

SEE CCJ ON
PAGE 3.

March 5, 2014

Ms. Liz Stefanics,
County Commissioner, District 5
P.O. Box 720
Cerrillos, New Mexico 87010

Re: Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20. Presentation by Jenkins and Gavin to the Rancho Viejo Community at the Santa Fe Community College on March 10 at 5:30 p.m. (Jemez Rooms).

Dear Commissioner Stefanics:

It is our understanding that you prefer email, but we could not send the attached list of more than 300 signatures opposing this project, easily by that means. **(See Attachment A.)**

Last year, we were told in three meetings that this proposed apartment complex was to be built in two phases on an extension of quiet College Drive, which borders the College on the North, to ultimately total an estimated 400 units. These apartments represent a huge departure from Rancho Viejo's design and concept.

This year, the major change appears to be starting the project with 200 units 1/4th of a mile further over from our mail boxes on Burnt Water Road. (Later, they would finish the apartments right up to Burnt Water road.)

Past SF Community College President Ana Guzman, invited us to a community meeting and surprised us with the information that the complex would be filled with students--most likely foreign students.

Although it is billed as a luxury development with club house and pool, we view it as a potential "party palace" in our quiet neighborhood. (The club house and pool are a further irritant because our developer Univest promised Rancho Viejo residents a Club and a pool but never built them.) And the college has a huge pool only yards away.

Further complicating the situation, according to Jenkins Gavin--the local Public Relations firm fronting this development--this property is in the process of sale to Vedula Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, AZ 85253. Bruce Hart is the main partner involved, according to Warren Thompson of Univest.

This land is currently Master Planned by the County for 60 single family residences which is far more appropriate for this neighborhood and in line with



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what we were promised when we bought our homes.

This project would certainly lower the property values on Dean's Court. Rancho Viejo developers (Univest, and others) sold housing in Rancho Viejo with the assurance that it would be occupied by homeowners and governed by covenants and associations. A sale of this parcel should not change the contract under which we purchased homes.

We oppose apartments in this neighborhood because of loss of views due to the heights of this complex, traffic, noise, headlights which eliminate our night sky concept, the lack of the completed Southeast Connector (which in the event of a ground fire virtually traps us on College Drive--there is only one way in and out), the traffic impact on Richards, and the fact it presents the perfect site for potential drug and criminal problems.

We are reviewing the traffic impact study paid for by the developers and we are aghast at the findings. We have traffic experts among us and they find this study deeply flawed.

We have discussed that the ideal place for apartments, would be next door to our new Fire Station. The Station represents some law enforcement and such a complex would have immediate access to Route 14 as well as be walking distance to college, reducing the traffic impact on Richards. It would be some distance from our single family homes. It would be more likely to attract a variety of residents rather than just students.

We do not oppose student housing constructed on the College and supervised by the College.

We control our residents through homeowners associations. Apartment dwellers have no such associations. Young students can quickly bring down the condition of apartment structures since they do not understand maintenance. Once this project is developed, we know it will be immediately sold and possibly not well managed. One look at the police blotter for the apartment complexes on Airport Road, is enough to cause deep concern.

While respecting Univest's right to sell or develop this particular parcel, we do not endorse any changes to the Master Plan to permit apartments on College Drive because this kind of density is a far fetched deviation from our community plan.

Sincerely,

Concerned Residents for Smart Development
concernedrvhos@gmail.com
99 Via Orilla Dorado,
Santa Fe, NM 87508

NB67-67

cc: Penny Ellis-Green, Growth Management Administrator, County of Santa Fe,
P.O. Box 276, Santa Fe, NM 87504-0276

Dan Drobni, Chair of the County Development Review Committee and District 5
Representative, 102 Grant Ave., Santa Fe, 87501-2061

NBG-68

Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive

-Whereas those who now own homes in the Rancho Viejo Community purchased their homes with the understanding that Rancho Viejo would be a community of homeowners and,

-Whereas the residents of Rancho Viejo have a voice and accountability through homeowners associations and,

-Whereas Rancho Viejo is dedicated to the concept of preserving the nighttime sky and an apartment complex would have to be well lighted for security and,

-Whereas the roads, streets and infrastructure of the Rancho Viejo community are not sufficiently developed to support dense populations and,

-Whereas crime has been high in Santa Fe apartment complex areas,

Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.

Name	Address
<u>PAUL WRENN</u>	<u>163 E CHILI LIME RD, SANTA FE, NM 87502</u>
<u>ELEONOR O. BOVE</u>	<u>922 ACEQUIA MADRE SANTA FE 87501</u>
<u>Cliff Poir</u>	<u>922 ACEQUIA MADRE, SANTA FE 87501</u>
<u>Walter G. Johnson</u>	<u>54 VIA PUNTO NUEVO SF 87508</u>
<u>Samuel Johnson</u>	<u>54 VIA PUNTO NUEVO SF 87508</u>
<u>Dennis Green</u>	<u>42 Johnson Mesa SF 87508</u>
<u>Susan Wuesch</u>	<u>7 Rocky Slope Dr. SF 87508</u>
<u>David Johnson</u>	<u>50 Victorio Peak SF 87508</u>
<u>Donna Benneishart</u>	<u>50 Victorio Peak SF 87508</u>
<u>Cliff Poir</u>	<u>5 CALLE AGUA CLARA, SF NM 87501</u>
<u>Samuel Johnson</u>	<u>#5 Calle Agua Clara</u>

Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive

--Whereas those who now own homes in the Rancho Viejo Community purchased their homes with the understanding that Rancho Viejo would be a community of homeowners and,

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--Whereas crime has been high in Santa Fe apartment complex areas,

Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.

Name	Address
<u>Susan McGrew</u>	<u>3 B Deans Ct., SF, NM 87508</u>
<u>Pat E. Ferrin</u>	<u>10 DEANS CT. SF NM 87508</u>
<u>Christina Young</u>	<u>1 Canyon Ln # 87508</u>
<u>Elizabeth KERR</u>	<u>6555 S. Richards Ave</u>
<u>James KERR</u>	<u>6555 S. Richards Ave</u>
<u>MARK A. GALLAGHER</u>	<u>1 MADON PL. SANTA FE 87508</u>
<u>Paul Wrenn</u>	<u>163 E CHILI LINERD, SANTA FE NM 87501</u>
<u>Ronald Schutz</u>	<u>6 Shiprock Peak, SF, NM 87508</u>
<u>Juanita L. Cleburn</u>	<u>27 E Chili Line Rd</u>
<u>Richard Cleburn</u>	<u>" " " " "</u>
<u>Ken Grandall</u>	<u>4 Whitewater Ct</u>

AGAINST 2

King, Wendy

Linda Williams

ROSALIE LOPEZ

Tom O'Brien

Marguerite Hatch

John Hatch

Lisa Louch

LARR/Wright
DON SOT-CHALK

Patricia Moriarty

Dennis Green

BARBARA MILLER

Laura Lorbin

JORDAN MILLER

VAN E. Liming

Maggie Liming

Hip McCay

Peggy McCoy

Paula Daub

Hanna Fernandez

Yalaina Fernandez

Sotanea Fernandez

Gilda Fitzpatrick

9-Galling Peak Rd

4 PURPLE CROW PL

25 HIPROCK PEAK

3 Fireheart Pl.

4 Fajada Wash

4 Fajada Wash

38 Devuys Peak. St

83 Johnson Mesa

11 Witches Peak

3 Big Bear Place

42 Johnson Mesa

45 JOHNSON MESA

42 Johnson Mesa

45 JOHNSON MESA

51-D Cañada del Rancho

51-D Cañada del Rancho

3 Conestoga TRAIL

3 Conestoga TRAIL

40 E. Chile Lane

4 Eagle Peak

4 4 4

4 4 4

3 Corte Patricia

AGAINST

<u>ROBERT & ELAINE CARSON</u>	<u>175 E. CHILI LINE RD.</u>
<u>Mary Kay Baulton</u>	<u>3 Bucking Horse Ct.</u>
<u>Randy Cautcher</u>	<u>12A Deans Ct</u>
<u>Karin Gebin</u>	<u>12A Deans Ct</u>
<u>Eme Margolis</u>	<u>15 Reeds Peak</u>
<u>Jim R. Com</u>	<u>2 Cimarron Ridge Pl.</u>
<u>Steven Moriarty</u>	<u>3 Big Bear Pl 87508</u>
<u>Beverly Brunson</u>	<u>4 BASKET MAKEUP</u>
<u>TAMM JUCKA</u>	<u>22 Cumbres Pass</u>
<u>Frederick P. Wright</u>	<u>32 E Chili Line Rd</u>
<u>W. French</u>	<u>12 Enmeclio Pl.</u>
<u>Richard Byrne</u>	<u>4 Shannon Ct</u>
<u>Barbara Aran</u>	<u>5 Papaya 40 Peak</u>
<u>Kenneth Aran.</u>	<u>5 Papaya Peak</u>
<u>Deborah J. Harmon</u>	<u>2 Broken Rock Place</u>
<u>Barbara Anderson North</u>	<u>76 Canada del Rancho</u>
<u>Carla Beene</u>	<u>2 Conestoga</u>
<u>Mary Beene</u>	<u>2 Conestoga Trail</u>
<u>David & Dee Dee Vigil</u>	<u>6 A Deans Ct</u>
<u>Jack Gray</u>	<u>5 Softwynd</u>
<u>Pat Gair</u>	<u>5 Softwynd</u>
<u>Sandra L Slogan</u>	<u>15A W Chili Line Rd</u>
<u>ROBERT J ANDREOTTI</u>	<u>15A W CHILI LINE</u>

TIM SCHRIMPF

9 ANGEL PEAK

Bob Hassel

22 Grasslands Trl

JAN MARTINEZ

22 GRASSLANDS TRAIL

Dimitri Mihalas

15 Withers Peak

Anke Mihalas

15 Withers Peak

TIM MANNINEN

23 VICTORIA PEAK

Elle Jensen

43 A Canada del Rancho

Mary S. Hatola

4 Julia Court

Mark Fuller

2 Mule Deer Road

LAWGTON P WOODLICH

3 CIMARRON PASS

JACQUE MCANICHCH

3 CIMARRON PASS

Charles O'Donnell

2B Deans Ct

Karen O'Donnell

2B Deans Ct

Cathy Doren

6 Broken Rock Pl.

MANFRED LAERDLE

7B DEAN CT

Jeanne Schwarz

34 Canada del Rancho

Sandy Lemon

11 Softwynd Drive

Shirley Harlman

15 E. Chili Line

Dona Harlman

15 E. Chili Line

LAURA TRUJILLO

6 CAPITAL PK.

Bette Knutzel

3 Well Tank Rd

Raul Lujan

2 A Deans Ct

Del Del Vigil

4A Deans Ct

<i>[Signature]</i>	
Joseph P. Kelley	4 Conestoga Trl
Dorothy A. Kelley	"
Kathleen A. Morgan	29 Brilliant Sky Ln
Eddie Hirionaka	5 Avenida Oso ct
Teiko Hirionaka	5 Avenida Oso ct
Rosemary Strumpf	41 Victoria Peak
Elizabeth Martin	26 Devoy's Peak
Mark Udoby	7 Sobradere Dr
Kay Greene	14 Carada del Rarcho
Jaeger Gonzalez	6 Eagle Peak
Alexis Gonzalez	6 Eagle Peak
Cheryl Lewis	15 EWM Spio Place
Thany Bui	7 Softwood
Sara Jane Kennedy	
Paula Doane	83 Johnson Mesa
Linda Hull Wesh	57 Via Sigrader
Susan Mayes	16 Mesa Pino
Steven Mayes	16 Mesa Pino
Susie Knight	7 Gray Hawk
Karl Johnson	↓
David Gorcyca	8 Prairie Crest Dr
Diane Gorcyca	8 Prairie Crest Dr

AGAINST

Charles McKelvey
Beth Detrick

6 Blue Wing Place
11 Craftsman Rd

Guannet Pacheco

215 E CHILI LINE RD

PEDRO PACHECO

215 E. CHILI LINE RD

Maria Pope

4 Bear Mountain

Rodger Pope

4 Bear Mountain

Monica Pimental

8 Agua Fria

Jeff Poon

10 BEAR MOUNTAIN

Richard Furlan

6 Redoubt Peak

Christa Furlan

6 Redoubt Peak

Nancy Uvalle

17 Firerock Rd.

Ivan Ordóñez

81 Cañada del Rancho

Linda Rundell

11 Well Tank Rd

Thomas Leming Jr. D. Sig

4 Sabadora Dr.

~~Pat~~ LINDA KONE

26 PANTHER PEAK

DOUG KONE

26 PANTHER PEAK

Agnes Smith

14 Cañada del Rancho

Paula Cui

15 Johnson Mesa

Dora Dalton

9 Cimarron Pass

KIM SONG

9 Firehawk Lane

Barbara Hansen

7 FIREHAWK PL

Melody Lewis

81 Johnson Mesa

Marion Pacheco

81 Johnson Mesa

<u>Anji Estrellas</u>	<u>11 Bajada Place</u>
<u>Laura Parker</u>	<u>2 Poppy Place</u>
<u>Julie Good</u>	<u>14 PANTHER PEAK</u>
<u>Kate Bonbee</u>	<u>14 Panther Peak</u>
<u>Russell Bonum</u>	<u>130 E Chili Line Rd</u>
<u>Sylvie Romero</u>	<u>130 E Chili Line Rd</u>
<u>Kristin Chancellor</u>	<u>211 E. Chili Line Rd,</u>
<u>USA GULOTTA</u>	<u>4 GRAYHAWK PLACE 87508</u>
<u>BETH HUNDLEY</u>	<u>1 COYOTE WASH</u>
<u>Barbara Mohon</u>	<u>26 Reeds Peak SF. 87508 505-501 3616</u>
<u>Amy Milder</u>	<u>1 Coyote Wash 87508</u>
<u>Henry Freund</u>	<u>1 Reeds Peak 87508</u>
<u>Patricia L. Williams</u>	<u>169 E. Chili Rd 87508</u>
<u>Eldon E Brown</u>	<u>169 E Chili Rd 87508</u>
<u>Lisa K. Rawlings</u>	<u>78 Johnson Mesa Santa Fe, NM 87508</u>
<u>J. Peppall-Cambes</u>	<u>2 Sobradora Dr. Santa Fe, NM 87508</u>
<u>J. H. Condes</u>	<u>"</u>
<u>Zun Zun (Loren Testa)</u>	<u>6 Horse Peak, 87508</u>
<u>Carmen Lopez</u>	<u>47 Victorio Peak</u>
<u>Clinton Coffman</u>	<u>2 ALEGRE PASS</u>
<u>KW Mully</u>	<u>18 Cimarron Pass</u>
<u>Paul A G</u>	<u>2A Deans Ct.</u>
<u>[Signature]</u>	<u>4B Deans Ct</u>

AGAINST

Lee Morgan

Frank Dickson

Robert J Karea

KAI QU

Karen Donovan

DARLENE FRAZIER

JORDAN MILLER

BARBARA MILLER

Marianne Tenenbaum

Deborah Senters

Bill Senters

Leticia Padilla

Dick DeWitt

Jerry Riddle

Calvin E. Caplan

TERI BULL

W W A Jupp

Kenneth Vellan

Robert Garcia

Harold ...

FRANCISCO LOPEZ

STEPHEN HUNT

29 Brilliant Sky, Dr.

J Big Bear

181 E. Chili Line Rd

8 Bajada Place

155 Rancho Viejo Blvd

9 ANCEL PEAK

45 JOHNSON MESA

45 JOHNSON MESA

4 BLUE WING PLACE

15 Prairie Crest

15 Prairie Crest

18 Prairie Crest

3 RED THORN PL

14A Drans Ct.

39 E Chili Line Road

219 E. CHILI LINE RD.

6 CAPITAL PEAK

Kenneth.Vellan@WFAV5065.com

joslyabob@earthlink.net

18A Drans Ct

FLopez3951@aol.com
18 B Drans Ct. SF 870-313

19A Drans Ct, SF, NM 87508

Rancho Viejo Against Apartment Complex Petition

Fuller Drame	83 Johnson Mesa
Patricia Lopez	2 Shiprock Peak
Charles Brown	83 Via Orilla Dorado
Janita Stuepaule	2 Sallini Peak
Steven & Patricia Moriarty	3 Big Bear Pl
Sydney Young	Cibola MESA
Philomena Teelky	1 Woodflower PL
Garry Nelson	1 Woodflower PL
Dennis Holman	15 E Chili Line Rd
Grace Dana Hailman	15 E Chili Line Rd.
David Yates	8 West Saddleback Mesa
John Hatch	4 Farida Wash, S.E. 87508
Mary + Bernie Paiz	25 Reeds Peak 87508
Kathleen Berant	79 Calle Agua Clara
Diane Williams	73 Calle Agua Clara
Cathy Doren	6 Broken Rock Pl.
Juanita Hernandez	3 Cuernavaca Park
SARA Kennedy	16 Bear MTN
Jim Kennedy	"
Hilena van Hurningen	4 WINDSTONE R
Conni Loakocan	112 Via Orilla Dorado
NORD PETERSEN	4 WINDSTONE RD.
Robert Duman	3 Socorro Ct.

Rancho Viejo Against Apartment Complex Petition

Jennie Olsen	95 Via Orilla Arado
Jaime Schneider	99 Via Orilla Dorado
Jana Matham	144 Rancho Viejo Blvd
Sara Haring	102 Via Orilla Dorado
Mary Helbat	9 PASO LUNA BIANCA
Robert Zanni	87 Via Orilla Dorado
Coil Bavis	87 Via Orilla Dorado.
John Hatch	4 Fajada Wash, Rancho Viejo
Mimi Hatch	" " " "
Martin Katz	30 Army Ridge Road.
Janet Paul	2 Gallini Place
Steve Paul	"
Linda McIlroy	14 Cimarron Pass
Glen Smerage	181 E Chili Line Rd. 87508
Bruce Blair	1 Paso Luna Blanca 87508
Joane Peppatt-Lombes	2 Sobradora Dr.
Jan Peppatt-Lombes	"
Aoleline YOUNGER	1 Bajada Place
JOHN INGER SEITZ	34 SOBRADORA DR.
James + Elizabeth	6555 S. Richards Ave
Linda Williams	4 Purple Crow Place
Tom O'Brien	3 Firehearth Place
LARRY Wri, D	83 Johnson Mesa
AP Boer	4B Canada del Rancho

Rancho Viejo Against Apartment Complex Petition

<u>Toreeni Reitano</u>	<u>58 Johnson Mesa 87508</u>
<u>Wagat Bough</u>	<u>3 Crows View PE-</u>
<u>James Jay</u>	<u>57 E. Chili Line</u>
<u>Jill Ferrera-Clarke</u>	<u>74 Johnson Mesa</u>
<u>Steph Clarke</u>	<u>74 Johnson Mesa</u>
<u>Marianne Sengrich</u>	<u>219 E. Chili Line Rd.</u>
<u>Debi Auhl</u>	<u>219 E. CHILI LINE RD.</u>
<u>David Sengrich</u>	<u>6 Sibirakara Dr</u>
<u>Kristin Chancellor</u>	<u>211 E. Chili Line Rd</u>
<u>Steve Chancellor</u>	<u>211 E. Chili Line Rd</u>
<u>Terri Manureni</u>	<u>23 Victoria Peak</u>
<u>Anna Bacc</u>	<u>30 Canada del Rancho</u>
<u>Mike Orr</u>	<u>30 CANADA del Rancho</u>
<u>Robert J. Kares</u>	<u>181 E. Chili Line Rd</u>
<u>Judy J. Kares</u>	<u>181 E. Chili Line Rd.</u>
<u>Samie Whitting</u>	<u>19 Grassland Tr</u>
<u>Thayne Cooper</u>	<u>131 E. Chili Line Rd</u>
<u>Martin Katz</u>	<u>30 Arroyo Ridge Road</u>
<u>Wendy Katz</u>	<u>30 ARROYO RIDGE RD</u>
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Rancho Viejo Apartment Complex Petition

Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive

--Whereas those who now own homes in the Rancho Viejo Community purchased their homes with the understanding that Rancho Viejo would be a community of homeowners and,

--Whereas the residents of Rancho Viejo have a voice and accountability through homeowners associations and,

--Whereas Rancho Viejo is dedicated to the concept of preserving the nighttime sky and an apartment complex would have to be well lighted for security and,

--Whereas the roads, streets and infrastructure of the Rancho Viejo community are not sufficiently developed to support dense populations and,

--Whereas crime has been high in Santa Fe apartment complex areas,

Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.

Name

Address

Rhonda G. Williams
Wanda Moore

46 Camino Dimitria, SF NM 87508
34 Vista Precioso, SF NM 87507

Sue Wittman

1286 Chestnut, SF NM 87507

[Signature]
[Signature]

1621 Benmar Dr Santa Fe 87501
409 Canyon Rd Santa Fe 87505

[Signature]
[Signature]

4621 Cactus Flower Santa Fe 87507
203 Calle San Simon SF 87505

[Signature]
[Signature]

203 Calle San Simon Santa Fe, NM 87505
151 Gonzales Rd #18 SF 87501

[Signature]

1109 Don Gonzales Ln Santa Fe, NM

Robert Kroutil

3 Wall Tank Road

Gary Lee Nelson

1 Woodflower Place

Rancho Viejo Apartment Complex Petition

Petition to the County Board of Supervisors regarding a proposed Rancho Viejo Community apartment complex on College Drive

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--Whereas crime has been high in Santa Fe apartment complex areas,

Those signed below oppose revisions to the Master Plan to insert apartment buildings into or next to existing developed Rancho Viejo community homes.

Name

Address

[Signature]

2508 Camino San Patricio, SF 87505

[Signature]

8 Sandia, Santa Fe 87508

[Signature]

3704 Valmora Road SF 87505

[Signature]

1896 Lorela Dr. 87505

[Signature]

50 Cibola Cir. 87505

[Signature]

35 Lluvia de Oro 87506

[Signature]

723 Gonzales Rd, Santa Fe 87501

[Signature]

1600 Ben Hur Dr. SF NM 87507

[Signature]

2903 Cortes de Pedro SF NM 87505

[Signature]

112 San Salvador Ln, SF NM 87501

[Signature]

33AB South Fork SF NM 87508

March 7, 2014

Jerry & Carol Wells
14A Deans Court
Santa Fe, NM 87508

County Land Use Administrator
P. O. Box 276
Santa Fe, NM 87504-0276

Dear Sir or Madam:

This letter is in response to Legal notice #96592 published in the Santa Fe New Mexico on February 27, 2014 regarding a public hearing on an amendment to the College Master Plan on 56.91 acres for the development of an multifamily residential community.

As we will be unable to attend the hearing on the 20th day of March 2014 we are writing to voice our concerns and objections to this development.

Univest-Rancho Viejo proposed this development over a year ago at which time we voiced our objections to this development as it would substantially increase traffic on College Drive and it was a change in the original design of the neighborhood from single family housing to multifamily rental housing. The original proposal submitted by Univest-Rancho Viejo was to build two multifamily rental housing units in two phases each development consisting of approximately 240 housing units. The proposal was marketed as a "Luxury" apartment complex.

After receiving considerable opposition to these plans, Univest-Rancho Viejo altered their plans and presented a proposal very similar to the current proposal. Once again the Community voiced opposition to this plan.

At a meeting in the fall of 2013 a meeting was held to establish a Community/Developer joint task force for purposes of addressing many of the issues voiced in our opposition to this development. At the end of the meeting we were informed that this proposed development was not included in this new joint task force as the College Drive property was being sold to Vedula Residential Operating LLC.

We are now told that this sale has not been completed and it appears that Univest-Rancho Viejo is a partner in the proposal.

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Our original opposition to this development has not been resolved. Our issues are the increase in traffic on College Drive, the change from single family owner occupied homes to multifamily rental units.

We do not believe these rental units will be "Luxury" apartments as it is quite evident that they are intended as student housing for SFCC.

Our concerns with student housing is the fact that College students do not maintain the property, have late night parties and are constantly traveling back and forth to social events, work, school, friends houses etc. We have rented to College students in a College town and know the ramifications of renting to College students.

The traffic study presented assumes that the traffic on College Drive will not increase significantly. It is unknown how many automobiles the study assumes for each apartments but I would expect no fewer than at least two per unit and considering the residents would in all likelihood be students, I would expect some units would have up to four automobiles per unit.

The multifamily rental housing is proposed assuming the South East Connector runs west of the proposed site. As the developer probably is working with the county to make that happen, it may relieve some of the traffic concerns, but not as many as the traffic study seems to imply.

The multifamily rental housing is only a short distance from a significant archaeological site. Knowing young adolescent children tend to wonder off to explore unoccupied areas of the surrounding areas to the homes, I would expect this site is at risk.

The proposal as submitted leaves open the question of the second multifamily rental units and would in fact increase traffic substantially above the projections.

It may be noted that the round about at Richards and College Drive is rated as a failure. While it is true the South East Connector may help the rating on this roundabout, it would still be rated at a failure or near failure rating with the rental units.

As a homeowner in College Heights, I must follow the covenants established by the Rancho Viejo Homeowners associations. These covenants protect homeowners rights, rights which the multifamily rental units will not be required to follow.

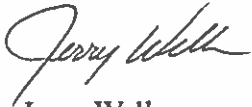
We live in a natural dry land environment which is highly flammable and easily destroyed by wildfires, unplanned pedestrian, bike and off road vehicle trails.

As a final issue, we find it unreasonable for multifamily housing to be allowed a swimming pool when residents of Rancho Viejo are not allowed to have swimming pools and which saves our valuable water resources. The pool would make the multifamily rental units for College students even more attractive for late night parties with significant use of alcohol and drugs.

NB 6-87

We ask that you require this section of land be developed as originally platted in the Master Plan and as presented to the residents of College Heights at the time they purchased their single family homes.

Sincerely,



Jerry Wells



Carol Wells

CC: Liz Stefanics, Commissioner

NBG-88

Jose Larranaga

From: Dennis & Dona Hoilman <hoilmanhouse@yahoo.com>
Sent: Tuesday, March 11, 2014 11:54 AM
To: Jose Larranaga
Subject: Re: Proposed Apartment Development in Rancho Viejo

15 East Chili Line Rd
Santa Fe, NM 87508
Email: hoilmanhouse@yahoo.com
Phone: 505 473-2205

Dear Mr. Larranaga,

Thank you for returning our call so promptly. We appreciate your efficiency and courtesy very much and are glad to know that you are the proper and expected person to whom we should address our objections to the proposed development of an apartment complex in Rancho Viejo.

This proposed development would require changes to the Rancho Viejo master plan; we most strongly object to any changes at all in the original plan, and especially to the proposed construction of an apartment complex on College Drive just north of Santa Fe Community College.

We bought our house on the promise that the Rancho Viejo Master Plan would be honored permanently. Now the developers are seeking to void the original plan and build a commercial apartment rental complex in our community. Doing so will inevitably change the nature of Rancho Viejo, lowering our property values, further clogging our already too congested traffic access (a major problem already), creating serious security concerns, polluting our land and night sky, playing havoc with our beloved views, ultimately depleting our water supply and over-stressing our sewers leading to increased assessments for all residents of Rancho Viejo.

Of additional concern to residents of Rancho Viejo is the proposed sale of this development property to a Scottsdale firm which has a dismal record as far as maintaining its developments and its commitment to the communities which those developments disrupt.

But whether this sale materializes or not, the proposed changes in the master plan provide absolutely NO BENEFITS for current residents--only an intolerable degradation of the community and life style that we presently enjoy and that were prime factors in our choice of Rancho Viejo as a place in which to live.

The only motivation for the proposed changes is corporate greed, and all residents of Rancho Viejo will be the victims should the Development Board and/or the County Commission approve them. We have heard rumors that this is a "done deal," but hope that this is NOT THE CASE.

Sincerely,

Drs. Dennis R. and Grace Dona Hoilman

TO: COUNTY DEVELOPMENT REVIEW COMMITTEE (CDRC)

RE: Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo". This project is currently on the County Development Review Committee (CDRC) agenda for your March 20, 2014 meeting.

March 11, 2014

Dear Commissioner Stefanics:

Univest, the current owners of Rancho Viejo have, for some time now, proposed to build a more than 400-plus unit apartment complex in the College Heights area of Rancho Viejo (just north of the Santa Fe Community College campus).

All of the many hundreds of individuals and families who have bought our homes here in the Rancho Viejo community, bought them with the specific developer promises that this was to be a carefully planned community of individual family homes. The "Elevation at Rancho Viejo" proposal, on its most basic level, is a total violation of the original representations made to all of us when we purchased our homes here.

The large Rancho Viejo community can only be accessed by using one of three, narrow two-lane roads: Rancho Viejo Blvd., Richards Avenue and Rabbit Road (which cuts through the Oshara Village community and comes out again on Richards Avenue). Rancho Viejo Blvd. is a narrow, twisting, unlit two-lane road with no shoulders and only a couple of tiny pull-off areas. Richards Avenue is also a two-lane road, and will always be only a two-lane road as it is crossed by the two I-25 bridges and the Railrunner Bridge (preventing any future road widening).

Last Summer, many of us attended a presentation of a roadway and traffic study that was commissioned by Santa Fe County, in conjunction with the New Mexico Department of Transportation and the Federal Highway Administration. At the beginning of this presentation by Occam Consulting Engineers, one of the very first statements made by the presenters was (quote), "Richards Avenue is MAXed out". There are, as you know, proposals being considered by the County to create "connector" roads in and out of Rancho Viejo which supposedly will allow more traffic, but all that these connectors will accomplish is to shunt vehicles from one portion of these MAXed out roads to other areas farther down these same roads.

NBG-91

Although Uninvest (owners of Ranch Viejo) have originally made this apartment development proposal, we have since learned that Uninvest now proposes to sell this idea and land to an Arizona developer: Bruce Hart, Vedura Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, Arizona 85253. This effort is being fronted by Jenkins Gavin, a local Public Relations/Design firm. Vedura's business model is to build apartment complexes at the lowest possible cost, and move on. They have no stake or interest in this community other than the money that they will reap from it. Although this development is being represented as a "luxury" development, the previous President of Santa Fe Community College, Ana Guzman, announced in a public meeting that this complex will be filled with students! If we want to know what kind of neighbors apartment complexes have brought to Santa Fe previously, all we need do is look at the Santa Fe Police blotters in relation to all of the apartment complexes currently on Airport Road.

- ❖ We have paid a premium to live in a planned community, governed by covenants and homeowner associations. This proposed development is a blatant violation of the representations originally made to us, and such a development will be under no obligation to be bound by any such governance.
- ❖ The traffic studies commissioned by Santa Fe County, the New Mexico Department of Transportation and the Federal Highway Administration have clearly proven that the roads which access Rancho Viejo are already totally inadequate. Knowing that many individuals and families own more than one vehicle it is absurd to believe that the roads here can possibly accommodate the addition of many hundreds more vehicles that would be a part of a 400-plus unit apartment development. The proposed future "connector" roads do not offer a solution, they simply serve to shunt traffic from one part of an over-crowded roadway to another part of the same roadway.
- ❖ Approving "Elevation at Rancho Viejo" or any other similar development will permanently and adversely alter the entire Rancho Viejo community by creating destruction of valuable wild-land and animal habitat, unimaginable and permanent traffic congestion, major pollution (in many forms), significant risk of additional crime, and emergency entrance and exit access issues.

This proposal is only driven by financial greed. It does not represent any perceived or real need of this community. It is being driven by people who have no interest in the well-being of people in this community, as well as a possible developer who does not even live in this State, and I urge that this proposal (or anything vaguely resembling it) be permanently rejected.

NBG-92

Respectfully,

Bruce Blair

1 Paseo Luna Blanca

Santa Fe, New Mexico

(La Entrada – Rancho Viejo)

cc:

Penny Ellis-Green at www.santafecountynm.gov/growth_management

Jose Larranaga-Case Manager at joselarra@santafecountynm.gov

Eunice Vicki at concernedrvhos@gmail.com

NBG-93

Jose Larranaga

From: jan@hassel-usa.com
Sent: Tuesday, March 11, 2014 11:57 AM
To: Penny Ellis-Green; Jose Larranaga
Subject: Master Plan change proposed for Rancho Viejo

March 11, 2014

Penny Ellis-Green, Growth Management Administrator

Julia Valdez, Constituent Services Liaison District 5

Santa Fe County – via email

Re: Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

Dear Ms. Ellis-Green and Ms. Valdez:

Last year my husband and I attended meetings regarding the proposed apartment complex referenced above. As residents of Rancho Viejo for ten years, we continue to be very concerned about the negative impact these apartments would have to our property values and the enjoyment of our home and our neighborhood.

We believe that the current master plan for the community should remain in place. It is what we agreed to when we purchased our home. It was well planned and does not seem to warrant amendment, except to bring Vedula Residential, who plans to purchase the new property, a financial opportunity. This Arizona company does not have a stake in our community or a long-term incentive to maintain the community quality over time. We believe the complex will become mostly student apartments, which is significantly different from the single family dwellings approved in the current Master Plan.

We believe the traffic study purchased by the developers that indicated the new plans would not adversely impact traffic was seriously flawed. Since there is only one road in and out of the area, more traffic compounds the traffic snarl one can easily witness every day at 5:00 and could represent a serious hazard in the event of a fire.

We realize the Board must be fair and impartial in their decision and that the developer has the right to develop the parcel in question, but believe that following the current Master Plan without changing it is the fairest approach for all interested parties. The developer has other property that would be much more suitable for such a complex without impacting an established neighborhood.

Thank you for taking our concerns into account.

Sincerely,

Jan Martinez and Bob Hassel

22 Grasslands Trail

Santa Fe, NM 87508

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, March 11, 2014 10:57 AM
To: Jose Larranaga
Subject: FW: Proposed change to rancho viejo master plan (CRDC hearing March 20)

From: lance tunick [<mailto:tunick@vsci.net>]
Sent: Tuesday, March 11, 2014 9:42 AM
To: Jose Larranaga; Penny Ellis-Green; Liz Stefanics
Subject: Proposed change to rancho viejo master plan (CRDC hearing March 20)

Greetings:

I am writing to express my strong opinion as regards an issue to be heard next Thursday, March 20 before the County Development Review Committee -- changes to the Rancho Viejo Master Plan.

The land owner and developer are together seeking a change to the Master Plan in order to build an apartment development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." This land is currently platted and recorded with the county for a small number of single family residences.

I am not writing to express my total opposition to the project. Rather, I am writing to do my best to see that the project, if approved, is done in a sensible and neighborhood-sensitive fashion. The mess of Oshara Village and Richards Avenue must never be repeated. The Rancho Viejo owner, Univest, displays virtually no concern for aesthetics and community issues (I can only imagine that money is their sole driving force). This means that government must be extremely mindful of the rights of Rancho Viejo residents and of the quality of life impacts that development inevitably has.

If the Master Plan amendment were eventually approved, there **MUST BE CONDITIONS attached to the change**; these conditions must include:

- Limitation on the usage of the parcel of land east of Burnt Water Road and west of the proposed apartment site. This land should be open space. Otherwise, we will be back before the CRDC in the near future with someone wanting to put more apartments on this small parcel.
- Limitations to protect vistas (height limits)
- VERY careful traffic control (stops sign, speed bumps, limitations on heavy truck traffic)
- Tree planting, wall construction and other measures along College Drive to reduce noise pollution in the existing College Heights neighborhood
- Meaningful light pollution ordinances and ENFORCEMENT of same.

Rancho Viejo has strictly-enforced covenants designed to improve quality of life. The proposed apartment complex cannot be permitted to do an end-run around these restrictions.

MOST IMPORTANTLY, however, permitting construction of this apartment development to start *before* the Southeast Connector road is completed would be a frightening case of putting the cart before the horse. Construction traffic, noise, dust etc. on Richards and College Drive would be horrendous if all construction vehicles had to use those roads in order to go to and from the construction site. Richards is already a nightmare. That the developers wish to start construction sooner rather than later is simply a consideration which must bow to the reasonable needs of the community. Build the Connector road first.

And as regards the Southeast connector:

--surely we have learned from the traffic mess that is called Richards Avenue that poor planning leads to lousy roads; and that a plethora of sign pollution does not solve the problem;
-- from what I have seen and heard (from the developer), there is no planned turn-off from the Southeast Connector directly into the Community College. Rather, all CC traffic would exit the Connector at College Drive and enter the CC through the existing North Entrance. This is insane. A condition to approval must be a CC turn-off leading directly into the CC from the East. The proposed pathway for the Connector is only 100 yards from the parking lots at the CC. It is hard to imagine any financial or political excuse that could justify not requiring such a CC turn-off on the Connector.

Thank you for this opportunity to express my views.

Sincerely,

Lance Tunick
14-B Deans Court
Santa Fe NM 87508
Cell -- +505 570 1845

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, March 11, 2014 10:57 AM
To: Jose Larranaga
Subject: FW: REJECT MPA 13-5380

From: Gary Lee Nelson [<mailto:gnelson@oberlin.edu>]
Sent: Tuesday, March 11, 2014 9:09 AM
To: Penny Ellis-Green
Subject: REJECT MPA 13-5380

Dear commissioner Stefanics,

As a homeowner in Rancho Viejo North and a conscientious voter in Santa Fe County, I am writing to express my **STRONGEST OPPOSITION** to MPA 13-5380 that will come before you on March 20.

The Univest plans for a 400+ multi-story high-density apartment complex in College Park will simply destroy the residential character of that neighborhood and Rancho Viejo as a whole. It will cost us millions in lost property value that will eventually be reflected in county tax revenues.

In particular, it will increase the already too-dense traffic on Richards Avenue. There have been traffic studies contending that traffic Richards Avenue will be fine but SFCC anticipates a doubling of enrollment in the near future and Univest is planning a high-density "employment center" on the corner of Richards Avenue and Avenida del Sur. Do the studies take these plans and the inevitable increase in traffic flow into consideration?

There are alternative sites for the apartment complex and the employment center within the extensive property holdings of Univest. There is land is near Route 14 where a large number of commercial enterprises already exist. This location is convenient to I-25 and Route 599 so that the increased traffic can be handled from all directions NSEW without additional cost for roads. It is also convenient to the new and proposed commercial development of Cerrillos Road as it approaches I-25.

The new fire station is nearby this alternate site. Has the commission considered the increased cost of additional staff and equipment that would be needed in either plan?

The proposed NS connector will not provide such access in the proposed plan. People from the east might use the connector via Rabbit Road but Richards Avenue will remain the most convenient route for all other directions. Furthermore, the connector does not include new entrances to SFCC that would draw traffic away from existing entrances from Richards.

What about disaster evacuation routes? The alternate site is already close to 599. That would leave Richards Avenue for Rancho Viejo residents to escape wildfires and flooding.

What about crime? Bringing more people into Rancho Viejo will inevitably increase crimes of opportunity.

What about water? Yeah, what about water?

I urge you to reject this poorly-conceived proposal. Send it back to Uninvest with your strongest opinion that plans for the apartment complex and the employment center be reconsidered and revised in the interest of all concerned – Uninvest, SFCC, Rancho Viejo residents and, most of all, the county as a whole.

Gary Lee Nelson

1 Woodflower Place

Rancho Viejo

Santa Fe County, NM 87508

440.522.4278

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, March 11, 2014 10:57 AM
To: Jose Larranaga
Subject: FW: Opposition to Master Plan in Rancho Viejo/Univest

From: Chad Gasper [mailto:CGasper@SantaFeCF.org]
Sent: Tuesday, March 11, 2014 9:13 AM
To: Penny Ellis-Green
Subject: Opposition to Master Plan in Rancho Viejo/Univest

Per Julia Valdez, Commissioner Stefanic's liaison, I am forwarding my concerns to you concerning the changes in the master plan of Rancho Viejo by Univest – I plan to attend the meeting but wanted to voice my concerns in writing as well.

Thank you for your time.



Chad Arthur Gasper
Development and Donor Services Associate
Santa Fe Community Foundation
501 Halona St
Santa Fe, NM 87505

(505) 988-9715 Ext. 7020

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From: Julia Valdez [mailto:javaldez@co.santa-fe.nm.us]
Sent: Tuesday, March 11, 2014 9:06 AM
To: Chad Gasper
Subject: RE: Opposition to Master Plan in Rancho Viejo/Univest

Mr. Gasper,

I am Commissioner Stefanics' liaison. She has asked me to explain why it is important that she may not communicate with you concerning this pending land use application.

EX PARTE

Land Use applications come before the Board of County Commissioners and are a quasi-judicial proceeding. The Board acts like a judge in a court of law. Decisions must be based solely on the law and the facts presented to the Board in a fair and impartial way.

Communicating with the Commissioners about the case at this point or trying to influence their decision would be an impermissible *ex parte* communication. They cannot go on record as supporting or opposing the application in advance of the vote by the full BCC. If she did take a position in advance of the hearing, she would have to recuse herself from further participation in the case.

However, you can present your views to the Growth Management Administrator. This is proper, expected, and very effective. The Administrator and her staff will take your view into consideration when developing the case for consideration. Your position is summarized in staff documents and all the information you forward to the Administrator is included in the record of proceedings. You can also appear at the hearing and present testimony concerning the application.

You can contact Penny Ellis-Green, Growth Management Administrator, (505) 986-6221, pengreen@santafecountynm.gov.

Please feel free to contact me if you have any other questions.

Sincerely,

Julia

Julia Valdez

Constituent Services Liaison District 5

Santa Fe County Manager's Office

505.986.6202

www.santafecountynm.gov



From: Chad Gasper [<mailto:CGasper@SantaFeCF.org>]

Sent: Tuesday, March 11, 2014 9:05 AM

To: Liz Stefanics

Subject: Opposition to Master Plan in Rancho Viejo/Univest

Good Morning Ms. Stefanics,

I purchased my home 8 years ago under strict guidelines on maintenance of my property, and because of these strict guidelines I have been able to enjoy the peace and quiet and the beauty of the night sky out in Rancho Viejo. Additional homes to Rancho Viejo, specifically apartment complex's geared toward college students is not ideal, especially under the guise we were sold our homes – I was once a college student and lived off campus and know the potential of what/may/will happen, specifically with parties, additional traffic, noise, littering, police complaints. If the Santa Fe Community College is in favor of these apartments then they should build on the campus itself where they can regulate the apartments, like the homeowners associations regulates us with association fees and guidelines.

--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations. Land owners in Univest own other land that would be much more appropriate for such a development... near the Fire Station.

--The proposed location for the Elevation apartment complex will generate much more traffic on already congested Richards Road. Until the Southeast Connector is completed, the traffic for these apartments will be forced on to Richards.

--This development negatively impacts us with noise, dust, and car headlights plus parking lighting that destroy our concept of night skies. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to it.



Chad Arthur Gasper
Development and Donor Services Associate
Santa Fe Community Foundation
501 Halona St
Santa Fe, NM 87505

(505) 988-9715 Ext. 7020

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Nonprofits have until the end of March to sign up for Give Grande New Mexico, our state's first day of crowd-sourced giving. Visit the [website](#) or email info@givegrandenm.org for more information.

Ms. Liz Stefanics,
County Commissioner, District 5
P.O. Box 720
Cerrillos, New Mexico 87010

Dear Ms. Stefanics,

Last year it came to our attention that Vedula Developers and Uninvest were working together to change the Master Plan at the county level. This is a Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20.

I am writing because I am opposed to this Master Plan change and ask that you save the college master plan as it is. Allowing 214 apartments to be built is unethical, not well thought out (for many reasons from environmental to traffic issues); and sadly being considered for the money—not the well intent of the Santa Fe community.

The SE connector is also a real concern and needs to be questioned why it is being built when if we were doing real long term thinking of our community and college expansion, then we would build a connector at the far end of the college campus rather than its now considered placement (a quarter of a mile away from the college) suggested at the March 10th meeting.

The timing of building a road connector as well as a development complex perhaps was not thought through. We are being told that the road will begin to be laid down in 2016 yet the construction of whatever project gets the go ahead will start BEFORE the road is completed.

Considering the traffic issues already on Richards road, it makes no sense that we would impact the road even more with big equipment, trucks etc and even have a greater impact on traffic, congestion and safety issues if there is a need to evacuate quickly.

I know that you will stand by the larger Rancho Viejo community that is against this major change to the Master plan. Please note our concern and hesitation in making this major change to an already completed plat that has been documented and what all residents receive when purchasing their property.

Please do the right thing!

Sincerely,

Karin Lubin
12A Deans Court
Santa Fe, NM 87508

NBG-103

Jose Larranaga

From: Deanna Hagan <dee.hagan@live.com>
Sent: Tuesday, March 11, 2014 10:53 AM
To: Jose Larranaga
Subject: RE: Case MPA13-5380

I live on Richards Ave and i want to vote NO to any changes of the Master Plan that we agreed to originally in Rancho Viejo. Too much cogestion with traffic, noise, and hiding the sites of the mountains. I will not honor any changes what so ever. Thanks Deanna Hagan 6551 Richards Ave.

Jose Larranaga

From: lance tunick <tunick@vsci.net>
Sent: Tuesday, March 11, 2014 9:42 AM
To: Jose Larranaga; Penny Ellis-Green; Liz Stefanics
Subject: Proposed change to rancho viejo master plan (CRDC hearing March 20)

Categories: Red Category

Greetings:

I am writing to express my strong opinion as regards an issue to be heard next Thursday, March 20 before the County Development Review Committee -- changes to the Rancho Viejo Master Plan.

The land owner and developer are together seeking a change to the Master Plan in order to build an apartment development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." This land is currently platted and recorded with the county for a small number of single family residences.

I am not writing to express my total opposition to the project. Rather, I am writing to do my best to see that the project, if approved, is done in a sensible and neighborhood-sensitive fashion. The mess of Oshara Village and Richards Avenue must never be repeated. The Rancho Viejo owner, Uninvest, displays virtually no concern for aesthetics and community issues (I can only imagine that money is their sole driving force). This means that government must be extremely mindful of the rights of Rancho Viejo residents and of the quality of life impacts that development inevitably has.

If the Master Plan amendment were eventually approved, there **MUST BE CONDITIONS attached to the change**; these conditions must include:

- Limitation on the usage of the parcel of land east of Burnt Water Road and west of the proposed apartment site. This land should be open space. Otherwise, we will be back before the CRDC in the near future with someone wanting to put more apartments on this small parcel.
- Limitations to protect vistas (height limits)
- VERY careful traffic control (stops sign, speed bumps, limitations on heavy truck traffic)
- Tree planting, wall construction and other measures along College Drive to reduce noise pollution in the existing College Heights neighborhood
- Meaningful light pollution ordinances and ENFORCEMENT of same.

Rancho Viejo has strictly-enforced covenants designed to improve quality of life. The proposed apartment complex cannot be permitted to do an end-run around these restrictions.

MOST IMPORTANTLY, however, permitting construction of this apartment development to start *before* the Southeast Connector road is completed would be a frightening case of putting the cart before the horse. Construction traffic, noise, dust etc. on Richards and College Drive would be horrendous if all construction vehicles had to use those roads in order to go to and from the construction site. Richards is already a nightmare. That the developers wish to start construction sooner rather than later is simply a consideration which must bow to the reasonable needs of the community. Build the Connector road first.

And as regards the Southeast connector:

--surely we have learned from the traffic mess that is called Richards Avenue that poor planning leads to lousy roads; and that a plethora of sign pollution does not solve the problem;

-- from what I have seen and heard (from the developer), there is no planned turn-off from the Southeast Connector directly into the Community College. Rather, all CC traffic would exit the Connector at College Drive and enter the CC through the existing North Entrance. This is insane. A condition to approval must be a CC turn-off leading directly into the CC from the East. The proposed pathway for the Connector is only 100 yards from the parking lots at the CC. It is hard to imagine any financial or political excuse that could justify not requiring such a CC turn-off on the Connector.

Thank you for this opportunity to express my views.
Sincerely,

Lance Tunick
14-B Deans Court
Santa Fe NM 87508
Cell -- +505 570 1845

Jose Larranaga

From: Jim&Elizabeth Kerr <ekerr22@gmail.com>
Sent: Tuesday, March 11, 2014 9:11 AM
To: Jose Larranaga
Subject: Case #MPA13-5380

Please vote this down. Water is my main concern but traffic congestion is going to be a problem. Please do not change our master plan in Rancho Viejo.

Thank You,

Jim Kerr

6555 S. Richards Ave

Santa Fe, NM 87508

Jose Larranaga

From: Janice McAninch <jan.mcaninch@gmail.com>
Sent: Tuesday, March 11, 2014 8:45 AM
To: Liz Stefanics
Cc: Jose Larranaga
Subject: College Drive Project

Dear Commissioner Stefanics and CDRC Jose Larranaga,

It comes as no surprise that the residents of Rancho Viejo and College Heights are upset about the projected development of an apartment complex which is compromising.

Traffic on Richards Road is already maxed out.

This violates our community standards and CC&R's which was specifically for single family homes.

Students in apartments would have no vested interest in maintaining these guidelines for quiet and dark sky nights.

There are three covered pools in the Fitness Center of SFCC.

An outdoor pool at 7000 feet is ridiculous, especially with 60 mph winds potentially emptying it with a mini tsunami.

Univest may be selling the property to be exempt from any CC&R constraints; however, Vedula's reputation is not one of quality structures or concerns for the long run.

IF SFCC wants student housing, it should be on their campus and part of their responsibilities.

Traffic then could be bikes around the campus and less impact on Richards Road.

We do hope you will consider these issues as paramount to continuing a quality of life in this area.

Sincerely,

Langdon P McAninch &
Janice A McAninch

Jose Larranaga

From: Gayle Evezich <gevezich@gmail.com>
Sent: Tuesday, March 11, 2014 8:00 AM
To: Liz Stefanics; Jose Larranaga
Subject: Opposition to Proposed Apartment Development with Rancho Viejo - Elevation at Rancho Viejo

Categories: Red Category

March 11, 2014
Ms. Liz Stefanics,
County Commissioner, District 5
P.O. Box 720
Cerrillos, New Mexico 87010

Re: Proposed Apartment Development within Rancho Viejo behind the Santa Fe Community College on College Drive, called "Elevation at Rancho Viejo." Project on the County Development Review Committee (CDRC) for March 20. Presentation by Jenkins and Gavin to the Rancho Viejo Community at the Santa Fe Community College on March 10 at 5:30 p.m. (Jemez Rooms).

Dear Commissioner Stefanics:

I am writing to convey my deep opposition to this development since I cannot attend the March 20 meeting. We have an almost complete consensus within our community against this development, with a significant number (in the hundreds) showing up at any meeting relating to this issue, and with more than 300 signatures on a petition opposing this project.

Last year, we were told in three meetings that this proposed apartment complex was to be built in two phases on an extension of quiet College Drive, which borders the College on the North, to ultimately total an estimated more than 400 units. These apartments represent a huge departure from Rancho Viejo's established design and concept.

This year, the major change appears to be starting the project with 200 units 1/4th of a mile east of our mail boxes on Burnt Water Road.

Past Santa Fe Community College President Ana Guzman, invited us to a community meeting and surprised us with the information that the complex would be filled with students, validating our concern about the target market for the complex. Although it is billed as a luxury development with club house and pool, we view it as a potential "party palace" in our quiet neighborhood. The Community College already has a pool.

Further complicating the situation, according to Jenkins Gavin--the local Public Relations firm fronting this development--this property is in the process of sale to Vedula Residential, 6720 Scottsdale Road, Suite 109, Scottsdale, AZ 85253. Bruce Hart is the main partner involved, according to Warren Thompson of Uninvest.

Vedula's business model is to construct apartment complexes at the lowest cost possible, and move on (see their website <http://vedurareidential.com/home/>). In a well planned and sustainable community this seems more than simply opportunistic. This company does not have a stake in the community or long standing commitment to maintaining the quality over time.

This land is currently platted and recorded with the county for a small number of single family residences, which is far more appropriate for this neighborhood and in line with what we were promised when we bought our homes.

This project will negatively impact the quiet enjoyment of our homes, and quality of life that we paid a premium for at time of purchase, and what is considered valuable to anyone living in Rancho Viejo. Rancho Viejo developers (Uninvest, and others) sold homes in Rancho Viejo with the assurance that it would be occupied by homeowners and governed by covenants and associations. A sale of this parcel would change the contract under which we purchased homes.

We also oppose apartments in this neighborhood because of loss of views due to the heights of this complex, traffic, trash and noise. There would be significant light pollution from traffic and from exterior lighting in parking lot and common areas, as well as the pool and other public areas. This is inconsistent with Rancho Viejo's tightly enforced lighting covenants designed to improve quality of life and respect the night sky ordinance in effect in the county.

The lack of the completed Southeast Connector (which in the event of a ground fire virtually traps us on College Drive--there is only one way in and out), the traffic impact on Richards, and the fact it presents the perfect site for potential drug and criminal problems.

At the community meeting with Jenkins-Gavin last night (March 10) we were informed that once the connector road is constructed, College Drive will have to be extended and that will be the route to SFCC's north entrance. SFCC does not plan to have another entrance from directly from the connector which means that all traffic that will be on the Connector will dump onto College Drive. Additionally, the north entrance of SFCC is a poorly designed entrance that is too small to accommodate much traffic. C

We are reviewing the traffic impact study paid for by the developers and we are aghast at the questionable quality of the study and its insufficient and misleading results. We have traffic experts among us and they find this study deeply flawed.

Sufficient consideration was clearly not given to more appropriate sites, where infrastructure is still feasible and cost effective - but without creating a massive impact on existing development. A good example would in the area of the new Fire Station. The Station represents some law enforcement and such a complex would have immediate access to Route 14 as well as close proximity to the college, and would reducing the traffic impact on Richards. It would be some distance from any existing single family homes. And given it is not immediately next to the college, it would be more likely to attract a variety of residents rather than just students. Again, that is consistent with the design and intent of the Rancho Viejo community plan.

We do not oppose student housing constructed on the College and supervised by the College. However, we control our community and quality of life by way of homeowners' associations. Apartment dwellers have no such associations. Young students can quickly bring down the condition of apartment structures since they have no vested interested in maintaining the quality of the structure or environment. Once this project is developed, we know it will be immediately sold and possibly not well managed. One look at the police blotter for the apartment complexes on Airport Road, is enough to cause deep concern.

While respecting Univest's right to develop this particular parcel, we do not in any way endorse changes to the Master Plan to permit apartments on College Drive. This concept and related density is a far dramatic deviation from our community plan. Rancho Viejo is a community of homeowners, with strict home owner association covenants and guidelines and management. This was not designed or promoted by the developer as a rental community at the time we purchased our homes and made the decision to live in this community.

Sincerely,

Gayle Evezich
6B Dean's Court

cc: Penny Ellis-Green at www.santafecountynm.gov/growth_management

Jose Larranaga

From: Penny Ellis-Green
Sent: Friday, March 07, 2014 5:35 PM
To: Jose Larranaga
Subject: FW:

Categories: Red Category

For the record

From: Lib O'Brien [<mailto:libobrien66@gmail.com>]
Sent: Friday, March 07, 2014 5:00 PM
To: Penny Ellis-Green
Subject:

Dear Ms. Ellis-Green:

I am opposed to any change in the Master Plan regarding the proposed apartment complex north of SFCC for the following reasons. I moved to Rancho Viejo seven years ago from New Jersey and chose Rancho Viejo for it's night skies and minimal daytime noise.

1. There is plenty of land near the fire station (owned by Univest) and would not impact already existing homes. Plus, there is easy access off Rte. 14 that would not cause congestion. In addition, I bought my home with developer promise that we would be part of a community governed by covenants and our homeowners association. A high density apartment complex in our midst has no such obligations.
2. Traffic on Richards Ave. at 8:30 and 5:30 when the college holds so many classes, snakes as far as the light at Governor Miles. Today there was gridlock in the traffic circle by Maria de la Paz...Lenten services mingled with SFCC students. GRIDLOCK! We already have FIVE schools--- Maria de la Paz, Amy Biel, ACT, IAIA and SFCC...WE do not need any more traffic and I fear that the proposed location for the apartment complex will generate more traffic on already congested Richards Rd.
3. I treasure the quiet, the night sky and lack of traffic..the reason I purchased in Rancho Viejo.This development negatively impacts us with noise, dust, and car headlights plus parking lighting that destroy our concept of night skies.
4. WATER....The bold reality is that we in the Southwest are running out of water....we cannot afford to do any more building....we need to renovate what is available so that families can find homes already built.

Please do what you can to confront these issues, with the hope that 1. The builder will stop its plans all together (false hope!) or 2. move to land that does not impact this already congested area.

Thank you for our help in this issue. Elizabeth O'Brien, Ph.D. 6557 S. Richards Ave. SF 87508

Jose Larranaga

From: JUSTEXECRO@aol.com
Sent: Tuesday, March 11, 2014 2:54 PM
To: Liz Stefanics; Jose Larranaga
Subject: UNIVEST's proposed changes to Rancho Viejo Master Plan

Re: Case #MPA13-5380

Changes to the MASTER PLAN of Rancho Viejo,
Santa Fe, NM

No, No, No!

We "contracted" to fulfill our covenants when we bought our homes in Rancho Viejo. The "contract" had another obligation: YOURS. We are not permitted to break ours to you; you should not be permitted to break yours to us!--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations, and is not what we contracted for.

This development would negatively impact us with noise, dust, and car headlights plus parking lighting that would destroy our concept of night skies, among other unwanted problems. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to our Master Plan, which your side (even though you may be a new owner) contracted for.

We, in Rancho Viejo, DO NOT WANT CHANGES TO OUR/YOUR MASTER PLAN!

Very truly yours,

Rosemarie Cristello
11 Emory Pass
Rancho Viejo,
Santa Fe, NM

Date: March 12, 2014

TO: Mr. Jose Larrañaga
Development Review Team Leader
Santa Fe County

FR: David A. Vigil
Resident College Heights
Rancho Viejo

RE: Elevation at Rancho Viejo #MPA 13-5380

Dear Mr. Larrañaga,

I'm writing you today to express my concerns and objections to a proposed master plan amendment to the College North Master Plan affecting the approximate 56.91 acre parcel north of College Drive and east of Burnt Water Rd. Again this issue is returning and again the sentiments of many of the Rancho Viejo community including myself are strongly opposed. Let me be clear that this change is going to significantly alter and deviate from our current quality of life. Additionally, the residents of College Heights were sold on the vision that the area in question would eventually be developed into single family homes like ours.

Quality of life, culture and community are all reasons why my wife and I love College Heights. We do our due diligence whenever we purchase properties and the issue of this open space did come to our attention. After doing our research we were confident through the master plan, our HOA covenants and just the basic logistics that a development such as a multi-family housing unit would not be an option. Here we are a few years later dealing with this potential change which brings me to the question. With so much land owned by Univest, why would they choose this area to put a multi-family housing unit? Why would they sell us one thing but propose to deliver another? This is not a good feeling to have. Sure many of us are taking this personal but this is our home. Nobody would appreciate the feeling of misrepresentation. The multi-family housing unit severely deviates from the original vision by which we were sold.

I could get into a variety of reasons as to why this proposal is not a good idea. I will only keep it to a few points to keep it short. First and foremost is the reason that I have previously touched on which is the misrepresentation. This alone should null and void this proposal from going any further. Second is the fact that who is going to govern this multi-family housing unit. As a neighborhood we are governed by HOA covenants. What rules will govern the multi-family housing unit? I see plans and drawings that are contradictory to our existing HOA rules and regulations. To mention a few; no pools are allowed, why is the current plan show a sewer line tie-in to the College Heights existing line (not allowed based on College Heights subdivision disclosure statement), has this project received approval from the architectural review board and use restriction that lots are to be used for single family residential use only. The most important takeaway from our disclosure is health, safety and welfare which states that in the event uses of, activities on, or facilities upon or within the Property, the Tract or any Lot are deemed by the Board of Architectural Review Committee to be a nuisance or to adversely affect the health, safety or welfare of the Owners or Occupant, the Architectural Review Committee may make rules restricting or regulating their presence.

NBG-113

I'm a strong believer that our quality of life is significantly going to be adversely affected. Traffic, noise and transiency are all concerns. The fact that a large structure is now going to occupy space originally designed for single family homes is very disappointing. This is obviously an amendment, for this particular area, that cannot be approved or accepted by the Rancho Viejo community.

I do have a background in development and construction. My firm provides engineering services to many projects that people benefit from every day. As a native Santa Fean, it was always a dream of mine to return to Santa Fe after college and contribute back to my community. I'm proud to say that my company employs 17 New Mexicans and we work on projects that make sense and benefit the community. It is disappointing when I hear of a change like this being implemented by a non-local developer with intentions on maximizing the profits for its investors. That is the motto of Vedula Residential Operating, LLC and they proudly announce it on their web page. I was born and raised in this community and I say no to this development thinking that they can make Santa Fe a chop shop. I love my home, community and many family and friends that are part of this community. This proposed master plan amendment should be removed from consideration and I ask that you please share this letter and thoughts with the CDRC. I thank you for your time.

Sincerely,



David A. Vigil

NBG-114

March 12, 2014 email to Jose Larranaga; cc: Penny Ellis-Green & Liz Stefanics page 1 of 2
..(Note that this attachment to a cover email is a pdf document to make type more readable)..

To: joselarra@santafecountynm.gov

CC: penggreen@santafecountynm.gov; lstefanics@santafecountynm.gov

Subject: Do Not Approve MPA13-5380, Master Plan Amendment for Elevation at Rancho Viejo

Dear Mr. Larranaga:

As someone who has been living in Rancho Viejo for 9 years, I request that you Do Not Approve Case MPA13-5380, Master Plan Amendment for Elevation at Rancho Viejo, 214 Apartments. Reasons for requesting this are as follows (the Case is referred to as the Apartments below):

1. The County is not allowing sufficient current input from the public on the Apartments

It's been approximately 1 year since this issue last came up in a public meeting at the County that resulted in the Apartments being postponed until now. Current public input needs to be considered, as plans have changed. The short March 20 meeting is not enough time to consider public input. Especially since the Developer spent months meeting with the County on this. Thus we request you Do Not Approve this Case and do not send it to the Board of County Commissioners for a vote until the County allows and responds to more public input.

2. The public hasn't received sufficient current input from the County on the Apartments

In a March 10 meeting we received information from the Developer on the Apartments. But that's just his point of view. The public wants a meeting to know the County's point of view.

3. The County has not provided sufficient public information on how the SE Connector is integrated into the Apartments plan, key since they're adjacent and increase traffic.

The last public information meeting about the SE Connector was June 26, 2013. We believe that the SE Connector traffic study did not specifically model projected Apartments traffic. Plus, we understand the study was only for 1 day. Very experienced traffic experts we've consulted warn that such a study is inadequate. We've heard that the Developer may have done some sort of traffic projection for the Apartments; if so, this is less objective than having a third party do such a study. We think our sources are accurate, but we say "believe," "understand," and "heard" because we have gotten all our information from unofficial sources, not the County. *The County needs to provide such Apartments information publicly to show transparency.*

Additional examples of information we need clarification on are:

- Is there a direct entrance onto the SE Connector from the Apartments?
- With increased Apartments traffic, is a roundabout planned at the College North entrance?; no roundabout there = College Drive traffic from Rabbit stalled making a left at that entrance
- Why isn't there a West entrance into the College to reduce more College Drive congestion?
- Why did we 1st see new SE Connector options March 10 at a Developer, not a County meeting?
- Has the County confirmed that the \$5 million bond issue will cover the SE Connector proposed?

NBG-114

At the March 10 meeting with Rancho Viejo residents, the Developer said that one of the two new supposedly-final route options for the SE Connector from the Apartments S to Avenida del Sur curves S Rabbit approximately 45 degrees southwest below the College. The other supposed final option keeps S Rabbit going almost due South. When asked at the meeting what route option was most likely, the Developer said the due South route would be used because the College didn't like the 45 degree southwest route. *Why hasn't the public had the chance to say what it thinks about that route?* It looks like it could be saner and save money.

Rancho Viejo residents have received information about developments on the Apartments in the last 9 months only in a public meeting by the Developer on March 10. Residents have not had a public meeting with the County in those 9 months to present input on the Apartments. Similarly, residents have not had a public meeting with the County in 12 months on the SE Connector that is intertwined with the Apartments. Nor have they had any public meeting opportunity in 12 months to present input to the County on this SE Connector. And the only public meeting they had covering the intertwined SE Connector was from the Developer, not the County, on March 10.

With residents having no public meetings with the County on the Apartments or the intertwined SE Connector in 9 to 12 months, the public has not been afforded enough time to learn about, consider, and comment on the alternatives. *Only in the last 2 days have Rancho Viejo Residents had supposedly up-to-date information on the Apartments and the intertwined SE Connector!* And that information was presented by the Developer, not the County. It looks like the County is only considering comments by the Developer.

County resident opinion on the above topics deserves more attention than a few minutes at long multi-topic CDRC meeting next week and possible coverage of this topic in a similar Board meeting in the next month or so. Do Not Approve Case MPA13-5380.

Thank you for your consideration.

Sincerely,

Paul Wrenn

NBG-116

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, March 11, 2014 3:20 PM
To: Jose Larranaga
Subject: FW: URGENT - MPA 13-5380

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

From: jsherre [<mailto:jsherre@att.net>]
Sent: Tuesday, March 11, 2014 3:11 PM
To: Penny Ellis-Green
Subject: URGENT - MPA 13-5380
Importance: High

Dear Ms. Ellis-Green

I am a Rancho Viejo (RV) homeowner in Windmill Ridge. I wish to express my **STRONG OPPOSITION** to MPA 13-5380, which comes before you on March 20.

I, along with many RV home owners are **CONCERNED**, seriously concerned about the so-called "luxurious" apartments to be built in College Park. First, this proposal goes against the core of why most of us bought homes in RV. We chose to spend our funds in what we believe would be a non-dense community surrounded by natural New Mexico beauty. The building of these apartments will be the first step toward destroying the covenant on which we relied. In addition, the cost to affect these changes is likely to decrease property values and increase taxes. Property values will decrease for future buyers will look elsewhere to avoid "apartment communities" and will not want to contend with the traffic. I am already aware of homeowners moving due to increased Richards traffic and the future plans initiated by Univest and the developer, Vendura. Their tax dollars now go to the city of Santa Fe.

In addition, the proposed expansion of SFCC and the "employment center" at the corner of Richards and Avenida del Sur shall increase traffic—despite any relief route or the apartment complex. Not only will the traffic increase, but if a serious wildfires occur in RV, the two routes to safety will be congested to the point that lives will be endangered.

Last evening, we met with representatives of Vendura and gained no answers to our questions or suggestions. The representatives maintained they did not know the details of the developer (their employer) nor that of Univest. As concerned home owners, we were frustrated that a meeting was called, but little, if any, information was made available.

We have requested Univest and Vendura explore other, extensive property holdings of Univest, such as the land near Route 14 where a large number of commercial enterprises already exist. This location is convenient to I-25 and Route 599 so that the increased traffic can be handled from all directions NSEW without additional cost for roads. This location is convenient to the new and proposed commercial development of Cerrillos Road as it approaches I-25 and would not significantly increase traffic on Richards.

Another concern is crime. Currently, RV is peaceful with little crime? Generally, apartment complexes increase the probably of crimes of opportunity. Yet another potential for lowering the value of property and impacting, negatively, future real estate sales.

I, as many other RV homeowners, **urge** you to reject this poorly-conceived proposal. Send it back to Uninvest with your strongest opinion that plans for the apartment complex and the employment center be reconsidered and revised in the interest of all concerned – Uninvest, SFCC, and RV residents.

Thank you for considering our concerns,

Sherre Stephens
3 Lookout Mountain
Santa Fe (county), NM 87508
505-570-7470

Jose Larranaga

From: Vicki Lucero
Sent: Tuesday, March 11, 2014 3:49 PM
To: Jose Larranaga
Subject: FW: Santa Fe County Public Comment Form

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: Jennifer LaBar-Jaramillo
Sent: Tuesday, March 11, 2014 3:47 PM
To: Penny Ellis-Green; Vicki Lucero
Subject: FW: Santa Fe County Public Comment Form

Is this re: a case for tonight or CDRC? Please submit with case correspondence.

Thanks,
Jen

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

From: Anonymous [<mailto:kbustos@santafecountynm.gov>]
Sent: Tuesday, March 11, 2014 2:57 PM
To: Kristine Mihelcic; Jennifer LaBar-Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

[Anonymous submission]

Comments:

Re: Case #MPA13-5380
Changes to the MASTER PLAN of Rancho Viejo, Santa Fe, NM

No, No, No!

We "contracted" to fulfill our covenants when we bought our homes in Rancho Viejo. The "contract" had another obligation: YOURS. We are not permitted to break ours to you; you should not be permitted to break yours to us!--We bought our homes with developer promises that we would be part of a community governed by covenants and homeowners associations. A high density apartment complex in our midst has no such obligations, and is not what we contracted for.

This development would negatively impact us with noise, dust, and car headlights plus parking lighting that would destroy our concept of night skies, among other unwanted problems. This high density housing development is a huge departure from our Master Plan of single family residences and we oppose any changes to our Master Plan, which your side (even though you may be a new owner) contracted for.

We, in Rancho Viejo, DO NOT WANT CHANGES TO OUR/YOUR MASTER PLAN!

Very truly yours,

Rosemarie Cristello
11 Emory Pass
Rancho Viejo,
Santa Fe, NM

Jose Larranaga

From: pateperrin@aol.com
Sent: Tuesday, March 11, 2014 4:21 PM
To: Liz Stefanics; Jose Larranaga
Subject: Opposition to the proposed 214 apartment building complex on College Drive. CDRC Case # MPA 13-5380 Elevation at Rancho Viejo

Follow Up Flag: Follow up
Flag Status: Completed

When I retired, I couldn't decide between Sedona or Santa Fe.

I thought, the big Arizona Developers will ruin Sedona because it has such a fragile infrastructure and the Hispanics will protect Santa Fe.

Indeed, the developers have ruined Sedona. In summer, it takes over an hour to drive 5 miles because the roads do not support the traffic.

I now find myself fighting two Arizona construction firms: Univest and Vedula, which want to build what is really going to be student housing in my back yard. And the traffic problems on Richards are mounting.

Please do not allow this construction on College Drive until the Southeast Connector goes in.

We were promised a Master Plan of 60 additional single family homes. We support that. We would even support condos or town homes if we didn't have such traffic problems on Richards.

But apartments, where we have no way to control or communicate with renters, are a nightmare.

The current plan shows a buffer zone but we all know that just as soon as they build the 214 apartments, they will put more right next to us. To those of us on little, quiet College Drive, it just means traffic, noise, dust and lights.

Of course, I can just sell my house and leave. I feel so terribly sad because that's probably what I am going to have to do.

Jose Larranaga

From: Reinhartz, Judy <jreinhartz@utep.edu>
Sent: Tuesday, March 11, 2014 8:26 PM
To: Jose Larranaga
Cc: Liz Stefanics
Subject: Proposed Apartment Development Within Rancho Viejo Behind the Santa Fe Community College

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Larranaga,

As you are aware, the community members and homeowners of Rancho Viejo are committed to maintaining the quality of life originally envisioned and advertised by adhering to the existing Master Plan drawn up and agreed to in the 1990s for the establishing of College Heights and adjacent communities. The original commitment and agreement have been challenged by the recent request to develop the apartment complex east of College Heights and the SFCC.

For those of us who have been here since 2002, this announcement was certainly a shock to hear about the plans for a high-density multi-story rental apartment complex of 156 units in the already traffic-impacted area. Currently, SFCC has 6,000 students with the goal of 12,000 in the next decades, St Maria de la Paz Catholic Community, which includes 1700+ families, Santo Niño Regional Catholic School with 356 students, Amy Biel Community School with a student population of 441, bicycle parts business, and that does not include the current Rancho Viejo families with expected expansion of La Entrada at RV in the next few years.

Our vision is simple and that is to have owner-occupied, maintained, and cared for residential communities that are governed by sets of covenants established first by the developer, which were turned over to individual homeowners' associations. The vision as stated in the current Master Plan ensures that we would be enjoying and living in an area where there is open space free of pollutants, clear day and night skies, recreation trails to walk and enjoy nature, safety for us and our loved ones, sustainable property values, and enough water for all without fear.

The proposed developer's project changes this vision and the future lives of homeowners in Rancho Viejo. We made a commitment to buy and live here, and now the current project ignores the Master Plan, changing the original mission and vision by building a high density commercial apartment complex with a clubhouse and swimming pool, bringing more people into the area already plagued by high travel density issues.

We have participated and attended most of the public meetings held, but many were not productive because many of the questions from hundreds of homeowners present were not answered since the presenters did not

have the answers, contributing to our frustration. The question that comes to mind, is why have public meetings when people in authority are not present to answer questions? It appears that the meetings were held to meet the requirement of having them, but not to really have them function as a public forum.

We are sad to conclude that the dye has already been cast, and it is a done deal. We hope and pray that is not the case. We hope the Santa Fe County Commissioners will recognize that this project is against the will of the majority of residents in Rancho Viejo and that our community will not benefit in any way from having this project approved. In fact, we all lose—in terms of natural water sustainability, increased erosion by removing ground cover and interfering with flood zones, and the reduction of wildlife.

When the developer's Master Plan for this area was drawn, the Santa Fe County Commissioners supported them. What does the project say about systematic county development policies, strategies, and tactics for our future? Who will benefit from this proposed change? Is it in the communities' interests? The economic interest of the developers? And finally, how does Rancho Viejo maintain its integrity, vision, and lifestyle when it's developers try to undermine the original Master Plan for their profit?

My husband and I made a choice to come to Santa Fe and live in Rancho Viejo. And frankly, we feel *betrayed*. It seems that written documents and verbal promises can be easily broken by the developer and now Vendura, who will be building the apartment complex.

We are concerned that a precedent for further changes is in the wind for the Rancho Viejo area. We chose quality of life and sustainability based on the original Rancho Viejo Master Plan. Please, Mr. Larranaga, as project manager, do not abandon us and the original Master Plan and vision in favor of corporate America. Please make us count in the end.

Thank you for taking time to read and consider our request.

Sincere regards,

Judy and Dennis Reinhartz

Judy Reinhartz, Ph.D.

Professor Emeritus, The University of Texas at El Paso

Dennis Reinhartz, Ph.D.

Emeritus Professor, The University of Texas at Arlington

20 Firerock Road

Santa Fe, New Mexico 87502

505-474-5329

Graeser & McQueen, LLC

-Attorneys at Law-

316 East Marcy Street, Post Office Box 220 Santa Fe, New Mexico 87504-0220
(505) 982-9074

March 12, 2014

Santa Fe County Development Review Committee
Santa Fe County Commission
c/o Jose Larrañaga, Commercial Development Case Manager

via: email to joselarra@santafecountynm.gov

re: Elevation at Rancho Viejo, #MPA 13-5380

Dear Jose,

This firm represents neighbors of the proposed Elevation at Rancho Viejo project (residents of College Heights Phase 1) and submits this letter on their behalf in opposition to the requested master plan amendment. Their objection to the master plan amendment to allow at least 214 rental apartments where 53 homes were previously approved and expected is based on several factors.

CDRC/BCC Discretionary Review Criteria

Section §4(B)(3) of the Community College District Ordinance, Ordinance 2000-12 (CCDO), requires the CDRC and BCC to review the application for "Conformance to the Santa Fe County Growth Management Plan as amended by the Community College District Plan" as well as "Impacts to schools, adjacent lands or the County in general." Fundamentally, this application does not comply with the Community College District Plan, Resolution 2000-148 (CCDP), and presents an unreasonable impact on the adjacent lands. The amendment request should be denied, and the applicants can be apprised of the reasons for denial as set forth in this letter. CCDO §4(B)(4).

County staff has done a thorough job in their review, and has recommended approval. Although the staff memorandum may recommend the project as in compliance with the Code, that recommendation only addresses prescriptive Code requirements. **The CDRC and BCCC may still reject the project under their discretionary authority.**

Community College District Plan

The CCDO allowed development in accordance with approved master plans "without amendment." CCDO Section 9(A). The applicants can thus develop their

property in accordance with the 1997 master plan. Otherwise, a master plan is required (in this case, an amendment to the original master plan). CCDO §4.

The CCDP accepted and anticipated continuation of approved development as of the plan's adoption in late 2000. The plan was adopted in anticipation of College Heights buildout as initially approved and expected. For instance, the plan incorporated the Future Road Network Study that specifically notes 73 approved dwelling units for College Heights Subdivision (with 0 existing at the time). FRNS, Pg. 4.

This application amends both the previously approved College North Master Plan as well as the CCDP itself, and it does so without consideration of the needs, expectations or health of the surrounding community.

Master Plan Area

Under CCDO §4(B)(2), "The minimum area which must be included within a master plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant."

The master plan amendment encompasses substantially less than an entire village zone. Applicant Univest Rancho Viejo has numerous landholdings in Rancho Viejo, including the portion marked "Future Development" located between College Heights Phase 1 and the current project. Thus, the amended master plan must include at least this property. Failure to do so both violates the CCDO and unfairly leaves the applicants' neighbors in limbo fearing what even more intense use might be proposed for the remaining land.

Given the applicants' current intention to substantially modify the expected land uses and thus interfere with the community's settled expectations, **the applicants must adhere to the code requirement to master plan all of their holdings in the area that may impact the residents of College Heights Phase 1.**

Rezoning Limitations

Applicants seek to amend their master plan. The term "master plan" has two associated meanings in land use planning. The first is as a jurisdiction-wide comprehensive or general plan. See, Santa Fe County Land Development Code Art. X, §1.33, Ordinance 1996-10 (the Code); Michael Davidson and Fay Dolnick, A Glossary of Zoning, Development and Planning Terms 146 (1999). The second, as used in this context, is a vehicle for zoning or subdivision approval (this application does not seek to subdivide the land; subdivision regulations may be found in Art. V of the Code). The Code does not define "zoning." However, it does define "master plan" as "a report, plans, and other submittals as required by this Code for a proposed subdivision or zoning or re-zoning of land showing the development proposal in a manner comprehensive enough to evaluate the scope, size, intensity, compatibility, benefits, relationships, and impacts of a project..." Code Art. III, §5.2 (emphasis

supplied). Thus, a master plan zones, and a master plan amendment effects a limited rezoning. It is not legally permissible to do so in such a limited context.

In *Albuquerque Commons Partnership v. City of Albuquerque*, 144 N.M. 99, 2008-NMSC-25 the New Mexico Supreme Court reviewed its own case law on piecemeal rezoning and revitalized several important concepts. "A targeted rezoning action is also called a piecemeal rezoning and stands in contrast to a comprehensive rezoning, which affects a substantial portion of land within the zoning jurisdiction belonging to many landowners." (internal quotations removed). A piecemeal rezoning results in "specific properties or small groups of properties within an otherwise similarly situated class, restricting or allowing uses in ways that do not apply to the surrounding area or similar areas within the [zoning district]." ¶26.

Under *Albuquerque Commons*, such piecemeal rezonings must be justified by 1) a change in conditions in the community or 2) a mistake in the original zoning. See also, *Miller v. City of Albuquerque*, 89 N.M. 503, 554 P.2d 665 (1976) and *Davis v. City of Albuquerque*, 98 N.M. 319, 648 P.2d 777 (1982). There is no evidence in the record, nor do the applicants submit any information, regarding any change in the community or mistake in the original zoning. The rezoning request completely fails under this rule.

Albuquerque Commons does open up one other avenue to rezoning, if it is "more advantageous to the community, as articulated in the Comprehensive Plan or other [zoning district] master plan." In the case of a "more advantageous" rezoning, there must be a public need for the change and proof that "that need will be best served by changing the classification of the particular piece of property in question as compared with other available property." *Albuquerque Commons* at ¶30. There is also no evidence in the record of any particular public need or site-specific appropriateness. In this respect, the rezoning is not only contrary to law, §39-3-1.1(D)(3), but also unsupported by substantial evidence, §39-3-1.1(D)(2).

The basis of the rule re-articulated in *Albuquerque Commons* is logical. The *Miller* court, in exploring the basis of rezoning restrictions, noted the "**desirable stability of zoning classifications upon which the property owner has a right to rely, since property may be purchased or sold or uses of the property undertaken in reliance on existing classifications.**" *Miller* at 506, 554 P.2d at 668 (emphasis supplied). Here, the community has come to expect continuation of the quiet, low intensity single-family use that as represented to them when they purchased their homes, and as has become an essential part of the community's identity.

Compliance with General Plan

Art XV, Sec. 4.B.3.a of the Code requires conformance to the County's Growth Management Plan (currently, the 2010 Sustainable Growth Management Plan). The SGMP requires "transitioning between land use types, intensities, and densities

using buffers and floor area ratios..." SGMP, Pg. 42. Here, **there is no transition zone between the single family residences and the 214 unit complex.**

Notably, when the original developer was seeking approval for the project, their land use planner stated that "College North is a transitional area between the rural densities and the Community College." April 30, 1996 EZA minutes.

Adjacent Lands Impact Analysis

Art. XV, Sec. 4.B.3.d of the Code requires analysis of impacts to adjacent lands. **The application contains no such analysis, rendering it deficient.**

HOA Membership

Owners of single-family residences in College Heights are automatically members of the homeowners association. Dues are substantial (~\$1,000 per year) and support many of the amenities and services enjoyed by community residents. Residents have proceeded with the settled expectation that 53 new single-family residences would be built, assisting them in paying these hefty dues. However, the apartment project, on a single lot, would be all but exempt from such dues. **This results in an unfair financial burden on the College Heights Phase 1 residents.**

Violation of Restrictive Covenants

The current private restrictive covenants that govern the property prohibit the applicants' anticipated project. My clients recognize that the County does not enforce restrictive covenants, and they are prepared to do so themselves, although the covenants were specifically approved by the County as part of the development review process (See May 12, 1997 EZA minutes). However, the covenant restriction is relevant for the County's discretionary review as to whether amendment of the master plan is appropriate and honors residents' established expectations.

There is no question that the project is prohibited by the covenants (Village At Rancho Viejo Covenant Declaration, Section 9.2): "All Lots may only be used for single family residential use..." Although current applicants' ability to amend the covenants is far from clear based on a review of the relevant transactions, they presumably assert the ability to amend the covenants under the Declarant's rights.¹ However, there are substantive legal restrictions and prohibitions on their right to do so.

The first of those is the requirement of uniformity. In *Montoya v. Barreras*, 81 N.M. 749 (1970) the Supreme Court looked at a case in which protective covenants

¹ Declarant rights are tightly regulated by the Homeowner Association Act, NMSA 1978 Section 47-7E-1, and such an amendment may be in violation of applicants' obligations under that act as well.

² Uninvest-Rancho Viejo LLC has accepted all rights and obligations of Rancho Viejo de Santa Fe, Inc. in a

("detailed plan for residential development and restriction as to all of the lots in the subdivision" *Id.* at 751) were amended to remove the restrictions on a single lot, allowing it to be used for nonresidential purposes. The Court stated, "Historically, restrictive covenants have been used to assure uniformity of development and use of a residential area to give the owners of lots within such an area some degree of environmental stability. To permit individual lots within an area to be relieved of the burden of such covenants, in the absence of a clear expression in the instrument so providing, would destroy the right to rely on restrictive covenants which has traditionally been upheld by our law of real property" and that "All of the lots in the subdivision were sold subject to the provisions of the declaration. Restrictions as to the use of land are mutual, reciprocal, equitable easements in the nature of servitudes in favor of owners of other lots within the restricted area, and constitute property rights which run with the land... Where the covenants manifest a general plan of restriction to residential purposes, such covenants constitute valuable property rights of the owners of all lots in the tract." *Id.* The Court then held, "Because the grantor encumbered all of the property with restrictions, we cannot infer from the declaration the intention that any subsequent change or changes in the restrictions could be made applicable to only one lot or a portion of the lots in the residential subdivision." *Id.* at 753.

Just as in *Montoya*, the applicants seek to amend the covenants in a non-uniform fashion. They are not permitted to do so.

Just last summer our Supreme Court looked at another substantive restriction on amending covenants, namely the requirement of reasonableness. In *Nettles v. Ticonderoga Owners' Association, Inc.*, 2013-NMSC-30 certain protective covenants were amended to eliminate previously required road maintenance and to dilute the plaintiff residents' votes. The Supreme Court took on the case to "address an area of the law that... remains vital to those with property interests in planned subdivisions... throughout our state." 2013-NMSC-30 at ¶9. The Court relied on established authority and the *Restatement* in its analysis developing and strengthening the reasonableness requirement.

Thus, the *Nettles* Court held, "this Court will consider not only the rights of the individual owner, but also the rights of the other association members who expect maintenance in keeping with the general plan.... The purpose of balancing these considerations is to ensure that the strength of the association is maintained and the expectations and purpose are not frustrated, while also ensuring that *no individual property owner or class of owners is unduly and unexpectedly burdened for the benefit of others in the association.*" (emphasis in original; quoting *Griffin v. Tall Timbers Dev., Inc.*, 681 So.2d 546, 554 (Miss.1996)).

If the applicants go forward with the amendment, they are the only ones benefitted; the rest are unduly and unexpectedly burdened for their sole benefit. **This is exactly the situation prohibited as being unreasonable by the Supreme Court.**

Marketing representations and subsequent reliance by purchasers on those representations forms an independent prohibition on such a drastic change in plans as well. NMSA 1978, Section 47-6-17 (Disclosure) requires a subdivider to disclose in writing certain information about the subdivision as required by county regulations. Santa Fe County, in turn, has adopted a subdivision disclosure format (Code Appendix 5.C.1). The required disclosure includes the anticipated number of parcels. Accordingly, Rancho Viejo de Santa Fe, Inc.² filed its *College Heights Subdivision First Amended and Restated Disclosure Statement* at Book 1767, Page 468 of the records of the Santa Fe County Clerk. That disclosure statement specifies the number of parcels as 73.³ In addition, we understand that marketing materials at the time also made a similar representation, although they appear not to have been filed with Santa Fe County as required by Section 47-6-18(B) (no such materials should be destroyed).

Knight v. City of Albuquerque, 110 N.M. 265 (N.M. App. 1990) concerned the Paradise Hills Country Club Estates in Albuquerque. The original developers denominated certain areas as part of a golf course on the subdivision plat. A successor developer then attempted to amend the plat to develop those areas in a manner contrary to that shown on the plat. The Court of Appeals, noting the designation and use of the golf course and purchasers' reliance on that designation, found that the facts gave rise to a private right of action to prohibit development of the golf course for other purposes. Addressing the developer's point that the recorded covenants, conditions and restrictions (CCR's) seemed to reserve a right in the developer to "unilaterally change the character of the open space" the Court found such a result "patently unfair and violative of public policy."

The applicants' proposal is functionally the same. The developer consistently represented in numerous ways, at numerous times that the subject property (Lot 1) would contain only 73 single-family homes. This character of the subdivision was a significant part of how the properties were represented in marketing materials and sales pitches. Buyers who chose to live at College Heights made their choice based on the character of the neighborhood and their understanding that it would not change. The applicants cannot now attempt to amend the covenants or de-annex the property in order to fundamentally change the neighborhood character, density and form. Please refer also to *Ute Park Summer Homes Ass'n v. Maxwell Land Grant Co.* 77 N.M. 730 (1967) (plat showing golf course/playground/recreation area, tennis courts and clubhouse used in connection with sale of lots gives rise to equitable right of enforcement, surveying other similar cases). On the point of amending covenants or de-annexation, *Cree Meadows, Inc. v. Palmer* 362 P.2d 1007 (1961) is squarely on point. In *Cree*, the question presented was "whether or not any rights

² Uninvest-Rancho Viejo LLC has accepted all rights and obligations of Rancho Viejo de Santa Fe, Inc. in a series of agreements filed with the County Clerk on December 23, 2010.

³ It is worth noting that while the disclosure statement includes a bold face note regarding development of other land within the vicinity, it makes no such reservations regarding future development of College Heights itself.

are created to other areas owned by the dedicators when a plat of the subdivision is used in making sales of lots." Noting that "defendants had sold lots to purchasers in some of the subdivisions by references to the then-existing plat and the restrictive covenants, and that some persons had purchased lots at higher prices than ordinarily would have been paid after having examined the plat, the covenants, and heard the representations of the owners or their agents" the Court held that the developers were prohibited from changing covenants, and thus changing the use, on land adjoining land that had been sold to individual purchasers through use of plats noting the originally contemplated uses.

In *Appel v. Presley Companies*, 806 P.2d 1054 (1991) the original covenants on which the purchasers relied regulated the "land use, building type, quality and size of the residential single-family dwellings" permitted in the subdivision. The developer later attempted to modify the covenants to permit smaller lots and townhouses to be built on them. The Supreme Court reversed summary judgment in favor of the developers and directed that trial was appropriate. Citing *Flamingo Ranch Estates, Inc. v. Sunshine Ranches Homeowners, Inc.*, 303 So.2d 665 (Fla. Dist. Ct. App. 1974) and *Moore v. Megginson*, 416 So.2d 993 (Ala. 1982) (both involving unreasonable attempted amendment of covenants by developer to permit commercial uses without due regard to property rights of residents), the Court held that the appropriate determination was "whether the exceptions were reasonably exercised or whether they essentially destroyed the covenants." **This proposal indisputably destroys the covenants.**

For these reasons, my clients object to the proposed master plan amendment and urge you to reject the application, allowing the applicants to move forward with the project as originally planned and platted.

Sincerely



Christopher L. Graeser

Jose Larranaga

From: Vicki Schneider <vickischneider@gmail.com>
Sent: Wednesday, March 12, 2014 5:20 PM
To: Jose Larranaga
Subject: Re: Elevation at Rancho Viejo , #MPA 13 -- 5380

Follow Up Flag: Follow up
Flag Status: Completed

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March 12, 2014
Santa Fe County Development Review Committee
Santa Fe County Commission
c/o Jose Larrañaga
Commercial Development
Case Manager
joselarra@santafecountynm.gov

Dear Jose,

Please let the CDRC know that we are very opposed to the proposed change to the Master Plan in this case. The idea of Multi-family projects in the current environment is completely inadvisable.

I am assured that many reasons for this have been submitted, so in the interest of time, please add our names to the opposition to this item.

Thanks very much,
Vicki Schneider
BJ Irwin
99 Via Orilla Dorado
Santa Fe, NM 87508

(9190641-3096)