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Appellant: Advanced Acquisitions, LLC

Agent: Brian Nenninger, Orion-West, LLC.

Case Name: Appeal Case #2024-8996

Project Address: 27794 W I-25 Frontage Road

Enforcement Action Appealed: Denial of
Slope Variance Case #2023-7663

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Witness Name: Karl Sommer

Role: Land Use Attorney, Partner at Sommer Karnes & Associates

Basis of Testimony: Karl Sommer is a land use attorney representing the applicant, with extensive experience in Santa Fe land use law and regulatory processes.

Summary of Testimony: Mr. Sommer will testify on how the variance meets the criteria outlined in Section 14-3.16(C) of the Santa Fe City Code. He will emphasize that the Planning Commission's denial undermines the purpose of the variance process, as it implies that no variance would ever be granted due to the possibility of alternative developments.

Witness Name: Brian Nenninger

Role: Project Planner, President/Owner of Orion-West

Basis of Testimony: Brian Nenninger is the owner's agent with in-depth knowledge of the Bungalows on Cerrillos development plans and regulatory compliance requirements.

Summary of Testimony: Mr. Nenninger will testify on the planning considerations impacted by the denial of the slope variance, focusing on how the unique site constraints affect the project layout and reduce the developable area. His testimony will discuss the necessity of the variance to maintain the project's functionality and viability.

Witness Name: Ron Bohannon, PE

Role: Project Engineer, President/Owner of Tierra West

Basis of Testimony: Ron Bohannon is a professional engineer with expertise in the project and historical knowledge of the original construction of Cerrillos Road.

Summary of Testimony: Mr. Bohannon will testify regarding the challenges posed by the denial of the slope variance. He will explain the site's unique physical constraints, regarding the isolated 30% slope, which is a remnant bank of the Arroyo de los Chamisos. Mr. Bohannon will emphasize that preserving these slopes does not align with the intent of terrain management regulations. As the area surrounding the remnant bank was graded during the construction of Cerrillos Road, the slopes no longer serve their intended environmental or erosion-control purposes. Additionally, previous modifications to the area have rendered these slopes functionally obsolete. He will testify that grading these slopes is essential to achieving a practical and uniform grade for the site, which is critical for effective terrain management. Additionally, he will highlight that the variance is vital for site development and aligns with both the public interest and the purpose of terrain management standards.

Witness Name: Jeremy Hall

Role: Owner/Developer, Advanced Acquisition's LLC

Basis of Testimony: Jeremy Hall is the owner and developer of the Bungalows on Cerrillos project, representing Advanced Acquisition's LLC. He has extensive experience in multifamily development.

Summary of Testimony: Mr. Hall will testify about the high-quality standards of the Bungalows on Cerrillos development and the significant challenges posed by the NMDOT-mandated right-of-way (ROW) requirements. He will explain how the project has been designed to prioritize community value through thoughtful design and construction. However, the ROW dedication imposes a substantial burden, requiring valuable land and incurring significant expenses for improvements, all without compensation from NMDOT. This creates a unique circumstance that directly impacts the viability of the project. Mr. Hall will emphasize that the requested variances are essential to offset the losses, allowing the development to achieve the necessary unit count to ensure feasibility while maintaining the high-quality standards and community benefits central to the project.