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Case Information

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Appellant: Advanced Acquisitions, LLC

Agent: Brian Nenninger, Orion-West, LLC.

Case Name: Appeal Case #2024-8995

Project Address: 27794 W I-25 Frontage Road

Enforcement Action Appealed: Denial of
Setback Variance Case #2023-7662

Witness List for Testimony: Appeal Case 2024-8995

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Witness List for Testimony: Appeal Case 2024-8995

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 the justification for the setback variance fulfill the criteria for variance under 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. Mr. Sommer will argue that the setback variance is essential to achieve the project's development and that the variance aligns with the intent of the Cerrillos Road Highway Corridor Protection District's objectives.

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 setback variance, focusing on how the unique site constraints affect the project layout and reduce the developable area. His testimony will explain the project and highlight the necessity of the setback variance to maintain the project's functionality and viability within the Cerrillos Road Highway Corridor Protection District. He will explain how the variance request aligns with the corridor's intent by ensuring adequate separation from Cerrillos Road while enabling efficient use of the limited developable space to contribute to the local housing supply. The variance allows the project to offset these constraints and achieve the necessary unit count to maintain its 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 on the findings of the traffic impact analysis for the project, focusing on how NMDOT-mandated road improvements and the dedicated right-of-way benefit the city and surrounding communities while significantly constraining the site's developable area. He will emphasize how improvements enhance public safety and transportation efficiency, but create significant constraints with the owners developable land.

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 setback variance is 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.