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Commissioner, District 5

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County Manager

**CDRC CASE # APP 13-5382 ELEVATION MULTI-FAMILY COMMUNITY APPEAL
AND
CDRC CASE # V/DP 13-5381 ELEVATION MULTI-FAMILY COMMUNITY
VEDURA RESIDENTIAL OPERATING, LLC, APPLICANTS**

ORDER

THIS MATTER came before the Board of County Commissioners (BCC) for hearing on July 14, 2015, on the Application of Vedura Residential Operating, LLC (Applicant) for an appeal to the Board of County Commissioners of a condition imposed by the County Development Review Committee (CDRC) on the Applicant's proposed Preliminary and Final Development Plan. The condition imposed by the CDRC states, "no construction of buildings may begin until actual construction of the Southeast Connector begins." The Applicant additionally requested two variances: a variance of Ordinance No. 2000-12, § 6.E.3.c to allow a no-outlet roadway to exceed 300 feet and a variance of Article V, § 8.1.4, of the Code, which states that dead end roads may not serve more than thirty (30) dwelling units. The BCC, having reviewed the Application and supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the variance is not well-taken and is denied; that the BCC maintains staff's conditions pursuant to the approval of the Preliminary and Final Development Plan; modifies the sixth condition of the Preliminary and Final Development Plan approval to allow construction but not permit occupancy until the Southeast connector is complete; and makes the following findings of fact and conclusions of law:

1. On May 21, 2015, the County Development Review Committee (CDRC) approved a Preliminary and Final Development Plan for a multi-family residential community consisting of 200 residential units in conformance with the approved Master Plan, the Santa Fe County Land Development Code, Ordinance 1996-10 (Code) and Santa Fe County Ordinance 2000-12, the Community College District Ordinance (CCDO). The CDRC also recommended approval, to the BCC, of a variance of Ordinance No. 2000-12, § 6.E.3.c to allow a no-outlet roadway to exceed 300 feet and a variance of Article V, § 8.1.4, of the Code, which states that dead end roads may not serve more than thirty (30) dwelling units.

2. The CDRC's approval of the Preliminary and Final Development Plan and the variances, included staff conditions and an additional sixth condition imposed by the CDRC that, "no construction of buildings may begin until actual construction of the Southeast Connector begins."

3. The site is located at 63 College Drive, within the Community College District, within Section 21, Township 16 North, Range 9 East.

4. The Applicant acquired the real property by warranty deed recorded as instrument 1621125 in the Santa Fe County Clerk's records dated December 23, 2010.

5. The Applicant authorized Jenkins/Gavin Design & Development, Inc. (Agent) to act on its behalf in respect to the referenced property and land use applications to be submitted to Santa Fe County, as evidenced by a copy of that authorization contained in the record.

6. The Applicant complied with the notice requirements of Article II, Section 2.4.2 of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on June 23, 2015. Additionally, notice

of the hearing was published in the legal notice section of the Santa Fe New Mexican on June 23, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners and Home Owners Associations.

7. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) and Santa Fe County Ordinance No. 2000-12 (CCDO), which govern this application are:

a. Article II, § 2.3.4.c.i, Appeal of Development Review Committee Decisions to the Board, of the Code states:

“Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within thirty (30) calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within sixty (60) calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications.”

b. Article II, § 2.3.4.c. ii of the Code states, “the decision of the Board shall become final on the date when the decision is filed.”

c. Article V, § 8.1.4 of the Code states:

“Dead end roads may not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exists.”

d. Article XV, Section 6.E.3.c of the CCDO states, “No-outlet roadways shall be used only to preserve open space contiguity or in cases that terrain does not allow contiguity. No-outlet roadways shall not exceed three hundred feet (300’) in length and shall have a minimum fifty foot (50’) turn around.”

e. Article II, Section 3, Variances, of the Code states: “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the [BCC] and the [BCC] may vary, modify or waive the requirements of the Code upon adequate proof that compliance with a Code provision at issue will result in an arbitrary and unreasonable

taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety.”

f. Article II, Section 3.1 concludes that, “[i]n no event shall a variance...be recommended by [the] Development Review Committee nor granted by the [BCC] if by doing so the purpose of the Code would be nullified.”

g. Article II, Section 3.2 states, “[i]n no case shall any variation or modification be more than a minimum easing of the requirements.”

Regarding the Variances

8. Building and Development Services staff reviewed the Applicant’s request for a variance of the CCDO, §6.E.3.c), (no-outlet roads) and Article V, § 8.1.4 (Dead end roads) of the Code for compliance with pertinent Code/Ordinance requirements and found that the Code/Ordinance requires the following: roadway circulation within the Community College District shall provide a network of roads that will integrate automobile traffic, pedestrian and other modes of transportation in a safe and controlled manner; within each development, roadway circulation shall be interconnected as shown on the Circulation Map; the developer shall be required to construct any portion of the roadway necessary to maintain connectivity throughout the CCD; all road construction shall conform and comply with AASHTO standards. ITE guidelines, New Mexico State Highway and Transportation Department specifications and all applicable National Codes.

9. The variances requested are temporary in nature and will only exist until the Southeast Connector is constructed. The Applicant proposes to construct College Drive to CCDO road standards to connect Richards Avenue to the Southeast Connector. However, the Code does not address temporary variances.

10. At the public hearing before the BCC on July 14, 2015, staff recommended that the variance could be considered a minimal easing of the Code requirements due to the fact that the

variance is only requested for a temporary period of time. The CDRC recommended approval of the variance.

11. In support of the Application, the Agent presented a slide show and testified in support of the variance. The Applicant asserted:

The variances are necessitated by the fact that College Drive will temporarily be a dead end roadway until the completion of the Southeast Connector. This is a non-self-inflicted condition which is temporary until the construction of the Southeast Connector. Construction of the roadway will not result in conditions injurious to health or safety, as the road will be built to County standards with the requisite emergency turnaround. Once the connection to the Southeast Connector is constructed, College Drive will no longer operate as a dead end.

12. At the public hearing 15 members of the public testified in opposition to the variance asserting that if the variance were allowed it would create a dangerous situation for the community.

Regarding the appeal of the condition imposed by the CDRC

13. The Applicant's received conditional approval from the CDRC for Preliminary and Final Development Plan. The Applicant agreed with the five conditions recommended by staff but, not with the sixth condition added by the CDRC. The conditions are as follows:

- 1) The Applicants shall comply with all review agency comments and conditions.
- 2) Final Development Plan with required signatures, shall be recorded with the County Clerk as per Article V, § 7.2.
- 3) The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per Article V, § 9.9.

- 4) The Applicant shall construct College Drive, to CCDO standards, from its current terminus at Burnt Water to the western boundary of the future Southeast Connector right-of-way, Ordinance No. 2000-12, § 6.E.3.b.
- 5) Elevation shall provide water rights or the “cash equivalent” to support the delivery of a total of 33.6 acre feet to Elevation “plus 20%” or 6.7 acre feet, as per Resolution No. 2015-44.
- 6) **No construction of buildings may begin until actual construction of the Southeast Connector begins. (Emphasis added.)**

14. The Applicant appeals the sixth condition, which is attached to the approval of the Preliminary and Final Development Plan.

15. At the public hearing before the BCC on July 14, 2015, staff did not make an explicit recommendation but asserted that it is at the BCC’s sole discretion either to grant the appeal and remove or modify the CDRC’s sixth condition or deny the appeal and keep the CDRC’s condition.

16. In support of the Application, the Agent presented a slide show and stated they are appealing the CDRC’s sixth condition because:

This condition is in direct conflict with the BCC’s decision to approve the Master Plan. The BCC’s decision was not based on construction of the Southeast Connector roadway. To the contrary, the Final Order contemplates the possibility that the project will move forward without construction of the Southeast Connector roadway. This basis for the decision is detailed in the following excerpt from the Final Order; The Applicant provided a traffic study which confirmed the need to evaluate the level of service at adjacent intersections prior to development plan approval in order to determine what road improvements would be necessary to attain adequate traffic flow. If the project develops without the benefit of an anticipated road project called the Southeast Connector, a traffic analysis will be required to evaluate necessary improvements on Richards Avenue, such as a slip lane, and how much development Richards Avenue, with or without improvements, can support. The Applicant confirmed that off-site road improvements provided by the

Applicant could be required as part of the preliminary and final development plan approval process for the project.

17. The Agent further stated that:

The Traffic Impact Analysis that was submitted with the Development Plan application recommends improvements to Richards Avenue to “attain adequate traffic flow.” In response to this recommendation, the County approached the Applicant with the following requests: In lieu of improving Richards Avenue, the Applicant would construct College Drive from its current terminus at Burnt Water to the western boundary of the future Southeast Connector right-of-way. The Applicant agreed to this request; The Applicant would delay commencement of building construction. The Applicant and County staff agreed that building construction would not commence until June of 2016.

18. In opposition to the BCC granting the appeal, 15 members from the public testified in opposition. Most of the opposition articulated that they oppose the appeal because this is simply about safety and the necessity of the Southeast Connector being in place before this development floods the area with more traffic.

19. The Santa Fe County Public Works Director, Adam Leigland, spoke regarding the current schedule for the Southeast Connector. Construction is scheduled to begin in August of 2017 and is scheduled to be completed in August of 2018. This scheduled projection is assuming that the project is 100% County funded and the Southeast Connector will be 100% County funded. He further asserted that it is undeniable that this development being construction in June of 2016 would impact traffic, with an estimated 20% increase. Rather, he believes the real question is whether that increase in volume is acceptable for a year’s time because the Southeast Connector will alleviate the traffic volume.

20. With the traffic being the main issue that was addressed, the BCC moved to approve the Preliminary and Final Development Plan maintaining staff’s five conditions but changing the CDRC’s sixth condition. The BCC’s conditions are as follows:

1. The Applicants shall comply with all review agency comments and conditions.
 2. Final Development Plan with required signatures, shall be recorded with the County Clerk as per Article V, § 7.2.
 3. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per Article V, § 9.9.
 4. The Applicant shall construct College Drive, to CCDO standard, from its current terminus at Burnt Water to the western boundary of the future Southeast Connector right-of-way, Ordinance No. 2000-12, § 6.E.3.b.
 5. Elevation shall provide water rights or the “cash equivalent” to support the delivery of a total of 33.6 acre feet to Elevation “plus 20%” or 6.7 acre feet, as per Resolution No. 2015-44.
 6. Construction may begin but Elevation is not permitted occupancy until the Southeast Connector is completed.
21. High quality multi-unit rentals are needed in the community.
 22. In order to minimize traffic congestion and related safety concerns, the Southeast Connector must be completely constructed before Elevation is occupied.
 23. Due to the BCC’s decision regarding the appeal, the need for a variance is obviated.

WHEREFORE the BCC hereby maintains staff conditions on the Preliminary and Final Development Plan approval and amends the condition imposed by the CDRC to state, **“construction may begin but Elevation is not permitted occupancy until the Southeast Connector is completed.”** The motion to approve the Preliminary and Final Development Plan with Staff’s five conditions and the BCC’s modified condition number six, subject to all

conditions in paragraph 20 above, passed by a unanimous 5-0 vote. The motion to deny the variances passed by a unanimous 5-0 vote.

I certify that the Application was denied by the BCC on this _____ day of _____, 2016.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____
Chairman

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

Commission that on Thursday at 4:00 at the Sage Brush Inn we will be doing a teen court
mural dedication and you are invited to attend.

VI. B. **Presentation and Update on the Santa Fe County Employee Benefits
Program Project**

CHAIR ANAYA: Under VI. B there are no other updates under Mr. Rohr
or Mr. Heilman? Are there any other matters that we've not taken care of prior to the
Public Hearings?

MS. MILLER: Mr. Chair, did you do Matters of Public Concern?

V. **MATTERS OF PUBLIC CONCERN**

CHAIR ANAYA: Are there any Matters of Public Concern for items not
listed on the agenda? Anybody wishing to come forward to speak to the Commission for
any items not listed on the agenda? Thank you for that. Seeing none, we've gone through
our regularly scheduled order of business. We now move into Public Hearings.

VIII. **PUBLIC HEARINGS**

A. **Land Use Cases**

1. **CDRC CASE # APP 13-5382 Elevation Multi-Family
Community Appeal.** Vedula Residential Operating, LLC,
Applicant, JenkinsGavin, Agents, Received Conditional
Approval from the County Development Review Committee
(CDRC) for Preliminary and Final Development Plan for a
Multi-Family Residential Community Consisting of 200
Residential Units on 22+ Acres. The Applicant is Aggrieved
with a Condition of Approval, Imposed by the CDRC, on the
Approval of the Preliminary and Final Development Plan. The
Condition Imposed by the CDRC States "No Construction of
Buildings May Begin Until Actual Construction of the
Southeast Connector Begins". The Applicant Requests an
Appeal to the Board of County Commissioners of the
Condition Imposed by the CDRC on the Preliminary and Final
Development Plan. The Site is Located at 63 College Drive,
within the Community College District, within Section 21,
Township 16 North, Range 9 East, (Commission District 5)
2. **CDRC CASE # V/DP 13-5381 Elevation Multi-Family
Community Variance.** Vedula Residential Operating, LLC,
Applicant, JenkinsGavin, Agents, Received Conditional
Approval From the County Development Review Committee
(CDRC) for Preliminary and Final Development Plan for a
Multi-Family Residential Community Consisting of 200
Residential Units on 22+ Acres. The Applicant Requests BCC
Approval of a Variance of Ordinance No. 2000-12, Section

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6.E.3.c to Allow a No-Outlet Roadway to Exceed 300 Feet and a Variance of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 8.1.4, which States that Dead End Roads May not Serve more than Thirty (30) Dwelling Units. The Two Variances were the Subject of a Recommendation to the Board of County Commissioners by the CDRC. The Site is Located at 63 College Drive, within the Community College District, within Section 21, Township 16 North, Range 9 East, (Commission District 5) [Exhibit 6: Text of Final Order, recorded January 13, 2015; Exhibit 7: Supporting Material from Applicant; Exhibit 8: Schematic of Area from P. Parent; Exhibit 9: Excerpts from County Land Development Code from P. Parent; Exhibit 10: Letter from Eileen Gorman, Ph.D.; Exhibit 11: Letter from Mary Kay Boulton] Additionally, Minutes of the BCC meetings of July 8, 2014, pages 51 through 89; and September 9, 2014, pages 61 through 81 were provided to the Commission.

CHAIR ANAYA: Mr. Larrañaga.

MR. SHAFFER: Mr. Chair, if I could, these are two technically separate items that all relate to the same proposed projects, Elevations, which is a multi-family apartment complex that would be located off of College Drive. Again, they are technically separate. You have an appeal by the applicant of a condition recommended by the Community Development Review Committee and you have a separate item related to a requested variance. But the two items are very much related in that action on one implicates action on the other and the factual underpinnings of the two matters are very much the same. So a recommendation, if it's okay with the chair would be that staff be allowed to cover the staff report for both items, allow the applicant to present on both items, and then have the public be able to comment on both items, so that we're operating as efficiently as possible and then the Board would have a record upon which they could separately consider the two items. That would be my recommendation, Mr. Chair, as to how to proceed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Mr. Shaffer, are we in litigation around any of this? Current litigation?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, no. I'm not aware of any action having been filed to challenge the Board's earlier approval of the master plan request.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: So then I would take that recommendation, accept it. So we will be having discussion on CDRC Case Application 13-5382, as well as CDRC Case V/DP 13-5381. Mr. Larrañaga and staff, the public has access to our agendas and our packets. It's not necessary for you to read in every word associated with your summary. You can provide the summary for the applications on those properties. You

don't need to read in verbatim each one, and then any questions or comments the Commission has we'll go to that, and then move to the applicant and then public hearing. Okay?

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. Vedura Residential Operating, LLC, applicant, JenkinsGavin, agents, received conditional approval from the County Development Review Committee for preliminary and final development plan for a multi-family residential community consisting of 200 residential units on 22 acres. The applicant has agreed with the conditions of approval imposed by the CDRC on the preliminary and final development plan. The condition imposed by the CDRC states: No construction of buildings may begin until actual construction of the southeast connector begins.

The applicant requests an appeal to the Board of County Commissioners of the condition imposed by the CDRC on the preliminary and final development plan. The site is located at 63 College Drive within the Community College District, within Section 21, Township 16 North, Range 9 East.

On September 9, 2014 the Board of County Commissioners approved a master plan application submitted by Vedura Residential Operating, LLC, for a multi-family residential community consisting of 214 residential units on 22 acres. The final order was approved by the BCC on January 13, 2015 and recorded on January 14, 2015 in the County Clerk's Office. On May 21, 2015 the County Development Review Committee approved a preliminary and final development plan for a multi-family residential community consisting of 200 residential units in conformance with the approved master plan. Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code, and Santa Fe County Ordinance 2000-12, the Community College District Ordinance.

The CDRC also recommended approval to the BCC of a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet, and a variance of Article V, Section 8.1.4 of the Code which states that dead-end roads may not serve more than 30 dwelling units. The CDRC's approval of the preliminary and final development plan and variances included staff conditions as amended, with an additional condition imposed by the CDRC that no construction of buildings may begin until actual construction of the southeast connector begins.

The applicant is appealing the additional conditions imposed by the CDRC on the preliminary and final development plan to the BCC. The applicant states, This condition is in direct conflict with the BCC's decision to approve the master plan. The BCC's decision was not based on construction of the southeast connector roadway. To the contrary, the final order contemplates the possibility that the project will move forward without construction of the southeast connector roadway. This basis for the decision is detailed in the following excerpt from the final order: The applicant provided a traffic study which confirmed the need to evaluate the level of service at the adjacent intersections prior to development plan approval in order to determine what road improvements would be necessary to attain adequate traffic flow. If the project develops without the benefit of an anticipated road project called the southeast connect a traffic analysis will be required to evaluate necessary improvements on Richards Avenue such as a slip lane, and how much development Richards Avenue, with or without

improvements can support.

The applicant confirmed that offsite road improvements provided by the applicant could be required as part of the preliminary and final development plan approval process for the project. The applicant also states the traffic impact analysis that was submitted with the development plan application recommends improvements to Richards Avenue to attain adequate traffic flow. In response to this recommendation the County approached the applicant with the following request. In lieu of improving Richards Avenue the applicant will construct College Drive from its current terminus at Burnt Water to the western boundary of the future southeast connector right-of-way.

The applicant agreed to this request. The applicant would delay commencement of the building construction. The applicant and County agreed that building construction would not commence until June of 2016.

Staff's recommendation to the CDRC stated the following: The variance request could be considered by the CDRC to be a minimal easing of the code requirements due to the fact that the variances are only required for a temporary period of time. Once the southeast connector is constructed the project will provide a road network that will integrate automobile, pedestrian and other modes of transportation in a safe and controlled manner and interconnection will be provided as shown on the CCD circulation map. Other than the proposed variance requests the project complies with code, ordinance requirements for the preliminary and final development plan. Staff recommended approval of the preliminary and final development plan. Staff also recommended that the CDRC impose a condition as to the start date of vertical construction of the project to minimize the time that any variances would be required.

The applicant requested a June 2016 start date. Public Works requested an August 2017 start date. The CDRC determined that the start date should begin with the commencement of construction on the southeast connector because a definitive timeline for the southeast connector was not available to weigh whether June 2016 or August 2017 would be the most appropriate start date.

On June 16, 2015 the Public Works Director submitted a supplemental memo to correct any misunderstandings that may have occurred at the CDRC hearing in regards to the Public Works comments. The memo addresses the southeast connector's timeline, cost, funding, and impact on the proposed development.

Staff recommendation: It is at the BCC's discretion either to grant the appeal and remove or modify the CDRC's additional condition, or deny the appeal and keep the CDRC's condition.

Vedura Residential Vedura Residential Operating, LLC, applicant, JenkinsGavin, agents, received conditional approval From the County Development Review Committee for preliminary and final development plan for a multi-family residential community consisting of 200 residential units on 22 acres. The applicant requests BCC approval of a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet, and a variance of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 8.1.4, which states that dead end roads may not serve more than thirty (30) dwelling units. The two variances were the subject of a recommendation to the Board of County Commissioners by the CDRC.

On September 8, 2014, the Board of County Commissioners approved a master

plan application made by Vedura Residential Operating, LLC, for a multi-family residential community consisting of 214 residential units on 22 acres. The final order was approved by the BCC on January 13, 2015 and recorded January 14, 2015 in the County Clerk's Office.

On May 21, 2015 the County Development Review Committee approved a preliminary and final development plan for a multi-family residential community consisting of 200 residential units. In conformance with the approved master plan, Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code and Santa Fe County Ordinance 2000-12, the Community College District Ordinance. The CDRC also recommended approval to the BCC of a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet and a variance of Article V, Section 8.1.4 of the code, which states that dead-end roads may not serve more than 30 dwelling units.

The applicant requests approval of a variance of Section 6.E.3.c of the CCDO to allow a no-outlet roadway to exceed 300 feet and a variance of Article V, Section 8.1.4 of the code which states that dead-end roads may not serve more than 30 dwelling units.

The applicant states the variances are necessitated by the fact that College Drive will temporarily be a dead-end road until the completion of the southeast connector. This is a non-self-inflicted condition which is temporary until the construction of the southeast connector. Construction of the roadway will not result in conditions injurious to health or safety as the road will be built to County standards with the requisite emergency turnaround. Once the connection to the southeast connector is constructed College Drive will no longer operate as a dead-end road.

The CDRC approval of the preliminary and final development plan and variances included five staff conditions, as amended, and imposed a sixth condition which states no construction of buildings may begin until actual construction of the southeast connector begins. The applicant is requesting that that condition imposed by the CDRC be removed from the variances.

The proposed 200-unit apartment community is 0.26 miles east of College Heights Subdivision and northeast of the Santa Fe Community College. The one- and two-bedroom units are dispersed among two story buildings and there are two single-story garage buildings on the west side of the property. A community center serves as a gathering place offering a fitness center, lounge areas, an activity room and a business center with a conference room. Outdoor amenities include a pool, spa, barbecues, a fire pit and covered patio areas.

The project will gain access via an extension of College Drive from the current termini of Burnt Water Road. The applicant will extend College Drive approximately 3,140 feet to the west boundary of the future southeast connector right-of-way terminating in a temporary emergency turnaround. The new roadway extension will be constructed in accordance with CCDO standards as a village connector highway. A revised traffic impact analysis was submitted based on the timing and availability of the southeast connector.

The applicant proposes to delay commencement of the building construction of the apartments until June of 2016 in an effort to allow time for future connectivity to the southeast connector. The applicant's construction schedule shows 40 units online, ready

to be leased by July 2017, with all 200 units available by January 2018 and lease stabilization June through August 2018.

The project will be served by the County water utility with the construction of a 12" waterline on College Drive connecting to an existing 16" main in Richards Avenue. A 10" public main will loop through the site to serve the project. Each building will be equipped with automatic fire suppression and six hydrants will be distributed throughout the site.

On March 24, 2015 the BCC approved a new water delivery request in the amount needed for the development's water budget.

Building and Development Services staff has reviewed the applicant's request for a variance of the CCDO's Section 6.E.3.c and Article V, Section 8.1.4 of the code for compliance with pertinent code and ordinance requirements and has found that the request is not in conformance with code and ordinance requirements and that the code and ordinance require the following roadway circulation within the Community College District shall provide a network of roads that will integrate automobile traffic, pedestrian and other modes of transportation in a safe and controlled manner. Within each development roadway circulation shall be interconnected as shown in the circulation map. The developer shall be required to construct any portion of the roadway necessary to maintain connectivity throughout the CCD. All road construction shall conform and comply with AASHTO standards, ITE guidelines, New Mexico State Highway and Transportation Department specifications and all applicable national codes.

The variances requested are temporary in nature and they will only existing until the southeast connector is constructed. The applicant proposes to construct College Drive to CCDO road standards to connect Richards Avenue to the southeast connector. The code does not address temporary variances.

Staff recommendation: The variance request could be considered by the BCC to be a minimal easing of the code requirements due to the fact that the variances are only required for a temporary period of time. Once the southeast connector is constructed the project will provide a road network that will integrate automobile, pedestrian, and other modes of transportation in a safe and controlled manner and interconnection will be provided as shown on the CCD circulation map. Other than the proposed variance request, the project complies with code and ordinance requirements for the preliminary and final development plan.

The CDRC recommended approval of the variances of the CCDO Section 6.E.3.c and Article V, Section 8.1.4 of the code and approved the preliminary and final development plan for a multi-family residential community consisting of 200 residential units on 22 acres with the following five amended staff conditions. CDRC also imposed a sixth condition on the approval of the preliminary and final development plan and variances. With that, Mr. Chair, I stand for any questions.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Jose, could you go to page NB-49 and 50? And I'd like for you to walk us through the votes from the CDRC. I see four sets of votes and I'd like for us to be clear about what occurred. So in the third paragraph on 49 I'm seeing the first set of votes as 1 to 5.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, that's correct.

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That was on the motion to approve the project with staff conditions.

COMMISSIONER STEFANICS: And the staff conditions included – the road completion or not?

MR. LARRAÑAGA: I'm sorry?

COMMISSIONER STEFANICS: The staff conditions included the road completion or not?

MR. LARRAÑAGA: It recommended, staff recommended – actually if you turn to the variance case, Exhibit 2 I believe.

COMMISSIONER STEFANICS: So I just want to be – I want us all to be clear about there's four different sets of votes taken between page 49 and 50 and I'd like to just for all of us to be clear what the CDRC said and did.

MR. LARRAÑAGA: So Exhibit 2 on the appeal is the original staff report to CDRC and on page NB-18 is staff recommendation with the conditions and a statement about the start date. So that was what was moved for approval by Committee Member Anaya which was voted against. And then there was the next motion which included the condition that no construction would start on the appeal, which included the no construction of buildings may begin until actual construction of the southeast connector begins.

COMMISSIONER STEFANICS: That was a 3-4 vote? On page 49. The 1-5 was with staff conditions, the 1-5 vote.

CHAIR ANAYA: Commissioner Stefanics, the first one failed which was requesting no condition on construction, failed 3-4 and then it passed 4-3.

COMMISSIONER STEFANICS: Right. Mr. Chair, what I'm pointing out, what I'm trying to point out here is that the CDRC went back and forth on this issue several times itself and it was not – it was a simple majority not full majority. So is there anything else that you want to tell me about these votes being so close?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, again, there was some discussion about the access and the start time and hence our recommendation was to – the applicant was asking for a certain start time and Public Works was stating a different start time and that's where the discussion came on the start time and then implementation of this condition by the CDRC.

COMMISSIONER STEFANICS: So Mr. Chair, I had a discussion today with our County Manager about the road, not these building projects but the road. And at the last MPO we just approved the plan that has the road in for 2018. Not 16, not 17, but 18. And the County Manager said we have the money, we have the \$5 million for 16 and the staff asked me for the extra money so it could be started and completed by 17. And I said, well, the MPO plan is 18. So one of the issues I'm pointing out is that we don't really have clarity about this one condition. I'm not saying it throws the case one way or another; I'm just saying we don't have clarity. And that was my point. So that's the only question I had. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Any other questions of the Commission? So I would like staff to get me the minutes when we deliberated on the master plan. Because we had a discussion during the master plan discussion on this very issue, this Commission. Not the CDRC, but this Commission had a deliberation. This issue came up and we in the master plan approval had specific

questions and specific discussion on this particular issue. And as I recall, I want to see the minutes and I'll read them into the record, but as I recall we deliberated on that discussion and the discussion centered around any improvements necessary. Not the completion, not the construction start of the connector, but that any traffic patterns that would adversely – or any increase or additional requirements would have to be evaluated within the current system. Not based on the construction of the connector, not based on start or completion of the connector.

Because in the master plan discussion we had a long discussion about that issue. So if staff can get me the minutes from our deliberations as a Commission, because I'm a little puzzled as to how those wouldn't have been included with the CDRC so that he CDRC could have seen what we talked about as Commissioners. Because we specifically talked about that in the master plan. I'm not debating whether it was appropriate for them to hear preliminary and final; that's their responsibility, but we had a lot of discussion in the discussion at the Commission level at master plan about the project and the southeast connector. So if somebody could get me those minutes I'd appreciate it.

So is the applicant present?

JENNIFER JENKINS: Good evening, Chairman, Commissioners, I'm Jennifer Jenkins with JenkinsGavin Design and Development here this evening on behalf of Vedula Residential and Elevation multi-family community.

CHAIR ANAYA: If you could get sworn in.

[Previously sworn, Jennifer Jenkins testified as follows:]

MS. JENKINS: So also with me this evening is Oralynn Guerrerortiz with Design Enginuity who is the civil engineering consultant on the project, and behind her is Eric Ray with Bohannon Huston, who is our traffic engineer, also be available for questions.

If I could have the slide show please. So as a little bit of background, back in September as was referenced by Chair Anaya this body approved a master plan for the Elevation multi-family community proposed in Rancho Viejo. And there was much discussion that evening about access, the southeast connector and how that was going to be resolved, which I will speak to here momentarily. On May 21st the County Development Review Committee approved the development plan for the project as well as recommended approval of a couple of variances that staff asked us to request, and they also imposed an additional condition of approval as referenced by Mr. Larrañaga.

So just in the second page there, I'm not sure how many of you have your monitors on or just are looking at our handout, but it just reflects the location of the project off of what is going to be a new extension of College Drive. Currently College Drive terminates here at Burnt Water, which is the access to the College Heights neighborhood here, and this is a new proposed extension of College Drive, and the apartment community is about a quarter mile east of College Heights and just kind of at the northeast corner of the Santa Fe Community College.

So in September, the master plan was approved. And on page 3 of your handout is the very specific section from the final order that specifically addresses this question of access. It says the applicant provided a traffic study which confirmed the need to evaluate the level of service at adjacent intersections prior to development plan approval in order to determine what road improvements may be necessary. If the project develops without

the benefit of the southeast connector a traffic analysis will be required to evaluate necessary improvements to Richards Avenue.

The applicant confirmed that offsite road improvements may be required as part of the final development plan. It's very important. It's exactly what Chairman Anaya was speaking to. This was the discussion and the basis for the approval of the master plan.

So we did a traffic impact analysis. We did one for the master plan. We updated the traffic impact analysis for our development plan approval in accordance with the master plan, and yes, we have a delay issue, an inadequate level of service issue in the morning at the Willowback Road roundabout that leads into Oshara as well as at the College Drive roundabout. So for 15 minutes in the morning. So when you see there in the chart, you see where it says TIA, and that shows the actual period of delay.

So an interesting thing, we submitted the traffic impact analysis to the Public Works Department and they came back and they had an interesting request which was a first for me but I'm actually really glad they did it. They asked us to do a simulation. A simulation is basically a computer model that is a video that actually shows how cars behave on the roadways. You input all the data, all the background traffic, the traffic that this project will generate, and they wanted to see it graphically. What's really happening in the simulation? And the interesting thing about the simulation is it doesn't show an unacceptable delay in the morning.

It was really fascinating. We met with Public Works. We showed them the simulation. We gave them the DVD for the simulation, and what the simulation showed is, yes, things in the morning do slow down a little bit but things keep moving. So it was quite an interesting exercise. And yet we still have, per the traffic impact analysis, we still had some delays in the morning that need to be addressed.

So this, in addition to the traffic impact analysis, in addition to the computer model simulation, we also onsite in person, analyzed the actual travel time of the Richards Avenue corridor, sat out there and timed it and drove it. And we discovered the same thing that the TIA represented is we have this, out of the 24-hour period, we have 15 minutes in the morning where things slow down, and we have that delay period in the morning.

So the traffic impact analysis said we could do a couple of things to these two roundabouts, the Willowback roundabout and the College Drive roundabout, to mitigate that delay, and the proposal was to add an additional lane to each of those roundabouts.

So while all this is going on, and we're working with Public Works and reviewing the TIAs and doing the simulation there were also some things that were shifting and changing a little bit with respect to the southeast connector project, and I just want to touch on those briefly. So what we see right now and on that next page of your handouts, this is what the alignment study was heading toward when we were here in September when the master plan was approved, and basically, what you see in the white there is the alignment of the southeast connector, which is basically, this is where the project is located so it was basically coming right down the west side of the proposed project.

So that's what we thought the southeast connector was going to look like back in September. But since then there have been some changes. So this is currently showing the preferred alternatives and basically, the southeast connector has moved further to the east. This is an overhead power line easement, the orange here, and then this is another

alignment that just is a little further east as well.

So the southeast connector project has a few different components to it. Coming down off of Rabbit Road, we have an alignment coming here, then a new extension of Avenida del Sur to connect into the existing Avenida del Sur here, and this is Richards Avenue. We also have the northeast connector up here which is sort of going to function as a frontage road along I-25 that will connect into Dinosaur Trail. And then we have the extension of College Drive.

So a couple of things happened. The southeast connector moved much further east than what was originally contemplated. It doesn't even go through the subject property anymore. And College Drive was removed from the project. It was removed from the project. It was designated as a developer-funded roadway. Okay. So we had – we had our TIA, we had the recommendations for the improvements that would be necessary on Richards Avenue per our master plan approval, and then staff reached out to us and we had a meeting. And the Public Works Department expressed concern about the improvements that we were proposing on Richards. They were concerned about potential driver confusion and the additional lanes of the roundabouts, and they said, you know, if we're going to make that big of an investment, or even a private sector developer make that big of an investment to address 15 minutes of the day, don't know if that is a wise use of funds.

However, in lieu of that we would like you to build the entirety of College Drive from its current terminus at Burnt Water all the way to the where the future southeast connector will be. We said, okay. We will give you College Drive. It's a \$1.4 million roadway. Because I think it's very clear that without College Drive the southeast connector project isn't a complete project. If all the vehicles coming down the southeast connector are all going to dump right here at the intersection of Avenida del Sur and Richards Avenue, it's not good traffic planning. We recognize that, and I think the Public Works Department recognizes that. So we said, okay, we will do that.

And then there was the discussion about end. In addition to you funding the complete construction of College Drive we would like you to delay your construction and we said, okay, again. We said yes, we will delay construction. When we were here in September for the master plan approval we were very transparent that there may be and would likely be a gap between the time that residents begin moving into this project and the completion of the southeast connector. We discussed it. We were very clear about that and we were prepared and willing to do what is necessary with respect to that. But we concur with staff. We concur with Land Use and Public Works that this is a better use of funds. College Drive is more important in the bigger picture for the Community College District, for the southeast connector project, and for the overall connectivity that is contemplated in the Community College District Ordinance.

So this is just zooming in on that portion of the map and as you can see here on the next page where we have what is – the alignment that's in orange, it's my understanding through my dialogue with Public Works, that's probably the more preferred alignment but as you can see, whether it connects here or connects here it's not a huge difference there. And so we have done everything that has been asked of us. So we agreed to build College Drive, we agreed to delay construction. At the time when we first had this conversation we agreed to a 14-month delay. And the beauty of this is

based upon the schedule that we've received from Public Works for the southeast connector.

We will finish our leasing activities the summer of 2018 and that is the same summer that the southeast connector is slated to be complete. So we actually are running parallel paths. We'll be under construction; the southeast connector will be under construction. And College Drive will already be there by the time they get there so the connection can be built.

We have significant concerns about the condition imposed by the CRDC because it is in direct conflict with our master plan approval. When we were here in September we stated that there were three guiding documents that governed this property in Rancho Viejo. There was the Rancho Viejo master plan, followed by the Community College District Ordinance, followed by the Sustainable Growth Management Plan. Those are the only guiding documents. All of them not only contemplate multi-family housing, encourage multi-family housing, they permit multi-family housing. This property has been zoned for multi-family housing since 2000.

So now we have one more guiding document, the master plan for this project. And all we ask is the opportunity to proceed in accordance with that approval. And in the process, providing really significant public infrastructure improvements for the benefit of everyone. So as stated by Mr. Larrañaga, staff felt it was appropriate for us to request a couple of variances from the County code with respect to the potential temporary nature of the dead-end of College Drive. So we're going to build this, and it has to be built before anybody can even start moving in. There'll be a temporary cul-de-sac/emergency turnaround, and since – although it's a temporary situation it will be a dead-end for a short period of time. So we did – we requested a couple of variances, one of which relates to just the length of the dead-end and one of which relates to the number of dwelling units that can be accessed from a dead-end. And the CDRC recommended approval of those variances and we ask for your approval of those variances this evening as well.

The interesting thing about the dwelling unit count is although the County code says 30, the International Fire Code has different regulation. The International Fire Code states that if you have automatic fire suppression, which this project is absolutely equipped with sprinklers inside all of the units and all the buildings, you can have up to 200 units on a dead-end road. So the International Fire Code is very explicit on this point. And I believe Fire Marshal Patty is here who'd be happy to speak directly to this. And our development plan is originally – is a request for 200 units and we're requesting an approval for 200 units tonight. However, there already are 20 homes in College Heights and so Mr. Patty has asked us, and there's a new condition imposed that we were actually only be permitted to occupy 180 units until the southeast connector – until that connection is made and we have that other means of access, and we're fine with that. We're absolutely fine with that. So we're going to be able to construct the 200 but only 180 will be occupied. So we are completely in compliance with the International Fire Code.

And one thing you may hear a little bit tonight. There's been concern expressed by some residents in the area about, well, what happens in case of an emergency? And that's a very valid question and that is why the automatic fire suppression is so critical and why the International Fire Code – that creates an incredible opportunity for response

time and life safety and addresses a lot of issues. This property is not in a wildland interface zone where there's high danger in terms of the amount of vegetation in the area, so this is not a typical fire hazard area as defined in the County Code. And so we looked at, well, what does happen if there's an emergency? Say there has to be an evacuation.

So what we're showing on the next one are the green arrows are cars exiting, coming down towards Richards Avenue if there's an evacuation, and the red arrows are showing emergency response coming from the south, because they would be coming down Rancho Viejo Boulevard and coming down Avenida del Sur, so they would be coming from the south, and they would be coming in College Drive as the cars are exiting and heading north. This is just – so we're just showing this graphically to say there is a – obviously, if there is an emergency and there's a need for an evacuation there are plans for this, and this is the responsibility of your emergency responders. The International Fire Code would not permit this if it were not something that was deemed to be acceptable. And we're happy to comply with that.

So with that I will be happy to stand for questions. And again, all we're asking for is an opportunity to proceed in accordance with our approved master plan. We have invested significant time and funds in moving forward in good faith based on those approvals and we ask the opportunity to continue to do so, and I appreciate your attention. Thank you very much.

CHAIR ANAYA: Thank you. Questions of the applicant? Seeing none, this is a public hearing and I will open the public hearing. Is there anyone who would like to speak on this item? If you would please come forward and line up. We're going to have a timer up on the screen behind me. I was at the City of Santa Fe speaking on one of their cases last week. They provided a minute and we're not going to do that. We're going to be a little more generous than that. We're going to put up a 90 seconds, a minute 30 seconds per speaker on the screen up there. So if you would please say what you need to say and please don't be redundant.

[Those wishing to speak were placed under oath.]

[Previously sworn, Phil Griego testified as follows:]

PHIL GRIEGO: Thank you, Mr. Chair. Mr. Chair, as you know I represented this district here, District 39, for almost 18 years and Rancho Viejo was part of my district. And I met with these citizens back in February when they came to talk to me about the approval of the project and the information that we received, or my staff and I received was that the project was approved and it was approved under executive session and not a whole lot of input. But that's neither here nor there.

We're here today to talk about the request for a variance and the request to override the CDRC. And the citizens of this area, Mr. Chair and members of the Commission, are requesting that this entire project be tabled until a complete and full study of the adverse impact that this project is going to have on the entire area, not only Rancho Viejo, but you're looking at Nava Ade, you're looking at La Pradera Subdivision, Oshara Subdivision, that whole area is going to be affected by the amount of traffic that this project is going to create.

This project in and of itself, Mr. Chair and members of the Commission, would change the total landscape of that whole area and it will destroy the intent that these people had when they purchased their property, not to speak about what it's going to do

the property values of that area, with the amount of traffic that is coming in and out of this 200-unit apartment complex.

Also, Mr. Chair and members of the Commission, you need to be informed that these people who are going to be affected, their safety, health and welfare is going to be adversely affected by this, were never involved in the traffic study that was presented here tonight. They were involved in the connector and that's why it was removed to the east, but they have never been involved and give an opportunity to discuss the issues regarding the traffic impact statement that was done here today. And I don't know, Mr. Chair, whether there has been a complete study of the effects of this project of that whole area.

And Mr. Chair, you were absolutely right. You need to look at the minutes of your meeting to make a determination whether the CDRC undertook under their consideration your discussion. And Commissioner Stefanics, you're absolutely correct to discuss and to talk about and to be concerned about the dates that were set in order to create the traffic safety.

CHAIR ANAYA: Thank you, Senator. I let you go quite a bit over because I didn't start it but I appreciate your comments and your feedback.

MR. GRIEGO: Well, Mr. Chair, the only thing I ask is that you listen to these people as they come and they speak before this Commission, because, I want to tell you, they are going to be adversely affected. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you. So do we have it on there now? And we'll go ahead and turn the mic off when it gets to the end. Go ahead and start.

[Previously sworn, Susan McGrew testified as follows:]

SUSAN MCGREW: My name is Susan McGrew, 3-B Dean's Court. My concern is the emergencies. We are surrounded by open grassland and pinon, which is usually tinder-dry. There are 15 to 20 families with horses on Meador Lane. They would have to exit on College Drive, the only exit for them. There are 20 families on Dean's Court. They would have to exit on College Drive, the only exit for them. There are hundreds and thousands from Santa Fe Community College – students, faculty, staff – and they only have two exits. Half of them would be coming out on College Drive. There are, across the road there are 500 little kids from the Catholic elementary school plus faculty and staff coming onto Richards. The only exit they would have. So you add 200 apartment units, that's at least 400 people, 400 cars, all trying to get out on College Drive, a single two-lane road.

It would be chaotic and the little diagram that shows cars exiting onto Richards, it wouldn't happen. It would be pure chaos and Richards would be bumper to bumper. So it would be a chaotic disaster and loss of life and it could end up being lawsuits that could bankrupt the County and the County Commissioners. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Jerry Wells testified as follows:]

JERRY WELLS: My name is Jerry Wells, 14-A Dean's Court. This is not a conflict with your decision to approve the master plan as JenkinsGavin has presented in their appeal. It is in fact a self-inflicted condition of their own making. This is what results when the County approves spot development rather than requiring a cohesive and comprehensive development plan. JenkinsGavin presents the appeal as though the matter

of the southeast connector was a done deal at the time of the approval for the Elevation multi-family apartment complex and was not considered in the approval. The connector was requested by the residents of Rancho Viejo around 2009 and 10 as a relief route for Richards Avenue traffic and relief from the north entry into Santa Fe Community College.

The only known factors at that time of approval was that College Drive would be one of the roads leading to the apartment complex and that the southeast connector was anticipate to be in the general area but no decision had been made as to the final location of this roadway. This is a simple question of what the County ordinance says about dead-end streets. Such streets may not have more than 30 dwellings on them. Why? To protect the public safety in the event of an emergency evacuation. Currently there are three dead-end streets tied into College Drive – Dean’s Court, Meador Lane and the dead-end at the west end of College Drive at Santo Niño School.

There are a total of 25 homes on the dead-end streets of College Drive and Meador Lane. In addition to these dead-end streets an estimated 600 parking spaces --

CHAIR ANAYA: Thank you, sir. If you could wrap up please.

MR. WELLS: I’m trying. This is not an issue of not in my backyard as Elevations project has been approved. This is and always has been an issue about infrastructure planning and having the infrastructure in place prior to development.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Anna Hansen testified as follows:]

ANNA HANSEN: Hello. My name is Anna Hansen. I live at 2008 Kiva Road and from 2004 until 2010 I was the direction of community building for Oshara Village. And I am concerned about Oshara Village and the impact that this will have on them. I want to make sure that the northeast connector is going to be complete before this project is done. I think that the whole road network out there needs to be completed. Oshara Village paid for the connection to make all of these roads happen. I worked with the Federal Highway Administration to get the northeast connector opened up. I know how difficult it was. That was a huge undertaking to get that road, Rabbit Road, opened up and connected to Dinosaur.

Oshara Village needs to be sealed off or those roads need to be redesigned in there so that the traffic is not so heavy for them. So this is going to add more traffic. The other thing that I’m glad that staff recommended to Ms. Jenkins. Richards Avenue cannot be widened. There is no easement on the roundabout. Jane Petchesky gave only enough easement on that land so that the roundabout can only be there.

There’s a lot of other things I would like to say because I have a lot of history and information about this area and I worked on it for a number of years. I am not opposed to growth and I’m not opposed to this project, because the County has developed this area as the growth area. But let’s get the roads done. Let’s know what we’re building so that we can protect the citizens who live there and especially the people who live in Oshara Village.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Gail Evezich testified as follows:]

GAIL EVEZICH: Good evening. My name is Gail Evezich. I’m at 6-B Dean’s Court. I’m going to scrap what I had prepared to not be redundant, but basically,

this is about safety, clear and simple, and the absolute necessity of that southeast connector. There was a lot of talk, a lot of diagrams of the traffic but if you live there and you drive those roads every day it's a lot worse than it seems. And if you can imagine 200 additional dwellings, what we already have and everyone attempting to exit on College Drive and Rodeo it will be a disaster.

I actually spoke with the project manager of the southeast connector just this evening before walking in here. The plan that's in place, and I think we need to be really realistic about the southeast connector plan. The money's there; that wonderful; the plan is in place. But two very critical phases of land acquisition, design, still have to happen. Land acquisition itself can go on for months, maybe a year. Who knows? The idea that a road this significant is going to happen on time and on schedule and on budget, probably not going to happen. I think that's realistic. And if you live anywhere in that area that road is absolutely necessary and I ask you to seriously consider the effects of all of those neighborhoods, in addition to 600+ parking spaces in the Community College exiting on College Road. We have to have the southeast connector in place before those apartments are opened up. Thank you.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Ken Vellon testified as follows:]

KEN VELLON: My name is Ken Vellon and I live in La Entrada. I've been asked to read something for Jim Shuba, 9-A Dean's Court. He had to leave. He was here until 6:00 but then he had to go. Meador Lane has been in the Meador family since the mid-sixties. It was not until the eighties that the County named the road after the Meadors since addresses were needed to deliver mail. Meador Lane is a private road to residents with a no trespassing sign as you enter. As a result, the County has no responsibility to maintain the road.

Meador Lane is a single lane dirt road requiring a vehicle to pull over at certain points to allow an oncoming vehicle to pass. The road is maintained using a tractor owned by Steve Meador to level the washboard road when inclement weather occurs. Either Steve or a neighbor, Richard Roundmount, provides the labor of operating the tractor with expenses shared by some residents. At times, the tractor needed to be used when residents slid off the road. Aside from people needing to evacuate in case of an emergency, horses and horse trailers would be evacuated as well as that is owned by some of the residents. There is no ingress or egress related to Meador Lane. You enter and you exit only from Burnt Water Road and/or Dean's Court.

An earlier map reflected Old Galisteo Road intersecting Meador Lane. That was a mistake. The more recent and correct map reflects Old Galisteo Road ending much before Meador Lane. In conclusion it was Steve's opinion that the original written master plan requiring single family homes should have precedence and not be allowed to change. Residents along Dean's Court relied on the master plan in making their decisions to purchase. His opinion, as well as all of us will suffer a dramatic decline of property values should this change be allowed to happen. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Al Padilla testified as follows:]

AL PADILLA: Mr. Chair and Commissioners. Al Padilla. I live at 8 Dean's Court. Buenas tardes. And just common sense governance. The road needs to be

built before there's development out there. There is some statements that were made about the traffic and reality and we see it every day with our college students coming in and out of the Community College off the College Lane. So we appreciate your full consideration and concern for that. Have a good evening.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: My name's Eileen Gorman. I have a PhD in biochemistry. I've lived in Santa Fe for ten years. I live in Rancho Viejo, Village 1. And I'm going to summarize my comments. The appeal of the variance should not be granted for safety reasons. The CDRC made that clear. The Public Works Division made that clear in their first memo that I saw in the packet that was dated in January. I understand there was a later memo that addressed that also and there was a memo in June as well.

If we can't make changes to adjust a master plan, which is the way Ms. Jenkins characterized it, I believe in September of last year, in an impassioned pleas to move it forward. If we can't make a change for safety's sake then what will we make a change for? And we haven't negated the plan; we've just asked for wisdom in the timing so that the whole community can be safe. If you've ever been involved in an evacuation of the Community College because of weather, you know how bad it can be. And they're not the only ones that evacuate. The Catholic Church evacuates, the school evacuates and the three other campuses that are out there evacuate along Richards. If there were a true emergency out there it would be a real emergency and one that the first responders would not be able to respond to.

In addition to that, the taxpayer residents of the area are highly responsible, educated community members with a wide range of expertise. They are PhDs, MDs, lawyers, community leaders, Fortune 100 company leaders of the past, diplomats, lawyers, other professionals of the area. They have a lot of high experience and are credible witnesses who speak from experience that matters. The testimony of this important constituency should not be brushed aside as irrelevant because expensive consultants are not present to give that same testimony.

The homeowners who are taxpayers do not have deep pockets for consultants. However, they are the taxpayers and the voters who care about their community. And the testimony of us should be taken into serious consideration in these matters. Thank you.

CHAIR ANAYA: Thank you. Go ahead, ma'am.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Could I ask the staff, they brought us the August minutes; they didn't bring us the September minutes.

CHAIR ANAYA: I was going to tell them that as well.

COMMISSIONER STEFANICS: While we finish hearing people could the staff get the September minutes where we actually took the vote. I'd like to see that because I'm trying to recollect something. Thank you.

[Previously sworn, Pat Parent testified as follows:]

PAT PARENT: My name is Pat Parent and I reside at 10 Dean's Court. I'm a retired foreign service officer. The current situation is already dangerous. We have a dead-end at Meador, a dead-end at Dean's Court, a dead-end at College Drive and a

dead-end over by Santo Niño School. So when the college evacuates 634 cars from the back – I counted every parking space except those that had container trucks – and approximately 2,000 cars exit from the front. They cut off that red line that you saw with the emergency vehicles coming in so if I have a heart attack or someone else does during one of these evacuations what – nobody can get in to us.

The circle is inadequate to meet heavy demand, which has already been determined by the applicant's own consultant, Bohannon Huston. What could happen? Fire, the Pope comes to speak at the college, a bomb threat, a shoot-out at either of the schools, and for my sister, it was only a funeral cortege coming out of the Catholic church that kept her from getting into me. So it's the last thing you really think of that could really create a nightmare situation here.

The southeast connector plan has the route going around the south end of the college to come out on Avenida del Sur so that we don't get all of the traffic from Oshara Village coming in through College Drive and running right into the back exit of the college, which also comes into College Drive.

CHAIR ANAYA: If you could wrap up. You're already over one –

MS. PARENT: So you need a briefing on the southeast connector in the planning, and what are the odds that one of these would happen? Well, one day Murphy's Law will kick in and two or three things will happen, and emergency vehicles will not be able to get in. Thank you very much.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Glen Smerage testified as follows:]

GLEN SMERAGE: Glen Smerage, 186 East Chili Line Road, Rancho Viejo. Ladies and gentlemen, in the next few months you will have several major decisions to make on the southeast connector. Examples should be where to place that connector, how many, where and what form should the intersections with the connector from the side roads. There are several other matters. For example, whether to restrict the north entrance to the Community College to emergency only and open up a new major entrance to the college from the southeast connector. It would be foolhardy and not very responsible to limit the options that we now have for many decisions on the southeast connector while granting the requested variances this evening and allowing construction to proceed before August of 2017.

People of Oshara, the residents, have been waiting for at least six years now for relief from a mindless mistake of this Commission seven or so years ago when it allowed the extension of Rabbit Road through their village.

CHAIR ANAYA: If you could wrap up, Glen, please.

MR. SMERAGE: Let's not permit these variances that have been requested, delay construction beginning until 2017, and perhaps with the southeast connector decisions get a better situation that we're working towards.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Beth Detwiler testified as follows:]

BETH DETWILER: I'm Beth Detwiler, 11 Craftsman Road in Oshara Village in Santa Fe County. I have an investment in my house as we all do who live there. I plan to improve that investment over the next 30 to 40 years with sweat equity. Also, I have asked many times for relief from the traffic problems in Oshara with the

completion of the southeast connector. I'm always told we understand your anxiety and your anxiousness, because you want safety for your family, you want stability for your property. You want a restored quality of life. But you've got to take things in the correct order. Things have to be done right, so be patient.

Now, the developer has an investment in the land he purchased, a big investment. He spent a lot of money. And he wants to get a lot more money back and he wants to get it back fast. That's why he wants the permission to build quickly. I think we need to say we acknowledge, we understand why you want to move quickly. You want money. You want profits. But you have to get things done in the right order. You have to go slowly and carefully. And you're going to have to be patient. Please don't let the trucks roll on this project until the southeast connector is there. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Karen Luban testified as follows:]

KAREN LUBAN: Good evening. My name is Karen Luban and I live at 12-A Dean's Court. I'm speaking tonight because of my concern about building the Vedula 200+ apartment complex with no long-term development plan in place. I ask that you deny the two variances as the developers are way ahead of themselves. Currently we have 1,100 homes or approximately 2,000 people in Rancho Viejo. 6,300 people right now go to Santa Fe Community College, which expects to grow to about 12,000 in the next five to ten years. There's new development occurring right now on Avenida del Sur with the Univest building another 1,200 homes.

This adds up to about 15,000 to 20,000 people on the road, not including the two schools, the businesses and the Catholic church. Last week there was a large apartment complex that was turned down by the City Council because of the site's lack of infrastructure and poorly thought out plan. These are the same reasons we keep addressing with Vedula and yet our voices seem to go unheard. We've already expressed concerns about traffic, fire and all the things that you've heard already. Do not approve a no-outlet road that is longer than the 300-foot maximum or allow more than 30 units on a dead-end road.

Even the Santa Fe Public Works cannot approve those variances. That's stated on page 80. So let local people drive this development plan. Make a development plan that's long term. I ask you to vote on no on anything that has been requested up to this point. The developer needs to wait and studies need to be done or they must leave.

CHAIR ANAYA: Please wrap up, ma'am.

MS. LUBAN: We citizens insist, we insist on having a say in planning developments in our community. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Gerald Schier testified as follows:]

GERALD SCHIER: Ladies and gentlemen, my name is Gera Schier. I live in the Rancho Viejo. I have very few comments. The Santa Fe Land Development Code is in place and has been enacted for a reason. You've been asked to provide a variance. I question that word. You are asked to abolish that code and increase the code from 30 to 200+ units. That's a 700 percent variance. I would not call it a variance and I don't know that if other than being part of the Land Development Code and being on that Commission you should be asked to vote on that. The last comment is that once you

approve this, if you foolishly do so, what prevents the developer from abandoning the connection to the connector and just dump everybody on to Richards. Once you approve that he has a free rein to go in that direction. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Bruce Krasnow testified as follows:]

BRUCE KRASNOW: Commission, Bruce Krasnow, 3-B Dean's Court. I had some dental work done. My tongue's really sore so I'm going to talk slow, so I may need extra time and these two ladies have offered me their time. Is that okay?

CHAIR ANAYA: Sure. I'll give it just this one time.

MR. KRASNOW: Thank you. So we were here a year ago and we talked about the land use for this property and I'm not going to reargue that. We're not going to ask the taxpayers to buy this land, to keep it open. We're not going to ask you to keep it vacant to walk our dogs. We understand this project is going to move forward, it's just a question of when it moves forward. The issue was raised earlier about no neighborhood planning and just so Commissioner Roybal knows who wasn't here last year, the two big issues that we talked about were as the County goes around to Agua Fria, Los Cerrillos, US 285, Tesuque, to do neighborhood planning, there was no neighborhood plan for Rancho Viejo. The neighborhood plan was established about 20 years ago when the developer owned 90 percent of the property so we've never had any input. We've been the flyover community for your Planning Department and we ask that you maybe try to change that.

The other issue was unlike the Community College District this property was platted for single family homes and disclosures were given to us that it would be a single family neighborhood. That's fine. We lost that battle. We disagreed. But we did agree on some things, Commissioners, and in fact I have the September 19th minutes. I've been scrawling over them. We agreed on infrastructure and traffic and the need that these improvements take place. The approval of the final order was not a green light to disregard County variances and disregard County ordinances. Yes, I agree the final order did not say the project was dependent on the connector, but it did not say that it wasn't dependent on other things. It was a red light, a flashing red light. You stop, you make sure everything is safe, and then you can proceed. And that's not what's happening here.

You Public Works Department got it right. The CDRC got it right. And I think your Fire Department got it right when they said this project needs a second ingress and egress. So if you look at the notes from that meeting when you voted, September 9th, Commissioner Stefanics asked the question to Jose about what happens if the southeast connector is not build, and he responds, if the southeast connector isn't built and the traffic analysis comes back that they would increase traffic on the roads to a point where the intersections would be failing, yes, they couldn't build the apartments until they had the proper roads in place.

Penny Ellis-Green also responded further down. The southeast connector was not built the applicant could either wait until it is built or they would have to front the infrastructure costs themselves. And then later on, Ms. Jenkins herself is saying the County staff will not allow a project to move forward unless that project can demonstrate with their development that there are acceptable levels of service on adjacent roadways. They won't let it move forward. It's a requirement. They have to demonstrate acceptable

levels of service.

And then on the last page she said this is our burden. If we can't do it we don't get to move forward. Well, what do we have here? We don't have acceptable levels of service, Commissioners. We have requests for variances. And we not only have requests for variances, these are mega-variances. It's a whopping variance. It's a monster variance. It's seven times what the code allows. Commissioner Chavez, you build furniture. Can you ever imagine a variance that's written that's seven times from the written diagram, 566 percent.

So the larger question is why is there a rush to build this project? Why not come up with a solution that best accommodates both the development and the existing neighborhood? The rush is because there are other pending development projects out there on the market in pre-development stage and we know there's a need for apartments. I'm not going to deny that. No one can deny that. So rushing them to market sooner will mean that they can increase the rents of the units. And -

CHAIR ANAYA: I'm going to give you one more minute to go ahead and wrap up, sir.

MR. KRASNOW: Okay. Anyway, the housing needs study which will come up after you gather this close, the applicant will bring up affordable housing. I'm going to quote from the affordable housing study. The biggest mismatch in the market supply and demand is to very low-income renters. This is a market unit building. It will do nothing for affordable housing. And if the Commissioners want to do something for affordable housing they should pass an ordinance that would require projects like this to deed a portion of the land over to the Housing Trust or to Homewise. We are not afraid of those projects. They are our neighbors and they do good, solid projects.

So, Commissioner Anaya, I know you were at the meeting where Morning Star was considered. Mayor Gonzales talked about a compromise, a win-win, sending it back to the Planning Commission. Both sides rejected it. That's where we were last year. This year it could be a win-win and the win-win would be let them go forward with the project but after the infrastructure is in place. Thank you.

CHAIR ANAYA: Thank you. Tell me your name again, sir.

MR. KRASNOW: Bruce Krasnow.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, David Vigil testified as follows:]

DAVID VIGIL: Good evening. My name is David Vigil and I live at 6-A Dean's Court. I think it's pretty evident that this is not a popular project. As a matter of fact I have yet to see somebody that is not hired by the developer speak in favor of this project. You have a tough job. I disagree with Ms. Jennifer Jenkins when she says that this benefits everybody. I will always stand by my original platform that this is not what I was sold. And in those preliminary meetings that we were having with the County Commission we were asked to go back and have dialogue with the developer. Well, where did that get us? A de-annexation and a sale of the property without our knowledge. We found out at an IALA meeting with a [inaudible].

We're at a critical moment right here because you have the opportunity to do something right here. Do not allow want, and this is a want by very few, to govern the better good of the constituency in which you represent. There's been a lot of things that

have been presented here tonight. There's no harm in exercising patience. I think that's wonderful to just ensure the safety of the residents. I have big concerns about the safety for that. Please assist us in making the right decision tonight. This is very unpopular and a lot of people are keeping a close eye on it. Thank you.

CHAIR ANAYA: Thank you, sir. Thank you for your comments. Are there any other comments? Are there other comments? Hearing none the public hearing is closed. Ms. Jenkins.

MS. JENKINS: Thank you, sir. I just wanted to reiterate a couple of points in response to some of the things that were shared by the residents in Rancho Viejo. When we proceeded with our development plan application, with our traffic impact analysis, with our traffic simulation, with our drive time analysis on Richards Avenue, with our recommendations for the improvements that would be needed on Richards Avenue to have the acceptable levels of service as mandated by this body as part of our master plan approval, we were – County staff reached out to us and said we think we have a better idea. And we said okay.

They said College Drive is a better investment, building the entirety of College Drive, which we've agreed to do, which was a condition of our development plan approval, to connect to the southeast connector. In addition to that we agreed to delay construction. We worked with County staff and we asked this body to uphold the agreement of a June 2016 start date. I think that is the perfect definition of a win-win. We are collaborating with Santa Fe County to ensure the success of the southeast connector project, to ensure that it works and is functional, and we're happy to be a part of that effort. And we simply ask for the opportunity to keep our project viable.

And we agreed to delay for a year. And we ask for the opportunity to keep it viable. That's all. And with respect to safety you don't need to listen to me. Your Fire Marshal has that charged of ensuring life safety. That's why every development project in Santa Fe County hits his office. He and his staff have to review it and they have to make a recommendation. He recommended approval of the master plan. He's recommending approval of the development plan, and I think that he can speak to that better than I can. And with that I'd be happy to stand for any additional questions. Thank you very much.

CHAIR ANAYA: Commissioners, questions or comments of the applicant. So I have a question if you could come up, Ms. Jenkins. Tell me on the record again, when, if you had approval, were you targeting to start construction?

MS. JENKINS: June of 2016 is when we would begin with buildings themselves.

CHAIR ANAYA: And what was the August – I think it was August – what was the 2017 date that was referred to many times in the discussions? If you could speak to that.

MS. JENKINS: Yes, I'd be happy to. Thank you for bringing that up, Chairman, Commissioners. So when we first had the discussions with staff about us building College Drive in lieu of doing those improvements to Richards to deal with those 15 minutes in the morning, we talked about delaying construction, minimizing what we have come to call that gap time period potentially, and I was under the impression that we had come to an agreement that June of 2016 was going to be the recommended start date.

A memo came from the Public Works Department that frankly came as a surprise to us prior to the CDRC that was recommending a summer, an August of 2017 start date. We had serious concerns about that because again, it was counter to what we thought we had agreed upon with staff. I know that Adam Leigland is here who can speak to that and his supplemental memo that he wrote just in June prior to CDRC kind of clarified. So what we are looking at right now is in the summer of 2017, pretty much a year after we start construction, the first buildings will be complete, and gradually – this is a very important point – people start moving in very gradually. Maybe a couple units a week, maybe are leased.

CHAIR ANAYA: Ms. Jenkins, let me just ask you some pointed questions.

MS. JENKNS: Sure.

CHAIR ANAYA: So you're anticipating, or you would like to start on June 7, 2016.

MS. JENKNS: Correct.

CHAIR ANAYA: And you're anticipating completion with units with certificate of occupancy by what date?

MS. JENKNS: Can I have the slide show please. With the schedule.

CHAIR ANAYA: I'm just going to ask you specific questions.

MS. JENKNS: Absolutely. I just want to get my numbers in front of me. So we would basically have completion of the units themselves in early 2018. We would expect all of the buildings to be complete in early 2018.

CHAIR ANAYA: When you say early what are you talking about? March?

MS. JENKNS: January, February of 2018.

CHAIR ANAYA: So let's say January. So you won't have any occupants in the building in lease out phase starting until January of 2018?

MS. JENKNS: No, the buildings will be done sequentially. So our leasing efforts begin the summer of 2017. So we start construction the summer of 2016. Our first residents, potentially, start moving in the summer of 2017. We do not expect to have what we call lease stabilization.

CHAIR ANAYA: So you're going to start leasing out buildings –

MS. JENKNS: The summer of 2017.

CHAIR ANAYA: You would like to.

MS. JENKNS: Yes, that would be the intention.

CHAIR ANAYA: Start construction on June 2016, and you'd like to start lease-up of some of the C of O, certificate of occupancy buildings in August, July –

MS. JENKNS: July of 2017.

CHAIR ANAYA: So July 2017 is when you're targeting to have people moving in. And what is your anticipated completion of the whole property in July 2017?

MS. JENKNS: In July 2017, maybe about 100 units.

CHAIR ANAYA: A hundred units. You'll have 100 units estimated completed by July 2017 and then all of the units completed by January 2018.

MS. JENKNS: Correct.

CHAIR ANAYA: Okay.

MS. JENKNS: And based on the schedule we've seen from Public Works Department the southeast connector is currently slated to be complete the summer of 2018, around the time that we finish leasing.

CHAIR ANAYA: Is Mr. Leigland here? Adam, if you'd come forward please. So going back to Commissioner Stefanics' comments, Mr. Leigland, relative to the resources available that the County has, what is your estimation of a construction timeframe, start to finish for the southeast connector, based on your participation on the technical advisory committee and your work here at the County?

ADAM LEIGLAND (Public Works Director): Mr. Chair, Commissioners, the current schedule has the construction beginning in August of 2017 and construction complete August of 2018. That's assuming that it's 100 percent County funded. The Commission has already allocated – there's already \$5 million allocated and then in the February capital allocation session the Commission also allocated future bond funds so I think it can be considered fully County funding. So the current schedule as I mentioned has construction beginning in August 2017.

The alignment study was just submitted to the DOT for approval so we expect to get that complete by the end of this calendar year. We can go into design and then start construction in August 2017.

CHAIR ANAYA: Based on that timeline and Commissioner Stefanics, made comments earlier about the MPO approval of the STIP essentially, we're fully funding – we would fully be funding this project in your scenario so it's actually a matter of course for us to approve a project timeline if we're funding the whole thing. There's no federal dollars at all?

MR. LEIGLAND: Mr. Chair, that is correct. So the project has been carried on the MPO's project list because it is of regional significance, but because the MPO is showing it so far out in the future this Commission back in 2012 chose to fully fund it. So because of the importance of it, and we heard about that importance today, the Commission chose to fully fund it. That said, what we did on other projects, we decided to accelerate it with our own funds because state and federal funds were going to be slower in coming.

CHAIR ANAYA: Right. It's needed in the area. We had a lot of discussion about it and we all had discussions relative to capital. So could you talk briefly about the memo that Ms. Jenkins just referred to relative to the last CDRC meeting and your input into that process?

MR. LEIGLAND: Yes, Mr. Chair, be happy to. So at the CDRC a member of my staff was presenting the Public Works memo and he was asked a number of questions that he didn't feel he was qualified to ask and so when I talked to him afterwards and I talked to members of the Growth Management Department I felt like some of the information hadn't been properly conveyed to the CDRC. For instance, my staff member wasn't aware that the project was fully County-funded. So he made the comment and you can see that reflected in the minutes, that he was under the impression it was not fully funded. There's also questions about the traffic impact and so I felt that in order to clarify what might have been some misinformation. It wasn't negligence; she just was asked questions she wasn't prepared to answer. I wrote a supplemental memo and so in that memo I just mentioned as I just described here that it's fully funded. I described

the current schedule and that schedule for the southeast connector that I just described to you is the most current as of the day I wrote the memo and then I just described the traffic impacts, the potential traffic impacts based on the analysis that we heard earlier, the simulation and the traffic impacts from the – depending on if the construction were in June 2016 or pushed to August 2017. So in other words, just a clarification of what I felt was maybe some not 100 percent accurate information at the CDRC.

CHAIR ANAYA: Do you have any comments that you want to add as the Public Works Director relative to traffic flows and patterns associated with this project, whether or not the connector is started, completed or done when people start occupying this particular facility, if it was to get constructed? Do you have anything you want to add?

MR. LEIGLAND: Well, Mr. Chair, I think we've heard that the public, if it's allowed to begin in June 2016 will cause traffic impacts. It's undeniable. I think that they're estimating – they use the Institute of Traffic Engineers trip generation rate of .4 trips per unit, so using those data and using the data that you see on the screen here for the number of residents as [inaudible] states, we know that those traffic impacts will be, I think, it looks like it would be like a 20 percent increase in the volumes at the Richards-College Drive intersection on the first phase and then that will gradually increase. So I think that's undeniable. I think the question is really whether that increase in traffic volume is acceptable for what will probably be, if the construction is allowed to start in June 2016, if that increase in traffic volume is acceptable for about a year.

When the southeast connector is done and when the College Drive extension is done I think that will relieve the traffic. I don't think that's in question. I think what really the question is is that gap period, which Ms. Jenkins referred to – she referred to it as the gap – whether that is an acceptable time period to accept an increase in traffic.

So I think that there's no questions on really the traffic volumes, what they look like. That was one of the purposes of the memo was just trying to clearly spell out what the traffic implications would be.

CHAIR ANAYA: Thank you, Mr. Leigland. Ms. Jenkins, I actually went back and looked through the minutes. Actually, Mr. Krasnow, Bruce – if I'm pronouncing that right. I apologize if I'm not. Where is here? Back there. He actually took me quicker to some of the items that I had brought up earlier and in those discussions when he had in the master plan, it's actually pretty clear in the minutes that there was no direct requirement associated with the southeast connector to the actual master plan. There was no direct – there was a lot of concern. There was a lot of desire to make sure that was done but it's pretty clear in the minutes that there was no direct link.

In fact the question was asked and the response you provided was that essentially, whatever the traffic analysis determined was necessary for the property that those augmentations would be made to Richards Avenue to accommodate what Mr. Leigland just referred to as the gap in time. What I'm trying to rationalize in my mind, given the consternation and the frustration that was aired in that meeting and frankly, in going back to the minutes, there was some comments that went over the top that I was pretty frustrated about in the meeting that I addressed at the time, but that being said, the master plan was approved and you had a position and an opportunity to progress with the project. Help me understand now what in essence I'm looking at as maybe about a year in

time. Help me understand why it would be a better investment to you as the representative of this owner to invest in improvements on Richards Avenue for essentially a year period of time, maybe, because you – I worked in the affordable housing industry for many years myself and was directly responsible for multi-family affordable housing in the state of New Mexico for a period of time and I understand the dynamics and the economics of lease-up and that it doesn't happen overnight and it's a process. I lived it and did it myself.

That being said, you're going to invest additional resources and revenue into extra turning lanes and some other work on Richards, if it warrants it, based on the traffic analysis, which is what you said in the master plan. I'm getting there.

MS. JENKNS: I'm with you.

CHAIR ANAYA: What I'm trying to rationalize in my mind, given the impact and the discussions of the community is, is that year that much worth it to the entity to advance those improvements, or I guess what I'm asking is, why wouldn't a period of time that in essence is roughly a year, because the connector's happening. Okay? We're building that connector. This Commission already made a commitment to build the connector and fund it.

MS. JENKNS: Yes.

CHAIR ANAYA: Okay. So the connector is going to be in place and then what you articulated earlier in your comments is that you're going to in fact build the road, College Drive, to connect to it. So help me understand why you would press on a year, given that we are going to have all those – when we did this discussion, Commissioners, and Commissioner Stefanics, she had a lot of points that I was refreshed in my memory of the minutes, not only of the September meeting but of the July meeting, we were wondering if we were even going to be able to have the southeast connector done. And then we made some conscious decisions as a Commission and the importance of capital projects throughout the county, this turned out to be one of the priorities that we wanted to get done.

What I'm struggling with now is a span of maybe a year in which we'll have it all. And I have to ask you that question. So help me rationalize why that 12 months would tarnish the project or kill the project, from your perspective.

MS. JENKNS: Thank you, Chairman, Commissioners, a very valid question and I think one point I want to be clear on, just to make sure we're on the same page is that the recommendations for some improvements to those two roundabouts on Richards per our traffic impact analysis, the County asked us not to build them. They said we don't want it. Instead, we want College Drive. They asked us not to build the recommended improvements on Richards. They said we want College Drive instead. We think it's a wiser investment to spend hundreds of thousands of dollars in Richards Avenue to deal with 15 minutes of the day. They were weighing that, weighing the benefit of that, or weighing the benefit of College Drive connecting to the future southeast connector. So we were asked not to do that.

CHAIR ANAYA: Okay, so Mr. Leigland, if you'd come back to the front. So Adam, when we had the discussion – when we had the discussion I just asked you a few minutes ago what would be the impacts and you said well, there's obvious impacts and there would probably be a 20 percent increase – you threw out a 20 percent. Right?

MR. LEIGLAND: Yes.

CHAIR ANAYA: Based on your understanding thus far and I'm not putting you to the test on every statement that was made here but based on what Ms. Jenkins just said, where are we at from a perspective of the flow necessary for safety purposes and otherwise? Is what she said accurate that we don't want the roundabouts expanded, and I guess I would beg that question as well and say, well, if you're going to build them for a 12-month window and then once the connector's in place and all of College Drive's in place, it becomes moot. Go ahead and respond if you could.

MR. LEIGLAND: Mr. Chair, so the numbers I spoke to earlier were on the increase in traffic volume. So based on the undeniable increase in traffic volumes their first technical solution to address this was to increase the capacity of the two roundabouts and in particular what the proposal was, because they were mostly focused on the northbound movements –

CHAIR ANAYA: So hold on. Let me make sure. Because I've got to make sure I have it square in my head as you're giving it to me. The discussion that we had during master plan, not the preliminary and final, not the discussion that was held at CDRC, the discussion that we had at master plan level was what happens with the increased traffic? That's what we asked. And the response was, well, if the traffic analysis warrants additional improvements then the developer is going to be responsible for those improvements. The only recommendation that came out was increase the two calming circles and add a lane? There was no other alternatives? I guess so include in your remarks some discussion about what options there were. I would think there would be more than just add two lanes to the roundabouts and that's it. Was there other alternatives, or kind of include that in your discussion.

MR. LEIGLAND: Well, Mr. Chair, so the impacts were at the intersections and so when they proposed their technical solution to address the traffic it centered on those intersections and in particular it centered on just a few turning movements. And so when we came back with their solution really all it involved was expanding the capacity of the roundabouts just to address the movements. Because if it was dropping from the level of service B to a C, for instance, that's not triggering for offsite improvements. And so they focused on any – only the infrastructure improvements, the capacity improvements to address where was a demonstrable drop in the level of service.

And so what that resulted in was the ability to increase the capacity, essentially in the northbound direction of the roundabouts and that would double the capacity and then they would have to add the expansions to accommodate the cars going from the one lane of the road to the two lanes through the roundabout and back out. And so they presented that to us. And we heard from Ms. Jenkins that there was a request for a traffic simulation and that resulted in the fact that we saw the two roundabouts. We said, well, that's not something this community is familiar with. That's not something we have a lot of experience with. It looked good on paper but we wanted to see a simulation.

So we did make an unusual request and we did ask for a traffic simulation and I think we did raise their eyebrows but it actually produced – they did produce a simulation and it demonstrated that it would produce as delivered. But then we asked this question that you yourself just asked, which is, well, that's a significant improvement. It would be

in place for a year or two. We do know that we are investing – the County’s investing heavily in the southeast connector and at that time, the College Drive was not part of the project. We were focusing on getting it down to Avenida del Sur so we saw it as a win-win.

So everything she’s saying is right in terms of we saw it as a balance. So we did say instead of the roundabouts, because we said maybe this would be a better solution to provide the longer-term, the bigger picture solution.

MS. ELLIS-GREEN: Mr. Chair, if I could just add something.

CHAIR ANAYA: Sure.

MS. ELLIS-GREEN: The County code actually requires the connection. The Community College District requires connectivity and the no more than 30 units requires that there be a connection. So it wasn’t just as to whether or not we wanted the Richards improvements or the connection, I think the County code really does require it. The variances in front of you is being presented as a temporary variance, because once the southeast connector is built and College Drive extension is built there would be no need for that variance because the project won’t be served from a dead-end road and the connectivity will be there. But I did want to point out that the County code actually does require that that connection happen.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Penny, doesn’t the code also – the code seems to be silent or does not support a temporary variance. Is that accurate?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, the code really doesn’t address temporary variances.

COMMISSIONER CHAVEZ: It does not.

MS. ELLIS-GREEN: No, it does not.

CHAIR ANAYA: Are you done, Commissioner?

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I move that the Board of County Commissioners maintain staff conditions, allow construction and not permit occupancy until the southeast connector is completed.

COMMISSIONER HOLIAN: I will second that.

CHAIR ANAYA: There’s a motion from Commissioner Stefanics, there’s a second from Commissioner Holian. Any further discussion?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would just like to make a comment. The issue that has always concerned me the most about this development in fact is – has to do with traffic and vehicles on the road. Otherwise I think this is the kind of development that is actually needed in our community, high quality multi-unit rentals, and there are a lot of advantages to that kind of a development. Young people these days want to live in smaller, more efficient spaces and it also reduces the need for so much sprawl development. We’ve had a real problem with sprawl development in our county over the years and I would like to see less of that.

But back to the traffic issue. I think that it’s clear that whenever you have denser

development it does lead to more intense use of the roadways, of course, and we need to plan for that when we do that kind of development. And I think that there are safety considerations in this particular case because of the fact that if there is an emergency you immediately have a lot of cars on the road exactly like you have – or maybe even worse – than what you have during rush hour. So I think that when there's an emergency is when you do tend to have a massive traffic jam. And Richards Avenue really has shown that it just can't handle a lot of traffic at this point.

As I understand it it was a road that was designed for 1,000 to 2,000 cars a day and now there's something like 10,000 cars a day on this particular road. So right now I'm really uncomfortable with this development being built if the southeast connector does not happen. I think that it is going to happen; it sounds like it's going to happen but in my 6 ½ years in this office I've seen delays. They're not that uncommon. We don't know for sure exactly when it will happen. So I believe that the CDRC condition was reasonable and therefore I support the motion that was just made.

CHAIR ANAYA: So I just want to clarify, Commissioner Holian, the motion on the table does not preclude them from starting construction as the CDRC condition does? The motion from Commissioner Stefanics allows them to go to construction but doesn't let them occupy the facility until the connector is in place. So it's a little different than the CDRC.

COMMISSIONER HOLIAN: Yes. I agree.

CHAIR ANAYA: I just wanted to clarify.

COMMISSIONER HOLIAN: Yes, and I think that that is fine since if the residences are not occupied then that traffic will not be there.

CHAIR ANAYA: Thank you. I just wanted to make sure. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. Just for the record I did vote in support of the master plan. I think the motion that's being discussed is reasonable. I don't think that we should put the cart before the horse. I think that any development wherever it's placed depends on that infrastructure and I think that that infrastructure, whenever possible, should be done ahead of the development, not after. And so I think that that's the direction that we're heading in so it gives both the developer some consideration but it still allows us to work on that timeframe so that if there is a delay for whatever reason we still know that the occupancy will not occur until after the road network is fully in place to support that development.

CHAIR ANAYA: I'll give you an opportunity to provide some feedback and then I'm going to make a comment and probably vote. Go ahead.

MS. JENKNS: Thank you, Chairman, I appreciate that. I appreciate the Commission's concerns that have been expressed but I need to make a very important point. There's not a bank in the world that will finance a project under those conditions. It is actually an impossibility. It kills the project. It does. It's not – I'm not trying to do any tactics here. I'm just being very candid with you not. There's not a bank in the world that is going to allow you to build a multi-million dollar apartment community and you're not allowed to lease the units. It's never going to happen. And if that is the wish of this Commission obviously we have to live with that. What we are asking for the opportunity to do is to participate in the success of the southeast connector project on a parallel path.

On a parallel path that's consistent with this body's approval of the master plan. That's what we're asking for. And we're asking for a start date that keeps the project viable and that start date is the June of 2016. And I appreciate your thoughts on that but I think it was just such a critical point that I needed to make on that.

CHAIR ANAYA: Ms. Jenkins, I'm going to make a few remarks in relation to that and then I think I'm going to go ahead and go to the vote, but I – as you were discussing the project I was actually surprised that you didn't make any mention of lending institution, whatever financial commitments that you had in place sooner, to be quite honest. But actually, the motion that Commissioner Stefanics provides, based on a known fact, and the known fact is that the southeast connector is going to get built, that even if College Drive as a result of potentially this project not occurring doesn't happen now, the southeast connector is going to get built. This Commission already made the determination of putting the necessary funding in place to make it happen, and we're going to make it happen.

And so as a result of that and the reality that you, along with your investors and whatever lenders you have could go in and provide a determinant timeframe as to start and finish of construction, it will potentially delay the project but that in itself shouldn't kill it, because there is going to be a southeast connector. But that's not up to me. That's up to you and the discussion with your investors and their desire to either go forward or not go forward.

I want to go back briefly to these minutes that I have in front of me. It was a very difficult meeting. There was discussion. There was some comments that were downright inappropriate that I would put forward that I provided a response to. But in those discussions we also said to the neighborhood association and the people that if there was warrant for change that we would need to make those changes and adjustments. I don't think that the comments that were made today by the people that came forward were unreasonable. I think that they know that realistically that there will be probably some multi-family in the Community College District. And if in fact this project isn't the particular project that happens I think there is a realization that there will be some multi-family in the Community College District because the Community College District needs multi-family in it. I've not been shy about saying that. And I won't stop saying that because people need a range of options to choose from. And frankly, in the United States these days more and more people are not buying; they're actually renting.

And so given the economics and the realities that we're faced with I think that the comments were reasonable. I don't think the motion is unreasonable at all. I think it does require you to go make some adjustments if that's the desire of the investors. I appreciate your comments and I very much appreciate the comments of the people that came today to make their case and their concerns known. So that being said, are there any other questions from the Commission? Seeing none.

The motion passed by unanimous [5-0] voice vote.

MR. SHAFFER: So, Mr. Chair, I understood that motion to be with respect to CDRC Case #APP 13-5382. So then there's the separate case of #13-5381, which is the variance. In light of the Board's motion and decision on the appeal, the

variance is no longer necessary but I still think you need to take action on that in order to close that matter out.

CHAIR ANAYA: So, Mr. Shaffer, the motion is different than the recommendation of the CDRC. The motion, if they show choose, affords the master builders to actually move to construction, whereas the CDRC would not have afforded them that. So are we good on that? Is there clarity on that that our motion affords them the opportunity if they so desire, to begin construction. They just can't occupy.

MR. SHAFFER: That's correct, Mr. Chair. I think that that is very clear, and I think that that condition, again, obviates the need for the variance because there won't be any occupancy of the units before the southeast connector comes on line. Whereas, the CDRC condition allowed the possibility for that gap in timing, and that's why the variance was necessary even though it was just a recommendation to this body. It was the possibility of that gap that necessitated the variance. But the motion that was made and approved by the Board eliminates the possibility of that gap and so the variance is no longer necessary.

CHAIR ANAYA: So I'd entertain a motion to deny, then essentially is what you're looking for.

COMMISSIONER STEFANICS: Mr. Chair, I move to permanently table the request for the variance.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to table. What's the relevance of the verbiage of "permanently table"? So no date certain? I guess I'm asking is her language okay? The Commissioner's?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, with respect, I think that the Board should make a decision, because there was an application in front of the Board and one that we will have to memorialize in a final order. So I think that the better course would be to make a decision.

CHAIR ANAYA: I make a motion to deny.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to deny. There's a second.

The motion passed by unanimous [5-0] voice vote.

~~IV. CONCLUDING BUSINESS~~

~~A. Announcements~~

~~1. Commissioner Holian registered her affirmative votes for items III. D.1 and III. E.~~

