM

Date: February 21<sup>st</sup>, 2011  
From: Keith Wilson, MPO Senior Planner  
To: Heather Lamboy, Planning and Land Use Department  
Re: **Case #2010-163, The Pavilion Office Complex Development Plan**

The Santa Fe MPO Transportation Policy Board adopted the 2010-2035 Metropolitan Transportation Plan (MTP) in October 2010. The overarching theme of the MTP is *"Moving the Santa Fe Region forward with a sustainable, interconnected, multimodal network that aims to provide safe and secure access for all users."*

The following comments are based on a review of the Development Plans Dated February 2011 and are meant to address issues to improve the project for all users.

Comments reference the details shown on Sheets 5-1 through 5-6.

#### Arroyo Chamiso Trail

- MPO staff met with Al Lilly and Scott Hoeft representing the applicant and John Romero and Heather Lamboy on February 8<sup>th</sup> to discuss the multi-use trails. Due to the complications regarding the use of the culvert under NM599 as part of the trail it was decided that the applicant would provide the City with a floating easement for a future trail and for the trail segment from the Entry Road east to NM599 for future design and construction by the City. They would also offer a monetary amount equivalent to the amount they determined it would have cost them if they had had to construct it. The note on the Development Plan offers the Floating Easement, but does not specify a financial contribution. Previously it was recommended that this section of the Multi-use trail be constructed as part of Phase 1 of the project, therefore, it is recommended that the financial contribution be made available as part of Phase 1 of the project.
- The Development Plans show 10ft wide trail connections on Lot 5 and Lot 7. The language for the Floating Trail Easement mentioned above should make sure that it allow for connections to these connecting trails from the finalized Arroyo Chamiso Trail alignment.
- It is recommended that the section of the Arroyo Chamiso Trail west of the Entry Road should be constructed at the same time as the roadways are constructed during Phase 2 of the development.

#### Bike Path to Connect to Railrunner Station

- It is recommended that this Trail connection be constructed at the same time as the roadways are constructed in Phase 2 of the development.

- The Santa Fe County has future plans to potentially develop a multi-use trail along the Arroyo Hondo with access to the NM599 Railrunner Station. The Developer should coordinate their trail development in this area with the County Open Space Staff.

### **Pedestrian Connectivity**

- It was previously requested that a pedestrian connection from Lot 2 to Lot 4 or 5 should be added. An “Open Space Trail” from Lot 2 to Lot 4 has been added to the plans. I do not see a design detail for the “Open Space Trails” in the plan set. If the “Open Space Trails” are intended to be dirt hiking trails, then this is probably not sufficient. A more formalized pedestrian connection is needed to allow retail and office employees and patrons on lots 4 and 5 the opportunity to walk to the restaurant rather than drive and allow hotel and restaurant patrons the opportunity to walk to the retail establishments on Lots 4 and 5.
- The sidewalk should continue along the front of Lot 30 and Lot 9 on the west side of the roadway.

### **Bicycle Parking Facilities**

- This latest plan set provides a “Typical Bicycle Rack Detail” which shows a “Wave” style rack. The Association of Pedestrian and Bicycle Professionals provide guidance on the design and placement of bicycle parking facilities through their Bicycle Parking Guidelines. They do not recommend the use of wave style racks as they only provide one place of support for bikes if used as intended. Secondly, bicyclists generally use it as if it were a single inverted “U” rack. Which limits the actual capacity of the rack two bikes rather than the stated capacity. A different rack design should be chosen that provides the following elements:
  - Supports the bicycle upright by its frame in two places
  - Prevents the wheel of the bicycle from tipping over
  - Enables the frame and one or both wheels to be secured(source Association of Pedestrian and Bicycle Professionals – Bicycle Parking Guidelines)
- No detail of the area where bike racks are to be placed is included in the plan set. It is recommended that the bike racks be placed on a concrete pad.

**LAMBOY, HEATHER L.**

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**From:** MARCO, RANDALL V.  
**Sent:** Tuesday, February 15, 2011 8:20 AM  
**To:** LAMBOY, HEATHER L.  
**Subject:** RE: Pavilion Submittal - 4th Transmittal for Review

Heather,  
After review of the Pavilion there are no solid waste issues at this time.

Randall Marco  
Community Relations  
Solid Waste Division  
City of Santa Fe  
Office: 505-955-2228  
Cel: 505-670-2377  
Fax: 505-955-2217

-----Original Message-----

**From:** LAMBOY, HEATHER L.  
**Sent:** Friday, February 11, 2011 4:23 PM  
**To:** FENOGLIETTO, KAREN L.; ORTEGA, ANGELO C.; ROMERO, JOHN J; HOLLAND, TOWNSEND S.; BLACKWELL, WENDY M.; ZAXUS, RISANA B.; WILSON, KEITH P.; TRUJILLO, ANTONIO J; MARCO, RANDALL V.; SIQUEIROS, ROBERT M.  
**Cc:** BAER, TAMARA  
**Subject:** Pavilion Submittal - 4th Transmittal for Review

Just what you wanted! More work!

We got the Pavilion transmittal today and I am placing the packets in your boxes in the Planning and Development Review conference room. I would like to meet as a group sometime next week to discuss any remaining issues so I do not miss anything that would be required to be placed on the list of conditions of approval. I have attached all conditions to date for your reference and use in the upcoming review.

Have a great weekend, and Happy Valentines Day!

*Heather L. Lamboy, AICP*  
Land Use Senior Planner  
City of Santa Fe Land Use Department  
200 Lincoln Ave., Box 909  
Santa Fe, NM 87504-0909  
(505) 955-6656  
(505) 955-6829 (fax)  
[hllamboy@santafenm.gov](mailto:hllamboy@santafenm.gov)

**LAMBOY, HEATHER L.**

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**From:** SIQUEIROS, ROBERT M.  
**Sent:** Monday, January 31, 2011 11:48 AM  
**To:** LAMBOY, HEATHER L.; WILSON, KEITH P.  
**Subject:** RE: Pavilion Development Plan and Final Plat  
**Importance:** High

Please have the following language included on the development plan and final plat.

**The developer shall comply with Section 14-8.15 DEDICATION AND DEVELOPMENT OF LAND FOR PARKS, OPEN SPACE, TRAILS AND RECREATIONAL FACILITIES\***

Thank you,

Bob

**(A) Purpose**

(Ord. No. 2007-12 § 2)

- (1) The Governing Body deems it in the best interest of the City and its citizens that adequate provision is made for parks, open space, trails, and recreational facilities, and for City maintenance thereof.
- (2) These regulations shall provide standards for the dedication of land or easements to the City to assist in implementing of the City's Parks, Open Space, Trails and Recreation Master Plan.
- (3) These regulations shall provide standards based upon the average number of persons per housing unit according to Census 2000 which is 2.0 persons per unit for the City of Santa Fe.
- (4) Land dedicated for neighborhood parks shall be based upon a rate of 3 acres per 1,000 persons, or per 500 housing units.
- (5) Land dedicated for regional parks, community parks, open space and trails shall be based upon a rate of 12 acres per 1,000 persons, or per 500 housing units.
- (6) For usable park land, park dedication should result in a park area of no less than 1 acre.
- (7) Land or easements dedicated for public, nonmotorized trails may be used to satisfy the requirement for dedication of regional parks under paragraph (5) above, and to establish an interconnected regional transportation system.

**(B) Applicability**

(Ord. No. 2007-12 §3)

- (1) Except as limited in paragraph (B)(3) below, this section shall apply to applications for subdivision or development approvals that create new residential lots or dwelling units submitted after the effective date of this section.

- (2) Developments which are part of an annexation plat, master plan or similar document which dedicated park land in compliance with § 14-8.15 are not required to comply at time of individual subdivision or plan approval.
- (3) Public, nonmotorized trail dedication requirements set forth in § 14-8.15(D) shall only apply to all subdivision for residential lots and development plan approvals for nonresidential uses requiring approvals by the Planning Commission or the Summary Committee.

Robert M. Siqueiros  
Projects Administrator  
Engineering Division, Public Works Dept.

Santa Fe, New Mexico  
P.O. Box 909  
120 Federal Pl. 87504-0909  
505.955.6977 Fax 505.955.6476  
rmsiqueiros@santafenm.gov

-----Original Message-----

**From:** LAMBOY, HEATHER L.

**Sent:** Monday, January 31, 2011 10:25 AM

**To:** ORTEGA, ANGELO C.; HOLLAND, TOWNSEND S.; MARCO, RANDALL V.; ROMERO, JOHN J; BERKE, NOAH L.; SIQUEIROS, ROBERT M.; TRUJILLO, ANTONIO J; TRUJILLO, FABIAN; WILSON, KEITH P.; ZAXUS, RISANA B.; BLACKWELL, WENDY M.

**Cc:** BAER, TAMARA

**Subject:** Pavilion Development Plan and Final Plat

Good morning!

This is a friendly reminder that, if haven't already, please provide me with comments for the Pavilion Development Plan (Case #2010-163) and Final Plat (Case #2011-05). The final plat paperwork accompanied the last submittal for the Development Plan.

Thank you!

*Heather L. Lamboy, AICP*  
Land Use Senior Planner  
City of Santa Fe Land Use Department  
200 Lincoln Ave., Box 909  
Santa Fe, NM 87504-0909  
(505) 955-6656  
(505) 955-6829 (fax)  
hllamboy@santafenm.gov

**LAMBOY, HEATHER L.**

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**From:** Robert Martinez [robmtz@co.santa-fe.nm.us]  
**Sent:** Friday, February 18, 2011 2:11 PM  
**To:** LAMBOY, HEATHER L.  
**Cc:** BAER, TAMARA; ROMERO, JOHN J  
**Subject:** RE: County's Position on Maintenance of Cuerno de Vaca Road

Heather,

I reviewed the notes and conditions on the plans and I don't agree with the language that the road will be relinquished to SF County Public Works for maintenance. PBPA may petition the Board of County Commissioners to accept the road, but it is not a given that the Board will accept it. What standard will Cuerno de Vaca Drive be built to? Even though this is being designated as an emergency access now, who knows if this road will be open to traffic in the future? I discussed this with staff and we recommend that Cuerno de Vaca Drive be asphalt paved all the way to CR 54, in the event this road is open to traffic in the future. I don't feel that public works would recommend acceptance of the road for maintenance unless the road was paved. I believe this is the same type of situation that occurred with Monte Sereno, a development within city limits, that dumps traffic onto Tano Road Via a dirt county road (San Juan Ranch Road). We continually get complaints from the residents on this road.

Currently the County is not accepting applications for roads to be accepted for county maintenance. We have incurred budget cuts and have frozen vacant positions in the road maintenance division.

Robert Martinez  
Public Works Transportation Manager  
424 Veterans Memorial Highway  
PO Box 276, Santa Fe, New Mexico  
Office: 505-992-3010  
Fax: 505-992-3028

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**From:** LAMBOY, HEATHER L. [mailto:hllamboy@ci.santa-fe.nm.us]  
**Sent:** Friday, February 18, 2011 11:39 AM  
**To:** Robert Martinez  
**Cc:** BAER, TAMARA; ROMERO, JOHN J  
**Subject:** County's Position on Maintenance of Cuerno de Vaca Road

Robert:

Thank you for helping me understand the County's position on road dedications this morning. I am attaching the plans we discussed, and I placed a bracket and asterisk next to the condition I referenced. You indicated to me that the County is not in a position to accept additional maintenance responsibility at this time.

I look forward to your response. Thank you for your assistance in this matter, and have a good day!

02/18/2011

**EXHIBIT C**

**ADDITIONAL BACKGROUND  
MATERIALS**

Section 2.4 of the procedures dealing with retrofits to extend the deadline to verify retrofits to the end of the fiscal year.

**FRIENDLY AMENDMENT:** Commission Armijo said he would like to amend the motion to provide that the Administrative Procedures with the three amendments, will go to the Homebuilders for recommendations, before it goes to the City Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

Commissioner Bordegary commended staff for all of this work, which she believes is something more cities should be doing. She would like an evaluation of the program in 6 months because of the complicated nature of the program.

Mr. Lyons said the rules require the City to post the account balances in the water bank at certain time periods, which will be a good snapshot of the success of the program. They also are required to generate an annual report from the Water Division, so that will be the form you will receive to evaluate the success of the program.

Chair Salazar said this has been a long time coming, recalling the many subcommittee meetings on this item. He believes staff has developed a good project.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

4. **CASE #2010-07. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285± ACRES OF LAND FROM RESIDENTIAL TO BUSINESS PARK. THE AREA IS LOCATED IN THE COUNTY OF SANTA FE EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

*Items #4 through 9 were combined for purposes of staff presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum prepared February 23, 2010, for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Tamara Baer, Planner Manager, Current Planning Division, regarding Cases #2010-07, #2010-08, #2010-09, #2010-10, #2010-11 and #2010-12, is incorporated herewith to these minutes as Exhibit "6."

A Memorandum dated March 4, 2010, to the Planning Commission, from the Current Planning Division, regarding Case #2010-07, #2010-08, #2010-09, #2010-10, #2010-11 and #2010-12 regarding Additional Correspondence, with attached Memorandum dated February 26, 2010 from Fabian Trujillo, Director, Economic Development Division, is incorporated herewith to these minutes as Exhibit "7."

A Vicinity Map for the project, submitted by Scott Hoefft, is incorporated herewith to these minutes as Exhibit "8."

A copy of the "Final Market and Fiscal Impact Study prepared for the Pavilion Office Complex," prepared by Bruce Poster, Southwest Planning & Marketing, dated March 3, 2010, is incorporated herewith to these minutes as Exhibit "9."

Tamara Baer presented information regarding this matter from the material in Exhibit "6." Please see Exhibit "6" for specifics of this presentation, noting the lot split is for final approval, but would have to be conditioned upon the approval of the annexation. Ms. Baer also referred to the enlarged maps and drawings provided by the Applicant which are contained in Exhibit "8."

**Additional condition of approval:** Ms. Baer said an additional condition is recommended by staff which isn't in the Commission packet, regarding traffic, as follows: "that the project secure its approvals for the interchange from the DOT and from the City's MPO, noting the interchange isn't part of the project, but is clearly related to it."

Ms. Baer noted there are additional conditions of approval in John Romero's Memorandum as well as the conditions of approval listed at the back of the Staff Report [Exhibit "6."].

Ms. Baer said Reed Liming, Director, Long Range Planning Division, asked her to convey his support for this annexation and the reasons:

- 1) If the annexation does not go forward and were to develop in the County, the City would not receive the fees, property taxes and gross receipts taxes, but would still have to deal with the impacts of this development if approved in the County.
- 2) If anyone suggests this is the beginning of a domino effect, he disputes that and feels this is one of very few, possibly only two, very large pieces of land immediately adjacent to the City limits. Therefore, it is in the City's interest to garner control and other benefits.
- 3) This is a tremendous opportunity for the City to receive a privately funded interchange on NM 599, which otherwise probably wouldn't happen in the foreseeable project, and would have to be approved by both the State and the City MPO.

**RECOMMENDATION:** Staff recommends approval of all of the applications with the conditions as stated.

Fabian Trujillo, Director, Economic Development Division, reviewed the information in Exhibit "7." Mr. Trujillo said we are in an economic recession and have suffered a lot of job losses in Santa Fe – 3,500 jobs since September 2008. The biggest impact of the jobs loss has been in the construction industry at 1,300 jobs. He is here to speak in the context of stimulating the economy.

Mr. Trujillo said the City's economic development strategy is to work with existing businesses to help them expand in Santa Fe, as well as assist entrepreneurs to grow, expand and develop in Santa Fe through the Incubator or other means. They also have a passive recruitment strategy which is part of that strategy. He said they work with the New Mexico Economic Development partnership projects they bring to the State. He said the ones they have been looking at over the past year have been in excess of 20,000 sq. ft., and are larger in scope, with jobs in excess of 200. He said they responded to seven last year and only one visited Santa Fe, which was a financial services company which would bring roughly 400 jobs.

Mr. Trujillo said they look for projects which have low impacts to the environment, with high wages and which meet our strategy. He believes this would be a project which would be worthy of annexing and approving because it would help on the economic development side and create high wage jobs which are consistent with the economic development implementation strategy.

### **Public Hearing**

#### **Presentation by the Applicant**

*Everyone speaking was sworn en masse.*

The members of the staff were introduced: Scott Hoeft and Al Williams, Santa Fe Planning, Mike Gomez, Santa Fe Engineering, Nancy Long, attorney, James Fuller, Broker.

**Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, NM 87504, previously sworn.**

Mr. Hoeft said at the last meeting there was some confusion over the context of the project and how it fits with the overall area.

Mr. Hoeft used the enlargement of the map in Exhibit "8," to demonstrate the subject site. He noted the location of the proposed interchange, and that the right-of-way was obtained some time ago at the time 599 was proposed originally, so it has been on the books for some time. The Jaguar Road extension connects to the interchange. He said heading in the other direction is the new entrance to the airport, which would serve as access to their site to south. He said Tierra Contenta is to the east, the Komis land is to the east/south is the Komis land, noting he also has a smaller business park. He said the Historical community of La Cienega is to the South, and the Airport is to the West. He noted the location of the new area which is in the presumptive City limits which was adopted last year and the Komis Business Park, noting the Aviation Business Park to the North which is owned by the City. He said his firm worked on this 10 years ago for the City to develop a business park for aviation related uses at the time. He said the interchange also will provide access to that business park as well.

Mr. Hoeft said when you look at this map, the site is pretty much surrounded by the City of Santa Fe, with an exception to the south where the Historic Village of La Cienega is located and which cannot be annexed.

Mr. Hoeft said what brought them to the City is that the north part of their site is in the presumptive City limits, and the south part of the site is in the County. He said about a year ago, they had a decision to make – should they go to the County to get the “top part out, or should we come to the City and get the balance in, and we elected to come to the City and get the balance in, and we thought again that was the right decision, given what we wanted to do with the project.”

Mr. Hoeft said there is quite a bit in the application, but it really isn't that complex. There are 6 things, and the way it's organized, it seems like “gee, we're asking for an awful lot.” He said, “Pretty much what we've got going on here, is the top part of the site, because it does exist as one parcel, this 371 acres, is essentially two parts, and it was a mistake. Okay, the top part of the site is already in the City of Santa Fe, so that just needs to be changed in terms of the zoning. The bottom portion of the site needs to be annexed and it needs to be zoned, and then we need to have two parcels created to correspond with the zoning, C-2 and then the BIP. That's it. That's kind of what all of those cases are, are pretty much that issue. The general plan amendment is simply that we need to amend the general plan consistent with City policy. So, so far, does that all make sense.”

Mr. Hoeft continued, “What I wanted to get into now is the site and the design intent. I think the first thing that you can notice by looking at this is the amount of green, and that is intentional from a design standpoint. The first thing we do as land planners, is we look at the site and we determine the areas that would be best not to develop. And, the areas that spring out are the areas to the south. And, you can't tell it from this map, but if you look at an ortho topo, if you look at a slope analysis map, you'll see that a good portion of the southern portion of the site here is steep topography. So you see households along here on the bottom of La Cienega, it's not as if they're looking right out at the project. There's a pretty steep grade that heads up to our area here, okay. So the first thing we did is we take the steep grades along the south and we put that into an area that is open space. And consistent with the Highway Corridor Plan, we had a buffer that went along 599, which is consistent. And, then the other green areas that you see are, one, the arroyo that runs through the property and then other areas that are 30% slope or greater. And, so those are all areas that we want to preserve. And roughly, if you've got 321 acres, it is roughly about 150 acres, and about 40% of this site is open space.”

Mr. Hoeft continued, “And when you begin to look at the design itself, and the end position of the buildings, based upon the areas that were left on the site, in consideration of the buildings paths and how ultimately we wanted those buildings to be positioned. So that's generally how we start planning the site, and how we got to the uses and densities that we came to say. Now, part of the uses, and Fabian began to touch on it, is that this is earmarked for large scale uses. This is office, light manufacturing and warehousing, and this is the demand that we see in Santa Fe that is retail that we could tap. And, so this isn't a small business park, this is a larger business park. It's a business campus, and you can see the density in your staff report of ultimately where we are with that.”

Mr. Hoeft continued, “Another thing I'd like to talk about is phasing. Tamara touched on it briefly, and we have a project right now, phased in two phases. And I believe that we will look at that again in consideration of the infrastructure costs. We're required to bond consistent with the amount that we need to put into that infrastructure. We have it in two phases, because this a build to suit project. This isn't going to be spec building. We're not going to put up huge 50,000 sq. ft. buildings and then wait for

somebody to come. This is a build to suit project. And so the phasing we did initially, is that the north and south phases would fill the retail area towards and north. And retail, what I mean by... is a hotel use, and then two restaurant uses, and an office building in this area here. And then, as you get into the campus to the south, we have all industrial toward the back part of the project, with the main office campus being in the center. We really need two phases to give ourselves flexibility, but ultimately, I concur with Tamara, that we're going to probably need to refine that as we go along here."

Responding to Chair Salazar, Mr. Hoeft pointed out the new road to the Airport.

Mr. Hoeft continued, "So, going to some of the points that Tamara mentioned earlier, I just want to touch on those briefly, the phasing I just did and how I believe that we need to sit down and take a look at that a little bit more and refine that. But, I wanted to highlight that this is very conceptual. When you're submitting for a rezoning, a general plan amendment and annexation, you're coming in with a conceptual plan at the level of a master plan, and know that each subsequent portion of the project that we bring in, it'll come back to this board in the form of development plan."

Mr. Hoeft continued, "Trails and Open Space. We touched on trails and open space on here, but what I wanted to do is just highlight that we did sit down with Bob Siqueiros this week and get his opinion, and how we see the trails working as essentially connectivity with the trails program in Tierra Contenta. So the interchange is designed to have a path across it, a bike path, so that people can bike from one side of the highway to the other side of the highway and enter the site. And then throughout our open space on the project, through the arroyos and then ultimately connectivity with the County, is essentially what Bob was looking for, and so we, of course, will continue to meet with Bob and meet his demands. We also talked about possibly a park off in this area here to the south which is in an arroyo."

Mr. Hoeft continued, "You know, one thing that came up in one of our neighborhood meetings... was by an individual named Andy, that Al met with this week. He had a concern about people coming onto the site, off into the south area here, and partying, and how we needed to do something about that. And, I'm not sure Andy is here this evening, but we did meet with him, and what we agreed to was to string a fence where his fence ends over where to where the entrance is, put an emergency gate there or a Knox-Box™ ultimately and then run the fence through the arroyo so that we could eliminate that activity back in the project."

Mr. Hoeft continued, "And then again, traffic and circulation, I think I touched on that in the beginning, but let me just follow up on that again, because I think it's a critical point of this project. As we discussed at the last meeting, the Jaguar extension is something that we're required to put in and it's a condition of approval. The interchange is something that we're already pretty far along on. You know, we accomplished quite a bit in 2009. We received approval from the Access Control Board just two weeks ago, and the next step at this stage, is to go through with the DOT which has been very cooperative, and go through the 30% completion, the 60% completion, the 90% completion and ultimately get the interchange design. So, that is... we're at that point to where we can start that. And then the other component to it is the new entrance to the Airport, which again, is something that was a part of our earlier plans with aviation business park, that is, of course, something that, according to the conditions of approval, that we are required to do. And then the last component is, according to John, he wanted us to

have a stub-out to the south just in case there could ever be a road that comes from the frontage road down on 599, and we're willing to do that as well."

Mr. Hoeft continued, "So, in summary and conclusion, before I turn it over to Bruce, let me just say that I think I touched on it earlier, but the other benefit of this project is that Aviation Business Park, a City owned project, will have access. The Santa Fe Trails is something that we can't underestimate, which, as I pointed out on one of the plans...is that we already have had meetings and discussions with Santa Fe Trails, and they will cooperate with us to have a bus run, on a regular basis, obviously the specifics to be determined at the time, from the Rail Runner stop to the interchange and into the site to drop off and pick up and take people back to the Rail Runner stop. That's just a few minutes down the road and it would be a great asset for the project. Keep in mind that this a project over time and we have a 15 year horizon, so the densities that you see are spanned-out over 15 years. If you consider Rodeo Business Park, 55 acres, 400,000 sq. ft. You know, that took some time to ultimately get developed. So, just keep in mind that this is, you know, quite a bit of horizon here."

Mr. Hoeft continued, "Tamara's already touched on Reed's point with the employment, and Exhibit A-8 touches on that, the amount of employment that will bring. I think something that is to consider is, with the interchange and Jaguar, which goes to the case later on with Dave Thomas, is the traffic that's going to alleviate on Airport Road. This has already been considered the back door to Tierra Contenta, so folks don't all have to shuffle out to Airport Road and then come back around to I-25. This will alleviate traffic on Airport Road and folks can immediately access I-25."

**Bruce Poster, Southwest Planning & Marketing, 3600 Cerrillos Road, #107.** Mr. Poster said he has conducted market research and assessment in Santa Fe for more than 30 years, and has worked for the City, the County as well as in the private sector. Mr. Poster said he was asked to conduct an independent assessment of the project from the market standpoint as well as from an impact standpoint. Mr. Poster presented the information in Exhibit "8", highlighting information as follows.

Mr. Poster said there is a preliminary report in the packet, and he has done additional work on that report, noting the updated report was provided before the meeting [Exhibit "8"]. He said it is clear the site is proximate to where much of the commercial and residential growth is happening in the urban area. He said you have been told about the access it provides, and its proximity to the Rail Runner station, noting there are other business parks already in the area. He worked with the County several years ago on the Airport Redevelopment District just north of the project, and this use is compatible with the County's vision for the area.

Mr. Poster said they feel this is very compatible with the City's goals as described by Mr. Trujillo, in terms of attracting a number of high wage jobs, and adding to the City's business infrastructure by providing a large developed site with infrastructure. He said it will have a positive impact on the tax base, but will have no negative impact on the school system as a commercial project. He talked about the severe recession, saying most economists think we'll pull out of it this year.

Mr. Poster said the primary market for the project will be large scale office, live manufacturing, and warehouse projects. It will serve both the public and private sectors in terms of offices for federal, state or local governments as well. It can serve suppliers for LANL.

Mr. Poster said examples of prospects looking for space in Santa Fe: an insurance processing company looking for 125,000 sq. ft., a packaging plant looking for 20,000 sq. ft., at least 3 firms looking for 50,000 to 75,000 sq. ft. for executive headquarters. The secondary uses will include retail, restaurant and hotel uses, and persons flying into the Airport could take advantage of the proximity to the airport.

Mr. Poster said, in terms of competition, there are a limited number of places in Santa Fe, where there are large lots in this kind of campus environment. As Mr. Trujillo said, Las Soleras will have 100 plus acres of office space, the Hart Business Park has 50 acres, noting one tenant is already using 8 acres and Coca-Cola will use another chunk of land, so there's not a whole lot left there. He said there is 40 acres in the City Airport Park, currently lacking infrastructure or financing to move forward, and Komis's park is 58 acres. The other potential competitors are Oshara in the County, which isn't as good a location.

Mr. Poster said none of the competitors would have the Pavilion's scale, and few have infrastructure or financing to do that, and to do the build to suit, nor the pricing structure to make this affordable for a large scale project. He said they have been told by both State and local economic development planners that there is a need for this type of project today.

Mr. Poster spoke about the potential absorption, and they estimate the historic absorption rate has been about 300,000 sq. ft., which will be built at about 70,000 sq. ft. a year, equivalent to about 23% of that absorption rate.

Mr. Poster spoke about the jobs that will be created, plus the employment impacts of construction, which is estimated to be 2,748 job years, which spread over 15 years, is 183 full time jobs per year. Using the multipliers, there will be 26 indirect jobs per year, \$100 million in construction wages annually, and about \$70 million in indirect wages. There will be 2,400 indirect jobs. There will be a total of about 5,000 jobs once this is fully built-out, in addition to the construction jobs – \$175 million in direct and indirect wages annually.

Mr. Poster said the GRT revenues are amazing for a project of this size and will generate approximately \$20 million annually after it is fully operational, and \$300,000 in property tax to the City and \$800,000 to the Public Schools, \$450,000 to the Community College. It will generate an additionally \$140,000 in Lodger's tax annually from the hotel. He noted impact fees will be paid to offset the capital costs, many of which already are being paid by the developer through all of the off site improvements which would be made as part of this project.

Mr. Poster said, in conclusion, the country is pulling out of the recession, there will be a need for this kind of space and there aren't other good places for it. The project seems to be very compatible with the City economic development strategy, it will provide some high paying jobs and tax revenues at a time when the City needs it. There are few other locations for this kind of large scale development, and predicts it can be absorbed in 15 years.

Mr. Hoefft asked about the one condition of approval relating to the issuance of the building permit relating to the DOT.

Ms. Baer said staff is recommending that prior to building permit application that the approval be secured from the DOT. She said staff wouldn't recommend that they can't get a grading or utilities permit, just a building permit for building construction.

#### **Members of the Public Speaking to this Request**

**Dave Thomas, Project Engineer, Tierra Contenta Corporation, 6004 Jaguar Drive, Santa Fe 87507, was sworn**, said he would reiterate what was said at last month's hearing. He said they believe this project will enhance Tierra Contenta in its ability to provide housing. He said they always have envisioned employment centers close to Tierra Contenta, and this fulfills that dream. He said they believe the fit is good, provides a large employment base, and Tierra Contenta provides a large residential base for that employment base. .

**Paul Sandoval, 4200 Cuerno de Vaca, Santa Fe, was sworn.** Mr. Sandoval said he is a resident and came for information, pointing out the area where he lives on the map. Mr. Sandoval said some of his questions were answered this evening. He said his concern and the concern of some of the people in the neighborhood, if this becomes commercial, are related to the lighting, noting this is a very rural and very peaceful area. They are also concerned about the trails. He said he and Mr. Vigil, who couldn't be here this evening, are also concerned about the end of the residential area at the end of their road, there is no barrier or a fence, and it has become a dump. He said Mr. Cook has no concern now about people dumping there, and nobody cleans it up. They would like to have something done there. He noted that Cuerno de Vaca would become an emergency exit. This is a dirt road and he asked if it would be paved or maintained, noting the County doesn't maintain it, and it becomes a "mud pit" in the winter. He said there also are children in the area. He said they are concerned about what kinds of traffic would be using that road. He said when it rains the water comes through the arroyo at a rapid rate on the other side, noting the location on the map. He said the County just put a bridge across the arroyo because people's cars are getting flooded, and they are concerned what would be done in this area.

#### **The Public Testimony Portion of the Public Hearing was Closed**

Commissioner Lindell said when Mr. Hoefft was reviewing the areas presented by Ms. Baer – the phasing and annexation agreement, trails and open space, traffic and circulation, he did not address the Highway Corridor Plan. She asked Mr. Hoefft if he would like to do so.

Mr. Hoefft said the issue is that the Highway Corridor Plan "called off" 300 feet from 599 into the site, and they maintained that for a good part of the distance. He said they have maintained 300 feet from 599, but they can't maintain that from the actual land. He said he and Ms. Baer discussed figuring out a way they can put more green space "along here, combined with landscaping buffer to try to shield that a little mind." He said, "Keep in mind that you are coming up, so this is high ground here, and so, as you're driving 599, at a typical intersection, is that you're coming up on top. So, on 599 you really don't see this

area as much, you'll see it when you are on the ramp. But, to go to Tamara's comment, we will agree to maintain a buffer and landscape buffer in this area.

Commissioner Lindell asked if the City has adopted the Highway Corridor Plan by Resolution.

Ms. Baer said it was never actually adopted.

Commissioner Lindell said she knows it wasn't adopted by ordinance, and asked if there was a resolution.

Ms. Baer said the last thing which happened as she understands it, is that it was sent back and the City was supposed to look at it further and possibly develop it into an ordinance, but it never happened, noting that has been more than 10 years ago.

Commissioner Lindell said she is very concerned about having a buffer in that area. She said she doesn't think we want to go in the direction of developing right up to the bypass. This is a major concern she has with this plan. She said economically it is a very good plan right now, and the numbers are great in these times. However, she is concerned that we don't build right up to NM 599, and doesn't want to see that happen.

Commissioner Lindell asked Mr. Hoeft if he would like to address some of Mr. Sandoval's concerns – lighting, the dumping taking place currently, grading or paving of Cuerno de Vaca and its maintenance – and see that some of this is addressed.

Mr. Hoeft said, with regard to lighting, as they proceed with the project, they will have to submit a lighting plan. He understands there were complaints in Tierra Contenta about the lighting at the FedEx building which eventually had to be replaced. He said, with this in mind, he and Ms. Baer are already discussing the developing of an intelligent lighting plan.

Mr. Hoeft said they have provided buffers to the south which moves the project 300 feet from the residential areas, and they need to develop an intelligent lighting plan as they move forward.

Mr. Hoeft said there will be a trails network, which will be incorporated with the City. He said, "Theoretically, what will happen is that the trails that you walk over in this area, you will be able to ultimately head over to Tierra Contenta across a footbridge that's on the interchange. And so you'll be able to actually head over to that trails network as well. That's something we're working with Bob Siqueiros on."

Mr. Hoeft said, with regard to the fence issue, they have talked about that issue, and have met with the neighbor, and they can take care of this right away. He said "Phil, our project manager has indicated that's not a problem. What he's looking at, is this gentleman here, who lives right here, Andy, as we have talked about, suggested that we put up a fence that we run over to the entrance right here, where the dumping and partying is going on, that we put a gate there, and then we continue to run that over to

the arroyo. And so that's something we're willing to do... and we can buy everything and do that pretty quickly, immediately."

Mr. Hoeft said they see emergency access working with a Knox Box™, which will be utilized only in an emergency, and he sees the road being used only for emergency access, and doesn't believe it will be paved. He said it won't be used for construction, and cars won't be driving in that area. His guess is that there will be a gravel base course on the road and improve it so an emergency vehicle can traverse the road safely in an emergency.

Commissioner Gonzales said in talking about land use planning for property, we always have to keep in mind what is the best use for the property. He said this plan is the best use of the property for many reasons. The site is located between the Airport and the Rail Runner, and it is easy to access off the Interstate and NM 599. He said it is his opinion that the applicant provided the best use for this property. He said he works for the DOT, and the District staff has progressed fairly with obtaining the access control, committee support, and he has seen no red flags for the project.

Commissioner Gonzales said he really hopes we can get transit service for Tierra Contenta residents for those who might work on the campus.

Commissioner Gonzales said, with regard to Mr. Trujillo's remarks, he is a member of the New Mexico Partnership Board which works to assist the Economic Development Department to recruit businesses from outside to New Mexico. It is hard to do this, and even harder without the appropriate facilities. He said a campus such as this one, would be attractive to the businesses they are trying to bring to New Mexico. He appreciates Mr. Poster's presentation and that jobs can be created. He said the benefit of new revenue to the City is important in paying for services, and it would be great to get that in this annexation. He said, in his experience, if a lighting plan is good enough for the FAA, it should be good enough for the committee, nothing there shouldn't be a lot of light out there.

Commissioner Gonzales said he likes the project and stands in full support.

Commissioner Mier said it was mentioned that there would be some enhancements to the green belt as it goes toward the Interchange, and asked if there will be additional enhancements, or plantings of additional barriers as we go south toward La Cienega.

Mr. Hoeft said they really haven't gotten this far, noting there is a significant slope going toward this area, so there is an elevation change from ground to top of 30 feet or so. However, they haven't thought about whether or to add additional vegetation on the property in that area.

Commissioner Mier said this is a rural community, and this is a significant development. He is in full support of the project, but he wants to see protection to the extent possible of the rural nature which exists today without lighting up the skies like Albuquerque does over the hill.

Mr. Hoeft said the hatched area on the map is earmarked for a proposed conservation easement in consideration of this concern. He said the goal is to have a significant buffer "and much as we can get

away with to the south" to keep it as undisturbed area and to protect the community.

Commissioner Mier said, for the record, he really appreciates his approach in working with the community and listening to their concerns in La Cienega. He grew up in the rural community of Agua Fria, and knows there are places where kids like to go and party and it does create a problem. He said perhaps Mr. Hoeft would be willing to go out immediately and clean up the area and secure it in a way that we don't have the problems which Mr. Sandoval mentioned earlier.

Mr. Hoeft said he sees that happening.

Commissioner Mier said he is a member of the City Public Safety Committee, and sees nothing in the proposal from City Police or Fire with regard to impact of the project, which is critical.

Mr. Hoeft they have received a letter from the Fire Department. He said there is a station in Tierra Contenta and Mr. Thomas has indicated that is being staffed, noting it isn't related to this project, but it does increase staff. He said there is a new Fire Station at the Airport, and they have met with Jim Montman who is excited about the new entrance into the Airport.

Commissioner Gonzales said we need to keep in mind that the new Airport Station is an FAA mandate and it will be minimal in terms of staffing.

Mr. Hoeft met with the Fire Chief and presented the plan to "him," and indicated that this project will be served by both of those stations in an emergency, which is how "he" saw it working.

Mr. Hoeft said they have received nothing from the Police Department, noting a private security company will patrol the project site.

Commissioner Mier recommended that this proposal be taken to the Public Safety Committee for discussion and input, and the Police Chief should have the opportunity to write a letter of comment or support. He said Chief Wheeler expressed concern to Public Safety with the annexation of the south side because the Police will be stretched to the limit, and this is additional, commenting he believes this is critical.

Commissioner Mier asked if "that" is the single point of access over the interchange to the development.

Mr. Hoeft said there is a point coming into the site from the interchange, two emergency accesses to the south. He said they started on this project more than 10 years ago, and met with the La Cienega community who had concerns about putting additional traffic on County Road 54. This is the reason it was shown as emergency access and this was carried forward. There is another access to the south which is a stub-out to hook up with a frontage road, if that was ever to occur.

Commissioner Mier said he is sure there is a means to ensure that the emergency access points won't be used, and Mr. Hoeft reiterated that these will be "Knox Locked."

Commissioner Bordegary said this is a great opportunity in so many ways which were recounted this evening. She is most excited about the job opportunities which are within a reasonable distance from where they live. She is delighted that "it really would be a side benefit if it's a trail connection to existing trails in Tierra Contenta."

Commissioner Bordegary asked Mr. Sandoval if he is interested in connecting to new trails or he primarily is interested in keeping them separate/safe.

Mr. Sandoval said his concern is that this is all is open area currently, and if this becomes commercial it would take all of the property away where people hike and walk their dogs. He said people move to La Cienega to get away from the rush and commercial, and to have 2.5 acres. Now, suddenly, there is this huge development, and they are just trying to determine what is coming their way.

Commissioner Bordegary asked staff if they are familiar with the existing trails in the area.

Mr. Hoeft said his partner, Al Lilly met with Bob Siqueiros, and asked him to speak to this issue.

**Al Lilly, previously sworn**, said he met with Bob Siqueiros and Keith, and discussed the opportunities for connecting to the existing trails, more so to the Arroyo Chamiso Trail. He said the existing trails are informal trails, many from ATVs, people hiking, riding and also just running trucks out there. He said there is some dumping, although it isn't an established dump. He believes putting in the fencing and the break-away gates will resolve most of the problem. He said, in terms of trail connectivity, they are "absolutely dedicated or committed to putting in a connection to go to the Arroyo Chamiso Trail. It will cut underneath, actually the highway. There's already an existing culvert that's pretty high and there's room to go under there, plus you'll have the trail that will go across the top of the overpass. So it will add some water, it'll still be a connection, so I still think the neighborhood can still walk the trails, walk the arroyo. We're not going to be changing the arroyo at all, so that will be open space."

Commissioner Bordegary asked Mr. Lilly if he is speaking of the Arroyo Chamiso right near the interchange.

Mr. Lilly said that is correct and that goes all the way to St. John's School. He said Mr. Siqueiros was very excited about the potential to make that connection. Mr. Lilly believes it will add a safety element to the area in terms of having development and will not eliminate the possibility for people to walk along the arroyo.

Commissioner Bordegary said trails aren't just for recreation and this is an opportunity for us to tie into a transportation network circulation, so people will walk or ride their bicycles to work.

Mr. Lilly said they are in agreement with that, pointing out that this is a schematic plan, and they will meet again with Keith and Bob later once they are in development planning. There also is the opportunity to develop a small park system and trails for bicyclists, pedestrians and the people who work in the area. Mr. Lilly said he will contact Mr. Sandoval after the meeting.

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-07, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

5. **CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76± ACRES OF LAND LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL, AND AN ADJACENT 10.8± ACRES LOCATED IN THE COUNTY FROM RESIDENTIAL TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-08, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

6. **CASE #2010-09. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-09, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

7. **CASE #2010-12. LOT SPLIT FOR THE PAVILION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS PLAT APPROVAL TO DIVIDE 371± ACRES INTO TWO LOTS. TRACT 1-A WILL CONSIST OF 285± ACRES OF LAND. TRACT 1-B CONSISTS OF 87± ACRES. THE PROPERTY IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-12, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

8. **CASE #2010-10. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285± ACRES OF LAND FROM R-1 TO BIP. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-10, with all conditions as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

9. **CASE #2010-11. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 98± ACRES OF LAND FROM R-1 TO C-2. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

**MOTION:** Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-11, with all conditions as recommended by staff.

**DISCUSSION:** Commissioner Lindell reiterated her comments with regard to rezoning to C-2 – that she hopes to see good buffering, some open space and that we don't see development directly up against the highway, and asked to make that a condition of approval as a friendly amendment to the motion.

Chair Salazar said staff mentioned in the Staff report the buffer would go all the way to the side of the northern property, and asked if this is a condition of approval.

Ms. Baer said this already is a condition of approval.

**VOTE:** The motion was approved unanimously on a voice vote [8-0].

#### **F. OLD BUSINESS**

10. **CASE #2009-97. TIERRA CONTENTA PHASE 2C REVISED FINAL PLAT AND DEDICATION PLAT. DAVID THOMAS, AGENT FOR TIERRA CONTENTA CORPORATION, REQUESTS FINAL PLAT APPROVAL FOR 61.37± ACRES, CONSISTING OF 6 TRACTS FOR DEVELOPMENT TOTALING 32.73± ACRES, OPEN SPACE TRACTS TOTALING 24.89 ACRES, AND ROAD RIGHTS-OF-WAY TOTALING 3.75± ACRES. THIS APPLICATION INCLUDES VARIANCES TO DISTURBANCE OF SLOPES STEEPER THAN 30% AND EARTHWORK CUT AND FILL SLOPES GREATER THAN 15 FEET IN HEIGHT. THE SITE IS LOCATED ON THE WEST END OF TIERRA CONTENTA MASTER PLAN COMMUNITY, ADJACENT TO NM 599, AND**

**MOTION:** Councilor Bushee moved, seconded by Councilor Wurzburger, to approve this request.

**DISCUSSION:** Councilor Bushee said she understands the break-down and that is for staffing.

Ms. Dailey said in looking at this year's current budget, her position has been moved to oversee the Santa Fe Homes Program, and there will be left over funding from this fiscal year. The Finance Department has advised it is best to wait until August when the budget has been finalized and reconciled, to do a mid-year allocation up to \$60,000 for this current year, if this is what the Council would like to do.

Councilor Bushee would like paperwork to precede this as it goes forward to the Finance Committee.

**VOTE:** The motion was approved on the following roll call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.

**Against:** None.

- 5) **CONSIDERATION OF RESOLUTION NO. 2010- 32. CASE #2010-07. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285.186± ACRES IN SANTA FE COUNTY TO BUSINESS PARK. THE AREA IS LOCATED IN SANTA FE COUNTY, EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599; AND**

**CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76.179± ACRES LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL AND AN ADJACENT 10.834± ACRES LOCATED IN SANTA FE COUNTY TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (TAMARA BAER)**

*Items H(5), (6) and (7) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.*

A Memorandum with attachments, dated April 16, 2010, for the Santa Fe City Council meeting of April 28, 2010, to the Mayor and City Council, from Tamara Baer, Planning Manager, Current Planning

Division, regarding Case #2010-07, Case #2010-08, Case #2010-09, Case #2010-10 and Case #2010-11, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Tamara Baer. Please see Exhibit "9" for specifics of this presentation. Ms. Baer requested that the Council approve the revised Table of Conditions which removes anything which has been done, and the conditions have been reorganized into which Department or Division is requesting them. She said the new conditions are on page 52 of the packet.

### Questions from the Governing Body

- Councilor Chavez asked how many acres are in the upper portion which is already annexed.

Ms. Baer said the maps begin on page 85 of the packet, and there is a big blue line outlining the entire parcel. Using the enlarged map, Ms. Baer said, "This little piece right here that's purple is part of the larger 371 acres which is here, and this piece was annexed into the City – it's 76 acres. The lot split that was requested and approved by the Planning Commission actually adds 10 acres below that. So, this piece is ready in."

- Councilor Calvert said the original conditions required certain things to be done before coming to the Council, and asked if this the Revised Table of Conditions.

Ms. Baer said, in answer to Councilor Calvert's question, almost all of the approvals which were recommended, and are recommended, apply to the time when a development plan is considered by the Planning Commission. She said none of the approvals this evening will result in any construction, noting the development plans and/or subdivision plats will be considered by the Planning Commission in the future.

- Responding to Councilor Bushee, Ms. Baer said the open space buffer along 599 is 250 ft. along the BIP or the southernmost portion, and then goes down to 100 ft. on the C-2 portion which is the upper or northernmost portion.

- Councilor Bushee asked if this is in compliance with the Highway Corridor Plan.

Ms. Baer said the Highway Corridor Plan dates back to 1999, but it was never officially adopted by the City.

Councilor Bushee said she understands that, and reiterated her question as to whether it is in compliance with that Highway Corridor Plan.

Ms. Baer said that Plan sets a number of requirements. The requirements for a setback in this particular district in the Plan are 150 ft. to 375 ft., and vary. She said, "In that case no." She said the Plan also recommends a residential land use in this area.

Councilor Bushee said she understands, but thought perhaps the setback requirements were the same, but she is saying these are less than what is required in the Highway Corridor Plan.

Ms. Baer said not necessarily, because the Highway Corridor Plan varied.

Councilor Bushee said she is speaking specifically to this section of 599. Ms. Baer reiterated that the Plan provides for 150 and 375 ft.

Councilor Bushee said it is based on a noise contour and asked Ms. Baer if she has a map specific to this site so she can see where the setbacks vary.

Ms. Baer said she only has the actual Highway Corridor Plan, and she couldn't read it well enough to be able to answer that question.

- Councilor Bushee said changes were made in the Tierra Contenta area. She asked to look at that map.

Ms. Baer approached the Councilors' dais and indicated the locations on the map. Councilor Bushee said then it's just the part that's the narrow little hotel feature. [Ms. Baer's answer was inaudible because she wasn't speaking into a microphone.]

- Councilor Chavez noted there is language in the original Condition #36 which provides, "The applicant shall provide a construction schedule for NM 599 interchange including current approval progress before the MPO, Department of Transportation and Federal agency, 30 days prior to requesting placement on Governing Body agenda for analysis." He said then the interchange at Jaguar and #599 is the responsibility of the developer for the permitting process and the cost of the interchange.

Ms. Baer said this is absolutely correct, and the construction schedule is part of additional material the applicant has submitted which is at the very end of the Council Packet. She said the Applicant has agreed in public hearings to do so, and it is also a condition of approval from the Traffic Engineering Department.

Councilor Chavez said it isn't a condition of approval on the list in the packet.

Ms. Baer said it is in Revised Condition #6 on page 53 of the packet..

- Councilor Bushee said then it is an interchange and overpass. Ms. Baer said this is correct.

- Councilor Bushee asked if the overpass will be designed for use by pedestrians and bicyclists.  
  
Ms. Baer said two pedestrian and bicycle crossings are proposed – one is over and one is under. There are two places where proposed trails cross #599 at the overpass, and then there are culverts south of that where the Arroyo Chamiso goes under the road. These connections tie into all of the trails in Tierra Contenta and County trails on the other side and into La Cienega.  
  
Councilor Bushee asked if the developer is making all of these connections and Ms. Baer said this is correct.  
  
Councilor Bushee said then they will be crossing in a culvert. Ms. Baer said yes, noting it is safer than an at grade crossing.
- Councilor Bushee asked if there will be bicycle lanes on the overpass itself, such as those on Siler Road.  
  
Ms. Baer said there will be bicycle lanes but she hasn't seen the design, but she has seen a plan showing bicycle and pedestrian crossings on the bridge.  
  
Councilor Bushee would like to see specifics of how these are separated from automobile traffic.
- John Romero, City Engineer, said the proposal is for 5 ft. bike lanes and 5 ft. sidewalks on each side, and this is on top of curb and gutter.
- Councilor Bushee asked if the sidewalk or bicycle lane is the one closest to traffic.  
  
John Romero said the bicycle lane is closest to the traffic, and the sidewalk will be on top of curb and gutter.
- Councilor Bushee asked if the City will have responsibility for maintenance once it is annexed into the City and John Romero said this is correct.
- Councilor Calvert quoted from the last sentence on page 104, "It is the desire of this applicant to provide connectivity to the Tierra Contenta trails network." He would like this to be made a condition of approval, because it isn't there.  
  
Ms. Baer said the City requested a Trails and Open Space Plan as a condition of approval, noting that has been provided and is on page 7 of Appendix D.3.5 which is a pull-out color map.  
  
Councilor Calvert said he would like this to be listed as a condition of approval as opposed to just having a map which implies that.

- Councilor Dominguez asked what control the City has on the appearance of the interchange and what landscaping requirements will there be along the sidewalk over 599.

John Romero said, "I'd say we have complete say in how we want the interchange to look. There will be no buffer space between the sidewalk and the curb and gutter, only because it will be over a bridge. But, you know, if there's something that can be worked in there, we can of course do that."

- Councilor Dominguez said he wants to be sure that we spend time looking at the standards for overpasses and interchanges to be sure those are esthetically pleasing, and not the "typical" interchange which isn't always the safest.

John Romero said the Applicant as well as the DOT has asked him how he wants the interchange to look, but he isn't comfortable in making that decision.

- Councilor Dominguez asked John Romero at what point he gets to review the design.

John Romero said he currently is reviewing it and "we have complete control of that, and I would be more than happy to receive recommendations from anybody as to how it should look."

- Councilor Romero said then it isn't like what NM-DOT has done in other areas.

Ms. Baer said the applicant has proposed a bridge that would be similar to the one at Ridgetop in Santa Fe Estates, and she believes the Applicant has graphic material to show this evening as part of its presentation. She said since it is at the expense of the Applicant, the Applicant will also have something to say about its appearance.

- Ms. Baer said the staff is assisting the Applicant in transferring water rights from the County into the Buckman Direct Diversion, so staff believes there will be sufficient water for the project.

- Ms. Baer asked that Fabian Trujillo, Economic Development, be allowed to speak to the issue.

- Councilor Trujillo said he understood John Romero to say that the City would have full control over the design and appearance of the interchange/overpass. He said he truly doesn't believe that the Highway Commission would allow that.

John Romero said the interchange/overpass will, of course, have to meet DOT structural guidelines. He said currently it is proposed to use pre-stressed beams similar to Ridgetop, noting there is a Zia symbol at Ridgetop.

Councilor Trujillo said then once it goes before the Highway Commission for approval, and meets the standards, the City won't have to go back to the Highway Commission.

John said this is his understanding as far as the esthetic features on it, such as the color and things like that. He said, "Right now the Department of Transportation is asking us what we would like it to look like."

- Fabian Trujillo, Economic Development, said this project will meet the City's Economic Development Implementation Plan as proposed. He said the businesses they are looking to attract and built out are all in the five clusters – green technology, knowledge based, media, arts and culture. He said we view consistently through our passive recruitment strategy a number of requests from the State to send proposals. These are usually bigger requests in excess of 50,000 sq. ft. He said this particular project will give us the opportunity to compete for those projects that are looking at the State which meet our implementation strategy.
- Councilor Wurzbarger said she has a proposed amendment, because she was concerned that there was no reference in the Council packet to the City's Economic Development language, and she will be adding this language as a condition of approval.
- Mr. Trujillo said he has been working with Pavilion and they have agreed to meet our Economic Development Implementation Plan.

## **Public Hearing**

### **Presentation by the Applicant**

Mayor Coss gave Scott Hoeft, representing the Applicant, 15 minutes to present information on the project..

**Scott Hoeft, Santa Fe Planning, was sworn.** Mr. Hoeft said he and Bruce Poster will be presenting information, noting Mike Gomez, Civil Engineer, is available to answer questions, as well as the Attorney Nancy Long and Phil Sena the developer.

Mr. Hoeft said Ms. Baer highlighted all of the benefits, so he won't be speaking to those. Mr. Hoeft identified the subject site of the project and the interchange/overpass on the enlarged map, noting they will be completing Jaguar Drive to the interchange and extending "Pavilion Air," to the Airport, and the right-of-way [hereinafter "ROW"], was determined years ago and nothing new is added there. It is bounded by the Airport, Komis property and Tierra Contenta. He said the City owned Aviation Business Park is at the top of the site. He said the southern part of the 371 acres is not in the City at this time, and the upper part is in the City. He explained this was a mistake, and it existed as one parcel when the presumptive City Limits was prepared. He said they decided to bring the entire parcel into the City, and notified the County, noting the five requests before the Council this evening.

Mr. Hoeft said his firm has been involved in this project for ten years. He said in initial meetings there was a concern by the residents that the project would put traffic on County Road #54 in the La

Cienega community. He said this plan shows "those two roads as emergency access only," and will be maintained. He said primary access is to the north to the interchange.

Mr. Hoeft said there is a lot of open space, with open space buffers along #599, open space buffers along the south, and there is an arroyo which runs through the middle of the site which is maintained as open space. He said there are significant open space buffers to the south, noting those were part of the earlier plans with the La Cienega community and have been maintained in the new plan. Mr. Hoeft said there is a topography change with the buffers. He said when you are in La Cienega, you aren't looking at the site and there is a significant step-up "at this point here," to the site and that is "open space from a buffer standpoint, but it's also poor topography. It's elevation. There's steep slopes there. And that's also one of the reasons why the buffer was maintained to the south. He said there is open space "north of 40%." He said there are buffers along 599, and a road that comes in that is circular and comes out and the balance of the land is where we have the building pads. He said the density, uses and such, of the building pads will be determined at the development plan submittal which is the next step if this is approved this evening.

Mr. Hoeft presented an artists' rendition which he believes is helpful in seeing how the project will look when complete, with the interchange in the middle and the site to the south, the new Airport entrance and the connectivity to Jaguar.

Mr. Hoeft said the Planning Commission asked him to meet with the Police Department in terms of police protection. He met with Chief Wheeler and his Deputy, explaining this will be serviced by a private security company such as Akal, and they felt the distance from Valdez Business Park was a reasonable distance, especially with the Jaguar extension.

Mr. Hoeft said a few neighbors attended the last meeting to talk about several things, one of which is a fence. A gentlemen was concerned that people were accessing the property illegally, partying and also dumping. At the request of the Planning Commission, we strung a fence from his property to the arroyo so that activity would cease. They also cleaned the site of debris which has been dumped for the last 10 years.

Mr. Hoeft met with Bob Siqueiros and Mr. Wilson to discuss the plans for the trails, noting that connectivity to Tierra Contenta and La Cienega is important, which has been maintained through the arroyo system which runs through the property as well as the trails around the property. There will be two access points from both sides of the highway. He said one option is a box culvert with plenty of room for pedestrians, and the second option is the walkway on the overpass.

Mr. Hoeft said the overpass is modeled after the one at Ridgetop, saying that is an esthetically pleasing design. He said they have been working with NM-DOT for about 8 months to get approval for the bridge, noting they have received access approvals. He said about half of the bridge design is underway and will continue that process based on "their direction. They are guiding the process. We're following their direction."

Mr. Hoeft said, with regard to the water, it is not a transfer it is an exchange. He said, "The water rights... the City wants them in one location, we put them in the other location – the BDD versus the Buckman Well Field. And what we are doing there is not going through a whole new transfer. We're going to work with the City and the County, and we already have letters from both attorneys stating that we can do so to essentially exchange the water rights, not go through a whole new transfer. And Marcos [Martinez] has been heading that up for the City."

Mr. Hoeft, using an enlarged map, spoke to the questions regarding the highway corridors. He said, "What we have shown right here, Councilor, is a buffer of 250 feet, and then we have buffer at the north here shown as 100 ft. But, I believe is what Tamara was getting to is that the buffers that are on the Highway Corridor, and you have the plan in front of you, I believe are 150 ft. required, and up to 375 ft. preferred, if I'm not mistaken. I'm not sure on those distances. But what we have shown here is 250 ft., and then to the north is another 100 ft. If you carry that through, and keep in mind that where we've actually bent it is right where the interchange is at, so there's a considerable distance there from where the cars travel. Also keep in mind that this interchange and the Highway Department shows that location for the interchange going back 15 years, because this is where the elevation changes. It's the higher topography. It's the place that you can naturally put a bridge across without having to do a lot of dirt work, unlike at County Road 62 where it's relatively flat in the area. And so, keep in mind that you're back quite a bit, plus, in terms of visibility, you are again having to work with the elevation, so it's not as visible as what it would appear."

**Bruce Poster, Southwest Planning & Marketing, was sworn.** Mr. Poster said he prepared an independent assessment of the market analysis for the Pavilion as well as the economic and fiscal impacts. He said they analyzed the site and feel it is a good location for this project in term of the market being near residential growth, major transportation nodes, the Rail Runner Station, and other business parks in the area. It seems like a good place for it, and Mr. Trujillo has said it fits with the City's economic development strategy. He said he attended a meeting yesterday where the Mayor and Councilor Wurzbarger spoke about the need to create 4,000 jobs in the next 4 years, and he believes this project will go a long way toward achieving that goal.

Mr. Poster said he looked at the market for the project, and there is evidence the economy is starting to move into the positive. The primary market for the project would be large office manufacturing users in both the public and private sectors, light manufacturers, regional distributors who need this kind of transportation access near highways and an airport, suppliers serving LANL. They spoke with realtors and economic developers about requests, which include an insurance processing company looking for 125,000 sq. ft., a packaging plant for 120,000 sq. ft., three businesses looking for 50,000 to 75,000 sq. ft. for executive headquarters and secondary users such as retail and restaurant to serve the area and persons flying in or out of the Santa Fe Airport.

Mr. Poster said they have looked at competition, and there are other sites which could handle office, but none of them can handle a project of a major size. He said Las Soleras has 100 plus acres of office space which is a lot less than this project; Hart Business Park has 50 acres; the City's Santa Fe

Industrial Park has 40 acres, but no utilities; Komis Business Park 58 acres; and Oshara and Zia Station are smaller projects and not as well located for this use.

Mr. Poster said the City has absorbed 95,000 sq. ft. of office and 40,000 sq. ft. of industrial warehouse per year within the City, but that doesn't include all the development along State Road 14, along the I-25 frontage roads, noting the estimate is 300,000 sq. ft. of office/industrial absorbed per year in the metropolitan area. He said over 15 years, the Pavilion will absorb 70,000 sq. ft., or 23% of the historical absorption rate which they believe is reasonable and achievable.

Mr. Poster said the project will generate 2,700 construction jobs, or 183 per year over 15 years, and \$100 million in construction wages, \$71 million in indirect wages, 2,600 direct jobs, with another 2,400 indirect jobs, with annual wages of more than \$175 million at buildout over 20 years. They estimate \$8 million in GRTs from construction, plus \$10 million annually from operations, plus \$1.5 million in property taxes to the City and the Schools, plus Lodger's Taxes. They believe with the market starting to turn around that the project will be successful and a net benefit to the community.

#### Speaking to the request

**James Hicks, Executive Director, Tierra Contenta, was sworn.** Mr. Hicks said they are excited about the plan and that it will be good for the community and Tierra Contenta. He said the new interchange is one of 7 access points established in the master plan, and this is a great thing for them to be able to address traffic problems within Tierra Contenta and on Airport Road and Cerrillos.

Mr. Hicks said the employment opportunities are huge, and Tierra Contenta was designed so people could live close to where they work and the project will help. It will remove obstacles they've had for years because there was no access to #599. In December 2009, Tierra Contenta sold a major piece of Tierra Contenta commercial property on the east side of 599. He said it will be developed to their design standards. He said there is a new fire station to serve the Airport and the interchange will provide a straight shot to the development from the station on Jaguar Drive. He said the Airport Business Park will become a reality. He said there is a big loop road in Tierra Contenta that connects to Jaguar and 599, which will help them jump start the remainder of the development within Tierra Contenta. He urged approval.

Mayor Coss noted there is a Fire Station at the Airport that is fully staffed, although we do appreciate the connectivity.

#### The Public Hearing was closed

Councilor Dominguez said he lives in Tierra Contenta, and he appreciates the attempts to promote economic development for this area as well as the entire City. He drives the roads daily and understands the congestion along Airport Road and in Tierra Contenta. He said this proposal helps fulfill the various

transportation plans and the Tierra Contenta plan in terms of connectivity. He said this is a project which totally and completely supports the various plans which exists in this part of Santa Fe. He anticipates that people in Tierra Contenta might have work in the area, which is something he wants to see.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2010-32, approving Case #2010-07, and Case #2010-08, the General Plan Amendments, with the Amended Conditions of Approval as recommended by staff.

**FRIENDLY AMENDMENT:** Councilor Wurzburger proposed the following amendment to the motion, pursuant to her previous remarks:

Page 2, after line 8, add a new WHEREAS as follows: "... and WHEREAS, it is important for development of the subject property to be consistent with the City's Economic Development Plan;  
and

Page 2, line 20, add new language as follows: "...attached hereto. FURTHERMORE, the Governing Body requests that the City's Economic Development Plan be fully considered when developing the Pavilion parcels.

**THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**POINT OF CLARIFICATION:** Councilor Calvert asked if the motion, as amended, is for the two General Plan Amendments. Mayor Coss said it is for the adoption of Resolution 2010-32 which approves Case #2010-7 and Case #2010-8.

Mr. Zamora said it would be cleanest if the Motion was amended to include Councilor Wurzburger's language so there is one motion accepting the amended language, and the revised conditions of approval as recommended by staff.

**RESTATED MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2010-32, approving Case #2010-07, and Case #2010-08, the General Plan Amendments, with the Amended Conditions of Approval as recommended by staff, and with the following amendment to Resolution No. 2010-32:

Page 2, after line 8, add a new WHEREAS as follows: "... and WHEREAS, it is important for development of the subject property to be consistent with the City's Economic Development Plan;  
and

Page 2, line 20, add new language as follows: "...attached hereto. FURTHERMORE, the Governing Body requests that the City's Economic Development Plan be fully considered when developing the Pavilion parcels.

**VOTE:** The restated motion, as amended, was approved on the following roll call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.

**Against:** None.

- 6) **CONSIDERATION OF BILL NO. 2010-12; ADOPTION OF ORDINANCE NO. 2010-7. CASE #2010-12. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296.020± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Chavez, to adopt Ordinance No. 2010-7, approving Case #2010-12 the Pavilion Office Complex Annexation, with the Revised Conditions of Approval as recommended by staff which are applicable to the annexation.

**DISCUSSION:** Responding to Councilor Bushee, Ms. Baer said the Applicant stated earlier that they will provide private security services. Councilor Bushee asked if this would be provided permanently, and the City would never have to patrol this. Ms. Baer said this is correct, during construction, but probably not prior to construction.

Councilor Wurzburger asked what will happen on the 372 acres in the meantime, presuming construction will take more than a year. She said the City has now annexed the property and now has an additional 372 acres to which the City will respond.

Ms. Baer said the land has been there forever, and the only problems, to her knowledge has been some partying, a little bit of trash dumping and some trespassing involving ATV vehicles. She said access to the property has been fenced on the southern portion where the previous access was happening.

Councilor Bushee doesn't have to worry the Police Department if the Applicant is going to offer security services, and asked if that will be provided throughout construction.

Mr. Hoeft said yes.

**FRIENDLY AMENDMENT:** Councilor Bushee asked to add a condition of approval that the Applicant will provide security services throughout construction **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY, WITH THE MAKER STATING THAT THE POLICE DEPARTMENT IS ALREADY DOING SOME OF THAT.**

**DISCUSSION:** Councilor Dominguez said he wants to point out that the Police Department has been wonderful and active in patrolling some of the open space just east of #599. He understands the police often go underneath the box to the western part of #599, where the proposal is to patrol some of that area as well.

Councilor Bushee said construction sites are graffiti magnets, as well. She said the City can assist, but we need "you guys" to cover it.

Councilor Calvert asked, since the Archaeological Review Committee [hereinafter "ARC"] has not met and will meet after this meeting, how will we incorporate their findings as a condition of this project.

Ms. Baer said the Committee did consider a report on this project by Stephen Post, Archaeologist, and the ARC had changes it wanted made to the Report. She understands he has made those changes, noting there is a letter in the back of the packet. She said, "It is absolutely the City's understanding that this won't go ahead without ARC approval."

Councilor Calvert asked if we could add a condition of approval, that the approval is subject to conditions imposed by the ARC, but we may not know what those are at the time we make that a condition. He asked if we want to "write that blank check, or how do you want to deal with it."

Ms. Baer said the Revised Conditions of Approval are very specific with regard to what they were looking for.

Mr. Hoeft said archaeological reports were done 15 years ago, and those were rejected by the ARC when presented to them. He said it was necessary for Mr. Post to revisit all of the sites. He said Mr. Post prepared the updated Report, and went to make a presentation to the ARC, but they didn't have a quorum. He said Mr. Post needs to make another presentation, and the ARC will either concur or disagree with his recommendation. He said there are two sites on the project which are significant. At that point, we will need to develop a mediation plan – to either keep them in an easement for preservation or mediate them. He said archaeological clearance from the ARC is required to obtain a building permit. He said they can't proceed until this issue is resolved.

Councilor Calvert asked Mr. Hoeft if the Applicant would be okay with a condition of approval providing that he will follow the recommendations of the Archaeological Review Board.

Mr. Hoeft said this is correct.

**FRIENDLY AMENDMENT:** Councilor Calvert asked that the motion be amended to provide a condition of approval that the Applicant will follow the recommendations of the Archaeological Review Committee.

**DISCUSSION ON THE FRIENDLY AMENDMENT:** Ms. Baer said this already is a condition, in that the Applicant can't get development plan approval or a building permit unless they comply with all of the conditions stated by the ARC.

**WITHDRAWAL OF THE FRIENDLY AMENDMENT:** Councilor Calvert withdrew his request for a friendly amendment.

Councilor Calvert said there was discussion about the water rights, and he would be more comfortable with a condition of approval about what is going to have to happen, so the transfer and such is in place, and not just as a "gentlemen's agreement."

Mayor Coss said it is just moving the diversion point, and it isn't a transfer of water rights.

Councilor Calvert said the City and County have water rights at different locations and we're just going to "swap."

Mr. Zamora said this is correct, it is an exchange of water rights and being handled by our attorney Marcos Martinez.

Councilor Calvert asked Mr. Hoeft if the Applicant is amenable to this being a condition of this annexation, and Ms. Baer said it already is.

Councilor Calvert said he doesn't see it in writing anywhere as described – the exchange between the City and County of water rights so they are at the right location.

Mr. Hoeft said the Applicant is amenable to such a condition.

**FRIENDLY AMENDMENT:** Councilor Calvert asked to amend the motion to provide that the exchange of the water rights between the City and County must be completed as a condition of the approval of the annexation. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert referred to page 93, D.3.8, which discusses connection to the 599 Railrunner Station. He asked if the Applicant is willing to provide that connection or to help the City with its funding.

Mr. Hoeft said he is uncertain to what Councilor Calvert is referring.

Councilor Calvert said this is under "Expansion of Services," and the section on Annexation discusses when a project comes forward and wants to "push the boundaries," and there is an extension of services. He considers the transit referenced in the reports as an extension of services, and asked Mr. Hoeft if the Applicant is willing to pay for or to assist in funding that connectivity, noting he is referring to it as something that will happen. Councilor Calvert wants to know who will pay for this. He said throughout the

section it talks about providing services such as water and sewer and the Applicant will pay for that infrastructure. He said this is another extension of services, and would like to know what the Applicant would be willing to do on this connectivity.

Mr. Hoeft asked Councilor Calvert if he is referring to an extension of the Rail Runner or Santa Fe Trails program.

Mayor Coss said he is speaking about the transit service to connect.

Mr. Hoeft said he met with Santa Fe Trails to ask if it would be willing to service the project, and they said yes, they would run a route from the Rail Runner Stop to the site.

Mayor Coss asked who would pay for the route.

Councilor Calvert asked again if the Applicant would be willing to help fund the extension of City transit services for this project.

Mr. Hoeft said he has no sense of what that would cost month-to-month and year-to-year.

Councilor Bushee said there have been discussions at RPA with regard to the Las Soleras buildout, and with this build-out. She said it is a shifting of the City's funding and priorities, and to ensure that traffic and congestion are alleviated. She believes this is a government service that will be offered there, saying she understands Councilor Calvert's good intentions. She said the City has never conditioned a private development to provide bus service.

Councilor Calvert said we have required some to provide the station or for the connection to be made.

Councilor Bushee said the station is there, and she is speaking to the fact that the RPA has had this discussion, and as we move through shifts and changes of buildouts we will be directing services there.

Councilor Calvert agreed that we have had this discussion at RPA, and found that the need for expansion for rail connectivity will exceed the budget. He said the City will continue to have demands on connections to the Rail Runner service, many which will be south of that station. He is glad the Applicant spoke with Transit, and Transit will be glad to provide the service. However, will that be funded by the RPA or the City.

Councilor Bushee said, "All I'm going to amplify is that it was never our intention to pay for the Rail Runner service, but it was always the plan to pay for the services to get to and from the train, which she believes is "our obligation."

Mayor Coss said as they build out, they will pay the 1/8% RTD tax which might cover the cost.

Councilor Chavez said one benefit of the buildout in addition to GRTs, would be the collection of Impact Fees, which, added to any GRTs, should help pay for some of the future services we're expected to provide.

Councilor Dominguez agreed with Councilor Chavez. He said as the development plan comes forward, there will be a need to identify bus stops and shelters, and such.

Ms. Baer said this is absolutely correct, and those will be specified and reviewed in the development plan review.

Councilor Romero said the RPA is the entity that makes decisions on how the GRTs will be spent, and submits that plan to the NCRTD. In this situation, she feels it is premature to make them do anything extra when we don't know the amount of the GRTs. She said the RPA has committed to look at any of the additional services which will be required, including Las Soleras, the Zia Station, to be sure funds are set aside for some of the future activities which may occur. She said we do evaluate the needs, through our service plan, so there is a continual evaluation. She would hesitate to hinge anything right now on a requirement when we don't know what it will look like, and she is comfortable in leaving it as is.

Councilor Calvert said she helps his argument in saying we don't know what the GRTs will be. He said the need for transportation will be from day one when something opens. This plan goes over 15 years, so it will take a while to accumulate GRTs which might pay for the transit, so we won't have those funds from day one.

Councilor Calvert said he would withdraw his request for this amendment.

**FRIENDLY AMENDMENT:** Councilor Calvert asked to add a condition of approval regarding the Applicant's willingness to provide the connectivity to the Tierra Contenta Trail. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said generally conditions of approval added by the Council come under rezoning, and asked if it appropriate to do this under the annexation.

Mr. Zamora deferred to Mr. O'Reilly or Ms. Baer.

Mayor Coss believes we can impose conditions on annexation or the ordinance, but we generally don't do this on the general plan.

Ms. Baer said the conditions of approval are exhibits to each of these cases, so they will repeat and be the same.

**FRIENDLY AMENDMENT:** Councilor Calvert said he would like to amend the motion to require compliance with the Night Sky Ordinance because of the proximity of the project to our neighbors to the south which is not densely populated, as well as to the airport for reasons of flight safety. He also would like to require the use of LED lighting for streetlights. **THE AMENDMENT WAS FRIENDLY TO THE MAKER.**

**DISCUSSION ON THE FRIENDLY AMENDMENT.** Councilor Dominguez said we have gone through a processing in dealing with lighting and how it affects neighbors to the south, east and north. He fully expects the applicant would comply with our ordinances, and that we will enforce that ordinance.

Councilor Bushee believes the two issues should be separated. She said they have to comply with the Night Sky Ordinance. However, the City has been trying to pursue LED lights for streetlights, and she understands it is cost prohibitive at this point, and the reason the City hasn't pursued it. She said the technology may be cheaper by the time this project happens, but LED lighting isn't in our Night Sky Ordinance.

Councilor Calvert said it is being done in some locations, and Councilor Bushee said she understands it is very costly, and we're doing this with the traffic lights. She asked Mr. Romero to comment.

Robert Romero, City Manager, said we are hearing about concerns about LED lights in climates like Santa Fe, so we haven't selected a light which we believe is a standard and with which PNM will work with us to place. He said until that technology gets to the place where we're comfortable and makes sense, we're probably not going to go there.

Councilor Calvert asked when there will be groundbreaking on his project.

Mr. Hoelt said it will be April 2011, with 15 years to buildout.

**AMENDED FRIENDLY AMENDMENT:** Councilor Calvert asked to add a condition of approval that the Applicant comply with the Night Sky Ordinance and that it is desirable that the applicant include LED lighting at the appropriate time. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**CLARIFICATION OF THE FRIENDLY AMENDMENT BY COUNCILOR WURZBURGER:** Councilor Wurzburber said the issue for her, as you come down La Bajada Hill, are the security lights people put around commercial buildings. She said, "I am inferring that under the technological improvements you could have motion sensors, because right now I can imagine 372 acres all lit up until they destroy our night sky. I don't know if our Night Sky Ordinance talks about that, but that's what you see when you come up La Bajada Hill." She would like to add this as clarification, and if it isn't in the Night Sky Ordinance and we need to look at that.

Councilor Dominguez understands the intent. He said this is something to be addressed at the development plan phase, noting we don't know the locations of the buildings, etc. He said we just went through this issue with the FedEx building, and they've done a lot to tone-down the lighting and the neighbors are happy with that.

Councilor Calvert reiterated his concern that the lighting could be a flight safety issue as well.

Mr. Zamora said he has heard conditions of approval to comply with certain ordinances with which he has a legal concern. He said if you start enumerating the ordinances with which they must comply, are you setting up for an argument that they don't have to comply with the Ordinances you didn't name, and in the future with other developments if you remembered to include them this time around, but you didn't remember to include them six months down the line, will they argue that they don't have to comply with Night Sky.

**AMENDED FRIENDLY AMENDMENT:** Councilor Calvert would like to amend the previous condition to drop the Night Sky Ordinance provision, and ask that the Applicant work to achieve the most downwardly focused lighting technology possible at time of implementation. **THE AMENDED FRIENDLY AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said the enumeration of the financial impacts from this project was very impressive. However, his concern is, especially during construction, how we know if any of this will be local expenditures. He asked if there is a way that we will come to some reassurance by the Applicant, that the Applicant will try to work with local firms, especially over 15 years. He wants a reassurance and/or commitment by the Applicant to work with local development firms and local supply firms to keep the revenue in Santa Fe's economy. This is as opposed to hiring a firm from Albuquerque, and bringing its workers, so Albuquerque gets the employees and the infusion of funds.

Councilor Wurzbarger agreed with Councilor Calvert in this regard.

Mr. Hoeft said, "Councilor, we would make this commitment, as long as it isn't required. We will do our best to follow your advice, certainly."

**VOTE:** The motion, as amended, was approved on the following roll call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzbarger.

**Against:** None.

- 7) **CONSIDERATION OF BILL NO. 2010-13; ADOPTION OF ORDINANCE NO. 2010-8, CASE #2010-10. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285.186± ACRES OF LAND FROM COUNTY RESIDENTIAL TO BUSINESS INDUSTRIAL PARK (BIP). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

**CASE #2010-11. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 76.179± ACRES FROM RESIDENTIAL/1 DWELLING UNITS PER ACRE (R-1) TO GENERAL COMMERCIAL (C-2), AND 10.834± ACRES ADJACENT FROM COUNTY RESIDENTIAL TO GENERAL COMMERCIAL (C-2). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Ordinance No. 2010-8 approving Case #2010-10 and Case #2010-11, the Pavilion Office Complex Rezonings, with all Amended Conditions of Approval as recommended by staff.

**DISCUSSION:** Councilor Bushee asked the Applicant to delineate the open space buffers to adjoining properties for the project in greater detail..

Mr. Hoefft asked if she is speaking to the open space here or the open space along the southern edge.

Councilor Bushee said, "Not along the highway."

Mr. Hoefft said, "We've maintained open space buffers along the southern portion here, that's approximately 250 ft. by this measure here. Over here, it's an even greater distance, and all along here, this is shown as open space."

Councilor Bushee said then, at maximum, it is 400 ft. and 100 ft. minimum.

Mr. Hoefft said the minimum here looks as though it is 250 ft. and it only goes up from there.

Councilor Bushee understands the compliance around C-2 zoning would be impossible, but believes they already closely comply with the remaining portion of the site which would be a business park.

**FRIENDLY AMENDMENT:** Councilor Bushee asked that a condition of approval be imposed requiring the Applicant to comply with the Highway Corridor Plan as mapped out, just in that stretch. **THE AMENDMENT WAS FRIENDLY TO THE MAKER THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS, WITH THE MAKER COMMENTING THAT IT APPEARS THAT THEY ARE TRYING TO ACHIEVE THAT AS IS..**

Ms. Baer asked Councilor Bushee if she is speaking only to the setbacks for the Highway Corridor.

Councilor Bushee said yes, and not for land use, because we are changing the potential land uses with the rezoning, "or any of the other standards. "

Mr. Hoefft said, "Just a clarification. I believe we were talking about roughly 310 feet in this area here, which we more than meet. And I believe in this area we're talking about 285 ft., what we saw on the map. And again, it's difficult, because we can't transpose this, and this scares me a little bit. But 285 ft., I mean if we're 250 ft. here, it's not that big of a..."

Councilor Bushee said, "And in the upper, you can't comply, so I didn't make that part of the amendment.

Councilor Dominguez asked, "We're within the range. You feel comfortable that we are within that range. "

Councilor Bushee and Mr. Hoefft said yes.

Councilor Bushee said, to be clear, she's not asking for the uses to change, and asked staff to describe the other standards that they're not having to meet.

Ms. Baer said, "The ones that come to mind, is that there's a height restriction of 17 ft. There's also a maximum building site of 5,000 sq. ft., which probably wouldn't work either."

Councilor Bushee asked staff to send the Trails and Open Space Plans through the Bicycle and Trails Advisory Committee, noting they may have some good suggestions.

Councilor Bushee said this is a good project and the economy needs the help. She likes the location and that the interchange will be user-friendly and will be an amenity to that part of town. She with the rezoning it looks like this plan puts the City's idea of a business park "to rest."

**FRIENDLY AMENDMENT:** Councilor Romero asked to amend the motion to add a condition of approval that any construction debris from the site will be taken to the Caja del Rio Landfill. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS..**

Mr. Hoefft said the Applicant concurs with this condition of approval.

Councilor Chavez asked if the Applicant will have to comply with all current land use requirements and Ordinances, such as the Big Box Ordinance, which would limit commercial properties to 150,000 sq. ft.

Ms. Baer said, "They would have to comply with all City ordinances, period."

Councilor Bushee would like the Applicant to take advantages of any options for water harvesting and filtration in the parking lot. She said it is a thought and not a condition.

Councilor Calvert said it would be helpful to him, when staff prepares a packet, if they could use different letters for the Planning Commission, and the Council. He asked that the latest information be put closer to the front of the packet so they can see the most recent information, rather than at the back of the packet.

**CLARIFICATION OF THE MOTION:** Councilor Dominguez said he wants to be sure the motion includes approval with all of the Amended Conditions of Approval as recommended by staff.

Councilor Wurzburger thanked everyone for their hard work on this project. She is hopeful that Tierra Contenta can be recharged from this. She said the trend of people working in Santa Fe and living in Albuquerque remains of concern to her. She hopes there is something we can do to in terms of housing in Tierra Contenta to make this happen.

**VOTE:** The motion, as amended, was approved on the following roll call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.

**Against:** None.

**Explaining his vote:** Councilor Ortiz said he wants to encourage this developer who has gone through a process not to give up hope to land the State Government Complex. He realizes the so-called "fix is in," with regard to the State purchase in Las Soleras and that people in this administration are trying to get things developed during this administration. He said the State has ignored the fact that they have to bring water rights to that complex for which it has not accounted nor budgeted. He said this project provides a perfect opportunity for the State expansions about which it has been talking. It is his hope that this developer is not dissuaded by the kinds of politics which are happening at this time, and that the developer continue to act aggressively to try to get that complex for this side of town, given all of the amenities it has put forward in benefit of the community, and voted yes.

Mayor Coss thanked the staff and the developer for a job well done, commenting it is nice to have a development to approve, because we haven't had one for a while.

- 8) **CONSIDERATION OF BILL NO. 2010-13; ADOPTION OF ORDINANCE NO. 2010-9 (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (MELISSA DAILEY). AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 26-1, REGARDING THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE**

**ANNEXATION AGREEMENT  
THE PAVILION**

This Annexation Agreement ("Agreement") is made and entered into this 10<sup>th</sup> day of December, 2010, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation ("City") and Commercial Center at 599, Inc., by Richard Cook ("Landowner").

**RECITALS**

A. Landowner is the owner of certain real property situated in Santa Fe County, New Mexico consisting of approximately 295 acres, said property being situated within Sections 15 and 22, Township 16 North, Range 8 East, New Mexico Primary Meridian as more fully described in the Annexation Plat attached hereto as Exhibit 1 and incorporated herein by this reference, and hereinafter referred to as the "Property."

B. Landowner desires to obtain annexation of, and the City agrees to annex, the Property into the City subject to the terms and conditions hereinafter set forth.

C. Landowner desires to develop and the City agrees to the development of the Property subject to and upon the terms and conditions hereinafter set forth.

**AGREEMENTS**

NOW, THEREFORE, in consideration of the premises, the following agreements and undertaking of the parties, the parties agree as follows:

1. **The Annexation Plat (Exhibit 1).**

A. Landowner agrees to prepare an annexation plat in compliance with the requirements of Chapter 14, SFCC 2001 ("SFCC").

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B. The annexation plat shall dedicate to the City improvements and easements as determined during the development review process.

2. **Conditions of Annexation (Exhibit 2).** The Landowner agrees to comply with the conditions of approval imposed by the Santa Fe City Council as set forth in Exhibit 2 to this Agreement.

3. **Development of the Property.**

A. This Agreement anticipates development of the Property substantially in accordance with the Master Plan, the terms and conditions contained herein and in accordance with the Pavilion Office Complex Annexation Case # 2010-9, and approved by Ordinance No. 2010-7 (**Exhibit 3**).

B. The Property shall be developed in accordance with the Master Plan, approved development plans, subdivision plats, the Phasing Plan for the Property and the SFCC, recognizing that the Master Plan and Phasing Plan are conceptual in nature and accordingly the Master Plan and Phasing Plan may be modified through the development approval process without the necessity for an amendment of the plans.

C. No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and any sub-phases within the Property which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure.

D. No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions

for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Property boundaries, including but not limited to “stubbing out” trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat.

4. **Rezoning of Property.** The Property shall be rezoned to designations C-2 and BIP as provided in rezoning application Cases #2010-10 and #2010-11, approved in conjunction with the annexation of the Property, as Ordinance No. 2010-8.

5. **City Services.**

A. **Fire and Police Protection.** Fire and Police protection for the Property will be provided by current existing City Police and Fire Department facilities and personnel. A fire protection plan shall be submitted with each phase for Property to show the size of the water mains and fire hydrant locations.

B. **Refuse.** Refuse disposal services shall be provided in accordance with applicable City ordinances and policies. Construction debris shall be disposed of at the Caja del Rio transfer station.

C. **Water Service.** A Water Right Exchange Agreement between Santa Fe County and Richard P. Cook was approved at the October 12, 2010 Board of County Commissioners meeting and effective on that date (**Exhibit 4**). Water service will be provided for the development of the Property by the City of Santa Fe. Prior to the development of the Property, the Landowner agrees to connect the proposed development to the City water delivery system using dedicated easements. The Landowner shall reserve easements through the Property (where required) to be shown on a final development plan.

D. ***Storm Water, Wastewater Collection and Sewer Service.*** Concurrent with the development of the Property, the Landowner shall construct storm water and wastewater improvements to service the Property in accordance with the Santa Fe City Code using existing and proposed easements. The storm water and wastewater systems referenced above shall be designed and constructed in accordance with City regulations, guidelines and ordinances. All plans, reports and construction documents relating to the design and construction of the storm water collection systems shall be reviewed and approved by the City prior to any construction. The Development is to be served by a central sewer lift station(s). The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development. The Development shall be required to establish a permanent “business park association” for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).

E. ***Streets and Other Rights of Way.*** Streets within and outside the Property, as stipulated below, shall be constructed in accordance with City standards, applicable laws, rules, regulations, City approvals and the Santa Fe City Code. Upon completion of construction and approval by the City, the streets delineated as public streets shall be dedicated to the City as public rights of way and maintained by the City at its expense. The Landowner shall be responsible for the construction and shall bear all expenses associated with construction. Additionally:

(1) Proposed access to and improvements on New Mexico Department of Transportation (“NMDOT”) Highway Systems shall receive approval from the NMDOT.

(2) All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan.

(3) Landowner shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange.

(4) Landowner shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.

(5) Landowner shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.

(6) Landowner shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Department.

F. **Letter of Credit or Bond.** All required improvements for water, storm and wastewater collection, roads and rights-of-way shall be constructed in accordance with the time constraints set by the City and when completed to the satisfaction of the City,

said improvements shall be dedicated to the City for its use in perpetuity. The Landowner shall provide a letter of credit, in a form acceptable to the City, for the required improvements to the Property. The amount of the letter of credit shall be based on a certified engineer's estimate acceptable to the City.

6. **Archeological Review Ordinance.** The Landowner shall comply with the SFCC in regard to archeological review of the Property.

7. **Utilities.** The Property shall be served only with underground utilities, except as may be approved by the City and/or the State Public Regulation Commission in accordance with the applicable policies and regulations.

8. **Traffic Impact Report.** Prior to the development of the Property a final traffic impact report, illustrating the traffic generated and the impact of the circulation on systems within the Property and surrounding area shall be provided to the City by Landowner.

9. **Parks.** Open space and parks shall be dedicated to the City or in-lieu-of fees paid as required by the Santa Fe City Code.

10. **Wells and Water Rights.** The Landowner agrees that no well shall be drilled on the Property and no water rights shall be transferred to permit a diversion of water from the Property after the date of this Agreement.

11. **Impact Fees.** The Landowner agrees to pay applicable City impact fees.

12. **Assignment.** The Landowner may sell, transfer or assign this Agreement and Landowner's rights and obligations hereunder, provided such transferee shall execute and deliver an agreement by which such transferee assumes liability and agrees to perform all obligations of the Landowner under this Agreement, without further liability hereunder, and provided the City consents to such sale, transfer or assignment, which consent shall not be unreasonably withheld,

delayed or denied. Any assignee(s) shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner was originally bound. Without limiting the foregoing, this Agreement runs with the land and binds and shall bind each and every owner of the Property, whether such person is the Landowner or any successor-in-interest to the Property.

13. **Captions.** The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

14. **Execution of Documents.** The parties agree to execute all documents expressly described or implied by this Agreement.

15. **Severability.** If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

16. **No Waiver.** No waiver of a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

17. **Numbers and Genders.** Wherever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

18. **Governing Law.** This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.

19. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and permitted assigns.

20. **Agreement.** This Agreement states the entire agreement of the parties. The provisions of this Agreement shall be modified only in writing. This Agreement shall not relieve Landowner from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

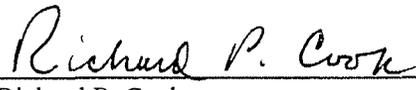
21. **Amendments.** Any amendments to this Agreement shall be reviewed by the Planning Commission (or successor or replacement body) and recommendation regarding approval made, and then sent to the City Council for final action, except as provided herein at paragraph 3.

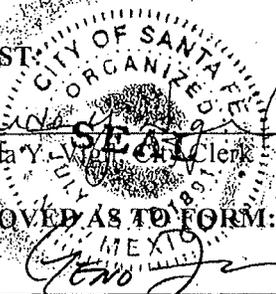
IN WITNESS WHEREOF, this Agreement is entered into the day and year written above.

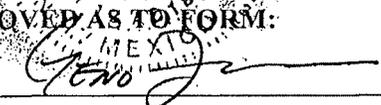
**CITY OF SANTA FE**

**LANDOWNER:**  
COMMERCIAL CENTER AT 599, INC.,  
a New Mexico corporation

By:   
Name: David Coss  
Title: Mayor

By:   
Name: Richard P. Cook  
Title: President

ATTEST:   
  
Yolanda Y. Wright, City Clerk

APPROVED AS TO FORM:  
  
Geno Zamora  
City Attorney



The Pavilion –Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
 Annexation (Case # 2010-09)  
 Rezoning (Case #2010-10 & 2010-11)

	Conditions	Department	Staff
1	<p>Solid Waste Management Division:</p> <ul style="list-style-type: none"> <li>The concept plan is fine. But, there is not enough information for review as a development. All inquires of solid waste must be met by my office.</li> </ul>	Solid Waste	Randall Marco February 8, 2010
2	<p>Fire Marshall Requirements to apply at time of Development Plan/proposed construction:</p> <ul style="list-style-type: none"> <li>Comply with IFC 2006 edition.</li> <li>Provide a water system that complies with Appendix C of IFC 2006 edition.</li> <li>Provide roadways that comply with Appendix D of IFC 2006 edition.</li> <li>All roadways to be no greater than 10% grade.</li> <li>All buildings shall be reviewed for access and water availability as per IFC 2006 edition.</li> </ul>	Fire Department	Angelo Ortega February 16, 2010
3	<p>Technical Review Division Requirements:</p> <ul style="list-style-type: none"> <li>All plan sheets shall show the Special Flood Hazard Area and reference the appropriate FIRM.</li> <li>Arroyo crossings must meet all federal, state, and local laws.</li> <li>All provisions of Articles 14-3.9 (Development in Special Flood Hazard Areas) and 14-8.3 (Flood Regulations) of the Santa Fe Land Development Code must be followed in developing this land.</li> <li>If approved as a General Plan Amendment, Annexation, Rezoning, and Lot Split, FUTURE SUBMITTALS MUST MEET ALL PROVISIONS OF THE LAND DEVELOPMENT CODE. Approval of the Conceptual Master Plan does not waive the requirement to satisfy Floodplain and Terrain Management regulations. Variances may be required and are NOT considered to be entitlements based on approval of the Master Plan.</li> <li>If the project moves forward with submittal of Subdivision Plats and/or Development Plans, a variance may be required for disturbance of over 30% slopes. All provisions of Article 14-8.2 must be followed.</li> </ul>	Land Use Technical Review	Risana Zaxus February 15, 2010
4	<p>Wastewater Management Requirements:</p> <ul style="list-style-type: none"> <li>The plans indicate that the Development is to be served by a central sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development.</li> <li>The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s).</li> <li>The Development shall be required to establish a permanent "business park association" for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).</li> </ul>	Wastewater Management	Stan Holland February 8, 2010

Exhibit 2

Pavilion Annexation  
 Agreement

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The Pavilion—Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
 Annexation (Case # 2010-09)  
 Rezoning (Case #2010-10 & 2010-11)

5	<p>Archeology/Historic Preservation Division:          The decision of the Archaeological Review Committee (ARC) at their February 4, 2010 meeting was to postpone the report pending revision of the report by the Applicant and its resubmission with the following direction to the Applicant:</p> <ol style="list-style-type: none"> <li>1.) Revisit the sites which have been identified in the previous reports and update them as to current conditions, description, and recommendations;</li> <li>2.) The report shall contain all standard sections required by the ordinance, in particular, that an environmental section be included within the report;</li> <li>3.) The report shall include a title history of the property;</li> <li>4.) In preparation of the final report, use NMAC 4.10.15.9, ff [following appropriate pages] as a general guideline for including appropriate material including an abstract, administrative data and so forth, as set out in NMAC guidelines, which are mentioned here as a general guideline only, and not as a point-by-point requirement;</li> <li>5.) Provide explicit, written justification for the acceptance of the work that was done previously under standards which are different from current City ordinance - why we should accept work which was done previously under a different standard than what is required under the City ordinance;</li> <li>6.) Provide an additional description of the Camino de los Carros;</li> <li>7.) Provide a written justification of the reasons that no new reconnaissance of the subject property is needed; and</li> <li>8.) Correct any typographical errors mentioned or otherwise discovered in the process of redoing the report.</li> </ol>	Archeology/Historic Preservation	Marissa Barrett
6	<p>Traffic Engineering Division. Following are conditions to be placed on the annexation agreement:</p> <ol style="list-style-type: none"> <li>a. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT.</li> <li>b. All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee, and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan.</li> <li>c. The developer shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange.</li> <li>d. The developer shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.</li> <li>e. The developer shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.</li> <li>f. The developer shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Dept.</li> </ol>	Traffic Engineering	John Romero February 8, 2010
7	<p>Stormwater Management Division:</p> <ul style="list-style-type: none"> <li>• Provide a report that addresses the City of Santa Fe Stormwater Utility MS4 and how Post Development Runoff Control and Pollutant Removal pre-treatment will be achieved.</li> <li>• Provide a Stormwater Quality Post Development Runoff Control Pre-treatment plan indicating structural</li> </ul>	Public Works Stormwater	Jim L. Salazar February 10, 2010

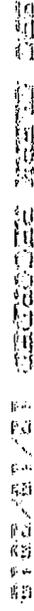
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	<p>BMPs that will be used for pollutant removal and runoff pre-treatment prior to discharge to drainageways and the MS4.</p> <ul style="list-style-type: none"> <li>• Provide a note stating that the development is subject to the requirements of the SFCC Chapter XIII Stormwater Utility including the Stormwater Utility Service Charge and Stormwater Illicit Discharge Control requirements.</li> <li>• Provide a note stating that the development is subject to the requirements of NPDES General MS4 Discharge Permit No. NMR040000 and NPDES Construction General Permit No. NMR100000.</li> <li>• Provide a note as follows: Construction is subject to the requirements of NPDES Construction General Discharge Permit No. NMR100000 and that a Stormwater Pollution Prevention Plan must be prepared by a qualified professional and a Notice of Intent (NOI) for coverage must be filed with the EPA.</li> <li>• Construction stormwater discharges are not permitted until a minimum of seven (7) calendar days after EPA acknowledgement of a complete NOI.</li> <li>• Provide a note as follows: City of Santa Fe Stormwater Illicit Discharge Control. SFCC 13-2 prohibits the discharge of pollutants including sediment, slurries, mud, plasters, concrete rinsates and any construction materials, wastes and garbage, etc. to the storm drain system. The storm drain system includes roads, streets, curbs, gutters, drop inlets, piped storm drains, culverts, retention and detention basins, natural and man-made drainage channels, arroyos, rivers and any facility and appurtenance by which stormwater is collected and/or conveyed.</li> <li>• Provide a note as follows: <b>City of Santa Fe Terrain and Stormwater Regulations.</b> SFCC 14-8.2 requires that construction disturbed area shall be protected against erosion. Sediment must be contained on the disturbed area by the use of temporary erosion and sediment control devices such as silt-fencing, swales, berms, geotextiles, sediment basins and traps. Protection for storm drain inlets shall be provided to prevent the entry of sediment from the site while still allowing the entry of stormwater. Control devices shall be kept in place and used until the disturbed area is permanently stabilized.</li> <li>• Provide a note as follows: The contractor shall not remove silt fences and mulch socks or other temporary erosion and sediment control devices until disturbed areas are stabilized. Soil stabilization and erosion control measures shall be completed within 21 calendar days after completion of construction or other soil disturbance activities on the site. If the time of year is not conducive to planting, then planting may be delayed until the next appropriate planting season provided that all temporary erosion control measures are maintained until permanent erosion control measures are implemented. Temporary erosion control measures shall be selected, designed and installed with an appropriate seed base to provide erosion control for at least three years without active maintenance. Temporary erosion control measures shall be selected, designed and installed to achieve 70 percent vegetative cover within three years.</li> <li>• Show and label any public stormwater system components.</li> <li>• Under Utility Companies: List Stormwater Utility, City of Santa Fe Stormwater Management Office as Contact and 955-2132 as Telephone.</li> </ul>	
8	<p>Current Planning Division:</p> <ul style="list-style-type: none"> <li>• Include all required elements on the Annexation and Dedication Plats as per the Annexation Submittal packet (existing easements, floodplain, tract boundaries with references to legal lots of record and property owner signatures, existing and proposed city limits, roadway dedication details, etc.)</li> </ul>	Current Planning Daniel Esquibel

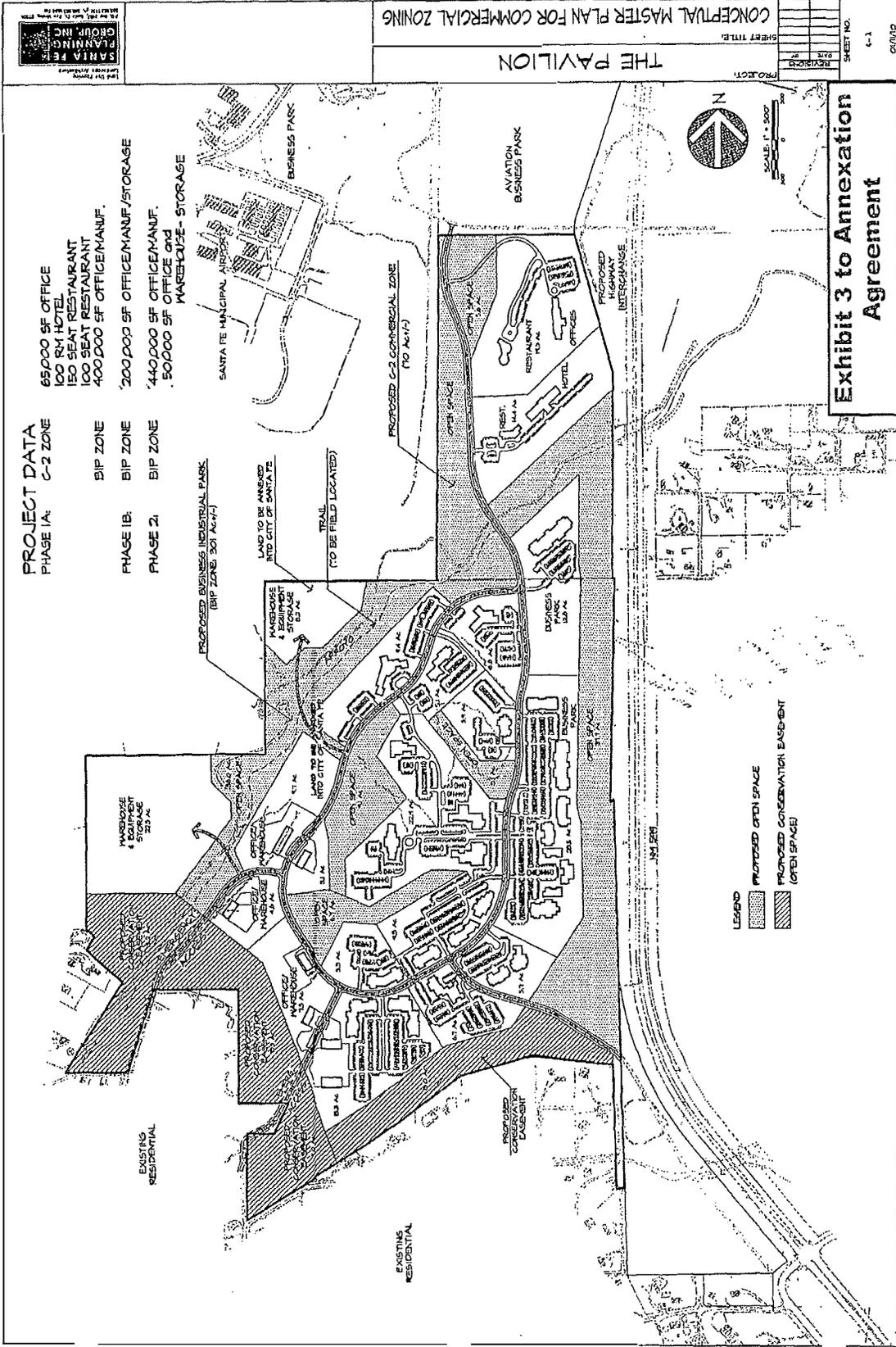
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The Pavilion – Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
 Annexation (Case # 2010-09)  
 Rezoning (Case #2010-10 & 2010-11)

	<ul style="list-style-type: none"> <li>The Master Plan shall address City Transit needs and impacts 30 days prior to requesting placement on Governing Body agenda for staff analysis.</li> <li>Approval of the Annexation Agreement is subject to the review and approval of the City Attorney.</li> <li>Development shall comply with Chapter XXI of SFCC 1987</li> </ul>		
9	<p>Current Planning Division:</p> <ul style="list-style-type: none"> <li>No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub-phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure. This note shall be placed on the Master Plan and included in the annexation agreement.</li> <li>No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to “stubbing out” trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat. This note shall be placed on the Master Plan and included in the annexation agreement.</li> </ul>	Current Planning	Greg Smith
10	<ul style="list-style-type: none"> <li>The Applicant will provide private security services throughout construction.</li> </ul>	City Council 4/28/10	Councilor Bushee
11	<ul style="list-style-type: none"> <li>The Applicant will complete the exchange of water rights between the City and Santa Fe County prior to recording the Annexation.</li> </ul>	City Council 4/28/10	Councilor Calvert
12	<ul style="list-style-type: none"> <li>Provide pedestrian and bicycle connectivity to the Tierra Contenta Trail.</li> </ul>	City Council 4/28/10	Councilor Calvert
13	<ul style="list-style-type: none"> <li>The Applicant shall work to achieve the most downwardly focused lighting technology possible at the time of implementation.</li> </ul>	City Council 4/28/10	Councilor Calvert
14	<ul style="list-style-type: none"> <li>The Applicant shall comply with the setback as mapped in the Highway Corridor Plan, and approximately 285 feet along NM 599, for the BIP portion of the site that is below the Arroyo Chamiso.</li> </ul>	City Council 4/28/10	Councilor Bushee
15	<ul style="list-style-type: none"> <li>Any construction debris from the site shall be taken to the Caja del Rio Landfill.</li> </ul>	City Council 4/28/10	Councilor Romero



SEC CLEAR RECORDED 12/18/2019



PROJECT TITLE: THE PAVILION

SHEET TITLE: CONCEPTUAL MASTER PLAN FOR COMMERCIAL ZONING

DATE: 12/18/2019

PROJECT NO. 19-001

SHEET NO. 4-1

DATE: 12/18/2019

SCALE: 1" = 200'

N

**Exhibit 3 to Annexation Agreement**

**WATER RIGHT EXCHANGE AGREEMENT  
BETWEEN SANTA FE COUNTY AND RICHARD P. COOK**

This Agreement between Santa Fe County ("County") and Richard P. Cook ("Cook") is effective as of the last date of signature below.

WHEREAS, Cook has transferred water rights to the Buckman Diversion Project with the County as co-applicant for future service from the Santa Fe County water utility to serve the development of Cook property within the County; and

WHEREAS, the ongoing annexation process of County property into the City of Santa Fe's municipal boundaries will result in the inclusion of Cook's property within the boundaries of the City of Santa Fe and within the City of Santa Fe's water utility service area; and

WHEREAS, Cook owns 110.1065 acre-feet per year consumptive use ("afy") of pre-1907 water rights consisting of 81.4 afy of Oso 8 water rights (OSE File No. SD-07137 into SP-4842), 18.6765 afy of Peña Blanca water rights (OSE File No. SD-02205 into SP-04842) and 10.03 afy of Peña Blanca water rights (OSE File No. SD-06920 into SP-04842) for use at property located on the west side of NM 599 in the Santa Fe County water utility service area and for property on the east side of NM 599, and these rights are fully permitted by the Office of the State Engineer for diversion by Santa Fe County from the Buckman Direct Diversion ("BDD"), in accordance with Santa Fe County water utility requirements; and

WHEREAS, the Cook property has been approved for annexation and future City water service to the property; and

WHEREAS, Santa Fe County owns 110.1065 afy of pre-1907 water rights consisting of 84.84 afy of Twinning and Whitehouse water rights (OSE File Nos. SD-03179, SD-03179-A, SD-03179-AA into RG-20516, *et al.*), 6.13 afy of Chavez water rights (OSE File No. SD-06454 into RG-20516, *et al.*) and 19.1365 afy of Baldonado water rights (OSE File No. SD-05023 into RG-20516, *et al.*) in the City's Buckman wellfield; and

WHEREAS, Cook and the County desire to exchange title to 110.1065 afy of their respective water rights described above;

NOW, THEREFORE, the County and Cook agree to the following:

1. Cook and County will prepare and execute title documents and the Office of the State Engineer forms necessary to convey:
  - a. Cook to County 110.1065 acre-feet per year consumptive use ("afy") of pre-1907 water rights consisting of 81.4 afy of Oso 8 water rights (OSE File No. SD-07137 into SP-4842), 18.6765 afy of Peña Blanca water rights (OSE File No. SD-02205 into SP-04842) and 10.03 afy of Peña Blanca water rights (OSE File No. SD-06920 into SP-04842);

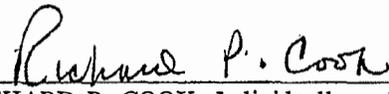
**Exhibit 4**

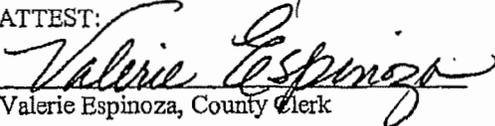
*Pavilion Annexation  
Agreement*

- b. County to Cook 110.1065 afy of pre-1907 water rights consisting of 84.84 afy of Twinning and Whitehouse water rights (OSE File No.s SD-03179, SD-03179-A, SD-03179-AA into RG-20516, *et al.*), 6.13 afy of Chavez water rights (OSE File No. SD-06454 into RG-20516, *et al.*) and 19.1365 afy of Baldonado water rights (OSE File No. SD-05023 into RG-20516, *et al.*).
2. Promptly following the execution of this Agreement, each party shall provide to the other party a search and report or other acceptable abstract of title of the lands to which the water rights were originally appurtenant (move-from lands) reasonably demonstrating title to the water rights in the conveying party free and clear of any encumbrances or liens. In addition, Cook shall demonstrate to the county's reasonable satisfaction that no encumbrance on, or defect of, title to the water rights being conveyed by Cook has occurred since transfer of the rights to the BDD. At closing of the exchange, Cook agrees to pay the County for its costs and fees in performing this Agreement not to exceed \$5,000.00.

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO

By:   
Harry Montoya, Chair

  
RICHARD P. COOK, Individually and as  
Manager of Oso 8 Investments, LLC

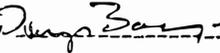
ATTEST:  
  
Valerie Espinoza, County Clerk

Approved as to form:  
  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss ANNEXATION AGREE (N/C)  
PAGES: 24

I Hereby Certify That This Instrument Was Filed for  
Record On The 10TH Day Of December, 2010 at 03:34:55 PM  
And Was Duly Recorded as Instrument # 1619759  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy  County Clerk, Santa Fe, NM

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2010- 7

3  
4  
5 AN ORDINANCE

6 ANNEXING THE "PAVILION" TRACT OF LAND LYING CONTIGUOUS WITH THE  
7 SANTA FE CORPORATE LIMITS COMPRISING 296.020 ACRES MORE OR LESS  
8 GENERALLY BOUNDED BY NEW MEXICO ROUTE 599 (NM 599) ON THE EAST,  
9 AND THE SANTA FE AIRPORT ON THE NORTH AND WEST, SANTA FE COUNTY  
10 LAND ON THE SOUTH AND WEST, AND LYING WITHIN TOWNSHIP 16N, RANGE  
11 8E, SECTION 22, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF  
12 NEW MEXICO ("THE PAVILION" ANNEXATION CASE NO. 2010-09).

13  
14 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

15 **Section 1.** Pursuant to Section 3-7-17 NMSA 1978, the following described land  
16 (the "Property") is annexed to the City of Santa Fe, thereby extending the corporate  
17 limits of the city: Certain parcels of land lying within Township 16N, Range 8E, Section  
18 22, New Mexico Prime Meridian, Santa Fe County, State Of New Mexico,  
19 particularly described in the attached Annexation Plat [EXHIBIT A] and Master Plan  
20 [EXHIBIT B] incorporated herein by reference.

21 **Section 2.** The annexation action with respect to the subject property affected  
22 by this Ordinance is subject to conditions of approval applicable to this annexation and  
23 any future Development Plan for the property. The conditions are outlined in the  
24 attached table summarizing City of Santa Fe Development Review Team technical  
25 memoranda and conditions approved by the Planning Commission on March 4, 2010

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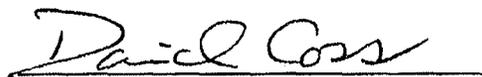
[EXHIBIT C].

**Section 3.** A petition (the "Petition") was accompanied by an annexation plat [EXHIBIT A] showing the external boundaries of the Property proposed to be annexed and the relationship of the Property proposed to be annexed to the existing boundary of the city, as well as the Annexation Agreement [Exhibit D].

**Section 4.** It is in the best interest of the City of Santa Fe and the owners and inhabitants of such contiguous Property that the Property be annexed.

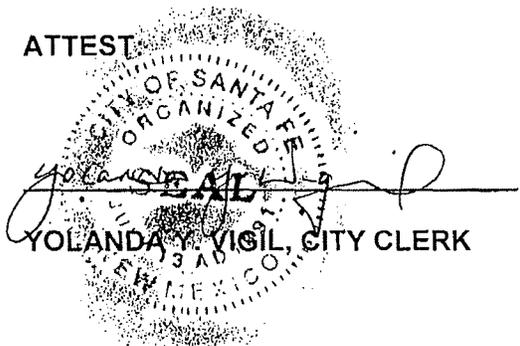
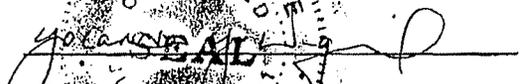
**Section 5.** This ordinance shall be published one time by title and general summary and shall become effective five days after publication.

**PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of April, 2010.**

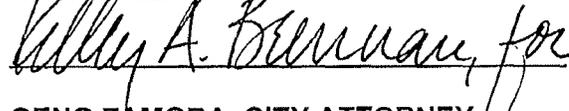


**DAVID COSS, MAYOR**

**ATTEST**

  
  
**YOLANDA F. VIGIL, CITY CLERK**

**APPROVED AS TO FORM:**

  
**GENO ZAMORA, CITY ATTORNEY**



**CITY OF SANTA FE REVIEW**

1. TOTAL LENGTH OF BOUNDARY TO BE ADJACENT = 3200' 11"  
 2. LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY = 1200' 53" ON 28A  
 3. AMENDMENT TO EXISTING RECORDS AND REVISIONS TO CITY ENGINEER FOR LAND USE  
 Approved by City Engineer on 1/15/10  
 Approved by City Council on 1/16/10  
 Approved by City Council on their meeting of 1/23/10  
 Approved by City Council on their meeting of 1/23/10  
 Approved by City Council on their meeting of 1/23/10

**CITY NOTES**

1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHICH PERTAIN.
2. THIS PROPERTY LIES WITHIN MULTIPLE A-003 ZONING (SEE LEGEND) ACCORDING TO FINAL FLOOD HAZARD MAP (SEE PANEL NO. 2504006-3020, 8/17/04).
3. RECORDING OF THIS PLAN DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY ENCUMBRANCES AND FINANCIAL OBLIGATIONS.
4. OWNER SHALL BE RESPONSIBLE FOR REPORTS, PERMITS AND WATER SERVICE INCLUDING SETTING UP SEPARATE WATER SERVICE ACCOUNTS.
5. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHARTER 14, LAND DEVELOPMENT CODE SPEC 1907, AND SUGGESTED AMENDMENTS.
6. UNUSABLE AREAS FOR PLATTED PARCELS WILL BE INTERFERED AT THE TIME OF SECOND PERIOD APPLICATION AS DEFINED IN THE LAND DEVELOPMENT CODE.

**VICINITY MAP**

**DEDICATION AND AFFIDAVIT**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS HAVE CAUSED TO BE ADDED TO THE PUBLIC RECORDS THIS AFFIDAVIT TO WITNESS THE DEDICATION AND AFFIRMATION OF THE CITY OF SANTA FE COUNTY. THE AFFIRMATION CONTAINS 256,292 AC ±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

Richard P. Chatroop  
 Richard P. Chatroop, President Commercial Center at 599, Inc.  
 State of New Mexico  
 County of Santa Fe  
 City of Santa Fe  
 My Commission Expires: 12/31/10  
 My Term Expires: 12/31/10  
 My Office Expires: 12/31/10  
 My Office Expires: 12/31/10

**UTILITY APPROVAL**

WESTERN GAS CO. DATE 10/27/10  
 PUBLIC SERVICE CO. DATE 10/27/10  
 COMCAST COMMUNICATIONS DATE 10/27/10  
 NEW MEXICO GAS CO. DATE 10/27/10

**LEGEND AND NOTES**

1. THIS PLAN IS SUBJECT TO ALL EASEMENTS, COVENANTS AND CONDITIONS OF RECORD.
2. DENOTES FLOOD HAZARD ZONE A OUTLINE OF 0.2% ANNUAL FLOOD  
 DENOTES FLOOD HAZARD ZONE B SUBJECT TO MODERATE 0.2% ANNUAL FLOOD  
 DENOTES FLOOD HAZARD ZONE C SUBJECT TO MODERATE TO SEVERE 0.2% ANNUAL FLOOD  
 DENOTES FLOOD HAZARD ZONE D SUBJECT TO MODERATE TO SEVERE FLOOD  
 DENOTES FLOOD HAZARD ZONE AT CHANNEL SUBJECT TO MODERATE TO SEVERE FLOOD
3. DENOTES POINT FOUND 1991 EAP OR AS NOTED  
 DENOTES POINT NOT SURVEYED  
 DENOTES POINT CALCULATED  
 DENOTES POINT MEASURED  
 DENOTES POINT MEASURED BY INSTRUMENT  
 DENOTES POINT MEASURED BY INSTRUMENT
4. DENOTES FENCE LINE

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE REPRESENTATION OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION ON 10/27/10, 10/27/10, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYING PRACTICE IN NEW MEXICO.

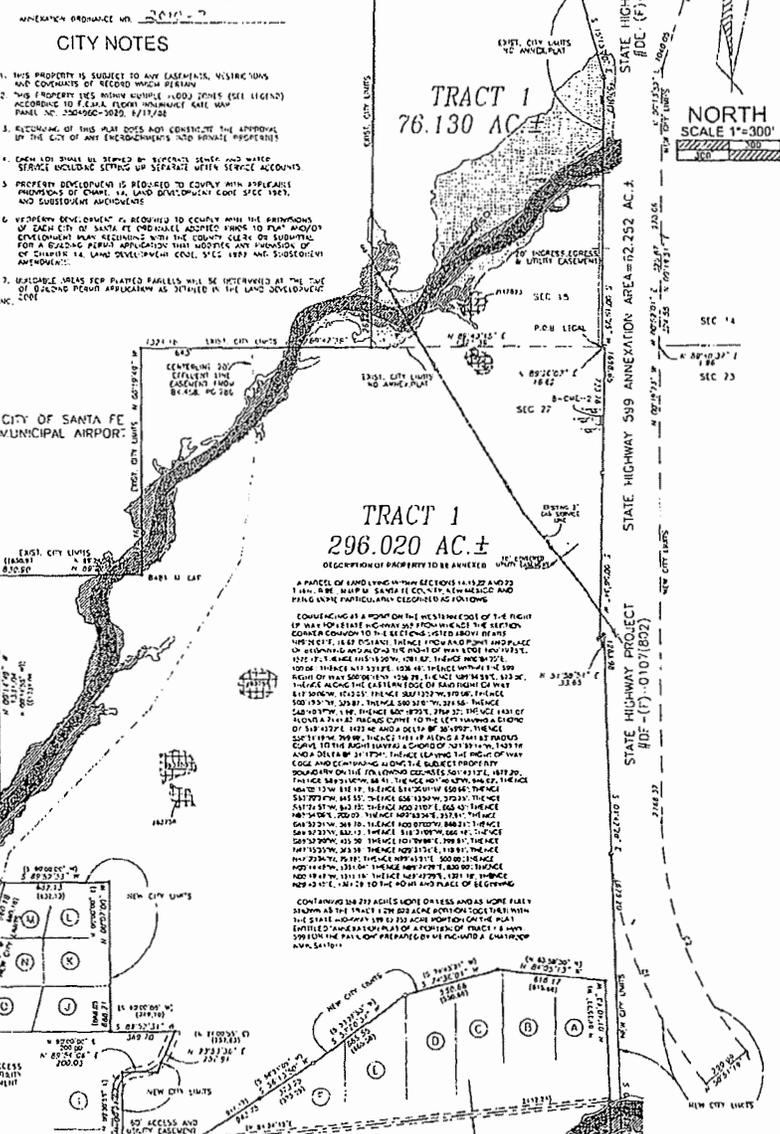
Richard P. Chatroop  
 Richard P. Chatroop, N.M.S. #11011

**ADJOINER DATA**

KEY	OWNER	RECORD DOC.
1	TRIA	REC 222122
2	TRIA	REC 222122
3	TRIA	REC 222122
4	TRIA	REC 222122
5	TRIA	REC 222122
6	TRIA	REC 222122
7	TRIA	REC 222122
8	TRIA	REC 222122
9	TRIA	REC 222122
10	TRIA	REC 222122

**PLAT REFERENCES**

1. "PLAN OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RANDOLPH A. CHATROOP, REGISTERED LAND SURVEYOR, NEW MEXICO, FILED IN PLAT BOOK 348, PG. 003 ON OCT. 15, 1998, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
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**ADJOINER DATA**

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5	TRIA	REC 222122
6	TRIA	REC 222122
7	TRIA	REC 222122
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9	TRIA	REC 222122
10	TRIA	REC 222122

**CURVE TABLE**

CURVE	LENGTH	RADIUS	CHORD BEC	CHORD DIST	DELTA
C1	1281.19	2411.23	222.2172	1428.78	213.274
C2	1283.02	2411.23	222.2172	1428.78	213.274

**ANNEXATION PLAT OF A PORTION OF TRACT 1 & HWY. 599 FOR COMMERCIAL CENTER AT 599, INC.**

LYING WITHIN SECTIONS 15 & 22, T16N, R6E, M2PM, SANTA FE COUNTY, NEW MEXICO.

**RICK CHATROOP**  
 PROFESSIONAL LAND SURVEYOR  
 NEW MEXICO REGISTRATION NO. 11011  
 (505) 470-0037 110 PAGON TRAIL RD. CERRILLOS, NM. 87010



The Pavilion--Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
 Annexation (Case # 2010-09)  
 Rezoning (Case #2010-10 & 2010-11)

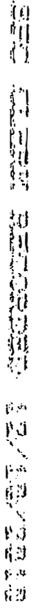
	Conditions	Department	Staff
1	Solid Waste Management Division: <ul style="list-style-type: none"> <li>The concept plan is fine. But, there is not enough information for review as a development. All inquires of solid waste must be met by my office.</li> </ul>	Solid Waste	Randall Marco February 8, 2010
2	Fire Marshall Requirements to apply at time of Development Plan/proposed construction: <ul style="list-style-type: none"> <li>Comply with IFC 2006 edition.</li> <li>Provide a water system that complies with Appendix C of IFC 2006 edition.</li> <li>Provide roadways that comply with Appendix D of IFC 2006 edition.</li> <li>All roadways to be no greater than 10% grade.</li> <li>All buildings shall be reviewed for access and water availability as per IFC 2006 edition.</li> </ul>	Fire Department	Angelo Ortega February 16, 2010
3	Technical Review Division Requirements: <ul style="list-style-type: none"> <li>All plan sheets shall show the Special Flood Hazard Area and reference the appropriate FIRM.</li> <li>Arroyo crossings must meet all federal, state, and local laws.</li> <li>All provisions of Articles 14-3.9 (Development in Special Flood Hazard Areas) and 14-8.3 (Flood Regulations) of the Santa Fe Land Development Code must be followed in developing this land.</li> <li>If approved as a General Plan Amendment, Annexation, Rezoning, and Lot Split, FUTURE SUBMITTALS MUST MEET ALL PROVISIONS OF THE LAND DEVELOPMENT CODE. Approval of the Conceptual Master Plan does not waive the requirement to satisfy Floodplain and Terrain Management regulations. Variances may be required and are NOT considered to be entitlements based on approval of the Master Plan.</li> <li>If the project moves forward with submittal of Subdivision Plats and/or Development Plans, a variance may be required for disturbance of over 30% slopes. All provisions of Article 14-8.2 must be followed.</li> </ul>	Land Use Technical Review	Risana Zaxus February 15, 2010
4	Wastewater Management Requirements: <ul style="list-style-type: none"> <li>The plans indicate that the Development is to be served by a central sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development.</li> <li>The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s).</li> <li>The Development shall be required to establish a permanent "business park association" for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).</li> </ul>	Wastewater Management	Stan Holland February 8, 2010

**Exhibit C**  
 to Ordinance 2010-7

2010-08-08 10:00 AM

The Pavilion –Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
 Annexation (Case # 2010-09)  
 Rezoning (Case #2010-10 & 2010-11)

5	<p>Archaeology/Historic Preservation Division:                  The decision of the Archaeological Review Committee (ARC) at their February 4, 2010 meeting was to postpone the report pending revision of the report by the Applicant and its resubmission with the following direction to the Applicant:</p> <ol style="list-style-type: none"> <li>1.) Revisit the sites which have been identified in the previous reports and update them as to current conditions, description, and recommendations;</li> <li>2.) The report shall contain all standard sections required by the ordinance, in particular, that an environmental section be included within the report;</li> <li>3.) The report shall include a title history of the property;</li> <li>4.) In preparation of the final report, use NMAC 4.10.15-9, ff [following appropriate pages] as a general guideline for including appropriate material including an abstract, administrative data and so forth, as set out in NMAC guidelines, which are mentioned here as a general guideline only, and not as a point-by-point requirement;</li> <li>5.) Provide explicit, written justification for the acceptance of the work that was done previously under standards which are different from current City ordinance - why we should accept work which was done previously under a different standard than what is required under the City ordinance;</li> <li>6.) Provide an additional description of the Camino de los Carros;</li> <li>7.) Provide a written justification of the reasons that no new reconnaissance of the subject property is needed; and</li> <li>8.) Correct any typographical errors mentioned or otherwise discovered in the process of redoing the report.</li> </ol>	Archaeology/Historic Preservation	Marissa Barrett
6	<p>Traffic Engineering Division. Following are conditions to be placed on the annexation agreement:</p> <ol style="list-style-type: none"> <li>a. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT.</li> <li>b. All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee, and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan.</li> <li>c. The developer shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange.</li> <li>d. The developer shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.</li> <li>e. The developer shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.</li> <li>f. The developer shall provide a stub-out for a future connection to the 1-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Dept.</li> </ol>	Traffic Engineering	John Romero February 8, 2010
7	<p>Stormwater Management Division:</p> <ul style="list-style-type: none"> <li>• Provide a report that addresses the City of Santa Fe Stormwater Utility MS4 and how Post Development Runoff Control and Pollutant Removal pre-treatment will be achieved.</li> <li>• Provide a Stormwater Quality Post Development Runoff Control Pre-treatment plan indicating structural</li> </ul>	Public Works Stormwater	Jim L. Salazar February 10, 2010



The Pavilion –Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
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 Rezoning (Case #2010-10 & 2010-11)

	<p>BMPs that will be used for pollutant removal and runoff pre-treatment prior to discharge to drainageways and the MS4.</p> <ul style="list-style-type: none"> <li>Provide a note stating that the development is subject to the requirements of the SFCC Chapter XIII Stormwater Utility including the Stormwater Utility Service Charge and Stormwater Illicit Discharge Control requirements.</li> <li>Provide a note stating that the development is subject to the requirements of NPDES General MS4 Discharge Permit No. NMR040000 and NPDES Construction General Permit No. NMR100000.</li> <li>Provide a note as follows: Construction is subject to the requirements of NPDES Construction General Discharge Permit No. NMR100000 and that a Stormwater Pollution Prevention Plan must be prepared by a qualified professional and a Notice of Intent (NOI) for coverage must be filed with the EPA. Construction stormwater discharges are not permitted until a minimum of seven (7) calendar days after EPA acknowledgement of a complete NOI.</li> <li>Provide a note as follows: City of Santa Fe Stormwater Illicit Discharge Control. SFCC 13-2 prohibits the discharge of pollutants including sediment, slurries, mud, plasters, concrete rinsates and any construction materials, wastes and garbage, etc. to the storm drain system. The storm drain system includes roads, streets, curbs, gutters, drop inlets, piped storm drains, culverts, retention and detention basins, natural and man-made drainage channels, arroyos, rivers and any facility and appurtenance by which stormwater is collected and/or conveyed.</li> <li>Provide a note as follows: <b>City of Santa Fe Terrain and Stormwater Regulations.</b> SFCC 14-8.2 requires that construction disturbed area shall be protected against erosion. Sediment must be contained on the disturbed area by the use of temporary erosion and sediment control devices such as silt fencing, swales, berms, geotextiles, sediment basins and traps. Protection for storm drain inlets shall be provided to prevent the entry of sediment from the site while still allowing the entry of stormwater. Control devices shall be kept in place and used until the disturbed area is permanently stabilized.</li> <li>Provide a note as follows: The contractor shall not remove silt fences and mulch socks or other temporary erosion and sediment control devices until disturbed areas are stabilized. Soil stabilization and erosion control measures shall be completed within 21 calendar days after completion of construction or other soil disturbance activities on the site. If the time of year is not conducive to planting, then planting may be delayed until the next appropriate planting season provided that all temporary erosion control measures are maintained until permanent erosion control measures are implemented. Temporary erosion control measures shall be selected, designed and installed with an appropriate seed base to provide erosion control for at least three years without active maintenance. Temporary erosion control measures shall be selected, designed and installed to achieve 70 percent vegetative cover within three years.</li> <li>Show and label any public stormwater system components.</li> <li>Under Utility Companies: List Stormwater Utility, City of Santa Fe Stormwater Management Office as Contact and 955-2132 as Telephone.</li> </ul>		
8	<p>Current Planning Division:</p> <ul style="list-style-type: none"> <li>Include all required elements on the Annexation and Dedication Plats as per the Annexation Submittal packet (existing easements, floodplain, tract boundaries with references to legal lots of record and property owner signatures, existing and proposed city limits, roadway dedication details, etc.)</li> </ul>	Current Planning	Daniel Esquibel

STANDARD SPECIFICATIONS

The Pavilion – Conditions of Approval  
 General Plan Amendment (Case #2010-08 & 08)  
 Annexation (Case # 2010-09)  
 Rezoning (Case #2010-10 & 2010-11)

	<ul style="list-style-type: none"> <li>The Master Plan shall address City Transit needs and impacts 30 days prior to requesting placement on Governing Body agenda for staff analysis.</li> <li>Approval of the Annexation Agreement is subject to the review and approval of the City Attorney.</li> <li>Development shall comply with Chapter XXI of SFCC 1987</li> </ul>		
9	<p>Current Planning Division:</p> <ul style="list-style-type: none"> <li>No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub-phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure. This note shall be placed on the Master Plan and included in the annexation agreement.</li> <li>No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to “subbing out” trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat. This note shall be placed on the Master Plan and included in the annexation agreement.</li> </ul>	Current Planning	Greg Smith
10	<ul style="list-style-type: none"> <li>The Applicant will provide private security services throughout construction.</li> </ul>	City Council 4/28/10	Councilor Bushee
11	<ul style="list-style-type: none"> <li>The Applicant will complete the exchange of water rights between the City and Santa Fe County prior to recording the Annexation.</li> </ul>	City Council 4/28/10	Councilor Calvert
12	<ul style="list-style-type: none"> <li>Provide pedestrian and bicycle connectivity to the Tierra Contenta Trail.</li> </ul>	City Council 4/28/10	Councilor Calvert
13	<ul style="list-style-type: none"> <li>The Applicant shall work to achieve the most downwardly focused lighting technology possible at the time of implementation.</li> </ul>	City Council 4/28/10	Councilor Calvert
14	<ul style="list-style-type: none"> <li>The Applicant shall comply with the setback as mapped in the Highway Corridor Plan, and approximately 285 feet along NM 599, for the BIP portion of the site that is below the Arroyo Chamiso.</li> </ul>	City Council 4/28/10	Councilor Bushee
15	<ul style="list-style-type: none"> <li>Any construction debris from the site shall be taken to the Caja del Rio Landfill.</li> </ul>	City Council 4/28/10	Councilor Romero

APR 28 2010 10:53 AM

of this roadway as a second access point for emergency vehicles. As proposed, the applicant will improve the road by grading and applying a base course. As noted in the attached comment from Mr. Robert Martinez of the County Public Works Department, this type of roadway will not be considered for dedication; only paved roadways may be dedicated to the County for maintenance. The applicant must revise that condition to be clear as to the type of improvement that is proposed. Staff recommends that the road be paved to County Road 54 in order to ensure good quality access for emergency vehicles. Comments from Robert Martinez of the Santa Fe County Public Works Department have been provided for your information.

All of the issues discussed above were raised as part of the earlier General Plan Amendment, Annexation, Annexation Master Plan and Rezoning application reviews and approvals. The conditions stipulated at this time are refinements and further clarifications of these conditions.

### **VIII. ATTACHMENTS:**

#### **EXHIBIT A:**

1. Pavilion Conditions Summary Table

#### **EXHIBIT B: Development Review Team Memoranda:**

1. Technical Review Division, City Engineer Memorandum 2-21-11, Risana Zaxus
2. Wastewater Management Division memorandum 2-22-11, Stan Holland
3. Technical Review Division, Landscape Review 2-21-11, Karen Fenoglio & Noah Berke
4. Email Correspondence regarding FAA Airspace Study to Applicant, 10-15-10
5. Metropolitan Planning Organization Comments, February 21, 2011
6. Solid Waste Email Correspondence, February 15, 2011
7. Open Space, Trails, and Recreation, January 31, 2011
8. Santa Fe County Public Works Email regarding Emergency Access Road, Robert Martinez, February 18, 2011

#### **EXHIBIT C: Additional Background Materials**

1. Planning Commission Meeting Minutes March 4, 2010
2. City Council Meeting Minutes April 28, 2010
3. Approved Pavilion Annexation Agreement and Master Plan
4. Approved Pavilion Zoning Map

#### **EXHIBIT D: Maps**

1. Annexation Plat
2. Zoning Plat
3. Current Zoning
4. Future Land Use Map
5. Aerial

#### **EXHIBIT E: Applicant Submittals**

1. Applicant's Transmittal Letter
2. FAA Project Submission Success Confirmation
3. Archaeological Clearance Form
4. Pavilion Business Park Design Standards



**EXHIBIT D**

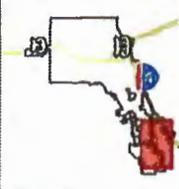
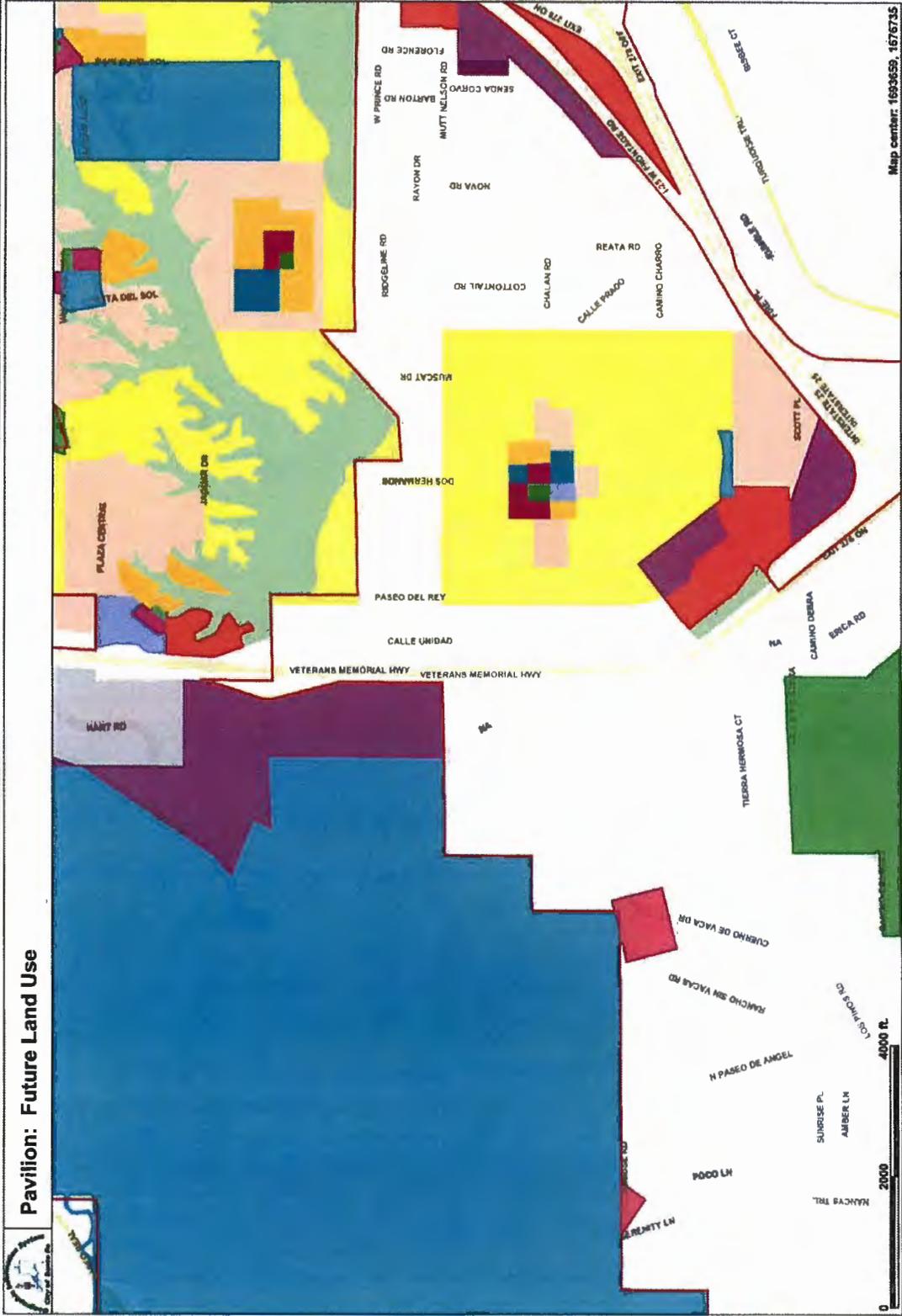
**MAPS**







# Pavilion: Future Land Use



**Legend**

- City Limits
- Aligned Clear Zones
- State Fe River
- Future Land Use
- Future Local Use
- Range of Open Pits 100'
- Greater Open Pits Area
- Minimum Density (1 dwelling per acre)
- Medium Density (2-3 dwellings per acre)
- High Density (4-6 dwellings per acre)
- Very High Density (7-9 dwellings per acre)
- Low Density (2-7 dwellings per acre)
- Medium Density (7-9 dwellings per acre)
- High Density (10-12 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Neighborhood Mixed Use
- Business Park
- Other
- Industrial
- Public/Community
- Open Space
- Park
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:17,367



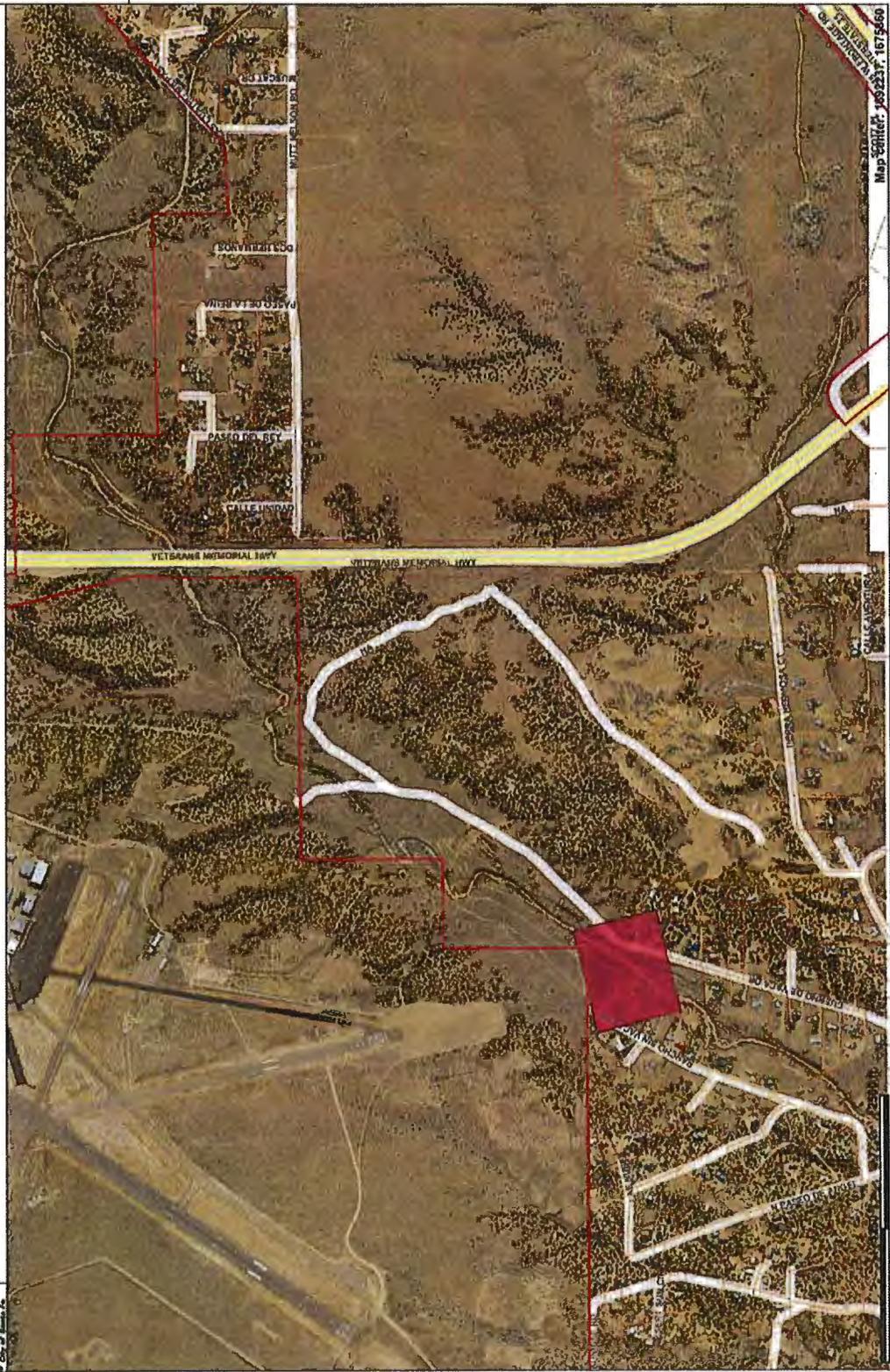
Map center: 1693659, 1676735

0 2000 4000 ft.

This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Pavilion: Aerial



- Legend**
- City Limits
  - Parcels
  - Airport Clear Zones
  - Santa Fe River
  - Major Roads and Highways
  - Other Roads and Streets
  - 2008 Aerial Photography

Scale: 1:11,075

This map is a visual representation of the information provided and is for general informational purposes only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map Center: 1082337, 1675660

**EXHIBIT E**  
**APPLICANT SUBMITTALS**

# SANTA FE PLANNING GROUP, INC.

P.O. Box 2482

Santa Fe, NM 87504

505.983.1134; 505.983.4884 fax

February 11, 2011

Heather Lamboy  
City of Santa Fe  
200 Lincoln Avenue, P.O. Box 909  
Santa Fe, New Mexico 87504-0909

RE: The Pavilion Office Complex  
Final Development Plan and Final Subdivision Plat  
Notes/Comments Addressed via Re-submittal of Items

Dear Heather:

Pursuant to our meetings, discussions, and your letters of review, please find a revised set of plans and the outstanding items that you requested.

1. New Plan Sets (24x36 (2); 12x18 size (2) complete set; Sheets 1-1 to 10-16 only (7)
2. CCRs, Lift Station Maintenance Agreement
3. FAA Letter of Successful Submission
4. Archaeological Clearance Letter

It is anticipated that we will be placed on the March 3, 2011 meeting of the Planning Commission.

## Pavilion Progress Letter via Heather Lamboy (letter dated 1.27.11)

1. R/W Dedication Agreement. Right-of-Way for Jaguar extension to the airport must be in place prior to additional entitlements. The R/W Agreement was approved by the Public Works Committee (January 24, 2011), Public Finance Committee (January 31, 2011), and the City Council (February 9, 2011). For further information, please discuss with Ed Vigil.
2. Wastewater. Wastewater Comments via Stan Holland (letter dated Jan 25, 2011). We met in person with Mr. Holland on Jan 24, 2011. 1) The two sewer lift stations are shown on the development plan and identified as lots on the Final Plat. 2) The plats reflect the onsite easements for water/sewer, and the Maintenance Agreement for the Lift Stations was modified per his suggestions; 3) The requested note was added to the Plat and Development Plan; and 4) the Business Owners' Association Bylaws have been adjusted to include maintenance of the lift stations.
3. Traffic. Traffic Engineering Division via John Romero (letter dated Jan 24, 2011). We met in person with Mr. Romero on several occasions. We addressed each of Mr. Romero's 11 points. Specifically, CMEs were added to the Final Plat, site distance triangles were placed on the

landscaping plans and the Final Plat (shown as "L" lines). All other conditions were adjusted by SF Engineering and shown on the engineering plans.

4. FAA. An "Airspace Study" has been submitted to the FAA for each of the 30-lots. Revisions and requests for additional information have been submitted to the FAA as well. Please see attachment from the FAA regarding the "success" of the submittal and corresponding Aeronautical Study Numbers (30 total). A final response from the FAA is forthcoming.

5. Solid Waste. We met with Randall Marco on two occasions. Each dumpster area for all 30-lots have been adjusted according to his specifications. Specifically, the dumpster areas were expanded to include space for recycle dumpsters and containers (specific to the use of each building), and many dumpster areas were located (and in some cases relocated) to permit the better accessibility for the trash and recycle trucks. See the Development Plan for further information.

6. Landscaping Site Lines. We met with John Romero and Fabian Chavez regarding the planting within the site distance lines. Site distance lines have been added to the landscape plans (see Sheet 4-10 to 4-13). Almost all plant species have been removed from the site distance lines. Any remaining plant species within the distance lines have been approved by Fabian Chavez (species that will grow no more than 3-ft in height). Site lines have also been added to the Final Plat (only areas outside of the R/W and labeled as "L" lines).

7. MPO and Trails. The trails have been adjusted according to the conditions set forth by Keith Wilson in his letter dated, January 28, 2011. See specifically the additional notes added to the landscape plans and development plans regarding the trail to the south toward the Railrunner Station and the note regarding the trail under NM599.

8. Emergency Access. We met with Angelo Ortega regarding the emergency access road. A note regarding the improvement and maintenance of the road was added to the development plan and final plat pursuant to his request. It should be noted that Cuerno de Vaca is the name of the subject road. It was established by Mr. Cook in 1994 as a private easement (50-ft) for his benefit and subsequently granted for public use in 1995 with the sale of the residential lots along the road. Pursuant to our discussion with resident Andy Villa, the road does not currently have a formal maintenance agreement or association. The Business Owner's Association Documents were updated to include a provision for maintenance. The note on the Development Plan and Final Plat needs adjustment to include the following additional comments from Angelo Ortega, "shall be maintained to City of Santa Fe Fire code standards," and "the gate will need to be fitted with an opti-com" ( not a knox box).

9. Bus Stops. We met with representatives from Santa Fe Trails on two occasions. The original bus stop was eliminated due to its proximity within the site distance lines. Five (5) additional stops were added as outlined by the Santa Fe Trails. All new stops shown are not within the site distance lines. Pursuant to Santa Fe Trails, buses traverse Pavilion Loop counter clock-wise with stops featured on side of the road. .

10. Archaeology. Archaeology site: LA117821 has been cleared pursuant to the Archaeological Review Committee (ARC) (see attached Clearance Permit). It should be noted that four (4) sites have been shown in archaeological easements on the Final Plat pursuant to the previous recommendations by ARC. The remaining item for archaeology is to fence the four (4) sites prior to construction (and is stated as such on the Final Plat).

If you have questions or require additional information, please do not hesitate to call at 412.0309.

Sincerely,

Scott Hoeff

A handwritten signature in black ink, appearing to be 'SH', with a small arrow pointing to the 'H'.



Federal Aviation  
Administration

<< OE/AAA

**Project Submission Success**  
**Project Name: COMME-000166473-11**

Project COMME-000166473-11 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):

2011-ASW-951-OE  
2011-ASW-952-OE  
2011-ASW-953-OE  
2011-ASW-954-OE  
2011-ASW-955-OE  
2011-ASW-956-OE  
2011-ASW-957-OE  
2011-ASW-958-OE  
2011-ASW-959-OE  
2011-ASW-960-OE  
2011-ASW-961-OE  
2011-ASW-962-OE  
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2011-ASW-972-OE  
2011-ASW-973-OE  
2011-ASW-974-OE  
2011-ASW-975-OE  
2011-ASW-976-OE  
2011-ASW-977-OE  
2011-ASW-978-OE  
2011-ASW-979-OE  
2011-ASW-980-OE

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.



CITY OF SANTA FE

ARCHAEOLOGICAL SUBMITTAL CHECKLIST/CLEARANCE PERMIT AND APPROVAL



Case File Number AR-03-11 Date Application Submitted 01-11-11

District: Historic Downtown District \_\_\_\_\_; River & Trails-Regular \_\_\_\_\_; Santa Fe Trail \_\_\_\_\_; Suburban

Building Sq. Ft. \_\_\_\_\_ Development Acreage \_\_\_\_\_

Project Description: Approval for a preliminary treatment report on data recovery at LA 117821

Site Address/Location: near NMS99 SF County Property Owner: Richard Cook

Permit: Grading \_\_\_\_\_; Development ; Building \_\_\_\_\_

Applicant Information: Name: Steven Post

Mailing Address: 3924 Old Santa Fe Trail Phone No.: 820-7785

Archaeological Consultant: \_\_\_\_\_

RECONNAISSANCE REPORT

- 1.  Project Archaeologist's Resume
- 2.  Vicinity Map
- 3.  Project Site Description
- 4.  Development Project Description
- 5.  Outline of Research & Methodology
- 6.  Site Map or Aerial Photograph at a Minimum of 1"=200' for Downtown Dist. & 1"=400' for other Districts
- 7.  Archival Research
  - a.  Historic Maps & Aerial Photos
  - b.  ARMS Files & Archaeological Reports
  - c.  General Land Office (BLM) Surveys or Land Grant Plats
  - d.  1917 Hydrological Survey and Santa Fe Acequia System Report (needed if acequia present or nearby)
  - e.  National and State Register Nominations (needed if in Historic Downtown District or near Historic Structure)
- f.  Historic Photos (needed if in Historic Downtown District)
- g.  Information from Title Abstract (if available)
- 8.  2% Testing (Historic Downtown District Only)
- 9.  Description of Prehistoric & Historic Occupation & Land Use
- 10.  Description of Cultural Remains Discovered and Significance
- 11.  NM Site Inventory Forms and Other Documentation
- 12.  Recommended Site Significance
- 13.  Assessment of Development's Impact on Cultural Remains
- 14.  Recommended Treatment for Site
- 15.  Listing of Sources, i.e. historic maps, aerials, reports, etc.

ARC APPROVAL: MEETING DATE:

Special Conditions:  Yes (see attachment)

TREATMENT PLAN REQUIRED:

Yes:  No:

TREATMENT PLAN ARC APPROVAL: MEETING DATE: 1.20.11

Special Conditions:  Yes (see attachment)  No

*5 sites must be fenced before disturbance*

PRELIMINARY TREATMENT REPORT

- a. Research Design Outline
- b. Site Map of Excavations
- c. Other Documentation: Photographs and New Mexico Site Inventory Forms; if applicable
- d. Description of Cultural Remains Discovered
- e. Description of Prehistoric and Historic Occupation and Land Use
- f. Listing of Sources

TREATMENT REPORT ARC APPROVAL: MEETING DATE: 1.20.11

Special Conditions:  Yes (see attachment)  No

FINAL TREATMENT REPORT

In 20, 2012 Date Final Report Due

\_\_\_\_\_ Date Final Report Received

Permit Approved: [Signature] Archaeological Review Committee Chairperson

Date: January 20, 2011

PL10010.PMS-994

**AGREEMENT FOR MAINTENANCE OF LIFT STATIONS  
WITHIN THE PAVILION BUSINESS PARK**

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Santa Fe, a municipal corporation, and Commercial Center at 599, Inc., a New Mexico corporation .

**RECITALS**

- A. Commercial Center at 599, Inc. ("CC at 599") is the owner of that certain real property consisting of approximately 371 acres known as the Pavilion, located on the west side of NM 599.
- B. The Pavilion is within the municipal boundaries of the City of Santa Fe ("City") and will receive city wastewater service.
- C. The City Wastewater Division has approved of the design and engineering of the wastewater conveyance systems submitted for the Pavilion.

**AGREEMENT**

NOW, THEREFORE, it is mutually agreed between the parties as follows:

- 1. Upon recording of the final plat for the Pavilion, and the creation of the Pavilion Business Owners Association (hereinafter "Association"), CC at 599 shall cause the Association to adopt and ratify this Agreement.
- 2. CC at 599 shall include the covenants attached to this Agreement as Exhibit "A" in the covenants for CC at 599.
- 3. The obligations regarding maintenance of the lift stations are as follows:
  - a. The City shall own the lift stations and all sewer mainlines. The installation of the sewer service lines shall be the responsibility of each individual lot owner. The City Wastewater Management Division will perform maintenance and repair to said lines and to the lift stations. The City will pay for maintenance and repair to the lines from normal revenue received through monthly billing of its customers. The Association shall be responsible for all costs associated with operating, maintaining and repairing the lift stations constructed as part of the Pavilion development as follows:
    - i. The Association shall be responsible for all utility costs required to operate the lift stations. These utility costs include but are not limited to electricity, gas, telephone, water, and alarm services. The Association shall be billed directly and such bills shall be paid promptly and routinely.

ii. The Association shall be responsible for all costs associated with operating, maintaining and repairing the lift stations constructed as part of the Pavilion Business Park as follows:

**a.** In January of each year, the Association shall pay \$10,000 to the City as advance payment for the anticipated annual cost of a vactor truck and operator. The first payment will be prorated if paid for a partial year. As the actual cost of the vactor truck and operator become known, the Wastewater Management Division will instruct the Association, in writing, to increase or to decrease the next annual January Payment so that the City will be adequately reimbursed for these costs.

**b.** When a lift station pump replacement becomes advisable, in the sole discretion of the City Wastewater Management Division, the Association shall promptly reimburse the cost to the City within 30 days of notification of the cost.

**c.** No later than six months after a lift station is placed into operation, the Association shall establish and maintain a permanent escrow fund in the amount of \$10,000, from which the Association shall authorize expenditures to reimburse the City for maintenance and repair to the lift stations.

**d.** If the Association fails, after notice from the City, to reimburse the City for said maintenance and repairs, then the City shall be entitled to use the escrow fund to reimburse itself as provided below:

a) The escrow fund shall be held at a bank where the City holds its accounts in Santa Fe, New Mexico. In January of each year, the Association shall certify to the Director of the Wastewater Management Division that the escrow fund has been maintained with the prescribed funding. The certification shall include copies of bank statements and shall be submitted to the Wastewater Management Division.

b) The City Manager shall have the authority and power to sign checks to draw funds from the escrow fund if the Association does not reimburse the City within 30 days of written notification by certified mail, return receipt requested, of the amount of reimbursement required. The City Manager shall give written notice to the Association no less than three working days prior to exercising this power.

c) The Association shall replenish the escrow fund to the prescribed amount. Should there be insufficient funds in the escrow fund to fully reimburse the City, or should the Association fail to replace the funds to the prescribed level, the City Manager shall have the power to act on behalf of the Association to create an Emergency Assessment as provided in Exhibit A. The City Manager shall also have additional authority and power to enforce the Emergency Assessment as provided in Exhibit A. The amount of any Emergency Assessment may include the cost to fully reimburse the City and to replenish the account to the prescribed level. In addition to the authority noted above, the City shall have the authority to place a lien against individual lot owners in the proportionate amount of the outstanding obligation. Said proportionate share be determined by dividing the outstanding obligation amount by the number of platted lots.

d) The provisions in Exhibit A shall not be modified without permission of the City Manager. If any modification is made to other portions of the covenants which affect the City Manager's authority and power to collect and to enforce Emergency Assessments, said modifications shall not be effective without the written consent of the City Manager. If at any time, the City Council waives the requirement for an escrow fund, the Association may modify the provisions in Exhibit A accordingly.

4. By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and CC at 599. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.
5. This Agreement shall remain in full force and effect until terminated by the mutual written consent of the City of Santa Fe and the Association.
6. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico.
7. This Agreement contains the entire agreement of the parties and any changes hereto shall not be binding unless made in writing and signed by both parties.

**CITY OF SANTA FE**

**COMMERCIAL CENTER AT 599, INC.**

By: \_\_\_\_\_  
David Coss  
Mayor

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

By: \_\_\_\_\_  
Richard Cook  
President

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

**ATTEST:**

\_\_\_\_\_  
YOLANDA Y. VIGIL, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
City Attorney

## Exhibit A

### 4.3 Maintenance of Lift Stations

(a) The Association shall be liable for all costs of maintaining and repairing the lift stations within the Pavilion.

(b) If the Association fails for any reason, to reimburse the City as provided in this Section, then each lot owner shall become individually liable to the City for that lot's proportionate share of the outstanding obligation. Said proportionate share be determined by dividing the outstanding obligation amount by the number of platted lots.

(c) Should any lot owner fail to pay an Emergency Assessment declared by the City Manager or should any lot owner fail to directly reimburse the City as provided herein, the City shall be entitled to terminate water service to that lot. The City must give at least 90 days written notice prior to such termination.

(d) Electricity, gas, telephone and alarm for the lift stations shall be billed directly to the Homeowners Association and such bills shall be paid promptly and routinely.

(e) The City shall own the lift stations and all sewer mainlines. Installation of the sewer service lines shall be the responsibility of each lot owner which it serves. The City Wastewater Management Division will perform maintenance and repairs to said lines and to the lift stations. The City will absorb the cost of maintenance and repair to the said lines from normal revenue received through monthly billing of its customers. The City will be promptly reimbursed for repairs and maintenance to the lift stations by the Homeowners Association as follows:

i. In January of each year, the Association shall pay \$10,000 to the City as advance payment for the anticipated annual cost of a vactor truck and operator. The first payment will be prorated if paid for a partial year. As the actual cost of the vactor truck and operator become known, the Wastewater Management Division will instruct the Association, in writing, to increase or to decrease the next annual January Payment so that the City will be adequately reimbursed for these costs.

ii. When a lift station pump replacement becomes advisable, in the sole discretion of the City Wastewater Management Division, the Association shall promptly reimburse the cost to the City within 30 days of notification of the cost.

iii. No later than six months after a lift station is placed into operation, the Association shall establish and maintain a permanent escrow fund in the amount of \$10,000, from which the Association shall authorize expenditures to reimburse the City for maintenance and repair to the lift stations.

iv. If the Association fails, after notice from the City, to reimburse the City for said maintenance and repairs, then the City shall be entitled to use the escrow fund to reimburse itself as provided below:

a) The escrow fund shall be held at a bank where the City holds its accounts in Santa Fe, New Mexico. In January of each year, the Association shall certify to the Director of the Wastewater Management Division that the escrow fund has been maintained with the prescribed funding. The certification shall include copies of bank statements and shall be submitted to the Wastewater Management Division.

b) The City Manager shall have the authority and power to sign checks to draw funds from the escrow fund if the Association does not reimburse the City within 30 days of written notification by certified mail, return receipt requested, of the amount of reimbursement required. The City Manager shall give written notice to the Association no less than three working days prior to exercising this power.

c) The Association shall replenish the escrow fund to the prescribed amount. Should there be insufficient funds in the escrow fund to fully reimburse the City, or should the Association fail to replace the funds to the prescribed level, the City Manager shall have the power to act on behalf of the Association to create an emergency assessment. The City Manager shall also have additional authority and power to enforce the emergency assessment as provided in Article 5. The amount of any emergency assessment may include the cost to fully reimburse the City and to replenish the account to the prescribed level. In addition to the authority noted above, the City shall have the authority to place a lien against individual lot owners in the proportionate amount of the outstanding obligation. Said proportionate share shall be determined by dividing the outstanding obligation amount by the number of platted lots.

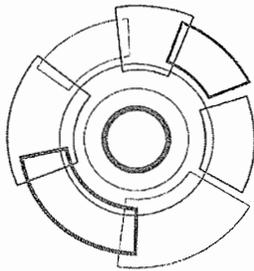
d) The provisions in Article 4.3 shall not be modified without permission of the City Manager. If any modification is made to other portions of the covenants which affect the City Manager's authority and power to collect and to enforce emergency assessments, said modifications shall not be effective without the written consent of the City Manager. If at any time, the City Council waives the requirement for an escrow fund, the Association may modify the provisions of this Article 4.3 accordingly and the Association shall not be required to comply with the provisions herein.

# ***UPDATE : MARKET AND FISCAL IMPACT STUDY***

***Prepared for:***

***The Pavilion Office Complex  
P.O. Box 38  
Española, NM 87532***

***Prepared by:***



**SOUTHWEST**  
PLANNING AND MARKETING

***Antoine Broustra  
3600 Cerrillos Road, Suite 107  
Santa Fe, NM 87507***

***January 2011***

Southwest Planning & Marketing (SWPM) was asked to update, as needed, the market and fiscal impact study prepared for The Pavilion Office Complex, dated March 3, 2010. Although the spirit of the project remains constant with what was previously presented to the City Planning Commission review board, some allocations of land uses have been modified.

In order to accommodate changes in planned usage, restaurant space has been slightly increased. In addition, the mix among office space, warehouse and industrial usage will allow an increase in job creation and bring desirable vitality to the area. Some modifications from the original plan have been made to respond to future growth in demand for office space. In addition the motel capacity has been increased by twenty percent, to better serve the office park, the airport and transient traffic on State Road (SR) 599.

Below are some of the new findings regarding the economic and fiscal impact of the updated plan. Total project space is 1,046,405 square feet, in a combination of office, warehouse, light manufacturing, recreation and entertainment, and restaurant. Hotel room capacity is now 120 rooms, a 20% increase from original plan. We have assumed that even though total floor area has decreased slightly from the March report, construction costs will remain the same as there is an increase in office space, and a decrease in warehouse/light industry square footage. Office construction costs tend to be higher than warehouse construction costs.

#### **Employment Impact from Construction**

Total construction was assumed to be \$274.8 million as indicated in the March report. We found that the project will generate 2,748 job-years in construction as indicated in the initial impact study. Over the 15-year construction period, this is equivalent to an annual average of 183 full-time jobs per year. Applying an employment multiplier of 0.69 (per Impact DataSource), there will also be 126 indirect jobs generated each year during construction as indicated in the March study. Total wages from construction per year are estimated to be \$7.3 million from direct wages and \$4.8 million from indirect wages for a total of \$12.1 million per year.

#### **Employment Impacts from Operations**

In his February 15, 2010 memo to Tamara Baer, Reed Liming had estimated that the original project would result in 2,628 jobs. From the updated marketing plan, SWPM estimates that total jobs creation would be 2,651. This change from the initial plan is mostly the result of the change of mix between offices, warehouse and other space allocation. In the original plan, 265,000 square feet were going to be allocated to office space use, while in the revised plan, 572,212 square feet will be allocated to office space. Additional restaurant spaces have been added, and the motel will be 120 rooms compared to 100 rooms in the original plan. Total wages are estimated to be \$102.7 million. Using an employment multiplier of 0.65, we estimate that the new plan will generate 2,518 indirect jobs, which will generate \$75.6 million in annual wages.

Overall the project will create 5,169 direct and indirect operational jobs and a total of \$178.2 million in direct and indirect wages.

**Gross Receipt Taxes on Construction**

Direct and indirect GRT for the city will be \$15,611,117 as calculated in the March impact study.

**Gross Receipt Taxes on Operations**

The City will collect GRT on businesses operating at the Pavilion. Including receipts from hotel, retail and manufacturing/warehousing/office operations, we believe that annual GRT from operations will be \$17,818,456.

Hotel	\$ 2,365,200
Restaurant	\$ 11,775,600
Other operation	\$ 299,557,500
Total Revenues	\$ 313,698,300
City GRT at 3.0375%	\$ 9,528,586
Multiplier 0.87	\$ 8,289,870
<u>Total City GRT</u>	<u>\$ 17,818,456</u>

**Property Taxes on Operations**

Based on new tax rates provided by the county, we estimate the annual local property tax revenues to be \$1,618,523.

City of Santa Fe	\$ 359,659
Santa Fe Public Schools	\$ 814,135
Santa Fe Community College	\$ 444,728
<u>Total Local Property Taxes</u>	<u>\$ 1,618,523</u>

**Lodgers Taxes on Operations**

We estimate that the City will collect \$165,564 in annual lodgers tax revenues.

**CONCLUSION**

Overall, the updated marketing plan for the Pavilion Office Complex brings much needed benefits to the city in terms of job creation and tax revenues. The realization of such a project will bring new dynamism to the Airport area and will enhance the area. Developments around

airports are known to bring long term benefits to local economies and enhance potential investment from outsiders. The Pavilion project will also give the city a world-class commercial space that will help attract new business to the city.

**EXHIBIT F**

**EARLY NEIGHBORHOOD  
NOTIFICATION (ENN) MATERIALS**



## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Pavilion Development Plan & Plat (#2010-163 & #2010-164)
<i>Project Location</i>	Highway 599 and Jaguar Drive (east of SF Municipal Airport)
<i>Project Description</i>	Preliminary Subdivision Plat with Variances and Development Plan for Office and Business Park with Commercial Area
<i>Applicant / Owner</i>	Richard Cook
<i>Agent</i>	Santa Fe Planning Group
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	Monday, September 27, 2010
<i>ENN Meeting Location</i>	Southside Library, Tierra Contenta
<i>Application Type</i>	Preliminary Subdivision Plat with Variances, Development Plan
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	Tamara Baer, ASLA
<i>Attendance</i>	Project Team

### **Notes/Comments:**

No members of the public attended this meeting. Staff had a short discussion with the applicant regarding the process for submittal and the type of detail expected in the Development Application. Staff asked that the applicant be as specific as possible as to the overall design scheme for the development. Staff gave additional guidance regarding submittal materials for the development plan and the subdivision plat. The applicant was reminded that the mylars, annexation agreement, and water rights exchange agreement would have to be complete and recorded before any case would be put on a Planning Commission agenda.

**The Pavilion Office Complex: Annexation/Rezoning Request  
Early Neighborhood Notification**

The City Code provides for the exchange of information between an applicant for subdivision approval and the area neighborhoods. Eleven points are to be discussed with the neighborhood residents and landowners. This document is intended to address these eleven points.

**LOCATION:**

The subject site is approximately 371-acres in size and is located on west side of NM599. To the west of the site is the City of Santa Fe Municipal Airport, to the north is the City-owned Aviation Business Park, to the east, beyond NM599, is residential and vacant land, and to the south is residential land. Please see the attached vicinity map for further clarification.

**REQUEST:**

The project previously received annexation, rezoning, and an amendment to the General Plan for a commercial business park and retail space. The project is known as The Pavilion. The zoning of the site consists of two zoning classifications: Business Industrial Park (BIP) and C2 (General Commercial). The intent of this request is to submit for a Final Development Plan and Subdivision Plat for a commercial business park that is consistent with the uses outlined in the City Code for each zone. A request for a variance to terrain management regulations is also part of this application.

**ACCESS:**

A new interchange, which has been planned for NM599 at Jaguar Drive, will be constructed as part of this project and will serve as the primary access for the project.

**WATER & SEWER:**

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division.

**The following is an outline of the eleven discussion points to be considered in the ENN process:**

**1. The effect on character and appearance of the surrounding neighborhoods:**

The site is adjacent to the Airport to the west and a planned business park to the north. NM599 is located to the east of the site. Given the existing uses in the area, the request conforms to the intensity of uses that exist or our planned for the area. An existing residential neighborhood is located to the south of the site and as a result a significant open space buffer is planned for the southern portion of the site (approximately 200-ft from the property line).

**2. Effect on protection of the physical environment:**

A large portion of larger site was disturbed and used as a borrow pit for gravel operations during the construction of NM599. With the exception of the arroyo open space land and the open space buffers, the areas of the property that are relatively flat will be graded for building pads, including removal of vegetation, building construction, pavement for roads, alleys and driveways. The areas of the property that feature slopes greater than 15% will be left undisturbed. Disturbed land will be re-seeded and landscaped. It should be noted that one and two story buildings may rise above the horizon.

3. **Impacts on prehistoric, historic, archaeological or cultural sites or structures, including acacias and the historic downtown:**

Archaeological reports have been prepared which encompass the entire land area. Five (5) archaeological easements will be preserved on site and will be reflected on the plats. One site will be mitigated or cleared by our consulting archaeologist, Stephen Post.

4. **Relationship to existing density and zoning within the surrounding area:**

The site is situated adjacent to the Santa Fe Municipal Airport, a planned business park to the north, and NM599 to the east. The best uses for the subject site are non-residential uses that are compatible to residential uses. The project is envisioned as an employment center with access to housing in close proximity. This will decrease the need for cross-town traffic. The proposed office business park and accompanying retail commercial uses would serve the area better than higher intensity industrial or light industrial uses. It is argued that residential uses for the site, given the proximity and greater intensity of the site to the Airport, would not be the best use for the land.

5. **Effects upon parking, traffic patterns, congestion, pedestrian safety, impacts of the project on flow of pedestrians or vehicular traffic and provision of access for the disabled, children, low-income and elderly to services.**

As discussed previously in this write-up, this project includes the construction of a planned interchange at NM599 at Jaguar Drive. The right-of-way for the interchange was acquired by the NM Department of Transportation in the 1990s. This interchange is privately funded and not dependent upon government funding sources. It is anticipated that the interchange will alleviate traffic congestion in the region to include the subject site, vehicles departing Tierra Contenta, and vehicles departing the Santa Fe Municipal Airport.

Non-residential areas will have the same parking requirements through City development code as a minimum. Pedestrian access will be enhanced with the construction of the pedestrian trails system in the area. Implementation of this development will have no adverse effect on the ability of disabled persons, children, low-income and the elderly to access services.

6. **Effect on the economic base of Santa Fe:**

The commercial development and the construction of the interchange will have a positive economic benefit to the economic base of Santa Fe. Secondary impacts include jobs created and the sale of building materials for the construction of roads, utilities, homes and other buildings. Gross receipts tax will be generated on the sale of retail goods, construction materials locally and on local construction contracts. GRT will also be collected on infrastructure construction as well as on the sale of the completed homes and other buildings. Commercial construction will increase the property tax base.

7. **Effect on availability of affordable housing and availability of housing choices for all Santa Fe residents:**

The entire project is non-residential.

**8. Effect on public services such as fire, police protection, school services, and other public infrastructure elements such as water, power, communications, bus service, commuter or other services or facilities.**

The project will increase the need for police, fire, school, and other public services. It will also increase the need for infrastructure such as water, power, sewer, communications, and commuter services. The developer is responsible for the cost of installing all infrastructure. The closest fire department is located in Tierra Contena. The closest police department is located on Camino Entrada. Both are adequate to service the needs of this project.

**9 Impacts on water supply and conservation methods:**

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division.

Water conservation measures such as water reducing fixtures are used in the buildings, landscaping plants that use low to moderate amounts of water and water harvesting measures. Non-residential buildings and non-residential buildings will incorporate water saving and water harvesting measures required by City code and regulations at the time of construction.

**10. Effects on opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhoods and recreational activities and employment centers.**

The project will feature the construction of the planned interchange at NM599 which will provide connectivity to the Tierra Contenta, the Santa Fe Municipal Airport, and the subject site.

The current recreational trails system in Tierra Contenta is extensive with approximately 2.7 miles of paved trails and 1.5 miles of gravel surfaced trails. It is anticipated that existing trail system will be extended to the subject site through the arroyo corridor and beyond to the La Cienega Community. The planned interchange will also feature a bicycle and walking path.

**11. Effects on Santa Fe's urban form:**

The site is situated adjacent to the Santa Fe Municipal Airport, a planned business park to the north, and NM599 to the east. The best uses for the subject site are non-residential uses that are compatible to residential uses. The proposed office business park and accompanying retail commercial uses would serve the area better than higher intensity industrial or light industrial uses. Residential uses for the site, given the proximity of the site to the airport, it is argued would not be the best use for the land.

# SANTA FE PLANNING GROUP, INC.

P.O. Box 2482

Santa Fe, NM 87504

505.983.1134; 505.983.4884 fax

March 17, 2014

Matt O'Reilly  
City of Santa Fe Land Use Department  
200 Lincoln Avenue, P.O. Box 909  
Santa Fe, NM 87504

RE: The Pavilion Office Complex Development Plan and Final Subdivision Plat  
aka Santa Fe Commercial Center (new project name)  
Case #2010-163 and #2011-05

Dear Mr. O'Reilly:

The Pavilion Final Development Plan and Final Subdivision Plat will expire on April 7, 2014, (three years from the date of the approved Findings). We would like to proceed at this time with a request for an administrative extension of the Final Development Plan and Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

We would like to recognize in writing that it is our opinion that the Final Development Plan is vested due to the commencement of the "qualifying offsite improvements," namely the work on the NM599 Interchange. The first work on the Interchange (in year 2013) involved the relocation of the NM Gas trunk line, which is located in the right-of-way along NM599. The relocation of the line was completed in order to provide space for the new bridge abutment. The construction kick-off for the Interchange is anticipated to be April 1, 2014.

This extension request includes Final Development Plan is case you disagree with our assumption regarding qualifying offsite improvements.

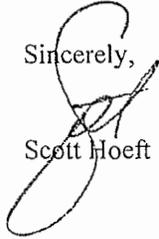
## **PROJECT INFORMATION & ENTITLEMENTS HISTORY**

The Pavilion Office Complex features 30 lots on a land area that totals approximately 371-acres. The project was approved for Final Development and Final Plat in March 17, 2014 (the findings were approved the subsequent month). The Annexation, General Plan Amendment, and Rezoning request were approved in April 28, 2010. The site is zoned C-2 and BIP.

Our construction work in year 2013 focused on the grading work and road preparation for our project called Village Plaza at Tierra Contenta, which is across NM599 from the subject site. We anticipate that with the commencement of the Interchange, grading work and road preparation will commence on The Pavilion in year 2014.

We appreciate your consideration of our request and if you concur with our assessment will be placed on the consent agenda of the Planning Commission in **April 2014**. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hoeft", written over the printed name.

Scott Hoeft

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit B**

**DRT Comments**

**WYNANT, DONNA J.**

---

**From:** ZAXUS, RISANA B.  
**Sent:** Wednesday, April 27, 2016 1:19 PM  
**To:** WYNANT, DONNA J.  
**Subject:** Case # 2016-42, The Pavilion Office Complex

Ms. Wynant –

I have no review comments on the above-referenced case.

Risana B “RB” Zaxus, PE  
City Engineer



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: May 19, 2016

To: Donna Wynant, Case Manager

From: Stan Holland, P.E.  
Wastewater Management Division

Subject: Case 2016-42 Pavilion Time Extension and Amended Phasing Plan

---

**The subject property is accessible to the City public sewer system.**

1. The Wastewater Division has no objection to the Applicant's request for a time extension and an amended phasing plan for this project.

**WYNANT, DONNA J.**

---

**From:** AHMED, SOAMIYA A.  
**Sent:** Monday, May 09, 2016 9:51 AM  
**To:** WYNANT, DONNA J.  
**Subject:** Case 2016-42

Hi Donna,

Since this is just an Extention and amendment to the phasing, if nothing is being changed on the original approved Landscaping plan, then I have no additional comments.

Best,

**Somie A. Ahmed**  
Planner Technician Sr.  
Technical Review Division  
City of Santa Fe  
T. 505.955.6947  
F. 505.955.6829  
[saahmed@santafenm.gov](mailto:saahmed@santafenm.gov)

**WYNANT, DONNA J.**

---

**From:** KASSENS, SANDRA M.  
**Sent:** Monday, May 02, 2016 5:39 PM  
**To:** WYNANT, DONNA J.  
**Cc:** ROMERO, JOHN J  
**Subject:** The Pavilion Office Complex Time Ext and amendment to phasing plan

Donna,

We in the Traffic Engineering Division have no comments on the request for time extensions for the Dev. Plan and the Subdivision Plat for the Pavilion Office Complex. Nor do we have any comments on the amendment to the phasing plan (case # 2016-42).

Sandy

*Sandra Kassens*  
Engineer Assistant  
Engineering Division  
Public Works Department  
*City of Santa Fe*  
505-955-6697

# City of Santa Fe, New Mexico

# memo

**DATE:** April 29, 2016

**TO:** Donna Wynant, Case Manager

**FROM:** Reynaldo Gonzales, Fire Marshal 

**SUBJECT:** Case #2016-42 The Pavilion Complex Development Plan

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Would be required to meet all the requirements of the current fire code adopted by the governing body and the time of submittal for permit.

## *Development Plans*

### (D) Approval Criteria and Conditions

#### (1) Necessary Findings

To approve a *development* plan, the planning commission must make the following findings:

- (a) that it is empowered to approve the plan under the section of Chapter 14 described in the *application*;
- (b) that approving the *development* plan will not adversely affect the public interest; and
- (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 *premises* under consideration.

#### (2) Conditions

The planning 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*, including:

- (a) special *yards* or *open spaces*;
- (b) fences, *walls* or landscape screenings;
- (c) provision and arrangement of parking and vehicular and pedestrian circulation;
- (d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;
- (e) noise generation or attenuation;
- (f) dedication of *rights of way* or easements or access rights;
- (g) arrangement of *buildings* and use areas on the site;
- (h) special hazard reduction measures, such as *slope* planting;
- (i) minimum site area;
- (j) other conditions necessary to address unusual site conditions;
- (k) limitations on the type, extent and *intensity* of uses and *development* allowed;

- 
- (l) maximum numbers of *employees* or occupants permitted;
  - (m) hours of operation;
  - (n) phases of *development*, if applicable;
  - (o) establishment of an expiration date, after which the use must cease at that site;
  - (p) establishment of a date for annual or other period review at a public hearing;
  - (q) plans for sustainable use of energy, recycling and solid waste disposal;
  - (r) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the *development* and use of land; and
  - (s) conditions may not be imposed that restrict the use to a specific *person* or group.

(3) Expiration

*Development* plans expire as provided in Section 14-3.19 Expiration, Extension and Amendment of Development Approvals.

### 14-3.9 MASTER PLANS

#### (A) Purpose and Intent

- (1) It is the intent of a master plan to:
  - (a) provide a comprehensive plan that must be followed during the subsequent review and approval of *development* plans and subdivision *plats* for the master-planned area.
  - (b) enable the *governing body, land use boards* and *land use director* to ensure compliance with Chapter 14;
  - (c) document compliance with *final actions* to approve or conditionally approve *development applications*;

*Italicized words defined in Article 14-12*

(7) Plat Standards

All subdivision *plats* must meet the minimum standards for surveying in New Mexico and must comply with *plat* standards adopted by the *land use director*.

*Subdivisions of Land*

(C)

Approval Criteria

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.
- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *plating* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).
- (3) All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).
- (4) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.
- (5) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.



(D) Summary Procedure

The summary committee of the planning commission has the authority to review and approve subdivisions that result in the creation of one additional *lot*. Summary subdivisions are subject to the procedural requirements, approval criteria and *development* standards that apply to other subdivisions, except that:

*Italicized words defined in Article 14-12*

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit C**

**ENN Materials**



## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	The Pavilion Office Complex Dev Plan, Final Sub Plat & Phasing Plan
<i>Project Location</i>	599 & Jaguar extension (southwest corner)
<i>Project Description</i>	Time extension and amended phasing plan
<i>Applicant / Owner</i>	Scott Hoeft of Santa Fe Planning Group, agent for Commercial Center at 599
<i>Agent</i>	Scott Hoeft
<i>Pre-App Meeting Date</i>	February 25, 2016
<i>ENN Meeting Date</i>	March 21 & April 19, 2016
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Time Extension
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	8 people at the March 21 <sup>st</sup> ENN & 1 person at the April 19 <sup>th</sup> ENN

### **Notes/Comments:**

#### **March 21, 2016 ENN**

The meeting started at 5:30 pm. Introductions were made by Donna Wynant with an explanation and overview of the ENN process. Those in attendance, mostly from the area south of the project site (from La Cienega), were briefed on the proposal as they arrived early to the meeting place and reviewed the presentation boards with Scott Hoeft. Many of their questions were answered at that time. Questions included whether or not there would be any connections to their neighborhood. Mr. Hoeft said a connection would be at the southwest corner of the development for emergency access only. Another resident asked about the trail system from the development along the 599 ROW that would eventually link up with the 599 Railrunner station.

Discussion included some concern about more people not being in attendance. Mr. Hoeft agreed to post signs and send letters to an even larger area than required by code. A couple of people were from Calientito Loop in the Tierra Contenta

neighborhood who had questions regarding the Village Plaza, which was the subject of an ENN to be held the following evening.

**April 19, 2016 ENN**

This second ENN was held at the request of some of the individuals at the previous ENN based on what they believed should have been a bigger turnout to the meeting.

One person (Mr. Ronald Sena) arrived at 5:45 and Mr. Hoeft gave him an overview of the overall project and requested time extension. Mr. Sena informed Mr. Hoeft of drainage issues he was experiencing from the arroyo that ran behind his house on Cuerno de Vaca and that he was trying to find some way to protect his property from further erosion. Both agreed that that particular issue would not be further affected by the subject proposed development, and that Ms. Wynant would assist him in exploring some solutions to his problem, though his property is in the county.



**City of Santa Fe  
Early Neighborhood Notification Meeting  
Sign-In Sheet**

Project Name:		Meeting Date:	
Meeting Place:		Meeting Time:	
Applicant or Representative Check Box below			
↓	Name	Address	Email
<input type="checkbox"/>	Andrew L. & Wanda L. Villa	54 Cuerno de Vaca Dr	Avvilla@aol.com
<input type="checkbox"/>	Velma & Juan Tapia Jr.	59 Tierra Hermosa Ct.	Lottedah.1999@gmail.com
<input type="checkbox"/>	VIVIAN MONTOLA	50 Tierra Hermosa Ct	JennyRomero - johnjohn@yahoo.com
<input type="checkbox"/>	John d Remond	50 A Tierra Hermosa Ct	RUNDWAY 105@GMAIL.COM
<input type="checkbox"/>	Sidel Gallegos	20 A Tierra Hermosa Ct	maxh@comcast.net
<input type="checkbox"/>	Patricia L. Hendon	7108 Caliente Loop	Debbie.Rodwin@yahoo.com
<input type="checkbox"/>	Debbie Dupan	7108 Caliente Loop	
<input type="checkbox"/>	Paul Loya		
<input type="checkbox"/>			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Printed Name of City Staff in Attendance \_\_\_\_\_ Signature of City Staff in Attendance \_\_\_\_\_ Date \_\_\_\_\_

**This sign-in sheet is public record and shall not be used for commercial purposes.**



# City of Santa Fe Early Neighborhood Notification Meeting Sign-In Sheet

Project Name: The Pavilion Meeting Date: 7/19/16  
Meeting Place: S. Side Public Library Meeting Time: 1:50 pm

Applicant or Representative Check Box below

↓	Name	Address	Email
<input type="checkbox"/>	Ronald D. Sena	37 Cuernos De Vaca Dr. 87507	RDS4666@earthlink.com
<input type="checkbox"/>			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Ronald D. Sena 7/19/16  
Printed Name of City Staff in Attendance Date  
[Signature]  
Signature of City Staff in Attendance

This sign-in sheet is public record and shall not be used for commercial purposes.

**Santa Fe Commercial Center aka The Pavilion Office Complex  
Time Extension  
Final Subdivision Plat and Final Development Plan  
Early Neighborhood Notification**

The City Code provides for the exchange of information between an applicant for subdivision approval and the area neighborhoods. Eleven points are to be discussed with the neighborhood residents and landowners. This document is intended to address these eleven points.

**LOCATION:**

The subject site is approximately 371-acres in size and is located on west side of NM599. To the west of the site is the City of Santa Fe Municipal Airport, to the north is the City-owned Aviation Business Park, to the east, beyond NM599, is residential and vacant land, and to the south is residential land.

**REQUEST:** The project was approved for Final Development and Final Plat in March 17, 2011 (the findings were approved in April 2011). The project received an extension of the Final Plat and Final Development Plan pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code in April of 2014 and a subsequent extension in April 2015 while the interchange was being constructed. The Interchange at NM599 is now complete.

**The following is an outline of the eleven discussion points to be considered in the ENN process:**

***1. The effect on character and appearance of the surrounding neighborhoods:***

The site is adjacent to the Airport to the west and a planned business park to the north. NM599 is located to the east of the site. Given the existing uses in the area, the request conforms to the intensity of uses that exist or our planned for the area. An existing residential neighborhood is located to the south of the site and as a result a significant open space buffer is planned for the southern portion of the site (approximately 200-ft from the property line).

***2. Effect on protection of the physical environment:***

A large portion of larger site was disturbed and used as a borrow pit for gravel operations during the construction of NM599. With the exception of the arroyo open space land and the open space buffers, the areas of the property that are relatively flat will be graded for building pads, including removal of vegetation, building construction, pavement for roads, alleys and driveways. The areas of the property that feature slopes greater than 15% will be left undisturbed. Disturbed land will be re-seeded and landscaped. It should be noted that one and two story buildings may rise above the horizon.

***3. Impacts on prehistoric, historic, archaeological or cultural sites or structures, including acacias and the historic downtown:***

Archaeological reports have been prepared which encompass the entire land area. All pertinent data has been reported to the City of Santa Fe Historic Preservation Department. Archaeological easements will be part of the final platting.

**4. Relationship to existing density and zoning within the surrounding area:**

The site is situated adjacent to the Santa Fe Municipal Airport, a planned business park to the north, and NM599 to the east. The best uses for the subject site are non-residential uses that are compatible to residential uses. The proposed office business park and accompanying retail commercial uses would serve the area better than higher intensity industrial or light industrial uses. It is argued that residential uses for the site, given the proximity and greater intensity of the site to the Airport, would not be the best use for the land.

**5. Effects upon parking, traffic patterns, congestion, pedestrian safety, impacts of the project on flow of pedestrians or vehicular traffic and provision of access for the disabled, children, low-income and elderly to services.**

As discussed previously in this write-up, this project includes the construction of the interchange at NM599 at Jaguar Drive. The right-of-way for the interchange was acquired by the NM Department of Transportation in the 1990s. This interchange was privately funded and not dependent upon government funding sources. It is anticipated that the interchange will alleviate traffic congestion in the region to include the subject site, vehicles departing Tierra Contenta, and vehicles departing the Santa Fe Municipal Airport.

Non-residential areas will have the same parking requirements through City development code as a minimum. Pedestrian access will be enhanced with the construction of the pedestrian trails system in the area. Implementation of this development will have no adverse effect on the ability of disabled persons, children, low-income and the elderly to access services.

**6. Effect on the economic base of Santa Fe:**

The commercial development and the construction of the interchange will have a positive economic benefit to the economic base of Santa Fe. Secondary impacts include jobs created and the sale of building materials for the construction of roads, utilities, homes and other buildings. Gross receipts tax will be generated on the sale of retail goods, construction materials locally and on local construction contracts. GRT will also be collected on infrastructure construction as well as on the sale of the completed homes and other buildings. Commercial construction will increase the property tax base.

**7. Effect on availability of affordable housing and availability of housing choices for all Santa Fe residents:**

The entire project is non-residential.

**8. Effect on public services such as fire, police protection, school services, and other public infrastructure elements such as water, power, communications, bus service, commuter or other services or facilities.**

The project will increase the need for police, fire, school, and other public services. It will also increase the need for infrastructure such as water, power, sewer, communications, and commuter services. The developer is responsible for the cost of installing all infrastructure.

**9 Impacts on water supply and conservation methods:**

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division.

Water conservation measures such as water reducing fixtures are used in the buildings, landscaping plants that use low to moderate amounts of water and water harvesting measures. Non-residential buildings and non-residential buildings will incorporate water saving and water harvesting measures required by City code and regulations at the time of construction.

**10. Effects on opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhoods and recreational activities and employment centers.**

The project will feature the construction of the interchange at NM599 which will provide connectivity to the Tierra Contenta, the Santa Fe Municipal Airport, and the subject site.

The current recreational trails system in Tierra Contenta is extensive with approximately 2.7 miles of paved trails and 1.5 miles of gravel surfaced trails. It is the responsibility of the Tierra Contenta Corporation or its assigns to construct the recreational trail system and turn it over to the City for maintenance.

**11. Effects on Santa Fe's urban form:**

The site is situated adjacent to the Santa Fe Municipal Airport, a planned business park to the north, and NM599 to the east. The best uses for the subject site are non-residential uses that are compatible to residential uses. The proposed office business park and accompanying retail commercial uses would serve the area better than higher intensity industrial or light industrial uses. Residential uses for the site, given the proximity of the site to the airport, it is argued would not be the best use for the land.

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit D**

**Letter of Application**

# **SANTA FE PLANNING GROUP, INC.**

**P.O. Box 2482**

**Santa Fe, NM 87504**

**505.983.1134; 505.983.4884 fax**

April 06, 2016

Donna Wydant  
City of Santa Fe Land Use Department  
200 Lincoln Avenue, P.O. Box 909  
Santa Fe, NM 87504

RE: The Pavilion Office Complex Development Plan and Final Subdivision Plat  
aka Santa Fe Commercial Center  
Case #2010-163 and #2011-05, and most recently #2014-26.

Dear Ms. Wydant:

The Pavilion Office Complex Final Subdivision Plat will expire on April 7, 2016. In years 2013 and 2014, we requested and were granted two administrative time extensions for the Final Plat pursuant to the guidelines of the City Code. At this juncture we are requesting a time extension via the Planning Commission. The application will include an 1) extension of the Final Plat; 2) an amendment to the Phasing Plan to increase the number of phases; and 3) an expiration date (future) that correlates to the build out of the Phasing Plan. We held an ENN Meeting on March 21, 2016. Approximately 8 individuals attended the meeting.

We would like to recognize in writing that it is our opinion that the Final Development Plan is vested due to the commencement of the "qualifying offsite improvements," namely the work on the NM599 Interchange. The interchange is now complete. The work on the interchange required approximately 4-years to complete.

## **PROJECT INFORMATION & ENTITLEMENTS HISTORY**

The Pavilion Office Complex features 32 lots on a 371-acres. The project was approved for Final Development Plan and Final Plat by the Planning Commission in March 2011. The Findings were subsequently adopted on April 07, 2011. The Annexation, General Plan Amendment, and Rezoning request were approved in April 28, 2010. The site is zoned C-2 and BIP. The approved list for the site include: light industrial/manufacturing, office, restaurant, hotel and bank, medical, financial services, warehouse, and outdoor storage.

## **APPROVED PHASING PLAN**

The original phasing plan included four phases of development. The development pattern is a north-to-south build out.

Phase 1	Lots 1-8
Phase 2	Lots 9,12, 13,18,24, 25-30
Phase 3	Lots 19-23
Phase 4	Lots 10, 11, 14, 15, 16, 17

The revised phasing plan continues in a north-to-south build-out, and turns clock-wise toward the airport to the west for the final phases. As shown below, the phases have increased in number to allow for smaller increments of development to occur at one time (with less sizable infrastructure costs associated with each smaller phase). This "tighter" phasing plan will permit a more feasible build-out of the project based upon existing and future economic conditions.

**REVISED PHASING PLAN**

Phase 1	Lots 1-2
Phase 1b	Lots 3,4,5,6
Phase 2	Lots 7-8
Phase 3	Lots 9-10
Phase 4	Lots 11,12,14
Phase 5	Lots 15-23
Phase 6	Lots 13, 24, 25,26
Phase 7	Lots 27, 28, 29, 30

The estimate timeline for the completion of the seven (7) phase listed above is year 2031 (or 15-years from now). We request that the Planning Commission grant this phasing schedule and the corresponding timeline. It is our hope that the revised phasing plan will serve as the tool to keep the project active and the need to continually request extensions minimized

We appreciate your consideration of our request. It is our hope to be placed on the **June 02, 2016** Planning Commission agenda. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,



Scott Hoeft  
Partner

Attachments:

- Application/Fee (\$500)
- Revised Phasing Plan