

10 June 2025

COMMENTS ON PROPOSED CHANGE TO LAND USE CODE

HDRB proposed changes

I hope that the GB will follow the HDRB's recommendation to only allow for organizational changes to the HDR ordinance. I would urge the GB to review the carefully thought-out response by HDRB member John Bienvenu. I agree with the Board members who expressed dismay that there were substantive changes when it was just supposed to be a reordering/cleanup. I don't think the descriptions of the architecture in the various historic districts is helpful for decision making. In fact, they seem to allow building styles that are antithetical to the preservation of Santa Fe style (whether using adobe or other material to achieve the massing etc required). The look is what brings tourists to this town. Please do not kill the golden goose. Additionally, there are plenty of other parts of town where more modern styles would be appropriate. To change the substance of the code saying it is temporary is a mistake. What happens with the decisions made during that time period? Will those changes which are disastrous to the concept of historic preservation actually be reversed? Additionally, the code needs more and better definitions. Example: Current: An appellant one who appeals a decision. Proposed Appellant: a person whether a party, a party's agent or a public participant who disagrees with a quasi judicial decision and requests review at the next administrative or judicial level or disagrees with the land use director's decision and requests review by the appropriate administrative board or governing body.

I thought I heard that the LUD staff can override the HDRB's decision re: replacement of historic material if the staff feels that sustainability is more important. I would be adamantly opposed to that change.

Lowering Parking requirements: Developers always cite walkability or closeness to transit lines to justify lowering the parking requirements. Axton Apts is a prime example where the occupants are NOT working in the community but at the Opera which is not accessible by walking or public transit. This recommendation is based on a projected number of commuters using bikes. The Bike Advisory Committee has reported that the city is currently at 2% of commuters using bikes on a regular basis for commuting which is no where close to that percentage (30%?) that would be needed to justify this reduction and that it will not even begin to reach that target by the projected date. We already have parking issues in many parts of town.

Short Term Rentals: The city needs more staff dedicated to enforcement. Getting a new third party to process applications and scrub sites for unpermitted STR is NOT helpful if there is little or no enforcement. Enforcement would include checking those who list the property as an LLC or under a business name to make sure a natural person owns it. Limit the number of STR one person can own whether held as an LLC or under a business name. Give incentives to those who would turn their STR back into long term housing.

Also please consider changing the ordinance to require the owner to occupy the property. That will stop investors from buying property for the purpose of STR

Density/Affordable housing changes: These changes are substantive—not clean up. They are supported largely by developers and those who work in the affordable housing field. I would

urge No bonus units for those who choose fee in lieu of—at the small amount the developer has to pay for this fee, it is a boondoggle.

And increase the fee in lieu of to at least \$40K/unit.

Also if the GB is going to allow bonuses in the form of market rate housing for affordable housing, I think it should be limited to 1 extra unit per affordable housing unit built—not 1.5 and that the units must remain affordable for the life of the building or 50 years whichever is greater. Developers have said even at 1.5 units it is not economically feasible and we all know that market rate housing does not serve lower income or workforce housing needs.

A permit should not be issued if there is an appeal to city council until the time period for appeal to district court runs.

Bring back 14-5.2 A 6 nonconformity ordinance. It is clearly written and helpful in making decisions especially concerning non conforming structures that are not buildings (no repair or changes—just removal)

Modify the LUD appeals ordinance to conform to due process by changing the city attorney's recommendation into a limited public hearing with only the city attorney and applicant participating in the process. Also change the 35 day final decision rule when the land use board has NOT adopted FOF or COL to require that board to have a special meeting to adopt so there is a written decision that can be appealed from

No doggie day cares as of right Keep it a special use. They can be disruptive in residential neighborhoods or adjacent to residential neighborhoods. And the people using them seem to think only of themselves and their dogs—not neighbors, not traffic. It took five years for one (Zoomie's) in our neighborhood to provide off street parking and access from that parking to the building. It also took years for them to correct the barking at night/early mornings and the stench from the garbage.

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